
THE UNITED REPUBLIC OF TANZANIA

No. 4A

16th October, 2018

SPECIAL BILL SUPPLEMENT

to the Gazette of the United Republic of Tanzania No.4A. Vol.99 dated 16th October, 2018
Printed by the Government Printer, Dodoma by Order of Government

THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS)(NO.4) ACT, 2018

ARRANGEMENT OF SECTIONS

Section Title

PART I
PRELIMINARY PROVISIONS

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

PART II
AMENDMENT OF THE LOCAL GOVERNMENT
(URBAN AUTHORITIES) ACT,
(CAP.288)

3. Construction.
4. Amendment of section 97.

PART III
AMENDMENT OF THE POLITICAL SERVICE
RETIREMENT BENEFITS ACT,
(CAP.225)

5. Construction.
6. Amendment of Schedule.

PART IV
AMENDMENT OF THE TANZANIA PASSPORTS AND
TRAVEL DOCUMENTS ACT,
(CAP. 42)

7. Construction.
8. Amendment of section 2.
9. Amendment of section 3.
10. Amendment of section 4.
11. Amendment of section 6.
12. Amendment of section 8.
13. Amendment of section 9.
14. Amendment of section 10.
15. Amendment of section 12.
16. Repeal of section 13.
17. Amendment of section 17.
18. Amendment of section 19.
19. Amendment of section 20.
20. Amendment of First Schedule.
21. Amendment of Second Schedule.
22. Amendment of Third Schedule.
23. Addition of Fourth Schedule.

PART V
AMENDMENT OF THE TANZANIA TOURIST BOARD ACT,
(CAP. 364)

24. Construction.
25. Amendment of section 3.
26. Addition of new section 3A.
27. Amendment of section 4.
28. Amendment of section 7.
29. Amendment of section 13.
30. Amendment of section 15.
31. Amendment of Schedule.

—
NOTICE
—

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

Dodoma,
16th October, 2018

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

1. This Act may be cited as the Written Laws (Miscellaneous Amendments)(No.4) Act, 2018.

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 LOCAL GOVERNMENT (URBAN
AUTHORITIES) ACT,
(CAP.288)

Construction
Cap.288

3. This Part shall be read as one with the Local Government (Urban Authorities) Act, hereinafter referred to as the “principal Act”.

Amendment
of section 97

4. The principal Act is amended in section 97 by deleting subsection (1) and substituting for it the following:

“(1) An urban authority may, in the by-laws it makes, annex to the breach of any by-law or any order made under it a fine, not exceeding three hundred thousand shillings or a term of imprisonment not exceeding twelve months or both and may subject to the limitations, annex different fines and different terms of imprisonment for successive or continuous breaches of any by-laws.”

PART III
AMENDMENT OF THE POLITICAL SERVICE RETIREMENT BENEFITS
ACT,
(CAP.225)

Construction
Cap.225

5. This Part shall be read as one with the Political Service Retirement Benefits Act, hereinafter referred to as the “principal Act”.

Amendment
of
Schedule

6. The principal Act is amended in the Schedule-

- (a) in Part IA by deleting item 2;
- (b) in Part IB by deleting item 2;
- (c) in Part IC by deleting item 2;
- (d) in Part IID by deleting item 2;
- (e) in Part IIE by deleting item 4; and
- (f) in Part IIF by deleting item 2;

PART IV
AMENDMENT OF THE TANZANIA PASSPORTS AND
TRAVEL DOCUMENTS ACT,
(CAP. 42)

Construction
Cap. 42

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

Amendment
of section 2

8.-(1) The principal Act is generally amended by deleting the word “United Republic of Tanzania” wherever it appears in the Act and substituting for it the word “United Republic.”

(2) The principal Act is amended in section 2, by:

(a) deleting the definition of the terms “department” and “Minister” and substituting for them the following:

“department” means Tanzania Immigration Services Department;

“Minister” means the Minister responsible for matters relating to immigration and citizenship;

(b) in the definition of the term “passport” by deleting article “a” between the words “in” and “booklet” and substituting for it the word “electronic”; and

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

“main holder” means a person other than a dependant issued with diplomatic passport;

“senior public servant” means a public servant who holds superlative substantive post.

