
THE UNITED REPUBLIC OF TANZANIA

No. 4D

16th October, 2018

SPECIAL BILL SUPPLEMENT

to the Gazette of the United Republic of Tanzania No.4D. Vol.99 dated 16th October, 2018
Printed by the Government Printer, Dodoma by Order of Government

THE TANZANIA METEOROLOGICAL AUTHORITY ACT, 2018

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The Bill to be submitted to the National Assembly is published for information to the general public together with a statement of its objects and reasons.

Dar es Salaam,
16th October, 2018

JOHN W. H. KIJAZI
Secretary to the Cabinet

A Bill

for

An Act to establish the Tanzania Meteorological Authority, to make better provisions for the management, control, provision, coordination and regulation of meteorological services, to repeal the Meteorology Act Cap.157 and to provide for related matters.

ENACTED by Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

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|------------------------------|---|
| Short title and commencement | 1. This Act may be cited as the Tanzania Meteorological Authority Act, 2018 and shall come into operation on such date as the Minister may, by notice published in the <i>Gazette</i> , appoint. |
| Application | 2. This Act shall apply to Mainland Tanzania as well as Tanzania Zanzibar. |
| Interpretation | 3. In this Act, unless the context otherwise requires- |

- “Authority” means the Tanzania Meteorological Authority established under section 4;
- “Board” means the Tanzania Meteorological Authority Board established under section 7;
- “Chairman” means the Chairman of the Board;
- “climate change” means any systematic change in the long-term statistics of climate elements including temperature and rainfall sustained over several decades or longer which is attributed directly or indirectly to human activities;
- “commercial services” means specialized meteorological services provided for specific sector, customer or clients for economic gains or benefits as provided in the Third Schedule;
- “Congress” means the World Meteorological Organization Congress;
- “Director-General” means the Director General of the Authority appointed under section 11;
- “meteorology” means the science dealing with the past, present and future state and phenomena of the atmosphere;
- “meteorological instrument” are the equipment used to sample the state of the atmosphere at a given time;
- “meteorological stations” means a facility, either on fixed or mobile (land, sea or space) with instruments to measure atmospheric conditions;
- “meteorological services” means any service or activity that includes:
- (a) the observation and monitoring of all weather parameters;
 - (b) collection, processing and provision of meteorological and climatological services, information, data, weather and climate forecasts, weather advisory, and warnings;
 - (c) dissemination of weather and climate information and product including data, forecasts, advisory and warnings;
 - (d) the management and archival of meteorological data and products;
 - (e) the maintenance and development of weather-related equipment, instruments, and computer programs;
 - (f) research with the aim of:

- (i) improving products, and delivery of services;
 - (ii) reducing the impact of weather-related natural disasters; and
 - (iii) monitoring, detection and projection of climate variability and change and its impacts.
- (g) provision of training in meteorology and related disciplines in partnership with other institutions;
- “Minister” means the Minister responsible for meteorology;
- “National Meteorological Databank” means the National Archive of historical climate data;
- “National Meteorological Service” means the national institution responsible for the provision and regulation of meteorological services in the country;
- “National Tsunami Warning Centre” means the designated Centre responsible for monitoring, forecasting and issuance of Tsunami warnings in the United Republic;
- “organization” means the World Meteorological Organization;
- “product” means processed meteorological data or information for a specific purpose;
- “public good services” means the meteorological services provided for public consumption as provided in the Second Schedule;
- “tailor-made services” means specialized meteorological services provided for specific sector, customer or clients;
- “weather modification” means the act of intentionally manipulating or altering the weather.

PART II
TANZANIA METEOROLOGICAL AUTHORITY

Establish-
ment of
Authority

4.-(1) There is hereby established a body to be known as Tanzania Meteorological Authority or in its acronym “TMA”.

(2) The Authority shall, for the purpose of collaboration and cooperation with international organizations relating to meteorological issues be-

- (a) the National Meteorological Service;
- (b) the designated meteorological authority to fulfil the international obligation of the Government under the Convention of International Civil Aviation

Organization;

(c) the designated National Tsunami Warning Centre.

(3) The Authority shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of-

- (a) suing and be sued;
- (b) acquiring, holding and disposing of real and personal property;
- (c) exercising the powers and performing the functions conferred upon it by or under this Act;
- (d) lending or borrowing money and entering into any contract or other transaction; and
- (e) doing all such other acts and things, for proper performance of its duties and discharge its functions under this Act of which a body corporate may lawfully perform.

(4) Notwithstanding any other written law in the contrary, the Authority shall have the sole mandate in the United Republic-

- (a) to exchange meteorological and related data and products at national, regional and global level for the safety of life and property;
- (b) to enhance understanding of the global atmosphere.

(5) Notwithstanding the provisions of subsection (3), the Authority shall have duty to notify the Attorney General of any impending suit or intention to institute a suit or matter for or against the Authority.

(6) The Attorney General shall have the right, through the Solicitor General, to intervene in any suit or matter instituted by or against the Authority.

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(7) Where the Attorney General intervenes in any matter in pursuance to subsection (6), the provisions of the Government Proceedings Act, shall apply in relation to proceedings on that suit as if it has been instituted by or against the Government:

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Provided that, the requirement of ninety days notice of intention to sue the government as stipulated under the Government Proceedings Act shall not apply where the Attorney General intervenes in the suit or matter instituted.

Functions of
Authority

5.-(1) The functions of the Authority shall be to deliver public good and commercial services in relation to meteorology as elaborated in the second and third schedule to this Act.

(2) Without prejudice to subsection (1) the functions of the Authority shall be to-

- (a) implement the National climate related policies in relation to weather and climate matters;
- (b) regulate and coordinate meteorological activities in the United Republic;
- (c) organize and administer efficient networks of surface and upper air stations necessary to establish accurate records of the weather and climatic conditions;
- (d) provide weather and climate services for the safety of life and property and to various users of meteorological services;
- (e) issue severe weather-related warnings and advisories to ensure that there is a single authoritative voice in this regard;
- (f) publish weather and climatological summaries, climate status and other interpreted products;
- (g) observe, collect, process, archive and disseminate meteorological data and related information;
- (h) cooperate with other institutions and authorities involved in meteorology and related fields in aspects of training, studies, research, environment, climate variability and change;
- (i) recover cost for meteorological services rendered to ensure service sustainability;
- (j) provide marine meteorological services to shipping, fishing, and other marine activities within the United Republic territorial waters and high sea;
- (k) provide aeronautical meteorological services, advisory, warnings, products and information and related services to civil aviation within the United Republic and other prescribed areas as per regional and international agreements;
- (l) cooperate with other national and international institutions in search and rescue relating to aviation and maritime accidents by providing relevant weather information;

- (m) keep in safe custody all meteorological records and data;
- (n) calibrate and fabricate meteorological equipment for internal and external use;
- (o) ensure that international standards and practices of meteorological services including instrument and equipment installation are maintained;
- (p) carry out research, awareness activities, and training in meteorology, climatology and other related fields and to process and analyze climatic data for the purpose of use in socio-economic development planning;
- (q) approve and register meteorological stations;
- (r) participate in the activities of relevant international organizations, in particular the Organization; and
- (s) carry out any other function as the Minister may direct.

