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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) (NO.3)
ACT, 2019

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THE UNITED REPUBLIC OF TANZANIA



NO. 9 OF 2019

I ASSENT

JOHN POMBE JOSEPH MAGUFULI
President

[30th June, 2019]

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. 3) Act, 2019.

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 COMPANIES ACT,
(CAP. 212)

Construction Cap.212 **3.** This Part shall be read as one with the Companies Act, hereinafter referred to as the “principal Act”.

Amendment
of section 2

4. The principal Act is amended in section 2, by -
- (a) deleting the definition of the term “company” and substituting for it the following:
 “company” means a company formed and registered under this Act or an existing company established for investment, trade or commercial activities and any other activity as the Minister may, by notice published in the *Gazette*, prescribe;
- (b) inserting in the respective appropriate alphabetical order the following new definitions:
 “commercial activities” means all activities of industry and trade, including, but not limited to, the buying or selling of commodities and activities conducted for the purpose of facilitating such buying and selling;
 “investment activities” means transactions involving sale or purchase of equipment plants, properties, securities, capital, stocks, debentures or other assets generally not held for immediate re-sale and any other activity as the Minister may, by notice published in the *Gazette*, prescribe;
 “trade” means the transfer of goods or services from one person to another.”.

Amendment
of section 3

5. The principal Act is amended in section 3, by adding immediately after subsection (2) the following-
 “(3) A company which is limited by guarantee which intends to promote commerce, investment, trade or any other activity as the Minister may, by notice published in the *Gazette*, prescribe, shall be incorporated or registered under this Act; ”.

Addition of
section 3A

6. The principal Act is amended by adding immediately after section 3 the following:
 “Compliance with Act 3A.-(1) A company referred to under

section 3(3) which was incorporated or registered prior to the coming into operation of this section shall, within two months from the date of coming into operation of this section, be required to comply with the provisions of this Act.

Cap. 56 (2) A company limited by guarantee not having share capital, incorporated or registered under this Act and obtained a certificate of compliance under the provisions of the Non-Governmental Organizations Act, shall, within two months from the date of coming into operation of this section be deemed to have been registered under the Non-Governmental Organizations Act and struck off from the register.

Cap. 56

(3) Notwithstanding the provisions of this section, the Minister may, upon application, extend the time within which the company has to shift to its appropriate registry.

(4) The Minister shall, when extending time applied for under subsection (3), transmit the information for such extension to the Minister under whom the registry in which the company required to register belongs.”

Amendment
of section 12

7. The principal Act is amended in section 12(1), by inserting at the beginning of paragraph (b) the following-
“Subject to section 3(3),”.

Amendment
of section 14

8. The principal Act is amended in section 14, by adding immediately after subsection (5) the following:

“(6) The Registrar shall not register or maintain in the register a company limited by guarantee which does not fall under section 3(3)”.

Amendment
of section 32

9. The principal Act is amended in section 32, by deleting subsection (1) and substituting for it the following-

“(1) Where it is proved to the satisfaction of the Registrar that an association about to be formed as a private company for promoting commerce intends to apply its profits, if any, or other income in promoting its objects, and to prohibit the payment of any dividend to its members, the Registrar may by licence direct that the association may be registered as a private company with limited liability, without the addition of the word “limited” to its name, and the association may be registered accordingly and shall on registration, enjoy all the privileges and, subject to the provisions of this section, be subject to all the obligations of limited companies.”

Addition of
section 400A

10. The principal Act is amended by adding immediately after section 400 the following-

“Powers of Registrar to strike off a company fraudulently registered or conducting illegal business

400A.-(1) Where the Registrar has reasonable cause to believe that-

- (a) a registered company has been fraudulently registered;
- (b) a registered company is engaged in criminal activities such as money laundering, human trafficking, drug trafficking, terrorism financing or any other offence as may be prescribed by the Minister upon consultation with the relevant authorities;
- (c) at the time of incorporation, there was misrepresentation or fraud by a registered company;

(d) by operation of law, all shareholders or directors have been prohibited from entering the country; or

(e) a registered company is operating contrary to its objectives as prescribed in the memorandum and articles of association,

he shall issue a notice in writing to the company, of his intention to strike the company off the register.

(2) Upon receipt of the notice referred to under subsection (1), the company may, within thirty days-

(a) provide to the Registrar reasons in writing as to why the company should not be struck off the register; or

(b) challenge the notice of intention to strike the company off register by making an application to the court of competent jurisdiction.

(3) Where the company fails to provide reasons under subsection (2) within the prescribed time or where the reasons provided are not satisfactory, the Registrar shall strike the company off register, publish in the *Gazette* the name of the company which has been struck off and notify the company of its decision and the reasons thereof.

(4) Where a company, member or creditor is aggrieved by the decision of the Registrar under subsection (3) shall, within five years from the date of publication in the *Gazette*, apply to the court for restoration of the company in the register:

Provided that, the Registrar shall not, within such period of five years, register another company with the same name.