Amendment
of section 3

9. The principal Act is amended in section 3(2) by deleting paragraph (d) and substituting for it the following:

“(d) Special Diplomatic Passport;”

Amendment
of section 4

10. The principal Act is amended in section 4(2) by deleting the word “validily” appearing in the first line and substituting for it the word “validly.”.

Amendment
of section 6

11. The principal Act is amended in section 6(b) by

deleting the word “renewal” appearing in the first line and substituting for it the word “replacement”.

Amendment
of section 8

12. The principal Act is amended in section 8-

(a) in subsection (1), by deleting paragraph (b) and substituting for it the following:

“(b) for a period of ten years from the date of issue, and in the case of a child and a person with special case for a period not exceeding five years;”

(b) by deleting subsections (2) and (3) and substituting for them the following:

“(2) A service or diplomatic passport shall-

(a) be surrendered to the Commissioner General upon the holder ceasing to hold office with respect to which the passport was issued;

(b) be used only for official duties related thereto; and

(c) entitle the holder to be issued with an ordinary passport in order to differentiate usage of passport for ordinary or official duties relating thereto.

(3) A holder of a service or diplomatic passport shall be required to provide justifications of purpose of travelling.”

Amendment
of section 9

13. The principal Act is amended in section 9(1), by deleting the words “cannot be renewed further” and substituting for them the words “is full, damaged or mutilated.”.

Amendment
of section 10

14. The principal Act is amended in section 10, by-

(a) deleting subsection (2) and substituting for it the following:

“(2) A service passport may be issued to any citizen of the United Republic who is a senior public servant and holds superlative substantive post as specified in the Second Schedule.”; and

(b) deleting subsection (4) and substituting for it the

following:

“(4) Special Diplomatic Passport may be issued to a citizen of the United Republic specified in the Fourth Schedule.”

Amendment
of section 12

15. The principal Act is amended in section 12,-

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

“(1) A citizen of the United Republic shall be entitled to be issued with a Tanzania Passport upon making an application to the Commissioner General in a prescribed manner under this Act.”

(b) in subsection (2), by deleting the word “sixteen” appearing in paragraph (d) and substituting for it the word “eighteen”.

Repeal of
section 13

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

Amendment
of section 17

17. The principal Act is amended in section 17(1) by adding immediately after the words “terrorist act” appearing in paragraph (d) the words “,trafficking in person, piracy, smuggling of migrants.”.

Amendment
of section 19

18. The principal Act is amended in section 19(2), by-

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

“(l) Aids or abets any person in the commission of any act referred to in paragraphs (a) to (k);”;

(b) deleting the closing words to subsection (2) and substituting for them the following new closing words:

“commits an offence and is liable, upon conviction, to a fine of not less than one million shillings but not exceeding five million shillings or to imprisonment for a term of not less than three years but not exceeding five years or to both.”.

Amendment
of section 20

19. The principal Act is amended in section 20, by

deleting the word “renewal” appearing in paragraph (e) and substituting for it the word “replacement”.

Amendment
of First
Schedule

by- **20.** The principal Act is amended in the First Schedule

- (a) deleting items (i), (k), (l), (m) and (n);
- (b) adding immediately after item (p) the following items-
 - “(q) East African Community;
 - (r) East African Community Emblem;” and
- (c) renaming items (j), (o), (p), (q) and (r) as items (i), (j), (k), (l) and (m) respectively.

