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SPECIAL BILL SUPPLEMENT

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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS)
(NO. 5) ACT, 2019

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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,
28th May, 2019

JOHN W.H. KIJAZI,
Secretary to the Cabinet

A Bill

for

An Act to amend certain written laws.

ENACTED by 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) (No. 5) Act, 2019. |
| Amendment of certain written laws | 2. The written laws specified in various Parts of this Act are amended in the manner specified in their respective Parts. |

**PART II
AMENDMENT OF THE ELECTRONIC AND POSTAL
COMMUNICATIONS ACT,
(CAP. 306)**

- | | |
|-------------------------|--|
| Construction Cap.306 | 3. This Part shall be read as one with the Electronic and Postal Communications Act, herein after referred to as the “principal Act”. |
| Amendment of section 13 | 4. The principal Act is amended in section 13, by-
(a) deleting paragraphs (d), (e) and (f) appearing in subsection (3); and |

(b) deleting subsection (4) and substituting for it the following:

“(4) Every Content Service Licensee shall be required to enter into a service level agreement with a multiplex operator who is a holder of Network Facilities Licence for purposes of transmission and distribution of broadcasting signals.”. and

(c) renaming paragraph “(g)” as paragraph “(d)”.

Amendment of section 78

5. The principal Act is amended in section 78(5), by deleting the words “frequency band” appearing in paragraph (c).

Repeal and replacement of section 93

6. The principal Act is amended by repealing section 93 and replacing for it the following:

“SIM card
Registration

93.-(1) Any person who owns or intends to use detachable SIM card or built-in SIM card mobile telephone shall be obliged to register SIM card or built in SIM card mobile telephone.

(2) A person who sells or, in any other manner, provide detachable SIM card or built-in SIM card mobile telephone to any potential subscriber shall, on selling or providing such SIM card, or built in SIM card mobile telephone, register the same.

(3) The application service licensee, distributor, agent or dealer authorized to sell or provide the detachable SIM card or built-in SIM card mobile telephone by the respective application service licensee or operator shall verify the information obtained from subscriber and retain in hard copy or electronically all information obtained during registration.

(4) Registration and verification of SIM card or built-in SIM card mobile telephone shall be conducted in the manner provided in

the Regulations.”.

Repeal and replacement of section 95

7. The principal Act is amended by repealing section 95 and replacing for it the following:

“Submission of information

95. An authorised distributor, agent or dealer dealing with selling or distributing the detachable SIM card or built in SIM card mobile telephone shall submit to the respective application services licensee all the information and documents obtained during distribution or registration.”.

Amendment of section 117

8. The principal Act is amended in section 117, by-
(a) deleting the words “after conviction” appearing at the end of subsection (1); and
(b) deleting subsection (3) and substituting for it the following:

“(3) Any person who uses one or more numbers or electronic addresses without obtaining any relevant individual assignment or class assignment, commits an offence and shall be liable upon conviction to a fine of not less than five million Tanzanian shillings or imprisonment for a term not less than twelve months or to both, and shall be liable to a fine of seven hundred and fifty thousand Tanzanian shillings for everyday during which the offence continued.”.

Amendment of section 118

9. The principal Act is amended in section 118 by deleting paragraph (d) and the closing phrase and substituting for them the following:

“(d) permits any network services or application services, under the person’s control to be used for an activity described in section 117(3), commits an offence and shall, upon conviction, be liable to a fine of not less than five million shillings Tanzanian shillings or imprisonment for a term not less than twelve months, or to both and shall also be liable to a fine of seven hundred and fifty thousand Tanzanian shillings for everyday during which the offence continued.”.

Repeal and replacement of section 131

10. The principal Act is amended by repealing section 131 and replacing for it the following:

“Use of unregistered SIM card

131.-(1) Any person who knowingly uses an unregistered SIM card or built in SIM card mobile telephone or in any manner, misuses SIM card, commits an offence and shall be liable on conviction to a fine of not less than five million Tanzanian shillings or imprisonment for a term of twelve months or to both.

(2) A service provider, distributor, agent or dealer authorised to sell or distribute the detachable SIM card, or built in SIM card mobile telephone, who in any manner causes to be used unregistered SIM card, commits an offence and shall be liable on conviction to a fine of not less than ten million Tanzanian shillings or imprisonment for a term of twenty four months or to both and where the commission of offence continues, the offender shall liable to a fine of seven hundred and fifty thousand Tanzanian shillings for each day during which the commission of offence continued.”.

Repeal and replacement of section 165

11. The principal Act is amended by repealing section 165 and replacing it with the following:

“Regulations

165. The Minister may make regulations for better carrying out or giving effect to the provisions of this Act.”.

PART III
AMENDMENT OF THE FIREARMS AND
AMMUNITION CONTROL ACT,
(CAP. 223)

Construction
Cap.223 **12.** This Part shall be read as one with the Firearms
and Ammunition Control Act, hereinafter referred to as the
“principal Act”.

Amendment of
section 3 **13.** The principal Act is amended by inserting in it's
appropriate alphabetical order the following new definition:
“fireworks” means a device containing gunpowder or any other
combustible substance which causes spectacular effects
and explosions when ignited;"

Addition of
section 21A **14.** The principal Act is amended by adding
immediately after section 21, the following:

"Control of
possession of
fireworks **21A.**-(1) Notwithstanding
the provisions of this Act and any
other written law, a person shall not
import, manufacture, sell or
otherwise supply fireworks unless he
has obtained approval from Inspector
General of Police.

(2) A person shall not carry
out activities involving fireworks
unless he has obtained written permit
from the person authorized to deal
with fireworks in accordance with
subsection (1).

(3) Any person who
contravenes with the provisions of
this subsections (1) or (2) commits an
offence and is liable upon summary
conviction to a fine of five hundred
thousand shillings or to
imprisonment for a term not less than
six months but not exceeding one
year or to both such fine and
imprisonment.

(4) The Minister may, by

regulations, prescribe the procedures for better carrying into effect of the provisions of this section."

