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ACT SUPPLEMENT

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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) (NO. 3) ACT, 2021

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THE UNITED REPUBLIC OF TANZANIA



NO.5 OF 2021

I ASSENT

SAMIA SULUHU HASSAN
President[28th September, 2021]**An Act to amend certain written laws.****ENACTED** by the Parliament of the United Republic of Tanzania.PART I
PRELIMINARY PROVISIONSShort
title**1.** This Act may be cited as the Written Laws (Miscellaneous Amendments) (No. 3) Act, 2021.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 ADVOCATES ACT,
(CAP. 341)Construction
Cap. 341**3.** This Part shall be read as one with the Advocates Act, hereinafter referred to as the “principal Act”.

Amendment
of section 2

4. The principal Act is amended in section 2 by deleting the definition of the term “Committee” and substituting for it the following:

““Committee” means the National Advocates Committee established under section 4;”.

Amendment
of heading to
PART II

5. The principal Act is amended in the heading to PART II by deleting the word “COMMITTE” and substituting for it the word “COMMITTEES”.

Amendment
of section 4

6. The principal Act is amended in section 4, by-
(a) deleting the marginal note and substituting for it the following:

“Establishment of National Advocates Committee”; and

(b) inserting the word “National” before the word “Advocates”.

Addition of
sections 4A
and 4B

7. The principal Act is amended by adding immediately after section 4 the following:

“Establishment
of Regional
Advocates
Committees

4A.-(1) There is established in each Region, the Regional Advocates Committee which shall be composed of-

- (a) the High Court Registrar of the Zone where the High Court is situated who shall be a Chairman;
- (b) the State Attorney in-charge or the Regional Prosecution Officer;
- (c) a Chapter Convener of Tanganyika Law Society in the region.

(2) The Regional Advocates Committee may appoint any public officer who has requisite knowledge in law to be a secretary to the Regional Advocates Committee.

(3) Two members of the Regional Advocates Committee, one of whom shall be a State Attorney in-charge or Regional Prosecution Officer, shall form a quorum.

(4) A person who complains against an advocate shall file the complaint with the secretary to the Regional Advocates Committee.

(5) The secretary to the Regional Advocates Committee shall upon receipt of a complaint under subsection (4), forward that complaint to the Judge in-charge of the zone in which, that region is situated.

Powers of
Regional
Advocates
Committee

4B.-(1) The Regional Advocates Committee shall have jurisdiction to hear and determine-

- (a) any application by an advocate to procure the removal of his name from the Roll;
- (b) any application by any person to remove the name of any advocate from the Roll; or
- (c) any allegation of misconduct made against any advocate by any person.

(2) The procedure for hearing an application or allegation under section 13 shall *mutatis mutandis* apply to the hearing of application or allegation under this section.

(3) Where, upon determination of an application under this section, the Committee is of the

opinion that the appropriate measure is removal of the advocate's name from the roll, it shall forward the findings together with its recommendations to the National Advocates Committee for determination.

Rules of
Advocates
Committee

4C. The Chief Justice may make rules for better implementation of the provisions relating to Advocates Committees.”.

Amendment
of section 13

- 8.** The principal Act is amended in section 13(1), by-
- (a) deleting the word “or” appearing at the end of paragraph (b);
 - (b) inserting immediately after paragraph (b) the following:
 - “(c) appeals from the Regional Advocates Committee;
 - (d) any other matter referred to it by the Regional Advocates Committee; or”;
 - (c) renumbering paragraph (c) as paragraph (e).

PART III
AMENDMENT OF THE BIRTHS AND DEATHS REGISTRATION ACT,
(CAP. 108)

Construction
Cap. 108

9. This Part shall be read as one with the Births and Deaths Registration Act, hereinafter referred to as the “principal Act”.

Amendment
of section 17

- 10.** The principal Act is amended in section 17, by-
- (a) designating the contents of section 17 as subsection (1); and
 - (b) adding immediately after subsection (1) as designated the following:

“(2) Notwithstanding subsection (1), a death certificate shall be collected by the surviving spouse or child, or if for any reason the spouse or child is incapable of collecting the certificate, next of kin of the deceased.

