

THE UNITED REPUBLIC OF TANZANIA

No. 1

13th January, 2020

SPECIAL BILL SUPPLEMENT

To the Special Gazette of the United Republic of Tanzania No. 1 Vol. 101 Date 13th January, 2020
Printed by the Government Printer, Dodoma by Order of Government

THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) ACT, 2020

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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 public together with a statement of its objects and reasons.

Dodoma,
9th January, 2020

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) Act, 2020.
- Amendment of certain written laws **2.** The written laws specified in various Parts of this Act are amended in the manner specified in their respective Parts.

PART II
AMENDMENT OF THE ADVOCATES ACT,
(CAP. 341)

- Construction, Cap. 341 **3.** This Part shall be read as one with the Advocates Act, hereinafter referred to as the “principal Act”.

Written Laws (Miscellaneous Amendments)

Addition of
section 3A

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

“Certain
advocates
exempted
from
provisions of
the Act

3A.-(1) Without prejudice to the provisions of section 3, where an advocate is appointed by the President or any other authority to hold a position in the Government, National Assembly or Judiciary, his practising certificate shall be stayed until when he is relieved from his appointment, either by cessation of the appointment, retirement authorised to practice by the Attorney General pursuant to the provisions of section 17A of the Office of Attorney General (Discharge of Duties) Act.

Cap. 268

(2) An advocate referred to under subsection (1) shall be treated as a public servant from the date of his appointment and his status shall be reflected as such in the Roll until when he is relieved from his appointment or otherwise permitted to practice by the appointing authority, in which case he shall be required to comply with the provisions of this Act from the date he is relieved from his appointment or otherwise authorised to practice by the Attorney General pursuant to the provisions of section 17A of the Office of Attorney General (Discharge of Duties) Act.

Cap. 268

(3) An advocate referred under subsection (1) of this section and section 3(2) the Office of Attorney General (Discharge of Duties) Act shall be exempted from the annual processes of renewal of practising certificates, submission of any returns or payment of fees and related costs until when he is relieved from his appointment or otherwise authorised to practice by the Attorney General pursuant to the provisions of section 17A of the Office of Attorney General (Discharge of Duties) Act.”.

Cap. 268

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PART III
AMENDMENT OF THE AGRICULTURAL INPUTS TRUST FUND ACT,
(CAP. 401)

Construction
Cap. 401 **5.** This Part shall be read as one with the Agricultural
Inputs Trust Fund Act, hereinafter referred to as the “principal
Act”.

Amend-
ment of
section 2 **6.** The principal Act is amended in section 2 by adding
in its appropriate alphabetical order the following definition:
 ““agricultural machinery” includes self-
propelled machines and trailed or pulled
implements;”.

Amend-
ment of
section 7 **7.** The principal Act is amended in section 7-
(a) in subsection (1), by deleting paragraph (b) and
substituting for it the following:
 “(b) six other members to be appointed by the
Minister as follows-
 (i) a representative from the Ministry
responsible for agriculture;
 (ii) a representative from the Ministry
responsible for finance;
 (iii) a representative from the Ministry
responsible for local government;
 (iv) a Law Officer from the Office of the
Attorney General;
 (v) a member representing a recognized
farmers association; and
 (vi) a member with experience in matters
relating to agriculture and business.”
(b) by adding immediately after subsection (3), the
following:
 “(4) At least two of the members
appointed under subsection (1), shall be women.
 (5) The Minister may, by order
published in the *Gazette*, amend any of the
provisions of the Schedule.
 (6) The Minister may, for the proper

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implementation of the objectives of this Act, give directives of general or specific nature to the Board.

(7) The Board may, subject to such terms and conditions as it may determine, form and appoint from among its members, such number of committees as it may consider necessary for better carrying out the functions of the Board under this Act.”.

Amend-
ment of
section 8

- 8.** The principal Act is amended in section 8, by-
- (a) deleting the “fullstop” appearing at the end of paragraph (h) and substituting for it a “semicolon”;
 - and
 - (b) adding immediately after paragraph (h) the following:
 - “(i) perform any other functions as may be required under this Act.”

Addition
of section
9A

9. The principal Act is amended by adding immediately after section 9 the following:

“Applicat-
ion for
loan **9A.** A person who intends to secure a loan shall apply to the Fund in a manner prescribed in the regulations.”

Addition
of section
12A

10. The principal Act is amended by adding immediately after section 12 the following:

“Appeals **12A.** A person who is aggrieved by the decision of the Board regarding implementation of the provisions of this Act may, within thirty days from the date of the decision, appeal to the Minister.”

Written Laws (Miscellaneous Amendments)

PART IV
AMENDMENT OF THE ELECTRICITY ACT,
(CAP. 131)

Construction
Cap.131

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

Amendment
of section 3

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

(a) deleting the definitions of the terms “licensee” and “supply” and substituting for them the following :
““licensee” means a person authorised by the Authority to undertake a licensed activity;”;
“supply” means the sale of electricity by licensee to customers;” and

(b) inserting in its appropriate alphabetical order the following definitions:
““Commissioner” means a Commissioner for electricity affairs appointed under section 4A of the Act;
“decommissioning” means the dismantle, removal or disposal of power plant facilities, structure, generating units, fuel processing units and transmission equipment and environment remediation;”.

Amendment
of section 4

13. The principal Act is amended in section 4, by adding immediately after subsection (2) the following:
“(3) For the purpose of this section, “emergency powers” means the mandate of the Minister to declare any situation as an emergency where the situation is characterized by an immediate unforeseen shortfall in electricity supply leading to an inability to meet electricity demand.”

Addition of
section 4A

14. The principal Act is amended by adding immediately after section 4 the following:
"Commis- **4A.**-(1) There shall be a

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sioner responsible for electricity affairs	Commissioner for Electricity Affairs appointed by the President. (2) The Commissioner for Electricity Affairs shall be the advisor of the Minister on matters referred to under section 4.”
Amendment of section 6	15. The principal Act is amended in section 6- (a) in subsection (2) (b), by- (i) deleting subparagraph (i); and (ii) renaming subparagraphs (ii) to (iv) as subparagraphs (i) to (iii); and (b) by adding the words “within twenty one days from the date of the decision” immediately after the word “may” appearing in subsection (4).
Amendment of section 14	16. The principal Act is amended in section 14(12) by deleting the word “six” and substituting for it the word “twelve”.
Addition of section 14A	17. The principal Act is amended by adding immediately after section 14 the following: “Obligation to decommission 14A. A licensee shall, except where the decommissioning infrastructure is reverted to the government, decommission an electricity supply installation upon cessation of the licensed activities in a manner prescribed in the rules.”
Amendment of section 24	18. The principal Act is amended in section 24, by- (a) deleting subsection (8) and substituting for it the following: “(8) Notwithstanding any payments made for supply of electrical energy, electric supply lines shall be property of the licensee and may be used to supply other persons: Provided that, such use does not prejudicially affect the supply of electrical energy to the person who first required such electric supply lines to be laid down or erected.

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(9) A person who made payment in terms of subsection (8) shall be entitled to repayment by the licensee through reimbursement of cost of the electricity purchased or consumed at the rate and in the manner specified in the regulations.”;

(b) deleting subsection (9).

Amendment
of sub-
heading

19. The principal Act is amended by deleting the sub-heading appearing immediately before section 26 and substituting for it the following:

“Customer Rights and Public Protection”

Amendment
of section 26

20. The principal Act is amended in section 26, by-
(a) deleting the word “ distribution” appearing in the opening phrase of subsection (1); and
(b) deleting the word “consumer” and substituting for it the word “customer”.

Amendment
of section 27

21. The principal Act is amended in section 27, by-
(a) deleting the word “Distribution” appearing in the marginal note;
(b) designating the contents of subsection (1) as section 27;
(c) deleting the word “distribution” appearing in the opening phrase of the designated section 27; and
(d) deleting the word “consumers” wherever it appears in paragraphs (a), (b) and (c) and substituting for it the word “customers”.

Amendment
of section 29

22. The principal Act is amended in section 29-
(a) in subsection (1), by adding the words “and supply” immediately after the word “distribution” appearing in the opening phrase; and
(b) in subsection (2), by adding the words “and supply” immediately after the word “distribution” appearing in the opening phrase.

Amendment
of section 30

23. The principal Act is amended in section 30(7), by deleting the word “regulation” and substituting for it the word

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“rules”.

Amendment
of section 31

24. The principal Act is amended in section 31(1) by deleting the word “regulations” appearing in paragraph (b) and substituting for it the words “regulations, rules”.

Amendment
of section 35

25. The principal Act is amended in section 35 by deleting subsection (1) and substituting for it the following:
“(1) The licensee shall acquire a wayleave for electricity facilities.”

Amendment of
section 45

26. The principal Act is amended in section 45, by-
(a) adding immediately after paragraph (b) the following:
“(c) management and benchmarking of energy use;”; and
(b) renaming paragraphs (c) and (d) as paragraphs (d) and (e) respectively.

Addition of
section 48A

27. The principal Act is amended by adding immediately after section 48 the following:

“General
penalty

48A. A person convicted of an offence under this Act for which no specific penalty is expressly provided, shall upon conviction, be liable to a fine of not less than three million shillings but not exceeding ten million shillings, and in the case of a continuing offence, to a fine not exceeding one million shillings for every day during which the offence continues after conviction.”

PART V

AMENDMENTS OF THE FERTILIZERS ACT,
(CAP. 378)

Construction
Cap. 378

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

Amendment of

29. The principal Act is amended in section 4(1), by-

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- section 4
- (a) deleting the words “and sterilizing plants” appearing in paragraph (e) and substituting for them the words “sterilizing plants and manufacturing plants”;
 - (b) adding immediately after paragraph (u) the following:
 - “(v) specify appropriate methods or system of importation and exportation of fertilizer and fertilizer supplements;”;
 - (c) renaming paragraphs (v) and (w) as paragraphs (w) and (x) respectively.

Amendment of section 5

30. The principal Act is amended in section 5(2), by deleting the word “Agency” appearing in paragraph (k) and substituting for it the word “Authority”.

Amendment of section 8

31. The principal Act is amended in section 8 by adding the words "or manufacturing plant" immediately after the words "sterilizing planty" appearing in subsections (1) and (2) respectively.

