

ACT SUPPLEMENT

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**THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) (NO.6)
ACT, 2019**

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THE UNITED REPUBLIC OF TANZANIA



NO. 13 OF 2019

I ASSENT

JOHN POMBE JOSEPH MAGUFULI

.....
President

19th September, 2019
[.....]

An Act to amend certain written laws.

ENACTED by Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

- Short title **1.** This Act may be cited as the Written Laws (Miscellaneous Amendments) (No.6) Act, 2019.
- Amendment of certain written laws **2.** The written laws specified in various Parts of this Act are amended in the manner specified in their respective Parts.

PART II

AMENDMENT OF THE ENERGY AND WATER UTILITIES
REGULATORY AUTHORITY ACT,
(CAP. 414)

- Construction
Cap. 414
3. This Part shall be read as one with the Energy and Water Utilities Regulatory Authority Act, hereinafter referred to as the “principal Act”.
- Amendment
of section 9
4. The principal Act is amended in section 9(1), by-
- (a) adding immediately after paragraph (a), a new paragraph (b) as follows:
“(b) Permanent Secretaries or their representatives from the sector Ministries;”;
 - (b) renaming paragraph (b) as paragraph (c).
- Amendment
of section 40
5. The principal Act is amended in section 40 (1) by deleting the opening phrase and substituting for it the following:
“(1) The Authority may, in consultation with the Minister and, where applicable, the sector Minister, make Rules in respect of-”.
- Addition of
section 42A
6. The principal Act is amended by adding immediately after section 42, a new section 42A as follows:
“Compounding of offences 42A.-(1) Notwithstanding the provisions of this Act relating to penalties, where a person admits in writing that he has committed an offence under this Act or any other sector legislation, the Director General or a person authorised by him in writing may, at any time prior to the commencement of the proceedings 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 the person fails to comply with the compounding order issued under this section within the prescribed period, the Authority may in addition to the sum ordered, require the person to pay an interest at the rate prescribed in the regulations.

(3) Where the person fails to comply with subsection (2), the Authority may enforce the compounding order and interest accrued thereof in the same manner as a decree of a court.

(4) The Authority shall submit quarterly report of all compounded offences under this section to the Director of Public Prosecutions.

(5) The forms and manner of compounding of offences shall be as prescribed in the regulations made under this Act.”

Amendment of section 48

7. The principal Act is amended in section 48 (1) by adding the words “and the sector Ministers” immediately after the word “Minister”.

Amendment of section 49

8. The principal Act is amended in section 49 by deleting the words “by submitting a copy to Minister” and substituting for them the words “and submit a copy to sector Ministers”.

PART III
AMENDMENT OF THE FERRIES ACT,
(CAP. 173)

Construction Cap. 173

9. This Part shall be read as one with the Ferries Act hereinafter referred to as the “principal Act”.

Amendment
of section 1

- 10.** The principal Act is amended in section 1(2)-
- (a) in the definition of the term "public ferry", by deleting the word "of" appearing after the words "means" and substituting for it the article "a";
 - (b) by inserting in the appropriate alphabetical order the following new definitions:

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““Agency” means Tanzania Electrical Mechanical and Electronics Services Agency established under the Executive Agencies Act;

“ferry” includes a boat or ship other than boat or ship owned or operated by security forces, whether owned by the Government or private person, for conveyance of passengers or goods in a passage over any river, arm of the sea, lake or part of a lake from any place to which the public has access to any other place;

“ship” means a floating vessel which is self-propelled and capable of carrying passengers or cargo and includes every description of vessel used in navigation;”

Amendment
of section 2

- 11.** The principal Act is amended in section 2 by deleting subsection (3).

Amendment
of section 3

- 12.** The principal Act is amended in section 3 by deleting the word “ferry” appearing between the words “any” and “as” and substituting for it the word “passage”.

Addition of
sections 3A
and 3B

- 13.** The principal Act is amended by adding immediately after section 3, the following new sections:

“Responsibilities
of Agency

3A.-(1) The Agency shall be responsible for-

- (a) management and operation of Government owned

- ferries;
- (b) provision of ferry services;
- (c) management and control of public ferries; and
- (d) maintenance of safe and efficient ferry services.

(2) In exercising its responsibilities, the Agency shall have regard to the principles of safety, security and protection of environment as provided for under the Merchant Shipping Act.”

Cap. 165

Regulatory role of Corporation

3B.-(1) The Corporation shall regulate compliance of the Agency or such other person licenced to provide ferry services on matters relating to safety, security and prevention of pollution.

(2) In exercising its regulatory role under this Act, the Corporation shall comply with the provisions of the Merchant Shipping Act.”

Cap. 165

Repeal and replacement of section 5

14. The principal Act is amended by repealing section 5 and replacing for it the following:

“Mandate to provide ferry services

5.-(1) The Agency shall have exclusive mandate to provide ferry services on a public ferry.

(2) Notwithstanding the provisions of subsection (1), the Agency may, upon consultation with the Corporation, license any person to provide ferry services on a public ferry.