(3) In addition to the functions specified under subsection (1), the Authority may innovate, invent or develop meteorological software and equipment.

Powers of Authority

6.-(1) For the purpose of performing its functions the Authority shall have power to install, construct, place or maintain equipment, apparatus or other instruments in, on, over or under any land, water course or branch of the sea or lake, for the purposes of observing, and recording meteorological, agro-meteorological, hydro-meteorological and related observations and to provide appropriate services.

(2) Without prejudice to subsections (1), the Authority shall not install, construct, place or maintain any equipment, apparatus or other instruments in, on, over or under any property unless it has given reasonable notice to the owner or occupier of the property or the local authority having the control or management of the property of its intention to exercise such power for public interest.

(3) The Minister may make regulations prescribing procedures for implementation of this section.

(4) The Authority shall have the powers to register, issue permit and regulate the establishment and operations of meteorological stations, installation of meteorological

instruments in the United Republic.

PART III
ADMINISTRATION OF THE AUTHORITY
(a) The Tanzania Meteorological Authority Board

Establishment
of Board

7.-(1) There is hereby established the Tanzania Meteorological Authority Board which shall be the governing body of the Authority.

(2) The Board shall consist of the following-

- (a) Chairman and Vice-Chairman;
- (b) five members; and
- (c) the Director-General who shall be the secretary to the Board.

(3) The Chairman and the Vice-Chairman shall be appointed by the President on the basis of the principle that where the Chairman hails from one part of the United Republic, the Vice-Chairman shall be a person who hails from the other part of the United Republic.

(4) The five members of the Board shall be appointed by the Minister as follows:

- (a) a representative from the Ministry responsible for meteorology;
- (b) a representative from agricultural sector;
- (c) a representative from water resources sector;
- (d) a representative from the defence force;
- (e) a representative from office responsible for disaster management.

(5) The provisions of the First Schedule to this Act shall have effect as to qualifications of the members of the Board, tenure of office of members, termination and appointment of members, the proceedings of the Board and other matters relating to the Board.

Functions of
Board

8.-(1) The Board shall oversee and supervise the management in the performance of the functions of the Authority in terms of this Act to ensure adherence to the governing laws and procedures.

(2) Without prejudice to the generality of subsection (1),

the Board shall-

- (a) provide strategic guidance for management of the Authority;
- (b) conduct managerial oversight and review the activities and performance of management of the Authority;
- (c) secure and ensure efficient use of resources, including approval of annual work plans, annual budget and supplementary budget;
- (d) approve strategic and investment plans and operations manual;
- (e) carry out the appraisal of the Authority's strategic plan;
- (f) evaluate the performance of the entire management team and take necessary measures;
- (g) appoint senior management staff;
- (h) approve performance reports of the Authority including report on disciplinary matters of staff;
- (i) exercise disciplinary powers over senior management staff;
- (j) recommend to the relevant authorities the organisation structure and scheme of service;
- (k) approve management reports on quarterly basis;
- (l) approve salaries and conditions of services of employees of the Authority;
- (m) approve code of conduct and procedures;
- (n) approve and supervise financial regulations and staff rules;
- (o) approve the appropriation of surplus funds generated;
- (p) approve the disposal of capital items;
- (q) advise the Minister in relation to Conventions and any Annexes to the Conventions, treaties, protocols and memoranda of understanding relating to meteorology to which the United Republic is a party;
- (r) ensure protection of consumers under this Act; and
- (s) perform such other functions as may deem fit for the achievement of the objectives of the Authority.

Committees
of Board

9.-(1) The Board may subject to such terms and

conditions as it may determine, form and appoint from among its members, such number of committees as it deems necessary for better carrying out the functions of the Board under this Act.

(2) The Committee of the Board may co-opt any person to attend and deliberate on specific matter as the committee may determine but such person shall not have the right to vote.

(3) The Committee of the Board shall, subject to the directives of the Board regulate its procedures.

Delegation
of functions
and powers
of Board

10.-(1) The Board may, subject to such conditions or restrictions as it deems necessary, delegate to any committee of the Board or to the Director General any functions or powers vested in it by this Act or any other written law, except for powers to prescribe fees, charges and commissions, and the power to borrow or lend money and appointment of senior staff of the Authority.

(2) Any power or function so delegated shall be exercised or performed by the Committee of the Board or Director General in the name and on behalf of the Board.

(3) The Board may exercise any power conferred upon it or perform any function under this Act or any other written law, notwithstanding the delegation of the power or function made.

(b) Management and Staff of the Authority

Appointme-
nt of
Director
General

11.-(1) There shall be the Director General of the Authority who shall be appointed by the President in accordance with the Public Service Act on such terms and conditions as provided for in the scheme of service.

(2) A person shall not be qualified for appointment as Director General unless that person-

(a) has a doctorate degree in meteorology or related sciences from recognized university; and

(b) possesses at least ten years managerial experience in a field of meteorology.

(3) The Director General shall be the Chief Executive Officer of the Authority and shall, subject to any direction, which may be given by the Board or Minister, have the responsibility for the control and management of matters relating to meteorology, in accordance with the provisions of the Act.

(4) The Director General shall be appointed to serve for a term of five years renewable on such terms and conditions as shall be set out in the letter of his appointment.

