

THE UNITED REPUBLIC OF TANZANIA

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ACT SUPPLEMENT

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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) ACT,
2024

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THE UNITED REPUBLIC OF TANZANIA



NO. 4 OF 2024

I ASSENT

SAMIA SULUHU HASSAN
President

7th March, 2024

An Act to amend certain written laws.

ENACTED by the 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) Act, 2024.

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 ELECTRONIC TRANSACTIONS ACT,
(CAP. 442)

Construction Cap. 442 3. This Part shall be read as one with the Electronic Transactions Act, hereinafter referred to as the “principal Act”.

Amendment
of section 3

4. The principal Act is amended in section 3 by inserting in their appropriate alphabetical order the following definitions:

““certificate” means a trusted digital identity used to identify users, servers or things when communicating over untrusted networks, to sign code or documents and to encrypt data or communication;

“Root Certification Authority” means the certification authority which issues certificates to other subordinate certification authorities;

“subscriber” means a person who is the subject named or identified in an electronic certificate;”.

Amendment
of section 6

5. The principal Act is amended in section 6 by adding immediately after subsection (3) the following:

“(4) The procedures for determining the authenticity of electronic signatures shall be prescribed in the regulations.”.

Amendment
of section 7

6. The principal Act is amended in section 7, by-

(a) designating the content of section 7 as subsection (1); and

(b) adding immediately after subsection (1) as designated the following:

“(2) The procedures for ascertaining the secure nature of an electronic signature shall be prescribed in the regulations.”.

Amendment
of section 34

7. The principal Act is amended in section 34, by-

(a) deleting paragraph (d) and substituting for it the following:

“(d) resolve conflict between cryptographic, certification service providers and subscribers;

(e) specify the qualifications and experience which employees of certification authority shall possess;

- (f) recognise foreign certification authorities; and”;
- (b) renaming paragraph (e) as paragraph (g).

Addition of sections 35A and 35B

8. The principal Act is amended by adding immediately after section 35 the following:

“Root Certification Authority

35A.-(1) The Minister may, by notice published in the *Gazette*, appoint a Government institution under the Ministry responsible for information and communication technology to be a Root Certification Authority for purposes of this Act.

(2) The Root Certification Authority shall perform the following functions:

- (a) exercise supervision over activities of certification authorities;
- (b) approve certificate signing requests of certification authorities;
- (c) prescribe conditions subject to which certification authorities shall conduct their business;
- (d) specify contents of materials and advertisements which may be distributed or used in respect of a certificate;
- (e) prescribe the form and content of a certificate;
- (f) prescribe the form and manner in which accounts shall be maintained by certification authorities;
- (g) prescribe terms and conditions subject to which certification service auditors may be appointed;

- (h) facilitate the establishment and regulation of an electronic system by a certification authority;
- (i) prescribe the manner in which certification authorities shall conduct their dealings with subscribers;
- (j) maintain a database of disclosure records of certification authorities; and
- (k) perform such other functions as may be required under this Act.

Certification
authorities

35B.-(1) The Minister may, by notice published in the *Gazette*, appoint such number of certification authorities as he deems fit:

Provided that, where a certification authority appointed under this section is a private entity, the Minister shall comply with tendering process pursuant to the relevant laws.

(2) A certification authority shall perform the following functions:

- (a) manage the lifecycle of certificates;
- (b) validate the identity of a subscriber who requests for a certificate before issuance;
- (c) ensure confidentiality, integrity, availability, authentication and non-repudiation of certificate services;
- (d) keep and maintain accurate and complete information of certification service status;

- (e) operate and manage certification system, facilities and equipment in a safe and secure manner to assure validity and stability of issued certificate; and
 - (f) control risks associated with certification services.
- (3) In the performance of its functions, the certification authority shall-
- (a) use hardware, software and procedures which are secure from intrusion and misuse;
 - (b) ensure reliability of its services;
 - (c) adhere to security procedures to ensure that the secrecy and privacy of electronic signatures are assured; and
 - (d) comply with standards issued by the regulator.”.

PART III
AMENDMENT OF THE NATIONAL INDUSTRIES
(LICENSING AND REGISTRATION) ACT,
(CAP. 46)

Construction
Cap. 46

9. This Part shall be read as one with the National Industries (Licensing and Registration) Act, hereinafter referred to as the “principal Act”.

