

THE UNITED REPUBLIC OF TANZANIA



No. 5 OF 2002

I ASSENT,

President

.....

An Act to amend Certain Written Laws

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ENACTED by Parliament of the United Republic of Tanzania.

1. This Act maybe cited as the Written Laws (Miscellaneous Amendments) Act, 2002. Shortfile

2. The Written Laws set forth in the first and second column of the Schedule to this Act are hereby amended in the manner specified in the third column. Amend-
ment of
Certain
Written
Laws

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
Act No. 13 of 1977	The Civil Aviation Act	<p>The Act is amended-</p> <p>A. in section 2 which relates to definitions-</p> <p>(i) by deleting the definitions; "accident" "aerial work", "aerodrome", "the Board, "the Director General", "Government Aerodrome" and "public transport,' and substituting for them the following definitions in their appropriate alphabetical order-</p> <p>"accident" means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as such persons have disembarked, in which</p> <p>(a) a person is fatally or seriously injured as a result of-</p> <p>(i) being in the aircraft, or</p> <p>(ii) direct contact with any part of the aircraft. including parts which have become detached from the aircraft-, or</p> <p>(iii) direct exposure to the jet blast,</p> <p>except when the injuries are from natural causes self-inflicted or inflicted by other persons, or when the injuries are to stoways hiding outside the areas normally available to passengers and crew. or</p> <p>(b) the aircraft sustains damage or structural failure which:</p> <p>(i) adversely affects the structural strength. performance or flight characteristics of the aircraft, and</p> <p>(ii) would normally require major repair or replacement of the affected component, except for engine failure or damage, when the damage is limited to the engine. its cowlings or accessories-- or for damage limited to propellers, wingtips. antennas. tires. brakes, fairings, small dents or puncture holes in the aircraft skin. or</p> <p>(c) the aircraft is missing or is completely inaccessible.. for the purpose of this definition an aircraft is considered to be missing when the official search has been terminated and the wreckage has not been located-</p>

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Act No. 13 of 1977

The Civil Aviation Act

"aerial work" means and includes an aircraft operation in which an aircraft is used for specialised services such as agriculture, construction, photography, surveying, observation and patrol, search and rescue and aerial advertisement-,

'aerodrome' and "airport" means a defined area on land or water (including any buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;

"the board" means the Tanzania Civil Aviation Authority Ministerial Advisory Board established by the Executive Agencies (The Tanzania Civil Aviation Authority (Establishment) Order, 1999;

"Commercial air transport operations" means an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire;

"Director General" means the Director General of the Tanzania Civil Aviation Authority appointed under the Executive Agencies (The Tanzania Civil Aviation Authority (Establishment) Order, 1999-,

"Government Aerodrome" means an aerodrome under direct management of the Government of the United Republic;

(ii) by adding the following new definitions in their appropriate alphabetical positions-

"Licensing Committee" means the Air Services Licensing Committee established by section 5 of the Act-,

"Security" means a combination of measures and human and material resources intended to safeguard international civil aviation against acts of unlawful interference-,

(iii) by adding an s at the end of the word "reaction" wherever it appears in the definition "aircraft" to make it read "reactions"-

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Act No. 13 of 1977

The Civil Aviation Act

B. Section 3 is hereby repealed and replaced with the following-

Func- "3. The functions of the Minister shall be in accordance with the
tions of provisions of the Executive Agencies (The Tanzania Civil Aviation
the Authority) (Establishment) Order, 1999".
Minister

C. In, the Part relating to Part III.

(i) by amending the title of that Part by deleting the title "THE TANZANIA
CIVIL AVIATION BOARD AND DIRECTORATE OF THE CIVIL
AVIATION" and "substituting the following title "THE TANZANIA
CIVIL AVIATION AUTHORITY MINISTERIAL ADVISORY
BOARD AND THE TANZANIA CIVIL AVIATION AUTHORITY
LICENSING, COMMITTEE

(ii) by deleting references to the "Tanzania Civil Aviation Board" and
"The Directorate of the Civil Aviation" with the following new refer-
ences "The Tanzania Civil Aviation Ministerial Advisory Board" and
"The Tanzania Civil Aviation Authority Licensing Committee" re-
spectively;

FIRST COLUMN
Act No. 13 of 1977

SECOND COLUMN
The Civil Aviation Act

THIRD COLUMN

D. sections 4,5,6,7 and 8. are hereby repealed and replaced by the following new sections:

4. The establishment, function, membership, and duration **of membership, meetings and procedures** of the Board shall be in accordance with the provisions of the Executive Agencies, Act, 1997, the Executive Agencies (The Tanzania Civil Aviation Authority (Establishment) Order, 1999- and The Executive Agencies Ministerial Advisory Board) Rules, 1999.

