

THE UNITED REPUBLIC OF TANZANIA

ACT SUPPLEMENT

No. 2

10th June, 2011

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THE UNITED REPUBLIC OF TANZANIA



No. 2 of 2011

I ASSENT,

JAKAYA M. KIKWETE,
President

3rd June, 2011

An Act to amend laws relating to economic development zones with a view to rationalizing roles and functions of the Export Processing Zones Authority in relation to Export Processing Zones and Special Economic Zones and to provide for other related matters.

ENACTED by Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

Short title 1. This Act may be cited as the Economic Zones Laws (Miscellaneous Amendments) Act, 2011.

Amend-
ment of
economic
zones

2. The laws specified in Part II and Part III of this Act are amended in the manner specified in their respective Parts.

PART II

AMENDMENT OF THE EXPORT PROCESSING ZONES ACT, (CAP. 373)

Construc-
tion
Cap.373

3. This Part shall be read as one with the Export Processing Zones Act, hereinafter referred to as "the principal Act".

Deletion
of the
word
"Council"
in the
Principal
Act

4. The principal Act is amended by deleting the word "Council" wherever it appears in the Act and substituting for it the word "Board".

Amend-
ment of
section 13

5. The principal Act is amended in section 13 by-

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

"(a) in consultation with the Minister responsible for lands and Minister responsible for local government authorities, acquire land in its name and lease or issue derivative rights to investors or erect thereon industrial and commercial buildings and lease such buildings to investors for undertaking thereon the Export Processing Zones licenced businesses;"

(b) deleting subsection (3) and substituting for it the following:

"(3) In discharging the duties and performing the functions referred to in subsection (2), the Authority shall have powers to subcontract any person to execute any duty or perform any function provided for under subsection (2), and in

particular, may license or enter into joint venture with private investors to develop Export Processing Zones' infrastructure".

Repealing
of section
14

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

"Establishment of the Export Processing Zones

Authority Board

14.-(1) There is established for the Authority a Board to be known as the Export Processing Zones Authority Board.

(2) The Board shall consist of the following members-

- (a) the Minister responsible for industries who shall be the chairman;
- (b) the Attorney General;
- (c) the Permanent Secretary of the Ministry responsible for finance;
- (d) the Permanent Secretary of the Ministry responsible for water;
- (e) the Permanent Secretary of the Ministry responsible for energy;
- (f) the Permanent Secretary of the Ministry responsible for local government authorities;
- (g) the Executive Secretary of the Planning Commission;
- (h) the Commissioner General of the Tanzania Revenue Authority;
- (i) the Commissioner for Lands;
- (j) the Chairman of the Tanzania Private Sector Foundation; and
- (k) the President of the Tanzania Chamber of Commerce, Industry and Agriculture.

(3) The Board may co-opt any other person to attend meetings of the Board.

(4) The Board may, from time to time, establish such committees as it may deem expedient to discharge such duties and perform such functions as it may direct."

Amendme
nt of
section 15

7. The principal Act is amended in subsection (2) of section 15 by-

- (a) deleting the word “and” appearing at the end of paragraph (f);
- (b) inserting the word “and” at the end of paragraph (g);
- (c) adding immediately after paragraph (g) the following new paragraph:
 - “(h) to approve operational policies and staff remunerations;”

PART III

AMENDMENT OF THE SPECIAL ECONOMIC ZONES ACT, (CAP. 420)

Construct-
ion
Cap.420

8. This Part shall be read as one with the Special Economic Zones Act, hereinafter referred to as the “principal Act”.

Amend-
ment of
section 3

9. The principal Act is amended in section 3 by-

- (a) deleting the definitions of the words “Authority”, “Committee” and “Minister” and substituting for them the following:
 - “Authority” means the Export Processing Zones Authority established in the Export Processing Zones Act;
 - “Minister” means the Minister responsible for industries;
- (b) inserting in the appropriate alphabetical order the following new definitions:
 - “Director General” means the Director General of the Export Processing Zones Authority;
 - “development Plan” means the layout plan and designs, master plan, infrastructure plan including roads, buildings, sewerage system, water supply, power supply and other related infrastructure plans;”

Cap. 373

Repeal of
Part II

10. The principal Act is amended by-

- (a) repealing Part II;
- (b) renumbering Parts “III to XI” as Parts “II to X” respectively; and

(c) renumbering sections 8 to 50 as sections 4 to 46.

Deletion of
the words
"Executive
Director"

11. The principal Act is amended by deleting the words "Executive Director" wherever they appear in the Act and substituting for them the words "Director General".

Amend-
ment of
section 13

12 The principal Act is amended in section 13 as renumbered by-

- (a) repealing subsection (2); and
- (b) renumbering subsection (3) as subsection (2).

Amend-
ment of
section 14

13. The principal Act is amended in section 14 as renumbered by-

- (a) deleting subsection (2)(a) and substituting for it the following new paragraph:
 - "(a) in consultation with the Minister responsible for lands and Minister responsible for local government authorities, acquire land in its name and lease or issue derivative rights to investors or erect thereon industrial and commercial buildings and lease such buildings to investors for undertaking thereon the Special Economic Zones licenced businesses."

(b) deleting subsection (3) and substituting for it the following:

“(3) In discharging the duties and performing the functions referred to in subsection (2), the Authority shall have powers to subcontract any person to execute any duty or perform any function provided for under subsection (2), and in particular, may license or enter into joint venture with private investors to develop Special Economic Zones’ infrastructure”.

Amend-
ment of
section 15

14. The principal Act is amended in section 15 as renumbered by deleting subsection (2) and substituting for it the following:

Cap.355

“(2) For purposes of the Urban Planning Act, and the regulations relating to buildings in the Special Economic Zones, a reference to a local government authority in any provisions of those laws with regards to planning consent and building permit shall be construed as a reference to the Authority.”;

Repeal
and
replace-
ment of
section 20

15. The principal Act is amended by repealing section 20 as renumbered and substituting for it the following:

“Issuance
of licence

20.-(1) The Authority shall be responsible for the issuance of a licence to any person who wishes to carry on business or activity in the special economic zone.

(2) The licence issued pursuant to subsection (1) shall operate as if it was a licence issued by competent authorities empowered under any written law to issue such licences.

(3) Any matter arising as a result of cancellation, suspension, variation of a licence; or prohibition of other activities shall be dealt with in accordance with sections 7, 8, 9 and 10 of the Export Processing Zones Act.

(4) A person aggrieved by the decision of the Authority made pursuant to subsection (3) may appeal to the Minister.

Repeal of
sections
21
38 as
23,24,25,2
6,27 and
32

16. The principal Act is amended by-
- (a) repealing sections 21, 23, 24, 25, 26, 27 and 38 as renumbered; and
 - (b) renumbering sections 22 to 46 as sections 21 to 39 respectively.

Passed in the National Assembly on the 12th April, 2011.

DR. THOMAS D. KASHILLAH,
Clerk of the National Assembly