



No. 19 OF 2004

I, ASSENT

*Benjamin W. Mkapa*

*19<sup>th</sup> January, 2005.*

President

## **An Act to amend certain written laws**

ENACTED by Parliament of the United Republic of Tanzania.

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| <p>1. This Act may be cited as the Written Laws (Miscellaneous Amendments) Act (No. 3), 2004.</p>   | <p>Short title</p>                        |
| <p>2. The Written Laws specified in the first and second columns of the Schedule to this Act are hereby amended in the manner specified opposite to each of them in the third column of that Schedule.</p>                            | <p>Amendment of certain written laws</p>  |
| <p>3. Notwithstanding the publication of this Act, the amendments in respect of the Commission for Human Rights and Good Governance Act, 2001 shall be deemed to have come into operation on the 9<sup>th</sup> day of May, 2001.</p> | <p>Commencement of certain amendments</p> |

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
Act No.30 of 1974	The Government Loans, Grants and Guarantees Act, 1974	<p>The Act is amended in section 15, by deleting the proviso appearing in subsection (1), and substituting for it the following –</p> <p>“Provided that, the provisions of this subsection shall not apply where a grant is received by the Revolutionary Government of Zanzibar, Defence Forces, Tanzania Intelligence and Security Services, Police Force and Prisons Department.”;</p>
Act No.14 of 1996	The Joint Finance Commission Act, 1996	<p>The Act is amended by repealing section 15 and replacing it with the following –</p> <p>“Quorum 15.–(1) Subject to the provisions of subsection (2), a majority of members of the Commission, one of them being the Chairman or the Vice-Chairman, shall constitute the quorum at any meeting of the Commission.</p> <p>(2) Where both the Chairman and the Vice-Chairman are absent, the quorum at the meeting of the Commission shall be constituted by the majority of the members present, on condition that two of such members shall come from Mainland Tanzania, the other two from Tanzania Zanzibar.</p>

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
Act No.14 of 2002	The Forest Act, 2002	<p>The Act is amended in section 4 by deleting paragraph (b) and substituting for it the following:</p> <p>“(b) local authority forest reserve which consist of local forest reserves;”</p>
Act No.12 of 1986	The Trade and Service Marks Act, 1986	<p>The Act is amended –</p> <p>(a) in subsection (1) of section 57, by deleting the closing statement appearing immediately after paragraph (d) and substituting for it the following -</p> <p>“commits an offence and is liable upon conviction to a fine of not less than ten million shillings but not exceeding fifty million shillings or to imprisonment of not less than four years and not more than fifteen years or to both such fine and imprisonment”.</p> <p>(b) by deleting section 59 and substituting for it the following:</p>

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“Penalties

**59.** Save where otherwise provided for in this Act, any person who commits an offence under this Act and shall upon conviction be liable to a fine of not less than ten million shillings but not exceeding fifty million shillings

Cap.16 Penal Code

The Penal Code is amended in section 368 by deleting subsection (1) and substituting for it the following –

“Counterfeit-  
ing trade  
marks

**368.—(1)** Any person who, with intent to defraud or to enable another to defraud any person, that is to say -

- (a) forges or counterfeits any trade mark;
- (b) applies any trade mark, or any forged or counterfeited trade mark to any chattel or article not being the merchandise of any person whose trade mark is so forged or counterfeited;

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- (c) applies any trade mark or any forged or counterfeited trade mark to any chattel or article not being the particular or peculiar description of merchandise denoted or intended to be denoted by the trade mark or by such forged or counterfeited trade mark;
- (d) applies any trade mark or any forged or counterfeited trade mark to anything intended for any purpose of trade or manufacture, or in, on or with which any chattel or article is intended to be sold, or is sold or offered or exposed for sale;
- (e) encloses or places any chattel or article in, upon, under or with anything to which any trade mark has been falsely applied, or to which any forged or counterfeit trade mark has been applied;
- (f) applies or attaches any chattel or article to any case, cover, reel, ticket, label or other thing to which any trade mark has been falsely applied, or to which any false or counterfeit trade mark has been applied; or
- (g) encloses, places or attaches any chattel or article in, upon, under, with or to anything having thereon any trade mark of any other person,