PART IV
AMENDMENT OF THE NATIONAL ARTS COUNCIL ACT,
(CAP. 204)

Construction **15.** This Part shall be read as one with the National Arts Council Act, hereinafter referred as the "principal Act".

Amendment of section 2 **16.** The principal Act is amended in section 2, by-

(a) adding in their appropriate alphabetical order the following new definitions:

- “art” means any work through which a person uses skills to express ideas in making, showing or performing artistic works;
- “artist” means a person engaged in or undertaking artistic works;
- “infrastructure” includes theatre halls, open or closed premises used for demonstration of artistic works save for cinematograph;

(b) in the definition of the term “artistic work”-

- (i) in paragraph (a) by-
- (aa) deleting subparagraph (i) and substituting for it the following:
 - “(i) paintings, drawings, graphic designs, etchings, lithographs, woodcuts, engravings, computer aided animations and prints;”
- (bb) deleting sub paragraph (ii) and substituting for it the following:
 - “(ii) maps, plans, illustration and diagrams”;
- (cc) adding immediately after subparagraph (vi) the following:
 - “(v modeling, and pageantrics, ii) fashion designs and such related works;”; and

(ii) in paragraph (c) by inserting the words

“playwriting, music composition” between the words “costume design” and “make up”.

Amendment of section 3

17. The principal Act is amended in section 3, by adding immediately after subsection (3) the following-

“(4) The Council may, in consultation with other relevant authorities, appoint committees at regional and district levels.

(5) The Council may make rules for the operations and governance of such Committees as it deems fit.”

Amendment of section 4

18. The principal Act is amended in section 4-

(a) in subsection (1)-

(i) in subparagraph (d), by inserting the words “monitor, regulate, assess” between the words “to plan” and “and coordinate”;

(ii) in subparagraph (e), by inserting the words “policies, legislation, marketing and” between the words “relating to” and “the development”;

(iii) deleting subparagraph (i) and substituting for it the following:

“(i) to provide bylaws published in the *Gazette* and in such manner as the Council may approve, a system of registration of artists, artistic ensembles, associations or organizations, infrastructure used for artistic entertainment and performance, vendors and all persons engaged or otherwise uses for gain the works of art;”

(b) by adding immediately after paragraph (i) the following:

“(j) to make, publish and disseminate information and guidelines relating to the revival, promotion, development, production and marketing of artistic works;

(k) to establish, compile and maintain databases, including database of persons,

- organizations, institutions, equipment and facilities connected with the works of arts;
- (l) to promote adherence with Tanzania’s cultural, moral and ethical values among artists and other persons involved in production, performance, distribution or exhibition of artistic works within the purpose of this Act;
 - (m) to promote formation of associations or organizations with a view to encourage growth of smaller groups of persons engaging in artistic works in Tanzania;
 - (n) to assist any artist or group of persons who are citizens of Tanzania in obtaining relevant training or study tour on arts or artistic skills within or outside Tanzania;
 - (o) to raise, maintain or otherwise administer funds from such sources and by such means as the Minister may approve to enable the Council to carry out its functions and empowering the artists in carrying out their artistic activities;
 - (p) to exercise disciplinary powers over persons or group of persons, organizations, associations, or owners of infrastructures engaged in artistic works who contravene provisions of this Act; and
 - (q) to perform such other functions as may be assigned by the Minister or prescribed to it under the provisions of this Act and other written laws.”
- (c) by deleting subsection (2) and substituting for it the following:
- “(2) The Council shall have the power, in its capacity as a body corporate, for the purpose of carrying out its functions to rate, inspect, arrest, suspend or destroy any work of art being produced, displayed or kept in contravention of the Act and other relevant laws or do all such acts as appear to it to be requisite, advantageous or convenient for or in connection with the carrying out of its

functions or incidental or conducive to their proper discharge and may carry on any activity in that behalf either alone or in association with any other person or body whether within or outside the United Republic."

Addition of section 4A

19. The principal Act is amended by adding immediately after section 4 the following new section:

"Registration of artistic works

4A.-(1) The Minister may make specific regulations prescribing the manner of registration of artistic works, artists, artistic ensembles, associations, organizations, infrastructures as well as grounds for the refusal of registration, exemption from registration and cancellation of registration.

(2) Any artist, artistic ensembles, associations, organizations or owners of infrastructures who engages in any artistic activity without being registered by the Council commits a disciplinary offence and upon determination by a competent disciplinary organ formed under this Act may be may be liable to a fine not exceeding one million shillings or any other penalty as prescribed in the respective rules made under this Act."

Amendment of section 15

20. The principal Act is amended in section 15(1), by-

(a) deleting the words "With the consent of the Minister, the Council" and substituting for them the words "The Minister ".

(b) deleting paragraph (e) and substituting for it the following:

"(e) providing for a system of registration and issuance of permits to persons, organizations, associations or owners of infrastructure used for artistic activities engaged in or using works of art and infrastructures for exhibition and, or performance of artistic works;"

(c) adding immediately after paragraph (h) the following-

"(i) providing for proper monitoring, control codes of conduct and disciplinary systems for artists, composer of artistic works, group of persons, associations, organizations and owners of infrastructures."

Addition of section 16

21. The principal Act is amended by adding immediately after section 15 the following new section:

"Appeals to Minister

15A.-(1) A person who is aggrieved by the decision of the Council under this Act may within thirty days of such decision, appeal to the Minister.

(2) On receipt of the appeal, the Minister shall, within thirty days, consider and determine the appeal.

(3) In determining the appeal, the Minister may-

(a) uphold, quash or vary the decision of the Council and give decision accordingly;

(b) require the Council to inquire into any specific information from the appellants and make further consideration of the application."

PART V
AMENDMENT OF THE NATIONAL EXAMINATION
COUNCIL OF TANZANIA ACT,
(CAP. 107)

Construction Cap.107

22. This Part shall be read as one with the National Examination Council of Tanzania Act, hereinafter referred to as the "principal Act".

