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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) ACT, 2023

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NOTICE

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

Dodoma,
20th January, 2023

MOSES M. KUSILUKA,
Secretary to the Cabinet

A Bill
for

An Act to amend certain 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, 2023.
- Amendment
of certain
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 ARCHITECTS AND QUANTITY
SURVEYORS (REGISTRATION) ACT,
(CAP. 269)

- Construction
Cap. 269 3. This Part shall be read as one with the Architects and Quantity Surveyors (Registration) Act, hereinafter referred to as the “principal Act”.

Amendment
of section 2

4. The principal Act is amended in section 2-
- (a) in the definition of the term “architect”, by adding the words “architectural technologist” immediately after the words “landscape architect”;
 - (b) in the definition of the term “construction work”, by adding the words “civil engineering and services” immediately after the words “similar to buildings” appearing at the end of paragraphs (c) and (d);
 - (c) in the definition of the term “design and build”, by adding the words “or construction work” immediately after the word “building”;
 - (d) in the definition of the term “register”, by adding the words “project managers” immediately after the word “surveyors”; and
 - (e) in the definition of the term “project management”, by adding the words “or construction” immediately after the word “buildings”;
 - (f) by deleting the definition of the terms “graduate architect”, “graduate quantity surveyor” and substituting for them the following:
 - ““graduate architect” means any person registered as such under this Act and includes a graduate interior designer, graduate landscape architect, graduate architectural technologist, graduate furniture architect, graduate conservation architect or graduate naval architect;
 - “graduate quantity surveyor” means any person registered as such under this Act and includes a graduate building surveyor, graduate construction economist, graduate construction manager or graduate building economist;”;
 - (g) by adding in the appropriate alphabetical order the following definition:

“services” means architectural or quantity surveying professional services that are provided by architects, quantity surveyors or firms referred to under section 36;”.

Amendment
of section 4

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

“(1) The Board shall consist of nine members who shall be appointed by the Minister as follows:

- (a) a Chairman who shall be an architect or a quantity surveyor with at least ten years experience in the construction industry and proven tangible contribution to the sector;
- (b) one registered architect representing the Architects Association of Tanzania;
- (c) two representatives from architectural and quantity surveying training institutions, one being a registered architect and the other being a registered quantity surveyor;
- (d) one registered quantity surveyor appointed from the Tanzania Institute of Quantity Surveyors;
- (e) a Law Officer representing the Attorney General;
- (f) one senior officer from the Ministry responsible for local government who shall be either an architect, quantity surveyor or town planner;
- (g) one senior officer from the Ministry responsible for construction; and

(h) one senior officer from the Ministry responsible for lands who shall be a town planner with experience in the building industry.”.

(b) deleting subsection (2); and

(c) renumbering subsections (3) and (4) as subsections (2) and (3) respectively.

Amendment
of section
10

6. The principal Act is amended in section 10(1) by inserting the words “project managers” between the words “surveyors” and “architectural”.

Amendment
of section
12

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

“(1) A person shall be eligible for registration in the register if that person-

(a) holds a degree or the equivalent qualification from an approved training institution in any of the following fields:

(i) architecture;

(ii) interior design;

(iii) landscape architecture;

(iv) furniture architecture;

(v) conservation
architecture;

(vi) architectural
technology;

(vii) naval architecture;

(viii) quantity survey;

(ix) building economics;

(x) construction
economics;

(xi) building survey;

(xii) construction
management; or

(xiii) any other related field
as the Board may

- determine;
- (b) has done a minimum of two years supervised work in a practising firm in Tanzania after graduating from a recognised college or university and passed the professional examination conducted by the Board; and
 - (c) is a member of the Architects Association of Tanzania or Tanzania Institute of Quantity Surveyors, as the case may be.”;
- (b) adding immediately after subsection (1) the following:
- “(2) A person shall be eligible for registration in the sub-register if-
- (a) that person holds a degree or equivalent qualification from an approved training institution in any of the following fields-
 - (i) architecture;
 - (ii) interior design;
 - (iii) landscape architecture;
 - (iv) furniture architecture;
 - (v) conservation architecture;
 - (vi) architectural technology;
 - (vii) naval architecture;
 - (viii) quantity survey;
 - (ix) building economics;
 - (x) construction economics;
 - (xi) building survey;
 - (xii) construction management;
 - (xiii) architectural drafting;
or
 - (xiv) any other related field as the Board may

determine;

- (b) that person's general conduct is, in the opinion of the Board, sufficient to make him a proper person to be registered under this Act.”; and
- (c) renumbering subsections (2), (3) and (4) as subsections (3), (4) and (5) respectively.

Amendment
of section
13

8. The principal Act is amended in section 13(2) by deleting the words “entered into a joint venture agreement with a local firm” appearing in paragraph (e) and substituting for them the words “engaged a local registered person for the purpose of local capacity building”.

Amendment
of section
14

9. The principal Act is amended in section 14(2) by deleting the word “or” appearing in paragraph (a) and substituting for it the word “and”.

Amendment
of section
18

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

“(4) Notwithstanding subsections (1) and (2), a person registered by the Board under section 12(1) may offer the following services as an individual:

- (a) buildings or construction works as provided in paragraph 2 of the Second Schedule to this Act; or
- (b) consultancy services including technical audit, quality control, evaluation of bids, value engineering, probe teams, arbitration and other related services as may be determined by the Board.

(5) The Board shall issue guidelines for the better carrying out of the provisions of subsection (4).”.

Amendment
of section

11. The principal Act is amended in section 33 by

- 33 deleting the word “register” appearing in the opening phrase to subsection (2) and substituting for it the word “sub-register”.
- Amendment of section 36 12. The principal Act is amended in section 36, by-
- (a) adding the words “or any other services as may be determined by the Board” immediately after the word “management” appearing at the end of subsection (2);
 - (b) adding the words “or any other services as may be determined by the Board” immediately after the word “project” appearing at the end of subsection (3); and
 - (c) inserting the words “or construction” between the words “building” and “works” appearing in subsection (4).
- Amendment of section 37 13. The principal Act is amended in section 37-
- (a) in subsection (1), by deleting the words “architectural or a quantity surveying firm” and substituting for them the words “architect and a quantity surveyor in all stages of the project”;
 - (b) by deleting subsections (5) and (6);
 - (c) in subsection (7) as renumbered by inserting the words “or construction” between the words “building” and “project”
 - (d) by renumbering subsections (7), (8), (9) and (10) as subsections (5), (6), (7) and (8), respectively.
- Amendment of section 46 14. The principal Act is amended in section 46 by deleting the phrase “as the Board may determine in consultation with the Minister” and substituting for it the phrase “as may be determined by the relevant authority”.
- Amendment of section 53 15. The principal Act is amended in section 53(i) by deleting the words “students and candidates” and substituting for them the words “graduates and candidates for Board’s examinations”.

PART III
AMENDMENT OF THE MEDIA SERVICES ACT,
(CAP. 229)

- Construction
Cap. 229 16. This Part shall be read as one with the Media Services Act, hereinafter referred to as the “principal Act”.
- Amendment
of section 5 17. The principal Act is amended in section 5, by-
(a) deleting paragraph (l); and
(b) renaming paragraphs (m) and (n) as paragraphs (l) and (m), respectively.
- Amendment
of section
38 18. The principal Act is amended in section 38 by deleting subsection (3).
- Amendment
of section
50 19. The principal Act is amended in section 50-
(a) in subsection (1), by-
 (i) deleting paragraph (a)(ii);
 (ii) deleting paragraph (c)(ii);
 (iii) deleting the phrase “commits an offence and upon conviction shall be liable to a fine of not less than five million shillings but not exceeding twenty million shillings or to imprisonment for a period of not less than three years but not exceeding five years or to both” and substituting for it the phrase “commits an offence and upon conviction shall be liable to a fine of not less than three million shillings but not exceeding ten million shillings or to imprisonment for a period of not less than two years but not exceeding five years or to both.”;
 (iv) deleting the word “or” appearing at the end of paragraphs (a)(i) and (c)(i);
 (v) designating the contents of paragraphs (a)(i) and (c)(i) as paragraphs (a) and (c) respectively; and
(b) in subsection (2), by deleting the phrase “commits an offence and upon conviction, shall

be liable to a fine of not less than five million shillings but not exceeding twenty million shillings or to imprisonment for a period of not less than three years but not exceeding five years or to both” and substituting for it the phrase “commits an offence and upon conviction shall be liable to a fine of not less than three million shillings but not exceeding ten million shillings or to imprisonment for a period of not less than two years but not exceeding five years or to both.”.