(5) Upon receipt of the application for restoration, the court may-

- (a) order restoration of the company in the register; and
- (b) give such directions and make such provisions as seem just for placing the company and all other persons in the same position as nearly as may be as if the name of the company had not been struck off.

(6) The company restored under subsection (5) shall be deemed to have continued in existence as if its name had not been struck off, and the court may, by order, give such directions and make such provisions as seem just for placing the company and all other persons in the same position as nearly as may be as if the name of the company had not been struck off.

(7) The Minister may make regulations necessary or convenient for

better carrying out or giving effect to this section.”

PART III

AMENDMENT OF THE COPYRIGHT AND NEIGHBOURING RIGHTS ACT, (CAP. 218)

Construction
Cap. 218

11. This Part shall be read as one with the Copyright and Neighbouring Rights Act, hereinafter referred to as the “principal Act”.

Amendment
of section 4

12. The principal Act is amended in section 4, by deleting the definition of the word “Court” and substituting for it the following:
““court” means the court of competent jurisdiction;”

Amendment
of section 9

13. The principal Act is amended in section 9, by-
(a) inserting immediately after paragraph (h) the following:
“(i) right to benefit from re-sale;”
(b) renaming paragraph (i) and (j) as paragraphs (j) and (k) respectively;”

Addition of
section 15A

14. The principal Act is amended by adding immediately after section 15 the following-

“Requirement
for
authorization

15A. Any person who intends to use any right protected pursuant to the provisions of this Act, shall be obliged to seek authorization from the copyright’s holder.”

Amendment
of section 42

15. The principal Act is amended in section 42 by-
(a) in subsection (1), deleting paragraphs (a) and (b) and substituting for them the following-

- “(a) in the case of the first offence in commercial basis, a fine of not less than twenty million shillings or thirty *percentum* of the value of the pirated copyright material, whichever is higher or to imprisonment for a term of not less than six months but not exceeding three years or to both; and
- (b) in case of each subsequent offence in commercial basis, a fine of not less than thirty million shillings or fifty *percentum* of the value of the pirated copyright material, whichever is higher or to imprisonment for a term of not less than twelve months but not exceeding five years or to both, in addition, the court may order compensation to the right holder.”
- (b) by adding immediately after subsection (1) the following:
 “(1A) In addition to the punishment under subsection (1), where the offender is a legal person regulated by Tanzania Communications Regulatory Authority, the person may be subjected to suspension in accordance with the Tanzania Communications Regulatory Authority Act.”

Cap. 172

Addition of
section 42A

16. The principal Act is amended by adding immediately after section 42 the following new section-

“Compounding
of offences

42A.-(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 Copyright Administrator or a person authorised by him in writing 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) the sum of money together with all reasonable expenses Copyright Society of Tanzania may have incurred in connection with the offence; and

(b) all fees and charges which would have been due where the action had been authorised under this Act.

(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).

(3) Where a person fails to comply with the order issued under this section within the prescribed period, the Copyright Administrator -

(a) shall, in addition to sum ordered, require the person to pay an interest at the rate prescribed in the regulations; and

(b) 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) Where an offence is compounded under this section, the payment of sum of money shall not exceed twenty million shillings.”.

Amendment
of section 47

17. The principal Act is amended in section 47, by inserting the word “contracts” between the words “works,” and “productions” appearing in paragraph (b).”

PART IV

AMENDMENT OF THE FILMS AND STAGE PLAYS ACT, (CAP. 230)

Construction
Cap. 230

18. This Part shall be read as one with the Films and Stage Plays Act, hereinafter referred to as the “principal Act”.

General
amendment

19. The principal Act is generally amended by deleting the words “Central Censorship Board” and “Regional Censorship Board” wherever they appear in the Act and substituting for them the words “Tanzania Film Board” and “Regional Film Board” respectively.

Amendment
of section 2

20. The principal Act is amended by-

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

“classification and certification” means a motion picture content rating system designated to classify films with regard to suitability for audiences in terms of issues such as sex,

- violence, substance abuse, profanity, impudence or other type of mature content;
- “film association” means any group, network or federation dealing with matters related to film and stage plays;
- “film industry” comprises the technological and commercial institutions of film making, film production companies, film studios, filming and photographic agents and fixers, cinematography, animation, film product, screen writing, pre-production, film festivals, distribution and actors, film directors and other film crew personnel;
- “Board” means the Tanzania Film Board;”
- (b) deleting the definition of the term “theatre” and substituting for it the following:
- “theatre” means any building, premise, venue, video exhibition centres or place at which a film is publicly exhibited or a stage play is publicly performed;” and
- (c) deleting the words “censorship of” appearing in the definition of the term “Minister”.