Amendment of section 2

23. The principal Act is amended in section 2, by inserting in their appropriate alphabetical order the following

new definitions:

““Authorized officer” includes an examination supervisor, invigilator, and any other person entrusted with the duty to handle examination material;

“candidate” means a person registered to sit for an examination conducted by or on behalf of the Council;

“certificate” means a document issued by the Council and designated as such showing results obtained by a particular candidate in an examination;

“examination” means a formal test of a person’s knowledge or proficiency in a particular subject matter or skill conducted under this Act by or on behalf of the Council;

“examinations material” whether in print or electronic form, means-

(a) an examination paper, booklets, stencils, recorded tapes, chemicals, electronic devices;

(b) notes for the preparation of an examination paper;

(c) instructions for the setting up of equipment and the preparation of instruments for an examination;

(d) any other document or material which is intended to form part of an examination paper or to enable an examination paper to be prepared and conducted; or

(e) security envelopes and storage bags used for safe custody of the examination papers;

“examination paper” includes a question paper, examination instructions or the draft or copy of an examination paper or instructions in respect of an examination which has not been taken, and includes an electronic form thereof;”

Amendment of heading to Part II

24. The principal Act is amended by deleting the heading to Part II and substituting for it the following:

“PART II
ESTABLISHMENT, OBJECTIVES AND FUNCTIONS
OF THE COUNCIL”

Amendment of section 4

25. The principal Act is amended in section 4, by-

(a) deleting a full-stop appearing at the end of paragraph (f) and substituting for it a semi colon ; and

(b) adding immediately after paragraph (f) the

following:

- “(g) to conduct research on issues related to examinations or assessment; and
- (h) to organize training courses for or arrange for the training of setters, moderators, examiners, supervisors, invigilators and other persons connected with examinations.”

Amendment of section 5

26. The principal Act is amended in section 5(2), by-

(a) inserting immediately after paragraph (h) the following:

- “(i) to suspend or nullify examination or any part thereof, where the Council is satisfied that there have been irregularities in the course of such examination;
- (j) to withhold or cancel the results or certificate of a candidate where the Council is satisfied that he has been involved in examination irregularities; and”;

(b) renaming paragraph (i) as paragraph (k).

Amendment of section 9

27. The principal Act is amended in section 9(1), by deleting paragraph (b) and substituting for it the following:

- “(b) not more than four other members of the Council.”

Amendment of section 11

28. The principal Act is amended in section 11(2), by-

(a) deleting a full-stop appearing at the end of paragraph (d) and substituting for it a semi colon and the word “and”; and

(b) adding immediately after paragraph (d) the following:

- “(e) to investigate all examination irregularities and malpractices and make recommendations to the Council.”

Amendment of section 13

29. The principal Act is amended in section 13(1) by adding at the end of paragraph (c) the words “or assessment”.

Amendment of section 16

30. The principal Act is amended in section 16 -

(a) in subsection (1), by deleting paragraph (a) and

substituting for it the following:

- “(a) a statement of financial performance during the financial year;”
- (b) in subsection (2), by deleting the words “Tanzania Audit Corporation” and substituting for them the words “Controller and Auditor General”.

Addition of
new Part IIIA

31. The principal Act is amended by adding immediately after Part III a new Part IIIA as follows:

**“PART IIIA
OFFENCES AND PENALTIES**

Leaking and
malicious
destruction of
examination
paper

17A.-(1) A person who, having access to examination materials, shall not intentionally reveal the contents thereof, whether orally, in writing or electronically to any unauthorized person, commits an offence.

(2) A person shall not disclose to any person any examination question or any information relating to the contents of any examination paper.

(3) A person shall not damage or destroy examination material.

(4) A person who, being an authorized officer, shall not negligently or carelessly discharge the functions set out under this Act so as to occasion leakage or malicious destruction of examination paper.

Impersonation

17B.-(1) A person shall not-
(a) whether as a registered candidate or otherwise, sit for a particular examination of the Council with intent to impersonate, offers or attempts to present

himself to take the part of another registered candidate;

(b) being a registered candidate for a particular Councils' examination, knowingly allows another person to sit for that examination on his or her behalf; or

(c) falsely use a certificate, testimonial, signature, photograph or document of another person with intent to impersonate that other person.

(2) The Council may, in addition to the penalty under subsection (1), cancel the registration of the person as a candidate.

Unlawful handling of booklets and possession of unauthorized materials or content

17C.-(1) A person shall not take out from an examination room, strong room, hall, office or any other identified or selected place, examination question paper, answer booklet or unauthorized examination material used or unused, in person or by the use of an agent.

(2) A person shall not possess a written, recording or any other form of Communication condensed or summarised on any medium of communication device, including electronic communication device onto which information in regard to examinations in progress or to be conducted is written, recorded or communicated.

Prohibition of publication or disclosure of information to

17D.-(1) A person shall not, without the consent in writing given by or on behalf of the Council,

unauthorized
person

publish or disclose to any person, otherwise than in the course of his duties, the contents of any document, or information under this Act.

(2) A person shall not publish or communicate to any person information which to his knowledge has been published or disclosed in contravention of subsection (1).

General
penalty

17E. A person who contravenes or fails to comply with any provisions under this Part, commits an offence and is liable, upon conviction, to a fine of not less than ten million shillings or to imprisonment for a term of not less than three years but not exceeding five years or to both.”.

Amendment of
section 20

32. The principal Act is amended in section 20 by deleting the word “shall” and substituting for it the phrase “shall, subject to the provisions of this Act,”.

Repeal and
replacement of
section 25

33. The principal Act is amended by repealing section 25 and replacing for it the following following new section:

“Regional and
Local
Government
Examinations
Committee

25.-(1) There shall be established in respect of each regional and local government authority, the Examinations Committee.

(2) The Examinations Committee established under subsection (1) shall oversee the conduct of examinations at their respective Region or local government authority.