(3) The Minister may make regulations for-

- (a) issuance and management of licence;
- (b) fees for issuance of licence; and
- (c) any other matter that he considers necessary for better implementation of this section.”

Repeal of sections 6, 7, and 8

15. The principal Act is amended by repealing sections 6, 7 and 8 respectively.

Repeal and replacement of section 9

16. The principal Act is amended by repealing section 9 and replacing for it the following:

“Complaints handling and court redress

9.-(1) A person aggrieved by the decision of the Agency under this Act may, within twenty one days from the date of the decision, lodge a written complaint to the Minister.

(2) The manner and procedure of handling complaints by the Minister shall be as prescribed in the regulations.

(3) Any person aggrieved by a decision of the Minister made or given pursuant to this Act may, within thirty days from the date on which the decision is given or made, seek redress in the High Court.”

Amendment of section 11

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

- (a) deleting paragraphs (a), (c), (d), (e), (f), (g), (h) and (i) respectively;
- (b) re-naming paragraph (b) as paragraph (a); and

(c) adding immediately after paragraph (a) as re-named, the following new paragraphs:

“(b) ferry services management and operations; and

(c) any other matters for which the Minister considers necessary for proper implementation of this Act.”.

Repeal and replacement of section 12

18. The principal Act is amended by repealing section 12 and replacing for it the following:

“Prohibition of maintenance of ferry within prescribed distance of public ferry

12.-(1) A person shall not establish, maintain or operate a ferry within two miles upon either side of a public ferry or within such distance as the Minister may prescribe.

(2) A person shall not carry on any activity within the prescribed distance of a public ferry which is likely to interfere with ferry service operations or pollute public ferry environment.

(3) Any person who contravenes the provision of this section commits an offence and upon conviction shall be liable to a fine of not less than fifty thousand shillings but not exceeding ten million shillings or to imprisonment for a term not exceeding six months or to both.”.

Repeal and replacement of section 13

19. The principal Act is amended by repealing section 13 and replacing for it the following:

“General penalty

13. A person who contravenes any of the provisions of this Act for which no specific penalty is provided, commits an offence and on conviction shall be liable to a fine of not less than fifty thousand

shillings but not exceeding one million shillings or to imprisonment for a term not exceeding twelve months or to both.”.

Repeal of section 15

20. The principal Act is amended by repealing section 15.

PART IV
AMENDMENT OF THE GAMING ACT,
(CAP. 41)

Construction
Cap. 41

21. This Part shall be read as one with the Gaming Act, hereinafter referred to as the “principal Act”.

Amendment
of section 3

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

- (a) deleting the definition of the term “court” and substituting for it the following:
““court” means a court of competent jurisdiction;”;
- (b) adding in the appropriate alphabetical order the following new definition:
“gaming management system” means a computerized record keeping system that includes all devices, hardware, software and networking

links which form part of the system that record and manage gaming transactions;”.

““gaming regulatory monitoring system” means a computerized monitoring system that includes all devices, hardware, software and networking links of which form part of the system that collect gaming regulatory and revenue information from gaming devices, gaming management system or any other such system in facilitating gaming regulatory function, government revenue assurance

and in any other manner set out in the regulations or as specified by the Board;”.

Amendment of section 7

- 23.** The principal Act is amended in section 7(2), by-
- (a) deleting the words “lotteries and” appearing in paragraph (c);
 - (b) adding immediately after paragraph (i) the following:
 - “(j) handling and determining complaints arising from gaming activities involving licensees and players;”;
 - (c) renaming paragraph (j) as paragraph (k).

Addition of section 9A

- 24.** The principal Act is amended by adding immediately after section 9 a new section 9A as follows:

“Power of inspection, seizure and forfeiture

9A.(1) The Board shall, for the purpose of implementing its functions, have powers to conduct inspection, gaming audit, seizure, forfeiture and destroying of unfit gaming device or any other item related or connected directly or indirectly with gaming activities.

(2) The Board shall, prior to exercising its power to forfeit or destroy under subsection (1), issue a notice in writing of its intention to forfeit or destroy the unfit gaming device or any other item related or connected with gaming activities.

(3) Upon receipt of the notice referred to under subsection (2), the person served with the notice may, within seven days, provide the Board with reasons in writing as to why the unfit gaming device or any other item related or connected with gaming activities should not be forfeited or destroyed.

(4) Where the person fails to provide reasons under subsection (3) within the prescribed time or where the reasons provided are not satisfactory, the Board shall forfeit or destroy the unfit gaming device or any other item related or connected with gaming activities.”

Amendment of section 13

25. The principal Act is amended in section 13 by adding immediately after subsection (2) a new subsection (3) as follows:

“(3) A person shall not, unless with a licence duly issued by the Board, provide gaming consultancy.”

Repeal and replacement of section 14

26. The principal Act is amended by repealing section 14 and replacing for it the following:

“Certificate to manufacture and licence to sell, lease or distribute equipment

14. A person shall not, unless he is a holder of a certificate or, as the case may be, a licence issued pursuant to the provisions of this Act, manufacture, sell, lease or distribute any software or system, article, machine, instrument or

device used for gaming activity.”.

