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THE UNITED REPUBLIC OF TANZANIA

***SPECIAL BILL SUPPLEMENT***

***No. 4A***

***24<sup>th</sup> August, 2017***

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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) (N0.4)  
ACT, 2017

ARRANGEMENT OF SECTIONS

*Section Title*

PART I  
PRELIMINARY PROVISIONS

1. Short title.
2. Amendment of Certain Written Laws.

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

3. Construction
4. Amendment of section 2
5. Amendment of section 10
6. Amendment of section 23
7. Amendment of section 28
8. Amendment of section 33

9. Amendment of section 37
10. Amendment of section 44
11. Repeal and replacement of section 55
12. Amendment of section 56

PART III  
AMENDMENT OF THE LAND SURVEY ACT,  
(CAP.324)

13. Construction
14. Amendment of section 2
15. Amendment of section 3
16. Amendment of section 4
17. Amendment of section 6
18. Amendment of section 9
19. Amendment of section 13
20. Addition of section 18A

PART IV  
AMENDMENT OF THE NATURAL WEALTH AND RESOURCES  
CONTRACTS (REVIEW AND RE-NEGOTIATION OF UNCONSCIONABLE  
TERMS) ACT  
(ACT NO. 6 OF 2017)

- 21. Construction
- 22. Amendment of section 3

PART V  
AMENDMENT OF THE TOWN PLANNERS REGISTRATION ACT,  
(CAP.426)

- 23. Construction
- 24. Amendment of section 2
- 25. Amendment of section 4
- 26. Amendment of section 7
- 27. Amendment of section 8
- 28. Amendment of section 22
- 29. Amendment of section 23
- 30. Amendment of section 25
- 31. Addition of section 25A
- 32. Amendment of section 31
- 33. Repeal of Second Schedule

PART VI  
AMENDMENT OF THE WORKERS COMPENSATION FUND ACT,  
(CAP.263)

- 34. Construction
- 35. Amendment of section 48
- 36. Amendment of the First Schedule

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**NOTICE**  
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This Bill to be submitted to the National Assembly is published for general information to the general public together with a statement of its objects and reasons.

Dar es Salaam,  
22<sup>nd</sup> August, 2017

**JOHN W. H. KIJAZI**  
*Secretary to the Cabinet*

**A BILL**  
*for*

**An Act to amend certain written laws.**

**ENACTED** by Parliament of the United Republic of Tanzania.

**PART I**  
**PRELIMINARY PROVISIONS**

- |                                   |  |
|-----------------------------------|--|
| Short title                       | <b>1.</b> This Act may be cited as the Written Laws (Miscellaneous Amendments) (No.4) Act, 2017.                                 |
| Amendment of certain written laws | <b>2.</b> 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 LAND DISPUTES COURTS ACT,**  
**(CAP. 216)**

Construction  
Cap. 216

**3.** This Part shall be read as one with the Land Disputes Courts 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 “district council” and substituting for it the following:

Cap. 287      ““Council” has the meaning ascribed to it under the Local  
Cap. 288      Government (District Authorities) Act and the Local  
Government (Urban Authorities) Act”;

Amendment  
of section 10

**5.** The principal Act is amended in section 10, by deleting the words “of a District Council” appearing in subsection (1).

Amendment  
of section 23

**6.** The principal Act is amended in section 23, by deleting the words “one chairman” appearing in subsection (1) and substituting for it the words “at least a Chairman”.

Amendment  
of section 28

**7.** The principal Act is amended in section 28, by-

(a) inserting immediately after subsection (1) the following new subsection:

“(2) A person shall not be appointed to be the Registrar unless he holds a degree in law from a recognized university and has experience in the field of law for the period of not less than ten years.”;

(b) renumbering subsections (2), (3) and (4) as subsections (3), (4) and (5) respectively.

Amendment  
of section 33

- 8.** Section 33 of the principal Act is amended-
- (a) in subsection (2), by deleting the word “fifty” appearing in paragraph (a) and substituting for it the words “one hundred”; and
  - (b) by deleting the word “forty” appearing in paragraph (b) and substituting for it the word “eighty”.