Addition of section 6A

21. The principal Act is amended by adding immediately after section 6 the following new section:

- “Requirement for foreign production company **6A.**-(1) Any foreign production company or individual using Tanzania scene, content and location for filming the whole or any part of a film, advertisement, documentary or program, shall-
- (a) submit to the Board raw footage;
- (b) acknowledge all physical locations used for filming;

- (c) submit a copy of a finished film, advertisement, documentary or program;
- (d) sign a prescribed clearance form before exiting Tanzania and submit the same to the Board or any other authority appointed by the Board; and
- (e) grant rights to the government of Tanzania to use content for the purposes of promoting Tanzania and its potential resources, tourism, photographic location and cultural attraction which are distributed through public broadcasts, cable programs, sound or visual recordings or any other digital platform used by public broadcaster:

Provided that, such use is compatible with fair practice and that the source and the name of the executive producer and production company are mentioned in the film, documentary or advertisement.

(2) Any person who contravenes subsection (1) shall, upon conviction, be liable to a fine of not less than five *per centum* of the production cost of the film, advertisement, documentary or program.

(3) Every foreign film producer shall include a public liability insurance policy and insurance policy in every

contract he signs with actors and crew.

(4) Any person who contravenes subsection (3) shall, upon conviction, be liable to a fine of not less than one *per centum* of the production cost of the film.”

Repeal and
replacement
of section 14

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

“Functions
of Board

14.-(1) The Board shall have the following functions:

- (a) to regulate film industry and stage plays, foreign and local motion pictures, television, radio and stage plays’ practitioners and dealers; stage plays production and performances;
- (b) to monitor the quality of motion pictures and stage plays;
- (c) to license distribution, exhibition, motion pictures, stage plays’ exhibition venues, libraries, studios, production and distribution companies and individuals, online distribution and exhibition infrastructures;
- (d) to accredit, classify and register practitioners and dealers of motion pictures, television plays, radio plays and stage plays;
- (e) to coordinate and promote development of film sector, local and international markets, motion picture festivals and awards, talent identification, talent promotion, activities and events related to film and stage

- plays;
- (f) to classify and certify motion pictures, video films and stage plays;
 - (g) to advise the government and stakeholders on matters of or related to the film sector in Tanzania;
 - (h) to solicit for opportunities and investments in motion pictures and stage plays;
 - (i) to supervise and regulate professionalism, ethics and etiquettes in the film industry and stage play; and
 - (j) to perform any other functions related to motion pictures and stage plays.

(2) Without prejudice to subsection (1), it shall be the duty of every film Board to examine every film, and every poster or description thereof, submitted to it under this Act, with a view to deciding whether, and if so in what manner, it should be approved for exhibition:

Provided that, and notwithstanding the provision of section 18, if the Board so decides, it may approve a film or poster for exhibition to the public without examining it.

(3) There shall be film committee established in every district which shall be appointed by the Board.

(4) The film committee appointed under subsection (3) shall perform duties as may directed by the Board.”

Amendment
of section 15

23. The principal Act is amended in section 15(1), by deleting the word "censorship" appearing in paragraph (c) and substituting for it the words "classification and certification".

Amendment
of section 16

24. The principal Act is amended in section 16, by deleting subsection (1) and substituting for it the following:

“(1) A person shall not display or advertise or cause or permit to be displayed or advertised in a public place, so as to be visible from a public place, any film poster unless a Film Board has first approved a poster for public display through any platform or media display.”.

Addition of
section 31A

25. The principal Act is amended by adding immediately after section 31 the following:

“Profit
returns

31A.-(1) The Board shall, for every usage, sale, and re-sale of contents filmed in Tanzania by a foreign film producer, be entitled to a prescribed benefits.

(2) The Minister may make regulations prescribing for-

(a) determinations of benefits referred to under subsection (1);

(b) terms and conditions for acquisition of producers’ filming permits issued pursuant to section 5.

(3) The Board shall set guidelines and procedures for accessing famous filming locations.”.

Amendment
of section 34

26. The principal Act is amended in section 34(2), by deleting the word “negative” appearing in paragraph (a) and substituting for it the words “footage clip or any material used to make such film.”.

Amendment
of section 38

27. The principal Act is amended in section 38, by-
(a) adding immediately after paragraph (q) the following:
“(r) prescribing the code of conduct and discipline, professional ethics and etiquettes in the film industry and stage play”;
(b) renumbering paragraph (r) as paragraph (s).

PART V

AMENDMENT OF THE NON-GOVERNMENTAL ORGANIZATIONS ACT, (CAP. 56)

Construction
Cap.56

28. This Part shall be read as one with the Non-Governmental Organizations Act, hereinafter referred to as the “principal Act”.