Addition of section 18A

27. The principal Act is amended by adding immediately after section 18, a new section 18A as follows:

“Security bond **18A.** An operator of gaming activity or business of a specified category or type of licence other than casino shall deposit with the Board a security bond in the nature, manner and amount as may be prescribed in the regulations.”

Amendment of section 26

28. The principal Act is amended in section 26(1), by-
(a) adding immediately after paragraph (m), the following:

“(n) national lottery licence to conduct of national lottery;
(o) lottery licence issued pursuant to section 41 (3) to conduct business lotteries;
(p) service provider licence to provide services on gaming operations;
(q) gaming consultancy licence;
(r) virtual games licence;”;

(b) renaming paragraph (n) as paragraph (s).

Amendment of section 36

29. The principal Act is amended in section 36(6) by inserting the word “unauthorized” between the words “any” and “lottery” appearing in the opening phrase.

Repeal and replacement

30. The principal Act is amended by repealing section 51 and replacing for it the following:

of section 51

“Authorisation of promotion of other gaming products

51.-(1) The Board may, through the issuance of a license, authorize the promotion of gaming products other than those specified or contemplated under this Act, and includes the manner in which the gaming activities may be conducted.

(2) The license issued under this section shall be valid for a period of six months from the date of issue, and may, upon application by the license holder, be extended by the Board for a further period not exceeding twelve months in aggregate.

(3) The Board may, in consultation with the Minister, make rules prescribing fees and levies that may be paid in respect of any gaming activities under this section.”.

Amendment of section 66

31. The principal Act is amended in section 66, by-

- (a) deleting the word “commercial” appearing in subsection (1) and substituting for it the word “accepted”; and
- (b) deleting subsection (2) and substituting for it the following:

“(2) The financial statements of the Board relating to that financial year shall, not later than six months after the closure of every financial year, be audited by the Controller and Auditor-General.”.

Repeal and replacement of section 67

32. The principal Act is amended by repealing section 67 and replacing for it the following:

“Performance audit

Cap. 418

67. The Controller and Auditor-General may conduct performance audit on the Board in accordance with the Public Audit Act.”.

- Amendment of section 68 **33.** The principal Act is amended in section 68(1) by deleting the words “before 30th September” and substituting for it the words “after 31st December”.
- Amendment of section 70 **34.** The principal Act is amended in section 70:
 (a) in subsection (1), by-
 (i) deleting the opening phrase and substituting for it the following:
 “(1) A person shall not permit or cause a person of the age below eighteen years to-”;
 (ii) deleting the words “area of a casino” appearing in paragraph (a) and substituting for them the word “premises”; and
 (b) by deleting subsection (2) and substituting for it the following:
 “(2) Any person who contravenes any of the provisions of this section commits an offence and on conviction shall be liable to a fine of not less than one million shillings but not exceeding five million shillings or to imprisonment for a term not exceeding twelve months or to both.”.
- Amendment of section 72 **35.** The principal Act is amended in section 72, by-
 (a) re-designating the contents of section 72 as section 72(1); and
 (b) adding immediately after subsection (1) as re-designated, the following new subsection:
 “(2) Any person who contravenes subsection (1), commits an offence and shall on conviction be liable to a fine of not less than one million shillings but not exceeding twenty million shillings or to imprisonment for a term of not less than twelve months or to both.”.
- Amendment of section 82A **36.** The principal Act is amended in section 82A:
 (a) in subsection (3), by-

- (i) inserting immediately after paragraph (b) the following new paragraph:
“(c) gaming machine or device placed in unauthorised premises by licensee;”
- (ii) renaming paragraph (c) as paragraph (d); and
- (b) adding immediately after subsection (3), the following new subsection:
“(4) Monies found in the gaming device and gaming system used in illegal operation pursuant to this section shall be seized by or forfeited to the Board.”.

Addition of sections 86A and 86B

37. The principal Act is amended by adding immediately after section 86, the following new sections:

*Advertisements of gaming activities

86A.-(1) The Board shall regulate gaming advertisements in a manner provided in the regulations.

(2) Subject to subsection (1) the Board shall, in particular, have regard to the need to protect children and other vulnerable persons from being harmed or exploited by gaming activities.

Gaming management system

86B.-(1) A licensee shall maintain a gaming management system in the manner set out in the regulations or as may be specified

by the Board.

(2) A licensee shall send gaming transactions of their gaming management systems and gaming devices to the gaming regulatory management system in the manner specified by the Board.”.

PART V
AMENDMENT OF THE INTERPRETATION OF LAWS ACT,
(CAP. 1)

Construction
Cap. 1 **38.** This Part shall be read as one with the Interpretation of
Laws Act, hereinafter referred to as the “principal Act”.

Addition of
section 54 **39.** The principal Act is amended in section 54, by-

- (a) designating the contents of section 54 as contents of subsection (1); and
- (b) adding immediately after subsection (1) as designated, the following:

“(2) Where-

 - (a) a written law establishes a board and the board is not duly constituted;
 - (b) a board under any written law has been dissolved; or
 - (c) the tenure of board prescribed in any written law has come to an end,it shall be lawful for any operation requiring the decisions of the board to be performed by the permanent secretary of the ministry responsible for the board until such time a board is constituted:

Provided that the permanent secretary shall perform such functions for a period not exceeding twelve months.