Amendment
of Second
Schedule

21. The principal Act is amended by deleting the Second Schedule and substituting for it the following:-

“ _____

SECOND SCHEDULE

(Made under section 10(2))

PERSONS ENTITLED TO SERVICE PASSPORTS

- (a) Chief Secretary;
- (b) Regional Administrative Secretaries;
- (c) Accountant General;
- (d) Registrar General;
- (e) Birth and Death Registrar;
- (f) Director or Commissioner in Government Ministers or Institutions;
- (g) Commissioner in any Government Commission;
- (h) Heads of Government Authorities and Agencies;
- (i) Officer Incharge of Ministries;
- (j) Deputy Director General of Prevention and Combating of Corruption Bureau;
- (k) Deputy Director of Prevention of Corruption and Economic Crimes;
- (l) Officers of the rank of Colonel or Brigadier General;
- (m) Deputy Director of Public Prosecutions;
- (n) Deputy Commissioners in Government or institutions;
- (o) Deputy Director of Public Leader Ethics Secretariat;
- (p) Deputy Registrar of High Court;
- (q) Vice Chancellor or Deputy Vice Chancellor of a public University;

- (r) Executive Secretaries of Law Review Commission, Kiswahili Council and Art and Cultural Council of Zanzibar;
- (s) Senior Assistant Commissioners in Government or institutions;
- (t) Assistant Commissioners in Government or institutions;
- (u) Officers of Special Department of a rank of Colonel or Commodore;
- (v) Assistant Regional Administrative Secretaries;
- (w) District Commissioners;
- (x) District Administrative Secretaries;
- (y) Regional and District Magistrates;
- (z) Personal Assistant to the President of Zanzibar, First Vice President and Second Vice President;
- (aa) Senior Public Servant as defined under the Public Service Standing Orders;
- (bb) Senior Public Officers as determined by the Chief Secretary of Zanzibar;
- (cc) Law Officer as defined under the Interpretation of Laws Act;
- (dd) Heads of Local Government Authorities.”.

Amendment
of Third
Schedule

22. The principal Act is amended by deleting the Third Schedule and substituting for it the following:-

“ _____

THIRD SCHEDULE

(Made under section 10(3))

PERSONS ENTITLED TO DIPLOMATIC PASSPORTS

- (a) Chief Secretary;
- (b) Private Secretary to the President of the United Republic;
- (c) Private Secretary to the Vice President of the United Republic;
- (d) Private Secretary to the President of Zanzibar;
- (e) Private Secretary to the Prime Minister;
- (f) Private Secretary to the First Vice President of Zanzibar;
- (g) Private Secretary to the Second Vice President of Zanzibar;
- (h) Advisor to the President;
- (i) Aide-de-Camp to the President of the United Republic;

Written Laws (Miscellaneous Amendments)(No.4)

- (j) Aide-de-Camp to the Vice-President of the United Republic;
- (k) Aide-de-Camp to the President of Zanzibar;
- (l) Aide-de-Camp to the Prime Minister;
- (m) Aide-de-Camp to the First Vice President of Zanzibar;
- (n) Aide-de-Camp to the Second Vice President of Zanzibar;
- (o) Aide-de-Camp to the Spouses President, Vice President and Prime Minister of the United Republic;
- (p) Aide-de-Camp of Spouses of President of Zanzibar, First Vice President and Second Vice President of Zanzibar;
- (q) Speaker of the National Assembly or the House of Representatives of Zanzibar;
- (r) Speaker or Deputy Speaker of East African Community of Legislative Assembly who is a Tanzanian;
- (s) Chief Justice of United Republic and Chief Justice of Zanzibar;
- (t) Deputy Speaker of the National Assembly or the House of Representatives of Zanzibar;
- (u) Former President of the United Republic;
- (v) Former Vice President of the United Republic;
- (w) Former President of Zanzibar;
- (x) Former Prime Minister;
- (y) Former Chief Minister;
- (z) Former First Vice President;
- (aa) Former Second Vice President;
- (bb) Former Chief Justice;
- (cc) Former Chief Secretary;
- (dd) Former Speaker and Deputy Speaker of the National Assembly or House of Representatives of Zanzibar;
- (ee) Justice of Appeal;
- (ff) Minister and Deputy Minister;
- (gg) Judge of the High Court;
- (hh) High ranking official in International Organisations;
- (ii) Permanent Secretary, Principal Secretary, Deputy Permanent Secretary and Deputy Principal Secretary;
- (jj) Clerk of the National Assembly;
- (kk) Clerk of the House of Representatives;
- (ll) Governor;
- (mm) Controller and Auditor General;
- (nn) Ambassador and High Commissioner;
- (oo) Executive Secretary of the Planning Commission of Zanzibar;
- (pp) Secretary to Public Service Commission;
- (qq) Chairman to any Government Commission;
- (rr) Attorney General;
- (ss) Solicitor General;
- (tt) Director of Public Prosecutions;