Amendment of section 13

32. The principal Act is amended in section 13(3), by-

- (a) deleting the word “and” appearing at the end of paragraph (b);
- (b) deleting the “fullstop” appearing at the end of paragraph (c) and substituting for it a semicolon; and
- (c) adding immediately after paragraph (c) the following:
 - “(d) physical address of the premise where the fertilizer business will be conducted; and
 - (e) any other information as may be required by the Board.”.

Amendment of section 34A

33. The principal Act is amended in section 34A(2), by deleting the word “General” appearing in paragraph (b).

Amendment of section 40

34. The principal Act is amended in section 40-

- (a) in subsection (1), by-

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- (i) adding immediately after paragraph (n) the following:
 - “(o) sells fertilizer or fertilizer supplements above the indicative price;
 - (p) sells fertilizer or fertilizer supplements in an open bag or packaging or labeling in a manner contrary to the requirements of this Act;”;
 - (ii) renaming paragraphs (o) and (p) as paragraphs (q) and (r) respectively;
- (b) by deleting subsection (2) and substituting for it the following:
- “(2) Any person who commits an offence against the provisions of this Act shall, upon conviction, be liable-
- (a) in the case of a fertilizer manufacturer or importer, to a fine of not less than ten million shillings but not exceeding five hundred million shillings or to imprisonment for a term not less than three years but not exceeding seven years or to both;
 - (b) in the case of distributor or wholesaler, to a fine of not less than five million shillings but not exceeding four hundred million shillings or to imprisonment for a term not less than two years but not exceeding five years or to both;
 - (c) in the case of a retailer, to a fine not less than two hundred thousands shillings but not exceeding two hundred million shillings or to imprisonment for a term of not less than six months but not exceeding three years or to both;
 - (d) in the case of a person who is not covered under paragraphs (a), (b)

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or (c) to a fine not less than one hundred thousands shillings but not exceeding fifty million shillings or to imprisonment for a term not less than three months but not exceeding twelve months or to both.

Amendment of section 40A

35. The principal Act is amended in section 40A, by adding immediately after subsection (5) the following:

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

Amendment of section 50

36. The principal Act is amended in section 50, by-
(a) deleting the marginal note and substituting for it the following:

“Exemption, restriction and prohibition”;

(b) designating the contents of section 50 as subsection (1); and

(c) adding immediately after the designated subsection (1) the following:

“(2) Notwithstanding the provisions of section 26, the Minister may, for purposes of promoting domestic production and sufficient distribution of fertilizer and fertilizer supplements within the country, restrict or prohibit exportation or importation of fertilizer and fertilizer supplements.”

Amendment of section 51

37. The principal Act is amended in section 51(2), by-
(a) adding immediately after paragraph (v) the following:

“(w) prescribing appropriate method or system of importation and exportation of fertilizer and fertilizer supplements;”;

(b) renaming paragraph (w) as paragraph (x).

Amendment of Schedule

38. The principal Act is amended in paragraph 1(1) of the Schedule, by-

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- (a) deleting the word “ten” appearing in the opening phrase and substituting for it the word “eight”;
- (b) deleting paragraphs (a) and (b) and substituting for them the following:
 - “(a) a representative from the Ministry responsible for agriculture;
 - (b) a representative from the Ministry responsible for local government;”
- (c) deleting the words "two representatives" appearing in paragraph (d) and substituting for them the words "one representative";
- (d) deleting paragraphs (g), (h) and (i) and substituting for them the following:
 - “(g) a representative from higher learning institutions or research institutions dealing with soil science, soil production and soil fertility;
 - (h) a representative from the Government Chemistry Laboratory Authority.”.

PART VI

AMENDMENT OF THE FOREST ACT,
(CAP. 323)

- | | |
|---|--|
| Construction
Cap.323 | 39. This Part shall be read as one with the Forest Act, hereinafter referred to as the “principal Act”. |
| Amendment of
section 2

Cap. 245 | 40. The principal Act is amended in section 2 by adding in the appropriate alphabetical order the following definitions:
““Agency” means the Tanzania Forest Service Agency established under the Executive Agencies Act;
“Conservation Commissioner” means the head of Tanzania Forest Service Agency; |
| Cap. 283 | “Service” shall have the meaning ascribed to it under the Wildlife Conservation Act;”. |
| Addition of
section 95A | 41. The principal Act is amended by adding immediately after section 95 the following: |

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“Application of certain provisions of Wildlife Conservation Act”

95A.-(1) The provisions of sections 10, 11 and 12 of the Wildlife Conservation Act shall apply in relation to the operations of the Service within any forest area.

(2) For the purpose of subsection (1), all employees of the Agency who perform forest and bee resources conservation functions shall form part of the Service and exercise all powers of the Service as provided for under the Wildlife Conservation Act.

(3) In the performance of their functions and exercise of their powers relating to the Service, all employees referred to in subsection (2) shall be accountable to the Conservation Commissioner.”

Cap .283

PART VII
AMENDMENT OF THE GRAZING LAND AND ANIMAL FEED RESOURCES ACT,
(CAP.180)

Construction
Cap.180

42. This Part shall be read as one with the Grazing Land and Animal Feeds Resources Act, hereinafter referred to as the “principal Act”.

Amendment of
section 3

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

(a) deleting the words “veterinary science” appearing in the definition of the term “animal feed scientist”;

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

““feed additives” means any intentionally added ingredient not normally consumed as feed by itself, whether or not it has nutritional value or other effect on the animal which affects the characteristics of feed or of the animal products, micro-organism, enzymes,

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pH regulators, trace elements, vitamins and other products falling within the definition depending on the purpose of use and method of administration excluding veterinary drugs;”

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

““competent authority” means the Director or any other officer delegated as such by the Director to perform the functions under this Act;

“exporter” means a person or institution authorized to export animal feed resources from Mainland Tanzania;

“inspector” means an animal feeds or grazing land inspector designated as such under this Act;

“registrable animal feed resources” means all animal feed resources submitted for registration to the competent authority;

“registered animal feed resources” means animal feed resources registered by the Director; and

“registered grazing farm” means a piece of land owned by an individual or group of persons other than Government owned grazing farms either established or with natural forage for animal feeding”.

Amendment of
section 4

44. The principal Act is amended in section 4, by-

- (a) adding immediately after subsection (3) the following:

“(4) The Council may co-opt a member from any other ministry or institution as he may consider necessary for the proper performance of functions of the Council.”;

- (b) deleting the words “of Grazing land” appearing in

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- subsection (5); and
- (c) renumbering subsections (4) and (5) as subsections (5) and (6) respectively.
- Amendment of section 5
- 45.** The principal Act is amended in section 5(2), by-
- (a) deleting the “fullstop” appearing at the end of paragraph (d) and substituting for it a “semicolon” and the word “and”; and
- (b) adding immediately after paragraph (d), the following:
- “(e) manage and control grazing-land, animal feed resources and trade;”
- Amendment of section 7
- 46.** The principal Act is amended in section 7-
- (a) by deleting subsection (2) and substituting for it the following-
- “(2) A person shall not be qualified for designation as-
- (a) an animal feed inspector unless that person possesses a minimum or equivalent qualification of a bachelor degree in animal science, laboratory technology, animal feeds technology or aquaculture; and
- (b) a grazing-land inspector unless that person possesses a minimum or equivalent qualification of a bachelor degree in animal range or animal science.”
- (b) by deleting subsection (3) and substituting for it the following:
- “(3) An inspector appointed in terms of subsection (1) shall perform the following functions-
- (a) in the case of an animal feeds inspector-
- (i) to inspect premises, dealing and handling animal feed resources for compliance;
- (ii) to take feed samples or feed additives in the prescribed

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- manner for the purpose of analysis; and
- (ii) to take such measures as in the opinion of the Director, shall be necessary or expedient for prevention of manufacturing of compounded animal feeds or feed additives;
- (b) in the case of a grazing land inspector-
- (i) to inspect the conditions of grazing-land in specified period of time and take sample if necessary;
 - (ii) to instruct the manner and extent to which livestock operations will be conducted in order to meet the multiple use, sustained yield, economic, and other needs and objectives as determined for the lands involved;
 - (iii) to describe the type, location, ownership, and general specifications for the range management plan; and
 - (iv) to perform any other functions as may be directed by the Director.”;
- (c) in subsection (4), by inserting the word “grazing-land,” between the words “ relate to” and “animal feed resources”.

Amendment of section 8

- 47.** The principal Act is amended in section 8, by-
- (a) deleting the marginal note and substituting for it the following:
“Powers of animal feed inspector”;

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- (b) deleting the word “The” appearing in the opening phrase of subsection (1) and substituting for it the words “An animal feed inspector”; and
- (c) deleting subsection (3).

Addition of section 8A

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

“Powers of grazing-land inspector

8A.-(1) A grazing-land inspector may, at any reasonable time, enter into any grazing-land for the purposes of exercising the functions under this Act.

(2) The grazing-land inspector shall enforce standards, designs, construction and maintenance criteria for grazing-land improvement and other additional conditions or modifications made or prescribed by the Minister.”

Amendment of section 9

49. The principal Act is amended in section 9 by deleting the word “inspector” appearing in the opening phrase of subsection (1) and substituting for it the words “animal feed inspector”.

Amendment of section 14

50. The principal Act is amended in section 14 by deleting the word “inspector” appearing in subsection (1) and substituting for it the words “animal feed inspector”.

Amendment of section 16

51. The principal Act is amended in section 16, by-
(a) adding immediately after subsection (1) the following:

“(2) The grazing-land delineated by the villages through land use planning shall be protected with clear marks on its boundaries, registered and published in the *Gazette*.”

(b) renumbering subsection (2) as subsection (3); and
(c) adding immediately after subsection (3) as renumbered the following:

“(4) Any person who alters, interferes or changes grazing-land use contrary to the usage for which the land use was demarcated

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or delienated commits an offence and shall, on conviction, be liable to a fine of not less than five million shillings or to imprisonment for a term of not less than two years or to both.”.

Amendment of section 17

52. The principal Act is amended in section 17 by deleting the word “communally” appearing in subsection (2) and substituing for it the words “communally, co-operatively”.