(3) The Registrar General shall issue guidelines on the implementation of subsection (2).”.

Addition of
section 19A

11. The principal Act is amended by adding immediately after section 19 the following:

“Electronic
Register
and
system
interoperability

19A.-(1) Subject to sections 9 and 15 of this Act, the Registrar General shall, for the purpose of promoting cooperation, coordination, integration and interoperability with other identification and registration systems, keep and maintain the electronic Register of births and deaths.

(2) The Registrar General shall share and exchange registration information kept in the electronic Register of births and deaths with other public institutions mandated to identify and register persons.

(3) Where the Registrar General receives a validated registration information of persons extracted from the public institutions mandated to identify and register persons, such information shall be deemed to have been registered by the Registrar General in the electronic Register of births and deaths.

(4) The Minister may make regulations for better carrying out of the provisions of this section.”.

PART IV
AMENDMENT OF THE BUSINESS NAMES (REGISTRATION)
ACT,
(CAP. 213)

Construction
Cap. 213

12. This Part shall be read as one with the Business Names (Registration) Act, hereinafter referred to as the “principal Act”.

Amendment
of section 6

13. The principal Act is amended in section 6(1) by deleting paragraphs (d) and (e) and substituting for them the following:

“(d) where the registration to be effected is that of a firm, national identity number, correspondence address, the usual residential address of each of the individuals who are partners, and the corporate name and registered or principal office of every corporation which is partner;

(e) where the registration to be effected is that of an individual, National Identity Number, correspondence address and the usual residential address;”.

Amendment
of section 16

14. The principal Act is amended in section 16 by deleting the words “fifty thousand” and substituting for them the words “two hundred thousand”.

Amendment
of section 17

15. The principal Act is amended in section 17(1) by deleting the words “fifty thousand” and substituting for them the words “two hundred thousand”.

Repeal and
replacement

16. The principal Act is amended by repealing section 19 and replacing for it the following:

- of section 19 “Register of business names **19.**-(1) There shall be a register of business names, to be kept by the Registrar, wherein shall be entered the names of firms and persons registered under this Act.
(2) Each business name shall be identified by a registration number assigned to it by the Registrar.”.
- Amendment of section 22 by- **17.** The principal Act is amended in section 22,
(a) adding the words “and certificates” immediately after the word “forms” appearing in paragraph (b);
(b) adding immediately after paragraph (b) the following:
 “(c) the modality of making online application for registration, updating of business names and any other online transactions relating to business names;” and
(c) renaming paragraphs (c) and (d) as paragraphs (d) and (e).
- Repeal and replacement of section 25 section **18.** The principal Act is amended by repealing section 25 and replacing for it the following:
 “General penalty **25.** A person who contravenes any provision of this Act for which no specific penalty is provided, commits an offence and shall, on conviction, be liable to a fine of not less than five hundred thousand shillings and not exceeding five million shillings or to imprisonment for a term not exceeding twelve months or to both.”.

PART V
AMENDMENT OF THE CIVIL AVIATION ACT,
(CAP. 80)

Construction
Cap. 80

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

Amendment
of section 2

20. The principal Act is amended in section 2, by-

(a) deleting the definition of the term “cargo” and substituting for it the following:

“cargo” means any property carried on an aircraft other than mail, stores and accompanied or mishandled baggage;”;

(b) deleting the definition of the term “security” and substituting for it the following:

““security” means safeguarding civil aviation against acts of unlawful interference through a combination of measures human and material resources;”;

(c) inserting in their appropriate alphabetical order the following new definitions:

““aircraft lien” means rights or interest conferred under section 22E;

“contracting states” means any state which is party to the Chicago Convention;

“state of registry” means the contracting state on whose registry an aircraft is placed;”.

Amendment
of Part II

21. The principal Act is amended by deleting the heading to Part II and substituting for it the following:

“PART II
ESTABLISHMENT OF CIVIL AVIATION
COMMITTEES”

Addition of
section 3A

22. The principal Act is amended by adding immediately after section 3 the following:

“Establishment of
National Civil
Aviation Security
Committee

3A.-(1) There shall be established a Committee to be known as the National Civil Aviation Security Committee.