Amendment  
of section 37

- 9.** The principal Act is amended in section 37(1), by deleting-
- (a) the words “fifty million” appearing in paragraph (a) and substituting for them the phrase “not less than one hundred and fifty million”; and
  - (b) the words “forty million” appearing in paragraph (b) and substituting for them the words “one hundred million”;

Amendment  
of section 44

- 10.** The principal Act is amended in section 44, by adding immediately after subsection (2) the following new subsection:
- “(3) Where the Registrar in any case after making the inspection and examination of records under subsection (1), is of the opinion that, any decision or order is illegal or improper or any proceedings are irregular, shall remit the file to the District Land and Housing Tribunal within fourteen days from the date of the order.”

Repeal and –  
replacement  
of section 55

- 11.** The principal Act is amended by repealing section 55 and replacing it with the following:

“Protection  
of members  
and others

**55.** No matter or thing done by a Chairman, member, officer, servant or agent of a Village Land Council or Ward Tribunal and District Land and Housing Tribunal shall if done in good faith in the execution or purported execution of the provisions of this Act or of regulations made there under, subject any such person to any action, liability or demand

whatsoever.”

Amendment  
of section 56

- 12.** The principal Act is amended in section 56(2), by:
- (a) inserting the words “appointment and” before the word “removal” appearing in paragraph (h);
  - (b) inserting the words “Chairman and” between the words “of” and “assessors appearing in paragraph (i); and
  - (c) adding immediately after paragraph (i) the following new paragraph:
    - “(j) prescribing the general guidance and conduct of Court Brokers”; and
  - (d) renaming paragraph “(j)” as paragraph “(k)”.

**PART III**  
**AMENDMENT OF THE LAND SURVEY ACT,**  
**(CAP.324)**

Construction  
Cap.324

**13.** This part shall be read as one with the Land Survey Act, hereinafter referred to as the “principal Act”.

Amendment  
of section 2

**14.** The principal Act is amended in section 2, by adding in its appropriate alphabetical order the following new definition:  
“Zonal Land Surveyor” means, the Surveyor in charge of the zone, representing the Director”.

Amendment  
of section 3

**14.** The principal Act is amended in section 3, by -

- (a) designating the contents of section 3 as subsection (1); and
- (b) adding immediately after subsection (1) as designated a new subsection (2) as follows:
  - “(2) The Director shall delegate functions vested to him to the Zonal Land Surveyors who shall assist the

Director in the performance of his duties and in the exercise of powers vested upon him by this Act.”

Amendment  
of section 4

**16.** Section 4(3) of the Principal Act is amended by deleting the words “not exceeding fifty thousand shillings or to imprisonment for a term not exceeding twelve months and substituting for them the words “not less than seven thousand fifty hundred shillings or to imprisonment for a term of one year”.

Amendment  
of section 6

**17.** The principal Act is amended in section 6(2), by deleting the words “not exceeding two thousand shillings and substituting for them the following words” of five million shillings or to imprisonment for a term of two years”.

Amendment  
of section 9

**18.** The principal Act is amended in section 9, by deleting the words “not exceeding fifty thousand shillings” and substituting for them the words “of two million shillings”.

Amendment  
of section 13

**19.** The Principal Act is amended in section 13, by adding immediately after subsection (3) the following new subsection:  
“(4) without prejudice to the generality of subsection (1) cadastral survey documents submitted to the Director may be generated through electronic form and such documents shall be valid for all purposes.”

Addition of  
Section 18A

**20.** The principal Act is amended by adding immediately after section 18 the following new section:

“Topographical  
and other maps

**18A.**-(1) The Director shall have exclusive right to prepare, produce and supply topographical maps and any other map showing any regional and National boundaries.