Duties of
Director
General

12.-(1) Director General shall perform the following duties-

- (a) to undertake strategic management of the Authority and in relation therewith be responsible for the day to day operations of the Authority, proper management of its funds, property and business and for the human resource management, organization, control and discipline of the employees;
- (b) to issue a warning and alert of flood, gale, storm, drought and any other weather condition likely to endanger life or property and determine when a warning and alert is to be lifted;
- (c) to ensure that quality meteorological services including public good services and commercial services are provided in a timely manner;
- (d) to identify areas in which meteorological instruments may be installed;
- (e) to ensure that meteorological services are provided to the end user efficiently, effectively and in a cost-effective manner; and
- (f) to carry out functions which the Board or Minister may consider desirable for the proper functioning of the Authority.

(2) The Director General shall, in the performance of duties under this Act, observe the following principles-

- (a) manage the affairs of the Authority in accordance with modern management practices and techniques and, in particular, apply in its operations the best standards of financial management and accounting;
- (b) ensure that the Authority operations are designed for the provision of the best services to its customers and maintain a high degree of responsiveness to their needs;
- (c) to ensure and maintain standards and procedures of observations, services, instrumentation and telecommunications for national and international

exchange of data and products, as required by regulations laid down by the Organization;

(d) to undertake international obligations of the United Republic and under the Convention of the Organization and other related international organizations Conventions;

(e) be the accounting officer of the Authority with financial responsibilities; and

(f) to carry out other functions as the Board may direct.

(3) In performing the functions under subsection (1), the Director General shall abide to the annual performance agreement concluded between him and the Permanent Secretary responsible for meteorology.

Staff, Office
and
conditions
of services

13.-(1) There shall be employed by the Authority such number of employees in such categories and titles as may be necessary for the efficient discharge of the functions of the Authority and on such terms and conditions as may be determined by the Board.

(2) The Authority shall, in the recruitment and appointment of the employees comply with the competitive selection procedures.

PART IV

REGULATORY FUNCTIONS OF THE AUTHORITY

Regulatory
functions of
Authority

14.-(1) The Authority shall regulate the meteorological services in the United Republic.

(2) Without prejudice to the generality of subsection (1) the regulation of the Authority shall include:

(a) approval and registration of meteorological stations;

(b) to ensure adherence to international standards and practices of meteorological services;

(c) ensure adherence to standards in installation and maintenance of meteorological instruments;

(d) to perform monitoring and supervisory functions over meteorological operators.

Application
for permit of
meteorologi
cal activities

15.-(1) A person who intends to engage in any meteorological observations, weather forecasting activities or weather modification activities shall apply for a permit to the Authority in such manner as may be prescribed in the Regulations made under this Act.

(2) An application under subsection (1) shall contain such particulars or information as the Authority may consider necessary.

Issuance of
permit

16.-(1) The Authority may, if satisfied that the applicant has fulfilled the conditions as provided under the Regulations, issue the permit to the applicant upon payment of the prescribed fees.

(2) A permit issued under subsection (1), shall be valid for a period of one year and subject to renewal.

Refusal of
permit

17. The Authority may, if satisfied that the applicant has not fulfilled the conditions, refuse to issue a permit.

Suspension
or
cancellation
of permit

18.-(1) The Authority shall, if a holder of permit fails to comply with the requirements to which the permit is issued, suspend or cancel the permit as the case may be.

(2) The Authority shall, before suspending or cancelling the permit, give notice in writing to the holder of the permit stating reasons for suspension or cancellation of permit as the case may be.

(3) Procedures for suspension and cancellation of permit shall be as prescribed in the Regulation.

Prohibition
of
meteorologi
cal activities

19.-(1) A person shall not engage in any meteorological observations, weather forecasting activities or weather modification activities unless that person obtains permission from the Authority.

(2) A person who engages in any meteorological observations, weather forecasting activities or weather modification activities without permission, commits an offence.

Report of
meteorologi
cal activities

20.-(1) Any person who has been given permission to undertake meteorological observation, weather forecasting activity or weather modification activities shall, during and after

such activity, prepare and submit a report to the Authority containing such information as the Authority may prescribe.

(2) The reports and other information made under this section may be made available to the public subject to the procedures as may be prescribed in the Regulations.

Weather and climatic requirements for sectoral activities

21.-(1) The Authority shall prescribe the weather and climatic requirements for sectoral activities.

(2) Subject to subsection (1) the sectors include aviation, defence, finance, agriculture, construction works, environment, industries, marine, natural disaster, and relief management, water resources, health, power and steel, transport, science and technology; minerals, oil and gas, livestock, natural resources, tourism and any other sectors as may be prescribed by the Minister.

Construction of national development projects

22.-(1) Any person, who carries any feasibility studies or construction of national development project shall be required to use meteorological data issued by the Authority.

(2) For better performance of this Act, any person who contravenes the requirements under subsection (1) commits an offence.

Registration of meteorological stations

23.-(1) For the purposes of undertaking meteorological activities, all meteorological stations shall be registered by the Authority.

(2) A person shall not relocate registered meteorological stations without the approval of the Authority.

(3) Where it is necessary to relocate any national referenced meteorological stations, the matter shall be subject to approval by the Authority and such relocation cost shall be borne by such person.

(4) A person operating meteorological station that is not registered by the Authority, commits an offence.

Meteorological instruments

24.-(1) In ensuring effective performance of meteorological activities, the Authority shall specify the technical requirements for meteorological instrument to be used.

(2) All meteorological instrument shall be required to meet the technical requirements specified by the Authority and

shall be subject to examination by the Authority.

(3) A person who applies any meteorological instrument that is not examined or accepted as qualified to be applied to meteorological operations, commits an offence.

Calibration
of
instruments

25. The instruments for meteorological measurement shall be subjected to calibration, verification and maintenance from recognized institutions and inspected by the Authority.

Duty to
maintain
records

26.-(1) The Authority shall maintain records of meteorological, agro meteorological, climatological and other related observations, weather forecasts and weather modification activities that have taken place in the United Republic and publish summaries as may be determined.

(2) The records of the Authority maintained under subsection (1), may be made available for public consumption.

Exclusive
powers of
Authority

27.- The Authority shall have exclusive powers on weather forecast and issue of weather warnings to the public and to provide meteorological services of safety in nature to aviation, marine, agriculture, oil and gas, search and rescue activities in the United Republic and any other sectors as the Minister may prescribe.

Setting of
limits for
protection
of
meteorologi
cal
instruments

28.-(1) Notwithstanding any other written laws to the contrary, the Authority shall, subject to national and international standards relating to meteorology activities, set limits for protections of meteorological stations, instrument, equipment or any other related installations.