(2) The functions of the Committee shall be to-

- (a) advise and coordinate aviation security activities between ministries, departments, agencies and other organisations in the United Republic airports and aircraft operators, air traffic service providers, regulated agents, ground handling service provider and other entities concerned with or responsible for the implementation of various aspects of the national civil aviation security programme; and
- (b) review the effectiveness of aviation security measures and recommend accordingly.”.

Amendment
of section 4

23. The principal Act is amended in section 4(2)-

(a) in paragraph (c), by-

- (i) deleting the word “or” appearing in subparagraph (i);
 - (ii) adding immediately after subparagraph (i) as amended the following:
“(ii) commercial or private transport; or”;
and
 - (iii) renaming subparagraph (ii) as (iii);
- (b) by inserting the words “the establishment of aircraft accidents and incidents prevention program and for” after the words “providing

- for the” appearing in paragraph (r);
- (c) by adding immediately after paragraph (ee) the following:
- “(ff) regulating operations of unmanned aircraft; and
- (gg) regulating transportation of dangerous goods by air.”; and
- (d) by deleting subsections (4), (5) and (6).

Repeal of
section 13

24. The principal Act is amended by repealing section 13.

Addition of
sections
22A, 22B,
22C, 22D
and 22E

25. The principal Act is amended by adding immediately after section 22 the following:

“Formal
agreements

22A. The Authority may enter into an agreement with another Authority of another contracting state for the implementation of any arrangements not otherwise inconsistent with the Chicago Convention and such agreement shall be registered with the International Civil Aviation Organization also known by its acronym ICAO.

Transfer of
certain
functions and
duties

22B-(1) Notwithstanding provisions relating to rules of the air, aircraft radio equipment, certificates of airworthiness and licensed personnel, when an aircraft registered in a contracting state is operated pursuant to an agreement for the lease, charter or interchange of the aircraft or any similar arrangement by an operator who has its principal place of business or, if he has no such place of business, its permanent residence in the United Republic, the Authority may, by agreement with State of Registry, transfer to itself all or part of functions and duties in respect of the aircraft, relating to the said rules of the air, aircraft radio equipment, certificates of airworthiness and licensed personnel,

as State of Registry.

(2) The Authority may, by agreement with such other State, accept all or part of the functions and duties relating to rules of the air, aircraft radio equipment, certificates of airworthiness and licensed personnel, as State of Registry in respect of such State's aircraft utilized by the United Republic operator.

(3) The transfer contemplated in subsection (1), shall not have effect in respect of other Contracting States before, either the agreement between States in which it is embodied has been registered with the International Civil Aviation Organisation and made public or the existence and scope of the agreement have been directly communicated to the authorities of the other Contracting State or States concerned by a State party to the agreement.

(4) The Authority shall, when an aircraft registered in a Contracting State is operated pursuant to an agreement under subsection (1), recognize the validity of licences and certificates issued by such Contracting State.

(5) Subject to subsection (4), the Authority shall recognize certificates of airworthiness, personnel licences issued or renewed by the State of Registry, radio licences and crew licences.

Appointment
of inspectors
and
enforcement
officer

22C. The Authority shall, for the purpose of ensuring aviation safety, security, consumer protection and for any other reasons for which the Authority deems appropriate for execution of its regulatory functions, appoint inspectors and enforcement officers as may be necessary.

Unmanned
aircraft

22D.-(1) An unmanned aircraft shall not be flown over the territory of the United Republic without a special authorization by the Authority and in accordance with the terms of such authorization.

(2) For the purposes of this section “unmanned aircraft” means an aircraft operated with no pilot on board.

Aircraft liens

22E. Subject to the provisions of this Act, the rights of a person with a court order and Government charges, relating to taxes or other unpaid charges, shall be secured by aircraft liens.”.

Amendment
of section 31

26. The principal Act is amended in section 31-
(a) in subsection (1) by-

(i) deleting subparagraph (i) appearing under paragraph (a) and substituting for it the following:

“(i) to issue, renew, vary, suspend and cancel licences, certificate, authorization and permits;”;

(ii) deleting paragraph (m) and substituting for it the following:

“(m) co-ordinate safety and security activities with other government departments, institutions and organizations;”.