Amendment
of section 2

- 10.** The principal Act is amended in section 2-
- (a) by deleting the definition of the term “industry” and substituting for it the following:
 - ““industry” means any factory in which an individual, group of persons or entity produces goods;”;
 - (b) in the definition of the term “Registrar”, by inserting the words “Deputy Registrar and” between the words “includes” and “Assistant”.

- Amendment of section 3
- 11.** The principal Act is amended in section 3(1) by deleting the marginal note and substituting for it the following:
“Registrar, Deputy Registrar and Assistant Registrars”.
- Amendment of section 4
- 12.** The principal Act is amended in section 4 by deleting the words “or an Assistant Registrar”.
- Amendment of section 10
- 13.** The principal Act is amended in section 10, by-
- (a) designating the contents of section 10 as subsection (1); and
 - (b) adding immediately after subsection (1) as designated the following:
“(2) The Board shall perform the following functions:
 - (a) to supervise the performance of the Registrar;
 - (b) to evaluate quarterly reports submitted by the Registrar;
 - (c) to issue directives to the Registrar for better carrying out the purpose of this Act;
 - (d) to advise the Minister on development of industrial sector; and
 - (e) to perform such other functions which are necessary or expedient for the proper discharge of the purpose of this Act.
- (3) The Board may from among its members, appoint such number of committees as it deems necessary for purposes which, in the opinion of the Board, would be better administered through committees.”.
- Repeal and replacement of section 11
- 14.** The principal Act is amended by repealing section 11 and replacing for it the following:
“Appointment and composition of Board
- 11.**-(1) The Minister shall, after consultation with the Minister responsible for industries in Tanzania

Zanzibar, appoint members of the Board.

(2) The Board shall consist of the following members:

- (a) a Chairman who shall be a person with knowledge and experience in industries matters;
- (b) a Law Officer representing the Attorney General;
- (c) one member from the Ministry responsible for industries in Mainland Tanzania;
- (d) one member from the Ministry responsible for industries in Tanzania Zanzibar;
- (e) one member representing the Tanzania Chamber of Commerce, Industries and Agriculture;
- (f) one member representing the Zanzibar National Chamber of Commerce;
- (g) one member representing the association of industries;
- (h) one member representing the authority responsible for small and medium industries in Mainland Tanzania; and
- (i) one member representing the authority responsible for small and medium industries in Tanzania Zanzibar.

(3) The Registrar shall be the Secretary to the Board.

(4) The tenure and other proceedings of the Board shall be as provided in the Shedule.

(5) The Minister may, by order published in the *Gazette*, amend the Schedule.”.

Repeal of section 12
15. The principal Act is amended by repealing section 12.

Repeal and replacement of section 13
16. The principal Act is amended by repealing section 13 and replacing for it the following:

“Industrial licence
13.-(1) A person who intends to establish an industry shall apply to the Registrar for an industrial licence in a manner prescribed in the regulations.

(2) A person who establishes an industry without a licence commits an offence.”.

Repeal of sections 14, 15 and 16
17. The principal Act is amended by repealing sections 14, 15 and 16.

General amendment
18. The principal Act is amended generally by-
(a) deleting the word “Board” wherever it appears in sections 17, 18, 19, 20, 22 and 25 and substituting for it the word “Registrar”; and
(b) deleting the words “it” and “its” wherever they appear in sections 19, 20 and 22 and substituting for them the words “he” and “his” respectively.

Repeal of section 21
19. The principal Act is amended by repealing section 21.

Repeal and replacement of section 23
20. The principal Act is amended by repealing section 23 and replacing for it the following:

“Functions of Registrar
23. The Registrar shall perform the following functions:

- (a) approve and grant industrial licence and certificate of registration;
- (b) approve the transfer of industrial licence or certificate of registration;
- (c) carry out regular inspection in respect of adherence to the provisions of this Act;
- (d) prepare and maintain the register of industries;
- (e) prepare and submit quarterly reports to the Board; and
- (f) carry out any other function as may be directed by the Board.”.

Amendment of section 26

21. The principal Act is amended in section 26 by deleting the words “ten hundred thousand shillings” and substituting for them the words “one million shillings”.