Amendment
of section 2

29. The principal Act is amended in section 2, by deleting the definition of the term “Non-Governmental Organisation” and substituting for it the following:
“Non-Governmental Organization” also known by its acronym "NGO" and which includes Community Based Organisation (CBO) means a voluntary grouping of individuals or organizations which is non-partisan or non-profit sharing established and operates for the benefit or welfare of the community or public, organized at the local, national or international levels for the purpose of enhancing or promoting economic, environmental, social or cultural development or protecting environment, good governance, law and order, human rights and

lobbying or advocating on such issues; but does not include:

- Cap. 212 (a) a company formed and registered under the Companies Act,
- Cap. 318 (b) a trust formed and registered under the Trustees' Incorporation Act;
- Cap. 366 (c) a trade union formed and registered under the Employment and Labour Relations Act;
- (d) a religious or faith propagating organisation;
- Cap. 211 (e) a cooperative society formed and registered under the Cooperative Societies Act;
- (f) an agricultural association formed and registered under any written law other than this Act;
- Cap. 337 (g) a society formed and registered under the Societies Act;
- Cap. 258 (h) a political party formed and registered under the Political Parties Act;
- (i) a community microfinance group (VICOBA) registered under the Microfinance Act;
- Cap. 407 (j) a sports association formed and registered under the National Sports Council of Tanzania Act; and
- (k) any organisation which the Minister may, by order published in the *Gazette*, declare not to be a non-governmental organisation for the purpose of this Act;

Amendment
of section 4

30. The principal Act is amended in section 4(1), by-
(a) inserting immediately after paragraph (h) the following:

- “(i) to suspend the operation of any Non-Governmental Organization which violates the provisions of this Act

- pending determination of the Board;
- (j) to conduct monitoring and evaluation of Non-Government Organizations activities on quarterly basis and report to the Board;” and

(b) renumbering paragraph (i) as paragraph (k).

(c) adding immediately after section (2) the following:

"(3) Notwithstanding subsection (1)(i), the registrar shall, before suspending the operations of a Non-Governmental Organization, give such Organization, a notice of thirty days to show cause as to why its operations should not be suspended, and report to the Board accordingly.

(4) The Minister may issue guidelines which are necessary for monitoring and evaluating the operations of the Non-Governmental Organizations.”

Addition of
section 4A

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

“Power to
investigate

4A.-(1) The Registrar may, in implementing the duties under section 4 and in collaboration with law enforcement organs, investigate any matter as required.

(2) The Registrar may require any law enforcement organ or public entity to provide such facilities and services of its employees as may be deemed necessary to assist the Registrar in performing the functions under this Act.

(3) It shall be the duty of every person, law enforcement organ or public entity to afford the Registrar the cooperation and assistance necessary to enable the performance of his functions under this Act or any other written laws.”

Addition of
section 8A

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

“De-registration
of Non-
Government
Organization

8A.-(1). An Organization registered under this Act, and which does not fit to be a Non-Governmental Organization by virtue of section 2 shall, after expiration of two months from the date of coming into operation of this section, be deemed to have been de-registered.”

(2) Notwithstanding the provisions of subsection (1), the Minister may, upon application, extend the time within which an organization has to shift to its appropriate registry.

(3) The Minister shall, when extending time applied for under subsection (2), transmit the information for such extension to the Minister under whom the registry in which the organization required to register belongs.”.

Amendment
of section 11

33. The principal Act is amended in section 11, by deleting subsections (3), (4), (5) and (6).

Amendment
of section 17

34. The principal Act is amended in section 17, by adding immediately after subsection (2) the following:

“(3) A certificate of registration issued under this section shall be subject to renewal after a period of ten years.

(4) An application for renewal of certificate of registration shall be made six months before the expiry date of its registration.

(5) The Board shall renew a certificate of registration upon being satisfied that the organization has

complied with the requirements of registration under this Act and any other written laws.

(6) Notwithstanding subsection (5), the Board shall, in deciding whether to renew or refuse renewal of certificate of registration, adhere to the conditions stated under section 14 of this Act.”

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

Amendment
of section 29

35. The principal Act is amended in section 29(1), by adding at the end of paragraph (b) the words “and shall be made available to the public”.

Amendment
of section 31

36. The principal Act is amended in section 31, by-

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

“(c) to adhere to the principles of financial transparency and accountability as prescribed under other written laws;” and

(b) renumbering paragraph (c) as paragraph (d).

PART VI

AMENDMENT OF THE SOCIETIES ACT, (CAP. 337)

Construction
Cap.337

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

General
amendment

38. The principal Act is amended generally, by -

(a) deleting the words “local society” wherever they appear in the Act and substituting for them the words “society”;

(b) deleting the words “order and good government” wherever they appear in the Act and substituting for them the words “order, morality and good governance”; and

- (c) deleting the word “President” wherever it appears in the Act except under sections 5 and 8, and substituting for it the word “Registrar”.