E. By adding the following sections 5,6,7,8 and 9 immediately below the new section 4-

5. There is hereby established a licensing committee to be known as the Tanzania Civil Aviation Authority Licensing Committee.

6. The Director General shall be the Chairman of the Committee.

7. Six other members of the Committee shall be appointed by the Director General.

8. The Committee shall consider and advise the Director General in relation to licensing of air services. economic regulation of air transport and such particular matters as the Director General may refer to it for advice and the Committee shall have such other functions and powers as may be prescribed by regulations made under this Act.

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN	◇ No. 5 <i>Written Laws (Miscellaneous Amendment)</i> 2002
Act No. 13 of 1977	The Civil Aviation Act	<p>Duration of Membership 9. The Members of the Committee, other than the Director General, shall hold office for a period of three years.</p> <p>Meetings and procedures of the Committee 10-(1) Subject to the provisions of this Act and any regulations which may be made under it, the Committee shall have power to regulate its own proceedings. (2) Four members of the Committee shall constitute a quorum</p> <p>F. Section 9 of the Act as renumbered is amended by- (i) repealing subsections (1) and (2) and substituting the following- The Tanzania Civil Aviation Authority and the Director General 9-(1) There shall be a government executive agency to be known as the Tanzania Civil Aviation Authority established by the Executive Agencies (The Tanzania Civil Aviation Authority) (Establishment) Order, 1999. (2) There shall be a Director General of the Tanzania Civil Aviation Authority whose appointment shall be according to the Executive Agencies Act, 1997." (ii) in subsections (3) and (4) by substituting references to the title "Directorate of Civil Aviation" with the title "Tanzania Civil Aviation Authority",</p>	

FIRST COLUMN
Act No. 14 of 1977

SECOND COLUMN
The Civil Aviation Act

TigRD COLUMN

G- **in section 9A by repealing Part 111 A which relates** to the Secretariat of the Civil Aviation Board:

H. in section 9B which relates to the establishment of the Civil Aviation Technical Committee by-

- (i) deleting the words "Civil Aviation" appearing in subsection (2);
- (ii) in subsections (3) and (5) by deleting the word "Board" whenever it appears in those subsections and substitute for them the words "Director General" respectively;

I: in section 10 as renumbered:

- (i) by inserting immediately after paragraph (v) of subsection (2) the following new paragraphs-
 - "(w) generally for providing for the economic regulation of air transport
 - (x) providing for measures to safeguard international and domestic civil aviation against acts of unlawful interference, intensify efforts to suppress acts of unlawful seizure of aircraft as well as other civil aviation security matters and providing for extradition or submission of the case to competent authorities for the purpose of prosecution of those who commit them',
 - (y) prescribing the fines to be paid in respect of compounded offences"
- (ii) by deleting subsection (4) and substituting for it the following -

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Act No. 13 of 1977	The Civil Aviation Act	<p>"(4) (a) Any employee of the authority, authorised by name in that behalf by the Director General, or any police officer not below the rank of the inspector specifically authorised by name in that behalf by the Minister, may compound any offence under this Act or regulations.</p> <p>(b) All fines imposed for any offence under this Act or regulations made under it, shall be paid to the funds of the Tanzania Civil Aviation Authority.</p> <p>(c) Where an offence is compounded in accordance with the provisions of paragraph (a) and any proceedings are brought against the offender for the same offence, it shall be a good defence for such offender to prove to the satisfaction of the court that the offence with which he is charged has been compounded under paragraph (a)"</p> <p>J. In section I I as renumbered by repealing subsections (2) to (8);</p> <p>K. In section 12 as renumbered by repealing the section and substituting the following-</p> <p>"Trespassing of an aerodrome</p> <p>14. (1) Any proprietor of an aerodrome shall ensure that no person or animal trespasses on any land forming part of an aerodrome licensed in pursuance of the regulations made under this Act, and shall ensure that notices warning trespassers are posted so as to be readily seen and read by members of the public.</p>

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
Act No. 13 of 1977	The Civil Aviation Act	<p>(2) In this section, the expression "proprietor of an aerodrome" means, in the case of a licensed aerodrome, the person entitled to carry on the business of the aerodrome. and in the case of a Government aerodrome the officer-in-charge thereof. "</p>
		L- in part VII-
		(i) by adding the following New Part immediately below that part:-
		"PART VIII
		NATIONAL AIR TRANSPORT FACILITATION PROGRAMME, NATIONAL AIR TRANSPORT FACILITATION COMMITTEE AND AIRPORT FACILITATION COMMITTEES
	National Air Transport Facilitation Programme	20. There shall be a National Air Transport Facilitation Programme organised by the Tanzania Civil Aviation Authority for the purpose of implementing the relevant articles of the Chicago Convention.
	National Air Transport Facilitation Committee	21. There shall be a National Air Transport Facilitation Committee organised by the, Tanzania Civil Aviation Authority.