Written Laws (Miscellaneous Amendments)(No.4)

- (uu) Registrar of Political Parties;
- (vv) Deputy Attorney General;
- (ww) Deputy Solicitor General;
- (xx) Deputy Director of Public Prosecutions;
- (yy) Deputy Governor;
- (zz) Chief of Defense Forces;
- (aaa) Director General of Tanzania Intelligence Security Service;
- (bbb) Inspector General of Police;
- (ccc) Commissioner General of Prisons;
- (ddd) Commissioner General of Fire and Rescue Force;
- (eee) Commissioner General of Immigration;
- (fff) Officers of the rank of or above Major General;
- (ggg) Commissioner of Police;
- (hhh) Commissioner of Prisons;
- (iii) Commissioner of Fire and Rescue Force;
- (jjj) Commissioner of Immigration;
- (kkk) Chief of Special Departments;
- (lll) Director General of Prevention and Combating of Corruption Bureau;
- (mmm) Director General of Prevention of Corruption and Economic Crimes;
- (nnn) Registrar of the Court of Appeal and High Court;
- (ooo) Regional Commissioner;
- (ppp) Foreign Services Officer;
- (qqq) Member of Parliament and member of the House of Representatives;
- (rrr) Members of Parliament of East African Community in Legislative Assembly who are Tanzanian;
- (sss) Former Ambassador and High Commissioner;
- (ttt) Former Attorney General;
- (uuu) Former Solicitor General;
- (vvv) Former Director of Public Prosecutions;
- (www) Former Justice of Appeal;
- (xxx) Former Judge of the High Court;
- (yyy) Former Chief of Defense Forces;
- (zzz) Former Director General of Tanzania Intelligence Security Services;
- (aaaa) Former Inspector General of Police;
- (bbbb) Former Commissioner General of Prisons;
- (cccc) Former Commissioner General of Fire and Rescue Force;
- (dddd) Former Commissioner General of Immigration;
- (eeee) Former Chief of Special Department;
- (ffff) Former Director General of Prevention and Combating of Corruption Bureau;
- (gggg) Members of the Revolutionary Council or Minister;
- (hhhh) Chief and Deputy Chief Kadhi Zanzibar;
- (iiii) Mufti of Zanzibar;
- (jjjj) Heads of religious organisations as the Commissioner

- General of Immigration Services may determine;
- (kkkk) Former Chief Kadhi;
- (llll) Former Mufti of Zanzibar;
- (mmmm) Former Minister and Deputy Minister;
- (nnnn) Spouses and children under the age of 18 years of main holder of Diplomatic Passport; and
- (oooo) Spouses of former President; Vice President; Prime Minister; Minister; Deputy Minister; Attorney General; Deputy Attorney General; Speaker; Deputy Speaker;”.

Addition of
Fourth
Schedule

23. The principal Act is amended by adding immediately after the Third Schedule, a new Schedule as follows:-

“

FOURTH SCHEDULE

(Made under section 10(4))

PART I

PERSONS ENTITLED TO SPECIAL DIPLOMATIC PASSPORT

- (a) President of the United Republic;
- (b) Vice President;
- (c) President of Zanzibar;
- (d) Prime Minister;
- (e) First Vice President of Zanzibar;
- (f) Second Vice President of Zanzibar;
- (g) Spouses of the President, Vice President and Prime Minister of the United Republic; and
- (h) Spouses of the President, Vice President, First Vice President and Second Vice President of Zanzibar.”.