(3) The Regional Examinations Committee shall consist of:

(a) Regional Administrative Secretary, who shall be the Chairman in each of

- his respective area of jurisdiction;
 - (b) Regional Education Officer, who shall be the Secretary of the examination committee in his respective area of jurisdiction;
 - (c) Regional State Attorney;
 - (d) Regional Police Commander;
 - (e) Regional Security Officer; and
 - (f) Regional Academic Officer.
- (4) The Local Government Examination Committee shall consist of-
- (a) the Executive Director of the local government authority, who shall be the Chairman;
 - (b) Education Officer of the local government authority, who shall be the Secretary;
 - (c) Officer Commanding District;
 - (d) District Security Officer;
 - (e) District Academic Officer; and
 - (f) A State Attorney from the Office of the District Administrative Secretary.”

Addition of section 26

34. The principal Act is amended by adding immediately after section 25 the following new section:

“Oath of secrecy

26.-(1) The Council may require any person-

- (a) dealing with moderation of examination items, printing of examination papers,

supervision and invigilation of examinations, marking of candidate's scripts; or

- (b) officially assigned to assist in marking exercise,

to take and subscribe to an oath of secrecy.

(2) Any person who, having subscribed to the oath, publishes, discloses or communicates to any other person information that is privy of secrecy, commits an offence and is liable upon conviction, to imprisonment for a term of not less than twenty years.”

Amendment of
Schedule

35. The Schedule to the principal Act is amended-

- (a) by deleting paragraphs 1, 2 and 3 and substituting for them the following new paragraph:

“Composition of Council **1.-(1)** The Council shall consist of-

- (a) a Chairman who shall be appointed by the President from amongst the Vice Chancellors of the accredited Public Universities established in Tanzania;
- (b) one member appointed by the Minister responsible for education in consultation with the Minister responsible for local government from among head teachers of secondary schools;
- (c) one member appointed by the Minister responsible for education in consultation with the Minister responsible for local government from among head teachers of

- primary schools;
- (d) one member appointed by the Minister responsible for education representing private institutions, who has experience and qualifications in education matters;
- (e) one member from the Ministry responsible for regional administration and local government who has experience and qualifications in education matters;
- (f) three members from Tanzania Mainland appointed by the Minister responsible for education from amongst people who have experience in education assessment matters, finance, planning, community development, gender, children and social welfare;
- (g) three members from Tanzania Zanzibar appointed by the Minister responsible for education in consultation with the Minister responsible for education in the Revolutionary Government of Zanzibar, from among people vested with qualifications relevant for education and assessment.

(2) The Council may co-opt not more than four persons to attend and provide expertise during the deliberation of the Council on such matters as the Council may determine but such persons shall not have the right to participate in the decision making of the Council.

Tenure of office

2. The Chairman and members of the Council shall, unless the appointment is terminated by the Minister, or ceases in any other way to be a member, hold office for a period of four years and shall be eligible for reappointment for one further term.

Cessation of membership

3.-(1) A member appointed by virtue of his office shall cease to be a member upon ceasing to hold the post that entitled his appointment to the Council.

(2) A member of the Council shall cease to be a member upon advice by the Council to the Minister of the fact, and the appointing authority may terminate the appointment of the member and appoint another member in his place if:

- (a) he has been absent from three consecutive meetings of the Council without reasonable cause;
- (b) he is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding five hundred thousand

- Tanzanian shillings;
- (c) he is convicted of an offence involving dishonesty or fraud;
 - (d) he is adjudged bankrupt or enters into a composition scheme or arrangement with his or her creditors;
 - (e) he is incapacitated by physical or mental illness or is deemed otherwise unfit to discharge his duties as a member of the Council;
 - or
 - (f) he fails to comply with the provision of this Act relating to disclosure.

(b) by renumbering paragraphs 6 to 12 as paragraphs 7 to 13 respectively.

(c) in paragraph 8 as renumbered by deleting the words “meet not less than twice during” appearing in subparagraph (1) and substituting for it the words “ordinarily meet at least once in every three months.”

PART VI
AMENDMENT OF THE NATIONAL SECURITY COUNCIL ACT,
(CAP. 61)

Construction
Cap.61

36. This Part shall be read as one with the National Security Council Act, hereinafter referred to as the “principal Act”.

Amendment
of section 3

37. The principal Act is amended in section 3 in the definition of the term “defence and security organs” by inserting the words “Prevention and Combating of Corruption Bureau, Drugs Control and Enforcement Authority, Fire and Rescue Forces” between the words “Police Force” and “Tanzania Prisons”.

- Amendment of section 4 **38.** The principal Act is amended in section 4(2), by deleting paragraph (c) and (e) and substituting for them the following:
 “(c) the President of Zanzibar;
 (e) the Second Vice President of Zanzibar;”.
- Amendment of section 6 **39.** The principal Act is amended in section 6, by deleting paragraph (g) and substituting for it the following:
 “(g) one Assistant Co-ordinator from the Special Departments of the Government of Zanzibar.”
- Amendment of section 8 **40.** The principal Act is amended in section 8(2), by-
(a) deleting the word "and" appearing in paragraph (g);
 and
(b) deleting paragraph (h) and substituting for it the following:
 “(h) the Regional Prisons Officer;
 (i) the Regional Special Departments from the Government of Zanzibar;
 (j) the Regional Bureau Chief; and
 (k) the Regional Fire and Rescue Officer.”.
- Amendment of section 10 **41.** The principal Act is amended in section 10(1), by deleting paragraph (h) and substituting for it the following:
 “(h) the District Prisons Officer;
 (i) the District Fire and Rescue Officer;
 (j) the District Special Departments from the Government of Zanzibar; and
 (k) the District Bureau Chief.”.