Amendment
of section
51

20. The principal Act is amended in section 51(1) by deleting the phrase “commits an offence and shall be liable upon conviction for the first offence to a fine of not less than five million shillings but not exceeding ten million shillings or to imprisonment for a term of not less than three years but not exceeding five years or to both, and for a subsequent offence, to a fine of not less than eight million shillings but not exceeding twenty million shillings or to imprisonment for a term of not less than five years but not exceeding ten years” and substituting for it the phrase “commits an offence and shall be liable, upon conviction-

- (a) in the case of the first offence to a fine of not less than two million shillings but not exceeding five million shillings or to imprisonment for a term of not less than one year but not exceeding three years or to both, and
- (b) in the case of the for a subsequent offence, to a fine of not less than five million shillings but not exceeding ten million shillings or to imprisonment for a term of not less than three years.”.

Amendment
of section
53

21. The principal Act is amended in section 53-

- (a) in subsection (1), by deleting the phrase “commits an offence and shall be liable upon conviction, in the case of the first offender to a fine of not less than five million shillings but not exceeding ten million shillings or to

imprisonment for a term of not less than three years but not exceeding five years or to both, and for a subsequent offence, to a fine of not less than seven million shillings but not exceeding twenty million shillings or to imprisonment for a term of not less than five years but not exceeding ten years or to both” and substituting for it the phrase “commits an offence and shall be liable upon conviction-

- (a) in the case of the first offender, to a fine of not less than three million shillings or to imprisonment for a term of not less than two years or to both; and
 - (b) in the case of subsequent offence, to a fine of not less than five million shillings or to imprisonment for a term of not less than three years or to both.”;
- (b) in subsection (2), by deleting the phrase “commits an offence and shall be liable upon conviction, in the case of first offender to a fine of not less than two million shillings but not exceeding five million shillings or to imprisonment for a term of not less than two years but not exceeding five years or to both, and for a subsequent offence to a fine of not less than three million shillings but not exceeding ten million shillings or to imprisonment for a term of not less than three years but not exceeding ten years or to both” and substituting for it the phrase “commits an offence and shall be liable upon conviction-
- (a) in the case of first offender, to a fine of not less than three million shillings or to imprisonment for a term of not less than two years or to both; and
 - (b) in the case of a subsequent offence to a fine of not less than three million shillings or to imprisonment for a term of not less than three years or to both.”;
- (c) by deleting subsections (4) and (5);

- (d) in subsection (6), by deleting the word “printer” appearing between the words “publisher,” and “or”;
- (e) by deleting subsection (7);
- (f) in subsection (8), by deleting the phrase “commits an offence, and shall be liable upon conviction, to a fine of not less than five million shillings but not exceeding ten million shillings or to imprisonment for a term of not less than three years but not exceeding five years or to both” and substituting for it the phrase “commits an offence, and shall be liable, upon conviction, to a fine of not less than three million shillings or to imprisonment for a term of not less than two years or to both.”; and
- (g) by renumbering subsections (6) and (8) as subsections (4) and (5), respectively.

Amendment
of section
54

22. The principal Act is amended in section 54(1) by deleting the phrase “commits an offence and shall be liable upon conviction to a fine of not less than ten million shillings but not exceeding twenty million shillings or to imprisonment for a term of not less than four years but not exceeding six years or to both” and substituting for it the phrase “commits an offence and shall be liable, upon conviction, to a fine of not less than three million shillings or to imprisonment for a term of not less than one year or to both”.

Amendment
of section
55

23. The principal Act is amended in section 55(2) by deleting the phrase “be liable to a fine of not less than fifteen million shillings but not exceeding twenty five million shillings”, and substituting for it the phrase “be liable to a fine of not less than ten million shillings”.

Amendment
of section
63

24. The principal Act is amended in section 63-
(a) in subsection (1), by deleting the phrase “commits an offence, and on conviction shall be liable to a fine of five million shillings or imprisonment for a term of one year, or to

both”, and substituting for it the phrase “commits an offence, and on conviction shall be liable to a fine of two million shillings or imprisonment for a term of one year, or to both.”; and

- (b) in subsection (2), by deleting the phrase “liable to a fine of ten million shillings or imprisonment for a term of seven years”, and substituting for it the phrase “liable to a fine of five million shillings or imprisonment for a term of three years.”.

Amendment
of section
64

25. The principal Act is amended in section 64(2)-
- (a) in paragraph (a), by deleting the phrase “to a fine of not less than ten million shillings but not exceeding twenty million shillings or imprisonment for a term of not less than three years or to both” and substituting for it the phrase “to a fine of not less than five million shillings but not exceeding ten million shillings or imprisonment for a term of not less than three years but not exceeding five years or to both.”; and
- (b) in paragraph (b), by deleting the phrase “to a fine of not less than fifteen million shillings but not exceeding twenty million shillings or imprisonment for a term of not less than three years or to both” and substituting for it the phrase “to a fine of not less than five million shillings but not exceeding ten million shillings or imprisonment for a term of not less than three years but not exceeding five years or to both”.

PART IV

AMENDMENT OF THE MEDICAL STORES DEPARTMENT ACT, (CAP. 70)

Construction
Cap. 70

26. This Part shall be read as one with the Medical Stores Department Act, hereinafter referred to as the “principal Act”.

Amendment
of section 6

27. The principal Act is amended in section 6 by-
(a) deleting subsection (1) and substituting for it the following:

“(1) The Board shall be composed of the Chairman appointed by the President and eight other members appointed by the Minister as follows:

- (a) the Director responsible for primary health from the Ministry responsible for primary healthcare services;
 - (b) the Commissioner for Budget or his representative from the Ministry responsible for finance;
 - (c) the Director responsible for registration of medicine or medical devices or his representative from the authority responsible for medical devices;
 - (d) the Director responsible for diagnostic services or his representative from the Ministry responsible for health;
 - (e) a law officer representing the Attorney General; and
 - (f) three other members with qualifications in any of the following fields:
 - (i) accountancy;
 - (ii) pharmacy;
 - (iii) medicine or diagnostics;
 - (iv) supply chain management; or
 - (v) information and communication technology.”;
- (b) deleting subsection (2); and
(c) renumbering subsections (3), (4) and (5) as subsections (2), (3) and (4), respectively.

PART V
AMENDMENT OF THE NATIONAL LEADERS' FUNERALS
ACT,
(CAP. 419)

Construction
Cap. 419 28. This Part shall be read as one with the National
Leaders' Funerals Act, hereinafter referred to as the
"principal Act".

Repeal and
replacement
of section 6 29. The principal Act is amended by repealing
section 6 and replacing for it the following:

"Death
announcement
 6.-(1) The President shall,
immediately after the occurrence of death
of a national leader or serving specified
leader, announce death of such leader in
accordance with the provisions of this
Act.

(2) The serving specified leader
shall, immediately after occurrence of
death of the retired specified leader,
announce such death in accordance with
the provisions of this Act.

(3) Where death occurs while the
President or serving specified leader is
not in the United Republic or not in office
for any reason, the person for the time
being discharging functions of the-

(a) President shall announce the
death of a national leader or
serving specified leader; and

(b) serving specified leader shall
announce the death of a retired
specified leader.

Cap. 35 (4) Subject to the Public Holidays
Act, the President shall announce the
burial date of the serving President to be a
public holiday.".

Amendment
of section 9 30. The principal Act is amended in section 9 by

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

“(1) Subject to section 6, where a serving specified leader dies or a retired specified leader dies, the President or the serving specified leader shall, after receiving the death information from the family of the deceased, make an announcement thereof to the general public in such manner as may be considered appropriate.”.

Amendment
of section
10

31. The principal Act is amended in section 10, by deleting the word “sections” and substituting for it the words “or cause the application of sections 6,”.

Amendment
of section
11

32. The principal Act is amended in section 11(2),

by-

(a) adding immediately after paragraph (i), the following:

“(j) the Minister responsible for coordination of Government business;

(k) the Minister responsible for legal affairs;

(l) the Minister responsible for retired leaders’ affairs;”;

(b) renaming paragraphs (j) to (q) as paragraphs (m) to (t), respectively.

Amendment
of section
12

33. The principal Act is amended in section 12-

(a) by designating the contents of section 12 as subsection (1);

(b) in subsection (1) as designated, by deleting the words “advise and” appearing in paragraph (e); and

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

“(2) The Chairman of the Committee may, for better implementation of the provisions of this Act, issue directives to the Executive Committee any time and in such manner as the Chairman considers fit.”.

Amendment
of section
13

34. The principal Act is amended in section 13-
- (a) in subsection (1), by-
- (i) adding immediately after paragraph (i) the following:
 - “(j) the Permanent Secretary-Ministry responsible for legal affairs;
 - (k) the Permanent Secretary-Ministry responsible for information;”;
 - (ii) renaming paragraphs (j), (k) and (l) as paragraphs (l), (m) and (n), respectively;
 - (iii) deleting the word “and” appearing at the end of paragraph (m) as renamed;
 - (iv) deleting the full stop appearing at the end of paragraph (n) as renamed and substituting for it a semi colon; and
 - (v) adding immediately after paragraph (n) as renamed, the following:
 - “(o) the Chief Court Administrator;
 - (p) the Clerk of the National Assembly;
 - (q) the Chief of Defence Forces;
 - (r) the Director General of Intelligence and Security Service; and
 - (s) the Inspector General of Police.”;
- (b) in subsection (3), by adding the words “or Secretary to the Executive Committee” immediately after the word “Minister” appearing at the end of paragraph (c); and
- (c) by adding immediately after subsection (3) the following:
 - “(4) The Executive Committee may meet at least once in a year to discuss matters related to the implementation of this Act.”.