Amendment of section 18

53. The principal Act is amended in section 18 by adding immediately after subsection (3) the following:

“(4) Subject to subsection (1), a person who uses grazing-land shall be responsible for improving and developing such land in the manner prescribed in the regulations.”

Amendment of section 20

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

- (a) deleting the words “an inspector” appearing in subsection (1) and substituting for them the words “a grazing-land inspector”; and
- (b) deleting the words “three years” appearing at the end of subsection (3) and substituting for them the words “six months”.

Amendment of section 30

55. The principal Act is amended in section 30-

- (a) in subsection (1), by-
 - (i) adding immediately after paragraph (i), the following:

“(j) withdrawal period.”; and
 - (ii) renaming paragraphs (j) and (k) as paragraphs (k) and (l) respectively; and
- (b) in subsection (3), by deleting the words “not exceeding shillings three million or to imprisonment for a term not exceeding two years” and substituting for them the words “of not less than five million shillings but not exceeding ten million shillings or to imprisonment for a term of not less than two years”.

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Amendment of
section 33

56. The principal Act is amended in section 33(2) by deleting the words “not exceeding shillings one million or to imprisonment for a term not exceeding six months” and substituting for them the words “not less than five million shillings but not exceeding fifty million shillings or to imprisonment for a term of not less than two years”.

Amendment of
section 34

57. The principal Act is amended in section 34, by-

- (a) deleting the words “resources a container or” appearing in subsection (1) and substituting for them the word “resources,”; and
- (b) deleting the words “not exceeding shillings three million” appearing in subsection (4) and substituting for them the words “not less than five million shillings”.

Amendment of
section 38

58. The principal Act is amended in section 38 by adding the words “and co-operatives” immediately after the word “associations” appearing in paragraph (d).

Addition of
section 38A,
38B and 38C

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

“Prohibition
of movement
of animal into
Mainland
Tanzania

38A.-(1) A person shall not move an animal into Mainland Tanzania for the purposes of grazing or accessing water.

(2) A person who contravenes the provisions of subsection (1) commits offence and shall, on conviction, be liable to-

- (a) in the case where the animal associated with the offence is cattle, donkey, horse or water buffalo, to a fine of not less than one hundred thousand shillings for each animal; and
- (b) in the case where the animal associated with the offence is a goat, pig or such other animal, to a fine of not less than twenty thousand

shillings for each animal.

(3) Where a person fails to pay the fine referred to in subsection (2) within seven days, the court may, in addition to any other penalty that may be imposed, order confiscation of the animals in respect of which the offence was committed, and all animals confiscated shall be disposed of in the manner which the court directs.

Compound-
ing of
offences

38B.-(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 or any other sector legislation, the Director 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 sum of money not exceeding two thirds of the amount of the fine to which such person would otherwise have been liable to pay if he had been convicted of such offence.

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

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

(4) The Director shall submit

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quarterly reports of all compounded offences under this section to the Director of Public Prosecutions.

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

Prohibition
to graze on
designated
areas

38C.-(1) A person shall not graze on Government owned areas, holding grounds, livestock markets or any registered grazing farm.

(2) A person other than an authorised person shall not graze animal in a demarcated grazing land.

(3) A person who contravenes this section commits an offence and shall, upon conviction-

(a) in the case where the animal associated with offence is cattle, donkey, camel, horse or water buffalo, be liable to a fine of not exceeding twenty thousand shillings per each animal; and

(b) in the case where the animal associated with the offence is sheep, goat, pig or such other animal, be liable to a fine of not exceeding five thousand shillings per each animal,

or to imprisonment for a term of not less than two years or to both.”

Amendment of
section 39

60. The principal Act is amended in section 39 by deleting the words “not exceeding shillings one million or to imprisonment for a term not exceeding six months” and substituting for them the words “not less than one million shillings but not exceeding five million shillings or to imprisonment for a term of not less than two years”.

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- Amendment of section 44 **61.** The principal Act is amended in section 44 by adding the words “and forage conservation practices” immediately after the word “resources” appearing at the end of paragraph (d).
- Amendment of Second Schedule **62.** The principal Act is amended in the Second Schedule, by-
- (a) adding the words “mycotoxins, cadimium” immediately after the words “pathogenic materials” appearing in paragraph 4; and
- (b) adding immediately after paragraph 5 the following:
- 6.** All growth promoters, harmful enzymes, fly maggots, veterinary drugs included in compounding animal feeds.
- 7.** Animal feeds resources containing genetically modified organisms.”.
- Amendment of Third Schedule **63.** The principal Act is amended in the Third Schedule-
- (a) in item “M” relating to “FEED ADDITIVES” by deleting the whole paragraph appearing immediately below the item and substituting for it the following paragraph-
- “These include micro-organism, enzymes, pH regulators, trace elements, vitamins and other products fall within the definition depending on the purpose of use and method of administration, veterinary drugs excluded.”.
- (b) in item P, by-
- (i) renaming item P as item N;
- (ii) deleting paragraphs (a), (f) and (h) appearing below the words:
- “Any of the following substances not occurring naturally in any other ingredient” and renaming paragraphs (b), (c), (d), (e) and (g) as paragraphs (a), (b), (c), (d) and (e).”.

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PART VIII
 AMENDMENT OF THE INTERPRETATION OF LAWS ACT,
 (CAP. 1)

Construction
 Cap. 1 **64.** This Part shall be read as one with the Interpretation of Laws Act, hereinafter referred to as the “principal Act”.

Amendment
 of section 54 **65.** The principal Act is amended in section 54(1), by deleting the word “board” wherever it appears in subsections (2) and (4) and substituting for it the word “body”.

PART IX
 AMENDMENT OF THE LABOUR INSTITUTIONS ACT,
 (CAP. 300)

Construction
 Cap. 300 **66.** This Part shall be read as one with the Labour Institutions Act, hereinafter referred to as the “principal Act”.

Amendment of
 section 50 **67.** The principal Act is amended in section 50(2), by-
 (a) adding immediately after paragraph (a) the following:
 “(b) such number of Deputy Registrars as the Chief Justice may consider necessary; and”;
 (b) renaming paragraph (b) as paragraph (c).

Repeal and
 replacement of
 section 54 **68.** The principal Act is amended by repealing section 54 and replacing it with the following:

 "Deputy
 Registrars **54.** There shall be Deputy Registrars who shall exercise powers and perform such duties as are conferred under-

Cap. 237 (a) section 28(8) of the Judiciary Administration Act;

Cap. 33 (b) Order XLIII of the Civil Procedure Code; and

(c) rules made by the Chief Justice under section 55."

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PART X
AMENDMENT OF THE NATIONAL DEFENCE ACT,
(CAP. 192)

- Construction
Cap. 192 **69.** This Part shall be read as one with the National
Defence Act, hereinafter referred to as the “principal Act”.
- General
amendment **70.** The principal Act is amended generally, by
deleting the words “Defence Forces Committee” wherever they
appear in the Act and substituting for them the words “Defence
Forces Council”.
- Amendment
of section 3 **71.** The principal Act is amended in section 3-
(a) in the definition of the term “Defence Forces
Committee” as amended, by deleting the word
“Committee” and substituting for it the word
“Council”; and
(b) by adding in the appropriate alphabetical order the
following definition:
 ““Planning and Implementation Committee” or
 in its acronym “PIC” means the
 Committee established under section
 7A;”.
- Addition of
section 7A **72.** The principal Act is amended by adding
immediately after section 7 the following:
 “Planning and
 Implementation
 Committee **7A.**-(1) There is established the
 Planning and Implementation Committee
 whose composition and proceedings shall
 be prescribed in the regulations.
 (2) The Committee shall be
 responsible for the planning and
 implementation of all functions which are
 conferred on the Chief of Defence Forces
 by law pertaining to all matters of supply,
 administration, development, conduct and
 discipline of the Defence Forces.
 (3) Nothing in this section shall be
 construed as conferring on the Committee
 any powers or responsibilities for the
 operational use of Defence Forces.

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(4) All acts of the Committee shall be signified by the Chief of Defence Forces or Chief of Staff and Secretary to the Committee.”.

PART XI

AMENDMENT OF THE NATIONAL PARKS ACT,
(CAP. 282)

Construction
Cap.282

73. This Part shall be read as one with the National Parks Act, hereinafter referred to as the “principal Act”.

Amendment of
section 2

74. The principal Act is amended in section 2 by adding in the appropriate alphabetical order the following definitions:

““Conservation Commissioner” means the head of Tanzania National Parks;

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“Service” shall have the meaning ascribed to it under the Wildlife Conservation Act;”.

Repeal and
replacement of
section 31

75. The principal Act is amended by repealing section 31 and replacing for it the following:

“Application
of certain
provisions of
Wildlife
Conservation
Act
Cap. 283

31.-(1) The provisions of sections 10, 11 and 12 of the Wildlife Conservation Act shall apply in relation the operations of the Service within the National Parks.

(2) For the purposes of subsection (1), the employees of Tanzania National Parks who perform wildlife conservation functions shall form part of the Service and exercise all powers of the Service as provided for under the Wildlife Conservation Act.

(3) In the performance of their functions and exercise of their powers relating to the Service, all employees referred to in subsection (2) shall be accountable to the Conservation Commissioner.”.

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PART XII
AMENDMENT OF THE NGORONGORO CONSERVATION AREA ACT,
(CAP. 284)

Construction
Cap.284 **76.** This Part shall be read as one with the Ngorongoro
Conservation Area Act, hereinafter referred to as the
“principal Act”.

Amendment of
section 2 **77.** The principal Act is amended in section 2, by
adding in the appropriate alphabetical order the following
definitions:

“Conservation Commissioner” means the Conservator
of the Conservation Area appointed under
section 7;

Cap .283 “Service” shall have the meaning ascribed to it under
the Wildlife Conservation Act;”.

Addition of
section 42A **78.** The principal Act is amended by adding
immediately after section 42 the following:

“Application
of certain
provisions of
Wildlife
Conservation
Act **42A.**-(1) The provisions of sections
10, 11 and 12 of the Wildlife Conservation
Act shall apply in relation the operations of
the Service within the Conservation Area.

Cap .283 (2) The employees of the
Ngorongoro Conservation Area Authority
who perform wildlife conservation functions
shall form part of the Service and shall
exercise all powers of the Service as provided
for under the Wildlife Conservation Act.