(2) Any person who contravenes the provisions of this section commits an offence



against and on conviction is liable to a fine not less than fifty thousand but not exceeding one hundred fifty thousand shillings or to imprisonment for a term of not less than six months but not exceeding one year.”

PART IV  
AMENDMENT OF THE NATURAL WEALTH AND RESOURCES CONTRACTS  
(REVIEW AND RE-NEGOTIATION OF UNCONSCIONABLE TERMS) ACT  
(ACT NO. 6 OF 2017)

Construction Act No. 6 of 2017                    **21.** This Part shall be read as one with the Natural Wealth and Resources Contracts (Review and Re-Negotiation of Unconscionable Terms) Act, herein after referred to as the “principal Act”.

Amendment of section 3                    **22.** Section 3 of the principal Act is amended in the definition of the term “natural wealth and resources” by deleting the words “and flora fauna” appearing in the third line and substituting for them the following: “mineral resources, petroleum resources, flora and fauna”;

PART V  
AMENDMENT OF THE TOWN PLANNERS REGISTRATION ACT,  
(CAP.426)

Construction Cap.426                    **23.** This Part shall be read as one with the Town Planners Registration Act, hereinafter referred to as the “principal Act”.

Amendment of section 2                    **24.** The principal Act is amended in section 2, by inserting in their appropriate alphabetical order the following new definitions:  
“a foreign firm” means a firm whose majority shares are owned by non-citizens;  
“town planning practice” includes-  
(a) preparation of General Planning Schemes including

- Metropolitan Plans, Master Plans, Strategic Urban Development Plans and Interim Land Use Plans;
- (b) preparation of Regional and District Physical Development plans and Village Land Use plans;
  - (c) preparation of detailed plans for redevelopment or renewal, of regularization, institutional management plans, neighborhood unit plans and any other site plans;
  - (d) preparation of national or regional policies and strategies pertaining to planning and housing; and
  - (e) preparation of various technical guidelines to guide development; and
- “stop order” means an order issued by the Board under this Act.”

Amendment  
of section 4

- 25.** The principal Act is amended in section 4, by:
- (a) inserting immediately after subsection (1) the following new subsections:
    - “(2) The Board shall be a body corporate and shall;
      - (a) have perpetual succession and common seal;
      - (b) in its corporate name be capable of-
        - (i) suing and being sued;
        - (ii) acquiring, holding and disposing of movable and immovable property; and
        - (iii) entering into Contracts or other transactions and doing all other acts and things which a body corporate may lawfully perform;
    - (3) Notwithstanding the provisions of this section, the Attorney General shall have the right to intervene in any suit or matter instituted by, or against the Board.
    - (4) Where the Attorney General intervenes in any matter in pursuance of subsection (2), the provisions of the Government Proceedings Act shall apply in relation to the proceedings of that suit or matter as if it had been

Cap.5

instituted by, or against the Government.

(5) For the purposes of subsections (3) and (4), the Board shall have a duty to notify the Attorney General of any impending suit or intention to institute a suit or matter by, or against the Board.

(b) renaming subsection (2) as subsection (6).

Amendment  
of section 7

**26.** The principal Act is amended in section 7, by adding immediately after subsection (2) the following new subsections:

“(3) The Registrar shall be the accounting officer and secretary of the Board.

(4) Without prejudice to subsection (3), the functions of the Registrar shall be to:

(a) plan, manage, monitor and implement the programs and policies of the Board;

(b) prepare draft policies and programs on the professional development of town planners for approval by the Board;

(c) prepare budgets for approval by the Board;

(d) prepare and submit to the Board reports on the activities and audited accounts of the Board;

(e) liaise with other relevant Bodies for the purposes of providing strategic advice on the professional development of Town Planners;

(f) facilitate the meetings of the Board; and

(g) perform any other duties relating to the objectives and functions of the Board that may be entrusted upon him by the Board.

(5) In the performance of his functions under this Act, the Registrar shall be answerable to the Board”.

Amendment  
of section 8

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

“(2) Application Forms for Registration, Practicing Licence, Certificates of Registration and Register of Town Planners shall be as prescribed in the Regulations.”