FIRST COLUMN
Act No. 13 of 1977

SECOND COLUMN
The Civil Aviation Act

Functions
of the Air
Transport
Facilitation
Committee

Composi-
tion of the
National
Air Trans-
port Facili-
tation Co-
mmittee

THIRD COLUMN

22. Functions of the National Air Transport Facilitation Committee shall include:

- (a) to implement the National Air Transport Facilitation Programme;
- (b) to review questions of policy in relation to clearance formalities applied to international air transport services,
- (c) to consider recommendations made by Airport Facilitation Committees established at international airports; and, in turn, refer matters to Airport Transport Facilitation Committees for attention,
- (d) to make recommendations to the departments, competent authorities and other organizations concerned with the National Air Transport Facilitation Programme;
- (e) to keep the departments, competent authorities and other organizations concerned informed of significant developments in the field of international civil aviation in so far as they affect operations into and out of the United Republic.

23. The National Air Transport Facilitation Committee shall be composed of senior officials representing the main interests concerned with facilitation, clearance agencies (immigration, customs, public health, agriculture, security and narcotics control), tourism, trade, Ministry of Communications and Transport, Ministry of Foreign Affairs and operators including ground handling service providers and forwarders, as required.

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Every International Airport to have Airport Facilitation Committee

Functions of the Airport Facilitation Committee at the Airport level

Act No. 5 of 2000

The Muhimbili National Hospital Act

24. There shall be Airport Facilitation Committees at every **international airport in the United Republic.**

25. Functions of the Airport Facilitation Committee shall include:

- (a) to implement the National Air Transport Facilitation Programme at the airport level,
 - (b) to examine problems arising in connection with the clearance of aircraft, passengers, baggage, cargo, mail and stores and to effect, if possible, immediate solutions to the problems which may arise at the international airport concerned,
 - (c) to make recommendations, as appropriate, to the department, ministry or authority concerned, or to the National Air Transport Facilitation Committee for the implementation of proposals which cannot be effected by the Air Transport Facilitation Committee; and
 - (d) to inform the National Air Transport Facilitation Committee of action taken and recommendations made by forwarding copies of the minutes of all Committee meetings."
- (ii) by renumbering sections 18 to 25 as sections 26, to section 33 respectively

M- By renaming the original PART VIII as

PART IX

The Act is amended in section 27 by deleting the words "twelve months" appearing in the second line of subsection (1) and substituting the words "twenty four months";

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FIRST COLUMN	SECOND COLUMN		THIRD COLUMN
Act No. 25 of 1994	The Parole Boards Act	Amendment of section 4	<p>Section 4 of the Act is amended by-</p> <p>(a) by deleting paragraph (b) of subsection (3) of section 3 and substituting for it the following; "(b) the State Attorney incharge of the Zone or his representative in which that region is situated";</p> <p>(b) deleting the word "eight" which appears in the second line of that section and substituting for it the word "four";</p> <p>(c) deleting the whole of paragraph (b) and substituting for it the following- "(b) he is not serving a sentence for the offence of armed robbery, dealing in dangerous drugs, rape or defilement";</p> <p>(d) deleting paragraph (d) and substituting for it the following- "(d) he has served one third of his sentence for any other offence other than those stipulated in paragraph (b)"</p> <p>(e) deleting the full-stop at the end of paragraph (f) and</p> <p>(f) by adding after paragraph (f) the following paragraph- "(g) the sentencing court does not prohibit the grant of parole under section 167 of the Criminal Procedure Act, 1985."</p>
Act No. 9 of 1985	The Criminal Procedure Act	Amendment of section 167	<p>Section 167 of the Act is amended by adding immediately after subsection (2) the following new subsection - "(3) Where a court is passing sentence under subsection (1), it may prohibit the grant of parole to a prisoner and shall indicate the reasons for such prohibition."</p>

Passed in the National Assembly on 6th February, 2002

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Clerk of the National Assembly