PART VII
AMENDMENT OF THE WEIGHTS AND MEASURES ACT,
(CAP. 340)

- Construction Cap.340 **42.** This Part shall be read as one with the Weights and Measures Act, hereinafter referred to as the “principal Act”.
- Amend-ment of section 2 **43.** The principal Act is amended in section 2-
(a) by deleting the definition of the terms “container” and “verification” and substituting for them the following-
 “container” means any form of packaging of

goods for sale as a single item, whether by enclosing the goods wholly or partly;

“verification” means examination, testing, rejecting or condemning or passing as fit for use for trade and stamping any measuring instrument or measuring system;”

- (b) in the definition of the term “error” by deleting the word “includes” and substituting for them the words “may include”;
- (c) in the definition of the term “stamping” by inserting the words “putting a sticker and sealing” between the words “includes” and “casting”;
- (d) in the definition of the term “pre-packed goods” by deleting the word “retail”;
- (e) inserting in their appropriate alphabetical order the following new definitions-
 - ““measuring instrument” means any device intended to be used to make measurements, along or in conjunction with supplementary device;
 - “measuring system” means a set of one or more measuring instrument and other devices including any reagent and supply assembled and adapted to give information used to generate measured quantity values within specified intervals for quantities of specified kind;”

Amendment of section 7

44. The principal Act is amended in section 7 by deleting the word “wardens” appearing in paragraphs (a) and (b) and substituting for it the word “inspectors”.

Amendment of section 10

45. The principal Act is amended in section 10(1) by deleting the words “assizing or reassizing” and substituting for them the words “verification or re-verification”.

Amendment of section 11

- 46.** The principal Act is amended in section 11, by-
- (a) in subsection by (1) inserting the word “Fifth” immediately after the word “Fourth”; and
 - (b) in subsection (2) inserting the word “Fifth” immediately after the word “Fourth”.

Amendment of
section 14

- 47.** The principal Act is amended in section 14, by-
- (a) deleting the marginal note and substituting for it the following:
“appointment of commissioners, assistant commissioners and inspectors; and
 - (b) adding immediately after subsection (2) the following new subsections:
 - “(3) The Minister may, for the purpose of carrying out verification under this Act, and upon recommendation by the Commissioner, appoint private inspectors on such terms and conditions as he deems fit.
 - (4) The Minister shall, by notice published in the *Gazette*, declare the names of inspectors and private inspectors appointed under this section.”

Amendment of
section 19

- 48.** The principal Act is amended in section 19 by deleting subsection (1) and substituting for it the following-
- “(1) At least once in every twelve months in respect of an area of jurisdiction, an inspector shall, for the purpose of verifying measuring instrument or measuring system and in a manner prescribed by the Minister, specify the date, time and place and require a person who has in his possession any weight, measure, weighing or measuring instrument or measuring system which is used or intended to be used in trade, to produce it at such time and place within the area as he may appoint.”

Amendment of
section 23

- 49.** The principal Act is amended in section 23, by-
- (a) inserting immediately after paragraph (a) of the proviso the following:
“(b) condemn it, upon approval by the Commissioner;”; and
 - (b) renaming paragraphs (b) and (c) as paragraphs (c) and (d) respectively.

Amendment of
section 26

- 50.** The principal Act is amended in section 26, by-
- (a) deleting subsection (1) and substituting for it the following:
“(1) Subject to the provisions of section

27, no person shall sell or offer, import, pack, deliver, expose or possess, keep on trade premises, carry or, in any manner, advertise for sale any of the goods otherwise than in accordance with the weight or measure and in the denomination specified under this Act.”; and

- (b) in subsection (2), by deleting the word “in 10th, 11th and 12th Schedule to” and substituting for them the word “under”.

Repeal and replacement of section 33

51. The principal Act is amended by repealing section 33 and replacing for it the following-

“Offence in connection with inspectors **33.** A person who is not an inspector and acts as or purports to be an inspector, commits an offence.”

Amendment of section 54

52. The principal Act is amended in section 54(1)-

- (a) in paragraph (q), by inserting the words “manufacturing, importation” immediately before the word “repairing” appearing in the second line; and
(b) by deleting paragraph (x) and substituting for it the following:

“(x) procedure and various forms to be used in carrying out forfeiture of goods, measuring instruments and measuring systems.”

PART VIII
AMENDMENT OF THE WILDLIFE CONSERVATION ACT,
(CAP. 283)

Construction Cap.283

53. This Part shall be read as one with the Wildlife Conservation Act, hereinafter referred to as the “principal Act”.

Amendment of section 38

54. The principal Act is amended in section 38, by-

- (a) deleting subsection (8) and substituting for it the following:

“(8) For the purpose of this section, there shall be three categories of hunting block, namely:

- (a) category I blocks, the tenure of which shall be ten years;

- (b) category II blocks, the tenure of which shall be ten years; and
 - (c) category III blocks, the tenure of which shall be fifteen years.
- (8A) Except for at least three months prior written notice made to the Minister, no company allocated a hunting block shall vacate, surrender, return or abandon the hunting block before the expiry of its tenure.”
- (b) by deleting subsection (9) and substituting for it the following:
 - “(9) The Minister shall on the fifth year of the tenure of ownership of a hunting block, determine the continuity of the tenure.
 - (c) by adding immediately after subsection (9) as amended the following new subsection:
 - “(9A) The Minister’s decision under subsection (9) shall be based on:
 - (a) the annual performance assessment and the evaluation of the hunting block utilization; and
 - (b) the full performance of the company allocated a hunting block to be carried out in the fourth year of the tenure, which shall take into account the annual assessment and the evaluation criteria prescribed in the Regulations.”
 - (d) deleting subsection (10) and substituting for the the following:
 - “(10) Subject to subsection (8), the Minister shall make regulation prescribing for criteria for categorization, size and quality of each category of hunting block.”
 - (e) by deleting subsection (11) and substituting for it the following:
 - “(11) The Minister may, in allocating hunting blocks, use auction, tendering or any other modality or system of allocation which is transparent and is inline with principles of good governance.”

Amendment of

55. The principal Act is amended in section 39-

section 39

- (a) in subsection (3) by-
 - (i) deleting the words “twenty five” appearing in paragraph (a) and substituting for it the word “ten”;
 - (ii) deleting paragraph (b) and substituting for it the following:
 - “(b) the percentage of hunting blocks set aside specifically for application by Tanzanian owned companies shall, at any particular time, be not less than thirty percent of the total number of hunting blocks:
Provided that, no regulation shall restrict a Tanzanian owned company from applying for any hunting block set aside for application by foreign owned companies.”
- (b) by adding immediately after subsection (3) the following:
 - “(3A) For the purpose of this section “Tanzanian owned company” means a company incorporated or registered in accordance with the laws of Tanzania and whose majority shares are owned by Tanzanian citizens.”