(3) In the performance of their
functions and exercise of their powers
relating to the Service, all employees
referred to in subsection (2) shall be
accountable to the Conservation
Commissioner.”.

PART XIII
AMENDMENT OF THE SEEDS ACT,
(CAP. 308)

Construction
Cap. 308 **79.** This Part shall be read as one with the Seeds Act,

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hereinafter referred to as the “principal Act”.

Addition of
section 24A

80. The principal Act is amended by adding immediately after section 24 the following:

“Recognition of
seed certification
agencies of
foreign countries

24A. The Minister may, on the recommendation of the Institute and by notice published in the *Gazette*, recognise for the purposes of this Act, any seed certification agency established in any foreign country.”

Amendment of
section 26

81. The principal Act is amended in section 26(1) by deleting the words “five million shillings or to imprisonment for a term not exceeding one year” and substituting for them the words “fifty million shillings or to imprisonment for a term not exceeding five years”.

Addition of
section 32A

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

“Compounding
of offences

32A.-(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 or any other sector legislation, the Chief Seed Certification Officer 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 sum of money not exceeding one half of the amount of fine to which such person would otherwise have been liable to pay if he had been convicted of such offence.

(2) Where the person fails to comply with the compounding order issued under this section within the prescribed period, the Chief Seed

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Certification Officer or a person authorised by him may in addition to the sum ordered, require the person to pay an interest at the rate prescribed in the regulations.

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

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

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

Amendment of section 33

83. The principal Act is amended in section 33(2) by deleting the word “breeder’s” appearing in paragraph (e) and substituting for it the word “pre-basic”.

PART XIV

AMENDMENT OF THE SUGAR INDUSTRY ACT,
(CAP. 251)

Construction Cap. 251

84. This Part shall be read as one with the Sugar Industry Act, hereinafter referred to as the “principal Act”.

Amendment of section 2

85. The principal Act is amended in section 2, by-
(a) deleting the definition of the terms “export”, “import”, “manufacturer” and “sugar exporter” and substituting for them the following:

““export” means export of sugar or sugar by-products outside Mainland Tanzania;

“import” means import of sugar or sugar by-products into Mainland Tanzania;

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“manufacturer” means a person registered and licensed by the Board to manufacture sugar or sugar by-products;

“sugar exporter” means a person registered and licensed by the Board to export sugar or sugar by-products outside Mainland Tanzania;”;

(b) adding in the appropriate alphabetical order the following definitions:

““sugar importer” means a person registered and licensed by the Board to import sugar or sugar by-products into Mainland Tanzania;

“sugar by-products” means molasses, briquettes, bagasse and such other by-products as may be derived from sugar; and

“sugar distributor” means a person registered by the Board to distribute sugar or sugar by-products in accordance with the provisions of this Act;”.

Amendment of section 4

86. The principal Act is amended in section 4(2) by deleting the words “and sugar plants” appearing at the end of paragraph (b) and substituting for them the words “sugar plants and sugar distributors”.

Amendment of section 6

87. The principal Act is amended in section 6(4) by deleting the word “Council” and substituting for it the word “Institute”.

Amendment of section 9

88. The principal Act is amended in section 9(1) by deleting the words “authority of the Director” and substituting for them the words “approval of the relevant authority”.

Amendment of section 11A

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

(a) designating the contents of that section as subsection (1); and

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

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“(2) Before prescribing the indicative price under subsection (1), the Board shall, in consultation with manufacturers and cane growers, establish production cost which shall form basis for the minimum or maximum price.

(3) For the purpose of facilitating prescription of indicative price under this section, cane growers and manufacturers shall avail all information necessary as the Board may require for establishing production costs.”.

Addition of section 11B

90. The principal Act is amended by adding immediately below the heading of Part IV the following:

“Registration of mills or facilities

11B.-(1) A person who intends to install a mill or facility to manufacture sugar shall apply for registration to the Board in a manner prescribed in the regulations.

(2) The Board may refuse to register a person to install and operate a mill or facility stated in subsection (1) for the reasons that-

- (a) in the vicinity of the place the mill or facility is to be located there already exists an operating mill or facility and the surrounding land suitable for sugarcane is not sufficient to produce enough sugarcane to operate two mills or facilities economically;
- (b) important resources such as water are not sufficient to support two mills or facilities on suitable basis; and
- (c) the mill or facility to be installed shall adversely impact the environment, the society or the economic viability of sugar industry in general.

(3) The Board shall, before refusing registration on grounds stated in subsection (2)(a), ensure that the existing mill or facility is being operated efficiently and the miller has the capacity or is willing to provide the capacity to mill all the cane which may be produced, from the said lands.”.

Amendment
of section 14

91. The principal Act is amended in section 14 by deleting subsection (3) and substituting for it the following:

“(3) Notwithstanding the provisions of subsection (1), the Board shall not issue sugar import licence unless it is satisfied that-

- (a) the local sugar production is below the level of sugar requirement at a particular time;
- (b) in the case of importation of sugar for domestic consumption, the applicant for the licence is a manufacturer and-
 - (i) is registered by the Board as sugar importer;
 - (ii) has submitted to the Board a viable annual implementation plan of sugar production in accordance with the provisions of section 17A;
 - (iii) has implemented at least eighty percent of the annual implementation plan for the previous production season;
 - (iv) has capacity to produce not less than ten thousand metric tons per year; and
 - (v) in the case of an applicant who was previously issued with similar licence, has a good track record for compliance with the terms and conditions for importation of sugar.

(4) Notwithstanding the provisions of subsection (2)(b), the amount of sugar to be imported per licence shall be proportional to the amount of sugar

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produced by the manufacturer.”

Repeal and
replacement of
section 16

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

“Penalty for
importation or
exportation of
sugar without
licence

16. Any person who imports or exports sugar without a license issued by the Board or in contravention of any provision of this Act, commits an offence and upon conviction, shall be liable-

- (a) in the case of a sugar manufacturer or importer, to a fine of not less than thirty million shillings but not exceeding five hundred million shillings or to imprisonment for a term not less than three years but not exceeding seven years or to both;
- (b) in case of sugar distributor or wholesaler, to a fine of not less than ten million shillings but not exceeding one hundred million shillings or to imprisonment for a term not less than two years but not exceeding five years or to both;
- (c) in case of sugar retailer, to a fine not less than two hundred thousand shillings but not exceeding ten million or to imprisonment for a term not less than six months but not exceeding three years or to both;
- (d) in the case of a person who is not covered under

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paragraphs (a), (b) or (c), to a fine not less than one hundred thousand shillings but not exceeding five million shillings or to imprisonment for a term not less than three months but not exceeding twelve months or to both.”.

Addition of section 16A

93. The principal Act is amended by adding immediately after section 16 the following:

“Performance contract

16A.-(1) The Board shall, for the purpose of ensuring sustainable development and expansion of sugar production and within-

- (a) sixty days from the date of issuance of licence in the case of a new sugar import licence holder; or
- (b) thirty days from the date of coming into force of this provision in case of existing sugar import licence holders,

sign with every manufacturer a performance contract for sugar production.

(2) The performance contract signed pursuant to subsection (1) shall be for a term of five years and shall contain expansion targets, performance indicators towards the set targets and any other terms as may be agreed upon by the parties.”.

Amendment of section 17A

94. The principal Act is amended in section 17A by-
(a) deleting subsection (1) and substituting for it the following:

“(1) For the purpose of enabling the Board to monitor performance of the contract referred to under section 16A, every licensed

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manufacturer shall, at the beginning of every production season calendar year, submit to the Board an annual implementation plan of the performance contract.”;

- (b) deleting the words “development and expansion plan” appearing in the opening phrase of subsection (2) and substituting for them the words “the annual implementation plan”.

Amendment
of section 29

- 95.** The principal Act is amended in section 29(1), by-
- (a) deleting the words “upon recommendations of” appearing in the opening phrase and substituting for them the words “in consultation with”;
 - (b) deleting paragraph (g) and substituting for it the following:
“(g) prescribing for matters which are required to be prescribed under this Act.”.

Addition of
section
34B

96. The principal Act is amended by adding immediately after section 34A the following:

“Restriction
to re-pack
sugar

34B.-(1) Without prejudice to any other written law, a person shall not re-pack sugar into any size, material or brand different from its original packaging for the purpose of rebranding unless such person is manufacturer registered by the Board for that purpose.

(2) All packages of imported sugar, whether re-packed or in original packaging, shall carry, in bold print, the name and contact details of the manufacturer and a country of origin.

(3) A person who contravenes this section commits an offence and shall, on conviction, be liable to a fine of not less than ten million shillings or to imprisonment for a term of not less than three years or both.”.

Amendment

97. The principal Act is amended in section 35 by

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of section 35 deleting the words “two million” and substituting for them the words “ten million”.

Addition of section 35A **98.** The principal Act is amended by adding immediately after section 35 the following:

“Compounding of offences

35A.-(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 or any other sector legislation, the Director General or an inspector authorised by the Director General 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 sum of money not exceeding one half of the amount of fine to which such person would otherwise have been liable to pay if he had been convicted of such offence.

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

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

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

Prosecutions.

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

PART XV
AMENDMENT OF THE WILDLIFE CONSERVATION ACT,
(CAP. 283)

Construction
Cap.283

99. This Part shall be read as one with the Wildlife Conservation Act, hereinafter referred to as the “principal Act”.

General
amendments

100. The principal Act is amended generally by deleting the word “unit” wherever it appears in the Act and substituting for it the word “Service”.

Amendment
of section 3

101. The principal Act is amended in section 3-

- (a) by deleting the definition of the term “Unit”;
- (b) in the definition of the term "authorised officer", by-
 - (i) inserting immediately after paragraph (f) the following:
 - “(g) an employee of the Tanzania Wildlife Management Authority of or above the rank of conservation ranger;”;
 - (ii) renaming paragraphs (g) and (h) as paragraphs (h) and (i) respectively;
- (c) by adding in the appropriate alphabetical order the following new definitions:
 - ““Conservation Commissioner” means the head of an Authority, a unit, agency or corporation established under the relevant law within the Ministry responsible for wildlife and forests;
 - “Permanent Secretary” means the Permanent Secretary of the Ministry responsible for wildlife and forest;
 - “Service” means the Wildlife and Forest

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Conservation Service established in terms of section 10;”.