(2) The Authority may issue a notice to a person if that person is carrying or is about to carry out an act or activity which causes or is likely to cause an immediate threat or risk to an installation, facility or instrument and equipment used for the purposes of this Act.

(3) A notice issued under subsection (1):

- (a) may be given in writing or orally;
- (b) shall specify the nature of an act or activity and of its effects or potential effects on the operations;
- (c) may require that the act or activity cease, or not to be carried out, until such time the Authority is

satisfied that the threat or risk no longer exists.

(4) The Authority shall not be responsible for any loss or damage arising from, or in any way connected with, the issuing of a notice under this section.

(5) The relevant authorities or local government authorities shall consult the Authority in planning for the areas that are near installations of meteorological equipment.

Liability of
Board and
employees

29.-(1) The Board, or an employee of the Authority in performing their duties, shall not be liable for any damage, loss or injury sustained or alleged to have been sustained by any person as a result of reliance on meteorological information provided by the Authority in good faith.

(2) Without prejudice to the provisions of subsection (1), any officer, staff or employee of the Authority who neglects duty and consequently issues fabricated weather or meteorological information and therefore resulting to losses and damages, commits an offence and may, in lieu of being proceeded against administratively, be liable for a criminal offence or to both.

Intellectual
property
rights

30.-(1) The Authority shall retain the intellectual property rights on any meteorological data and advisory services, computer programs, inventions, discoveries and improvements generated by the Authority in the fulfilment of its functions.

(2) Meteorological data, information or other meteorological services of the Authority provided to a client or customer shall not be provided by that client or customer to a third party or be distributed without the written consent of the Authority.

Publication
of weather
and climate
services

31.-(1) The Authority shall issue weather and climate forecasts and warnings contents for publication through media for public consumption.

(2) Subject to subsection (1) any use of contents by way of publication through media shall acknowledge the Authority as a source of such contents.

(3) The media shall, arrange particular times or space every day for public meteorological forecasts or severe weather

warnings and shall use the latest meteorological information and warnings provided by the Authority.

(4) Media shall, upon receiving any severe weather warning that has a significant impact on the safety of people and their properties issued by the Authority, timely disseminate such warnings despite of ongoing programs.

(5) Subject to the provisions of this Act, a person shall not publish or disseminate weather and climate forecasts and warnings to the public in respect of the United Republic without the permission of the Authority.

Power to enter land and install meteorological instruments

32.-(1) The Authority may, for the performance of its functions, after giving reasonable notice of intention to the owner, occupier, or the company or local authority having control or management of any land or premises, enter the land or premises and do any act reasonably necessary for performing any functions of the Authority and, in particular, may-

- (a) install, construct, place or maintain equipment, apparatus or other instruments in, on, over or under any land, watercourse or sea for the purposes of recording and making any meteorological observations;
- (b) inspect and examine land, buildings and equipment of meteorological stations;
- (c) inspect and examine records and other information required to be kept by meteorological stations; or
- (d) cut down and remove any tree, underwood or structures that may interfere with surveys or stations.

(2) The Authority shall not acquire any right other than that of user in the property in, on, over or under which its equipment, apparatus or instruments are installed, constructed, place or maintained.

Coordination of meteorological stations

33. The Authority shall coordinate meteorological stations activities and create the database of meteorological stations.

Competency
of
meteorolo-
gical
profession-
nals

34. The Authority shall, in collaboration with relevant institutions be responsible for ensuring competency of meteorological professionals regarding their knowledge and skills required to perform specific meteorological tasks.

**PART V
FINANCIAL PROVISIONS**

Sources of
funds of
Authority

35. The funds of the Authority shall consist of-

- (a) such sums of moneys as may be appropriated by the Parliament;
- (b) funds from the government for public good services rendered by the Authority;
- (c) money accruing to the Authority from commercial services, consultancy or other payments;
- (d) money received from donations, gifts or grants;
- (e) permits fee and charges;
- (f) loans; and
- (g) such other income as derived from performance of activities under this Act.

Financial
Managemen-
t

36. The funds of the Authority shall be managed and administered by the Board in accordance with financial laws and regulations and shall be utilized to defray expenses in connection with performance of functions of the Authority under this Act.

Estimates of
income and
expenditure
and
financial
control

37.-(1) The Director General shall not less than three months before the end of each financial year, prepare and submit to the Board for approval the budget that includes the estimates of income and expenditure for the next financial year.

(2) Subject to the provision of subsection (1), the Authority shall submit a copy of the Budget to the Minister for approval.

(3) The Minister may require the Authority to revise the Budget if in his opinion the budget does not represent a fair and reasonable projection of income and expenditure.

Expenditure
of the fund

38.-(1) An expenditure shall not be incurred from the funds of Authority unless that expenditure is part of the expenditure approved by the Board under subsection (1) in respect of the financial year to which the expenditure relates.

(2) The Director General shall ensure that all payments out of the Authority's funds are correctly made and properly authorized and adequate control is maintained over its property and over the incurring of liabilities by the Authority.

Supplement
ary Budget

39.-(1) The Board may at any time before the end of the current financial year prepare and submit to the Minister for approval any estimates supplementary to the estimates of the current year.

(2) Without prejudice to subsection (1), the Director General may, where exigencies occur in relation to the performance of the functions of the Authority, incur expenditure not approved by the Board in which case the Director General shall within three months following such expenditure seek approval of the Board.

Accounts
and audit

40.-(1) The Authority shall keep books of account and maintain proper records of its operations in accordance with commercial accounting standards.

(2) The Authority shall within six months after the end of each financial year prepare a report on the performance of its functions during that financial year, and one copy of such report together with a copy of the audited accounts shall be submitted to the Minister.

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(3) The accounts of the Authority shall be audited by the Controller and Auditor General or such other person registered as an auditor under the Auditors and Accountants (Registration) Act, appointed for that purpose.

Annual
reports and
performance
agreements

41.-(1) The Director General shall, within two months after he has received audited accounts and auditor's report on those accounts, submit to the Minister an annual report in respect of that year containing-

- (a) a copy of the audited accounts of the Authority, together with the auditor's report on those accounts;
- (b) a report on performance against key targets and any

- other related information;
 - (c) a report on operations of the Authority during that financial year; and
 - (d) such other information as the Minister may require.
- (2) The Minister shall cause a copy of the annual report of the Authority to be laid before the National Assembly, within two month's or at the next meeting of the National Assembly.