OBJECTS AND REASONS

This Bill proposes amendments to Seven laws, namely, the Electronic and Postal Communications Act, Cap. 306, the Firearms and Ammunition Control Act, Cap. 223, the National Arts Council, Cap. 204, the National Examinational Council of Tanzania, Cap. 107, the National Security Council, Cap. 61, the Weight and Measures Act, Cap. 340 and the Wildlife Conservation Act, Cap. 283.

The proposed amendments intend to keep updated the respective laws with changes so far observed in their implementation.

This Bill is divided into Eight Parts. 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 amendments to the Electronic and Postal Communications Act, Cap. 306. The proposed amendments are generally intending to consider in the Act the requirement for SIM card registration to whoever uses or intends to use SIM card.

Part III of the Bill proposes to amend the Firearms and Ammunitions Control Act, Cap. 223 by introducing the concept of fireworks in the Act. Fireworks are among explosives used for various purposes, in that regard they are being regulated. It is therefore proposed that importation, manufacturing, possession, acquisition and disposition of fireworks be criminalized unless the Inspector General of Police has authorized such activities.

Part IV proposes amendments to the National Arts Council, Cap. 204. In this Act, amendment is proposed in section 2 with a view to extend the interpretations of some of the terms which were not interpreted in the existing law. It further propose to introduce new paragraph 2(a)(vii) and (b) with the aim of extending the range of arts to include modeling, pageantries and fashion design and recognizing development of the art of music due to changes of science and technology. It is proposed to introduce a new section 3(4) for purposes of establishing a committee at region and district level and the manner of appointment of its members. The aim is to extend committees to the district level where most of the arts business begins and to be administered at that level by officers concerned with cultural affairs.

Section 4(1)(d),(e) ,(i) and section 4(2) are amended in order to extend the functions and powers of the National Arts Council and recognizing various stakeholders for purposes of registration under this Act. It is proposed to add a new section 4A in order to give powers to the Minister to prescribe manner and requirement for registration of various activities conducted under the Act. Further, the Part proposes amendment to section 15 to empower the Minister responsible for arts affairs to make regulations prescribing for issuance of certificates to artists.

Part V of the Bill proposes amendments to the National Examination Council of Tanzania, Cap.107, whereby section 2 is amended for the purposes of giving meaning to some terms and terminologies which have been used in the Act, the objective to the amendment is to cure ambiguity of the terms and terminologies that may arise. The heading to Part III is amended for the purpose of setting a clear demarcation between provisions governing establishment, objective, functions, powers and duties of the Council. This Part also proposes amendment to section 4 with an intention to widen the scope of function of the Council on issue or matters related to training examination and assessment. Section 5 is proposed to be amended by two adding paragraphs for the purpose of adding certain powers to the Council. Section 9 is proposed to be amended for the purpose of reducing the number of members of the Executive Committee for effective and efficient conduct of responsibility of the committee. This Part further proposes amendment to section 11 with the aim of empowering the Examination Committee to investigate on examination malpractices. Section 13 is amended for the purposes of retaining sources of funds of the National Examination Council of Tanzania. Section 16 is amended with the view to comply with the financial reporting standards acceptable in Tanzania.

This Part also proposes to add a new Part IIIA with the view to make exclusive and better provisions relating to offences and penalties. The proposed offences to rehabilitation offenders and restore integrity, accountability and loyalty of persons dealing with examination related issues. The amendments incorporate offences associated with technological advancements within the society. It further intends to widen the categories of offences related to examinations and to enhance the penalties provided therein.

This Part further proposes amendments to section 20 with the view to enhance smooth implementation of the Ministers directions. The amendments further proposes to introduction of new section 25 for the purpose of recognizing in the law the establishment of Regional and Local Government Authorities Education Committees which shall be the responsible organ for overseeing the conduct of examinations at their respective regional or local government authorities. This Part also proposes addition of new section 26 which is intended to introduce a

requirement for an officer dealing with moderation of examination to take an oath of secrecy in their respective area of jurisdiction.

This Part further proposes amendments to the Schedule with the aim of widening scope of knowledge and experience on education related matters for Council members. This amendment intends to have a fair representation among groups, it further intends to enhance code of ethics and conduct to members.

Part VI proposes the amendment of section 3 of the National Security Council Act with the purpose of recognizing the Prevention and Combating of Corruption Bureau, Drugs Control and Enforcement Authority and Fire and Rescue Force as among the enforcement agencies responsible for security matters.

Amendment of section 4 intends to change the title of members of the National Security Council. The reasons for such amendment is to align with the amendments of the Constitution of Zanzibar, which recognizes the title of the President of Zanzibar and the Second Vice President of Zanzibar as proposed to be members of the National Security Council at the National level. Amendment of section 6 intends to extend the number of Secretariat to include one Assistant Co-ordinator from the Special Department of the Government of Zanzibar. Amendments of sections 8 and 10 intends to extends the regional and District Committee to include the regional special Departments from the Government of Zanzibar, the Regional Bureau Chief, and the Regional Fire and Rescue Officer similar amendments have been effected in section 10 at the District level.

Part VII proposes amendments to the Weights and Measures Act, Cap.340, whereby section 2 is amended in the definition of various terms used in the provisions of the Act. This Part also proposes amendment to section 10 by deleting the words “assizing or reassizing” and substituting for them the words “verification or reverification”. The purpose of this amendment is to ensure conformity with the duties of inspectors as provided in the Act.

Amendment of section 11 is intended to add the Fifth Schedule among the Schedules mentioned in that section Section 14 is amended

with the view of enabling the Minister to appoint inspectors. Section 19 is proposed to be amended so as to require an inspector to specify the date, time and place of verification of measuring instrument or system. The proposed amendment to section 23 intends to empower inspectors to condemn weight or measuring instrument or measuring system which do not comply with the requirements set out in the Act. Section 33 is amended so as to prohibit persons who are not inspectors from pretending to be or acting as inspectors. Amendments are also proposed in section 54 for the purpose of providing for regulatory role in respect of manufacturers and importers of measuring instruments or measuring systems.