Amendment of section 7

102. The principal Act is amended in section 7, by deleting the words “functions to” appearing in subsection (6) and substituting for them the words “functions to the Authority;”.

Amendment of section 10

103. The principal Act is amended in section 10-

- (a) in the marginal note, by deleting the words “Wildlife Protection Unit” and substituting for them the words “Wildlife and Forest Conservation Service”;
- (b) in subsection (1), by deleting the words “unit to be known as the Wildlife Protection Unit” and substituting for them the words “Service to be known as the Wildlife and Forest Conservation Service”;
- (c) by deleting subsection (2) and substituting for it the following:

“(2) The Service shall consist of specialised divisions or units responsible for the conservation, management, utilisation and protection of wildlife, forest and bee ecosystems and resources established in accordance with this Act, the Forests Act, the National Parks Act, the Ngorongoro Conservation Area Act, the Bee Keeping Act or any other written law.

(3) For the purposes of subsection (2), the Ministry shall cause to be established within the Ministry, a structure to enable smooth coordination of the operations of the Service.

(4) In its role of coordination, the Ministry shall -

- (a) issue policy guidance and directives in relation to general administration and operation of the Service;

Caps. 323,
282, 284 and
224

- (b) coordinate all matters relating to training of the Service to ensure that all staff of the Service in their respective divisions and units attain the necessary training for the operation of the Service;
- (c) without prejudice to the powers of Conservation Commissioners in their respective divisions and units, issue general orders which shall be published in the *Gazette* regarding the conduct and operations of the Service;
- (d) liaise with other authorities with regard to the conduct and operations of the Service inline with other security policies of the countries;
- (e) take any other necessary measure to ensure smooth administration and operations of the Service.”

Repeal and replacement of section 11

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

“Powers and functions of Service

11.-(1) The Service shall, under the command of Conservation Commissioners be responsible for-

- (a) conservation, management, utilisation and protection of wildlife, forest and bee ecosystems and resources and property related to wildlife, forest and bee ecosystems and resources;
- (b) gathering and managing intelligence information on wildlife, forest and bee ecosystems and resources;

(c) providing education on wildlife, forests and bee ecosystems and resources so as to create public awareness and support for wildlife, forests and bee policies; and

(d) performing any other function as may, subject to the provisions of this Act, be assigned by the Minister.

(2) In the performance of its functions under subsection (1), the Service shall have powers to-

(a) prevent, detain and investigate any crime related to wildlife, forest and bee ecosystems and resources;

(b) search any place or person and where necessary, seize property suspected to be linked with a crime against wildlife, forest and bee ecosystems and resources;

(c) apprehend any offender and take such offender into custody;

(d) do any other thing that is necessary for the effective and better conservation, management, utilisation and protection of wildlife, forest and bee ecosystems and resources.

(3) In the exercise of the powers conferred by this section, the Service shall be entitled to acquire, possess, carry and use firearms and other specialised equipment.”

Amendment
of section 12

105. The principal Act is amended in section 12, by-
(a) deleting subsection (1) and substituting for it the following:

(1) The administration of the Service shall, subject to the approved structure of the

Service, be vested in the Conservation Commissioners of the respective divisions or units who shall, in the discharge of their duties in relation to the Service, be under the Permanent Secretary.

(2) The Conservation Commissioners shall, in their respective divisions and units, be commandants of the Service and shall, in that capacity, perform the functions and exercise powers of the Service under section 11.

(3) Conservation Commissioners shall, in the performance of their functions in relation to the Service and without prejudice to the powers conferred to the Service under section 11, have powers to issue orders and directives for the operation of the Service.”

(b) renumbering subsection (2) as subsection (4).

Amendment
of section 116

106. The principal Act is amended in section 116, by-

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

“(1) This section shall apply to offences committed under this Act in relation to protected areas.”;

(b) adding immediately after subsection (6) the following:

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

OBJECTS AND REASONS

This Bill proposes amendments to Fourteen written laws, namely, the Advocates Act, Cap. 341, the Agricultural Inputs Trust Fund Act, Cap. 401, the Electricity Act, Cap. 131, the Fertilizers Act, Cap. 378, the Forest Act, Cap. 323, the Grazing Land and Animal Feed Resources Act, Cap. 180, the Interpretation of Laws Act, Cap. 1, the Labour Institutions Act, Cap. 300, the National Defence Act, Cap. 192, the National Parks Act, Cap. 282, the Ngorongoro Conservation Area Act, Cap. 284, the Seeds Act, Cap. 308, the Sugar Industry Act, Cap. 251 and the Wildlife Conservation Act, Cap. 283.

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

This Bill is divided into Fifteen Parts.

Part I deals with preliminary provisions which include the title of the Bill and the manner in which the laws proposed to be amended, are amended in their respective Parts.

Part II proposes to amend the Advocates Act, Cap. 341. It is proposed that a new Section 3A to be added in order to exempt from the application of certain provisions of the Act certain advocates who are appointed to senior public service positions while they continue to hold such positions. The amendments are also intended to exonerate such appointees and State Attorneys from payment of annual subscription fees payable by advocates under this Act until when they are relieved from their employment or otherwise permitted to practice by their appointing authorities.

Part III of the Bill proposes to amend the Agricultural Inputs Trust Fund Act, Cap. 401 whereby, in section 2, the definition of the term “agricultural machinery” is proposed to be added in order to give clarity of the term in line with the provisions of the Act.

Section 7 is amended in order to clearly provide the list of members of the Board of Trustees to be appointed by the Minister. Currently the law does not specify such list. The aim is to ensure that the Fund gets members who will perform its functions effectively to promote the objectives of the Fund. The section is further amended to provide for the Minister's powers to issue directives to the Board and to enable the Board to form committees for efficient performance of its functions. Furthermore, a new section 9A is added to provide for procedures for loan application.

Part IV of the Bill proposes to amend the Electricity Act, Cap. 131. Section 3 is amended in the definition of the terms "licensee" and "supply" so as to provide clarity in line with their use in the Act. Further, definitions of various terms which previously were not defined in the Act have been introduced. A new section 4A is proposed to be added with the view to establishing the position of Commissioner for Electricity Affairs and provide for his functions and mandate.

Section 6 is also amended in order to remove the function of acquisition of land as it does not fall under the functions of the Authority. It is further proposed to prescribe the time within which an aggrieved person may lodge an appeal to Fair Competition Tribunal. Section 14A is added for the purpose of making provisions for decommissioning of electricity supply installations.

Section 28(8) is amended to provide for manner for reimbursement of costs incurred by any customer during installation of electricity infrastructures. Section 35 is amended for the purpose of shifting the obligation of the acquisition of land for way leave from the Authority to the licensee. Section 48A is introduced for the purpose of introducing way leave general penalty to cover offences for which no specific penalty is provided in the Act.

Part V of the Bill proposes amendment to the Fertilizer Act, Cap. 378. Section 4 is amended in order to broaden the scope of the Authority's functions to include provisions relating to appropriate method or system of importation and exportation of fertilizer and fertilizer supplements. The aim is to enhance the oversight role of the Authority on importation and

exportation of fertilizer and fertilizer supplement in Tanzania. Section 5 is amended so as to correct the reference to the body established under the Act. The body established is an Authority and not an Agency as it appears in that provision. Section 13 is amended in order to require all applications for licence to contain, among other information, the physical address of the premises where intended fertilizer business will be conducted and any other information as may be required by the Board. The aim of these amendments is to enable the Authority to effectively and efficiently regulate all fertilizer dealers.

Section 34A(2) is proposed to be amended so as to provide for the correct reference to the head of the Tanzania Fertilizer Regulatory Authority who is a Director and not a Director General as it appears in that provision.

Section 40(1) is amended so as to add in the list of offences, the acts of selling fertilizer or fertilizer supplements above indicative price and prohibit selling fertilizer or fertilizer supplement in an open bag or packaging or labeling in a manner contrary to the requirements of the Act. The intention is to ensure that persons selling fertilizer comply with the indicative price and that fertilizer is sold in packages which preserve the quality. The provision is further amended to enhance the penalties for various offences under the Act. Section 40A is amended so as to add a provision for submission of reports to the Director of Public Prosecutions where offences are compounded under the Act.

Section 50 is amended so as to empower the Minister to restrict or prohibit importation or exportation of fertilizer with a view of promoting production of fertilizer in the country and ensure an even distribution of fertilizer within the country. Section 51(2) is amended by broadening the scope of areas for which the Minister may make regulations to include prescribing appropriate methods or system of importation and exportation of fertilizer or fertilizer supplements to ensure effective regulation of systems on importation and exportation of fertilizer or fertilizer supplements. Paragraph 1(1) of the Schedule is proposed to be amended with a view of reducing the number of Board members for purposes of enhancing performance, efficiency and reduction of operational costs.

Written Laws (Miscellaneous Amendments)

Part VI of the Bill proposes to amend the Forest Act, Cap. 323. Section 2 is amended by adding the definition of some terms which are necessary to be defined in the Act. A new section 95A is added to extend the application of certain provisions of the Wildlife Conservation Act relating to the Wildlife and Forest Conservation Service to the Forest Act. The amendments further recognise employees of the Tanzania Forest Service Agency as members of the Wildlife and Forest Conservation Service. The proposed amendments aim at recognizing the establishment of the Service as per the Wildlife Conservation Act.

Part VII proposes to amend the Grazing Land and Animal Feed Resources Act, Cap. 180. The Act is amended in section 3 in order to give effect of the intended meaning of various terms used in the Act.

The Act is further amended by adding a new section 38A for the purpose of better management of grazing land, management and control of land disputes, and restricting entry of animals from outside Tanzania with a view to protecting grazing land resources. Section 38C is added to protect designated public and private owned areas with a view to control invasion and land disputes. The Act is amended in sections 7, 8, 8A, 9, 14 and 20 to make distinctive provisions for the qualifications, functions and powers of animals feeds inspectors and grazing land inspectors for effective monitoring of compliance of the Act.

The Act is further amended in sections 30, 33, 34 and 39 to enhance penalties for offences that have severe adverse impact on animals, human, trade and environment. A new section 38B on compounding offences is introduced so as to increase compliance, save time and avoid unnecessary costs associated with litigations.