PART V

AMENDMENT OF THE TANZANIA TOURIST BOARD ACT,
(CAP. 364)

Construction
Cap. 364

24. This Part shall be read as one with the Tanzania Tourist Board Act, hereinafter referred to as the “principal Act”.

Amendment
of section 3

25. The principal Act is amended in section 3, by-
(a) inserting immediately after subsection (1) the following:
“(2) Notwithstanding the provisions of this

section the Attorney General shall have the right through the Solicitor General to intervene in any suit or matter instituted by or against the Board.

Cap. 5 (3) Where the Attorney General intervenes in any matter pursuant to subsection (2), the provisions of the Government Proceedings Act, shall apply in relation to the proceedings of that suit or matter as if it has been instituted against the Government:

Cap.5 Provided that, the requirement of ninety days notice of the intention to the Government as stipulated under the Government Proceedings Act shall not apply where the Attorney General intervenes under this section.

(4) The Board shall have the duty through the Ministry, to notify the Attorney General of any impending suit or intention to institute a suit or matter for or against the Board.

(5) The execution of any court order against the Board shall be done in accordance with the provisions of the Government Proceedings Act relating to the satisfaction of orders against the Government.”; and

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

Addition of section 3A

26. The principal Act is amended by inserting immediately after section 3 the following new section 3A:

“Object and purpose of Board **3A.** The object and purpose of the Board shall be to market Tanzania as a leading tourism destination for international and domestic tourists.”

Amendment of section 4

27. The principal Act is amended in section 4, by deleting subsection (1) and substituting for it the following-

“(1) The functions of the Board shall be to develop and implement all aspects of marketing of Tanzania tourism destination and, in particular, but without prejudice to the generality of the foregoing:

(a) to develop, implement and coordinate the Tourism Marketing Strategy for the destination;

- (b) to develop and be the custodian of Tanzania Destination Brand;
- (c) to establish, promote and enforce standards and guidelines on promotion of quality tourism for Tanzania destination;
- (d) to market domestic tourism;
- (e) to foster public and private sector stakeholders' engagement and collaboration in marketing and promotion of tourism;
- (f) to promote Meetings, Incentive travel, Conferences and Events (MICE) tourism by undertaking but not limited to the following functions:
 - (i) providing guidance, support and marketing services; and
 - (ii) promoting investments in MICE facilities and services;
- (g) to encourage investments in tourism sector aimed at enhancing competitiveness of Tanzania destination;
- (h) to organize, conduct or co-ordinate exhibitions and related promotion platforms that aim at promoting tourism in Tanzania;
- (i) to encourage and provide technical support and promotion of cultural tourism enterprises and their products;
- (j) to conduct research, studies and surveys aimed at identifying tourism market and industry needs which are necessary for the purpose of carrying out its functions and advising stakeholders accordingly; and
- (k) to sensitize and support the local communities to benefit from available tourism opportunities.”

Amendment
of section 7

28. The principal Act is amended in section 7, by deleting paragraphs (a) and (b) and substituting for them the following-

- “(a) such moneys as may be appropriated by Parliament for the object and purpose of the Board;
- (b) any sums which may be provided from the Tourism Development Levy established under section 59 of the Tourism Act;”

Amendment
of section
13

29. The principal Act is amended in section 13(1), by deleting the words “General Manager” appearing in paragraph (b) and substituting for it the words “Managing Director”.

Amendment
of section
15

30. The principal Act is amended in section 15:

- (a) in subsection (1), by deleting the words "tourist agent" and substituting for them the words "tourism operator";
- (b) in subsection (2), by deleting the words "tourist agent" and substituting for them the words "tourist operator" and by deleting the words “not exceeding five hundred thousand shillings” and substituting for them the words “not less than one million shillings”.

Amendment
of Schedule

31. The Schedule to the principal Act is amended in paragraph 1, by-

- (a) deleting subparagraphs (1) and (2) of the Schedule and substituting for them the following:

“(1) The Board shall consist of the Chairman who shall be appointed by the President and other members to be appointed by the Minister as follows-

- (a) the Director of Tourism;
- (b) a representative of the Ministry of Foreign Affairs;
- (c) a representative of the Ministry of Finance and Planning;
- (d) two representatives of the Confederation of Tourism Operators appointed from amongst nine names

- nominated or proposed by associations of confederation; and
(e) a Certified Accountant.”
(b) renumbering subparagraphs (3) and (4) as subparagraphs (2) and (3).