Amendment
of section 2

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

- (a) deleting the definition of the terms “exempted society” and “local society”; and
(b) deleting the definition of the word “society” and substituting for it the following:

“society” means a non-partisan and non-political association of ten or more persons established for professional, social, cultural, religion or economic benefits or welfare of its members, formed and registered as such under this Act, but does not include-

- (a) a company formed and registered under the
Cap. 212 Companies Act;
(b) a trust formed and registered under the
Cap. 318 Trustees’ Incorporation Act;
(c) a trade union formed and registered under
Cap. 366 the Employment and Labour Relations Act;
(d) a cooperative society formed and registered
Cap. 211 under the Cooperative Societies Act;
(e) an agricultural association formed and
registered under any written law other than
this Act;
(f) a political party formed and registered
Cap. 258 under the Political Parties Act;
(g) a non-governmental organisation formed
and registered under the Non-
Cap. 56 Governmental Organisations Act;
- (h) a community microfinance group
(VICOBA) registered under the

| | |
|----------------------------|---|
| Cap. 407 | Microfinance Act; |
| Cap. 49 | <p>(i) a sports association formed and registered under the National Sports Council of Tanzania Act; and</p> <p>(j) any society which the Minister may, by order published in the <i>Gazette</i>, declare not to be a society for the purpose of this Act;</p> <p>(c) deleting the definition of the words “unlawful society” and substituting for them the following- “unlawful society” means any society declared as such pursuant to section 8”.</p> |
| Repeal of sections 3 and 4 | <p>40. Sections 3 and 4 of the principal Act are hereby repealed and replaced with the following:</p> <p>“Registration of association</p> <p>3. An association shall not operate as a society within the meaning of this Act, unless it is registered with the Registrar in accordance with the provisions of this Act.”</p> <p>Cessation of registered society</p> <p>4. An association registered under this Act, and which does not fit to be a society by virtue of section 2 shall, after expiration of two months from the date of coming into operation of this section, be deemed to have been de-registered.</p> <p>Power of Minister to extend time</p> <p>5.-(1) Notwithstanding the provisions of this Act, the Minister may, upon application, extend the time within which the association has to shift to its appropriate registry. (2) The Minister shall, when extending time applied for under section (1), transmit the information for such extension to the</p> |

Minister under whom the registry in which the organization required to register belongs.”

Repeal and replacement of section 7

41. The principal Act is amended by repealing section 7 and replacing for it the following:

“Registration of societies 7.-(1) A foreign society intending to operate in Tanzania shall comply with registration requirements under this Act.
 (2) It shall be an offence for any society which is not registered in accordance with the provisions of this Act to carry out its business as a society in Tanzania.
 (3) For the purpose of this section, "foreign society" means a society registered outside of the United Republic and operates in the country.”

Amendment of section 8

42. The principal Act is amended in section 8, by-
 (a) deleting subsection (2) and substituting for it the following:

(2) Any society declared by order of the President to be a society dangerous to the good governance of Tanzania, shall be declared to be unlawful under the provisions of this section and every such order made under the provisions of this section shall continue in force until revoked under this Act.

(b) deleting the words "or deemed to be made" appearing in subsections (3) and (4);

(c) deleting subsection (6) and substituting for it the following:

“(6) Any society against which an order under this section is made, shall be de-registered.”

- Repeal of section 9 **43.** The principal Act is amended by repealing section 9.
- Amendment of section 10 **44.** The principal Act is amended in section 10, by-
(a) deleting marginal note and substituting for it the following “Provisions on de-registration”;
(b) deleting subsection (1) and substituting for it the following:
“(1) The provisions of this section shall apply to any society whose registration has been cancelled under this Act.”
- Repeal of sections 11 and 12 **45.** The principal Act is amended by repealing sections 11 and 12.
- Amendment of section 14 **46.** The principal Act is amended in section 14, by deleting the opening words and substituting for them the following:
“The Registrar shall not register a society if-”
- Repeal of section 16 **47.** The principal Act is amended by repealed section 16.
- Amendment of section 17 **48.** The principal Act is amended in section 17, by deleting the words “effected under section 12” appearing in the opening phrase and substituting for them the words “registered under the provisions of this Act”
- Amendment of section 19 **49.** The principal Act is amended in section 19, by deleting the words “section 8 is in force” and substituting for them the words “sections 8, 14 and 17”.
- Amendment of section 20 **50.** The principal Act is amended in section 20, by-
(a) deleting the words “or exempted society”

- appearing in subsection (1); and
- (b) deleting the words “or exempted society, as the case may be” appearing in subsection (2).

Amendment
of section 25

- 51.** The principal Act is amended in section 25, by-
- (a) in subsection (1), deleting the words “not exceeding ten thousand shillings” and substituting for them the word “not less than one million shillings but not exceeding ten million shillings”;
- (b) in subsection (2), deleting the phrase "subordinate court presided over by a District magistrate of a Resident Magistrate" appearing in subsection (2) and substituting for it the words "District Court presided over by Resident Magistrate;"

Amendment
of section 26

- 52.** The principal Act is amended in section 26, by deleting the words “not exceeding five thousand shillings” and substituting for them the words “not less than two hundred thousand shillings but not exceeding two million shillings”.

Amendment
of section 27

- 53.** The principal Act is amended in section 27, by deleting the words “not exceeding five thousand shillings” and substituting for them the word “not less than two hundred thousand shillings but not exceeding two million shillings”.

Repeal of
section 28

- 54.** Section 28 of the principal Act is hereby repealed.