Amendment  
of section 22

**28.** The principal Act is amended in section 22, by deleting the phrase “exceeding five hundred thousand shillings and not less than three hundred thousand shillings or to imprisonment for a term not exceeding two years but not less than three months” and substituting for it the phrase “less than five million shillings but not exceeding ten million shillings or to imprisonment for a term not less than one year but not exceeding three years”.

Amendment  
of section 23

**29.** The principal Act is amended in section 23, by-

(a) deleting subsection (1) and substituting for it the following:

“(1) A body whether corporate or otherwise shall not carry out business or practice as a town planner unless it is registered in accordance with this Act and at least two of its partners, members or shareholders are persons registered under this Act.”; and

(b) deleting the words “ not exceeding five hundred thousand shillings but not less than three hundred thousand shilling” appearing in subsection (4) and substituting for them the words “ not less than two million but not exceeding five million shillings.”

Amendment  
of section 25

**30.** The principal Act are amended in section 25, by-

(a) inserting immediately after paragraph (a) the following new paragraph:

“(b) fails to pay prescribed fees;”

(b) renaming paragraphs (b) and (c) as paragraphs (c) and (d) respectively;

(c) deleting the words “not exceeding five hundred thousand shillings but not less than one hundred thousand shillings or

to imprisonment for a term not exceeding two years but not less than three months” and substituting for them the words “not less than two million shillings but not exceeding five million shillings or to imprisonment for a term not less than one year and not exceeding three years”.

Addition of section 25A

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

“Power to issue stop order

**25A.**-(1) Where any person or firm which is not registered under the Act undertakes town planning works or carries out any town planning work in contravention of the Act, the Board may issue a stop order or take other legal action.

(2) A person who fails to comply with the requirements of the stop order issued under subsection (1), commits an offence and upon conviction, is liable to a fine of not less than three million shillings and not exceeding five million and in case of a continuing offence to a fine of three hundred and fifty thousand shillings for every day during which the offence continues after conviction.

(3) The stop order issued under this section shall be served through the registered address at the principal office of the party in breach.

(4) Any person who refuses service of a stop order issued under this section, commits an offence and on conviction is liable to a fine of five million shillings or to an amount equivalent to two percent of the town planning work, whichever is greater, or to twelve months imprisonment or to both.

(5) Notwithstanding subsections (3) and (4), where an offence under this section is committed by a firm, that firm is liable on conviction to a fine of not less than five million shillings but not exceeding ten million and in case

of a continuing offence to a fine of five hundred thousand shillings for every day during which the offence continues after conviction.”

Amendment  
of section  
31

- 32.** The principal Act is amended in section 31(2), by-
- (a) inserting immediately after paragraph (a) the following new paragraph:
    - “(b) fees payable and forms in respect of application for registration and licencing under this Act;”;
  - (b) renaming paragraphs (b), (c) and (d) as paragraphs (c), (d) and (e) respectively.

Repeal of  
Second  
Schedule

- 33.** The principal Act is amended by repealing the Second Schedule.

**PART VI**  
**AMENDMENT OF THE WORKERS COMPENSATION FUND ACT,**  
**(CAP. 263)**

Construction  
Cap. 263

- 34.** This Part shall be read as one with the Workers Compensation Fund Act, hereinafter referred to as the “principal Act”.

Amendment  
of section 48

- 35.** The principal Act is amended in section 48-
- (a) in subsection (4), by deleting paragraph (b) and substituting for it the following:
    - “(b) the employee with less than one hundred per cent but more than thirty percent permanent disablement, shall be paid monthly pension calculated in accordance with paragraph (a) proportionate to the degree of permanent disablement of the employee;
  - (c) the employee with thirty percent or less than thirty

percent permanent disablement shall be paid in the form of a lump sum and the amount payable shall be eighty four times the monthly pension amount provided in paragraph (a) proportionate to the degree of permanent disablement of the employee.” ;

(b) by adding immediately after subsection (5) the following:

“(6) For the purpose of this section, “monthly pension” means a pension payable monthly during the lifetime of the employee and shall cease or be adjusted when the employee resumes work or qualifies for payment of an old age or invalidity pension upon reaching retirement age.”

