

THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) (NO. 2)
ACT, 2009

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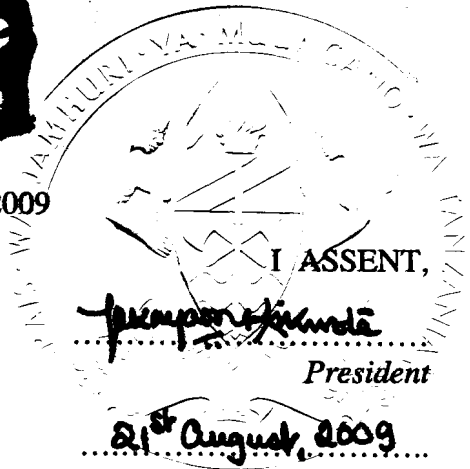
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THE UNITED REPUBLIC OF TANZANIA



NO. 17 OF 2009



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.2) Act, 2009.

Amendment of certain written laws

2. The Written Laws specified in various Parts of this Act are amended in the manner provided for in their respective Parts.

PART II
AMENDMENT OF THE LOCAL GOVERNMENT
(DISTRICT AUTHORITIES) ACT

Construc-
tion
Cap.287

3. This Part shall be read as one with the Local Government (District Authorities) Act, hereinafter referred to as the "principal Act".

Amend-
ment of
Section 30

4. The principal Act is amended in section 30 by deleting subsection (4) and substituting for it the following new subsection:

“(4) Every Kitongoji shall have a Chairman who shall be elected by all adult members of the Kitongoji in accordance with the Regulations made by the Minister.”

Amend-
ment of
section 56

5. The principal Act is amended in section 56 by repealing it and substituting it for the following:

“Village
Council

56.-(1) There shall be established a village Council in each village which shall be composed of not more than twenty five members elected from amongst residents of all Vitongoji in the Village as follows:

- (a) Chairman to be elected by all residents within the village;
- (b) the Chairman of all the Vitongoji within the Village;
- (c) such other Members to be elected in accordance with Regulations made by the Minister, provided that not less than one third of the total number of all the Members of the Village Council shall be women;

(2) The Village Executive Officer shall be the Secretary to the Village Council.

(3) The election of the Chairman and the Village Council shall be according to such Regulations as may be made by the Minister.”

Amend-
ment of
section 57

6.-(1) The principal Act is amendment in section 57 by repealing it and substituting for it the following:

“Procedure
for conduct
of elections

57-(1) As soon as practicable after the registration of a Village, the election authority in the district where the village is situated shall issue a notice to the general public and set a date for election for the purpose of conducting election in accordance with Regulations made by the Minister.

(2) The election summoned and conducted under subsection (1) shall be conducted in all Vitongoji within the village in accordance with the regulations made by the Minister.

(3) Upon expiry of five years from date when the election was conducted, the executive director in the district which the village is situated or any person appointed by the director to be the assistant returning officer shall in a manner prescribed by the Minister in the Regulations, issue public notice with the intention to conduct election.”

Amend-
ment of
section
146

7. The principal Act is amended in section 146 by repealing it and substituting the following:

“Role of
the
village
assembly
on
matters
related to
elections

146.-(1) A village assembly shall be the supreme authority on all matter of general policy-making in relation to the affairs of the village, except election related matters which shall be dealt with in accordance with regulations made by the Minister.

(2) Removal of any member or all members of the village council shall be done accordance to the Regulations made by the Minister.

(3) For better performance of all functions or any other matter in the village, other than elections, the village assembly shall perform such functions or any other matter in accordance with the provisions of this Act or any other written laws.

Addition
of section
201A

8. The principal Act is amended by adding after section 201 the following new subsection:

“Regula-
tions

201A.-(1) The Minister may make Regulations for better carrying of the provisions and purposes of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister shall make Regulations prescribing the procedure for the election of-

(a) the Chairman and Members of the Village Council; and

(b) the Chairman of the Kitongoji.”