- Amendment of section 17
35. The principal Act is amended in section 17 by adding immediately after subsection (2) the following:
- “(3) The structure of the cemetery of a national leader or specified leader shall be determined by the National Funeral Committee upon consultation with the family of the national or specified leader in accordance with the regulations prescribed by the Minister.”.
- Amendment of section 18
36. The principal Act is amended in section 18(1) by deleting the words “at the National Stadium at Dar es Salaam” and substituting for them the words “at a designated place in Dodoma”.
- Amendment of section 23
37. The principal Act is amended in section 23(3) by deleting the words “Public Safety and Security” and substituting for them the words “home affairs”.

PART VI
AMENDMENT OF THE RAILWAYS ACT,
(CAP. 170)

- Construction Cap. 170
38. This Part shall be read as one with the Railways Act, hereinafter referred to as the “principal Act”.
- General amendment
39. The principal Act is amended generally by-
- (a) deleting the words “authorised employee” wherever they appear in the Act and substituting for them the words “authorised officer”; and
 - (b) deleting the words “Railway Infrastructure Fund” wherever they appear in the Act and substituting for them the words “Railway Fund”.
- Amendment of section 3
40. The principal Act is amended in section 3 by adding in their appropriate alphabetical order the following definitions:
- ““compartment” means a specified chamber or section in a wagon established for

carrying passengers or goods from the place of carriage to the destination;

“open access” means an arrangement whereby an independent train operator uses rail infrastructure owned by the Corporation for the purposes of providing rail transport services to optimise the use of rail network and improve rail performance by paying agreed access fees;

“open access operator” means a person issued with a license by the Regulator to provide rail transport services through open access;

“railway reserve” means any area of land owned by the Corporation whether or not surveyed or demarcated for railways works including railway strips, station yards, garage, access road, quarries, borrow pit, dump sites, houses or any building owned by the Corporation for commercial or residential purposes;

“wagon ferry” means a vessel connected to the railway line used to convey wagons from one point to another in inland waterways;”.

Amendment
of section 6

41. The principal Act is amended in section 6(1)(n), by-

(a) adding immediately after subparagraph (iii) the following:

“(iv) development of any real estate owned by the Corporation;”; and

(b) renaming subparagraphs (iv) and (v) as subparagraphs (v) and (vi), respectively.

Addition of

42. The principal Act is amended by adding

- sections 9A,
9B and 9C immediately after section 9 the following:
- “Open
access 9A.-(1) A person who intends to provide rail transport services through open access shall apply to the Corporation for a permit in a prescribed manner.
- (2) An applicant who has obtained a permit under subsection (1) shall apply to the Regulator to be issued with a license.
- (3) Subject to subsection (2), the applicant shall, after being issued with a license, enter into open access agreement with the Corporation.
- (4) A person who contravenes the provisions of this section commits an offence.
- Register 9B. The Corporation shall keep and maintain a register of open access operators who have been issues with permits under section 9A.
- Non-transferability of permit 9C. The permit issued under section 9A(1) shall not be transferrable.”.
- Amendment of section 21 by- 43. The principal Act is amended in section 21(1),
- (a) adding immediately after paragraph (l) the following:
- “(m) exercise disciplinary powers to officers, staff and employees of the Corporation who are within the Director General’s mandate;” and
- (b) renaming paragraphs (m) and (n) as paragraphs (n) and (o), respectively.
- Amendment of section 21 44. The principal Act is amended in section 22, by-
- (a) deleting subsection (3); and

- 22 (b) renumbering subsections (4) to (6) as subsections (3) to (5) respectively.
- Amendment of section 24 45. The principal Act is amended in section 24(1) by adding the words “railway station or railway premises” immediately after the words “railway strip”.
- Addition of section 24A 46. The principal Act is amended by adding immediately after section 24 the following:
 “Permit to use railway strip, etc. 24A. A person who intends to use any part of the railway strip, railway station or railway premises shall, subject to payment of prescribed fees and other costs associated with the use, apply to the Corporation for a permit.”.
- Amendment of section 29 47. The principal Act is amended in section 29(2) by inserting the words “upon application to the Corporation” between the words “may” and “inspect”.
- Amendment of section 51 48. The principal Act is amended in section 51(2)(b) by inserting the words “under section 52” between the words “goods” and “shall”.
- Amendment of section 68 49. The principal Act is amended in section 68, by-
 (a) deleting the word “infrastructure” appearing at the end of subsection (2) and substituting for it the words “infrastructure; purchase new and maintain existing rolling stock”;
 (b) adding the words “and rolling stock” immediately after the words “infrastructure” appearing in subsection (7); and
 (c) deleting subsection (9) and substituting for it the following:
 “(9) Expenditure from the Railway Fund shall be limited to-
 (a) administrative overheads directly attributable to its operation and management;
 (b) funding of the renewal and development of existing and the
 24

- provision of new rail infrastructure; and
 (c) purchase of new rolling stock and funding the maintenance of existing rolling stock.”.

Addition of section 77A

50. The principal Act is amended by adding immediately after section 77 the following:

“Operation in open access without permission

77A. A person who provides transport services through open access without permission commits an offence and is liable, upon conviction to a fine of not less than ten million shillings but not exceeding one hundred million shillings or to imprisonment for a term of not less than six months but not exceeding two years or to both.”.

Addition of section 103A

51. The principal Act is amended by adding immediately after section 103 the following:

“Recovery of damages

103A. Where an accident occurs in a level crossing that involves a road vehicle or any other object and a rolling stock, the Regulator shall determine and cause the Corporation to recover damages caused to the rolling stock or railway track from the owner of the road vehicle or any other object as the case may be.”.

Amendment of section 108

52. The principal Act is amended in section 108 by adding immediately after subsection (4) the following:

“(5) Where a person requests the Corporation to construct a level crossing for private or public use, such person shall bear the cost of construction and maintenance as prescribed under the Tariff Book.”.

PART VII
 AMENDMENT OF THE TANZANIA FORESTRY RESEARCH
 INSTITUTE ACT,
 (CAP. 277)

- Construction
Cap. 277
53. This Part shall be read as one with the Tanzania Forestry Research Institute Act, hereinafter referred to as the “principal Act”.
- Amendment
of long title
54. The principal Act is amended in the long title by adding the words “and beekeeping” immediately after the words “promotion of forestry”.
- Amendment
of section 2
55. The principal Act is amended in section 2, by-
- (a) adding in their appropriate alphabetical order the following definitions:
- ““beekeeping” means an art and science of managing honeybees for production of honey, beeswax and other bee products for domestic consumption or commercial purpose;
- “apiary” has the meaning ascribed to it under the Beekeeping Act;
- “bee reserve” means an area of land declared as such under the Beekeeping Act;”;
- (b) deleting the definition of the term “timber” and substituting for it the following:
- ““timber” has the meaning ascribed to it under the Forest Act;”.
- Cap. 224
- Cap. 323
- Amendment
of section 4
56. The principal Act is amended in section 4-
- (a) in subsection (1)-
- (i) by adding the words “and beekeeping” immediately after the word “forestry” appearing in paragraphs (a), (b), (e), (f), (j), (k) and (l);
- (ii) by adding the words “and beekeeping” immediately after the word “forests” appearing in paragraphs (h);
- (iii) by deleting the words “and for the management of forests” appearing in paragraph (i) and substituting for them the words “and beekeeping research and for the management of forests and

- apiaries”;
- (iv) in paragraph (l) by adding immediately after subparagraph (iii) the following:
 - “(iv) the establishment of trial apiaries, queen rearing centres and bee reserves in such areas as the Board may determine;
 - (v) harvesting, processing, packaging and marketing of forest and bee products;”;
 - (v) by adding immediately after paragraph (r) the following:
 - “(s) carry out, and promote the carrying out of, experiments and research relating to beekeeping;”;
 - (vi) by renaming paragraphs (r) and (s) as paragraphs (s) and (t) respectively;
 - (vii) by deleting the word “credit” appearing in paragraph (s) as renamed and substituting for it the word “credibility”;
- and
- (b) in subsection (2) by deleting the phrase “Tanzania Wood Industry Corporation established by the Tanzania Wood Industry Corporation (Establishment) Order” and substituting for it the words “Director responsible for beekeeping”.

