

Tanzania

## Anti-Money Laundering Act Chapter 423

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# Tanzania

## Anti-Money Laundering Act

### Chapter 423

Commenced on 1 July 2007

*[This is the version of this document as it was from 1 July 2020 to 7 March 2022.]*

*[Amended by [Finance Act, 2020 \(Act 8 of 2020\)](#) on 1 July 2020]*

*[Acts Nos. 12 of 2006; 6 of 2008; 1 of 2012; 1 of 2013; 14 of 2015; 4 of 2016]*

**An Act to make better provisions for prevention and prohibition of money laundering, to provide for the disclosure of information on money laundering, to establish a Financial Intelligence Unit and the National Multi-Disciplinary Committee on Anti-Money Laundering and to provide for matters connected thereto.**

### Part I – Preliminary provisions

#### 1. Short title

This Act may be cited as the Anti-Money Laundering Act.

#### 2. Application

- (1) This Act shall, subject to subsection (2), apply to Mainland Tanzania.
- (2) This Act shall apply to Tanzania Zanzibar in respect of Part II which relates to Financial Intelligence Unit and the National Multidisciplinary Committee on Anti Money Laundering.  
*[Act No. 1 of 2012 s. 2]*

#### 3. Interpretation

In this Act, unless the context otherwise requires—

"**Act**" means the Anti-Money Laundering Act;

"**arrangement**" has the meaning ascribed to it under the Income Tax Act;

*[Cap. 332]*

*[definition of "arrangement" inserted by section 4 of [Act 8 of 2020](#)]*

"**bank**" has the meaning ascribed to it under the Banking and Financial Institutions Act;

"**Bank**" has the meaning ascribed to it under the Bank of Tanzania Act;

"**beneficial owner**" means a natural person—

- (a) who directly or indirectly ultimately owns or exercises substantial control over an entity or an arrangement;
- (b) who has a substantial economic interest in or receives substantial economic benefit from an entity or an arrangement directly or indirectly whether acting alone or together with other persons;
- (c) on whose behalf an arrangement is conducted; or

- (d) who exercises significant control or influence over a person or arrangement through a formal or informal agreement;

*[definition of "beneficial owner" inserted by section 4 of [Act 8 of 2020](#)]*

"**cash dealer**" means—

- (a) a person who carries on a business of an insurer, an intermediary insurance broker, a securities dealer or broker;
- (b) a person who carries on a business of dealing in gold bullion, or issuing, selling or redeeming traveler's cheques, money orders or similar instruments, of collecting, holding and delivering or transmitting money;

*[Cap. 197]*

- (c) an operator of a gaming activity;
- (d) a trustee or a manager of a Collective Investment Scheme; and
- (e) an operator of a bureau de change;

"**Chairman**" means the Chairman of the National Committee appointed under section 8;

"**Commissioner**" means the Commissioner of the FIU appointed under section 5;

"**comparable body**" means an overseas Government agency with functions similar to those of the FIU;

"**financial institution**" has the meaning ascribed to it under the Banking and Financial Institutions Act;

*[Cap. 342]*

"**forfeiture**" has the meaning ascribed to it under the Proceeds of Crime Act;

*[Cap. 256]*

"**Government**" means the Government of the United Republic and where appropriate includes the Revolutionary Government of Zanzibar;

"**law enforcement agency**" means the Police Force, Prevention and Combating of Corruption Bureau, Immigration Services, Tanzania Revenue Authority and any other investigative agency dealing with anti--money laundering and combating the financing of terrorism;

"**Minister**" means the Minister for the time being responsible for monetary affairs;

"**money laundering**" means engagement of a person or persons, direct or indirectly in conversion, transfer, concealment, disguising, use or acquisition of money or property known to be of illicit origin and in which such engagement intends to avoid the legal consequence of such action and includes offences referred in section 12;

"**National Committee**" means the National Multi-disciplinary Committee on Anti-Money Laundering Committee established by section 8;

"**politically exposed person**" means a foreign individual entrusted with prominent public functions including heads of state or government, senior politicians, senior government, judicial or military officials, senior executives of state owned corporations or agencies;

"**predicate offence**" means—

- (a) any dealing which amounts to illicit drug trafficking under the law for the time being relating to narcotic drugs and psychotropic substances;
- (b) terrorism, including terrorist financing;
- (c) illicit arms trafficking;