Amendment  
of the First  
Schedule

**36.** The First Schedule to the principal Act is amended in paragraph (1) by deleting subparagraph (b) and substituting for it the following:

“(b) other members appointed by the Minister as follows:

- (i) two members representing the most representative employers’ organization;
- (ii) two members representing the most representative employees’ organisation;
- (iii) a law officer representing the Attorney General;
- (iv) a representative from the Ministry responsible for social security;
- (v) a representative from the Ministry responsible for finance; and
- (vi) a representative from an association of persons with disabilities arising from work related injuries or diseases who possess knowledge and experience in labour or social security matters.”

**OBJECTS AND REASONS**

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This Bill proposes to amend five laws namely, the Land Disputes Courts Act, Cap.216, the Land Survey Act, Cap.324, the Natural Wealth and Resources Contracts (Review and Re-Negotiation of Unconscionable Terms) Act, 2017, the Town Planners Registration Act, Cap.426 and the Workers Compensation Act, Cap.263.

The proposed amendments intend to keep the respective laws with changes so far observed in their implementation.

This Bill is divided into six Parts. Part I deals with preliminary provisions which includes the title of the Bill and the manner in which the laws proposed to be amended, are amended in their respective Parts.

Part II amends the Land Disputes Courts Act, Cap.216. Section 2 is amended by removing the definition of the word “District Council” instead the word “council” is defined. The amendments aim to remove the ambiguities that arise in bodies that deal with land dispute settlement in ward and district levels where according to the current law they are supposed to be established in district authorities and not in town authorities. For the same purpose, section 10(1) is also amended by removing the word “District council”.

Section 23(1) is amended by removing the word “Chairman” and substituting thereto with the word “at least one chairman”. These amendment aim at enabling the District Land and Housing Tribunal to have more than one Chairman.



Section 28 is amended by adding subsection (2) which provides for the qualifications of the Registrar of District Land and Housing Tribunals. The proposed qualifications require the person to have at least Bachelor of Laws Degree from the accredited and recognised “university. Further, it requires him to have experience in law for a period of not less than 10 years.

Furthermore, section 33 also is amended on the original jurisdiction of the District Land and Housing Tribunal from fifty million to one hundred million shillings for immovable properties and from one million to fourty million shillings for movable and valuable properties. The same amendment are under section 37 where the original jurisdiction of the High Court will be on the recovery immovable property that exceeds one hundred million shillings and on the recovery of movable and valuable property that exceed fourty million shillings. The Part is also amended in section 44 by enabling the High Court with powers to return, within 14 days, the case file to the District Land and Housing Tribunal where such file had been requested by the High Court.

Section 55 is amended for purposes of updating the information. The section deals with executives at Village Land Tribunals, Ward Land Tribunals and District Land and Housing Tribunals. Section 56(2) is amended in order to enable the Minister responsible for land matters to make regulations concerning appointment of Tribunal Chairmen and Assessors. Further, to provide for duties, responsibilities and mode of work of the Tribunal Chairmen, and court brokers of the District Land and Housing Tribunals.

Part III provides for amendment to the Land Survey Act, Cap.324. The proposed amendments intends to provide for a new definition of “*Zonal land Surveyor*” which was not included in the Act.

Further, it proposes to amend sections 3, 4, 6 and 9 for purposes of providing for new penalties for the contravention of the relevant provisions of the Act.

Further more, in section 13 is amended by adding a new subsection (4). The aim is to allow the use of electronic generated documents. The Section legalizes all cadastral survey documents together with other documents to be valid once they are generated in electronic form.

The Part also intends to amend the Act by adding a new section 18A. the aim is to empower the Director with exclusive right on preparation , production and supply of all matters covering regional and National boundaries. It further provides for penalties.