Amendment
of section 5

57. The principal Act is amended in section 5 by deleting subsection (3) and substituting for it the following:

“(3) The Minister may, upon recommendations of the Board, by order published in the *Gazette*, declare any forest, forest reserve or bee reserve to be a Centre for the purposes of forestry or beekeeping research under this Act, and vest in the Institute the control and management of that Centre.”.

- Amendment of section 8 by-
58. The principal Act is amended in section 8(4),
- (a) adding the words “or beekeeping” immediately after the word “forestry” appearing in paragraph (a); and
 - (b) adding the words “and beekeeping” immediately after the word “forestry” appearing in paragraph (d).
- Amendment of section 9 by-
59. The principal Act is amended by in section 9,
- (a) adding the words “or beekeeping” immediately after the word “forestry” appearing in subsection (1);
 - (b) deleting subsection (2) and substituting for it the following:
 - “(2) Any person who contravenes subsection (1) commits an offence and upon conviction, is liable to a fine of not less than two million shillings but not exceeding five million shillings or to imprisonment for a term of not less than three months but not exceeding six months or to both.”.
- Repeal of section 10
60. The principal Act is amended by repealing section 10.
- Amendment of section 11
61. The principal Act is amended in section 11 by adding the word “beekeeping” immediately after the word “forestry”.
- Amendment of section 12
62. The principal Act is amended in section 12-
- (a) by deleting the words “after consultation with” appearing in subsection (1) and substituting for them the words “upon recommendations by”; and
 - (b) in subsection (2), by-
 - (i) adding the word “beekeeping” immediately after the word “forestry” appearing in paragraph (a);

- (ii) adding the words “or beekeeping” immediately after the word “forestry” appearing in paragraph (c); and
- (iii) adding the words “or bee” immediately after the word “forest” appearing in paragraph (e).

Repeal and replacement of section 14

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

“Remuneration of members of Board shall be entitled to such remuneration, fees or allowances as may be determined by the relevant authority.”.

Repeal of section 15

64. The principal Act is amended by repealing section 15.

Amendment of Second Schedule

65. The principal Act is amended in the Second Schedule by deleting paragraph 1 and substituting for it the following:

“Composition of Board

- 1.-(1) The Board shall consist of-
- (a) a Chairman who shall be appointed by the President; and
 - (b) eight other members who shall be appointed by the Minister as follows:
 - (i) the Director of the Forestry and Beekeeping Division;
 - (ii) the Conservation Commissioner of the Tanzania Forest Services Agency;
 - (iii) the Director General of the Tanzania Commission for Science and Technology;
 - (iv) a Law Officer representing the

- Attorney General;
- (v) a representative from a higher learning institution who possess qualifications relating to forestry or beekeeping management;
 - (vi) a member from a registered association dealing with forestry or beekeeping;
 - (vii) Administrative Secretary of the Tanzania Forest Fund; and
 - (viii) one person with financial or human resources expertise.

(2) The Director General shall be the Secretary to the Board.”.

PART VIII
AMENDMENT OF THE TREASURY REGISTRAR
(POWERS AND FUNCTIONS) ACT,
(CAP. 370)

Construction
Cap. 370 66. This Part shall be read as one with the Treasury Registrar (Powers and Functions) Act, hereinafter referred to as the “principal Act”.

Amendment
of section 2 67. The principal Act is amended in section 2 by deleting the word “finance” appearing in the definition of the term “Minister” and substituting for it the words “public investments”.

PART IX
AMENDMENT OF THE VALUE ADDED TAX ACT,
(CAP. 148)

Construction 68. This Part shall be read as one with the Value

Cap. 148 Added Tax Act, hereinafter referred to as the “principal Act”.

Amendment
of Schedule 69. The principal Act is amended in the Schedule by deleting the words “30th December, 2022” appearing in item 22 and substituting for them the words “30th June, 2026”.

OBJECTS AND REASONS

This Bill proposes to amend Eight laws namely: the Architects and Quantity Surveyors (Registration) Act, Cap. 269, the Media Services Act, Cap. 229, the Railways Act, Cap. 170, the Medical Stores Department Act, Cap. 70, the National Leaders’ Funerals Act, Cap. 419, the Tanzania Forestry Research Institute Act, Cap. 277, the Treasury Registrar (Powers and Functions) Act, Cap. 370 and the Value Added Tax Act, Cap. 148.

The Bill is divided into eight Parts whereby 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 Architects and Quantity Surveyors (Registration) Act, Cap. 269 whereby section 2 is amended in order to improve the definitions of various terms and introduce the definition of new terms which are used in the Act but are not defined in the Act. Section 4 is amended in order to reduce the number of Board members from eleven to nine so as to reduce operational cost of the Board and comply with Government directives on the required number of Board members. Section 10 is amended with the view to include project managers in the provisions of that section. The aim of the amendment is to ensure that the particulars and information of project managers are included in the register maintained by the Registrar.

Section 12 is amended in order to provide clarity in the list of fields required for registration of professionals and graduates. The amendment aims at widening the scope of fields which are listed and enabling the provision to cover related disciplines that may emerge in the future.

Section 13 is proposed to be amended in order to widen involvement of local firms in projects undertaken by foreign firms in the country. The amendment aims at increasing transfer of expertise, opportunities and enhance local capacity building. Section 14 is amended in order to make it mandatory to meet both requirements for application for registration for persons registered outside the country so as to ensure proper regulation of the relevant professions from outside the country.

Section 18 is amended by introducing a provision which allows professionals to practise as individuals so as to enhance wide utilisation of professionals by the public and to promote job opportunities. The amendment further intends to empower the Board to issue guidelines for regulation of individual practice. Section 36 is proposed to be amended in order to empower the Board to determine professional services which may be offered by registered persons other than those listed in that section. The aim of the amendment is to take into account economic and technological developments that may take place in the fields of architecture and quantity survey.

Section 37 is amended in order to impose an obligation of involvement of relevant professionals in all stages of the project implementation. The aim of the amendment is to enhance quality, professionalism and safety. The section is further amended in order to empower the Board to regulate and control building or construction works and also remove the possibility of conflicting mandates regarding issuance of building permits. The wording of the said provision as it is, seems to direct the Board to receive applications for building permits from professionals. Section 46 is amended in order to align the provision with other relevant laws regarding remuneration of Board members. Section 53 is proposed to be amended in order to give mandate to the Board to regulate graduates and not students as the provision currently provides.

Part III of the Bill proposes amendment to the Media Services Act, Cap. 229 wherein section 5(1) is proposed to be deleted for purposes of relieving the Director of Information Services Department from the function of coordinating all Government advertisements, and allowing the Government to choose media of its choice according to market forces. Moreover, the Bill proposes deletion of section 38(3) for purposes of maximizing freedom of expression.

The Bill proposes amendments to sections 50, 51, 53, 54, 55, 63 and 64 with a view to ensuring that media practitioners enjoy freedom of expression, right to access information and editorial independence without fear of criminal sanctions. The proposed amendments, among other things, aim at excluding media practitioners from criminal defamation which, as a general rule, fall within the ambit of civil actions. Moreover, the proposed amendments in such sections are intended to remove punishment to owners of printing plants who, under normal circumstances, are unable to control contents of matters which are printed in such printing plants. In the same spirit of enhancing and promoting freedom of speech, the Bill proposes to reduce penalties in respect of various offences in order to align such penalties with the gravity of their respective offences.

Part IV of the Bill proposes to amend the Medical Stores Department Act, Cap. 70, whereby section 6 is amended in order to provide guidance and clarity as to where the eight other members will come from. The guidance and clarity sought under the proposed amendment will enhance the functionality of the Board by providing adequate balance in its pursuit for the efficiency and effective administration of Medical Stores Department.

Part V of the Bill proposes to amend the National Leader's Funerals Act, Cap. 419 whereby section 6 of the Act is proposed to be repealed and replaced in order to improve the provisions relating to the powers of the President to announce the death of a national leader and death of a serving specified leader while giving a serving specified leader powers to announce death of a retired specified leader. Further, the section empowers the President to announce the burial date of a serving President to be a public holiday. The purpose of this amendment is to specify authorities responsible for announcing death of national leaders and specified leaders.

Sections 9 and 10 are proposed to be amended in order to give powers to serving specified leader to announce death of a retired specified leader. The purpose of this amendment is to recognise a growing practise to the effect that, although the law cites President as the authority for announcing death of a retired specified leader, such announcements have been usually given by the serving specified leaders.

Section 12 is amended by including the Minister responsible for coordination of the government business, Minister responsible for legal affairs and the Minister responsible for retired leader's affairs in the list of

members of the National Funeral Committee. Further, section 13 of the Act is amended by increasing the number of members constituting the Executive Committee. The purpose of these amendments is to add new members in the named Committee whose contribution is vital in handling matters related to burial of national or specified leaders.

