

THE UNITED REPUBLIC OF TANZANIA



No. 11 OF 2003

I ASSENT,

BENJAMIN W. MKAPA,
President

23RD MAY, 2003

[.....]

An Act to amend certain Written Laws.

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Written Laws (Miscellaneous Amendments) Act, 2003. Short title

2. The various Laws set forth in the first and second columns of the Schedule to this Act are hereby amended in the manner specified in the third column to the Schedule. Amendment of Certain Laws

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Act No. 10 of 1964	The Antiquities Act, 1964	<p>The Act is amended—</p> <p>(a) in section 2 by inserting immediately after the definition of the word “appointed day” appearing in subsection (1) the following new definition—</p> <p>“Authorised officer” includes Antiquities officer, Assistant Antiquities Officer, Antiquities Guides and any other officer or person authorised by the Minister to exercise any power or to discharge any duty under this Act or any subsidiary legislation made pursuant to this Act;</p> <p>(b) in section 25 -</p> <p>(i) by adding immediately after paragraph (c) the following new paragraph -</p> <p>“(f) prescribing appointments, powers and duties of authorized officers under this Act;”</p> <p>(ii) by renaming paragraph (f) as paragraph (g);</p> <p>(iii) by adding the words “in the conservation area” immediately after the word “monument” appearing at the end of the proviso.</p>

- (a) by adding immediately after section 13 the following new section:

“Staff
Regula-
tions

13A. The Trustee may make staff regulations for the management of officers and servants appointed under section 13 and for the better execution of the activities in accordance with the objectives of this Ordinance”.

- (b) in subsection (2) of section 16 -

(i) by deleting the phrase “one hundred thousand shillings” appearing at the end of paragraph (a) and substituting for it the phrase: “five hundred thousand shillings”;

(ii) by deleting the phrase “fifty thousand shillings” appearing at the end of paragraph (b) and substituting for it the phrase: “five hundred thousand shillings”;

(iii) by deleting the phrase “twenty thousand shillings” appearing at the end of paragraph (c) and substituting for it the phrase “two hundred thousand shillings”;

(iv) by deleting paragraph (d);

- (c) in subsection (2) of section 17 by deleting the phrase “twenty thousand shillings” and substituting for it the phrase: “five hundred thousand shillings”;

- (d) in subsection (1) of section 20A by deleting the phrase “two hundred shillings” appearing in item (i) of the proviso and substituting for it the phrase “one hundred thousand shillings”;

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(c) by deleting subsection (1) of section 21 and substituting for it the following -

“(1) Any person who commits an offence under this Ordinance shall, on conviction, if no other penalty is specified, be liable-

- (a) in the case of an individual, to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding one year or to both that fine and imprisonment;
- (b) in the case of a company, a body corporate or a body of persons, to a fine not exceeding one million shillings”.

Act No. 41 of 1967 The Industrial Court of Tanzania Act, 1967

The Act is amended in subsection (1C) of section 27 by deleting the whole of subsection (1C) and substituting for it the following-

“(1C) Subject to the provision of this section, every award and decision of the Court shall be called in question on any grounds in which case the matter shall be heard and determined by a full bench of the High Court”.

Act No.12 of 1976 The Customs Tariff Act 1976

The Act is amended—

- (i) in Part A of the Third Schedule by deleting the whole of item 15 which relates to export processing zones;
- (ii) in the Fourth Schedule which relates to “PRIORITY SECTORS FOR THE PURPOSES OF INVESTMENT PROMOTION” by deleting item 13 and substituting for it the following:

Act No. 13 of 1973 The Income Tax Act, 1973

“13 Marine transportation for passengers, cargo and road haulage;”

The Act is amended in the Third Schedule by deleting sub-item 15 of Head B, item 9 and substituting for it the following-

Priority Sector	Rates of tax in percentage	
	Dividend	Interest on loans

Act No. 4 of 2002

The Railways Act, 2002

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“15. Marine transportation passengers, cargo and road haulage

The Act is amended in section 15 -

(a) by adding immediately after paragraph (b) of subsection (4) the following paragraph -

“(c) whose service is transferred to any person to whom the powers of the Company are delegated,”

(b) deleting subsection (5) and substituting for it the following -

“(5) Where an employee whose services with the Corporation or the Company or any person to whom powers of the Company are delegated under subsection (4) is a member of any statutory, voluntary pension or any other superannuation scheme, such employees shall continue to be governed by the same laws and regulations governing such scheme and his service, for the purpose of such scheme, shall be deemed to be service with the Corporation and the Corporation or as the case may be the Company or a person to whom powers of the Company are delegated, shall contribute to such scheme accordingly.”

(c) by deleting the phrase “whose service is transferred” appearing in the second line of subsection (6);

(d) by adding immediately after subsection (6) the following new subsection -

“(7) Where an employee of the Corporation who was a member of a non contributory retirement benefit scheme is transferred to the Company or to any person to whom the powers of the Company are delegated, the Corporation shall, before such transfer, effect a voluntary contributory retirement benefits scheme on terms and conditions acceptable to the Minister in relation to such employee;”

(e) by renumbering subsection (7) as subsection (8).

“(4) For avoidance of doubt, when EWURA becomes operational and it has assumed its regulatory powers and functions, all regulatory powers and functions assumed by the Minister under the provisions of subsection (3) shall, without any further notice and assurance revert to EWURA.”

