

THE UNITED REPUBLIC OF TANZANIA

ACT SUPPLEMENT

No. 16

18th November, 2016

to the Gazette of the United Republic of Tanzania No. 48 Vol 97 dated 18nd November, 2016

Printed by the Government Printer, Dar es Salaam by Order of Government

THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) (NO .3)
ACT, 2016

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THE UNITED REPUBLIC OF TANZANIA



NO. 13 OF 2016

I ASSENT,

JOHN POMBE JOSEPH MAGUFULI,
President[16th November, 2016]

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. 3) Act, 2016.

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 CIVIL AVIATION ACT,
(CAP. 80)Construction
Cap. 80

3. This Part shall be read as one with the Civil Aviation Act, hereinafter referred to as the “principal Act”.

and explanation.”

Amendment of section 26

7. The principal Act is amended in section 26, by adding a new subsection (7) immediately after subsection (6) as follows:

“(7) In providing air navigation services, the Authority shall ensure that a clear distinction and separation between its regulatory and operational functions is maintained.”

PART III

AMENDMENT OF THE ENVIRONMENTAL MANAGEMENT ACT, (CAP.191)

Construction Cap. 191

8. This Part shall be read as one with the Environmental Management Act, hereinafter referred to as the “principal Act”.

Amendment of section 16

9. The principal Act is amended in section 16, by adding immediately after subsection (2) the following new subsections:

“(3) Notwithstanding the provisions of this section, the Attorney General shall have the right to intervene in any suit or matter instituted by, or against the Council.

Cap. 5

(4) Where the Attorney General intervenes in any matter pursuant to subsection (3), the provisions of the Government Proceedings Act shall apply in relation to the proceedings of that suit or matter as if it had been instituted by, or against the Government.

(5) For the purposes of subsections (3) and (4), the Council shall have a duty to notify the Attorney General of any pending suit or intention to institute a suit or matter by, or against the Council.”

Amendment of
section 42

10. The principal Act is amended in section 42,
by adding immediately after subsection (2) the following:
“(3) Local government authorities shall
submit to the Minister environmental action
plans prepared in respect of their areas of
jurisdiction.”

Amendment of
section 57

11. The principal Act is amended in section 57,
by-

(a) adding immediately after subsection (1) the
following new subsections:
“(2) For the purposes of subsection (1),
the computation of sixty meters shall be
reckoned:
(a) in the case of ocean or a natural lake,
from the highest water mark; and
(b) in the case of rivers, water dams or
reservoirs, from the banks.
(3) In this section, “highest water mark”
means the level reached by sea or lake water at
high tide.
(b) renumbering subsection (2) as subsection (4).”

Amendment of
section 184

12. The principal Act is amended in section 184
by -

(a) designating its contents as subsection (1);
(b) deleting paragraph (a) appearing in
subsection (1) as designated and substituting
for it the following -
“(a) fails or refuses to conduct an
Environmental Impact Assessment
study in respect of a project for which
the assessment is mandatory,
commits an offence;”

(c) adding immediately after subsection (1) as designated the following-

(2) Where the offence committed is that of failing or refusing to conduct an Environmental Impact Assessment study, the offender shall, upon conviction, be liable to a fine of not less than five million shillings but not exceeding one billion shillings or to imprisonment for a term of not less than two years but not exceeding seven years or to both.”

Amendment of
section 187

13. The principal Act is amended in section 187(1), by deleting the words “not less than three million shillings but not exceeding fifty million shillings” and substituting for them the words “not less than five million shillings but not exceeding ten billion shillings”

Amendment of
section 191

14. The principal Act is amended in section 191, by deleting the words “fifty million” and substituting for them the words “one billion”.

Amendment of
Fourth Schedule

15. The principal Act is amended in paragraph 1 of the Fourth Schedule, by adding the following subparagraph:

“(3) The Board of Trustees may invite any person who is not a member to participate in the deliberations of any meeting of the Board of Trustees, but any person so invited shall not be entitled to vote.”