PART VII
AMENDMENT OF STATISTICS ACT,
(CAP. 351)

Construction
Cap. 351

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

Amendment
of section 3

56. The principal Act is amended in section 3, by
(a) deleting the definitions of the terms “statistical information” and “survey” and substituting for them the following:
“statistical information” means any organized data obtained from census, surveys or administrative data; and
“survey” means method of collecting data from a sample of population with a national, regional or district level coverage;”
(b) inserting in their appropriate alphabetical order the following:
“international standards” means standards or guidelines for producing statistical information prescribed in the African Charter on Statistics, 2009, the Fundamental Principles of Official Statistics of the United Nations, other standards issued by recognized international organizations and includes international best practices;
“national standards” means standards or guidelines for producing statistical information issued by the Bureau”;

Amendment
of section 6

57. The principal Act is amended in section 6, by-
(a) inserting immediately after paragraph (f) the following:
“(g) coordinate publishing of statistical information;”

and

- (b) renaming paragraphs (g) and (h) as paragraphs (h) and (i) respectively.

Amendment
of section 19

58. The principal Act is amended in section 19, by inserting the words “and publish” between the words “collect” and “official”.

Repeal and
replacement
of sections
24A and
24B

59. The principal Act is amended by repealing sections 24A and 24B and replacing for them the following:

“Establishment
of Technical
Committee

24A.-(1) There shall be established a Committee to be known as the Statistics Technical Committee which shall be responsible for determination of matters referred to it pursuant to the provisions of this Part.

(2) The Technical Committee shall work on *ad hoc* basis and shall be composed of the following members who shall be appointed by the Minister:

- (a) Chairman;
- (b) two members who are knowledgeable on statistics from higher learning institutions or research institutions, one of whom shall be from outside the Country; and
- (c) two other members who are conversant with and possess expertise on matters relating to statistics and the subject to be determined, one of whom shall be from outside the Country.

(3) For the purposes of this section, the Minister may make regulations prescribing-

- (a) modality of referring matters to the Technical Committee;
- (b) mode of publication of the findings of the Technical Committee;

(c) appointment of members referred to under subsection (2)(c); and

(d) procedures for conducting proceedings of the Technical Committee.

(4) In discharging its mandate, the Technical Committee shall abide with the international standards, national standards and provisions of this Act.

Principles
guiding
collection and
dissemination of
statistical
information

24B.-(1) Every person shall, subject to the provisions of this Act, have a right to collect and disseminate statistical information.

(2) Any person who intends to disseminate collected statistical information pursuant to this section shall abide with international standards, national standards and the provisions of this Act governing statistical information.

(3) Without prejudice to the generality of subsection (2), a person intending to disseminate statistical information shall, before disseminating such information, take into consideration-

(a) professional considerations, scientific principles and professional ethics on the methods and procedures for the collection, processing, storage and presentation of statistical data;

(b) the duty to present information in accordance with scientific standards on the sources, methods and procedures of statistics; and

(c) the duty of ensuring objectivity and impartiality in reporting the results of statistical information.

Right of Bureau
to challenge
statistical
information
from other
sources

24C.-(1) Notwithstanding the provisions of sections 24B, the Bureau shall have the right to challenge the misuse or misinterpretation of statistical information disseminated by any other person if such statistical information contains fundamental errors or does not abide with the principles specified under section 24B(3).

(2) In exercising the right under subsection (1), the Bureau may-

(a) make a statement to the public pointing out the fundamental errors identified and principles not abided with; or

(b) refer the matter to the Technical Committee for determination.

Right to
challenge
statistics
produced by
Bureau

24D. Every person shall have the right to challenge official statistics produced by the Bureau by, subject to the procedure specified in the regulations, referring the matter to the Technical Committee for determination.

Right to publish
findings

24E.-(1) A person who has different findings from official statistics disseminated by the Bureau shall, subject to the provisions of this Act, have the right to publish such findings and submit such findings to the Bureau.

(2) Where the Bureau disagrees with the findings published under subsection (1), may challenge such official statistics by-

(a) publishing a statement pointing out all areas of disagreement; or

(b) referring the matter to the Technical Committee for determination.

Determination
by Technical
Committee

24F.-(1) Upon receipt of any matter referred to it pursuant to this Part, the Technical Committee shall determine and publish its findings accordingly.

(2) The determination of the Technical Committee referred to under subsection (1) of the Technical Committee shall be final and conclusive.

(3) Notwithstanding subsection (1), where, before the Technical Committee determines the matter brought before it, the author of the information decides to withdraw publication of such information or agrees to correct the information to the extent of disagreement, the Technical Committee shall-

- (a) in the case of withdrawal, direct the author to publish his decision to withdrawal and give the reasons thereof; and
- (b) in the case of correction, cause the corrections made to the information be published.”.

Amendment
of section 37

60.The principal Act is amended in section 37, by-

- (a) deleting subsection (4); and
- (b) renumbering subsection (5) as subsection (4).”