Amendment
of section 42

27. The principal Act is amended in section 42(2),
by-

(a) deleting paragraph (a);

(b) renaming paragraph (b) as paragraph (a); and

(c) adding immediately after paragraph (a) as

renamed the following:

- “(b) plan, develop and formulate safe, secure and efficient utilization of the United Republic airspace;
- (c) acquire, establish and improve air navigation facilities;
- (d) promulgate, adopt, amend, vary rules, procedures, orders, circulars, notices, directives and aeronautical publications governing all aspects of civil aviation;
- (e) establish and maintain State Safety Programme;
- (f) establish a safety oversight system;
- (g) impose operating restrictions and sanctions on the operators or holders of aviation documents in the event of non-compliances with approval, licensing and certification requirements or unresolved safety and security deficiencies or concerns;
- (h) determine the technical and financial capability of a prospective operator to conduct the proposed operations; and
- (i) prohibit any aircraft from flying if a major defect or damage is found whilst within the United Republic.”.

Addition of
section 67A

28. The principal Act is amended by adding immediately after section 67 the following:

“Compounding
of offences

67A.-(1) Notwithstanding the provisions of this Act relating to penalties, where a person admits in writing that he has committed an offence under this Act, the Authority may, at any time prior to the commencement of the proceedings by a court of competent jurisdiction, compound such offence and order such person to pay a sum of money not exceeding one half of the amount of the

fine to which such person would otherwise have been liable to pay if he had been convicted of such offence.

(2) Where the person fails to comply with the compounding order issued under this section within the prescribed period, the Authority may, in addition to the sum ordered, require the person to pay an interest at commercial rate.

(3) Where the person fails to comply with subsection (2), the Authority may enforce the compounding order and interest accrued thereof in the same manner as a decree of a court.

(4) The Authority shall submit quarterly reports of all compounded offences under this section to the Director of Public Prosecutions.

(5) Forms and manner of compounding of offences shall be as prescribed in the regulations made under this Act.”.

PART VI
AMENDMENT OF THE COMPANIES ACT,
(CAP. 212)

Construction
Cap. 212

29. This Part shall be read as one with the Companies Act, hereinafter referred to as the “principal Act”.

Amendment
of section 3

30. The principal Act is amended in section 3, by-
(a) adding immediately after subsection (3) the following:

“(4) A person who intends to incorporate a company under subsection (1) shall, in the prescribed manner, provide the following particulars-

- (a) date of birth or date of incorporation or registration;
- (b) nationality or nationalities;
- (c) country of residence or country of incorporation or registration;
- (d) residential address or an address of registered office;
- (e) national identity number, registration or incorporation number;
- (f) Tax Payer Identification Number, where applicable; and
- (g) any other information as may be prescribed in the regulations.”; and

(b) renumbering subsection (4) as subsection (5).

Amendment
of section 14

31. The principal Act is amended in section 14(2), by deleting the phrase “name and address (or registered office, email address, telephone, fax numbers and websites (if any))” appearing in the opening phrase and substituting for it the following “National Identification Number, Tax Identification Number (in the case of Tanzanian Nationals), email, address, telephone, Passport (in the case of foreigners) and certificate of incorporation (in the case of a company incorporated outside Tanzania) and registered office, of”.

Addition of
section 83A

32. The principal Act is amended by adding immediately after section 83 the following:

“Notification
of transfer
and
transmission
of shares to
Registrar

83A.-(1) A company which has transferred or transmitted its shares shall, within twenty-eight days from the date of transfer or transmission, notify the Registrar in such a manner as may be prescribed in the regulations.

(2) The notification referred to under subsection (1) shall be attached with a copy of tax clearance certificate.”.

Amendment
of section
129

33. The principal Act is amended in section 129,
by-
(a) deleting paragraph (f); and
(b) renaming paragraph (g) as paragraph (f).

Amendment
of section
145

34. The principal Act is amended in section 145
by deleting the words “Two printed copies” appearing in
subsection (1) and substituting for them the words “A
copy”.