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
Act No.12	Tanzania Communications Regulatory Authority Act, 2003	<p>commits an offence and is liable upon conviction to a fine of not less than ten million shillings but not exceeding fifty million shillings or, to imprisonment of not less than four years but not more than fifteen years or to both such fine</p> <p>The Act is amended in paragraph 2(1) of the Schedule –</p> <p>(a) by adding immediately after item (b) a new item (c) as follows: “(c) two members – four years”.</p> <p>(b) by renaming item (c) as item “(d)”.</p>
Act No.9 of 2001	Surface and Marine Transport Regulatory Authority Act, 2001	<p>The Act is amended –</p> <p>(a) in subsection (2) of section 13 –</p> <p>(i) by deleting paragraphs (d) and (f);</p> <p>(ii) by renaming paragraph (e) as paragraph (d).</p> <p>(b) in the First Schedule-</p> <p>(i) by deleting item (b) of paragraph 1(1) and substituting for it the following: “(b) five non executive members; and”.</p> <p>(ii) by deleting items (c) and (d) of paragraph 2(1) and substituting for them the following: “(c) two members - three years;</p> <p>(d) three members - five years.”</p>

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
Act No.6 of 1984	The Sokoine University of Agriculture Act, 1984	The Act is amended in section 47 – (a) in subsection (9) by deleting paragraph (c); (b) by rearranging paragraph (d) as paragraph (c); and (c) by deleting subsection (11).
Cap.560	The Cooperative College Act, 1964	The Act is hereby repealed.
Act No. 2 of 1999	The Public Service Retirement Benefits Act, 1999	The Act is amended – (a) in section 20 – (i) by deleting the whole of subsection (5) and substituting for it the following new subsections:- “ <b>(5) Subject to the provisions of sections 40 and 41 relating to the obligation of the employer and employee to contribute to the Fund, the pension and gratuity granted under this section shall be paid out of the Fund in accordance with subsection (6) of this section, and shall not be subject to income tax.</b>  <b>(6) The allowances and services granted under this section and that amount of pension exceeding the sum calculated in accordance with section 22 shall be paid out of the Consolidated Fund and shall not be subject to income tax.</b> ”; (ii) by renumbering subsections (6) and (7) as (7) and (8). (b) in section 21 by deleting subsection (3) and substituting for it the following-

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Act No.  
8 of  
2002

The Public Service Act, 2002

“(3) Subject to the provisions of sections 40 and 41 relating to the obligation of the employer and employee to contribute to the Fund, payments for pension, gratuity and other retirement benefits in respect of the Chief Justice in pursuance of this section shall be paid out of the Fund in accordance with subsection (4), and shall not be subject to income tax.

(4) The allowances and services granted under this section and that amount of pension exceeding the sum calculated in accordance with section 22 shall be paid out of the Consolidated Fund and shall not be subject to income tax.”;

(c) in section 22, by deleting the words, “of the” between the words “gratuity” and “specified” appearing in paragraph (a) of subsection (1), and substituting for them the word “such”;

The Act is amended-

(a) by inserting at its alphabetical order the following new definition-

“employer” means a person or organization, in the public service, with whom a public servant entered into a contract of service and who is responsible for the payment of salaries of such a public servant;”

(b) in section 6-

(i) by deleting the opening words of subsection (1) and substituting for them the following-

“(1) Every Permanent Secretary, Head of extra-ministerial department and Regional Administrative Secretary shall”;



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(ii) by adding immediately after subsection (5)  
the following new subsection-

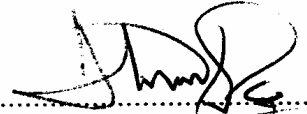
“(6) The authority for appointment, confirmation,  
promotion and discipline of public servants in the  
Local Government Service other than those for  
whom the appointing authority is the President or  
the Minister, as the case may be, shall be the Local  
Government Authority concerned”.

Act  
No.7  
of 2001

The Commission for Human Rights and  
Good Governance Act, 2001

The Act is amended in section 33 by deleting the closing  
words of subsection (1), and substituting for them  
the phrase “and the Minister shall cause the report  
to be laid before the National Assembly”.

Passed in the National Assembly on the 10<sup>th</sup> November, 2004

  
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Clerk of the National Assembly