(3) Action or other legal proceeding shall not be instituted against the permanent secretary in respect of any action or omission by him done in good faith when exercising his functions under this Act.

(4) Subject to subsection (2), the Minister responsible shall, as soon as the board falls vacant and before the new board is appointed, inform in writing the permanent secretary to perform the functions of the board under this section.”

**PART VI
AMENDMENT OF THE MERCHANT SHIPPING ACT,
(CAP. 165)**

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|---------------------------|--|
| Construction
Cap. 165 | 40. This Part shall be read as one with the Merchant Shipping Act hereinafter referred to as the “principal Act.” |
| General
amendment | 41. The principal Act is amended generally by deleting the terms “Registrar of Ships”, “Registrar of Seafarers” and “Registrar of Wrecks” wherever they appear in the Act and substituting for them the term “Registrar”. |
| Amendment
of section 2 | <p>42. The principal Act is amended in section 2(1)-</p> <ul style="list-style-type: none"> (a) by deleting the definitions of the term “Deputy Registrar”; (b) by deleting the definitions of the terms, “Registrar of Seafarers” and “Registrar of Ships” respectively; (c) in the definition of the term “Receiver of Wrecks” by deleting figure “7” and substituting for it figure “306”; (d) by deleting the definitions of the term “ship” and substituting for it the following:
 ““ship” means a floating vessel which is self-propelled and capable of carrying passengers or cargo and includes every description of vessel used in navigation;”; (e) by adding in the definition of the term “vessel”, the word “ferry” immediately after the words “sailing vessel”; and (f) by inserting in the appropriate alphabetical order the following new definition:
 ““Registrar” means the Registrar appointed under section 31 of the Tanzania Shipping Agencies Act;”. |
| Amendment
of section 3 | <p>43. The principal Act is amended in section 3-</p> <ul style="list-style-type: none"> (a) in subsection (1), by- |

Cap. 415

- (i) deleting a full stop appearing at the end of paragraph (b) and substituting for it a semi colon and the words “and”; and
 - (ii) adding immediately after paragraph (b) the following new paragraph-
 - “(c) ferries owned by a private person or under the control of and in the service of the Government.”
 - (b) in subsection (2), by-
 - (i) deleting paragraph (d);
 - (ii) deleting a semi colon appearing at the end of paragraph (c) and substituting for it a full stop.
- Amendment of section 4 **44.** The principal Act is amended in section 4 by deleting the words “safety and security” wherever they appear in subsections (1) and (3) and substituting for them the words “safety, security and prevention of pollution”.
- Amendment of section 5 **45.** The principal Act is amended in section 5 by deleting the words “marine safety and security” and substituting for them the words “maritime safety, security and prevention of pollution”.
- Repeal of section 7 **46.** The principal Act is amended by repealing section 7.
- Repeal of section 19 **47.** The principal Act is amended by repealing section 19.
- General amendment of sections **48.** The principal Act is, unless stated otherwise, amended in sections 14(3) and (4), 189, 321 and 375(3) by deleting the word “Minister” and substituting for it the word “Registrar”.
- Amendment of section 109 **49.** The principal Act is amended in section 109(1) by inserting in the appropriate alphabetical order the following new definition-
- Cap. 253 ““Maritime Institute” means the Institute established under the Dar es Salaam Maritime Institute Act;”.

- Amendment of section 110
- 50.** The principal Act is amended in section 110 by-
- (a) deleting subsection (2); and
 - (b) re-numbering subsections (3) and (4) as subsections (2) and (3) respectively.
- Amendment of section 209
- 51.** The principal Act is amended in section 209 by deleting subsections (1) and (2) and substituting for them the following-
- “(1) The Registrar shall take appropriate steps to advise the seafaring community and the public of any developing or existing situations which may adversely affect maritime safety, security and prevention of pollution.
 - (2) The Registrar shall communicate the following notices to the seafaring community-
 - (a) Merchant Shipping Notices; and
 - (b) Notices to Mariners and Navigational Warnings.”
- General amendment of sections
- 52.** The principal Act is amended in sections 212, 213 and 217 by deleting the words “navigational aids” and substituting for them the words “aids to navigation” wherever they appear in those sections.
- Amendment of section 226
- 53.** The principal Act is amended in section 226 (3) by deleting the words “Customs Officer” and substituting for them the words “Port Master”.
- Amendment of section 247
- 54.** The principal Act is amended in section 247, by-
- (a) deleting subsection (1) and substituting for it the following new subsections-
- “(1) Where the owner or person making application for a survey of a ship required under this Act is dissatisfied by the outcome of the survey, the owner or person may serve a notice to the person issuing the certificate within twenty one days of the completion of the survey for the dispute to be referred to a single arbitrator appointed by agreement between the parties for settlement.