Amendment
of section
187

35. The principal Act is amended in section 187
by deleting subsection (2) and substituting for it the
following:

“(2) It shall be the duty of the directors-

- (a) in the case of a public company, to
take all reasonable steps to secure
a secretary, or each joint secretary
of the company who is a person
qualified as an advocate, certified
public accountant, auditor or such
other qualifications as the
Minister may prescribe in the
regulations; and
- (b) in the case of a private company,
to take all reasonable steps to
secure a secretary, or each joint
secretary of the company who
appears to them to have the
requisite knowledge and
experience of discharging the
functions of the secretary of a
private company.”.

Amendment
of section
194

36. The principal Act is amended in section 194,
by-
(a) deleting the words “and retirement of directors
over age limit” appearing in the marginal note;
(b) deleting the words “twenty one and or he has
attained the age of seventy” appearing in

- subsection (1) and substituting for them the words “eighteen years”;
- (c) deleting subsections (2), (3), (4), (5), (6) and (7); and
- (d) designating the contents of subsection (1) as section 194.

Amendment
of section
195

37. The principal Act is amended in section 195(1) by deleting the words “twenty-one or after he attained any retiring age” and substituting for them the words “eighteen years”.

Addition of
section 452A

38. The principal Act is amended by adding immediately after section 452 the following:

“Waive of late
filing fee

452A. The Minister in consultation with the Minister responsible for finance may, for the purpose of enabling effective and smooth operation of online registration system, by Notice published in the *Gazette*, waive fees associated with late filing of documents payable under the Act.”.

Addition of
section 455A

39. The principal Act is amended by adding immediately after section 455 the following:

“Keeping of
documents

455A. A company registered under this Act shall keep originals of the company’s filed documents for a period as the Minister may by regulations prescribe.”.

Addition of
section 458A

40. The principal Act is amended by adding immediately after section 458 the following:

“Verification
of documents

458A. The Registrar may, for the purpose of ascertaining the authenticity of facts lodged by a company, require verification of the facts in such a manner as he may consider appropriate.”.

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

Construction
Cap. 191

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

Repeal and
replacement
of section
194

42. The principal Act is amended by repealing section 194 and substituting the following:

“Compounding of
offences

194.-(1) Notwithstanding the provisions of this Act relating to penalties, where a person, corporate or unincorporated admits in writing that he has committed an offence under this Act, the Director General or an environmental inspector authorized by him in writing may, subject to the regulations made under subsection (7), at any time prior to the commencement of the proceedings by a court of competent jurisdiction and by notification prescribed in the regulations compound such offence and order such person to pay a sum of money together with all reasonable expenses the Council may have incurred in connection with the offence.

(2) Where an offence is compounded in accordance with subsection (1) and criminal 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 the offender is charged has been compounded under subsection (1):

Provided that, the provision of this subsection shall not apply to an application for forfeiture order under subsection (4).

(3) Where a person fails to comply with the order issued under subsection (1) within the prescribed period, the Director General may enforce the order in the same manner as a decree of a court for the payment of the amount stated in the notification.

(4) Notwithstanding the provisions of subsections (1), the Director General may, in addition to the fine imposed under subsection (1), apply to the Court pursuant to section 193 for forfeiture of any instrument, article, vehicle or other thing, if any, in respect of which the offence has been committed.

(5) The moneys charged under this section shall, unless otherwise directed by the Minister responsible for finance, be paid into the Consolidated Fund.

(6) The Director General shall submit quarterly reports of all compounded offences under this section to the Director of Public Prosecutions.

(7) The sum to be charged for every compoundable offence, forms and manner of compounding of offences shall be as prescribed in the regulations made under this Act.”

PART VIII
AMENDMENT OF THE LAND DISPUTES COURTS ACT,
(CAP. 216)

Construction
Cap. 216

43. This Part shall be read as one with the Land Disputes Courts Act, hereinafter referred to as the “principal Act”.

Amendment
of section 2

44. The principal Act is amended in section 2 by adding in its appropriate alphabetical order the following new definition:

Cap. 206 ““Tribunal” means the ward tribunal established under the Ward Tribunals Act or as the case may be, the District Land and Housing Tribunal established under this Act;”.