PART VIII of the Bill proposes to amend the Interpretation of Laws Act, Cap. 1 whereby section 54 is amended to rectify a clerical error so that the provision may include other bodies that are named in subsection (1) apart from board.

Part IX of the Bill proposes to amend the Labour Institutions Act, Cap. 300 whereby, section 50 is amended and section 54 is repealed and

replaced with a view of making provisions for Deputy Registrars. The amendments aim at ensuring that Deputy Registrars are featured in the composition of the Court and are able to perform their functions, accordingly.

Part X of the Bill amends the National Defence Act, Cap. 192 with a view to introducing in the Act the Planning and Implementation Committee in order to give legal effect the existence of such committee. The Planning and Implementation Committee is one of the high level decision making body of the Tanzania People's Defence Forces, thus based on the significance and sensitivity of the body, it has been considered necessary to establish it by the law to give it legal force. Consequent to the introduction of the Planning and Implementation Committee the Defence Forces Committee has been elevated to be the Defence Forces Council. The Defence Forces Council is the highest decision making body of TPDF.

Part XI of the Bill proposes to amend the National Parks Act, Cap. 282. Section 2 is amended by adding the definition of some terms which are necessary to be defined in the Act. Section 31 is repealed and replaced in order to extend application of sections 10, 11 and 12 of the Wildlife Conservation Act relating to the Wildlife and Forest Conservation Service to the National Parks Act. The amendments further recognise the employees of the Tanzania National Parks Authority as members of the Wildlife and Forest Conservation Service. The aim of the proposed amendments is to recognise the establishment of the Service as per the Wildlife Conservation Act.

Part XII of the Bill proposes to amend the Ngorongoro Conservation Area Act, Cap. 284, whereas section 2 is proposed to be amended by adding the definition of some terms which are necessary to be defined in the Act. Further, a new section 42A is proposed to be added so as to recognize the employees of the Ngorongoro Conservation Area Authority as members of the Wildlife and Forest Conservation Service. The aim of the proposed amendments is to recognise the establishment of the Service as per the Wildlife Conservation Act.

Part XIII of the Bill proposes amendment of the Seeds Act, Cap. 308. A new section 24A is proposed to be added to make provisions for recognition of foreign seed certification agencies. The intention is to ensure that seeds certified by the relevant authorities in any foreign country are recognized in Tanzania. Section 26 of the Act is proposed to be amended so as to enhance the general penalty for offences committed under the Act. It is further proposed that a new section 32A be added so as to empower the Chief Seed Certification Officer to compound offences under the Act. Section 33 of the Act is amended with a view of adding pre- basic seed grade among the classes of seeds listed in that provision.

Part XIV of the Bill proposes to amend the Sugar Industry Act, Cap 251 whereas section 2 is amended so as to improve the definitions of some terms used in the Act and to add the definition of new terms that are necessary to be defined under the Act.

Section 4 is amended so as to include sugar distributors among the persons who are required to be registered or licenced by the Board under the Act. The amendment aims at ensuring that all dealers in the sugar industry are regulated by the Board. Section 6 of the Act is proposed to be amended in subsection (4) by deleting the word “Council” and replacing it with the word “Institute”. This is due to the fact that the function of providing training in the development of the sugar industry is vested in the Institute and not the Council as it appears in that provision.

Section 9 is amended so as to ensure that the specific functions vested in relevant authorities are performed by the authorities. Currently, the provision empowers the Director to authorise importation of sugarcane seed while at the same time the Tanzania Official Seed Institute (TOSCI) is the authority vested with regulation of seeds in the country. Section 14 is amended to recognise sugar manufacturers as sole importers of sugar for domestic consumption. The purpose of this amendment is to enhance transparency in importation of sugar for domestic consumption.

Section 11A of the Act is amended to widen scope of stakeholders consultation in prescribing minimum price of sugar cane and sugar. The amendments are intended to ensure that both cane growers and sugar

manufacturers are effectively involved in the process of establishing cost of production which is the basis for prescribing such price.

A new section 11B is proposed to be introduced in the Act in order to provide for provisions relating to registration of sugar manufacturers which is a prerequisite for granting sugar manufacturing licence. Further to that, the proposed section specifies factors to be considered when registering a new manufacturing mill or facility. The proposed factors are intended to ensure that the existing manufacturing mills or facilities are not affected by any subsequently mills or facility installation.

A new section 16A is introduced to require the Sugar Board to sign performance contract with every sugar manufacturer that will ensure sustainable development and expansion of sugar production. As a result of the introduction of performance contract, section 17A is amended is accordingly.

Section 29 of the Act is amended in order to clarify on the powers of the Minister to make regulations. According to the proposed amendments, the Minister will make regulations after consultation with the Board; and not upon recommendation of the Board. Further to that, the Minister's powers to make regulations are restricted to the provisions of the Act.

The Act is amended in order to introduce section 34B which restricts sugar repackaging to be done by sugar manufacturers only. It also prohibits repacking for purposes of rebranding.

Sections 16 and 35 are amended in ordered to enhance penalties for offences committed under the Act. The amendments aim at ensuring compliance with the law and deterrence of offences. A new section 35A is proposed to be introduced so as to empower the Board to compound offences under the Act.

Part XV of the Bill proposes amendments to the Wildlife Conservation Act, Cap. 283. The amendments aim at empowering the Minister to establish a Service which shall be responsible for the conservation, management, utilisation and protection of wildlife, forest and

bee ecosystems and resources. The amendments also propose to widen the scope of the Service to include not only operation in matters relating to conservation of wildlife, but also forest and bee conservation services. The Service will be commanded by the respective Heads of institutions responsible for conservation in their respective areas of jurisdiction. The Ministry is tasked to establish a coordination structure which will facilitate smooth operations of the Service.

MADHUMUNI NA SABABU

Muswada huu unapendekeza kufanya marekebisho katika Sheria Kumi na Nne ambazo ni Sheria ya Mwakili, Sura ya 341, Sheria ya Mfuko wa Pembejeo, Sura ya 401, Sheria ya Umeme, Sura ya 131, Sheria ya Mbolea, Sura ya 378, Sheria ya Misitu, Sura ya 323, Sheria ya Nyanda za Malisho na Rasilimali ya Vyakula vya Mifugo, Sura ya 180, Sheria ya Tafsiri ya Sheria, Sura ya 1, Sheria ya Taasisi za Kazi, Sura ya 300, Sheria ya Ulinzi wa Taifa, Sura ya 192, Sheria ya Hifadhi za Taifa, Sura ya 282, Sheria ya Hifadhi ya Eneo la Ngorongoro, Sura ya 284, Sheria ya Mbegu, Sura ya 308, Sheria ya Tasnia ya Sukari, Sura ya 251 na Sheria ya Uhifadhi wa Wanyamapori, Sura ya 283.

Marekebisho yanayopendekezwa yanalenga kuboresha sheria husika ili ziendane na mabadiliko ya wakati na kutatua changamoto mbalimbali zilizojitokeza wakati wa utekelezaji wake.

Muswada huu umegawanyika katika Sehemu Kumi na Tano.

Sehemu ya Kwanza ya Muswada inahusu masharti ya Utangulizi na yanajumuisha jina la Muswada na namna ambavyo sheria zinazopendekezwa kufanyiwa marekebisho zimerekebishwa katika Sehemu husika ya Muswada.

Sehemu ya Pili ya Muswada inapendekeza kurekebisha Sheria ya Mwakili Sura ya 341, kwa kuongeza Kifungu kipya cha 3A ili kuondoa uwezekano wa mgongano wa maslahi unaoweza kujitokeza kwa mwakili

wanaoteuliwa katika nafasi za uandamizi katika Utumishi wa Umma. Hivyo, inapendekezwa kuwa wanaoteuliwa wasifanye kazi za uwakili wa kujitegemea wakiwa katika nafasi hizo. Aidha, inapendekezwa kuwa katika kipindi chote cha utumishi wao, viongozi pamoja na mawakili wote wa Serikali wasilipe ada ya usajili inayolipwa na mawakili chini ya Sheria hii kwa kuwa katika kipindi hicho chote hawatakuwa wanajishughulisha na kazi za uwakili wa kujitegemea.

Sehemu ya Tatu ya Muswada inapendekeza kurekebisha Sheria ya Mfuko wa Pembejeo, Sura ya 401 ambapo katika kifungu cha 2, inapendekezwa kuongeza tafsiri ya msamiati “*agricultural machinery*” ndani ya Sheria hiyo kwa lengo la kutoa tafsiri pana ya msamiati huo kujumuisha nyenzo zote muhimu zilizokusudiwa na Sheria.

Kifungu cha 7 kinarekebishwa ili kuainisha wajumbe wa Bodi ya Wadhamini watakaoteuliwa na Waziri. Kwa sasa kifungu hiki kinampa mamlaka Waziri kuteua wajumbe wa Bodi wasiopungua sita (6) na wasiozidi kumi (10) bila kubainisha wasifu na sehemu wanakotoka wajumbe hao. Lengo la marekebisho haya ni kuhakikisha Bodi inakuwa na uwakilishi stahiki ili kuwezesha na kuboresha utekelezaji wa majukumu yake.

Inapendekezwa kuwa, kifungu kipya cha 9A kiongezwe ili kuweka utaratibu wa kuomba mikopo katika Mfuko wa Pembejeo. Aidha, kifungu kipya cha 12A kinapendekezwa kuongezwa ili kuweka utaratibu wa rufaa kwa mtu asiyeridhika na maamuzi ya Bodi. Lengo ni kuweka mfumo madhubuti wa kushughulikia malalamiko ya wakulima dhidi ya Mfuko wa Pembejeo.

Sehemu ya Nne ya Muswada inapendekeza marekebisho katika Sheria ya Umeme, Sura ya 131 ambapo katika kifungu cha 3 tafsiri ya misamiati “licensee” na “supply” inarekebishwa kwa lengo la kuboresha tafsiri ya misamiati hiyo na pia kuongeza tafsiri ya misamiati mingine ambayo kwa sasa haijatafsiriwa katika Sheria. Kifungu kipya cha 4A kinapendekezwa kuongezwa ili kuweka nafasi ya Kamishna wa Masuala ya Umeme na kuainisha mamlaka na majukumu yake. Lengo la marekebisho haya ni kutambua kisheria nafasi na majukumu ya Kamishna wa Masuala ya

Umeme kama ilivyo kwa makamishna wengine wa mafuta na madini na ambao nafasi na majukumu yao yapo kisheria.

