
THE UNITED REPUBLIC OF TANZANIA

ACT SUPPLEMENT

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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) ACT, 2010

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THE UNITED REPUBLIC OF TANZANIA



No. 2 of 2010

I ASSENT,
JAKAYA MRISHO KIKWETE,
President

17th March, 2010

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) Act, 2010.
- Amendment of certain written laws 2. The Written Laws specified in various Parts of this Act are amended in a manner provided for in their respective Parts.

PART II

AMENDMENT OF THE CRIMINAL PROCEDURE ACT

Construction
Cap.20

3. This Part shall be read as one with the Criminal Procedure Act, hereinafter referred to as "the principal Act".

Amendment of
section
128

4. The principal Act is amended in section 128 by deleting the designation "police officer" which appears in subsection (6) and substituting for it the phrase "a public prosecutor".

Addition
of section
129A

5. The principal Act is amended by adding the following new section after section 129:

"Commencement of proceedings
129A. A public prosecutor shall be a competent person to institute criminal proceeding or draw and sign formal charges in the court of law."

Amendment of
section
353

6. Section 353 of the principal Act is amended -
- (a) in subsection (1), by inserting the words "or intended to be" between the words "been" and "tendered";
 - (b) in subsection (2), by inserting the words " or intended to be" between the words "been" and "tendered"; and
 - (c) in subsection (3), by inserting the phrase "or intended to be" between the words "evidence" and "in criminal."

Addition
of section
395A

7. The principal Act is amended by adding the following provision after section 395:

"Sexual offender's indices
395A. For the purpose of enforcement of sexual offences prescribed under the Penal Code, the Minister may make rules for keeping computerized DNA database system containing indices of DNA profiles for a crime scene index, missing or unidentified sexual offenders' index, sexual offenders' index, suspects' index, unidentified deceased persons' index and any other statistical indices which may be necessary within the circumstances."

PART III

AMENDMENT OF THE COLLEGE OF BUSINESS EDUCATION ACT

Constru-
ction
Cap 315

8. This Part shall be read as one with the College of Business Education Act, hereinafter referred to as "the principal Act".

Amend-
ment of
the
Schedule

9. The Schedule to the principal Act is amended by deleting paragraph 1 and substituting for it the following new paragraph:

"Compo-
sition of the
Governi-ng
Board

1.-(1) The Minister shall appoint a Chairman and members of the Governing Board.

(2) The members of the Governing Board shall include-

- (a) the Chairman;
- (b) the officer in-charge of training in the Ministry responsible for commerce;
- (c) a representative of the National Board of Accountants and Auditors;
- (d) a representative of the Institute of Finance Management;
- (e) three other members to be appointed by the Minister; and
- (f) the Director of the College who shall be the Secretary."

PART IV

AMENDMENT OF THE ECONOMIC AND ORGANISED CRIME CONTROL ACT

Constru-
ction
Cap. 200

10. This Part shall be read as one with the Economic and Organized Crime Control Act, hereinafter referred to as the "principal Act".

Amend-
ment of
the First
Schedule

11. The principal Act is amended in the First Schedule by deleting paragraph 19.

PART V

AMENDMENT OF THE EMPLOYMENT AND LABOUR RELATIONS ACT

Constru-
tion
Cap.366

12. This Part shall be read as one with the Employment and Labour Relations Act, hereinafter referred to as "the principal Act".

Amend-
ment of
section
42

13. The principal Act is amended in section 42 by adding immediately after paragraph (b) of subsection (3) the following new paragraph:

"(c) to an employee who attains the age of retirement or an employee whose contract of service has expired or ended by reason of time."

PART VI

AMENDMENT OF THE EXTRADITION ACT

Constru-
tion
Cap. 368

14. This Part shall be read as one with the Extradition Act, herein referred to as "the principal Act".

Addition
of section
15A

15. The principal Act is amended by adding the following new section after section 15:

"Filing of
applicatio
ns"

15A. For the purposes of the proceedings under this Part, the prosecution shall file a formal application in court praying for necessary orders."

PART VII

AMENDMENT OF THE LAND ACT

Constru-
tion
Cap.113

16 This Part shall be read as one with the Land Act thereinafter referred to as "the principal Act".

Amend-
ment of
section
167

17. The principal Act is amended in section 167 by deleting paragraph (b) of subsection (1) and substituting for it the following new paragraph:

"(b) the High Court;"

PART VIII

AMENDMENT OF THE LAND DISPUTES COURTS ACT

Constru-
ction
Cap.216

18. This part shall be read as one with the Land Disputes Courts Act hereinafter referred to as the principal Act.

Amend-
ment of
section 2

- 19.** The principal Act is amended by deleting the-
- (a) definition of the term "High Court (Land Division)" and substituting for it the following definition:

"High Court" means the High Court of Tanzania established by Article 108 of the Constitution of the United Republic";
 - (b) term "High Court (Land Division)" wherever it appears in the Act and substituting for it with the term "High Court"
 - (c) phrase "sitting with two assessors" which appears in section 39(1).

Repeal of
section
51

20. The principal Act is amended by repealing section 51 and replacing for it the following-

"Admissi-
bility of
evidence

51.-(1) In the exercise of its jurisdiction, the High Court shall apply the Civil Procedure Code and the Evidence Act and may, regardless of any other laws governing production and admissibility of evidence, accept such evidence and proof which appears to be worthy of belief.