- (d) participating in an organized criminal group and racketeering;
- (e) trafficking in persons and smuggling immigrants;
- (f) sexual exploitation, including sexual exploitation of children;
- (g) illicit trafficking in stolen or other goods;
- (h) all corruption and related offences stipulated under the Prevention and Combating of Corruption Act;  
*[Cap. 329]*
- (i) counterfeiting of currency or goods;
- (j) armed robbery;
- (k) theft;
- (l) kidnapping, illegal restraint and hostage taking;
- (m) smuggling;
- (n) extortion;
- (o) forgery;
- (p) piracy;
- (q) hijacking;
- (r) offences under the Cyber Crimes Act;  
*[Cap. 443]*
- (s) insider dealing and market manipulation;
- (t) illicit trafficking or dealing in human organs and tissues;
- (u) poaching;
- (v) tax evasion;
- (w) illegal fishing;
- (x) illegal mining;
- (y) fraud and other related offences;
- (z) murder;
- (aa) grievous bodily harm;
- (bb) pyramid and other similar schemes;
- (cc) piracy of goods;
- (dd) environmental crimes; or
- (ee) any other offences as the Minister may, by notice published in the *Gazette*, declare, whether committed within or outside the boundaries of the United Republic;

"**property**" has the meaning ascribed to it under the Proceeds of Crime Act;

[Cap. 256]

"**regulator**" includes, the:

- (a) Bank of Tanzania;
- (b) Capital Markets and Securities Authority;
- (c) Tanzania Insurance Regulatory Authority;
- (d) Gaming Board of Tanzania;
- (e) Social Security Regulatory Authority;
- (f) Registrar of Cooperatives;
- (g) Registrar of Titles;
- (h) Registrar of Non-Governmental Organisations;
- (i) Registrar of Political Parties;
- (j) Energy and Water utilities Regulatory Authority;
- (k) Tanzania Communication Regulatory Authority;
- (l) Business Registration and Licensing Agency;
- (m) Tanzania Investment Centre;
- (n) Registration, Insolvency and Trusteeship Agency; and
- (o) any other regulatory authorities or agencies which the Minister may, by order published in the *Gazette*, specify;

"**reporting person**" means—

- (a) banks and financial institutions;
- (b) cash dealer;
- (c) an accountant, real estate agent, dealer in precious stones work of arts or metals;
- (d) a regulator;
- (e) customs officer;
- (f) attorneys, notaries and other independent legal professionals when:
  - (i) assisting clients in preparing or executing transactions involving:
    - (aa) the purchase or sale of real property or commercial enterprises;
    - (bb) management of funds, securities or other assets which belong to a client;
    - (cc) the opening or management of bank accounts, saving accounts or portfolios
    - (dd) the organisation of contributions required to create, manage or direct corporations or legal entities;
    - (ee) the creation, management or direction of corporations or legal entities; and



- (ff) the buying or selling of business entities;
- (ii) acting on behalf of a client in any financial or real estate transaction;
- (g) pension funds managers, securities market intermediaries, financial leasing entities, micro financing institutions and companies and financing housing companies;
- (h) auctioneers; and
- (i) any other person who the Minister may, by notice published in the *Gazette*, specify;

**"terrorist financing"** means—

- (a) the provision of, or making available such financial or other related services to a terrorist, group or entity which is concerned with terrorist act;
- (b) entering into or facilitating directly or indirectly any financial transaction directed to a dealing in property owned or controlled by or on behalf of any terrorist or any entity owned or controlled by a terrorist; or
- (c) knowingly solicits support for, or rendering financial support to a terrorist, group or entity which is associated with terrorist acts.

[Act Nos. 6 of 2008 s. 41; 1 of 2012 s. 3; 1 of 2013 s. 4; 14 of 2015 s. 57; Cap. 4 s. 8]

## Part II – The Financial Intelligence Unit and the National Committee

### 4. Establishment of Financial Intelligence Unit

- (1) There shall be established under the Ministry of Finance an Extra Ministerial Department to be known as a Financial Intelligence Unit also known by an acronym FIU.
- (2) The FIU shall be responsible for receiving, analyzing and disseminating suspicious transaction reports, currency transaction reports, cross border currency reports, electronic funds transfer reports and other information regarding potential money laundering or terrorist financing received from the reporting persons and other sources from within and outside the United Republic.
- (3) The FIU shall have operational and budgetary independence as may be necessary for effective discharge of its functions.