Section 17 of the Act is proposed to be amended by adding subsection (3) which vests in the National Funeral Committee powers to determine the structure of cemetery of national or specified leaders. The purpose of this amendment is to ensure uniformity of cemeteries of national and specified leaders.

Further, section 18 of the Act is proposed to be amended in order to relocate the place for keeping a bier of a national leader for the purpose of paying last respects from Dar es Salaam to Dodoma. The aim of this amendment is to harmonise the provisions of the Act with other laws that relocates the Government headquarters and directed the discharging of government business to Dodoma.

Part VI of the Bill proposes to amend the Railways Act, Cap. 170. It is proposed to amend the Act generally by deleting the words “authorised employee” and replace them with the words “authorised officer”. The major reason for the proposed deletion of the words “authorised employee” is that, while such words have invariably been used throughout the Act, there is no definition of such words in the Act. Therefore, since the Act has only defined the term “employee”, there has been confusion as to whether or not the words “authorised employee” and the word “employee” are synonymous, or different. Moreover, considering the fact that the Act has defined the words “authorized officer” there also has been a lot of unnecessary confusion as to the difference between the words “authorized employee” and “authorized officer”. The proposed amendment, therefore, seeks to iron out such kinds of unnecessary confusion and ambiguity and smoothen implementation of the Act.

The Bill further proposes general amendment by deleting the words “Railway Infrastructure Fund” and substituting for them the words “Railway Fund”. As the substituting words speak for themselves, this amendment seeks to enlarge the scope of the existing Fund by ensuring that monies derived from different sources of the Fund are used in the furtherance and development of the railway sector in general, and not

confining the usage of funds of the Fund for development of railway infrastructure only, as it currently stands.

Section 3 is proposed to be amended in order to add interpretation of terms as used in the Act which were previously not defined and adding definition of new terms resulting from the proposed amendments. Section 6(1)(n) is proposed to be amended in order to widen the scope of function of the Corporation and allowing it to enter into arrangements with persons and entities for development of any real estate owned by the Corporation. Currently, the Corporation has no legal mandate to enter into arrangements of that nature.

The Bill further proposes addition of new sections 9A, 9B and 9C for purposes of putting in place provisions relating to the long-awaited open access arrangement. Under the proposed amendment, independent and private operators will be given opportunity to use rail infrastructure for purposes of providing rail transport services whether for private use or on commercial basis. In this regard, the Corporation, as owner of rail infrastructure, will retain mandate to issue permits to prospective independent operators, while the Land Transport Regulatory Authority (LATRA) will play an oversight role in relation to all regulatory aspects, including issuing licences to such operators. The proposed addition of new sections 9A, 9B, and 9C will not only replace the contractual arrangement that is currently in use, and that has proved to be ineffectual, but also provide adequate legal safeguards for the better protection of rail infrastructure and furtherance of rail transport sector in general.

Section 21(1) is proposed to be amended by adding new paragraph (m) with a view to mandating the Director General to exercise disciplinary powers over officers, staff and employees of the Corporation. Currently, the Board is mandated, by virtue of section 12(f), to exercise disciplinary powers to senior management employees only. Thus, the proposed amendment aims at filling the current legal vacuum by making provisions which enable the Director General to be the disciplinary authority of employees who are not senior management employees.

The Bill also proposes deletion of the provisions of section 22(3) of the Act with a view to realigning that section with the Public Service Act, Cap. 258. Currently, section 22(3) requires departmental directors to serve the Corporation on a five years basis. However, considering the fact that

the Corporation is a public institution which falls under the Public Service Scheme, the deletion of section 22(3) will do away with the subsisting legal inconsistency between such subsection and the provisions of the Public Service Act.

Section 24(1) of the Act is proposed to be amended by adding the words “railway station or railway premises” with a view to widening scope the protection of rail infrastructure. Currently, the Act prohibits grazing, farming and erecting buildings or structures or the execution of any works in a railway strip without permission of the Corporation. Thus, the proposed amendment takes on board railway stations and railway premises in the envisaged protection.

The Bill further proposes addition of new section 24A that seeks to provide opportunities to entities and persons who intend to use railway strips, railway stations or railway premises to do so upon special permission from the Corporation. Currently, the Act does not provide for this kind of arrangement, and therefore the Corporation has been using contractual arrangement to cater for it. Therefore, the proposed amendment will not only put in place the legal parameters for such usage, but also play a crucial role in facilitating the open access arrangement wherein independent operators will be allowed to use rail tracks, railway strips, railway stations as well as railway premises either for public or their private use.

Section 68 is proposed to be amended with a view to introducing a new Fund known as the Railway Fund. Unlike the current Fund whose objective is only confined to railway infrastructure, the new Fund aims at widening its scope by taking on board matters relating to purchase of new rolling stocks as well as maintenance of existing rolling stocks.

The Bill also proposes addition of new section 77A which seeks to provide restrictions for perating in open access without permission, as well as providing penalty for those who operate in open access contrary to the Act. The amendment is meant to fend the Corporation off the imminent danger that is likely to arise during the implementation of open access arrangement.

Moreover, it is proposed to introduce new section 103A which seeks to put in place recovery mechanism for loss or damages occassioned to the

Corporation through accidents in level crossings. Under the proposed enactment, the Regulatory is empowered to determine and cause the corporation to recover from owner of vehicles or other objects that cause accidents, damages caused to rolling stocks or railway tracks. Ultimately, the Bill proposes amendment to section 108 with a view to adding new subsection (5) that requires persons who request to construct level crossings for private or public use, to bear costs associated with such construction or maintenance as prescribed under the Tariff Book.

Part VII of the Bill proposes to amend the Tanzania Forestry Research Institute Act, Cap. 277. To a large extent, amendments to this Act are meant to widen the legal scope of research activities done by the Tanzania Forestry Research Institute (TAFORI) to include beekeeping as part of it. Currently, all research activities relating to beekeeping are reserved exclusively for the Tanzania Wildlife Research Institute (TAWIRI), under the Tanzania Wildlife Research Institute Act. With that objective, the Bill proposes amendment to the longtitle of the Act with a view to accomodating beekeeping research aspect in the Act.

Further, section 2 is amended in order to introduce the meaning of the term beekeeping as used in the Act. The purpose of this amendment is to provide clarity. It is further proposed to amend section 4 in order to broaden functions of the Institute to include beekeeping research, and take on board new institutional rearrangement in the country. Section 5(3) is proposed to be amended to reflect the current management arrangement and to do away with phased out Council as the organ to advise the Minister. Likewise, the amendment to section 5(3) are intended to include bee reserves as part of areas which may be declared, by the relevant Minister, as forestry research centers. Currently, the Minister may only declare forests and forest reserves as forestry research centers.

Sections 8, 11 and 12 are proposed to be amended in order to accommodate beekeeping research aspect in the Act. The Bill also proposes amendment to section 9(2) with a view to adjusting penalty for offences committed by persons who engage in researches relating to or connected with forestry or beekeeping. In this regard, a person who fails to furnish the Institute with information relating to his or her research, or make available to the Institute copies of any relevant records or findings, commits an offence under section 9 and may be liable to a penalty. of not less than two million shillings, but not exceeding five million shillings or

imprisonment for a term of not less than three months but not exceeding six months, or to both. Currently, the Act provides for a penalty of not exceeding five thousand shillings for an offence committed under that section. This adjustment of a penalty is intended to deter commission of such kind of offences.

Section 10 of the Act, which empowers the Institute to call for information relating to forestry or other allied scientific researches, is proposed to be repealed. The repeal of section 10 is proposed basing on the fact that the contents of the current section 10 have been incorporated in section 9. Section 14 is proposed to be repealed and replaced in order to comply with the provisions of the Treasury Registrar (Powers and Functions) Act, Cap. 370 where the Office of the Treasury Registrar is the relevant authority which determines remuneration of Board members. Currently, the Act empowers the Minister to prescribe remuneration, fees and allowances of members of the TAFORI Board. Section 15 is proposed to be repealed in order to remove the provisions relating to retirement and medical benefits as are covered by respective laws.

Generally, this amendment aims at reducing the size of the Board to reflect the contemporary guidelines issued by the Treasury Registrar. Currently, the Board is composed of the Chairman and up to fifteen other members. Moreover, the proposed amendments are made in order to ensure that the composition of the Board members of the Institute is clearly stipulated in the law, enhance performance of the Board and ensure effective participation of every Board member appointed.

Part VIII proposes to amend the Treasury Registrar (Powers and Functions) Act, Cap. 370 whereby the definition of the term “Minister” is proposed to be amended by deleting the word “finance” and substituting for it the words “public investments”. The aim of the amendment is to vest matters relating to management of public investments on the Minister who at a particular time is responsible for management of public investments, rather than naming a specific Minister.

Part IX proposes to amend the Valued Added Tax Act, Cap. 148 whereby item 22 of the Schedule is amended so as to extend VAT exemption on air charter services in order to facilitate continued growth in the tourism sector.