- (2) Where there is no agreement between the parties to appoint an arbitrator under subsection (1), the arbitrator may be appointed by the Minister.”; and
- (b) renumbering subsections (2) and (3) as subsections (3) and (4) respectively.

- | | |
|--------------------------|---|
| Amendment of section 293 | 55. The principal Act is amended in section 293(3) by deleting the words “Minister or Registrar of ships” appearing in the second line and the word “Minister” appearing in the fourth and sixth line and substituting for them the word “registrar” respectively. |
| Amendment of section 300 | 56. The principal Act is amended in section 300(1) by deleting the words “Minister may, by order published in the <i>Gazette</i> ,” and substituting for them the words “Registrar may”. |
| Amendment of section 301 | 57. The principal Act is amended in section 301(2) by deleting paragraph (c) and substituting for it the following-
<div style="text-align: center;">“(c) a pleasure vessel when used for hire, reward or any commercial purpose;”</div> |
| Amendment of section 305 | 58. The principal Act is amended in section 305(2) by deleting paragraph (c) and substituting for it the following-
<div style="text-align: center;">“(c) a pleasure vessel when used for hire, reward or any commercial purpose;”.</div> |
| Amendment of section 306 | 59. The principal Act is amended in section 306 by deleting the words “by notice in the <i>Gazette</i> ”. |
| Amendment of section 393 | 60. The principal Act is amended in section 393-
(a) in subsection (1), by deleting the closing words and substituting for them the following:
<div style="text-align: center;">“and, at the time it occurs, the ship was a Tanzanian ship or the ship or ship’s boat was in Tanzania waters, the Registrar shall cause a marine safety investigation into the casualty to be held by a person appointed by the Registrar, and that person shall have the powers conferred</div> |

on an Inspector under section 383”.

(b) in subsection (2), by deleting the words “preliminary inquiry” and substituting for them the words “marine safety investigation”; and

(c) by adding immediately after subsection (2), the following new subsection:

“(3) For the purpose of this section “marine safety investigation” includes the collection of, and analysis of, evidence, the identification of causal factors and the making of safety recommendation into a marine casualty or marine incident conducted with the objective of preventing marine casualties and marine incidents.”.

Amendment
of section
394

61. The principal Act is amended in section 394(3) by deleting the word “Board” appearing between the words “the” and “may cancel” and substituting for it the word “Registrar”.

Amendment
of section
402

62. The principal Act is amended in section 402 by deleting the words “Registrar of Ships” wherever they appear in subsection (1) and substituting for them the word “Corporation”.

Amendment
of section
423

63. The principal Act is amended in section 423 by deleting the word “Minister” wherever it appears in paragraph (c) and (e) and substituting for it the word “Registrar”.

**PART VII
AMENDMENT OF THE PENAL CODE,
(CAP. 16)**

Construction
Cap. 16

64. This Part shall be read as one with the Penal Code, hereinafter referred to as the “principal Act”.

General
amendment

65. The principal Act is generally amended by-

(a) deleting the phrase “one hundred” wherever it appears in the Act and substituting for it the phrase “fifty thousand”.

- (b) deleting the phrase “one thousand” wherever it appears in the Act and substituting for it the phrase” one hundred thousand”.
- (c) deleting the phrase “two thousand” wherever it appears in the Act and substituting for it the phrase” two hundred thousand”.
- (d) deleting the phrase “three thousand” wherever it appears in the Act and substituting for it the phrase” three hundred thousand”.
- (e) deleting the phrase “four thousand” wherever it appears in the Act and substituting for it the phrase” four hundred thousand”.
- (f) deleting the phrase “five thousand” wherever it appears in the Act and substituting for it the phrase” five hundred thousand”.

Amendment of section 29

66. The principal Act is amended in section 29 by deleting the scale appearing under paragraph (d) and substituting for it the following:

Not exceeding Shs. 50,000/-	14 days
Exceeding Shs. 50,000/- but not exceeding Shs.100,000/=	2 months
Exceeding Shs. 100,000/- but not exceeding Shs.500,000/=	6 months
Exceeding Shs. 500,000/- but not exceeding 1,000,000/-	12 months
Exceeding shs. 1,000,000/-	24 months

Addition of section 162

67. The principal Act is amended by adding immediately after section 161 the following:

“Indecent communication of photos, videos, pictures or images

162.-(1) A person shall not-

- (a) save as provided for under subsection (2), take photos, pictures, videos or images of corpses, dead persons, victims of

crimes or gruesome incidents; or

- (b) intentionally and without authority, use any form of communication to share pictures, videos or photos of corpses, dead persons, victims of crimes or gruesome incidents.

(2) The provision of subsection (1) shall not apply to taking of photos, pictures, videos or images of corpses, dead persons, victims of crimes or gruesome incidents for the purposes of-

- (a) criminal investigations;
(b) burial ceremonies, in the case of corpses and dead persons; or
(c) any other purposes as may be permitted by the police officer or other authorised officer.

(3) A person who contravenes the provisions of this section commits an offence and on conviction is liable to a fine of not less than one million shillings or to imprisonment for a term of not less than one year or to both.”