Kifungu cha 6 kinarekebishwa ili kuiondolea EWURA jukumu la kushughulikia upatikanaji wa ardhi kwa kuwa zipo mamlaka zenye jukumu hilo kisheria. Inapendekezwa pia kuainisha ukomo wa muda ambao mtu atapaswa kukata rufaa kwenye Baraza Huru la Ushindani. Kifungu kipya cha 14A kinapendekezwa kuongezwa kwa lengo la kumpa wajibu mtoa huduma kuondoa mitambo na miundombinu ya umeme baada ya muda wa mkataba kuisha.

Kifungu cha 28(8) cha Sheria ya Umeme kinarekebishwa kwa lengo la kuwezesha mteja kurudishiwa gharama na mtoa huduma ambazo mteja amegharamia wakati wa kuunganishiwa umeme. Kifungu cha 35 kinarekebishwa kwa lengo la kuondoa kutoka kwa EWURA kwenda kwa mtoa huduma jukumu kutafuta ardhi kwa ajili ya kuweka njia ya kupitishia miundombinu ya umeme kwa kuwa kimsingi hilo ni la mtoa huduma. Kifungu kipya cha 48A kinaongezwa kwa lengo la kubainisha adhabu ya jumla kwa makosa ambayo adhabu yake haikuainishwa mahsusi katika Sheria.

Sehemu ya Tano ya Muswada inapendekeza marekebisho katika Sheria ya Mbolea, Sura ya 378. Kifungu cha 4 kinarekebishwa ili kupanua wigo wa majukumu ya Mamlaka ya Udhibiti wa Mbolea Tanzania ili kuainisha mfumo bora wa uingizaji mbolea nchini na usafirishaji mbolea nje ya nchi. Lengo la marekebisho haya ni kuboresha usimamizi na udhibiti wa mbolea inayoingizwa nchini au kusafirishwa nje ya nchi. Kifungu cha 5 kinarekebishwa ili kuweka rejea sahihi ya chombo kilichoanzishwa na Sheria hii. Chombo kilichoanzishwa chini ya Sheria hii ni Mamlaka na si Wakala kama inavyosomeka katika kifungu hicho. Kifungu cha 13 kinapendekezwa kurekebishwa ili kuwataka waombaji wa leseni kutoa taarifa za maeneo ambayo biashara ya mbolea itafanywa au taarifa nyingine yoyote ambayo itahitajika na Mamlaka. Lengo la marekebisho hayo ni kuiwezesha Mamlaka kudhibiti na kuwasimamia watu wote wanaofanya shughuli za mbolea.

Kifungu cha 34A kinarekebishwa ili kuweka rejea sahihi ya mkuu wa Mamlaka ya Udhubiti wa Mbolea ambaye ni Mkurugenzi badala ya Mkurugenzi Mkuu kama inavyosomeka katika kifungu hicho kwa sasa.

Kifungu cha 40 kinarekebishwa ili kuongeza katika orodha ya makosa vitendo vya kuuza mbolea kwa bei ya juu kuliko bei elekezi na kuuza mbolea katika mifuko ya wazi au kinyume na matakwa ya Sheria hiyo. Lengo la marekebisho haya ni kuhakikisha kuwa kila mtu anazingatia bei elekezi na mbolea kuuzwa kwa kuzingatia sheria na hivyo kumlinda mteja. Kifungu hicho pia kinarekebishwa ili kuhuisha adhabu kwa makosa mbalimbali chini ya Sheria. Kifungu cha 40A kinarekebishwa ili kuweka masharti ya kuwasilisha taarifa kwa Mkurugenzi wa Mashtaka pale ambapo Mamlaka itafililisha makosa chini ya Sheria hiyo.

Kifungu cha 50 kinarekebishwa kwa kuongeza kifungu kidogo cha (2) ili kumpa Waziri mamlaka ya kuzuia uingizaji wa mbolea nchini au usafirishaji nje ya nchi kwa madhumuni ya kuhamasisha uzalishaji na upatikanaji wa mbolea ya kutosha nchini. Kifungu cha 51 kinarekebishwa ili kupanua wigo wa maeneo ambayo Waziri anaweza kuyatungia Kanuni ili kujumuisha kutunga kanuni za kuainisha mfumo bora wa uingizaji mbolea nchini na usafirishaji nje ya nchi. Lengo la marekebisho haya ni kuboresha usimamizi na udhibiti wa mbolea inayoingizwa nchini au inayosafirishwa nje ya nchi. Vilevile, Aya ya 1 ya Jedwali inarekebishwa kwa lengo la kupunguza idadi ya wajumbe wa Bodi ili kuhakikisha Bodi inatekeleza majukumu yake kwa ufanisi na kupunguza gharama za uendeshaji wa Bodi.

Sehemu ya Sita ya Muswada inapendekeza kufanya marekebisho katika Sheria ya Misitu, Sura ya 323. Kifungu cha 2 kinarekebishwa kwa kuongeza tafsiri ya misamiati mbalimbali ambayo imeonekana ni muhimu kutafsiriwa ndani ya Sheria hii. Inapendekezwa pia kuongeza kifungu kipya cha 95A ili kutambua masharti ya vifungu vya 10, 11 na 12 vya Sheria ya Wanyamapori, Sura 283 kuhusu uanzishwaji wa Jeshi Usu. Aidha, mapendekezo haya pia yamekusudia kuwatambua watumishi wa Wakala wa Misitu Tanzania kama sehemu ya Jeshi Usu. Marekebisho haya yamelenga kuzingatia uanzishwaji wa Jeshi Usu chini ya Sheria ya Uhifadhi wa Wanyamapori.

Sehemu ya Saba ya Muswada inapendekeza kufanya marekebisho katika Sheria ya Nyanda za Malisho na Rasilimali ya Vyakula vya Mifugo, Sura ya 180. Kifungu cha 3 kinarekebishwa kwa kuboresha misamiati iliyopo na kuongeza misamiati mipya ili kuweka maana iliyokusudiwa kwa masharti mbalimbali ya Sheria. Aidha, msamiati wa maneno “veterinary science” unapendekezwa kufutwa na badala yake kuweka “animal feed scientist” kwa lengo la kuweka wataalam wanaokidhi mahitaji ya tasnia ya vyakula vya mifugo. Kifungu cha 4 kinapendekezwa kurekebishwa kwa kuongeza kifungu kidogo cha (4) kwa lengo la kulipa Baraza mamlaka ya kuchagua mwakilishi kutoka sekta mbalimbali. Aidha, katika kifungu kidogo cha (5) inapendekezwa kufuta maneno “*of Grazing land*” (nyanda za malisho) kwa kuwa maneno hayo yametafsiriwa ndani ya Sheria.

Kifungu cha 5 kinarekebishwa katika kifungu kidogo cha (2) kwa kuongeza aya ya (e) ili kulipa Baraza jukumu la kusimamia na kudhibiti nyanda za malisho, rasilimali ya vyakula vya mifugo na biashara. Vilevile, Sheria inarekebishwa katika vifungu vya 7, 8, 8A, 9, 14 na 20 kuhusu uteuzi, majukumu na mamlaka mbalimbali ya wakaguzi wa rasilimali za malisho ya mifugo na wakaguzi wa nyanda za malisho kwa lengo la kuboresha ukaguzi na usimamizi wa utii wa Sheria. Aidha, Sheria inarekebishwa katika vifungu vya 30, 33, 34 na 39 kwa kuongeza adhabu mbalimbali katika Sheria ili kudhibiti ukiukwaji wa makosa mbalimbali yenye athari kubwa kwa mifugo, binadamu, biashara na mazingira. Kifungu cha 38 kinarekebishwa katika aya ya (d) ili kujumuisha vyama vya ushirika katika Rejesta ya Taifa inayotunzwa na Mkurugenzi chini ya Sheria hii.

Sheria inarekebishwa kwa kuongeza kifungu kipya cha 38A kwa lengo la kuweka usimamizi bora wa nyanda za malisho, kinga na udhibiti wa migogoro ya ardhi na udhibiti wa uingizwaji wa mifugo toka nje ya Tanzania bara kwa madhumuni ya kuhifadhi nyanda za malisho. Kifungu kipya cha 38B kinaongezwa ili kuweka masharti ya kufililisha makosa kwa lengo la kukuza utii wa sheria na kuokoa muda na gharama zinazohusiana na uendeshaji wa mashauri mahakamani.

Kifungu cha 38C kinapendekezwa kwa lengo la kuzuia kulisha mifugo katika maeneo yaliyotengwa ambapo litakuwa ni kosa la jinai na kuweka adhabu kwa ukiukwaji wa kifungu hicho. Marekebisho

yanapendekezwa katika kifungu cha 44 (d) ili kupanua wigo wa maeneo ambayo Waziri anaweza kuyatengenezea kanuni. Vilevile, inapendekezwa kurekebisha Jedwali la Pili la Sheria kwa lengo la kudhibiti virutubisho hatarishi (*hazardous ingredients*) katika uchakataji wa vyakula vya mifugo. Marekebisho ya mwisho yanapendekezwa kufanyika katika Jedwali la tatu katika maelezo yanayofuata katika sehemu “M: FEED ADDITIVES”, na pia kurekebisha sehemu “P” kwa lengo la kuhuishia na kuboresha orodha iliyopo katika Jedwali hili

Sehemu ya Nane ya Muswada inapendekeza kurekebisha Sheria ya Tafsiri ya Sheria, Sura ya 1 ambapo kifungu cha 54 kinafanyiwa marekebisho ya kiuandishi kwa lengo la kujumuisha katika masharti ya kifungu hicho vyombo vingine vilivyotajwa katika kifungu kidogo cha (1) tofauti na bodi.

Sehemu ya Tisa ya Muswada inapendekeza kurekebisha Sheria ya Taasisi za Kazi, Sura ya 300 ambapo, kifungu cha 50 kinarekebishwa na kifungu cha 54 kinafutwa na kuandikwa upya ili kuweka masharti yanayohusu Naibu Wasajili. Marekebisho haya yanalenga kuhakikisha kuwa Naibu Wasajili wanajumuishwa katika muundo wa Mahakama na kuwawezesha kutekeleza majukumu yao ipasavyo.