Amendment
of section 13

45. The principal Act is amended in section 13, by-

- (a) deleting subsection (2);
- (b) re-numbering subsections (3) and (4) as subsections (2) and (3) respectively; and
- (c) adding immediately after subsection (3) as re-numbered the following:

“(4) Notwithstanding subsection (1), the District Land and Housing Tribunal shall not hear any proceeding affecting the title to or any interest in land unless the ward tribunal has certified that it has failed to settle the matter amicably:

Provided that, where the ward tribunal fails to settle a land dispute within thirty days from the date the matter was instituted, the aggrieved party may proceed to institute the land dispute without the certificate from the ward tribunal.

(5) The Minister responsible for legal affairs may, in consultation with the Minister responsible for ward tribunals and Minister responsible for lands, make rules

prescribing the conduct and procedure of mediation of land disputes.”.

Repeal of sections 15 and 16

46. The principal Act is amended by repealing of sections 15 and 16.

Repeal of sections 20 and 21

47. The principal Act is amended by repealing sections 20 and 21.

Amendment of section 25

48. The principal Act is amended in section 25, by-
(a) deleting subsection (1) and substituting for it the following:

Cap. 298 “(1) The Chairman of District Land and Housing Tribunal shall be appointed from amongst legally qualified persons in accordance with the Public Service Act.”;

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

“(2) The names of persons appointed as the Chairmen under this section shall be published in the *Gazette*.”;

(c) renumbering subsection (2) and (3) as subsection (3) and (4) respectively; and

(d) deleting reference to subsection “(2)” appearing in subsection (4) as renumbered and substituting for it reference to subsection “(3)”.

Addition of sections 28A, 28B and 28C

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

“Appointment of tribunal brokers and process servers

28A. There shall be such number of tribunal brokers and process servers appointed by the Committee from amongst court brokers and process servers registered under the Court Brokers and Process Service (Appointment, Remuneration and Disciplines) Rules, for execution of decrees or orders falling within the jurisdiction of the tribunal.

GN. No. 363 of 2017

Establishment of
Committee

28B.-(1) There shall be established a committee to be known as the Appointment and Disciplinary Committee for Tribunal Brokers and Process Servers.

(2) The Committee shall be composed of the following members appointed by the Minister-

- (a) a senior judicial officer representing Jaji Kiongozi who shall be a chairman;
- (b) a law officer representing the Attorney General;
- (c) a senior officer with experience in land matters from the Ministry responsible for lands;
- (d) a senior officer from the Ministry responsible for home affairs;
- (e) a senior officer from the President's Office Public Service and Good Governance; and
- (f) one member representing court brokers.

(3) The Registrar shall be the secretary to the Committee.

Power to
make rules

28C. The Minister may, in consultation with the Chief Justice, make rules prescribing for-

- (a) the general guidance and control of tribunal brokers and process servers;
- (b) matters relating to tenure of office of members, termination of

- appointment, proceedings of the Committee and other procedural matters of the Committee; and
 (c) generally for regulating affairs of tribunal brokers and process servers.”.

Amendment of section 56

by-

- 50.** The principal Act is amended in section 56(2),
 (a) deleting paragraph (j); and
 (b) renaming paragraph (k) as paragraph (j).

PART IX
AMENDMENT OF THE MAGISTRATES’ COURTS ACT,
(CAP. 11)

Construction Cap. 11

- 51.** This Part shall be read as one with the Magistrates’ Courts Act, hereinafter referred to as the “principal Act”.

Repeal of sections 7, 8 and 9 and replacement of section 7

- 52.** The principal Act is amended by-
 (a) repealing section 7 and replacing for it the following:

Proceedings which may require assessors

7.-(1) In any proceedings in the primary court which involves customary or Islamic law the court shall, where it considers necessary in the interest of justice or upon application by any party to the proceedings, sit with not less than two assessors:

Provided that, in deciding matters, the Magistrate shall not be bound by the opinion of the assessors.

(2) The Chief Justice may make rules for better carrying out of the provisions of subsection (1).

- (3) Without prejudice to generality of subsection (1), the rules made under subsection (2) may prescribe for-
- (a) qualifications of assessors;
 - (b) procedure for selection and appointment of assessors;
 - (c) manner of summoning assessors;
 - (d) remuneration of assessors;
 - (e) procedures for summing-up of evidence to the assessors;
 - (f) procedures for delivery of opinion by assessors; and
 - (g) any other matter as the Chief Justice may consider appropriate.”;

and
(b) repealing sections 8 and 9.