[Act No. 1 of 2012 s. 4]

### 5. Appointment of Commissioner

- (1) The President shall appoint a person who has adequate knowledge and experience either in economics, monetary affairs, finance, law, financial crimes or any other field that is beneficial to the execution of this Act, to be the Commissioner of FIU.
- (2) The Commissioner shall be responsible for the general administration of the FIU.
- (3) The Commissioner shall be the Chief Executive Officer as well as the accounting officer of the FIU and shall perform the functions and exercise powers conferred upon him by this Act.
- (4) The Commissioner shall hold office for a term of five years and may be re-appointed for another one term of five years subject to satisfactory performance.
- (5) The President may remove the Commissioner from office on the grounds of misconduct, incompetency or for a ground of mental or physical incapacity.

- (6) Where the removal of the Commissioner is in question, the President shall form a Committee to inquire into and make recommendation to the President on the matter.
- (7) Where the Committee recommends that the removal of the Commissioner should not be made, the President shall not remove the Commissioner.
- (8) The Committee shall consist of—
  - (a) a judge of the High Court;
  - (b) a senior police officer;
  - (c) a senior officer from the Bank of Tanzania; and
  - (d) two other prominent persons who have knowledge and experience on the matter which is the subject of inquiry.
- (9) Where the inquiry is commended in terms of subsection (6), the Commissioner shall be temporarily relieved from duty pending completion of inquiry and measures taken by the President.
- (10) The Committee shall make its own procedure for the conduct of investigation.  
*[Act No. 1 of 2012 s. 5]*

## 6. Powers and duties of FIU

- (1) For the purposes of section 4, the Financial Intelligence Unit shall—
  - (a) receive and analyze reports of suspicious transactions submitted by the reporting persons pursuant to section 17;
  - (b) disseminate any such reports to the appropriate law enforcement agencies if, after having considered the report, FIU has reasonable grounds to suspect that, the transaction involves money laundering or any other predicate offence;
  - (c) disseminate to the appropriate law enforcement agencies any information derived from an inspection carried out pursuant to paragraph (d), if it gives the FIU reasonable grounds to suspect that, a transaction involves the proceeds of crime or financing of terrorism;
  - (d) instruct any reporting person to take such steps as may be appropriate to facilitate any inspection anticipated by the FIU;
  - (e) compile statistics and records, disseminate information within the United Republic or elsewhere, make recommendations arising out of any information received and advise the National Committee as appropriate;
  - (f) in consultation with the regulatory authorities of the relevant reporting persons, issue guidelines to banks, financial institutions and other reporting persons in respect of suspicious transactions, record-keeping and reporting obligations provided for in sections 16, 17, 18 and 19;
  - (g) create training requirements and provide such training for reporting persons, judicial officers and law enforcement officers;
  - (h) consult with any relevant person, institution or organization for the purpose of discharging its duties under this section;
  - (i) request for or have access to information from any reporting person, regulator or law enforcement agency in the manner provided for in the regulations made under this Act;

- (j) require any reporting person to report to FIU any suspicious transaction or activity where that reporting person suspects that the transaction of activities involves funds that may have been derived from money laundering or terrorism financing activities;
  - (k) in collaboration with the regulator or on its own, conduct inspection on the reporting person for the purpose of detection of any money laundering or combating financing of terrorism activities in the manner provided for in the regulations made under this Act;
  - (l) prepare and submit periodic quarterly reports on money laundering typologies and trends in the manner provided for in the regulations made under this Act;
  - (m) exchange information with overseas financial intelligence units and comparable bodies; and
  - (n) liaise with the relevant investment and business registration and licensing authorities in assessing genuine investors.
- (2) The Commissioner may, where he has received information from the reporting person pursuant to section [17](#) and upon reasonable grounds, suspend a suspicious transaction or activity for a period not exceeding five working days to allow time for investigation on the matter.
- (3) The suspension under subsection (2) shall lapse after five days.  
*[Act No. 1 of 2012 s. 6]*

## 7. Employees of FIU

- (1) There shall be appointed such number and categories of employees of the Government or other public institutions of such qualifications as may be considered necessary to assist the Commissioner in the performance of FIU.
- (2) In appointing such employees, the appointing authority shall in particular have regard to persons with experience in law, finance, customs and law enforcement.
- (3) The employees referred to under subsection (1), shall hold office for a term of five years and shall be eligible for re-appointment.
- (4) The employees of the FIU shall be subject to initial and periodical disclosure of financial position in the manner as may be prescribed under the regulations.
- (5) Every employee of the FIU shall be under the general obligation to keep all information that comes to his knowledge as confidential during his employment and after termination of employment.
- (6) A person who contravenes the provisions of subsection (5) commits an offence and shall be liable-
  - (a) in the case of an employee, to administrative actions or any other sanctions which may be imposed under [section 28B](#); and
  - (b) in the case of former employee, a fine of five million shillings or imprisonment for a term of three years or to both.