Amendment of section 29

22. The principal Act is amended in section 29, by-

- (a) deleting paragraphs (f) and (g) and substituting for them the following:
 - “(f) prescribing conditions for licences and certificates of registration;
 - (g) prescribing the manner for appointment of industrial inspectors under this Act;”;
- (b) deleting subsection (2); and
- (c) designating the contents of subsection (1) as section 29.

Addition of Schedule

23. The principal Act is amended by adding immediately after section 29 the following Schedule:

“ _____

SCHEDULE

(Made under section 11(4))

TENURE AND OTHER PROCEEDINGS OF THE BOARD

- Power to co-opt 1. The Board may co-opt any person to attend its meetings for the purposes of rendering technical advice but such person shall have no right to vote.
- Tenure of office 2.-(1) A member of the Board shall hold office for a period of three years from the date of his appointment and may be eligible for re-appointment for one further term.
(2) A member of the Board may resign by giving a one month's notice in writing to the Minister.
(3) Where a member of the Board ceases to hold an office in respect of which he was appointed, he shall cease to be a member of the Board and the appointing authority shall fill the vacancy accordingly.
- Vice-Chairman 3. Members of the Board shall elect one among them to be a Vice- Chairman:
Provided that, where the Chairman hails from one part of the Union, the members of the Board shall elect a Vice- Chairman from among members hailing from the other part of the Union.
- Meetings of Board 4.-(1) The Board shall meet at least four times annually for the transaction of its business.
(2) The Board may hold an extraordinary meeting at any time where necessity requires if requested in writing by half of the members.
(3) The Secretary of the Board shall give to each member adequate notice of the time and place of each meeting.
(4) Where at any meeting of the Board the Chairman is absent, the Vice-Chairman shall preside over such meeting.
(5) In the absence of both the Chairman and the Vice-Chairman at any meeting of the Board, the members present shall elect one person from amongst their number to be a temporary Chairman who shall preside at such meeting.

(6) All matters considered by the Board shall, in the event of a difference of opinion, be decided by votes of a majority of members present at any meeting, and in the event of an equality of votes, the Chairman or person presiding over the meeting shall have a casting vote in addition to his deliberative vote.

Quorum for meetings

5.-(1) The quorum at any meeting of the Board shall be half of the members.

(2) A decision may be made by the Board without a meeting by circulation of relevant papers among all members and the expression in writing of their views, but any member shall be entitled to require that any such decision shall be deferred until the subject matter is considered at a meeting of the Board.

Minutes of meetings

6.-(1) The Secretary shall record and keep minutes of business conducted or transacted at all meetings and the minutes of each meeting of the Board shall be read and confirmed or amended and confirmed, at the next meeting of the Board.

(2) Minutes of the Board signed by the Chairman or the person presiding over the meeting and the Secretary shall, in the absence of proof of error, be deemed to be a correct record of the meeting to which the minutes relate.

Fees and allowance

7. Members of the Board shall be paid such remunerations, fees and allowances as may be determined by the relevant authority.

Procedures of Board

8. The Board shall regulate its own proceedings.”.

PART IV
AMENDMENT OF THE PUBLIC AUDIT ACT,
(CAP. 418)

Construction
Cap. 418

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

Amendment
of section 3

25. The principal Act is amended in section 3 by deleting the definition of the term “public authority”.

PART V
AMENDMENT OF THE TANZANIA INVESTMENT ACT,
(CAP. 38)

Construction
Cap. 38

26. This Part shall be read as one with the Tanzania Investment Act, hereinafter referred to as the “principal Act”.

Amendment
of section 19

27. The principal Act is amended in section 19(1) by deleting the words “na kinga”.

Addition of
section 29A

28. The principal Act is amended by adding immediately after section 29 the following:

“Hadhi ya
mwekezaji wa
kigeni

29A.-(1) Kwa kuzingatia masharti ya Sheria hii, sheria nyingine za nchi, mikataba na makubaliano ya kimataifa ambayo Tanzania ni Nchi Mwanachama, mwekezaji wa kigeni atapata fursa sawa na ile anayostahili kupata mwekezaji Mtanzania kuhusiana na uanzishaji, utwaaji, uendelezaji, usimamizi, uendeshaji na uuzaji au uondoshaji mwingine wa uwekezaji ndani ya nchi.