Sehemu ya Kumi ya Muswada inapendekeza kurekebisha Sheria ya Ulinzi wa Taifa, Sura ya 192. Inapendekezwa kutambua katika Sheria Kamati ya Mipango na Utekelezaji ambayo ni moja ya vyombo vya juu vya utekelezaji wa shughuli za majeshi. Lengo la marekebisho haya ni kuipa Kamati hiyo nguvu ya kisheria. Hivyo, inapendekezwa kuongeza kifungu kipya cha 7A kinachohusu uanzishwaji, majukumu na mamlaka ya Kamati ya Mipango na Utekelezaji. Kutokana na mabadiliko haya, inapendekezwa Kamati ya Ulinzi ambayo imeanzishwa kwa mujibu wa Sheria hiyo ibadilishwe na kuwa na Baraza la ulinzi ambacho kitakuwa ndicho chombo cha juu kabisa katika masuala ya JWTZ.

Sehemu ya Kumi na Moja ya Muswada inapendekeza marekebisho katika Sheria ya Hifadhi za Taifa, Sura ya 282. Kifungu cha 2 kinarekebishwa kwa kuongeza tafsiri ya misamiati mbalimbali ambayo imeonekana ni muhimu ikatafsiriwa ndani ya Sheria hii. Inapendekezwa

kufuta na kuandika upya kifungu cha 31 ili kutambua masharti ya vifungu vya 10, 11 na 12 vya Sheria ya Wanyamapori, Sura 283 kuhusu uanzishwaji wa Jeshi Usu. Aidha, mapendekezo haya pia yamekusudia kuwatambua watumishi wa Wakala wa Misitu Tanzania kama sehemu ya jeshi usu. Marekebisho haya yamelenga kuzingatia uanzishwaji wa Jeshi Usu chini ya Sheria ya Uhifadhi wa Wanyamapori.

Sehemu ya Kumi na Mbili ya Muswada inapendekeza marekebisho katika Sheria ya Hifadhi za Eneo la Ngorongoro, Sura ya 284, ambapo kifungu cha 2 kinapendekezwa kurekebishwa kwa kuongeza tafsiri ya misamiati mbalimbali ambayo imeonekana ni muhimu kutafsiriwa ndani ya Sheria. Aidha, inapendekezwa pia kuongeza kifungu kipya cha 42A ili kutambua masharti ya vifungu vya 10, 11 na 12 vya Sheria ya Wanyamapori, Sura 283 kuhusu uanzishwaji wa Jeshi Usu. Aidha, mapendekezo haya pia yamekusudia kuwatambua watumishi wa Wakala wa Misitu Tanzania kama sehemu ya Jeshi Usu. Marekebisho haya yamelenga kuzingatia uanzishwaji wa Jeshi Usu chini ya Sheria ya Uhifadhi wa Wanyamapori.

Sehemu ya Kumi na Tatu ya Muswada inapendekeza marekebisho katika Sheria ya Mbegu, Sura ya 308. Kifungu kipya cha 24A kinapendekezwa kuongezwa katika Sheria hiyo ili kutambua taasisi za kuthibitisha ubora wa mbegu zilizoanzishwa nje ya Tanzania. Lengo la marekebisho haya ni kuhakikisha kuwa mbegu ambazo ubora wake umethibitishwa katika nchi nyingine zinatambuliwa nchini Tanzania. Kifungu cha 26 kinapendekezwa kurekebishwa ili kuongeza adhabu ya jumla kwa makosa mbalimbali chini ya Sheria hiyo. Marekebisho haya yamelenga kuhakikisha masharti ya Sheria yanazingatiwa. Aidha, kifungu kipya cha 32A kinapendekezwa kuongezwa ili kumwezesha “Chief Seed Certification Officer” kufililisha makosa. Kifungu cha 33 cha Sheria kinarekebishwa ili kujumuisha daraja la awali la mbegu miongoni mwa madaraja mbalimbali ya mbegu yaliyoainishwa katika kifungu hicho.

Sehemu ya Kumi na Nne ya Muswada inapendekeza kurekebisha Sheria ya Tasia ya Sukari, Sura ya 251, ambapo kifungu cha 2 kinarekebishwa ili kuboresha tafsiri ya misamiati mbalimbali iliyotumika ndani ya sheria hiyo na kuongeza tafsiri ya misamiati mingine ambayo

imeonekana ni muhimu kutafsiriwa. Lengo la marekebisho haya ni kuhakikisha kuwa tafsiri za misamiati zinaeleweka vizuri na kuondoa mkanganyiko wa maana unaoweza kujitokeza.

Kifungu cha 4 kinarekebishwa ili kujumuisha wasambazaji wa sukari miongoni mwa watu wanaotakiwa kusajili ama kupewa leseni na Bodi chini ya Sheria hiyo. Marekebisho haya yana lengo la kuhakikisha kuwa Bodi inasimamia watu wote wanaofanya shughuli zinazohusiana na sukari. Kifungu cha 6 kinapendekezwa kurekebishwa katika kifungu kidogo cha (4) kwa kufuta neno “Baraza” na badala yake kutumia neno “Taasisi”. Marekebisho haya yanapendekezwa kwa kuwa Taasisi ndiyo yenye jukumu la kutoa mafunzo ya masuala mbalimbali ya uendelezaji wa tasnia ya sukari na si Baraza kama inavyosomeka katika kifungu hicho.

Kifungu cha 9 kinarekebishwa ili kuhakikisha kuwa majukumu mahsusi ya mamlaka nyingine yanatekelezwa na mamlaka husika. Kwa sasa, kifungu hiki kinampa Mkurugenzi mamlaka ya kuidhinisha uingizaji mbegu za miwa nchini wakati “TOSCI” ndiyo chombo mahsusi chenye mamlaka ya kudhibiti masuala yote yanayohusu mbegu nchini. Aidha, inapendekezwa kurekebisha kifungu cha 14 ili kuwapa wazalishaji wa sukari (sugar manufacturers) jukumu la uingizaji sukari kwa matumizi ya kawaida. Lengo la marekebisho haya ni kuongeza uwazi katika uingizaji wa sukari kwa matumizi ya kawaida.

Kifungu cha 11A cha Sheria kinarekebishwa ili kupanua wigo wa ushiriki wa wadau katika kupanga bei elekezi ya miwa na sukari. Marekebisho hayo yanalenga kuhakikisha kuwa wakulima na wazalishaji wa miwa wanashiriki ipasavyo katika mchakato wa kubaini gharama ya uzalishaji ambayo itakuwa ni kigezo cha kufikia bei elekezi.

Kifungu kipya ya 11B kinapendekezwa kuongezwa ili kuweka masharti ya usajili wa wazalishaji wa sukari ambacho ni moja kati ya vigezo vya kupata leseni ya kuzalisha sukari. Marekebisho haya pia yamekusudia kuainisha vigezo vitavyozingatiwa katika kusajili kiwanda kipya cha uzalishaji ili kuhakikisha kuwa shughuli za kiwanda kilichopo haziathiriwi na kiwanda kipya.

Kifungu kipya cha 16A kinaongezwa kwa lengo la kuitaka Bodi ya Sukari kusaini mkataba wa utekelezaji na kila mzalishaji wa sukari ili kuhakikisha maendeleo endelevu na kupanua uzalishaji wa sukari. Sambamba na marekebisho haya, kifungu cha 17A kinarekebishwa ili kiweze kuendana na masharti ya kifungu kipya cha 16A.

Kifungu cha 29 kinarekebishwa kwa lengo la kufafanua mamlaka ya Waziri kutengeneza kanuni. Kulingana na marekebisho haya, Waziri atatengeneza kanuni baada ya kushauriana na Bodi na sio baada ya kupokea mapendekezo ya Bodi. Marekebisho mengine katika kifungu hiki yanalenga kuweka masharti kwa Waziri kutengeneza kanuni kwa kuzingatia masharti ya Sheria hii.

Sheria inarekebishwa kwa kuongeza kifungu kipya cha 34B kinachoweka masharti ya ufungashaji (repackaging) wa sukari kufanywa na wazalishaji peke yao. Aidha, kifungu hiki kinazuia ufungashaji wa sukari kwa lengo la kubadili jina halisi ya sukari.

Vifungu vya 16 na 35 vinarekebishwa ili kuongeza adhabu kwa makosa chini ya sheria hiyo. Marekebisho haya yanalenga kuhakikisha sheria zinazingatiwa. Kifungu kipya cha 35A kinapendekezwa kuongezwa ili kuiwezesha Bodi kufililisha makosa chini ya Sheria hiyo kwa lengo la kupunguza mlundikano wa kesi mahakamani na kuokoa muda na gharama zinazoambatana na uendeshaji wa kesi mahakamani.

Sehemu ya Kumi na Tano ya Muswada inapendekeza marekebisho katika Sheria ya Uhifadhi wa Wanyamapori, Sura ya 283. Kwa ujumla, marekebisho haya yanalenga kumuwezesha Waziri kuanzisha Jeshi Usu ambalo litakuwa na jukumu la kudhibiti, kuhifadhi, kusimamia na kulinda wanyamapori, misitu, nyuki, maliasili na mfumo wa ekolojia. Kwa muktadha huo, mapendekezo ya jumla yanapendekezwa kwa kufuta neno “unit” popote lilipotumika katika Sheria na badala yake kutumia neno “Service”. Marekebisho haya yamelenga kupanua wigo wa utendaji wa Jeshi Usu ili kujumuisha sio tu utendaji katika masuala ya uhifadhi wa wanyamapori bali katika uhifadhi wa misitu na nyuki pia. Aidha, Jeshi Usu litasimamiwa na viongozi wa juu wa taasisi zinazohusika na masuala ya

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uhifadhi katika maeneo yao ya kiutawala. Wizara itakuwa na jukumu la kuweka mfumo wa uratibu utakaoweza Jeshi hilo kutekeleza majukumu yake.

Dodoma,
7 Januari, 2020

ADELARDUS L. KILANGI,
Mwanasheria Mkuu wa Serikali