PART VIII
AMENDMENT TANZANIA SHIPPING AGENCIES ACT,
(CAP. 415)

- | | |
|---------------------------|---|
| Construction Cap.415 | 61. This Part shall be read as one with the Tanzania Shipping Agencies Act hereinafter referred to as the “principal Act.” |
| Amendment of section 2 | 62. The principal Act is amended in section 2, by deleting the words “at sea ports and inland waterways ports”. |
| Amendment of section 3 | 63. The principal Act is amended in section 3, by- (a) inserting in its alphabetical order the following new definitions: ““airport” means a defined area on land or water including any building, installations and equipment intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft with facilities for passengers and cargo; “airway bill” means a document that accompanies goods shipped by an international air courier providing detailed information about the shipment; “ammunition” shall have the meaning ascribed to it under the Firearms and Ammunition Control Act; |
| Cap. 123 | “consignment note” means a document prepared by a consignor and countersigned by the carrier as a proof of receipt of consignment for delivery at the destination; |

“dry port” means an inland common user facility which is directly linked to a maritime port by road or railway, having appropriate infrastructure, equipment and storage facilities operating as a centre for transshipment of sea bound cargo and containers to and from inland destinations and includes Inland Clearance Depot and Empty Container Depot;

“export” means to take or cause goods to be taken out of Mainland Tanzania;

“ferry” includes a boat or ship, whether owned by the government or private person, for conveying passengers or goods in a passage over any river, arm of the sea, lake or part of a lake from any place to which the public have access to any other place but does not include a boat or a ship owned or operated by security forces;

Cap. 223 “firearm” shall have meaning ascribed to it under Firearms and Ammunition Control Act;

Cap. 392 “gas” shall have the meaning ascribed to it under the Petroleum Act;

- Cap. 383 “Government trophy” means the Government trophy as referred to under the Wildlife Conservation Act;
- “import” means to bring or to cause goods to be brought into Mainland Tanzania from a foreign country;
- “live animal” means any kind of live vertebrate and invertebrate animal and the young and egg thereof;
- Cap. 123 “mineral” shall have the meaning ascribed to it under the Mining Act;
- Cap. 392 “oil” shall have the meaning ascribed to it under the Petroleum Act;
- Cap. 392 “petroleum” shall have the meaning ascribed to it under the Petroleum Act;
- “port services” means any service rendered by a port terminal operator within a port in any manner including loading and unloading of goods on board vessels, shore handling of goods, storage of goods, handling of passengers carried on vessels and handling of refined petroleum products, edible oils and natural or liquidified gases on vessels;
- “ship” means a floating vessel which is self-propelled and capable of carrying passengers or cargo;
- “vessel” includes any ship, boat, sailing vessel, ferry or other vessel of any description used in navigation;”
- (b) inserting the words “ports, pipelines, airports border-post” between the words “through,” and “customs” appearing in the definition of the words “clearing and forwarding”;

- (c) deleting the definition of the word “consignee” and substituting for it the following-

““consignee” means the party to whom goods accepted for carriage on board are addressed and that party is named as such in the bill of lading, airway bill or consignment note;”

- (d) deleting the definition of the word “port” and substituting for it the following-

“port” means a sea port or inland waterways port of Mainland Tanzania, whether on the coast or elsewhere and in relation to execution of exclusive mandate and shipping agency under this Act, a port shall include airport;

- (e) adding the words “airway bill or consignment note” between the words “lading” and “as party” appearing in the definition of the word “shipper”.

Amendment
of section 5

64. The principal Act is amended in section 5, by deleting paragraph (g) and (h) and substituting for them the following-

“(g) promoting competition in the maritime transport services; and

(h) entering into contractual obligations with other persons or body of persons in order to secure the provision of quality and efficient shipping services and maritime environment, safety and security, whether by means of concession, joint venture, public private partnership or other means and to delegate its own functions of providing shipping services and maritime environment, safety and security to one or more parties.”

Amendment
of section 7

65. The principal Act is amended in section 7, by-
(a) in subsection (1), by-

- (i) deleting the word “arms” appearing in paragraph (a) and substituting for it the word “firearms;”
- (ii) adding between the words “trophies” and “or” appearing in paragraph (a) the following words “fertilizers, industrial sugar, domestic sugar, edible cooking oil, wheat, oil products, gas, liquidified gas and chemicals or any other liquid related products ”;
- (iii) adding immediately after paragraph (c) the following new paragraph-

“(d) shipping agency functions in relation to-

- (i) tanker ships, pure car carriers vessel, cruise vessel, exhibition vessel, casual caller, chartered vessel and military ship;
- (ii) minerals, mineral concentrates, machineries, equipment, products or extracts related to minerals and petroleum, firearms and ammunition, live animals, Government trophies, fertilizers, industrial and domestic sugar, edible or cooking oil, wheat oil products, gas, liquidified gas and chemicals or any other liquid related products”; or
- (iii) any other goods as the Minister may by order published in the *Gazette* prescribe.”; and