Part VIII of the Bill proposes to amend to the Wildlife Conservation Act, Cap.283, whereby section 38 is amended with the purpose of specifying categories of hunting blocks extending their tenure. It is proposed to categorise blocks into three groups, Category I (high quality), Category II (optimal), and Category III (degraded) with the tenure of ten years for category I and II and fifteen years for category III.

This Part further amends section 38(9) with a view of empowering the Minister to make assessment of the performance of hunting companies allocated hunting blocks to ensure that hunting blocks are not degraded and the companies undertake their obligations.

Section 28(11) of the Act is also proposed to be amended for in order to recognize tenterring as one of the modality of allocating hunting blocks.

MADHUMUNI NA SABABU

Muswada huu unapendekeza marekebisho katika Sheria Saba zifuatazo; Sheria ya Mawasiliano ya Kielektroniki na Posta, Sura ya 306, Sheria ya udhibiti wa Silaha na Milipuko, Sura ya 223, Sheria ya Baraza la Taifa la Sanaa, Sura ya 204, Sheria ya Baraza la Mitihani Tanzania, Sura ya 107, Sheria ya Baraza la Usalama la Taifa, Sura ya 61, Sheria ya Viwango, Sura ya 130 na Sheria ya Uhifadhi wa Wanyamapori, Sura ya 283.

Mapendekezo ya marekebisho yanalenga kuondoa mapungufu ambayo yamejitokeza katika Sheria hizo wakati wa utekelezaji wa baadhi ya masharti katika Sheria husika.

Muswada huu umegawanyika katika Sehemu Nane, Sehemu ya Kwanza inahusu masharti ya utangulizi ambayo yanajumuisha jina la Muswada na namna ambavyo masharti mbalimbali ya sheria yanavyopendekezwa kurekebishwa.

Sehemu ya Pili inapendekeza marekebisho kwenye Sheria ya Mawasiliano ya Kielektroniki na Posta, Sura ya 306. Mapendekezo ya marekebisho yanalenga kwa ujumla kujumuisha ndani ya Sheria wajibu wa watumiaji au watu wanaotarajia kutumia laini za simu kujisajili.

Sehemu ya Tatu ya Muswada inapendekeza kufanya marekebisho katika Sheria ya Silaha na Milipuko, Sura ya 223. Lengo la mabadiliko haya ni kaharamisha uingizaji ndani ya nchi, utengenezaji, au kumiliki fataki bila ridhaa ya Inspekta Jenerali wa Polisi.

Sehemu ya Nne inapendekeza kurekebisha Sheria ya Baraza la Taifa la Sanaa, Sura ya 204. Katika Sheria hii marekebisho yanapendekezwa kwenye kifungu cha 2 kwa lengo la kuongeza tafsiri ya baadhi ya maneno ambayo hayakuwa yametafsiriwa. Maneno hayo yameongezwa katika Sheria hii kutokana na kukua kwa sayansi na teknolojia. Katika kifungu hicho inapendekezwa kuongeza kipengele kipya cha 2(a)(vii) na (b) kwa lengo la kupanua wigo wa sanaa mpya ambazo zimeingia kwenye jamii kama vile ubunifu wa mitindo (modeling), ulimbwende (pageentries) na uanamitindo (fashion). Inapendekezwa kuongeza kifungu kipya cha 3(4) kwa lengo la kuanzisha Kamati za Sanaa za Mikoa na Wilaya na namna ya uteuzi wa wajumbe wa Kamati hizo. Inapendekezwa kuwa kamati hizo za Sanaa zisimamie masuala ya sanaa katika ngazi za wilaya na mikoa. Aidha, mfumo huu utaleta tija katika kukasimu madaraka katika ngazi za mikoa na wilaya.

Kifungu cha 4(1)(d), (e) na (i) na cha 4(2) kinapendekezwa kurekebishwa kwa lengo la kupanua wigo wa majukumu na mamlaka ya Baraza la Sanaa la Taifa. Inapendekezwa kuongeza kifungu kipya cha 4A kinachompa mamlaka Waziri kuweka utaratibu wa usajili wa kazi zote

chini ya sheria hiyo. Kifungu cha 15 kinakusudiwa kurekebisha ili kumuwezesha Waziri mwenye dhamana na masuala ya sanaa kutunga kanuni tofauti na hali ilivyo kwa sasa ambapo mamlaka hayo ni ya Baraza.

Sehemu ya Tano ya Muswada inapendekeza kufanya marekebisha kwenye Sheria ya Baraza la Taifa la Mitihani, Sura ya 107, ambapo kifungu cha 2 kinarekebisha kwa madhumuni ya kufafanua baadhi ya maneno na misemo mbalimbali yanayotumika chini ya Sheria hii. Kichwa cha habari cha Sehemu ya tatu kinarekebisha kwa lengo la kutenganisha kati ya uanzishaji wa Baraza, malengo, kazi zake, mamlaka na majukumu yake. Sehemu hii inapendekeza marekebisha kwenye kifungu cha 4 kwa lengo la kupanua wigo wa Baraza kwenye masuala yanayohusiana na masuala ya mitihani na upimaji wa wanafunzi. Kifungu cha 5 kinapendekezwa kurekebisha kwa lengo la kuzingatia marekebisha ya kichwa cha habari cha sehemu hii ya Tatu. Kifungu cha 9 kinapendekezwa kurekebisha kwa lengo la kupunguza idadi ya namba ya wajumbe wa Kamati. Sehemu hii pia inapendekeza marekebisha katika kifungu cha 11 kwa lengo la kuipa mamlaka/uwezo Kamati ya Mitihani kufanya uchunguzi kwa suala lolote linalohusiana na ukiukaji katika masuala ya mitihani. Kifungu cha 13 kinapendekezwa kurekebisha kwa lengo la kuainisha vyanzo vipya vya mapato. Kifungu cha 16 kinarekebisha kwa lengo la kuhakikisha kwamba masuala ya ukaguzi wa fedha yanaendana na viwango vya utoaji wa taarifa za fedha.