OBJECTS AND REASONS

This Bill proposes to amend Five laws namely, the Local Government (Urban Authorities) Act, Cap.288, the Political Service Retirement Benefits Act, Cap.225, the Tanzania Passports and Travel Documents Act, Cap.42, and the Tanzania Tourist Board Act, Cap.364.

The proposed amendments intend to correct the anomalies observed during their implementation.

This Bill is divided into Five 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 indicated in their respective Parts.

Part II proposes amendment to the Local Government (Urban Authorities) Act, Cap. 288. Section 97 is amended with a view to enhancing the penalty for breach of by-law from a fine “not exceeding fifty thousand shillings” to a fine “not exceeding three hundred thousand shillings”. The amendments aim at making the Act consistent with the provisions of section 156(3) of the Local Government (District Authorities) Act, Cap. 287.

Part III proposes amendment to the Political Service Retirement Benefits Act, Cap. 225 on a specific Part that deals with benefits of retired political leaders on matters related to passport entitlements.

The proposed amendments are intended to remove all those Parts that are related to passport entitlements to retired leaders in order to include them in the specific law that deals with Passports and Travel Documents.

Part IV provides for the amendments of the Tanzania Passports and Travel Documents Act, Cap. 42 with the aim of amending section 2 by replacing the definition of certain terms such as “department”, “minister” and “passport” with the new meanings. The Part introduces new terms such as “main holder” and “Senior Public Servant” and their definitions. The purpose of the amendments is to facilitate the contextual meaning to various provision of the Act.

Further, the Part proposes for several amendments of sections 3, 4, 6, 7, 8, 9, 10, 12, 13, 17, 19, and 20 with a view to deleting the following words “East African Passport” “renewal”, “signature of the person issuing the passport”, “profession or occupation”, “height”, “colour of eyes”, “special peculiarities”, “for a period not exceeding five years”, “ whose passport cannot be renewed” and substituting for them with the following words “Special Diplomatic Passport”, “replacement”, “the East African Community”, “ East African Community Emblem”, “ for a period of ten years”, “whose passport is full, damaged or mutilated”. The objective of the amendments is to introduce the appropriate definitions and terms which are necessary in terms of this Act.

In addition, the Part, proposes for amendment of First Schedule, Second Schedule and Third Schedule that deals with “Passport Information”, “Persons Entitled to Service Passports” and “Persons Entitled to Diplomatic Passport”. It has also introduced New Fourth Schedule for “Persons Entitled to Special Diplomatic Passport”. The aim of the amendments is to categorize types of passports and to provide new provisions relating to application of passports.

Part V proposes amendment to the Tanzania Tourist Board Act, Cap.364 whereby section 3 is amended by introducing provisions which allows the Attorney General to intervene in suits or matters instituted by or against the Board. The amendments are aimed at engaging the Attorney General, who is the principal adviser of Government, to partake in any dispute against any entity of Government. The Act is further amended by adding a new section 3A. The purposes of these amendments are to ensure the object and purpose of establishing the Tanzania Tourism Board is clearly stipulated in the law for the purpose of identifying its institutional mandate.

Section 4 which relates to functions of the Board is amended by deleting subsection (1) and substituting for it with the new provision. This amendment aims at empowering the Board to increase the scope of its functions so as to capture and better respond to the emerging demands in the sector. These additional responsibilities are also reflected in the new structure of the Board.

Also the Act is amended in section 7 which relates to Funds of the Board. The aim of this amendment is to clearly show that revenue collected through Tourism Development Levy is among main sources of funds to the Board. Section 13 is amended by rectifying clerical error in paragraph (b) of subsection (1).