(b) by inserting immediately after sub section (1), the following-

“(1A) For the purpose of subsection (1)(d), the term “tanker ship” means a ship designed to transport liquids or gases in bulk including oil products, gas, liquidified gas and chemicals or any other liquid related products. ”

Amendment
of section 10

66. The principal Act is amended in section 10, by deleting subsection (1) and substituting for it the following-

“(1) The Corporation shall regulate maritime transport services, maritime safety, maritime security and prevention of pollution

- from ships and maritime activities in accordance with the provisions of this Act.”
- Amendment of section 11
- 67.** The principal Act is amended in section 11, by-
- (a) deleting the opening phrase to subsection (1) and substituting for it the following-
- “(1) The functions of the Corporation in relation to regulation of maritime administration, maritime safety, maritime security and prevention of pollution from ships and maritime activities shall be to:-”
- (b) deleting paragraph (b) and substituting for it the following-
- “(b) exercise flag state control on Tanzanian ships and port state control on foreign ships;”.
- Amendment of section 13
- 68.** The principal Act is amended in section 13, by deleting subsection (3) and substituting for it the following-
- “(3) Notwithstanding the provisions of subsection (2), the Director General shall not issue a licence for shipping agency if the applicant or its shareholder is ship owner, ship operator, ship charterer, dry port operator or clearing and forwarding agent.”
- Amendment of section 22
- 69.** The principal Act is amended in section 22(2), by-
- (a) deleting the word “senior” appearing in paragraph (g);
- (b) inserting the word “management” between the words “of” and “staff” appearing in paragraph (h); and
- (c) deleting the word “senior” appearing in paragraph (i);
- Amendment of section 30
- 70.** The principal Act is amended in section 30, by deleting subsection (5) and substituting for it the following-
- “(5) The Director General shall serve for a term of five years renewable once on such terms and conditions as shall be set out in the scheme of service and letter of his appointment.”

Amendment
of section 31

71. The principal Act is amended in section 31(3), by-

- (a) adding the word “or” at the end of paragraph (a); and
- (b) deleting paragraph (b) and substituting for it the following-

“(b) is a holder of a first degree from a recognized university and a Master Mariner or Chief Engineer Officer in accordance with the International Convention on Standard of Training, Certification and Watch keeping for Seafarers (STCW Reg. II/2 or III/2) with seagoing service; and”

Amendment
of section 46

72. The principal Act is amended in section 46, by-

- (a) deleting the words “business of shipping agency” appearing in paragraph (a) and substituting for them the words “regulated service”; and
- (b) deleting paragraph (b) and substituting for it the following:

“(b) inspect and take copies of any record required under this Act to be kept in respect of regulated service or any other records relating to such service,”

Amendment
of the
Schedule

73. The principal Act is amended in the Schedule by deleting the words “shipping agency” appearing after the word “for” appearing in paragraph 1(1) in item (e) and substituting for it the word “maritime transport.”

PART IX
AMENDMENT OF THE TRUSTEES’ INCORPORATION ACT,
(CAP.318)

Construction
Cap.318

74. This Part shall be read as one with the Trustees’ Incorporation Act, hereinafter referred to as the “principal Act”.

General amendment

75. The principal Act is amended generally by deleting the designation “Registrar-General” wherever it appears in the Act and replacing it with the designation “Administrator-General”.

Addition of section 1A

76. The principal Act is amended by adding immediately after section 1 the following:

“Interpretation **1A.** In this Act, unless the context requires otherwise-

“trust” means a legal relationship created by personal acts, by an order of the court or operation of the law, when specified property or interests are placed under the control and management of a trustee or trustees for the benefit of another party or parties, called a beneficiary or beneficiaries, or for purposes specified under section 2(1), and excludes:

- (a) a non-governmental organization registered under the Non-Governmental Organizations Act;
Cap. 56
- (b) a company registered under the Companies Act;
Cap. 212
- (c) a society registered under the Societies Act;
Cap. 337
- (d) a trade union formed and registered under the Employment and Labour Relation Act;
Cap. 366
- (e) an agricultural association formed and registered under any written law other than this Act;
- (f) political party registered under the Political Parties Act;
Cap. 258

- Cap. 49 (g) a sports association or club registered under the National Sports Council of Tanzania Act;
- Cap. 407 (h) a community microfinance group (VICOBA) registered under the Microfinance Act;
- Cap. 337 (i) a cooperative society formed and registered under the Cooperative Societies Act; and
- (j) any trust which the Minister may, by order published in the *Gazette*, declare not to be a trust for the purpose of this Act;
 “trustee” means a person who holds, controls and manages property or any other interests for the benefit of a beneficiary or beneficiaries, or for purposes specified in section 2(1).”.

Amendment
of section 14

77. The principal Act is amended in section 14(2) by deleting the words “a police officer of the rank of Inspector or above” appearing in paragraph (e) and substituting for them the words “other relevant investigation authorities”.

Passed by the National Assembly on the 27th June, 2019.

STEPHEN KAGAIGAI
Clerk of the National Assembly