Sehemu hii pia inapendekeza kuweka Sehemu mpya ya Tatu “A” kwa lengo la kuongeza uadilifu, uwajibikaji na uaminifu kwa maafisa wanaojihusisha na masuala yanayohusiana na mitihani. Marekebisha haya yanalenga kupambana na kukua kwa teknolojia ndani ya jamii ambapo inaweza kupelekea uvujishaji wa mitihani. Marekebisha yanalenga pia kuongeza aina mpya ya makosa yanayohusiana na mitihani na kuongeze adhabu zitakazotolewa kutokana na makosa hayo.

Marekebisha ya kifungu cha 20 yanalenga kurahisisha utekelezaji wa maelekezo ya Waziri. Mapendekezo ya kifungu kipya cha 25 yanalenga kutambulika ndani ya sheria uanzishwaji wa nafasi za maafisa elimu wa mikoa. Maafisa elimu wa mikoa watakuwa ndio wawakilishi wa Baraza la Taifa la Mitihani katika maeneo ya mikoa husika.

Sehemu hii pia inapendekeza marekebisho kwenye Jedwali, kwa lengo la kupanua/kuongeza sifa za mjumbe kuwa ni pamoja na uwezo wa kielimu, uzoefu kwenye masuala yanayohusiana na elimu. Lengo la marekebisho haya ni kuwa na mwakilishi ulio wa tija miongoni mwa makundi yanayowakilishwa. Marekebisho pia yanalenga kuongeza na kusimamia kanuni za maadili na mienendo kwa wajumbe.

Sehemu ya Sita inapendekeza marekebisho ya Sheria ya Baraza la Usalama wa Taifa, Sura ya 61. Kifungu cha 3 kinarekebishwa kwa lengo la kuzitambua taasisi ya Kuzuia na Kupambana na Rushwa, Mamlaka ya Kudhibiti na Kupambana na Dawa za Kulevya pamoja na Jeshi la Zimamoto na Uokozi kwenye masuala ya ulinzi na usalama chini ya Sheria ya Baraza la Usalama wa Taifa.

Marekebisho ya kifungu cha 4 yanalenga kubadilisha majina ya nafasi za wajumbe wa Baraza la Taifa la Usalama katika ngazi ya Taifa. Marekebisho ya Kifungu yanatokana na mabadiliko ya Katiba ya Zanzibar ambayo inatambua nafasi ya Rais wa Zanzibar na Makamu wa Pili wa Rais ambao ndio watakaokuwa Wajumbe wa Kamati ya Baraza la Usalama la Taifa (ngazi ya Taifa). Marekebisho ya kifungu cha 6 yanalenga kuongeza idadi ya Wajumbe na Sekretarieti ya Kamati ya Baraza la Usalama la Taifa. Marekebisho haya yanalenga kumtambua mwakilishi kutoka Idara maalum ya Serikali ya Mapinduzi ya Zanzibar.

Marekebisho ya vifungu vya 8 na 10 yanalenga kupanua wigo wa wajumbe wa Baraza la Usalama la Mkoa na Wilaya. Kwa kuwatambua mjumbe kutoka Taasisi ya Kuzuia na kupambana na rushwa na Jeshi la Zimamoto na Uokozi katika ngazi ya wilaya na Mkoa, pia mjumbe kutoka Idara maalum ya Serikali ya Mapinduzi ya Zanzibar katika ngazi ya Mkoa na Wilaya.

Sehemu ya Saba inapendekeza kurekebisha Sheria ya Vipimo, Sura ya 340, ambapo vifungu vya 2 na 10 vinarekebishwa kwa lengo la kuhuisha tafsiri ya maneno mbalimbali ili kuendana na masharti ya Sheria na kuhakikisha matumizi sahihi ya maneno katika Sheria.

Mapendekezo ya marekebisho ya kifungu cha 14 yanalenga kumuwezesha Waziri kuchagua wakaguzi. Kifungu cha 19 kinakusudiwa kurekebishwa ili kuweka matakwa ya wakaguzi kubainisha mahali, siku

na muda wa kufanya ukaguzi. Mapendekezo ya marekebisho ya kifungu cha 23 yanalenga kuwawezesha wakaguzi kuondoa vipimo visivyokidhi viwango. Marekebisho ya kifungu cha 33 yanalega kumzuia mtu yoyote ambaye si mkaguzi kufanya shughuli za ukaguzi. Marekebisho pia yanapendekezwa katika kifungu cha 54 ili kuweka utaratibu wa usimamizi wa wazalishaji na waagizaji wa vifaa vya upimaji wa vipimo na mifumo ya upimaji.

Sehemu ya Nane inapendekeza marekebisho katika Sheria ya Uhifadhi wa Wanyama Pori, Sura ya 283, ambapo kifungu cha 38 kinarekebishwa kwa lengo la kubainisha madaraja ya vitalu na kuongeza muda wa umiliki wa vitalu vya uwindaji. Muda huu umeonekana ni mfupi sana kumvutia mwekezaji kuwekeza katika kitalu cha uwindaji alichopewa. Hivyo, inapendekezwa kuweka madaraja mapya ya vitalu vya uwindaji na kuongeza muda wa umiliki wa vitalu vya uwindaji.

Sehemu hii pia inapendekeza kurekebisha kifungu cha 38(9) ili kumuwezesha Waziri kufanya tathmini ya utendaji kwa makampuni yaliyopewa vitalu vya uwindaji ili kuhakikisha vitalu hivyo havipotezi madaraja yake na pia kuhakikisha kwamba makampuni hayo yanatekeleza wajibu wake ipasavyo. Kifungu cha 38(11) kinakusudiwa kurekebishwa kwa lengo kutambua minada na zabuni kama moja ya njia za ugawaji wa vitalu vya uwindaji.

Dodoma,
25 Mei, 2019

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