Part IV proposes amendment to the Natural Wealth and Resources Contracts (Review and Re-Negotiation of Unconscionable Terms) Act, 2017. Section 3 of the Act is amended in the definition of the term “natural wealth and resources”. The aim is to add the definition of the terms “mineral resources” and “petroleum resources” in the Act.

Part V proposes amendments to the Town Planners Registration Act, Cap.426. It is proposed to amend section 2 by adding the definition of the terms “*firm*”, “*foreign firm*” and “*Town planning practice*”.

It is further proposed to amend section 4 by adding new subsections ((2), (3), (4) and (5) with the aim of conferring the board with the status of a separate legal entity to enable the Board to have among other things, power to sue and be sued on its own corporate name and allow intervention of the Attorney General, in certain cases.

Section 7 of the Act is proposed to be amended by adding subsection (3), (4) and (5). The intension is to provide for the duties and responsibilities of the

Registrar. It is also proposed to amend section 8 by deleting subsection (2) and substituting for it with the new provision empowering the Minister to make regulations prescribing for forms, licensees and certificates.

It is further proposed to amend sections 15, 22 and 23. The amendments intend to provide for new penalties and to allow only registered persons to practice town planning business.

Section 25 is proposed to be amended for the purpose of increasing penalty for contravention of the relevant provisions of the Act and adding a new section 25A in order to give power to the Board to issue “stop order”.

The Part further proposes to amend section 31 by inserting a new paragraph “(a)”. The purpose is to enable the Minister to make regulations to provide for forms and fees payable in respect of application for registration and licensing made under this Act.

Furthermore, it propose to amend the Act by deleting the whole of the Second Schedule.

Part VI of the Bill proposes to amend the Workers Compensation Fund Act, Cap.263. The amendment propose to amend section 48(4)(b) and (c) in order to allow employees with less than thirty percent permanent disablement to be paid compensation in lump sum.

MADHUMUNI NA SABABU

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Muswada huu unapendekeza kufanya Marekebisho katika Sheria tano ambazo ni Sheria ya Utatuzi wa Migogoro ya Ardhi, Sura ya 216, Sheria ya

Upimaji wa Ardhi, Sura ya 324, Sheria ya Mamlaka ya Nchi Kuhusu Rasilimali za Nchi ya mwaka 2017, Sheria ya Usajiliwa Maafisa Mipango Miji, Sura ya 426 na Sheria ya Mfuko wa Fidia kwa Wafanyakazi, Sura ya 263.

Madhumuni ya Marekebisho ya Sheria hizi ni kuondoa upungufu ambao umebainika katika utekelezaji wa baadhi ya masharti yaliyomo katika Sheria hizo na pia kuongeza ufanisi kwa taasisi zinazosimamia utekelezaji wa Sheria hizo.

Muswada huu umegawanywa katika Sehemu Kuu Sita.

Sehemu ya Kwanza inahusu masharti ya utangulizi ambayo yanajumuisha, jina la Muswada na namna ambavyo Sheria zinazopendekezwa kurekebishwa zitakavyorekebishwa ndani ya Muswada huu.

Sehemu ya Pili ya Muswada inapendekeza marekebisho ya Sheria ya Utatuzi wa Migogoro ya Ardhi, Sura 216. Kifungu cha 2 kinarekebishwa kwa kuondoa tafsiri ya neno “*District council*” na badala yake inaweka neno “*council*”. Marekebisho haya yanalenga kuondoa utata kwamba vyombo vya utatuzi wa migogoro ya ardhi katika ngazi ya Kata na Wilaya ambavyo vinatakiwa kuanzishwa katika Mamlaka za Wilaya pekee na si katika Mamlaka za Miji. Kwa lengo hilo hilo, pia marekebisho yanapendekezwa kufanyika katika kifungu cha 10(1) kwa lengo la kufuta msamiati “*District Council*”.