MADHUMUNI NA SABABU

Muswada huu unapendekeza kufanya marekebisho katika Sheria Nane ambazo ni Sheria ya Usajili wa Wabunifu Majengo na Wakadiriaji Majenzi, Sura ya 269, Sheria ya Huduma za Habari, Sura ya 229, Sheria ya Bohari ya Dawa, Sura ya 70, Sheria ya Mazishi ya Viongozi wa Kitaifa, Sura ya 419, Sheria ya Reli, Sura ya 170, Sheria ya Taasisi ya Utafiti wa Misitu Tanzania, Sura ya 277, Sheria ya Mamlaka na Majukumu ya Msajili wa Hazina, Sura ya 370 na Sheria ya Kodi ya Ongezeko la Thamani, Sura ya 148.

Muswada huu umegawanyika katika Sehemu Nane ambapo Sehemu ya Kwanza inahusu masharti ya utangulizi yanayojumuisha Jina la Muswada na namna ambavyo Sheria mbalimbali zinapendekezwa kurekebisha na Muswada huu.

Sehemu ya Pili inapendekeza marekebisho katika Sheria ya Usajili wa Wabunifu Majengo na Wakadiriaji Majenzi, Sura ya 269 ambapo kifungu cha 2 kinapendekezwa kurekebisha ili kuboresha tafsiri ya misamiati mbalimbali iliyotumika katika Sheria na kuongeza tafsiri ya baadhi ya misamiati ambayo haikuwa imetafsiriwa awali katika Sheria.

Kifungu cha 4 kinapendekezwa kurekebisha ili kupunguza idadi ya wajumbe wa Bodi kutoka wajumbe kumi na moja hadi wajumbe tisa ili kupunguza gharama ya uendeshaji wa Bodi na kuzingatia maelekezo ya Serikali kuhusu idadi ya wajumbe wa Bodi inayohitajika. Kifungu cha 10 kinarekebisha ili kuwajumuisha mameneja wa miradi katika masharti ya kifungu hicho. Lengo la marekebisho hayo ni kuhakikisha kuwa taarifa za mameneja wa miradi zinatunzwa katika rejesta inayotunzwa na Msajili.

Kifungu cha 12 kinapendekezwa kurekebisha ili kuweka ufasaha katika orodha ya fani zinazohitajika kwa ajili ya usajili wa wataalam na wahitimu katika taaluma ya ubunifu wa majengo na ukadiriaji majenzi. Marekebisho yanayopendekezwa yanalenga kupanua wigo wa fani zilizo rodheshwa na kutambua fani nyingine zinazoweza kujitokeza hapo baadae. Kifungu cha 13 kinapendekezwa kurekebisha ili kuongeza wigo wa ushiriki wa kampuni za wazawa katika miradi inayotekelezwa na kampuni za kigeni

nchini. Marekebisho haya yanalenga kuongeza ubadilishanaji wa utaalumu na kuwajengea uwezo wataalamu wazawa. Kifungu cha 14 kinarekebishwa ili kuweka ulazima kwa mtu aliyesajiliwa nje ya nchi kutimiza vigezo vyote vya usajili vilivyoainishwa katika kifungu hicho. Lengo la marekebisho haya ni kuhakikisha usimamizi madhubuti wa wataalamu kutoka nje ya nchi.

Kifungu cha 18 kinarekebishwa kwa kuweka masharti yanayoruhusu wataalam kutoa huduma za kitalaam kama watu binafsi ili kuongeza matumizi ya wataalamu kwa umma na kuongeza fursa za ajira. Aidha, kifungu hicho kinarekebishwa pia ili kuipa Bodi mamlaka ya kutoa miongozo ya usimamizi wa huduma zitakazotolewa na watu binafsi. Kifungu cha 36 kinapendekezwa kurekebishwa kwa lengo la kuipa Bodi mamlaka ya kuamua na kuainisha huduma za kitaalam zinazoweza kutolewa na wataalam waliosajiliwa tofauti na zilizoainishwa katika kifungu hicho. Marekebisho haya yanalenga kutambua maendeleo ya kiuchumi na kiteknolojia yanayoweza kutokea katika fani za ubunifu majengo na ukadiriaji majenzi.

Kifungu cha 37 kinarekebishwa ili kuweka matakwa ya ushirikishwaji wa wataalam wote katika hatua zote za utekelezaji wa mradi. Marekebisho haya yanalenga kuongeza ubora, utaalum na usalama. Aidha, kifungu hicho kinarekebishwa pia ili kuipa Bodi mamlaka ya kusimamia na kudhibiti miradi ya ujenzi na kuondoa uwezekano wa mgongano ya kisheria katika mamlaka za utoaji wa vibali vya ujenzi wa majengo. Kifungu hicho kinavyosomeka sasa kinaashiria kuielekeza Bodi kupokea maombi ya vibali vya ujenzi wa majengo kutoka kwa wataalam. Kifungu cha 46 kinarekebishwa kwa lengo la kuwianisha kifungu hicho na sheria nyingine kuhusu malipo ya ujira wa wajumbe wa Bodi. Kifungu cha 53 kinapendekezwa kurekebishwa ili kuipa Bodi mamlaka ya kusimamia wahitimu na sio wanafunzi wa fani za ubunifu wa majengo na ukadiriaji majenzi. Kifungu kilivyo sasa kinaipa Bodi mamlaka ya kusimamia wanafunzi badala ya wahitimu.

Sehemu ya Tatu ya Muswada inapendekeza marekebisho kwenye Sheria ya Huduma za Habari, Sura ya 229 ambapo kifungu cha 5(1) kinapendekezwa kufutwa kwa lengo la kumwondolea Mkurugenzi wa Idara ya Huduma za Habari, jukumu la uratibu wa matangazo yote ya Serikali, na pia kuiwezesha Serikali kuwa na uhuru wa kuchagua chombo cha habari itakachokitumia kwa ajili ya matangazo, kwa kuzingatia nguvu

ya ushindani katika soko. Aidha, Muswada unapendekeza kufutwa kwa kifungu cha 38(3) kwa madhumuni ya kuongeza haki ya uhuru wa maoni.

Muswada unapendekeza marekebisho kwenye vifungu vya 50, 51, 53, 54, 55, 63 na 64 kwa madhumuni ya kuhakikisha kwamba wanahabari wanafurahia haki yao ya uhuru wa maoni, haki ya kupata habari na uhuru katika kazi zao za uhariri bila kuwa na woga wa adhabu za kijinai. Mapendekezo hayo ya marekebisho, pamoja na mambo mengine, yanalenga kuwaondoa wanahabari katika makosa yanayohusiana na kashfa za kijinai, makosa ambayo kwa kawaida yanaangukia katika utaratibu wa mashauri ya madai. Aidha, mapendekezo ya marekebisho ya vifungu hivyo yana lengo la kuondoa adhabu kwa wamiliki wa mitambo ya uchapishaji, ambao katika hali ya kawaida, hawana uwezo wa kudhibiti maudhui yanayochapishwa katika mitambo hiyo ya uchapishaji.

Sehemu ya Nne ya Muswada inapendekeza kufanya marekebisho kwenye Sheria ya Bohari ya Dawa, Sura ya 70 ambapo kifungu cha 6 kinarekebishwa kwa lengo la kuweka mwongozo na ufafanuzi kuhusu upatikanaji wa wajumbe wengine nane wa Bodi ya Taasisi hiyo. Mwongozo na ufafanuzi huo utasaidia kuleta ufanisi wa Bodi kwa kuleta uwiano thabiti wa Bodi na kuhakikisha utekelezaji bora na madhubuti wa Bohari ya Dawa.

Sehemu ya Tano ya Muswada inapendekeza marekebisho kwenye Sheria ya Mazishi ya Viongozi wa Kitaifa, Sura ya 419 ambapo kifungu cha 6 kinapendekezwa kufutwa na kuandikwa upya kwa lengo la kuboresha masharti kuhusu mamlaka ya Rais kutoa tangazo la kifo cha kiongozi wa kitaifa au kiongozi mahsusi aliyepo madarakani. Marekebisho hayo pia yanampa mamlaka kiongozi mahsusi aliyepo madarakani kutoa tangazo la kifo cha kiongozi mahsusi mstaafu. Aidha, kifungu kinachopendekezwa kinatoa mamlaka kwa Rais kutangaza tarehe ya maziko ya Rais aliyepo madarakani kuwa ni siku ya mapumziko. Lengo la mapendekezo haya ni kuweka bayana na kutofautisha mamlaka zinazopaswa kutoa matangazo ya vifo vya viongozi wa kitaifa na viongozi mahsusi.