*[Act No. 1 of 2012 s. 7]*

## 8. Establishment and composition of National Committee

- (1) There is established for the purposes of this Act, a National Multi-Disciplinary Committee on Anti-Money Laundering.
- (2) The National Committee shall be composed of—
  - (a) one representative of the Bank of Tanzania, who shall be the Chairman;

- (b) one representative of the Ministry of Finance;
  - (c) one representative of the Ministry of Finance of the Revolutionary Government of Zanzibar;
  - (d) one representative of the Attorney General's Chambers;
  - (e) one representative of the Attorney General's Chambers of the Revolutionary Government of Zanzibar;
  - (f) two representatives of the Directorate of Criminal Investigation, one of whom shall come from its office in Tanzania Zanzibar;
  - (g) one representative of the Ministry responsible for foreign affairs;
  - (h) the Commissioner of the FIU;
  - (i) one representative of the Capital Markets and Securities Authority;
  - (j) one representative of the Tanzania Intelligence and Security Service; and
  - (k) One representative from the Prevention and Combating of Corruption Bureau.
- (3) The National Committee may co-opt any person who appears to it to have special knowledge or experience in investigation of matters relating to anti-money laundering.
- (4) Members of the National Committee established under subsection (1) shall be appointed by the Minister.
- (5) The Minister shall appoint any employee from the public service to be the Secretary of the National Committee.
- (6) The tenure of office for members of the Committee shall be three years but shall be eligible for re-appointment for another term.

*[Act No. 1 of 2012 s. 8]*

## **9. Functions of National Committee**

The functions of the National Committee shall be to—

- (a) formulate, assess and improve the effectiveness of the policies and measures to combat money laundering and financing of terrorism;
- (b) advise the Government on legislative, regulatory and policy reforms in respect of anti-money laundering and combating predicate offences;
- (c) generally, advise the Government in relation to such other matters relating to anti-money laundering and predicate offences.

*[Act No. 1 of 2012 s. 9]*

## **10. Meetings of National Committee**

- (1) The Members of the National Committee shall elect one from their number to be the Vice-Chairman.
- (2) The Chairman shall preside at every meeting of the National Committee and in his absence the Vice-Chairman shall preside at the same.
- (3) In the absence of both, the Chairman and Vice--Chairman, the members present shall elect one of their number to preside at that meeting.

- (4) A majority of the members of the National Committee shall constitute a quorum at any meeting.
- (5) The National Committee may regulate its own procedure for the conduct of its meetings.

## 11. Allowances and remunerations

There shall be paid to the members of the National Committee such allowances or remunerations and other payments as shall be determined by the Minister.

## Part III – Prohibition of money laundering

### 12. Offence of money laundering

A person who—

- (a) engages, directly or indirectly, in a transaction that involves property that is proceeds of a predicate offence while he knows or ought to know or ought to have known that the property is the proceeds of a predicate offence;
- (b) converts, transfers, transports or transmits property while he knows or ought to know or ought to have known that such property is the proceeds of a predicate offence, for the purposes of concealing, disguising the illicit origin of the property or of assisting any person who is involved in the commission of such offence to evade the legal consequences of his actions;
- (c) conceals, disguises or impedes the establishment of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, while he knows or ought to know or ought to have known that such property is the proceeds of a predicate offence;
- (d) acquires, possesses, uses or administers property, while he knows or ought to know or ought to have known at the time of receipt that such property is the proceeds of a predicate offence; or
- (e) participates in, associates with, conspires to commit, attempts to commit, aids and abets or facilitates and counsels the commission of any of the acts described in paragraphs (a) to (d) of this section, commits offence of money laundering.

### 13. Penalties for acts of money laundering

- (1) Any person who contravenes the provisions of section 12 shall, on conviction—
  - (a) if the person is an individual, be sentenced to a fine not exceeding five hundred million shillings and not less than one hundred million shillings or an amount equivalent to three times the market value of the property, whichever is greater or to a term of imprisonment not exceeding ten years and not less than five years; or
  - (b) if the person is a body corporate, be liable to a fine not exceeding one billion shillings and not less than five hundred million shillings or be ordered to pay the amount equivalent to three times the market value of the property, whichever amount is greater.
- (2) Notwithstanding the provisions of subsection (1), the Financial Intelligence Unit or regulator may apply to the court for an order against a body corporate that has been convicted of an offence under this section, namely—
  - (a) barring that body corporate from carrying on business directly or indirectly for a period not exceeding three years;
  - (b) placing that body corporate under supervision of the regulator; or

- (c) permanently barring that body corporate from carrying on business in respect of which an offence was committed directly or indirectly.

