

THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS)
ACT, 2014

ARRANGEMENT OF SECTIONS

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THE UNITED REPUBLIC OF TANZANIA



NO. 4 OF 2014

I ASSENT,

A handwritten signature in red ink, which appears to be 'John Magufuli', is written over a dotted line.
President[11th December 2014]**An Act to amend certain written laws.**

ENACTED by Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONSShort
title

1. This Act may be cited as the Written Laws (Miscellaneous Amendments) Act, 2014.

Amend
ment of
certain
written
laws

2. The written laws specified in various Parts to this Act are amended in the manner provided for in their respective Parts.

PART II
AMENDMENT OF THE FERTILIZERS ACT,
(CAP. 378)

Construction
Cap. 378

3. This Part shall be read as one with the Fertilizers Act, hereinafter referred to as the "principal Act".

Addition of
section 34A

4. The principal Act is amended, by adding immediately after section 34 the following new section-

"Control of
substandard
fertilizer

34A.-(1) Where an inspector after consultation with the Chief Government Chemist, is satisfied that the fertilizer or fertilizer supplement regulated under this Act is unfit for use for the intended purpose, he may without compensation, destroy or dispose of that fertilizer or fertilizer supplement at the owner's cost.

(2) Before destroying or disposing of any fertilizer or fertilizer supplement in a manner other than in accordance with subsection (1), the inspector shall-

- (a) record or cause to be recorded-
 - (i) the description or other particulars of the fertilizer lot;
 - (ii) the description of premises where the fertilizer was found;
 - (iii) name and address of any witness and the signature;
 - (iv) the grounds upon which the seizure was effected; and
- (b) forward to the Director General the report containing particulars stipulated in paragraph (a)."

Amendment
of section 36

5. The principal Act is amended in section 36, by deleting subsection (3).

Repeal of
section 37

6. The principal Act is amended by repealing section 37 and substituting for it the following:

<sup>“Hearing
of an
appeal</sup> 37. After hearing and considering the appeal, the Minister may-

- (a) confirm, set aside or vary the decision of the Director; or
- (b) order the Director to execute the decision.”

Amendment
of section 40

7. The principal Act is amended in section 40(2), by deleting subsection (2) and substituting for it the following:

“(2) Any person who contravenes this Act or subsidiary legislation made under this Act, shall, except as is otherwise provided, be liable on conviction, to a fine of not less than ten million shillings and not more than five hundred million shillings or to imprisonment for a term of not less than three years and not exceeding seven years or to both.”

Addition of
section 40A

8. The principal Act is amended by adding immediately after section 40 the following new section:

<sup>“Compou-
nding
of offences</sup> 40A.-(1) Where a person admits commission of an offence under this Act, the Authority may compound the offence by accepting from such person a lesser sum of eighty million shillings.

(2) Subject to sub-section (4), where proceedings are brought against a person for an offence under this Act, it shall be a defence if that person proves that the offence against which he is charged was compounded.

(3) Any sum of money received under this section shall be treated as a fine imposed by a court for the offence.

(4) Where an offence is compounded under this section, the court may make an order under section 40 as if the person concerned was convicted by the court.

(5) The order referred to in subsection (4) shall not be made unless the person against whom the order is to be made is given an opportunity to show cause why the order should not be made."

Amendment
of section 41

9. The principal Act is amended in section 41, by-

- (a) designating the contents of that section as subsection (1) of that section; and
- (b) adding the following provision after subsection (1) as designated:

"(2) For the purpose of subsection (1), a court, where a person is convicted by a court of any offence for contravention of section 40, and it appears from the evidence of Director, Inspector, Sampler or Analyst that some other person, has suffered material loss or personal injury in consequence of the offence committed and that substantial compensation is, in the opinion of the court, recoverable by that person by civil suit, the court may, in its discretion and in addition to any other lawful punishment, order the person convicted to pay to that other person such compensation, in kind or in money as would fairly mitigate the

loss suffered.”

“(3) The Court may order the Director, inspector, sampler or analyst to establish the extent of damage suffered by a person as a result of an offence committed under this Act.”

PART III

AMENDMENT OF THE HIGHER EDUCATION STUDENTS’ LOANS BOARD ACT, CAP. 178

Construction
Cap. 178

10. This Part shall be read as one with the Higher Education Students’ Loans Board Act, hereinafter referred to as the “principal Act”.