Furthermore, section 15 is amended by replacing the title “tourist agent” with the title “tourism operator”. The section is also amended by deleting the words “not exceeding five hundred thousand shillings” appearing in subsection (2) and substituting for them the words “not less than one million shillings”. The aim of these amendments is to use the proper term of the “tourism operator” as defined in the Tourism Act (Cap.365) and to make the penalty in question appear more deterrent in the light of prevailing currency value.

Lastly, subparagraphs (1) and (2) of paragraph 1 of the Schedule are amended so as to specify institutions by which members of the Board shall be drawn. The purpose of these amendments is to enhance performance of the Board and ensure participation of the key players.

MADHUMUNI NA SABABU

Muswada huu unapendekeza kufanya Marekebisho katika Sheria Nne ambazo ni: Sheria ya Serikali za Mitaa (Mamlaka ya Miji), Sura ya 288, Sheria ya Mafao ya Kustaafu katika Utumishi wa Kisiasa, Sura ya 225, Sheria ya Pasipoti na Hati za Kusafiria, Sura ya 42, na Sheria ya Bodi ya Utalii Tanzania, Sura ya 364.

Madhumuni ya Marekebisho ya Sheria hizi ni kuondoa upungufu ambao umebainika katika utekelezaji wa baadhi ya masharti yaliyomo katika Sheria hizo.

Muswada huu umegawanywa katika Sehemu Kuu Tano.

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 katika Sheria ya Serikali za Mitaa (Mamlaka ya Miji), Sura ya 288. Kifungu cha 97

kinarekebishwa ili kuongeza adhabu kwa kosa la kukiuka sheria ndogo kutoka faini isiyozidi shilingi elfu hamsini hadi faini isiyozidi shilingi laki tatu. Marekebisho haya yote yanalenga kuifanya Sheria hii kuwa sambamba na masharti yaliyoainishwa katika kifungu cha 156(3) cha Sheria ya Serikali za Mitaa (Mamlaka za Wilaya), Sura ya 287.

Sehemu ya Tatu ya Muswada inapendekeza marekebisho katika Sheria ya Mafao ya Kustaafu katika Utumishi wa Kisiasa, Sura ya 225 ambayo ina Jedwali ambalo pamoja na mambo mengine limeweka stahili ya viongozi kupewa pasipoti ya kidiplomasia. Hivyo, marekebisho katika Jedwali yanalenga kuondoa masuala yote yaliyoko katika Sheria hiyo yanahusu haki za viongozi wastaafu kupewa pasipoti. Kwa mujibu wa marekebisho haya masuala yote yanayohusu pasipoti yatafafanuliwa chini ya Sheria ya Pasipoti na Hati za Kusafiria na Sheria ya Mafao ya Kustaafu katika Utumishi wa Kisiasa, Sura ya 225 itabaki na masharti ya mafao ya viongozi.

Sehemu ya Nne ya Muswada inapendekeza marekebisho katika Sheria ya Pasipoti na Hati za Kusafiria, Sura ya 42 kwa kufanya marekebisho katika kifungu cha 2 kwa kufuta tafsiri za misamiati “idara” “waziri” na “pasipoti” na kuweka tafsiri mpya kwa lengo la kuwianisha tafsiri hizo ziweze kwenda na wakati. Marekebisho haya pia yanalenga kuweka misamiati mipya “mhusika mkuu” na “Afisa Mwandamizi” ili kuongeza tafsiri ya misamiati hiyo ambayo imetumika katika baadhi ya masharti ya Sheria hii.

Halikadhalika Sehemu hii inapendekeza kufanya marekebisho katika vifungu vya 3, 4, 6, 7, 8, 9, 10, 12, 13, 17, 19, na 20 kwa lengo la kufuta maneno “Pasipoti ya Afrika Mashariki”, “kuongeza muda katika pasipoti”, “saini ya afisa aliyetoa pasipoti”, “taaluma au kazi”, “urefu”, “rangi ya macho”, “alama isiyo ya kawaida”, “kwa muda usiozidi miaka mitano”, “pasipoti ambayo haiwezi kuongezwa muda” na kupendekeza maneno mapya ambayo ni “Pasipoti Maalum ya Kidiplomasia”, badala ya Pasipoti ya “Jumuiya ya Afrika Mashariki”, “nembo ya Jumuiya ya Afrika Mashariki”, “kwa muda wa miaka kumi”, pasipoti ambayo imejaa, imeharibika, imekosewa”. Marekebisho haya yanalenga kuweka tafsiri na misamiati muhimu kwa mujibu wa Sheria hii.