**PART VI
OFFENCES AND PENALTIES**

Offences in relation to meteorological equipment and instruments

- 42.**-(1) A person who-
- (a) seizes, damages, steals or destroys, interferes with any meteorological equipment or instrument;
 - (b) approves the occupation of land within the limits of the protected area for meteorological observations, weather forecasting activities or weather modification activities;
 - (c) uses an instrument or equipment that is not examined or accepted by the Authority as qualified,
- commits an offence and upon conviction shall be liable-
- (i) in the case of paragraph (a), to a fine equivalent to the value of the equipment or instrument or imprisonment of not less than three years;
 - (ii) in the case of paragraph (b), to a fine of not less than Tanzania shillings two million or imprisonment of not less than one year;
 - (iii) in the case of paragraph (c), to a fine of not less than Tanzania shillings ten million or imprisonment of not less than five years.
- (2) Where a person is convicted of an offence under subsection (1)(a) the court may in addition order the person convicted, to pay to the Authority a sum equal to the cost of repairing any damage so caused.

Offence on obstruction or refusal to survey

- 43.** A person who obstructs or refuses the Authority to enter into land for making survey commits an offence and upon conviction shall be liable to a fine of not less than five hundred

thousand shillings or imprisonment for a term of not less than one year or to both.

Offence for relocation

44. A person who relocates meteorological stations, instrument or equipment without approval from the Authority commits an offence and upon conviction shall be liable to a fine of not less than five million shillings or imprisonment for a term of not less than two years or to both.

Offence for using meteorological instrument without valid calibration certificate

45. A person who uses meteorological instruments without a valid calibration certificate commits an offence and upon conviction shall be liable to a fine of not less than five million shillings or imprisonment for a term of not less than two years or to both.

Offences for unlawful issuing of weather forecast and warnings

46.-(1) A person who unlawfully issues weather forecasts, climate forecasts and warnings to the public commits an offence, and upon conviction shall be liable to a fine of not less than fifty million shillings or to imprisonment for a term of not less than five years or to both.

(2) A person who disseminates to the public weather forecast and warning through the media including radio, newspaper or television fails to use latest meteorological information provided by the Authority and upon conviction shall be liable to a fine of not less than fifty million shillings or to imprisonment for a term of not less than five years or to both.

Offence on illegal data sharing

47. A person who unlawfully distributes meteorological data without the consent of the Authority commits an offence and upon conviction shall be liable to a fine of not less than twenty million shillings or to imprisonment for a term of not less than five years or to both.

Offence on assessing the impact of projects

48. A person who fails to use meteorological data issued by the Authority when carrying feasibility studies for construction of national development project commits an offence and upon conviction shall be liable to a fine of not less than fifty million shillings or to imprisonment for a term of not less than ten years or to both.

General penalties

49. A person who contravenes a provision of this Act where no penalty has been specifically provided for commits an offence and upon conviction shall be liable to a fine of not less than one million shillings or to imprisonment for a term of not less than six months or to both.

Compounding of offences

50.-(1) Notwithstanding the provision of this Act relating to penalties, where a person admits in writing that he has committed an offence under this Act, the Director General may, at any time prior to the commencement of the hearing by a court of competent jurisdiction, compound such offence and order such person to pay sum of money, not exceeding one half of the amount of the fine to which such person would otherwise have been liable to pay if he had been convicted of such offence.

(2) Where an offence is compounded in accordance with sub section (1) and proceeding are brought against the offender for the same offence, it shall be a good defence for the offender to prove to the satisfaction of the court that the offence with which the offender is charged has been compounded under sub section (1).

(3) Where the person fails to comply with the notification issued under this section within the prescribed period, the Authority:

- (a) shall, in addition to sum ordered, require the person to pay an interest at the rate prescribed in the regulations; and
- (b) may enforce the notification in the same manner as a decree of a court for the payment of the amount stated in the notification.

PART VII GENERAL PROVISIONS

Complaints and appeals

51.-(1) A person may submit in writing a complaint regarding the performance of the Authority to the Director General.

(2) Director General shall determine the complaint submitted within fourteen days from the date of receipt of complaints.

(3) Where a person who made a formal complaint to the Director General is not satisfied with the decision of the Director General he may appeal to the Board.

Appeal to
Board

52.-(1) Any person aggrieved by a decision of the Director General, may appeal to the Board within twenty-one days from the date of the decision.

(2) The Board shall make a decision on the complaint within twenty one days.

(3) Any party aggrieved by the decision of the Board may, within twenty one days appeal to the Minister.

Regulations

53.-(1) The Minister may make regulations for the better carrying out the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations prescribing-

- (a) weather forecasting activities and or weather modification activities;
- (b) prohibition of making meteorological observations by unauthorized person;
- (c) procedure for issuance of permits for operating meteorological stations and for regulating standards of installation of meteorological equipment and instruments in accordance with the World Meteorological Organization standards and recommended practices;
- (d) procedures for compulsory dissemination of warnings and forecasts through the media and mobile phones within the United Republic;
- (e) procedures for management of complaints and appeals under this Act;
- (f) procedures for application for permits, suspension and cancellation of permits under this Act;
- (g) fees, charges and interests rates payable under this Act;
- (h) procedures for compulsory submission of data to the National Meteorological Data Bank by all other meteorological station owners;
- (i) procedures for cost recovery, for services rendered by the Authority;

- (j) the manner in which consumers may be protected under this Act;
- (k) compulsory payment of cost recovery where tailor made meteorological services and products are used for commercial gain by stakeholders; and
- (l) for any matter which, in the opinion of the Minister is necessary for the efficient performance of the functions of the Authority.

Rules,
guidelines,
code of
ethics and
conducts

54. The Authority shall prepare Rules, Guidelines, Code of Ethics and Conduct for regulating its staff activities for compliance purposes, monitoring and evaluation.

PART VIII REPEAL AND TRANSITIONAL PROVISIONS

Repeal and
savings
Cap.157

55.-(1) The Meteorology Act, Cap.157 is hereby repealed.

(2) Notwithstanding the repeal of the Meteorology Act, directions and orders issued, made or given under the repealed Act shall be deemed to be directions or orders issued, given or made under this Act and shall, subject to the provisions of this Act relating to penalty for any contravention, remain in force and apply, mutatis mutandis, until revoked by directions, regulations, rules or orders issued, given or made under this Act:

Provided that, this section shall not apply to any direction or order which is inconsistent with any provisions of this Act.