Kifungu cha 23(1) kinarekebishwa kwa kuondoa neno “*chairman*” na badala yake kuweka neno “*at least one chairman*”. Marekebisho haya yanafanyika kwa lengo la kuruhusu Baraza la Ardhi na Nyumba la Wilaya kuwa na mwenyekiti zaidi ya mmoja. Aidha, kifungu cha 28 kinarekebishwa kwa kuongeza kifungu kidogo cha (2) ambacho kinaweka sifa za Msajili wa Mabaraza ya Ardhi na Nyumba ya Wilaya. Sifa zinazopendekezwa ni kuwa Msajili awe na shahada ya Sheria kutoka katika chuo kinachotambulika na awe na uzoefu usiopungua miaka kumi (10).

Marekebisho mengine katika Sheria hii yanapendekezwa kufanyika katika kifungu cha 33 kinachohusiana na ukomo wa thamani kwa Mabaraza ya Ardhi na Nyumba ya Wilaya kutoka milioni hamsini mpaka milioni mia moja kwa mali zisizohamishika na kutoka milioni arobaini mpaka milioni themanini kwa mali zinazoweza kuthaminika. Hivyo hivyo, mapendekezo ya marekebisho yanalengwa katika kifungu cha 37 kwa lengo la kuongeza ukomo wa chini wa thamani kwa Mahakama Kuu kutoka milioni hamsini mpaka milioni mia moja kwa mali kuhamishika na zisizohamishika na kutoka milioni arobaini mpaka milioni themanini kwa mali zinazoweza kuhamishika na kuthaminika. Marekebisho mengine yanafanyika katika kifungu cha 44 kwa kuweka muda wa siku 14 ambapo Mahakama Kuu itatakiwa kurejesha jalada katika Baraza la Ardhi na Nyumba la Wilaya baada ya Msajili kubaini kasoro katika uamuzi wa Baraza.

Kifungu cha 55 kinaandikwa upya ili kieleweke kwa kuwa kifungu hicho kinawahusu watendaji wa Mabaraza ya Ardhi ya Vijiji, Mabaraza ya Kata na Mabaraza ya Ardhi na Nyumba ya Wilaya. Marekebisho mengine yanapendekezwa kufanyika katika kifungu cha 56(2). Lengo ni kumwezesha Waziri kutunga Kanuni kwa ajili ya uteuzi wa wenyevitani wa Wazee wa Mabaraza, utendaji wa wenyevitani wa Mabaraza ya Ardhi na Nyumba ya Wilaya na Utendaji wa madalali wa Mabaraza ya Ardhi na Nyumba ya Wilaya.

Sehemu ya Tatu ya Muswada inapendekeza marekebisho ya Sheria ya Upimaji wa Ardhi Sura 324. Muswada unafanya marekebisho katika kifungu cha 2 kwa kuongeza tafsiri ya neno “Mpima Ardhi wa Kanda” “*Zonal Land Surveyor*” ambaye atakuwa msimamizi wa shughuli zote za upimaji katika Kanda kwa niaba ya Mkurugenzi. Tafsiri hii haikuwepo awali.

Kifungu cha 3 kinapendekezwa kufanyiwa marekebisho kwa kuongezwa kifungu kidogo cha (2) kinachomtaka Mkurugenzi wa Idara kukasimu madaraka yake kwa Mpima Ardhi wa Kanda (*Zonal Land Surveyor*). Aidha, inapendekezwa pia kufanya marekebisho katika vifungu vya 4, 6 na 9 ili kuongeza kiwango cha faini na adhabu kwa mtu yeyote atakayekiuka masharti ya Sheria hii.

Kifungu cha 13 pia kinapendekezwa kufanyiwa marekebisho kwa lengo la kuongeza kifungu kidogo kipya cha (4) kinachoweka masharti ya kuanza kutambulika na kutumika kisheria kwa michoro yote ya upimaji na ramani iliyotayarishwa kielektroniki.