Amendment
of
section 3

11. The principal Act is amended in section 3, by deleting-

- (a) the definition of the term “accredited institutions” and substituting for it the following:
“accredited institution” means an institution which is licensed to offer courses leading to attainment of:
- (a) postgraduate diploma in practical legal training;
 - (b) degree;
 - (c) higher diploma;
 - (d) diploma in teacher education (science, mathematics); and
 - (e) diploma in teacher primary education (science, mathematics and reading, writing and arithmetic (3R)).”
- (b) the definition of the term “student” and substituting for it the following:
“student” means a person admitted to an accredited institution;”

Amendment
of section 17

12. The principal Act is amended in section 17(1) by deleting the word applicant appearing in paragraph (e).

PART IV
AMENDMENT OF THE PROCUREMENT AND SUPPLIES
PROFESSIONALS
AND TECHNICIANS BOARD ACT,
(CAP. 179)

Construction
Cap. 179

13. This Part shall be read as one with the Procurement and Supplies Professionals and Technicians Board Act, hereinafter referred to as the "principal Act".

Amendment
of section 6

14. The principal Act is amended in section 6(1), by deleting the phrase "not more than three".

Amendment
of section 7

15. The principal Act is amended in section 7, by-

(a) adding immediately after paragraph (j) the following paragraph:

“(k) prescribed fees payable to the Board;”

(b) renaming paragraphs (k) and (l) as paragraphs (l) and (m) respectively.

Addition of
section 7A

16. The principal Act is amended by adding immediately after section 7 the following section:

“Board to
prescribe fees

7A. The Board may prescribe fees payable for-

- (a) admission to any course offered by the Board;
- (b) examination to be held or conducted by the Board;
- (c) application for registration and extraction of copies;

(d) annual subscription; and

(e) any other service offered or anything carried out by the Board for better implementation of the provisions of this Act.”

Amendment
of section 31

17. The principal Act is amended in section 31:

(a) in subsection (1), by-

(i) deleting the word “Ministry” appearing in paragraph (b) and substituting for it the word “institution”;

(ii) deleting paragraph (c) and substituting for it the following:

“(c) a public officer nominated by the Permanent Secretary to the Treasury who is a registered Procurement and Supplies Professional;”;

(b) adding immediately after subsection (2) the following provision:

“(3) The tenure of office of members of the Appeals Board shall be three years, renewable once.”

Amendment
of section 49

18. The principal Act is amended in section 49, by:

(a) deleting paragraphs (f), (g), (j) and (l); and

(b) renaming paragraphs (h) to (n) as paragraphs (f) to (j).

PART V
AMENDMENT OF THE SEEDS ACT,
(CAP. 308)

Construction
Cap. 308

19. This Part shall be read as one with the Seeds Act, hereinafter referred to as the "principal Act".

Repeal of
section 8

20. The principal Act is amended by repealing section 8 and substituting for it the following section:

"Seed
Inspector,
Sampler and
Analyst

(1) The Minister shall, by notice published in the *Gazette*, appoint or designate qualified persons to be Chief Seeds Certification Officer, Seeds Inspectors, Samplers and Analysts who shall exercise powers in accordance with the provisions of this Act.

(2) For proper seeds inspection, the Minister may in consultation with the Minister responsible for Local Government establish the modalities for the appointment and accountability of the Inspectors, Samplers or Analysts of the local government authorities levels.

(3) Every officer appointed or designated pursuant to subsection (1) shall issued a certificate, identity card or a document as a proof of his appointment or designation and such documents shall be produced on entering at any place in the exercise of powers under this Act.

(4) The Chief Seeds Certification Officer may permit an analyst to perform internal seeds quality control for a private specified producer, processor, and seller or as the case may be distributor of seeds."

Addition of
section 8A

21. The principal Act is amended by adding immediately after section 8 the following new section:

“Engagement
in the seed
activities

8A-(1) A person shall not, when holding the office of Chief Seeds Inspector Certification, Inspector, Sampler or Analyst, engage in any business connected to seeds production, processing, marketing, importation, exportation or distribution either by himself or by agent.

(2) Any person who contravenes subsection (1), commits an offence and shall, on conviction, be liable to a fine of not less than five million shillings and not more than ten million shillings or to imprisonment for a term of not less than three years and not more than five years or to both”.