Vifungu vya 9 na 10 vinapendekezwa kurekebishwa ili kutoa mamlaka kwa kiongozi mahsusi aliyepo madarakani kutoa tangazo la kifo cha kiongozi mahsusi mstaafu. Lengo la marekebisho haya ni kuweka na kutambua utaratibu unaotumika sasa ambapo pamoja na ukweli kwamba Sheria imemtaja Rais kama mamlaka ya kutoa tangazo la kifo cha

kiongozi mahsusi mstaafu, matangazo ya aina hiyo kwa kawaida yamekuwa yakitolewa na viongozi mahsusi waliopo madarakani.

Kifungu cha 12 kinapendekezwa kufanyiwa marekebisho kwa kumtaja Waziri mwenye dhamana ya masuala ya uratibu wa shughuli za Serikali, Waziri mwenye dhamana ya masuala ya sheria na Waziri mwenye dhamana ya masuala ya viongozi wastaafu kuwa wajumbe wa Kamati ya Kitaifa ya Mazishi. Vilevile, kifungu cha 13 cha Sheria kinapendekezwa kurekebishwa ili kuongeza idadi ya wajumbe wanaounda Kamati Tendaji. Lengo la marekebisho haya ni kuimarisha utendaji wa Kamati hiyo ambayo ina kazi kubwa ya kushughulikia masuala yanayohusu vifo vya viongozi wa kitaifa au viongozi mahsusi.

Kifungu cha 17 kinapendekezwa kufanyiwa marekebisho kwa kuongeza kifungu kidogo cha (3) kitakachotoa mamlaka kwa Kamati ya Mazishi ya Kitaifa kuamua muundo wa makaburi ya viongozi wa kitaifa au viongozi mahsusi. Lengo la marekebisho haya ni kuhakikisha uwepo wa mfanano wa makaburi ya viongozi wa kitaifa au viongozi mahsusi.

Vilevile, kifungu cha 18 cha Sheria kinapendekezwa kurekebishwa kwa lengo la kuhamisha sehemu ambapo jeneza la kiongozi wa kitaifa litawekwa kwa ajili ya heshima za mwisho kutoka Dar es Salaam kwenda Dodoma. Lengo la marekebisho haya ni kuwianisha masharti ya Sheria na sheria nyingine zilizohamisha Makao Makuu ya Serikali na kuelekeza shughuli za Serikali kufanyika Dodoma.

Sehemu ya Sita inapendekeza marekebisho katika Sheria ya Reli, Sura ya 170 ambapo marekebisho ya ujumla yanapendekezwa ili kufuta maneno “authorized employee” na kuweka badala yake maneno “authorized officer”. Dhumuni kuu la mapendekezo ya marekebisho haya ni kwamba, pamoja na ukweli kwamba maneno “authorized employee” yametumika mara kwa mara katika Sheria, hakuna tafsiri rasmi ya maneno hayo katika Sheria. Hivyo basi, kwa kuzingatia pia kwamba Sheria imetoa tafsiri ya neno “employee”, kumekuwepo na mkanganyiko kuhusu iwapo au la maneno “authorized employee” na neno “employee” ni maneno yenye maana sawa au tofauti. Vilevile, kwa kuzingatia kwamba Sheria imetoa tafsiri ya maneno “authorized officer”, kumekuwepo na mkanganyiko kuhusu tofauti ya maneno “authorized employee” na maneno “authorized officer”. Marekebisho yanayopendekezwa yana lengo la kuondoa mkanganyiko wa kitafsiri na pia kuboresha utekelezaji wa Sheria husika.

Muswada unapendekeza pia marekebisho ya jumla kwa kufuta maneno “Railway Infrastructure Fund” na kuweka badala yake maneno “Railway Fund”. Marekebisho hayo yana lengo la kupanua wigo wa Mfuko kwa kuhakikisha kwamba fedha zinazopatikana zinatumiwa kwa ajili ya kuendeleza sekta ya usafiri wa reli kwa ujumla wake, na sio kuendeleza miundombinu ya reli peke yake kama ilivyo sasa.

Kifungu cha 3 kinapendekezwa kurekebisha kwa kuongeza tafsiri za baadhi ya maneno ili kutoa ufafanuzi wa maneno hayo kama yalivyotumiwa katika Sheria ambayo hayakuwa yametafsiriwa na kuongeza tafsiri misamiati mipya inayotokana na marekebisho yanayopendekezwa.

Kifungu cha 6(1)(n) kinapendekezwa kurekebisha kwa lengo la kupanua wigo wa kazi za Shirika la Reli kwa kuweka masharti yanayoliruhusu Shirika hilo kuingia mikataba na makubaliano na watu na taasisi mbalimbali kwa lengo la kutekeleza miradi mbalimbali ya milki (real estate). Kwa sasa, Shirika hilo halina mamlaka ya kisheria ya kutekeleza miradi ya aina hiyo.

Muswada pia unapendekeza kuongezwa kwa vifungu vipya vya 9A, 9B na 9C kwa lengo la kuweka masharti yanayohusu uendeshaji huria wa miundombinu ya reli (open access). Chini ya utaratibu unaopendekezwa, waendeshaji binafsi (independent operators) watapata fursa ya kutumia miundombinu ya reli kwa ajili ya kutoa huduma za uchukuzi wa reli, ama kwa matumizi yao binafsi au kibiashara. Kwa mapendekezo haya, Shirika la Reli, kama mmiliki wa miundombinu yote ya reli nchini, litakuwa na mamlaka ya kutoa vibali kwa waendeshaji binafsi, na kwa upande mwingine Mamlaka ya Udhhibiti wa Usafiri wa Nchi Kavu (LATRA) itahusika katika usimamizi na udhibiti wa masuala yote ya kiuchukuzi ikiwemo kutoa leseni kwa waendeshaji binafsi. Vilevile, mapendekezo ya kuongezwa vifungu vya 9A, 9B na 9C yanalenga kuondoa utaratibu wa mikataba ambao Shirika linatumia kwa sasa, utaratibu ambao umeonekana kutoleta tija stahiki. Aidha, masharti mapya chini ya vifungu hivyo yatasaidia kuimarisha ulinzi wa kisheria na kuendeleza sekta ya uchukuzi wa reli kwa ujumla wake.

Kifungu cha 21(1) kinapendekezwa kurekebisha kwa kuongeza aya mpya ya (m) kwa lengo la kumpa Mkurugenzi Mkuu wa Shirika, mamlaka

ya kusimamia nidhamu kwa maafisa, watumishi na waajiriwa wengine wa Shirika la Reli. Kwa hali ilivyo sasa, Bodi ya Shirika la Reli imepewa mamlaka ya kusimamia nidhamu kwa maafisa waandamizi (senior management officers) wa Shirika hilo chini ya kifungu cha 12(f). Kwa kuzingatia hilo, kuongezwa kwa aya mpya ya (m) kutasaidia kuondoa ombwe la kisheria lililopo sasa ambapo Mkurugenzi Mkuu wa Shirika atakuwa na mamlaka ya kisheria ya kusimamia masuala yote ya kinidhamu ya watumishi, waajiriwa na maafisa wote ambao si watumishi waandamizi (senior management employees).

Muswada pia unapendekeza kufutwa kwa kifungu cha 22(3) cha Sheria ya Reli kwa lengo la kuwianisha masharti ya Sheria ya Reli na masharti ya Sheria ya Utumishi wa Umma, Sura ya 298. Kwa hali ilivyo sasa, kifungu cha 22(3) kinaelekeza kwamba wakurugenzi wa idara wa Shirika la Reli watatumikia Shirika hilo kwa kipindi cha miaka mitano. Hata hivyo, kwa kuzingatia kwamba Shirika la Reli ni taasisi ya umma ambayo ipo chini ya Sheria ya Utumishi wa Umma, kufutwa kwa kifungu kidogo cha (3) kutaondoa ukinzani wa kisheria uliopo sasa baina ya Sheria hizo mbili.

Kifungu cha 24(1) cha Sheria kinapendekezwa kurekebisha kwa kuongeza maneno “railway station or railway premises” kwa lengo la kupanua wigo wa, na kuimarisha ulinzi na usalama wa miundombinu ya reli. Kwa hali ilivyo sasa, Sheria ya Reli imeweka katazo la kulisha mifugo, kufanya shughuli za kilimo au ujenzi wa majengo katika hifadhi za reli bila kupata kibali cha Shirika. Hivyo, marekebisho yanayopendekezwa yanakusudiwa kujumuisha stesheni za reli, na majengo/viawanja vya reli kama mojawapo ya maeneo ambayo shughuli zilizotajwa katika kifungu hicho hazitaruhusiwa kufanyika pasipo kibali mahsusi cha Shirika.