Repeal of
section 13

53. The principal Act is amended by repealing section 13.

Amendment of
section 33

54. The principal Act is amended in section 33 by adding immediately after subsection (3), the following:

“(4) Notwithstanding the provisions of this section, an advocate or public prosecutor may appear or act for any party in a primary court presided over by a resident magistrate.

(5) Subject to subsection (4), procedures applied in the proceedings in a primary court shall apply in cases where an advocate or public prosecutor appears or acts for any party in a primary court.”.

Amendment of
Third Schedule

55. The principal Act is amended in paragraph 37(2) of the Third Schedule by deleting the words “and the assessors”.

PART X
AMENDMENT OF THE NATIONAL ASSEMBLY
(ADMINISTRATION) ACT,
(CAP. 115)

Construction
Cap. 115

56. This Part shall be read as one with the National Assembly (Administration) Act, hereinafter referred to as the “principal Act”.

Amendment
of section 16

57. The principal Act is amended in section 16 by deleting subsection (3) and substituting for it the following:

“(3) Upon the dissolution of Parliament, all powers and functions of the Commission shall be vested to the Chairman of the Commission until new members of the Commission are elected or appointed.”.

PART XI
AMENDMENT OF THE TOURISM ACT,
(CAP. 65)

Construction
Cap. 65

58. This Part shall be read as one with the Tourism Act, hereinafter referred to as the “principal Act”.

Repeal and
replacement of
section 10

59. The principal Act is amended by repealing section 10 and replacing for it the following:

“Application
for
registration
of tourism
facility and
activity

10. Any person who intends to conduct or operate a tourism facility or activity, shall be registered by the Director and issued with a certificate of registration in the manner prescribed in the regulations.”.

Amendment of
section 11

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

(a) deleting the words “and grading” appearing in the marginal note;

- (b) deleting the words “on receipt of an application made under section 10” appearing in subsection (1);
- (c) deleting subsection (2);
- (d) renumbering subsections (3), (4) and (5) as subsections (2), (3) and (4) respectively; and
- (e) deleting the words “or grading” appearing in subsection (2) as renumbered.

Amendment of
section 12

by-

61. The principal Act is amended in section 12,

- (a) deleting the words “or grade” appearing in the marginal note;
- (b) deleting the words “or grading” and “or grade” appearing in subsection (1); and
- (c) deleting the words “or graded” and “or grade” appearing in subsection (2).

Repeal and
replacement of
section 14

62. The principal Act is amended by repealing section 14 and replacing for it with the following:

“Grading of
facility

14.-(1) The Director may-

- (a) upon application by a facility operator in a manner prescribed; or
- (b) in his own motion, grade a facility which meets the required standard and the operator of such facility shall be required to pay relevant fees.

(2) Upon grading or regrading of a tourism facility, the Director shall issue to the operator of the facility a certificate of grading in the form prescribed in the regulations.”.

General
amendment

63. The principal Act is amended generally in sections 15, 21, 22, 24, 25, 31, 33, 35, 39, 40 and 41 by deleting the word “Board” wherever it appears in those sections and substituting for it the word “Director”.

- Amendment of section 15 **64.** The principal Act is amended in section 15 by deleting the words “set out in the Second Schedule to this Act” appearing in subsection (2) and substituting for them the words “prescribed in the regulations”.
- Amendment of section 16 **65.** The principal Act is amended in section 16, by-
(a) deleting subsection (4); and
(b) renumbering subsections (5) and (6) as subsections (4) and (5) respectively.
- Repeal of Part IV **66.** The principal Act is amended by repealing Part IV.
- Amendment of section 23 **67.** The principal Act is amended in section 23, by-
(a) deleting subsection (1) and substituting for it the following:
 “(1) An application for or renewal of a licence shall be made to the Director in the manner prescribed in the regulations.”;
(b) deleting the opening phrase to subsection (2) and substituting for it the following:
 “(2) On receipt of an application referred to under subsection (1), the Director shall, where he is satisfied that the applicant-”; and
(c) adding immediately after subsection (2) as amended the following:

 “(3) For the purpose facilitating scrutiny process of applications for licence, the Minister may establish a system for scrutiny involving all government institutions necessary for scrutiny of such applications.”.
- Amendment of section 28 **68.** The principal Act is amended in section 28 by deleting the words “in the form set out in the Second Schedule to this Act” and substituting for them the words

“prescribed in the regulations to”.