(3) For the purposes of section 8 and this section “authorized Inspector, Inspector Sampler and Analyst” means a persons authorized to undertake seeds quality control activities for and on behalf of the Tanzania Official Seed Certification Institute.”

Repeal of
section 14

22. The principal Act is amended by repealing section 14 and substituting for it the following new section:

“Seeds
standards

14.-(1) Any person who-

- (a) sells, display for sale, imports, exports any seed under a class name or designation so closely resembling a class name prescribed under this Act so as is likely to be mistaken; or

- (b) applies, to any seed or package containing seed, a class name prescribed under this Act so as is likely to be mistaken,

shall have the duty to ensure that, the seed meets the requirements prescribed for the class name and is marked, packed and labeled according to the provisions of this Act.

(2) Any person who, produces or acquires any prescribed seed which has not been tested pursuant to this section or deemed to have been tested under this Act and intends to sell the same for sowing, shall, prior to offering the same for sale, cause a sample to be taken in the manner prescribed, and delivered to the Institute together with a written statement specifying the origin, kind, variety and quantity of the seed, and other particulars as may be prescribed and pay the fees required for testing.

(3) Any person who sells for sowing, any prescribed seed which has been tested or deemed to have been tested in accordance with the provisions of this Act and found to conform to the prescribed standards shall-

- (a) if the prescribed seed is sold in sealed containers, cause to be printed or stamped upon each container a label attached or enclosed in clear and legible letters or figures, the following particulars-

-
- (i) the name and address of the dealer;
 - (ii) the seed class;
 - (iii) the name and percentage by weight of each in the mixture, in order of its predominance;
 - (iv) the name of the variety of each plant species in the mixture;
 - (v) the germination percentage of each component of the mixture, in order of its predominance;
 - (vi) month and year of germination test;
 - (vii) in the case of a seed that is imported, the name of the country of production; and
 - (viii) such other particulars as may be prescribed in the regulations.

-
- (b) if the prescribed seed is sold in bulk quantities and a seller is-
- (i) a person who caused the test to be made, furnish to the buyer at the time of sale a statement in writing in the prescribed form, containing the name and address of the Certifying Agency where the test was made, the date of the test, and a declaration of the seller that the bulk quantity sold is all or part of that from where tested was taken, together with such other particulars as may be prescribed in the regulations;

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- (ii) not a person who caused the test to be made or furnished a copy of the statement to the buyer at the time of sale, in accordance with the provisions of sub-paragraph (i);
 - (iii) a person who caused such test to be made, shall endorse thereupon a declaration that the bulk quantity sold is all or part to which the statement related at the time he procured the same, together with a statement of the seller containing other particulars as may be prescribed in the regulations.

(4) A registered seed dealer shall not produce, process, test, sale, import, export or distribute any seed unless-

- (a) such seed is an approved variety for use in Tanzania and its production, processing, testing, sale or importation has been made subject to conditions or limitations prescribed in this Act;
- (b) such seed is conforms to the standards of germination and purity and other requirements prescribed;
- (c) such seed is packed in a container that complies with the requirements prescribed in the regulations;
- (d) if it is imported, the genus, species and variety of such seed, and the country of its origin, is shown in the invoice or delivery note accompanying such seed at the time of its importation;
- (e) such seed has previously been tested in accordance with the provisions of this Act and has been found to be of standards of germination and purity prescribed for such seed.

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- (5) Any person who-
- (a) sells seed which is not certified under the provisions of this Act;
 - (b) sells or intends to sale or distribute any seed which upon test by the authorized Inspector or the Institute is found not to conform to the standards of germination and purity prescribed for such seed, or is one reported in the prescribed test results not be sold by any person for sowing;
 - (c) sells for sowing, any prescribed seed under any description other than its varietal name;
 - (d) sells in bulk quantities, any seed for sowing, without having in his possession or under his control, a prescribed certificate or a copy issued or furnished under this Act;
 - (e) sells certified seed or imported certified seed, for sowing, and fails to furnish to the buyer, at the time of such sale, a prescribed certificate or a copy of certificate required to be so furnished in respect of such seed; or

- (f) tests, or purports to test, any prescribed seed, in any place not being so registered or approved by the Institute,

commits an offence and upon conviction, shall be liable to a fine of not less than one hundred million shillings and more than five hundred million shillings or to imprisonment for a term of not less than five years and not more than twelve years or to both.