PARTVIII
AMENDMENT OF THE PUBLIC SERVICE ACT,
(CAP. 298)

Construction
Cap. 298

68. This Part shall be read as one with the Public Service Act, hereinafter referred to as the “principal Act”.

Amendment of section 4 **69.** The principal Act is amended in section 4(3) by adding a new paragraph (e) as follows:
 “(e) notwithstanding any other written law to the contrary, be the highest authority in matters relating to labour mobility in the Service.”

Amendment of section 26 **70.** The principal Act is amended in section 26(2) by inserting the words “Clerk of the National Assembly” between the words “Intelligence” and “the Controller and Auditor-General”.

Addition of section 27 **71.** The principal Act is amended by adding immediately after section 26 the following new section:

27. Notwithstanding any other condition to the contrary, the Chief Secretary shall have power to exempt a public servant from any condition required for grant of pension or other terminal benefit.”.

“Exemption from application of certain conditions”

PART IX
AMENDMENT OF THE SOCIAL SECURITY (REGULATORY AUTHORITY) ACT,
(CAP. 135)

Construction Cap. 135 **72.** This Part shall be read as one with the Social Security (Regulatory Authority) Act, hereinafter referred to as the “principal Act”.

General amendments **73.** The principal Act is, unless otherwise stated, amended generally by deleting-

- (a) the word “Authority” wherever it appears in the Act and substituting for it the word “Division”;
- (b) the designation “Director General” wherever it appears in the Act and substituting for it the word “Director”; and
- (c) the word “Board” wherever it appears in the Act

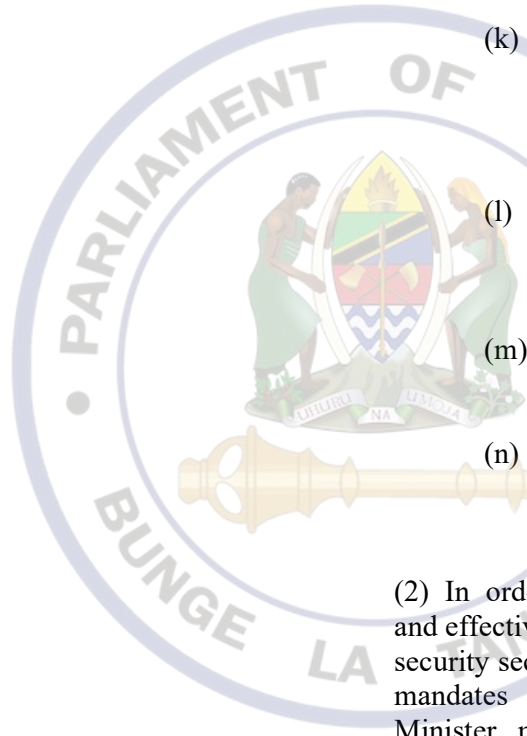
and substituting for it the word “Ministry”.

- Repeal and replacement of section 1
74. The principal Act is amended by repealing section 1 and replacing for it the following:
 “Short title 1. This Act may be cited as the Social Security Act.”.
- Amendment of section 3
75. The principal Act is amended in section 3, by-
 (a) deleting the definition of the term “Act” and substituting for it the following:
 ““Act” means the Social Security Act;”;
 (b) deleting the definition of the terms “Authority”, “Board”, “Director General”, “staff” and “Tribunal” respectively; and
 (c) inserting in the appropriate alphabetical order the following new definition:
 ““Director” means the Director responsible for social security within the Ministry for the time being responsible for social security matters; and
 “Division” means the division responsible for social security within the Ministry for the time being responsible for social security matters;”.
- Amendment of Part II
76. The principal Act is amended by deleting the heading to Part II and substituting for it the following:
 “PART II
 ADMINISTRATIVE MATTERS”
- Repeal and replacement of section 4
77. The principal Act is amended by repealing section 4 and replacing for it the following new section:
 “Supervision of social security sector 4. Notwithstanding any provision of any other written law, the power relating to supervision of social security sector that is subject of this Act is vested in the Division.”.
- Repeal of sections 5, 6, 7, 9, 10, 11, 12 and 13
78. The principal Act is amended by repealing sections 5, 6, 7, 9, 10, 11, 12 and 13 and replacing for them the following.
 “Mandate of Division 5.-(1) Subject to the provisions of this Act, the Division shall, in

relation to the supervision of social security Sector-

- (a) supervise the performance of all schemes, managers and custodians;
- (b) facilitate extension of social security coverage to non-covered areas including informal groups;
- (c) conduct inspection and examination with or without prior notice on managers, custodians or schemes, premises, equipment, machinery, records, books of accounts or any other document and transaction of the managers, custodians, administrators or a scheme;
- (d) where it deems fit, cause actuarial valuations to be carried out with respect to any of the schemes;
- (e) protect and safeguard the interests of members;
- (f) monitor and review regularly the performance of the social security sector;
- (g) handle disputes and complaints relating to social security





- services;
- (h) register all schemes, managers and custodians;
- (i) register and supervise administrators;
- (j) initiate studies, coordinate and implement reforms in the social security sector;
- (k) conduct programmes for public awareness, sensitisation and tracing on social security;
- (l) appoint interim administrator of schemes, where necessary;
- (m) issue directions in the form of notices, letters, orders or circulars; and
- (n) do such other things to ensure efficiency in the management of social security sector.