Amendment of
section 32

69. The principal Act is amended in section 32 by deleting the words “Secretary of the Board” and substituting for them the word “Director”.

Amendment of
section 37

70. The principal Act is amended in section 37 by deleting the words “set out in the Second Schedule to this Act” appearing in the opening phrase and substituting for them the words “prescribed in the regulations”.

Amendment of
section 50

71. The principal Act is amended in section 50, by-

- (a) deleting a comma appearing between the words “tourism officer” and “authorized officer” and substituting for it the word “or”; and
- (b) deleting the words “or a member of the Board”.

Amendment of
section 51

72. The principal Act is amended in section 51(1), by-

- (a) adding immediately after paragraph (b) the following:
 - “(c) an application or revocation of a licence;”; and
- (b) renumbering paragraph (c) and (d) as (d) and (e) respectively.

Amendment of
section 52

73. The principal Act is amended in section 52 by deleting the words “Secretary of the Board” and substituting for them the word “Director”.

Addition of
section 55A

74. The principal Act is amended by adding immediately after section 55 the following:

“Compounding
of offences

55A.-(1) Notwithstanding the provisions of this Act relating to penalties, where a person admits in writing that he has committed an offence under this Act, the Director or

a person authorized by him in writing may, subject to the regulations made under subsection (6), at any time prior to the commencement of proceedings by a court of competent jurisdiction, compound such offence and order such person to pay a sum of money not exceeding one half of the maximum amount of fine to which such person would otherwise have been liable to pay if he had been convicted of such offence.

(2) Where a person fails to comply with a compounding order issued under this section, the Director may in addition to the sum ordered require the person to pay an interest at the rate described in the regulations.

(3) The moneys charged under this section shall, unless otherwise directed by the Minister responsible for finance, be paid into the Consolidated Fund.

(4) Where an offence is compounded in accordance with subsection (1) and proceedings are brought against the offender for the same offence, it shall be a good defence for the offender to prove to the satisfaction of the court that the offence with which the offender is charged has been compounded under subsection (1).

(5) The Director shall submit to the Director of Public Prosecutions quarterly reports of all compounded offences under this section.

(6) The sum to be charged for every compoundable offence, forms and manner of compounding of

offences shall be as prescribed in the regulations.”.

Repeal of
Schedules

75. The principal Act is amended by repealing Second and Third Schedules.

PART XII
AMENDMENT OF THE TRADE AND SERVICE MARKS ACT,
(CAP. 326)

Construction
Cap. 326

76. This Part shall be read as one with the Trade and Service Marks Act, hereinafter referred to as the “principal Act”.

Amendment
of section 5

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

“(4) Where a document is required to be sealed, it may be sealed and signed electronically by an authorised officer.”.

Amendment
of section 7

78. The principal Act is amended in section 7, by-
(a) designating the contents of section 7 as subsection (1); and
(b) adding immediately after subsection (1) as designated the following:

“(2) It shall be sufficient evidence for any requirement of the Act as to the-

- (a) delivery of a document to the Registrar;
- (b) delivery of documents in the prescribed form; or
- (c) issuance of any document by the Registrar,

if communication of such document is done in any non-paper form in such a manner as may be prescribed by the Registrar or in regulations made by the Minister.”.

Amendment
of section 60

by-

79. The principal Act is amended in section 60(2),

(a) adding immediately after paragraph (b) the following:

“(c) for endorsements or notification of undertakings of the Registrar under sections 39, 40 and 43;

(d) for the prescription of requisite information in non-paper form as provided under the Act;” and

(b) renaming paragraphs (c) and (d) as paragraphs (e) and (f) respectively.

Passed by the National Assembly on the 1st September, 2021.

NENELWA J. MWIHAMBI
Clerk of the National Assembly