Marekebisho yanapendekezwa pia yafanyike katika Sheria kwa kuongeza kifungu kipya cha 18(A) kinachompa Mkurugenzi haki ya kipekee ya kuandaa, kutengeneza na kusambaza ramani zote zinazoonyesha mipaka ya mikoa na nchi. Aidha, inapendekezwa kuongeza kifungu kidogo cha (2) kinachotoa maelezo ya adhabu kwa yeyote anayekaekiuka masharti ya kifungu hicho.

Sehemu ya Nne ya Muswada inapendekeza kuifanyia marekebisho Sheria ya Mamlaka ya Nchi Kuhusu Rasilimali za Nchi ya mwaka 2017. Kifungu cha 3 cha Sheria hii kinafanyiwa marekebisho katika tafsiri ya msamiati “natural wealth and resources” ili kujumuisha rasilimali za madini na mafuta ambazo zinakosekana katika msamiati huo.

Sehemu ya Tano inapendekeza marekebisho ya Sheria ya Usajili wa Maafisa Mipangomiji Sura 426. Inapendekezwa kurekebisha kifungu cha 2 kwa kuongeza misamiati “*foreign firm*”, “*stop order*” tafsiri ya maneno haya hayakuwepo awali. Aidha, inaongeza maana katika tafsiri ya kazi zifanywazo na taaluma ya Mipango Miji “*Town planning practice*”.

Vile vile, inapendekezwa kukifanyia marekebisho kifungu cha 4 kwa kuongeza kifungu kidogo cha (2) , (3), (4) na (5) kwa lengo la kuipa Bodi mamlaka ya kisheria pamoja na mambo mengine, kuwa na mamlaka kamili ya kuweza kushitaki na kushitakiwa kwa jina lake kuweka masharti ya Mwanasheira Mkuu wa Serikali kuweza kushiriki katika baadhi ya mashauri. Kifungu cha 7 kinapendekezwa kurekebisha ili kuongeza kifungu kidogo cha (3), (4) na (5) kinachoonyesha kazi na wajibu wa Msajili wa Bodi. Aidha, inapendekezwa marekebisho katika kifungu cha 8 kwa kufuta kifungu kidogo cha (2) na kukiandika upya ili kuainisha masharti juu ya fomu zote za usajili, leseni za kufanyia kazi na usajili wa Maafisa Mipangomiji kuwa zitaainishwa katika Kanuni.

Kifungu cha 15, 22 na 23 vinapendekezwa kurekebishwa ili kuongeza adhabu kwa wanaoshindwa kulipia tozo mbalimbali za usajili na kuwezesha mtu binafsi ama kampuni kufanya kazi za taaluma ya mipangomiji endapo tu atakuwa amesajiliwa.

Muswada pia unapendekeza marekebisho katika kifungu cha 25. Inapendekezwa kuongeza faini na kuongeza kifungu cha 25A kinachoipa nguvu Bodi kuweza kutoa ilani ya makatazo (*Stop order*). Aidha, mapendekezo yanafanyika pia katika kifungu cha 31 kwa kuongeza kifungu kidogo (b) ili kuruhusu Waziri kutunga Kanuni zinazohusu fomu na tozo pale mtaalam anapofanya usajili na kuomba leseni. Vile vile, inapendekezwa kufutwa kwa Jedwali la Pili.

Sehemu ya Sita ya Muswada inapendekeza kuifanyia marekebisho katika Sheria ya Mfuko Fidia kwa Wafanyakazi, Sura 263. Marekebisho yanapendekezwa kufanyika katika kifungu cha 48(4) (b) na (c) kwa kuvifuta na kuviandika upya kwa lengo la kuweka utaratibu utakaotumika katika kufanya tathmini ya malipo ya fidia kwa mkupuo kwa mwajiriwa atakayekuwa amepata ulemavu wa kudumu chini ya asilimia thelathini angali akiwa kazini.

Dodoma  
21 Agosti, 2017

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*Mwanasheria Mkuu wa Serikali*