Vilevile, Sehemu hii imependekeza marekebisho ya Jedwali la Kwanza, Jedwali la Pili na Jedwali la Tatu ambayo yanahusu “maelezo katika Pasipoti”, “mtu anayestahili Pasipoti ya Kiutumishi” na “mtu anayestahili Pasipoti ya Kidiplomasia”. Pia inapendekeza kuunda Jedwali jipya la Nne ambalo litaainisha watu wanaostahili kupatiwa Pasipoti Maalum ya Kidiplomasia. Lengo la marekebisho haya ni kupanga upya kila aina ya pasipoti na kuweka masharti mapya ya matumizi ya pasipoti.

Sehemu ya Tano ya Muswada inapendekeza marekebisho katika Sheria ya Bodi ya Utalii Tanzania, Sura ya 364, ambapo kifungu cha 3 kinarekebishwa kwa kuongeza masharti ya kumwezesha Mwanasheria Mkuu wa Serikali kuingilia mashauri yaliyofunguliwa na au dhidi ya Bodi. Marekebisho haya yanalenga kumshirikisha Mwanasheria Mkuu wa Serikali, ambaye ni mshauri wa Serikali katika masuala ya Sheria, katika kuingilia shauri lolote linalohusu chombo chochote cha Serikali. Aidha, Sheria hii inarekebishwa kwa kuongeza kifungu cha 3A. Lengo la marekebisho hayo ni kuhakikisha kuwa lengo na madhumuni ya kuanzisha Bodi ya Utalii Tanzania linawekwa bayana kwenye Sheria kwa kuainisha mamlaka ya kitaasisi.

Kifungu cha 4 kinachohusu majukumu ya Bodi kinarekebishwa kwa kufuta kifungu kidogo cha (1) na kukiandika upya. Msingi wa marekebisho haya ni kuongeza wigo wa majukumu ya Bodi ikiwa ni pamoja na kushughulikia mabadiliko yanayojitokeza katika sekta. Majukumu hayo mapya pia yameainishwa katika muundo mpya wa Bodi.

Vilevile, Sheria hii inafanyiwa marekebisho katika kifungu cha 7 kinachohusu mapato ya Bodi. Lengo la marekebisho haya ni kuweka bayana katika Sheria kuwa mapato yanayokusanywa kwa kupitia Tozo za Uendelezaji Utalii ni mojawapo ya vyanzo vya mapato ya Bodi. Kifungu cha 13 kinarekebishwa kwa lengo la kusahihisha makosa ya kiuandishi katika aya ya (b) ya kifungu kidogo cha (1).

Vilevile, kifungu cha 15 kinarekebishwa ili kumtaja “mwendeshaji utalii” badala ya “ajenti wa mtalii”. Pia, Kifungu hiki kinarekebishwa kwa kufuta maneno “isiyozidi shilingi laki tano” yaliyopo katika kifungu kidogo cha (2) na badala yake kuweka maneno “isiyopungua shilingi milioni moja”. Madhumuni ya marekebisho hayo ni kutumia msamiati wa mwendeshaji utalii kama ulivyotumika katika Sheria ya Utalii, Sura ya 365 pamoja na kuongeza adhabu kali zitakazoendana na thamani ya shilingi.

Mwisho, aya ndogo za (1) na (2) za aya Kwanza ya Jedwali inarekebishwa kwa lengo la kuainisha taasisi zitakazotoa wajumbe wa Bodi. Dhumuni la marekebisho hayo ni kuimarisha utendaji wa Bodi na kuwezesha ushiriki wa wadau muhimu.

Dodoma,
14 Oktoba, 2018

ADELARDUS L. KILANGI
Mwanasheria Mkuu wa Serikali