*[Acts Nos. 1 of 2012 s. 10; 4 of 2016 s. 4]*

#### 14. Offences by corporate bodies

- (1) Where an offence under the provisions of section 12 is committed by a body corporate or an association of persons, every person who, at the time of the commission of the offence, was—
- (a) a director, manager, controller or partner; or
- (b) concerned in the management of its affairs, may be convicted of that offence and shall be liable to a penalty specified in section 13 unless that person proves that, the offence was committed without his consent or connivance and that he exercised such diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to the circumstances pertaining to commission of the offence.
- (2) The director, manager, controller, partner or a person concerned in the management of affairs of a body corporate or an association may be convicted for an offence under subsection (1) notwithstanding that, such body corporate or association of persons has not been convicted of the offence.
- (3) Any person who would have committed an offence if any act had been done or omitted to be done by him personally, commits that offence and shall on conviction be liable to the same penalty as if such act had been done or omitted to be done by his agent or officer in the course of that agent's business or in the course of that officer's employment, as the case may be, unless he proves that the offence was committed without his knowledge or consent and he took all reasonable precautions to prevent the doing of, or omission to do, such an act.

### Part IV – Anti-money laundering supervision

#### 15. Reporting persons to verify customer's identity

- (1) A reporting person shall—
- (a) take reasonable measures to satisfy himself as to the true identity of any applicant seeking to enter into a business relationship with him or to carry out a transaction or series of transactions with him, by requiring the applicant to produce an official record reasonably capable of establishing the true identity of the applicant;
- (b) in relation to politically exposed persons, in addition to performing normal due diligence measures—
- (i) have appropriate risk management systems to determine whether the customer is a politically exposed person;
- (ii) obtain senior management approval for establishing business relationship with such customer;
- (iii) take reasonable measures to establish the source of wealth and source of funds; and
- (iv) conduct enhanced on-going monitoring of the business relationship; and
- [subparagraph (iv) amended by section 5(a)(i) of [Act 8 of 2020](#)]*

- (c) when dealing with entities or arrangements, ensure that accurate and up to date records concerning their beneficial owners are obtained, verified and maintained.
- [paragraph (c) added by section 5(a)(ii) of [Act 8 of 2020](#)]*
- (1A) A person responsible for the overall management of the affairs of an entity or arrangement shall provide official records relating to beneficial owners to a reporting person.
- [subsection (1A) inserted by section 5(b) of [Act 8 of 2020](#)]*
- (2) The official record referred to under subsection (1) shall include—
- (a) a birth certificate or an affidavit to that effect;
- (b) a passport or other official means of identification;
- (c) in the case of a body corporate, a copy of the organisations Memorandum and Articles of Association and a certificate of incorporation together with latest annual reports certified by the Chief Executive Officer of the Business Registration and Licensing Authority;
- [paragraph (c) amended by section 5(c)(i) of [Act 8 of 2020](#)]*
- (d) in the case of beneficial owners—
- (i) full name and any former or other name;
- (ii) date and place of birth;
- (iii) telephone number;
- (iv) nationality, national identity number, passport number or other appropriate identification and proof of identity; and
- [paragraph (d) inserted by section 5(c)(ii) of [Act 8 of 2020](#)]*
- (e) any other documents as may be prescribed by the Minister in the regulations.
- [paragraph (e), previously paragraph (d), renumbered by section 5(c)(iii) of [Act 8 of 2020](#)]*
- (3) Where an applicant requests a bank, financial institution or any other reporting person to enter into—
- (a) a continuing business relationship;
- (b) in the absence of such a relationship, any transaction, the bank, financial institution or any other reporting person shall take reasonable measures to establish whether the person is acting on behalf of another person.
- (4) Where it appears to a reporting person that, an applicant requesting him to enter into any transaction, whether or not in the course of a continuing business relationship, is acting on behalf of another person, the reporting person shall take reasonable measures to establish the true identity of any person on whose behalf or for whose ultimate benefit the applicant may be acting in the proposed transaction, whether as trustee, nominee, agent or otherwise.
- (5) In determining what constitutes reasonable measures for the purposes of subsection (1), (2) or (4), regard shall be had to all the circumstances of the case, and in particular—
- (a) to whether the applicant is a person based or incorporated in a country in which there are in force provisions applicable to it to prevent the use of the financial system for the purpose of money laundering or terrorist financing; and
- (b) to custom and practice as may from time to time be current in the relevant field of business.