PART III

AMENDMENT OF THE LOCAL GOVERNMENT (URBAN AUTHORITIES) ACT

Construc-
tion
Cap.288

9. This Part shall be read as one with the Local Government (Urban Authorities) Act, herein after referred to as the “principal Act”.

Amend-
ment of
section 16

10. The principal Act is amended in section 16 by deleting subsection (4) and substituting for it the following new subsection:

“(4) Every Mtaa or Village shall have a Chairman who shall be elected by all adult members of the Mtaa or Village in accordance to the Regulations made by the Minister.”

Amend-
ment of
section 17

11. The principal Act is amended in section 17 by deleting the phrase “in accordance with such procedures as may be prescribed by the Minister” appearing in subsection (1).

Amend-
ment of
section 18

12. The principal Act is amended in section 18 by deleting subsection (2) and substituting for it the following new subsection:

“(2) Every Kitongoji shall have a Chairman who shall be elected by all adult members of the Kitongoji.”

Amend-
ment of
section 19

13. The principal Act is amended in section 19 by:

(a) repealing paragraphs (a)(b)(c) and (d) of subsection (2) and substituting for them the following paragraphs:

“ (a) the Chairman to be elected in accordance with the Regulations made by the Minister;

(b) the Chairman of all the Vitongoji within the village;

(c) such other members to be elected in accordance with Regulations made by the Minister of whom not less than one third of the total number of all the members of the village council shall be women; and

(d) the village executive officer who shall be the secretary to the Village Council.”

(b) repealing subsection (3),(4) and (5) and substituting for them the following:

“(3) The election of the Village Council shall be conducted according to procedures prescribed in Regulations made by the Minister.

(4) After the expiry of five years from the date when the village Council was elected under subsection (2), the director of an urban Council in which the village is situated, or any other person appointed by the director to be the assistant returning officer, shall, in manner prescribed by the Minister in the Regulations issue a public notice with the intention to conduct election.”

Addition
of section
87A

14. The principal Act is amended in Part VI by adding immediately after the heading "LEGISLATIVE POWERS" the following new section:

"Regulations

87A.-(1) The Minister may make Regulations for better carrying of the provision and purposes of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make Regulations prescribing the procedure for the election of-

- (a) the Chairman and members of Village Council;
- (b) the Chairman and members of Mtaa Committee; and
- (c) the Chairman of Kitongoji."

PART IV

AMENDMENT OF THE TERRITORIAL SEA AND EXCLUSIVE ECONOMIC ZONE ACT

Construction
Cap. 238

15. This Part shall be read as one with the Territorial Sea and Exclusive Economic Zone Act, hereinafter referred to as the "principal Act".

Amendment of
section 3

16. The principal Act is amended in section 3 by deleting the words "low-waterlines" appearing in subsection (2) and substituting for them the words "base line".

Amendment of
Section 5

17. The principal Act is amended by repealing section 5 and substituting for it the new section:

"Baseline
of
territorial
sea

5. The baseline from which the breadth of the territorial sea of the United Republic is measured shall be the low-water line or straight base-lines where there are-

- (a) bays or deltas; or
 - (b) fringe of islands or reefs,
- along the coast of the United Republic including

the coast of all islands, as marked on a large-scale chart or map officially recognized by the Government of the United Republic.”

Amend-
ment of
section 14

18. The principal Act is amended in section 14 by deleting in subsection (4) the phrase “a magistrates’ court” and substituting for it the phrase “the High Court”.

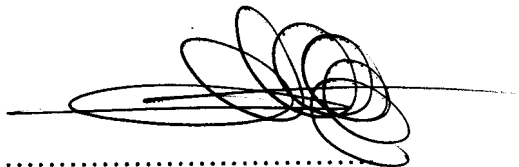
Amend-
ment of
section 18

19. The principal Act is amended by -

- (a) designating section 17 as subsection (1) of that section; and
- (b) adding the following new provision after subsection (1):

“(2) Unless the Director of Public Prosecutions directs otherwise, offences under this Act shall be tried by the High Court.”

Passed in the National Assembly on the 31st July, 2009.



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Clerk of the National Assembly