(2) Kwa kuzingatia masharti ya Sheria hii, Sheria nyingine za nchi, mikataba na makubaliano ya kimataifa ambayo Tanzania ni Nchi Mwanachama, mwekezaji wa kigeni hatabaguliwa kwa misingi ya uraia wake, eneo la makazi au mahali alipoandikishwa au kusajiliwa au nchi ya asili ya uwekezaji.

(3) Masharti ya kifungu hiki hayatafafsiriwa-

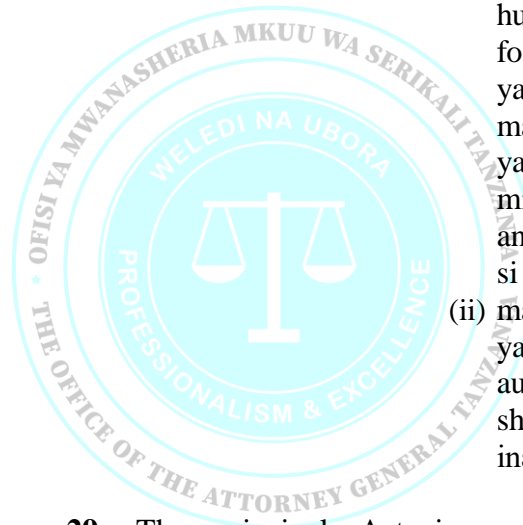
(a) kuizuia Serikali kuchukua hatua za udhibiti au hatua nyingine ili kulinda maslahi ya umma, kama vile maadili

ya umma, afya ya umma, usalama na ulinzi wa mazingira;

- (b) kuizuia Serikali kuchukua jitihada zozote za kuwawezesha wawekezaji wa ndani;
- (c) kuilazimisha Serikali kutoa kwa mwekezaji wa kigeni na uwekezaji wake manufaa ya matibabu, upendeleo au fursa yoyote iliyomo katika-

- (i) eneo lolote la biashara huria, umoja wa forodha, makubaliano ya soko la pamoja, makubaliano yoyote ya kimataifa au mipango ambayo nchi anayotoka mwekezaji si mshirika; au

- (ii) makubaliano yoyote ya kimataifa yaliyopo au ya siku zijazo au sheria ya ndani inayohusu ushuru.”.



Addition of section 32A

29. The principal Act is amended by adding immediately after section 32 the following:

“Utaratibu wa utatuzi wa malalamiko

32A.-(1) Endapo mwekezaji hakuridhishwa na mwenendo, kitendo au uamuzi wa taasisi ya Serikali kuhusu masuala ya uwekezaji, anaweza kuwasilisha maombi katika Kituo kwa ajili ya utatuzi wa malalamiko yake.

(2) Maombi kwa mujibu wa kifungu kidogo cha (1) hayataathiri haki nyingine za kisheria za mwekezaji katika kutafuta utatuzi wa kisheria wa malalamiko.

(3) Kituo kitachunguza na kufanya tathmini ya malalamiko na kuchukua hatua stahiki zinazokubalika na pande zote kutatua malalamiko husika.

(4) Utaratibu wa utatuzi wa malalamiko utazingatia misingi ya haki, uwazi na uzingatiaji wa sheria, na taasisi zote husika zitalazimika kushirikiana na Kituo katika jitihada zake za kutafuta suluhisho linalokubalika kwa pande zote.

(5) Kituo kitatakiwa kutatua malalamiko ndani ya siku thelathini kuanzia tarehe ya kupokea malalamiko hayo.

(6) Endapo mlalamikaji hakuridhishwa na uamuzi wa Kituo au kwa namna nyingine yoyote, hakuridhishwa na namna ambavyo Kituo kinashughulikia malalamiko hayo, anaweza kuwasilisa malalamiko hayo kwa Waziri kwa utatuzi.

(7) Taarifa na nyaraka zilizopokelewa na Kituo wakati wa utaratibu wa utatuzi wa malalamiko zitachukuliwa kuwa siri.

(8) Waziri anaweza, kwa kushauriana na Bodi, kutengeneza kanuni kwa ajili ya kuweka taratibu za utatuzi wa malalamiko ya wawekezaji.”.

Passed by the National Assembly on the 2nd February, 2024

NENELWA JOYCE MWIHAMBI
Clerk of the National Assembly