Act No. 18 of 1981

The Petroleum (Conservation) Act,
1981

The Act is amended -

- (a) in section 3 by deleting the definition of the term “Petroleum” and substituting for it the following:

“Petroleum” includes crude petroleum and any liquid or gas made from crude petroleum, coal, schist, shale, peat or any produce of crude petroleum and includes condensate”

- (b) in section 4 -

- (a) by renumbering section 4 as section 4(1);
- (b) by adding immediately after subsection (1), as renumbered, the following new sub-sections -

“(2) Any person carrying on the business of importing, unloading, transporting, storing, transforming or selling petroleum shall, in the exercise of his respective business under this Act, be subject to regulation by the Authority.

- (3) Any person who is the subject of subsection (1), shall prior to conducting any petroleum business under this Act, obtain a licence issued by the Authority.”

Act No. 2 of 1999

The Public Service Retirement Benefits Act, 1999

The Act is amended in section 21 by adding immediately after subsection (3) the following subsection:

“(4) For purposes of subsection (2), the term “appropriate authority” means the Permanent Secretary to the Ministry responsible for Civil Service.”

Act No. 25 of 1972

The Business Licensing Act, 1972

The Act is amended in section 11 by deleting subsection (3) and substituting for it the following -

“(3) Notwithstanding any procedure prescribed by the Minister under section 6, renewal application for a business licence shall be accompanied by Taxpayer Identification Number (TIN) or a written explanation satisfactory to the licensing authority regarding the payment or as the case may be, exemption from payment by the applicant of income tax, value added tax, stamp duty or such other tax or levy as the Minister for Finance may, by notice published in the *Gazette* specify for the purposes of this section.”

Act No. 24 of 1997

The Value Added Tax Act, 1997

The Act is amended in the Third Schedule by adding immediately after paragraph 2 the following -

“2A. Supplies to or importation of machinery, equipment and capital goods for projects funded by the government relating to infrastructure and utilities development.”

Act No. 20 of 2001

The Dar es Salaam Water and Sewerage Authority Act, 2001

The principal Act is amended in section 25 by adding new subsections (3) and (4) immediately after subsection (2) as follows:

“(3) Until such time as EWURA commences and assumes its regulatory powers in respect of DAWASA, the Minister shall assume and exercise all powers and functions of EWURA as provided for under section 7 of the Energy and Water Utilities Regulatory Authority Act, 2001, including but not limited to, the granting of licenses to DAWASA and the operator.

“(4) For avoidance of doubt, when EWURA becomes operational and it has assumed its regulatory powers and functions, all regulatory powers and functions assumed by the Minister under the provisions of subsection (3) shall, without any further notice and assurance revert to EWURA.”

Act No. 18 of 1981

The Petroleum (Conservation) Act,
1981

The Act is amended -

- (a) in section 3 by deleting the definition of the term “Petroleum” and substituting for it the following:

“Petroleum” includes crude petroleum and any liquid or gas made from crude petroleum, coal, schist, shale, peat or any produce of crude petroleum and includes condensate”

- (b) in section 4 -

- (a) by renumbering section 4 as section 4(1);

- (b) by adding immediately after sub-section (1), as renumbered, the following new sub-sections -

“(2) Any person carrying on the business of importing, unloading, transporting, storing, transforming or selling petroleum shall, in the exercise of his respective business under this Act, be subject to regulation by the Authority.

(3) Any person who is the subject of subsection (1), shall prior to conducting any petroleum business under this Act, obtain a licence issued by the Authority.”

(c) by adding immediately after section 4 the following new section-

“Powers and functions of the Authority”

4A.-(1) The Authority shall exercise technical and safety regulatory functions in respect of the petroleum sector:

(2) Without prejudice to the powers conferred upon the Authority under subsection (1), the Authority shall, in relation to the regulation of the petroleum sector, have and exercise the following specific powers and functions:

- (a) to issue, renew, suspend or cancel licences and or permits under this Act;
- (b) to monitor petroleum quality and standards;
- (c) to initiate and conduct investigations in relation to safety and quality of services given to a consumer;
- (d) to conduct studies necessary for administrative and or management purposes in respect of the petroleum sector;
- (e) to give directions consistent with this Act to any person granted a licence or permit under this Act;
- (f) to charge and collect fees and levies (including any regulatory levy) from the petroleum sector charged in accordance with the EWURA Act;
- (g) to prescribe code of conduct in respect of persons providing services under this Act;

- (h) to prescribed and cause to be published in the *Gazette* and in at least one Kiswahili and one English newspaper technical and safety standards of services;
 - (i) to monitor the environmental impact in respect of the petroleum sector;
 - (j) to perform such other functions which are incidental or ancillary to the functions stipulated under this section.
- (d) in section 5 -
- (a) by adding immediately after the word "may" appearing in the first line of sub-section (1) the following phrase -
"after consultation with the Authority."
 - (b) by adding immediately after paragraph "k" the following new paragraph -
 - (1) prescribe procedures for application, grant of licences, permits, and various forms to be used under this Act".

Passed in the National Assembly on the 8th April, 2003

KIPENKA M. MUSSA,
Clerk of the National Assembly