- (6) Nothing in this section shall require the production of any evidence of identity where—
  - (a) the applicant himself is a reporting person to which this Act applies; or
  - (b) there is a transaction or series of transactions taking place in the course of a business relationship, in respect of which the applicant has already produced satisfactory evidence of identity.

## 16. Reporting persons to establish and maintain customer records

- (1) Every reporting person shall establish and maintain—
  - (a) records of all transactions, accounts, files and business correspondence carried out by that person;
  - (b) where evidence of a person's identity is obtained in accordance with subsection (1) of [section 15](#), a record that indicates the nature of the evidence obtained, and which comprises of either a copy of the evidence or such information as would enable a copy of it to be obtained.
- (2) Records required under paragraph (a) of subsection (1) shall contain particulars sufficient to identify—
  - (a) the name, address and occupation or where appropriate business or principal activity, of each person:
    - (i) conducting the transaction;
    - (ii) if known, on whose behalf the transaction is being conducted, as well as the method used by the reporting person to verify the identity of each such person;
  - (b) the nature and date of the transaction;
  - (c) the type and amount of currency involved;
  - (d) the type and identity number of any account with the reporting person involved in the transaction;
  - (e) if the transaction involves a negotiable instrument other than currency, the name of the drawer of the instrument, the name of the institution on which it was drawn, the name of the payee, if any, the amount and date of the instrument, the number, if any, of the instrument and details of any endorsements appearing on the instrument; and
  - (f) the name and address of the reporting person, and of the officer, employee or agent of the reporting person who prepared the record.
- (3) Records maintained pursuant to this section shall be made available on timely basis to FIU upon request.
- (4) Where a reporting person is required by any provision of law to release any document referred to in [section 18](#) he shall retain a copy of the document and shall maintain a register of released documents with such particulars as may be prescribed in the regulations to be made.
- (5) Any reporting person who contravenes the provisions of his section commits an offence and shall, on conviction, be liable to—
  - (a) administrative actions as prescribed in the regulations made under [section 19A](#); or
  - (b) criminal sanctions as provided for under this Act.

*[Act No. 1 of 2012 s. 11]*



## 17. Reporting persons to report suspicious transactions

- (1) Where a reporting person suspects or has grounds to suspect that, funds or property are proceeds of crime, or are related or linked to or are to be used for commission or continuation of a predicate offence, or has knowledge of a fact or an activity that may be an indication of money laundering or predicate offence, he shall within twenty four hours after forming that suspicion and, wherever possible, before any transaction is carried out—
  - (a) take reasonable measures to ascertain the purpose of the transaction or proposed transaction, the origin and ultimate destination of the funds or property involved, and the identity and address of any ultimate beneficiary; and
  - (b) prepare a report of the transaction or proposed transaction in accordance with subsection (2), and communicate the information to the FIU by any secure means as may be specified by FIU.
- (2) A report required under subsection (1) shall contain such particulars as may be specified in the regulations to be made.
- (3) A reporting person who has reported a suspicious transaction or proposed suspicious transaction in accordance with this Part shall, if requested to do so by the FIU or a law enforcement agency investigating the suspicious transaction, give such further information in relation to such transaction.
- (4) Any person who contravenes the provisions of subsection (1) commits an offence and shall, on conviction—
  - (a) if the person is an individual, be liable to a fine not exceeding five million shillings or imprisonment for a term not exceeding five years;
  - (b) if the person is a body corporate, be liable to a fine of not exceeding ten million or three times the market value of the property, whichever is greater.
- (5) Notwithstanding subsection (3), the records of other transactions shall be kept in the manner as prescribed in the regulations.

*[Act No. 1 of 2012 s. 12]*

## 18. Reporting persons to establish and maintain internal reporting procedures

A reporting person shall establish and maintain internal reporting procedures—

- (a) by designating a person to whom its employees are to report any suspicious transaction which comes to the employee's attention in the course of employment that another person is engaged in money-laundering or an act constituting a predicate offence;
- (b) for enabling designated person to have reasonable access to information that may be relevant to determining whether sufficient basis exists to report the matter pursuant to section 17(1); and
- (c) requiring the designated person to report the matter pursuant to section 17, in the event that he determines that sufficient reasons exist.