(2) The District Land and Housing Tribunals shall apply the Regulations made under section 56 and where there is inadequacy in those Regulations it shall apply the Civil Procedure Code.

Deletion
of the
term
"Land
Division"

21. The principal Act is amended by deleting the words "(Land Division)" wherever the words appear in the Act.

PART IX

AMENDMENT OF THE NATIONAL HEALTH INSURANCE FUND ACT

Constru-
tion
Cap. 395

22. This Part shall be read as one with the National Health Insurance Fund Act hereinafter referred to as "the principal Act."

Amend-
ment of
section 2

23. The principal Act is amended in section 2 by deleting paragraph (c) of subsection (1).

Amend
ment of
section 6

24. The principal Act is amended in section 6 by adding the following provision after subsection (4):

"(5) The Director General shall hold office for a period of five years and shall be eligible for reappointment for a further period of five years."

Amend-
ment of
section
14A

25. The principal Act is amended by deleting section 14A and substituting for it the following new section:

"Cessation
of member-
ship

14A. Membership of a member shall cease where one of the following circumstances occurs:

- (a) death;
- (b) termination from employment;
- (c) failure to contribute to the fund for three consecutive months; and
- (d) any other circumstance which in the opinion of the Board shall be considered as a factor for cessation of membership."

Amend-
ment of
section
33

26. The principal Act is amended in section 33 by-
(a) deleting the word "eight" appearing in paragraph (b) and substituting for it the word "fifteen"; and

- (b) deleting paragraph (d) and substituting for it the following new paragraphs:
" (d) that any investment of the Fund shall be for short or long term investment aimed at improving the provision of health services to its members or to the general public;

- (c) that any such investment shall be made subject to guidelines issued by the Bank of Tanzania.”

Amendment of section 37

27. The principal Act is amended in section 37 (2) by deleting the word “Board” appearing between the words “the” and “from” and substituting for it a designation “the Controller and Auditor General.”

PART X

AMENDMENT OF THE TANZANIA PASSPORTS AND TRAVEL DOCUMENTS ACT

Construction Cap.42

28. This Part shall be read as one with the Tanzania Passports and Travel Documents Act, hereinafter referred to as “the principal Act”.

Amendment of the Second Schedule

29. The Second Schedule to the principal Act is amended by:

- (a) adding immediately after item (f) the following new item-
- “(g) the State Attorney as defined under the Attorney General (Discharge of Duties) Act.”
- (b) by re-arranging items “(g)” to “(t)” as items “(h)” to “(u)”.

PART XI

AMENDMENT OF THE SEEDS ACT

Construction Cap 308

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

Amendment of section 4

31. The principal Act is amended in section 4 by deleting paragraph (a) of subsection (1) and substituting for it the following new paragraph-

- “(a) the Chairman appointed by the Minister among persons not holding any political post or Chief Executives of the Government.”

PART XII

AMENDMENT OF THE UNIT TITLES ACT

Construction Cap. 416

32. This Part shall be read as one with the Unit Titles Act, hereinafter referred to as “the principal Act”.

Amendment of section 70

33. The principal Act is amended by deleting section 70 and substituting for it the following:

“Litigation

70. Notwithstanding the provisions of section 69, where mediation has failed, the aggrieved party may institute a case in the High Court or the District Land and Housing Tribunal.”

PART XIII

AMENDMENT OF THE VILLAGE LAND ACT

Construction Cap. 114

34. This Part shall be read as one with the Village Land Act hereinafter referred to as “the principal Act”.

Amendment of section 2

35. The principal Act is amended in section 2 by deleting the words “the Land Division of” appearing in the definition of the term “Court” and wherever the words appears in the Act.

Amendment of section 62

36. The principal Act is amended in section 62 by deleting paragraph (b) of subsection (2) and substituting for it the following new paragraph:

“(b) the High Court.”.

PART XIV

AMENDMENT OF THE PUBLIC SERVICE ACT

Construction Cap. 298

37. This Part shall be read as one with the Public Service Act hereinafter referred to as the “principal Act”.

Amendment of section 8

38. The principal Act is amended in section 8(3)(f) by deleting-

(a) the word “arise” which appears in subparagraph (i) and substituting for it the word “arises”; and

(b) the word “for” which appears in subparagraph (ii) and substituting for it the words “in the”.

Amendment
of section 29

39. The principal Act is amended in section 29 by-

(a) inserting the word "retired" between the words "amongst" and "public" which appear in paragraph (b) of subsection (1);

(b) deleting the word "Minister" which appears in subsection (3) and substituting for it the word "President";

(c) by-

(i) inserting a new subsection (4) as follows:
"(4) Tenure of office for members of the Secretariat shall be three years.";

(ii) renumbering the existing subsection (4),(5), (6) and (7) as subsections (5), (6), (7) and (8); and

(d) inserting the words "rules of" between the words "make" and "procedures" which appear in subsection 8 as renumbered.

Passed in the National Assembly on the 28th January, 2010.

DR. THOMAS D. KASHILILAH,
Clerk of the National Assembly