(2) In order to facilitate efficient and effective operation of the social security sector and execution of the mandates of the Division, the Minister may, by notice in the *Gazette*, issue guidelines to which all schemes shall abide.”

Amendment of section 17

79. The principal Act is amended in section 17(1) by deleting the words “in such form as the Board may determine and shall enter therein such particulars as the Board may specify”.

Amendment of section 21

80. The principal Act is amended in section 21(2) by deleting

the words “subject to the approval of the Board”.

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| Repeal of section 22 | 81. The principal Act is amended by repealing section 22. |
| Amendment of section 24 | 82. The principal Act is amended in section 24 by deleting subsection (4). |
| Amendment of section 26 | 83. The principal Act is amended in section 26-
(a) in subsection (5) by inserting the word “Bank” immediately before the word “report”
(b) deleting subsection (6). |
| Amendment of section 28 | 84. The principal Act is amended in section 28 by-
(a) deleting the words “in consultation with the Authority,” appearing in subsection (5);
(b) deleting the words “the Authority should not recommend their disqualification” and substituting for them the words “they should not be disqualified” appearing in subsection (6); and
(c) inserting the words “to the appointing authority the” between the words “recommend” and “disqualification” appearing in subsection (8). |
| Amendment of section 32 | 85. The principal Act is amended in section 32(b) by deleting the words “and GEPF retirement benefits funds”. |
| Repeal of section 33 | 86. The principal Act is amended by repealing section 33. |
| Amendment of section 38 | 87. The principal Act is amended in section 38(1) by deleting the words “in consultation with the Authority”. |
| Amendment | 88. The principal Act is amended in section 38A by- |

- of section 38A
- (a) deleting the words “LAPF Pensions Fund Act, the National Health Insurance Fund Act, the National Social Security Fund Act, the PPF Pensions Fund Act, the Public Service Pensions Fund Act and the GEPF Retirement Benefits Fund Act” appearing in subsection (1) and substituting for them the words “Public Social Security Fund Act, the Workers Compensation Act and the National Social Security Fund Act.”; and
- (b) deleting the words “Director-General” appearing in subsection (2)(c) and substituting for them the word “Director”.
- Amendment of section 39
- 89.** The principal Act is amended in section 39(1) by deleting the words “of the Authority to be appointed by Director General” and substituting for them the words “who shall be appointed by the Minister.”.
- Amendment of section 40
- 90.** The principal Act is amended in section 40 by deleting the words “The Bank may direct the Authority to” appearing in subsection (2)” and substituting for them with the words “The Director may.”
- Amendment of section 41
- 91.** The principal Act is amended in section 41, by-
- (a) deleting the words “the Authority may, with the approval of the Board” appearing in subsection (1) and substituting for them the words “the Minister may”; and
- (b) deleting the word “Authority” wherever it appears in subsections (2) and (4) and substituting for it the word “Minister”.
- Repeal of section 43
- 92.** The Principal Act is amended by repealing section 43.
- Amendment of section 44
- 93.** The principal Act is amended in section 44, by-
- (a) deleting the words “within thirty days of receipt of the decision” appearing in subsection (1); and
- (b) deleting the words “within thirty days of receipt of the written application made under subsection (1)”

appearing in subsection (1);

(c) deleting subsection (3) and substituting for it the following:

“(3) Subject to subsection (1), a dispute between a member or beneficiary and a scheme, a scheme and a scheme or a member and a manager shall be referred to the Division.”.

(d) adding immediately after subsection (3) the following:

“(4) Every scheme shall establish an internal mechanism for handling members complaints before they are referred to the Division for review.”.

Repeal of sections 45 and 46

94. The principal Act is amended by repealing sections 45 and 46.

Repeal of Part VIII

95. The principal Act is amended by repealing the whole of Part VIII.

Amendment of section 54

96. The principal Act is amended in section 54(2), by-
(a) deleting paragraphs (d) and (e); and
(b) renaming paragraphs (f) to (m) as paragraphs (d) to (k) respectively.

Repeal of sections 57 and 58

97. The principal Act is amended by repealing sections 57 and 58.

Addition of Part X

98. The principal Act is amended by adding immediately after section 59 the following new Part:

**“PART X
SAVINGS PROVISIONS**

Effective date **60.** For the purpose of this Part, “effective date” means the date of coming into operation of this Part.