(6) Upon conviction for an offence under this section, the court may in addition to a penalty imposed, order any seed or equipment used in commission of offence to be forfeited destroyed, without compensation.

(7) It shall be a responsibility of a seed dealer to ensure quality of his own seed by establishing internal system of quality control and adherence to the provisions of this Act.

(8) It shall be the duty of the Chief Seeds Certification Officer, Inspector, Sampler or Analyst to establish the extent of damage suffered by another person as a result of offence committed under this Act.

Compensation
for loss caused
by seed.

14A.-(1) Where a person is convicted by a court of any offence for contravention of section 14, and it appears from the evidence of Chief Seeds Certification Officer, Inspector, Sampler or Analyst that some other person, being a farmer or a person who ordinarily is expected to use seeds which are the subject of the offence committed, has suffered material loss or personal injury in consequence of the offence committed and that substantial compensation is, in the opinion of the court, recoverable by that person by civil suit, the court may, in its discretion and in addition to any other lawful punishment, order the person convicted to pay to that other person such compensation, in kind or in money, as the court deems fair and reasonable.

(2) Where a person is convicted of any offence under section 14 of this Act, the power conferred on the court by subsection (1) shall be deemed to include a power to award compensation to any purchaser of any seeds in good faith in relation to which the offence was committed for the loss of crops that ordinarily would have been grown or such other pecuniary loss that is a direct or indirect caused if the seed failed to grow or is destroyed or otherwise declared to be unfit for use."

Repeal of
section 15

23. The principal Act is amended by repealing section 15 and substituting for it the following new section:

"Registration
of seed
seller.

15.-(1) A person shall not deal in seed business in Tanzania, unless he is registered in accordance with the provisions of this Act.

(2) A person who imports, exports, produces, process, distributes or sells shall, before commencing the business, register with the Institute.

(3) A person, who owns or operates a seed processing factory or seed testing laboratory shall, before commencing business, obtain certificate of registration from the Institute.

(4) An application for registration under this section shall be made to the Institute in the form and manner prescribed in the regulations.

(5) The Chief Seeds Certification Officer shall, after receipt of application and upon being-

- (a) satisfied that the applicant complies with the prescribed requirements, enter the name, address and principal business address of the applicant in the appropriate register as a registered seed dealer and issue certificate of registration in the prescribed form; or
- (b) not satisfied that the applicant complies with the prescribed requirements, require the applicant to correct the defects in the application or refuse to register the applicant.

(6) The Institute shall, if it deems necessary for the purposes of consideration of the application make inspection on such holdings, warehousing, storage and other facilities which the applicant proposes to use in the business of a seed dealer.

(7) Any registration under this section shall, unless cancelled, be valid until the expiry of time provided for in the registration certificate.

(8) Any person who contravenes preceding provisions of this section commits an offence and shall on conviction be liable to a fine of not less than five million shillings and more than ten million or to imprisonment for a term of not less than three years and not more than five years or to both."

Addition of
section 22A

24. The principal Act is amended by adding immediately after section 22 the following new section:

"Substand-
ard seeds

22A.-(1) Where an Inspector is satisfied that any seed regulated by this Act is unfit for intended purpose or the provisions of this Act, he may-

- (a) affix to that seed a mark, seal or other designation to stop selling such seed or seed lot;
- (b) without compensation, destroy or dispose of that seed in any way at owner's cost; or
- (c) take such seed to a post-entry quarantine station for further inspection, treatment and disposal.

(2) An inspector shall, before destroying or disposing of any seed in any way other than in accordance with subsection (1)-

(a) record or cause to be recorded:

(i) a description or other particulars of the seed or seed lot;

(ii) description of premises where the seed was found;

(iii) any witness available and their signatures; and;

(iv) the grounds upon which his decision have been made.

(b) forward a report containing particulars stipulated in paragraph (a) to the Chief Seeds Certification Officer.”

PART VI

AMENDMENT OF THE WATER SUPPLY AND SANITATION ACT, (CAP.272)

Constru-
ction
Cap. 272

25. This Part shall be read as one with the Water Supply and Sanitation Act, hereinafter referred to as the “principal Act”.

Amendment
of section
59.

26. The principal Act is amended in section 59, by inserting a “comma” immediately after the word “applies” and inserting thereafter the phrase “save for the provisions relating to community owned water supply organizations”.

Passed in the National Assembly on the 24th November, 2014.



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Clerk of the National Assembly