Muswada pia unapendekeza kuongeza kifungu cha 24A ambacho kina lengo la kutoa fursa kwa taasisi na watu binafsi wanaohitaji kutumia hifadhi za reli au viwanja na majengo ya Shirika kufanya hivyo mara baada ya kupata vibali mahsusi kutoka kwa Shirika la Reli. Kwa hali ilivyo sasa, Sheria ya Reli haijaweka utaratibu huo, na hivyo kupelekea Shirika kutumia utaratibu wa mikataba katika kutekeleza shughuli za aina hiyo. Hivyo, mapendekezo yanayokusudiwa yataweka masharti thabiti ya kisheria kuhusu matumizi husika ya hifadhi na majengo ya Shirika na pia yataimarisha kwa kiasi kikubwa utaratibu wa uendeshaji huria wa reli, ambapo waendeshaji huria wa reli watapata fursa ya kutumia reli, hifadhi

za reli pamoja na majengo ya shirika kwa kuzingatia utaratibu mahsusi wa kisheria uliowekwa.

Kifungu cha 68 kinapendekezwa kurekebisha kwa lengo la kuanzisha Mfuko utakaojulikana kama Mfuko wa Reli. Tofauti na Mfuko uliopo sasa ambao lengo lake kuu ni kuendeleza miundombinu ya reli pekee, Mfuko mpya unakusudia kupanua wigo kwa kuhakikisha kwamba fedha za Mfuko zinatumika kwa ajili ya ununuzi wa mabehewa na vichwa vya treni, pamoja na ukarabati wa mabehewa na vichwa vya treni vilivyopo sasa.

Muswada pia unapendekeza kuongeza kifungu kipya cha 77A ambacho kinaweka katazo la kufanya shughuli za uendeshaji huria wa reli pasipo kupata kibali cha Shirika. Aidha, kifungu hicho kimeainisha adhabu kwa wote watakaofanya shughuli za uendeshaji huria wa reli kinyume cha Sheria. Marekebisho hayo yatasaidia kulinda miundombinu ya reli hususan pale utaratibu wa uendeshaji huria wa reli utakapoanza.

Vilevile, Muswada unapendekeza kuongeza kifungu kipya cha 103A ambacho kina lengo la kuweka utaratibu madhubuti wa fidia kutokana na upotevu au uharibifu utakaosababishwa na ajali katika maeneo ya makutano ya reli na barabara (level crossing). Kwa kuzingatia marekebisho yanayopendekezwa, Shirika la Reli litakuwa na mamlaka ya kuamua na kurudisha gharama zote zitokanazo na uharibifu wa miundombinu ya reli au treni kufuatia ajali zitakazojitokeza.

Mwisho, Muswada unapendekeza marekebisho ya kifungu cha 108 kwa lengo la kuongeza kifungu kidogo kipya cha (5) ambacho kinaweka masharti yanayowaelekeza wale wote wenye nia ya kujenga makutano ya reli na barabara (level crossing) kufanya hivyo kwa gharama zao wenyewe kama ilivyoainishwa katika Daftari la Tozo (Tariff Book) na kwa kibali mahsusi cha Shirika la Reli.

Sehemu ya Saba ya Muswada inapendekeza kufanya marekebisho katika Sheria ya Taasisi ya Utafiti wa Mimitu Tanzania, Sura ya 277. Kwa ujumla, marekebisho katika Sheria hii yana lengo la kupanua wigo wa kisheria wa shughuli za utafiti zinazofanywa na Taasisi ya Utafiti wa Mimitu Tanzania (TAFORI) kwa kujumuisha shughuli za ufugaji wa nyuki kama sehemu ya shughuli za utafiti zinazoshughulikiwa na Taasisi hiyo. Kwa hali ilivyo sasa, shughuli zote za utafiti zinazohusu nyuki zinasimamiwa na Taasisi ya

Utafiti wa Wanyamapori Tanzania (TAWIRI) chini ya Sheria ya Taasisi ya Utafiti wa Wanyapori Tanzania, Sura ya 260.

Kutokana na lengo hilo, Muswada unapendekeza marekebisho ya jina refu la Muswada kwa lengo la kujumuisha utafiti wa ufugaji wa nyuki katika mawanda ya Sheria hiyo.

Aidha, Kifungu cha 2 kinapendekezwa kurekebishwa ili kuongeza tafsiri ya maneno mapya yanayotokana na mapendekezo ya marekebisho kama yalivyotumika kwenye Sheria.

Pia inapendekezwa kufanya marekebisho katika kifungu cha 4 ili kupanua wigo wa majukumu ya Taasisi kujumuisha utafiti wa ufugaji wa nyuki na kuzingatia muundo mpya wa taasisi nchini.

Kifungu cha 5(3) kinapendekeza kurekebishwa ili kuakisi muundo wa sasa wa kitaasisi na pia kuliondoa Baraza (Council) kama mojawapo ya vyombo vyenye jukumu la kumshauri Waziri mwenye dhamana husika. Aidha, marekebisho hayo pia yana lengo la kujumuisha hifadhi za nyuki (bee reserves) kama sehemu ya maeneo ambayo yanaweza kutangazwa na Waziri mwenye dhamana husika kama vituo vya utafiti wa misitu nchini. Kwa sasa, Waziri anayo mamlaka ya kutangaza maeneo ya misitu na hifadhi za misitu pekee kuwa vituo vya utafiti wa misitu.

Vifungu vya 8, 11 na 12 vinapendekezwa kurekebishwa ili kujumuisha shughuli za ufugaji wa nyuki kama sehemu mojawapo katika shughuli za kitafiti zinazofanywa na Taasisi. Muswada pia unapendekeza marekebisho ya kifungu cha 9(2) kwa lengo la kuongeza adhabu kwa makosa yanayotendwa na watu wanaojihusisha na shughuli za utafiti wa misitu au ufugaji wa nyuki. Inapendekezwa kwamba mtu yeyote atakayeshindwa kuwasilisha taarifa zinazohusu utafiti wake atakuwa anatenda kosa la jinai na atawajibika kulipa faini isiyopungua shilingi milioni mbili na isiyozidi shilingi milioni kumi, au kutumikia kifungo kwa kipindi kisichopungua miezi mitatu na kisichozidi miezi sita au vyote kwa pamoja. Kwa hali ilivyo sasa, Sheria inaweka adhabu ya faini isiyozidi shilingi elfu tano kwa kosa linalotendwa kinyume cha kifungu hicho.

Kifungu cha 10 cha Sheria, ambacho kimsingi kinatoa mamlaka kwa Taasisi kuitisha taarifa zinazohusu tafiti za misitu au tafiti saidizi za

kisayansi, kinapendekezwa kufutwa kutokana na maudhui ya kifungu hicho kuzingatiwa katika kifungu cha 9.

Kifungu cha 14 kinapendekezwa kufutwa na kuandikwa upya ili kukidhi masharti ya Sheria ya Mamlaka na Majukumu ya Msajili wa Hazina, Sura ya 370 ambapo Ofisi ya Msajili wa Hazina ndiyo taasisi stahiki inayopanga viwango vya posho za wajumbe wa Bodi. Kwa hali ilivyo sasa, Sheria imetoa mamlaka kwa Waziri mwenye dhamana kuainisha mishahara na posho za wajumbe wa Bodi ya TAFORI.

Kifungu cha 15 kinapendekezwa kufutwa ili kuondoa masharti yanayohusu mafao ya kustaafu, ambayo kimsingi yameainishwa katika sheria husika za hifadhi ya jamii.

Muswada pia unapendekeza marekebisho ya aya ya 1 ya Jedwali la Pili. Kwa ujumla, mapendekezo hayo yana lengo la kupunguza idadi ya wajumbe wa Bodi ili kuendana na miongozo ya sasa itolewayo na Msajili wa Hazina. Kwa hali ilivyo sasa, Bodi ya TAFORI inaundwa na Mwenyekiti na wajumbe wasiozidi kumi na tano. Aidha, mapendekezo haya yanakusudia kuweka bayana namna wajumbe watakavyopatikana, na pia kuhakikisha ufanisi na ushiriki wa kila mjumbe katika ustawi wa Taasisi.

Sehemu ya Nane inapendekeza marekebisho katika Sheria ya Mamlaka na Majukumu ya Msajili wa Hazina, Sura ya 370 kwa kurekebisha tafsiri ya neno “Waziri”. Lengo la marekebisho yanayopendekezwa ni kuwezesha masuala ya usimamizi wa mali za Serikali kusimamiwa na Waziri yeyote ambaye kwa wakati husika itakuwa na dhamana ya masuala ya mali za Serikali badala ya kujifunga kwa Wizara moja mahsusi.

Sehemu ya Tisa inapendekeza marekebisho katika Sheria ya Kodi ya Ongezeko la Thamani, Sura ya 148 ambapo kipengele cha 22 cha Jedwali kinarekebisha ili kuongeza kipindi cha msamaha wa kodi kwenye huduma za kukodi ndege kwa lengo la kuruhusu sekta ya utalii kuendelea kuimarika.

Dodoma,
19 Januari, 2023

ELIEZER MBUKI FELESHI,
Mwanasheria Mkuu wa Serikali