Continuati-
on of
employment

56. Without prejudice to the provisions of this Act, the Director General and any person who immediately before the coming into force of this Act is the holder of an office in the Tanzania Meteorological Agency existing before the commencement of this Act shall on the commencement of this Act continue in office and be deemed to have been appointed to his office by the Authority established by this Act.

Vesting of
property

57. All movable and immovable property, which immediately before the commencement of this Act were vested

in the Agency shall, on the date of commencement of this Act, vest in the Authority subject to all interests, liabilities, charges, obligations and trusts affecting that property.

Legal rights
and
obligations

58.-(1) The statutory functions, rights, interests, obligations and liabilities of the Agency, existing before the commencement of this Act under any contract or instrument, or in law or in equity shall by virtue of this Act be deemed to have been assigned to and vested in the Authority established by this Act.

(2) Any such contract or instrument of the Agency referred under subsection (1), shall be of the same force and effect against or in favour of the Authority established by this Act and shall be enforceable fully and effectively as if the Agency is established by this Act.

(3) The Authority established by this Act shall be subject to all the obligations and liabilities to which the Agency existing before the commencement of this Act was subject to immediately before the commencement of this Act and all other persons shall have the same rights, powers and remedies against the Authority established by this Act as they had against the Agency existing before the commencement of this Act.

Pending or
existing
proceedings
or cause of
action

59. Any proceeding or cause of action pending or existing immediately before the commencement of this Act by or against the Agency existing before the commencement of this Act in respect of any right, interest, obligation or liability of the Agency may be continued or, as the case may be, commenced and any determination of the court of law, tribunal or other authority or person may be enforced by or against the Authority to the same extent that such proceeding or cause of action or determination might have been continued, commenced or enforced by or against the Agency.

—
FIRST SCHEDULE
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(Made under section 7 (5))

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PROCEEDINGS AND TENURE OF THE BOARD

Compositi
on of
Board

- 1.-(1) The Board of Directors of the Authority shall consist of-
- (a) a Chairman and a Vice Chairman;
 - (b) four members; and
 - (c) the Director-General appointed under section 13.
- (2) In the appointment of Chairman, Vice-Chairman and members of the Board, the appointing authority shall have regard to appoint persons who-
- (a) are graduates of a recognized University;
 - (b) have at least ten years experience in one or more of management, law, economics, finance, engineering, agriculture, meteorology or information and communications technology;
 - (c) have knowledge of industry;
 - (d) are willing to serve as members; and
 - (e) are, in the opinion of the Committee, other-wise suitable to perform the functions and duties of a member competently and honestly.

Secretary
to Board

2. The Director-General shall be the Secretary of the Board.

Tenure of
Appointment

- 3.-(1) The Chairman, the Vice Chairman and members of the Board shall be appointed for the following fixed terms:
- (a) a Chairman four years;
 - (b) Vice Chairman four years;
 - (c) other five members three years;
- (2) Members, including the Chairman shall each be eligible for reappointment for one further term but shall not otherwise be eligible for re-appointment.
- (3) Any member may at any time resign by giving notice in writing to the appointing authority and from the date specified in the notice or if no date is so specified, from the date of receipt of the notice by the appointing authority, he shall cease to be a member.

Cessation
of
members

4. A member of the Board may at any time cease from his office on account of -
- (a) inability to perform the functions of his office arising from infirmity of body or mind;
 - (b) misbehaviour or misconduct in a manner which bring or is likely to bring the Board into disrepute;
 - (c) absent himself from three consecutive meetings of the Board without reasonable excuse; and
 - (d) resigning.

Absence
from three
consecutive
meeting

5. Where any member absents himself from three consecutive meetings of the Board without sufficient cause, the Board shall advise the appointing authority of the fact and the appointing authority may terminate the appointment of the member and appoint another member in his place.

Appointm
ent of
temporary
member

6. Where any member is by reason of illness, infirmity or absence from the United Republic unable to attend any meeting of the Board, the Minister may appoint a temporary member in his place and any such temporary member shall cease to hold office on the resumption of office of the substantive member.

Proceedin
g not to be
invalid by
reason of
irregular-
ity

7. The proceedings of the Board shall not be invalid by reason only of the number of members not being complete at the time of such act or proceeding, or of any defect in the appointment of any member or of the fact that any member was at the time disqualified or disentitled as such.

Meetings

8.-(1) The Board shall meet in quarterly basis at such times and places as it deems necessary for the transaction of its business.

(2) The Chairman or, in his absence, the Vice Chairman, may, convene a special or extraordinary meeting of the Board.

(3) An ordinary meeting of the Board shall be convened by the Chairman and the notice specifying the place, date and time of the meeting shall be sent to each member at his usual place of business or residence not less than ten days before the date of the meeting and where the Chairman is unable to act by reason of illness or other cause or is absent from the United Republic, the Vice Chairman may convene the meeting.

(4) In the absence of both Chairman and Vice Chairman, the Secretary to the Board may convene a scheduled meeting after consultation with the Chairman or Vice Chairman, whereby the Board members in attendance shall appoint one among them to be a Chairman

of that particular meeting.

(5) The Board may act notwithstanding any vacancy in its membership.

Conflict of interest

9.-(1) Where at any time a member of the Board has a conflict of interest in relation to-

- (a) any matter before the Board for consideration or determination; or
- (b) any matter the Board could reasonably expect might come before it for consideration or determination,

the member shall immediately disclose the conflict of interest to the other members of the Board and refrain from taking part, or taking any further part, in the consideration or determination of the matter.

(2) Where the Board becomes aware that a member has a conflict of interest in relation to any matter which is before the Board, shall direct the member to refrain from taking part, or taking any further part, in the consideration or determination of the matter.

(3) A member of the Board shall be considered to have breached the provision of sub section (1) if-

- (a) he fails without reasonable cause to make declarations of his interests as required;
- (b) he knowingly makes a declaration false or misleading in material particulars thereby affecting the decision, that person shall be guilty of an offence the effect of which will be resigning from office.

Invitation of expert

10. The Board may invite any person who is not a member to participate in the deliberations of the Board and provide expertise as the Board may require, but such person shall not be entitled to vote.

Quorum

11. The quorum at any meeting of the Board shall be more than half of the members in the Board.

Minutes of meetings

12. Minutes in proper form of each meeting of the Board shall be kept and shall be confirmed by the Board at its next meeting.