## 19. Additional preventive measures by reporting persons

- (1) A reporting person shall, in addition to requirements provided for under section 18—
  - (a) take appropriate measures for the purpose of making employees aware of domestic laws relating to money laundering and terrorist financing, and the procedures and related policies established and maintained by it pursuant to this Act; and

- (b) provide its employees with appropriate training in the recognition and handling of transactions relating to money laundering or financing of terrorism.
- (2) A person shall not open or operate an account with a bank, financial institution or any other reporting person in a false, disguised or anonymous name.
- (3) A bank, financial institution or any other reporting person who commits an offence under this Part, for which no penalty is specified, shall on conviction—
  - (a) if the person is an individual, be liable to a fine not exceeding five million shillings or to imprisonment for a period of twelve months; and
  - (b) if the person is a body corporate, be liable to a fine not exceeding ten million shillings.
- (4) In determining whether a person has complied with any requirement of subsection (1), the court shall have regard to all the circumstances of the case, including such custom and practice as may from time to time be current in the relevant trade, business, profession or employment, and may take account of any relevant guidance adopted or approved by a public authority or other body that supervises, regulates or is representative of the trade, business, profession or employment carried on by that person.

### 19A. Administrative sanctions

Where any reporting person fails to comply with the provision of section [15](#), [16](#), [17](#) or [18](#) of this Act, the FIU or regulator shall impose administrative sanctions against that person as prescribed in the regulations made under this Act.

*[Act No. 1 of 2012 s. 13]*

### 20. Tipping off

- (1) A person shall not disclose or warn any person involved in the transaction or to an unauthorised third party, during the establishment or course of customer relationship or when conducting occasional transactions—
  - (a) that, a suspicious transaction report under section [17](#) may be prepared, or is being prepared or has been sent to the FIU; or
  - (b) any other information or matter, except so far as is required by this Act.
- (2) Any person who contravenes the provisions of subsection (1), commits an offence and shall, on conviction—
  - (a) if the person is an individual, be liable to a fine not exceeding five hundred million shillings and not less than one hundred million shillings or to imprisonment for a term not exceeding ten years and not less than five years;

*[Cap. 4 s. 8]*

- (b) if the person is a body corporate, be liable to a fine not exceeding one billion shillings and not less than five hundred million shillings or three times the market value of the property, whichever amount is greater.

*[Act No. 1 of 2012 s. 14]*

### 21. Secrecy obligation overridden

- (1) The provisions of this Part shall have effect notwithstanding any obligation as to secrecy or other restrictions, upon the disclosure of information imposed by any law or otherwise.

- (2) For the purpose of subsection (1), a bank or financial institution may, on matters related to money laundering or financing of terrorism, share any information relating to its customers.

*[Act No. 1 of 2012 s. 15]*

## **22. Protection of reporting persons, witnesses and informers**

- (1) Notwithstanding any other written law, no criminal, civil or administrative proceedings for breach of banking or professional secrecy or contract shall be instituted against a bank or a financial institution, cash dealer, designated non-financial businesses or professions or their respective staff or partners who, in good faith, submitted a report or supplied information in compliance with this Act.
- (2) In any criminal proceedings brought under this Act, the court may, upon an application by the Attorney General, order—
- (a) witness testimony to be given through the use of communication technology such as video conferencing;
  - (b) non-disclosure or limitations as to the identity and whereabouts of a witness taking into account the security of the informer or witness; or
  - (c) any other protection as the court may, upon application by the Attorney-General, order.
- (3) The provisions of subsection (1) of this section shall apply equally to victims in so far as are witnesses.

*[Act No. 1 of 2012 s. 16]*

## **23. Obligation to report physical cross border transportation of cash or bearer negotiable instruments**

- (1) Any person, who enters or leaves the territory of the United Republic of Tanzania while transporting or is about to transport or has transported cash or a bearer negotiable instrument in any amount equal or above the amount prescribed by the Minister in regulations, shall declare to customs authority such amount of money or a bearer negotiable instrument and the customs authority shall transmit that information to the FIU.
- (2) The customs authority shall have power to seize the whole amount of the unreported cash or bearer negotiable instruments.
- (3) The FIU shall open a special account into which all the seized cash or bearer negotiable instruments shall be kept.
- (4) Where any person fails to comply with the reporting obligation provided for under subsection (1), the law enforcement agency may impose any administrative sanction against such person.
- (5) Any person who contravenes the provisions of subsection (1) or otherwise, commits an offence and shall be liable to a penalty provided for in section 28B.
- (6) Any person who, knowingly, makes false or wrong reporting of cash or a bearer negotiable instruments, commits an offence and shall be liable to a penalty provided for under section 28B, and in addition, the court may order confiscation of cash or a bearer negotiable instrument in respect of which an offence was committed.