Savings **61.** Notwithstanding the repeal of

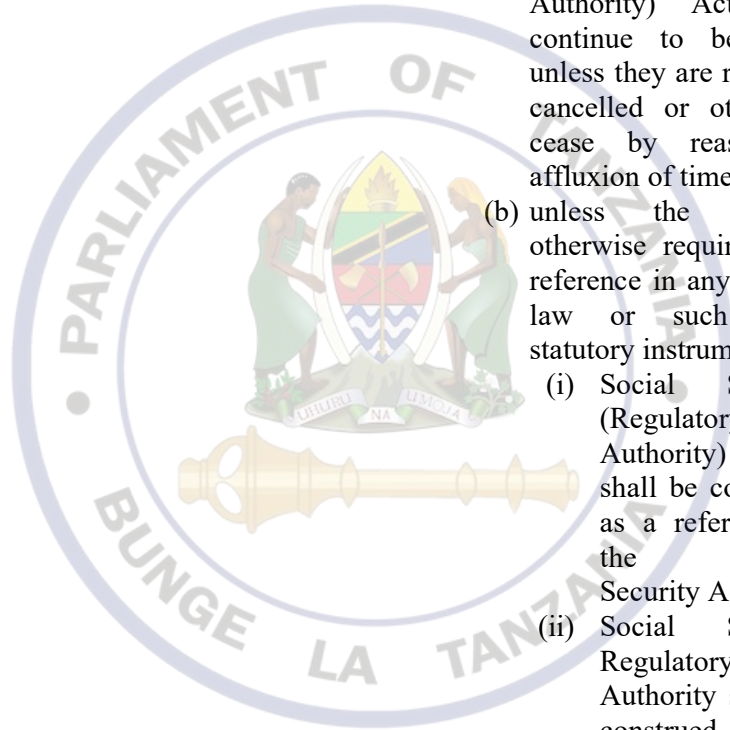
various sections occasioning the dis-establishment of the Social Security Regulatory Authority-

(a) all appointments and directions made, issued or given by the Social Security Regulatory Authority under the provisions of the Social Security (Regulatory Authority) Act shall continue to be valid unless they are revoked, cancelled or otherwise cease by reason of effluxion of time; and

(b) unless the context otherwise requires, any reference in any written law or such other statutory instrument to-

(i) Social Security (Regulatory Authority) Act shall be construed as a reference to the Social Security Act; and

(ii) Social Security Regulatory Authority shall be construed as a reference to the Division, save for the National Health Insurance Fund which shall be construed as reference to the Ministry



responsible for health matters.

Existing contracts

62. Subject to the provisions of this Act, all deeds, bonds, agreements, instruments and working arrangements subsisting immediately before the effective date, affecting any of the property transferred, shall be of full force and effect against or in favour of the Division and enforceable as fully and effectually as if the Division has been named therein or had been a party thereto instead of the Authority.

Vesting of assets and liabilities

63. All assets and liabilities which were, immediately before the effective date, under the Authority shall be vested in the Division.

Rights and obligations

64. Powers, rights, privileges, duties or obligations which, immediately before the effective date were exercisable by the Authority shall, as from that date, be vested in the Division.

Pending legal proceedings

65.-(1) Any legal proceedings pending before any court or other tribunal which were instituted immediately before the effective date and to which the Authority is a party may, in so far as they relate to any property, right, liability or obligation vested or deemed to have been vested in the Authority by this Act shall, after the effective date, be deemed to have been

instituted by or against the Division.

(2) All pending complaints and claims lodged to the Authority against the schemes shall be presumed to be complaints lodged to the Division.

Provision regarding employees

66.-(1) Employees or staff of the Authority who are necessary for the purposes of the Ministry, government institutions or departments shall, subject to laws and procedures governing public service, be transferred to public offices on such terms and conditions not less favourable than those applicable to them before the transfer.

(2) Every employee or staff of the Authority whose service is not transferred to a public office shall be paid terminal benefits in accordance with the applicable laws and regulations governing the terms and conditions of his service immediately before the termination.

(3) An employee or staff who is deemed to be employed or transferred to a public office shall continue to be a member of a statutory, voluntary pension or any other superannuation scheme in accordance with the laws and regulations governing the scheme.”

Revocation of Schedule

99. The principal Act is amended by revoking the Schedule.

PART X
AMENDMENT OF THE VALUE ADDED TAX ACT,
(CAP. 148)

Construction
Cap. 148 **100.** This Part shall be read as one with the Value Added Tax Act, hereinafter referred to as the “principal Act”.

Amendment
of section 6 **101.** The principal Act is amended in section 6 by deleting subsection (2) and substituting for it the following:

“(2) Notwithstanding the provisions of subsection (1), the Minister may, by order published in the *Gazette*, grant value added tax exemption on:

(a) importation of raw materials to be used solely in the manufacture of long-lasting mosquito nets by local manufacturer having a performance agreement with the Government of the United Republic;

(b) importation by a government entity or supply to a government entity of goods or services to be used solely for implementation of a project funded by-

(i) the Government;

(ii) concessional loan, non-concessional loan or grant through an agreement between the Government of the United Republic of Tanzania and another government, donor or lender of concessional loan or non-concessional loan; or

(iii) a grant agreement duly approved by the Minister in accordance with the

Cap.134

provisions of the
Government Loans, Grants
and Guarantees Act entered
between local government
authority and a donor:

Provided that, such agreement provide
for value added tax exemption on such
goods or service; or

(c) importation or supply of goods or
services for the relief of natural
calamity or disaster.”

Passed by the National Assembly on the 12th September, 2019.