Decision of Board

13. Decision of the Board shall be decided by majority of the vote of the members present and in the event of the equality of the vote the Chairman shall have a casting vote.

Board to regulate its own proceedings

14. Subject to the provisions of this Schedule and subsection 7(1), the Board shall regulate its own proceedings.

Remunera
tion of
Board

15. The members of the Board shall be paid such fees and allowances as may be determined by the Board and approved by the Treasury Registrar.

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SECOND SCHEDULE
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(Made under section 5(1))
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PUBLIC GOOD SERVICES

ITEMS

The following items shall be considered as Public Good Services to which section 5 applies:

- (a) Meteorological and climatological observational data over United Republic and surrounding oceans sufficient for the needs of the country and to comply with International obligations and in accordance with the Organization standards, where practicable.
- (b) Carrying out of International Obligations agreed under the Organization arrangements including the international exchange of data and transmitting through Regional Telecommunications Hub and Meteorological Centre.
- (c) Provision of other meteorological services and the representation of Government in fulfilment of international Obligations, where appropriate.
- (d) Provision of weather and climatic forecasting services to general public for the safety of life and property.
- (e) The Custody of the National Meteorological Data Bank.
- (f) Provision of information to general public on Tsunami and severe weather related warning.
- (g) The provision of advice to Government regarding meteorological and climatological matters.
- (h) The provision of meteorological support for aviation and maritime search and rescue activities in accordance with international obligations of the Government.

- (i) The provision of service for the benefit of subsistence farmers and fisheries.
- (j) Any other services provide for public interest as prescribed by the ministers.

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THIRD SCHEDULE
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(Made under section 5(1))
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COMMERCIAL SERVICES

ITEMS

The following items shall be considered as Commercial Services to which section 5 applies:

- (a) The provision of specialized weather forecasting and climate information.
- (b) The provision of services to the maritime industry that are not included in International obligations of the SOLAS Convention (Safety of Life at Sea).
- (c) The provision of aviation meteorological services.
- (d) The provision of weather and climate services in contraction sectors.
- (e) The provision of weather and climate services in tourism industries.
- (f) Meteorological consultations including advice to the legal and insurance industries.
- (g) Funded or Contracted weather and climate-related study.
- (h) Research to improve commercial services delivery.
- (i) The dissemination of weather and climate information.
- (j) The manufacturing and selling of meteorological equipment to public and private sector departments and users from the private

sector as well as the servicing.

- (k) Repairing and standardisation of equipment falling within the competence of the Authority.
- (l) Provision of specialised services to the media.
- (m) Any other weather and climate services as may prescribed by the ministers.

OBJECTS AND REASONS

This Bill intends to introduce the enactment of the Tanzania Meteorological Authority Act for the purposes of establishing the Tanzania Meteorological Authority and to make better provisions for the management control, provision, coordination and regulation of meteorological services. The enactment of this Act will facilitate the implementation of meteorological activities to be performed by one institution which is vested powers of coordinating and regulate issues of meteorological services in the United Republic. Furthermore, the proposed Bill is intending to repeal the Meteorology Act (Cap.157).

This Bill is divided into VIII parts.

Part I deals with preliminary provisions which contains name of the proposed Act, commencement date, application scope as it is proposed that this Act will apply in both sides of the United Republic and interpretation of various terms as used in the Act.

Part II intends to make provisions relating to the establishment of the Tanzania Meteorological Authority in its acronym “TMA” which also shall be the National Meteorological Service vested with functions of delivering public good and commercial services. Further the Authority is vested with powers to install, construct, place or maintain equipment, apparatus or other instruments in, on, over or under any land, watercourse

or branch of the sea or lakes for purposes of observing and recording meteorological, agro-meteorological, hydro-meteorological and related observations and appropriate services.

Part III intends to make provisions on the administration of the Authority of which the establishment of the Board and the appointment of Chairman, have been provided. The appointment of Chairman and Vice Chairman will be made by the President while members of the Board will be appointed by the Minister. The functions of the board are also provided under this Part. This Part also provide for formation of the Committee and delegation of functions and powers of Board. Further the management and staff of the Authority have been provided where the appointment of Director General and his duties and provisions on staff and conditions of services have also provided.

Part IV deals with regulatory functions of the Authority which provides for regulatory functions of the Authority, application for permit of meteorological activities, issuance and refusal of permit. Further, provisions on suspension or cancellation of permit, prohibition of meteorological activities, report of meteorological activities, weather and climate requirements for sectoral activities, construction of national development projects and registration of meteorological stations are provided. Provisions on meteorological instruments, calibration of instruments, duty to maintain records exclusive powers of authority, setting of limits for protections of meteorological instruments publication of weather and climate services, power to enter land and install meteorological instruments are provided. Also provisions on coordination of meteorological stations and competency of meteorological professionals have been provided under this Part.

Part V elaborates the matter pertaining to financial provisions that includes funds and resources of the Authority, the procedures of managing the financial transactions which the Board is vested powers to oversee such Fund thereto, estimate of income and expenditure, the procedure on preparing and submission of Budget to the Minister for approval. Also, this part enlightens that, the Director of the Authority is a

custodian of the Fund of the Authority and responsible to ensure all the financial transactions are carried out in accordance with Financial Laws and regulations.

Part VI of the Bill provides for offences and penalties. Offences provided are offences in relation to meteorological equipment and instruments, whereby for any person who may cause any damage or destruction of equipment or instruments of the Authority shall be ordered to pay all cost of repairing of that damage. Other offences provided therein are obstruction or refusal to survey, offence for relocation, using meteorological instruments without calibration certificate, unlawful issuing weather forecast and warning, failure to observe meteorological data while carrying out feasibility study for any national development project. Also, there is general penalty for any offence which no specific penalty has been provided for.

Part VII is for General Provisions which contains provisions on complaints and appeals, Rules of appeal from any decision of the Authority relating to any application for permit licence and others are provided. Moreover there is also a provision in this Part further provide powers to the Minister to make Regulations on several issues relating to better performance of the Authority and empowers the Authority is given powers to make Rules, guidelines and code of ethics and conduct to its staff.

Part VIII covers Repeal and Transitional Provisions in respect of matters relating to repealed Act including continuation of employment, vesting of property, legal rights and obligations and pending or existing proceedings or cause of action.

