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BILL SUPPLEMENT

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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) ACT, 2021

ARRANGEMENT OF SECTIONS

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2. Amendment of certain written laws.

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

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(CAP. 216)

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AMENDMENT OF THE MAGISTRATES' COURTS ACT,
(CAP. 11)

8. Construction.
9. Repeal of section 13.

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

Dodoma,
5th February, 2021

JOHN W. H. KIJAZI
Secretary to the Cabinet

A BILL
for

An Act to amend certain written laws.

ENACTED by the 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, 2021.

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 INTERPRETATION OF LAWS ACT,
(CAP. 1)

Construction
Cap. 1

3. This Part shall be read as one with the Interpretation of Laws Act, hereinafter referred to as the “principal Act”.

Amendment
of section 84

4.-(1) The principal Act is amended in section 84, by-
(a) deleting subsection (1) and substituting for it the following:
“(1) The language of laws of the United Republic shall be Kiswahili.”;
(b) adding immediately after subsection (1) the following:

“(2) Laws of the United Republic that are currently in the English language shall be translated into Kiswahili.

(3) Notwithstanding subsection (1), where circumstances so requires, laws may be translated into English language.”;

(c) renumbering subsections (2) and (3) as subsections (4) and (5) respectively;

(d) deleting the word “English” appearing in subsection (5) as renumbered and substituting for it the word “Kiswahili”; and

(e) adding immediately after the renumbered subsection (5) the following:

“(6) The Minister responsible for legal affairs may make regulations prescribing circumstances and conditions where a law may be in a language other than Kiswahili language.”.

Addition of section 84A

5. The principal Act is amended by adding immediately after section 84 the following:

“Language of courts, etc

84A.-(1) Notwithstanding any other written law the language of courts, tribunals and other bodies charged with the duties of dispensing justice shall be Kiswahili.

(2) Notwithstanding subsection (1), courts, tribunals and other bodies charged with the duties of dispensing justice shall use the English language as may be determined by the presiding officer where the interests of justice so requires.

(3) Subject to subsection (2), where English language is used in dispensation of justice, that language shall be translated and authenticated in Kiswahili language.

(4) The Minister responsible for legal affairs may, in consultation with the Chief Justice, make regulations for better carrying out the provisions of this section.”.

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

Construction
Cap. 216 **6.** This Part shall be read as one with the Land Disputes
Courts Act, hereinafter referred to as the “principal Act”.

Repeal of
section 32 **7.** The principal Act is amended by repealing section 32.

PART IV
AMENDMENT OF THE MAGISTRATES’ COURTS ACT,
(CAP. 11)

Construction
Cap. 11 **8.** This Part shall be read as one with the Magistrate’s
Courts Act, hereinafter referred to as the “principal Act”.

Repeal of
section 13 **9.** The principal Act is amended by repealing section
13.

OBJECTS AND REASONS

This Bill proposes amendment of three laws, namely the Interpretation of Laws Act, Cap.1, the Land Disputes Courts Act, Cap. 216 and the Magistrates’ Courts Act, Cap. 11.

This Bill is divided into Four Parts as follows:

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 of the Bill proposes to amend the Interpretation of Laws Act, Cap.1, where section 84 is proposed to be amended in order to declare Kiswahili as the language of the laws of the country and the language to be used in the administration and dispensation of justice. This amendment is necessitated in cognizance of the use of Kiswahili as a National language vastly used in the day to day activities. Thus, its use will facilitate the realization of access to justice by all. The amendment further gives power to the Minister responsible for justice in consultation with the Chief Justice to determine circumstances and conditions, where the dispensation of justice may be made in a language other than Kiswahili. The amendment also gives power

to the Minister responsible for legal affairs to determine circumstances and conditions where a law may be in a language other than Kiswahili.

Part III and Part IV of the Bill proposes to amend the Land Disputes Courts Act, Cap. 216 and the Magistrates Courts Act, Cap 11. The amendment intends to repeal sections which provide that the language of court or, as the case may be, tribunal shall be English or Kiswahili. The proposed amendments intend to reflect the amendments made in the Interpretation of Laws Act which declared the language to be used in the administration and dispensation of justice is Kiswahili.

MADHUMUNI NA SABABU

Muswada huu unapendekeza marekebisho katika Sheria Tatu ambazo ni Sheria ya Tafsiri ya Sheria, Sura ya 1, Sheria ya Mahakama za Migogoro ya Ardhi, Sura ya 216 na Sheria ya Mahakama za Mahakimu, Sura ya 11.

Muswada huu umegawanyika katika Sehemu Nne kama ifuatavyo:

Sehemu ya Kwanza ya Muswada inaainisha masharti ya utangulizi ambayo ni jina la Muswada na tamko kuhusu marekebisho ya sheria mbalimbali zinazokusudiwa kufanyiwa marekebisho kupitia Muswada huu.

Sehemu ya Pili ya Muswada inapendekeza kufanya marekebisho katika Sheria ya Tafsiri ya Sheria, Sura ya 1. Inapendekezwa kufanya marekebisho katika kifungu cha 84 ili kuondoa matumizi ya lugha ya Kiingereza kama lugha ya sheria na lugha ya mahakama na badala yake kutumia lugha ya Kiswahili kwa sababu Kiswahili ndiyo Lugha ya Taifa, lugha ambayo inaeleweka na inatumika katika shughuli zote za maendeleo nchini. Hivyo, kutumika kwake kutasidia katika upatikanaji wa haki nchini. Marekebisho haya yanakusudia kuimarisha mfumo wa upatikanaji haki kwa wananchi ambao ndio watumiaji wa sheria husika. Aidha, Waziri wa Sheria anapewa mamlaka ya kutunga kanuni ili kubainisha mazingira ambayo lugha nyingine zinaweza kutumika katika kutunga sheria au katika mfumo wa utoaji haki.

Sehemu ya Tatu na Sehemu ya Nne zinapendekeza kufanya marekebisho katika Sheria ya Mahakama za Migogoro ya Ardhi, Sura ya 216 na Sheria ya Mahakama za Mahakimu, Sura ya 11 kwa kufuta vifungu vinavyoweka sharti kuhusu lugha ya mahakama. Mapendekezo haya yamezingatia marekebisho yaliyofanywa kwenye Sheria ya Tafsiri za Sheria ambayo imeweka msingi wa lugha ya mahakama, mabaraza na vyombo vingine vyenye jukumu la kutoa haki kuwa ni Kiswahili.

Dodoma
1 Februari, 2021

ADELARDUS L. KILANGI
Mwanasheria Mkuu wa Serikali