*[Act No. 1 of 2012 s. 17]*

### **23A. Regulator's obligation**

- (1) The regulator shall—

- (a) enforce compliance by their regulated entities in accordance with the requirements of this Act;
  - (b) conduct onsite and offsite examinations for the purpose of monitoring and ensuring compliance by regulated entities; and
  - (c) impose administrative sanctions for noncompliance.
- (2) For the purpose of this section, "regulated entities" means all reporting persons, save for regulators.
- [Act No. 1 of 2012 s. 17]*

## Part V – Financial provisions

### 24. Sources of fund

The funds of the FIU shall consist of—

- (a) such sums as may be appropriated by the Parliament; and
- (b) grants and donations lawfully received by the FIU.

### 25. Financial year

The Financial year of the FIU shall be the period of twelve calendar months beginning on the first day of July of every year.

### 26. Accounts and audit

- (1) The FIU shall keep accounts and records of its transactions and affairs and shall ensure that all moneys received are properly brought to account and all payments out of its moneys are correctly made and properly authorised and adequate control is maintained over its property.
- (2) The Commissioner shall, as soon as practicable but not later than ninety days after the thirtieth day of June in each year, cause to be submitted to the Controller and Auditor General, accounts and financial records of the FIU, who shall audit them and prepare a report on the accounts and submit the report to the Minister, who shall lay it before the National Assembly.

*[Act No. 1 of 2012 s. 18]*

## Part VI – Miscellaneous provisions

### 27. Immunity

No action shall be taken against the FIU, the Commissioner, members of the National Committee and employees of FIU in respect of any act done or omission made by the FIU, Commissioner, members of the Committee or any employee of the FIU in good faith, in the exercise of the functions conferred on the FIU under this Act and the Criminal Procedure Act.

*[Cap. 20]*

## 28. Application of proceeds of crime

The procedure in relation to arrest, information gathering powers, trial, determination, confiscation, forfeiture, pecuniary penalty and restraining orders and control of property liable to confiscation, shall be in accordance with the provisions of the Proceeds of Crime Act and the Criminal Procedure Act.

*[Cap. 256; Cap. 20]*

### 28A. Disclosure of information

Any person who is or was engaged in the administration of this Act and discloses any information acquired by that person by virtue of his position to unauthorised person, commits an offence.

*[Act No. 1 of 2012 s. 19]*

### 28B. General penalty

- (1) Where a person contravenes any provision of this Act or regulations made under this Act and no specific penalty is stipulated for that offence, that person shall, on conviction—
  - (a) in case of an individual person, be liable to a fine not exceeding five hundred million shillings and not less than one hundred million shillings or be ordered to pay the amount equivalent to the total amount of money involved or market value of the property, which ever amount is greater or imprisonment for a term not exceeding three years;
  - (b) in case of a body corporate, be liable to a fine of not less than five hundred million shillings or be ordered to pay the amount equivalent to the total amount of money involved or market value of the property, which ever amount is greater.
- (2) For purpose of subsection (1), every director, manager, controller or principal officer of the company, partner, or a principal officer of the partnership shall be deemed have committed the offence.

*[Act No. 1 of 2012 s. 19]*

### 28C. Court jurisdiction over foreigner

- (1) The High court shall have jurisdiction to try a person from a foreign state for an offence committed outside the United Republic which would constitute an offence under this Act.
- (2) A person from a foreign state shall not be prosecuted except with the consent of the Director of Public Prosecutions.
- (3) For the purpose of subsection (1), prosecution against a person who commits an offence outside the United Republic shall only be conducted where that person cannot be extradited to a foreign state where the offence was committed.

*[Act No. 1 of 2012 s. 19]*

## 29. Regulations

- (1) The Minister may make regulations for the better carrying out of the purposes and provisions of this Act.
- (2) Without prejudice to the generality of subsection (1), the Minister may make regulations prescribing—
  - (a) matters required or permitted by this Act to be prescribed;

- (b) manner and procedure of carrying out customer due diligence; and
- (c) matters which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

*[Act No. 1 of 2012 s. 20]*