MADHUMUNI NA SABABU

Muswada huu unakusudia kutungwa kwa Sheria ya Mamlaka ya Hali ya Hewa Tanzania ambayo itaanzisha Mamlaka ya Hali ya Hewa pamoja na kuweka masharti bora ya usimamizi, utaratibu na udhibiti wa huduma za hali ya hewa. Kutungwa kwa Sheria hii kutasaidia utekelezaji wa huduma za hali ya hewa kutolewa na Taasisi moja yenye mamlaka kamili ya kuratibu na kudhibiti masuala ya huduma za hali ya hewa katika Jamhuri ya Muungano. Aidha, Muswada unaopendekezwa unakusudia kuifuta Sheria ya Hali ya Hewa (Sura 157).

Muswada huu umegawanyika katika Sehemu Nane.

Sehemu ya Kwanza inaweka masharti ya utangulizi ambayo inajumuisha jina la sheria inayopendekezwa, matumizi ambapo inapendekezwa kwamba Sheria hii itatumika katika pande zote za Jamhuri ya Muungano na tafsiri mbalimbali ya maneno ambayo yametumika katika Sheria hii.

Sehemu ya Pili inakusudia kuweka masharti kuhusu kuanzishwa kwa Mamlaka ya Hali ya Hewa Tanzania au kwa kifupi “TMA” ambayo pia itakuwa ni Taasisi ya kutoa huduma za hali ya hewa kwa umma na shughuli za kibiashara. Halikadhalika, Mamlaka itakuwa na uwezo wa kujenga, kuweka au kutunza mitambo, vifaa au vifaa vingine ndani, juu, chini au katika ardhi yoyote, bahari, maziwa au mito kwa madhumuni ya kufanya uangazi wa hali ya hewa katika kilimo, majina mambo ya fananayo na uangalizi wa huduma za hali ya hewa.

Sehemu ya Tatu inakusudia kuweka masharti ya kuanzishwaji wa Bodi ambayo uteuzi wa Mwenyekiti na Makamu Mwenyekiti utafanywa na Rais ambapo wajumbe wa Bodi watateuliwa na Waziri. Kazi za Bodi pia zimeainishwa chini ya Sehemu hii. Sehemu hii pia inaainisha uundaji wa Kamati za Bodi pamoja na ukasimishaji wa madaraka na majukumu

ya bodi. Uteuzi wa Mkurugenzi Mkuu na kazi zake na masharti kuhusu wafanyakazi na muendelezo wa ajira kwa wafanyakazi yamewekewa masharti.

Sehemu ya Nne inahusu majukumu ya udhibiti ya mamlaka ambapo inaweka masharti ya majukumu ya udhibiti ya mamlaka maombi ya vibali vya shughuli za hali ya hewa, utoaji na kukataa kutoa vibali. Aidha masharti kuhusu kusitisha au kusimamisha matumizi ya kibali, kuzuia shughuli za hali ya hewa, taarifa za shughuli za hali ya hewa, mahitaji ya hali ya hewa kwa shughuli za kisekta, ujenzi wa miradi ya maendeleo ya kitaifa na usajili wa vituo vya hali ya hewa yamewekea utaratibu masharti kuhusu vifaa vya hali ya hewa, urekebishaji wa vifaa, wajibu wa kutunza kumbukumbu uwezo wa mamlaka, upangaji wa mipaka kulinda vifaa vya hali ya hewa utangazaji wa huduma za hali ya hewa na uwekeji wa vifaa vya hali ya hewa. Pia masharti kuhusu uratibu wa vituo vya hali ya hewa yameainishwa katika sehemu hii.

Sehemu ya Tano inatoa ufafanuzi wa masharti ya fedha pamoja na vyanzo vya mapato vya Mamlaka, utaratibu wa kusimamia miamala ya fedha ambapo Bodi imepewa uwezo wa kuangalia mapato na matumizi ya fedha za Mamlaka, utaratibu wa kuandaa na kuwasilisha bajeti kwa Waziri kwa kibali chake. Vilevile katika sehemu hii, Mkurugenzi Mkuu wa Mamlaka atakuwa Afisa Masuuli wa Mamlaka na anawajibu wa kuhakikisha miamala yote ya fedha inafanywa kwa mujibu wa Sheria za Fedha na Kanuni zake.

Sehemu ya Sita ya Muswada inahusu makosa na adhabu. Makosa yaliyoelezwa ni makosa kuhusiana na vifaa na mitambo ya kupima hali ya hewa, ambapo imeelezwa mtu yeyote atakayesababisha hasara au uharibifu wa mtambo au kifaa cha kupima hali ya hewa cha Mamlaka atalazimika kulipa gharama ya uharibifu huo. Makosa mengine yaliyoelezwa ni pamoja na kuzuia au kukataa kufanyika uchunguzi, makosa ya kuhamisha kituo, kutumia kifaa cha kupima hali ya hewa bila ya cheti cha uhakiki wa ubora, kutoa tahadhari ya hali mbaya ya hewa kinyume na sheria, kushindwa kutumia taarifa za hali ya hewa wakati wa upembuzi na utekelezaji wa mradi wa maendeleo au tafiti. Aidha,

imewekwa adhabu ya jumla kwa makosa ambayo hayakuwekewa adhabu mahususi.

Sehemu ya Saba inahusu masharti mchanganyiko ambayo yamejumuiisha masharti yanayohusu malalamiko na rufaa kutoka kwa watoa huduma za hali ya hewa. Taratibu za rufaa dhidi ya uamuzi wa mamlaka kuhusu maombi ya vibali. Aidha katika sehemu hii, waziri amepewa uwezo wa kutunga kanuni kwa ajili ya utekelezaji wa sheria hii. Pia mamlaka imepewa uwezo wa kuandaa miongozo, taratibu na kanuni za maadili kwa watumishi na wadau wengine wanaohusika za hali ya hewa.

Sehemu ya Nane inaweka masharti ya kufutwa kwa Sheria ya Hali ya Hewa pamoja na masharti ya mpito ambayo yanajumuiisha mwendelezo wa ajira, kukabidhi mali, wajibu na haki kisheria na masharti ya kisheria yaliyopo mahakamani au yanayotarajiwa kufunguliwa ambayo yataendelea kusimamiwa na mamlaka inayoanzishwa na sheria inayotungwa.

Dodoma,
10 Oktoba, 2018

ISAACK A. KAMWELWE
Waziri wa Ujenzi, Uchukuzi na Mawasiliano