THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) ACT, 2010

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No. 2  

Written Laws (Miscellaneous Amendments)  

2010  

THE UNITED REPUBLIC OF TANZANIA  

No. 2 of 2010  

I ASSENT.  

JAKAYA MRISHO KIKWETE.  

President  

17th March, 2010  

An Act to amend certain written laws.  

ENACTED by Parliament of the United Republic of Tanzania.  

PART I  
PRELIMINARY PROVISIONS  

1. This Act may be cited as the Written Laws (Miscellaneous Amendments) Act, 2010.  

2. The Written Laws specified in various Parts of this Act are amended in a manner provided for in their respective Parts.
PART II
AMENDMENT OF THE CRIMINAL PROCEDURE ACT

3. This Part shall be read as one with the Criminal Procedure Act, hereinafter referred to as “the principal Act”.

4. The principal Act is amended in section 128 by deleting the designation “police officer” which appears in subsection (6) and substituting for it the phrase “a public prosecutor”.

5. The principal Act is amended by adding the following new section after section 129:

129A. A public prosecutor shall be a competent person to institute criminal proceeding or draw and sign formal charges in the court of law.

6. Section 353 of the principal Act is amended -

(a) in subsection (1), by inserting the words “or intended to be” between the words “been” and “tendered”;

(b) in subsection (2), by inserting the words “or intended to be” between the words “been” and “tendered”; and

(c) in subsection (3), by inserting the phrase “or intended to be” between the words “evidence” and “in criminal.”

7. The principal Act is amended by adding the following provision after section 395:

395A. For the purpose of enforcement of sexual offences prescribed under the Penal Code, the Minister may make rules for keeping computerized DNA database system containing indices of DNA profiles for a crime scene index, missing or unidentified sexual offenders’ index, sexual offenders’ index, suspects’ index, unidentified deceased persons’ index and any other statistical indeces which may be necessary within the circumstances.”

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PART III
AMENDMENT OF THE COLLEGE OF BUSINESS EDUCATION ACT

8. This Part shall be read as one with the College of Business Education Act. hereinafter referred to as “the principal Act”.

9. The Schedule to the principal Act is amended by deleting paragraph 1 and substituting for it the following new paragraph:

1.-(1) The Minister shall appoint a Chairman and members of the Governing Board.

(2) The members of the Governing Board shall include:

(a) the Chairman;
(b) the officer in-charge of training in the Ministry responsible for commerce;
(c) a representative of the National Board of Accountants and Auditors;
(d) a representative of the Institute of Finance Management;
(e) three other members to be appointed by the Minister; and
(f) the Director of the College who shall be the Secretary.”

PART IV
AMENDMENT OF THE ECONOMIC AND ORGANISED CRIME CONTROL ACT

10. This Part shall be read as one with the Economic and Organized Crime Control Act. hereinafter referred to as the “principal Act”.

11. The principal Act is amended in the First Schedule by deleting paragraph 19.
PART V
AMENDMENT OF THE EMPLOYMENT AND LABOUR RELATIONS ACT

12. This Part shall be read as one with the Employment and Labour Relations Act, hereinafter referred to as "the principal Act".

13. The principal Act is amended in section 42 by adding immediately after paragraph (b) of subsection (3) the following new paragraph:

"(c) to an employee who attains the age of retirement or an employee whose contract of service has expired or ended by reason of time."

PART VI
AMENDMENT OF THE EXTRADITION ACT

14. This Part shall be read as one with the Extradition Act, herein referred to as "the principal Act".

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

"Filing of applications"

15A. For the purposes of the proceedings under this Part, the prosecution shall file a formal application in court praying for necessary orders.

PART VII
AMENDMENT OF THE LAND ACT

16. This Part shall be read as one with the Land Act thereinafter referred to as "the principal Act".

17. The principal Act is amended in section 167 by deleting paragraph (b) of subsection (1) and substituting for it the following new paragraph:

"(b) the High Court."
PART VIII
AMENDMENT OF THE LAND DISPUTES COURTS ACT

18. This part shall be read as one with the Land Disputes Courts Act hereinafter referred to as the principal Act.

19. The principal Act is amended by deleting the-
(a) definition of the term “High Court (Land Division)” and substituting for it the following definition:
   “High Court” means the High Court of Tanzania established by Article 108 of the Constitution of the United Republic;
(b) term “High Court (Land Division)” wherever it appears in the Act and substituting for it with the term “High Court”
(c) phrase “sitting with two assessors” which appears in section 39(1).

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

51.-(1) In the exercise of its jurisdiction, the High Court shall apply the Civil Procedure Code and the Evidence Act and may, regardless of any other laws governing production and admissibility of evidence, accept such evidence and proof which appears to be worthy of belief.

(2) The District Land and Housing Tribunals shall apply the Regulations made under section 56 and where there is inadequacy in those Regulations it shall apply the Civil Procedure Code.

21. The principal Act is amended by deleting the words “(Land Division)” wherever the words appear in the Act.
PART IX
AMENDMENT OF THE NATIONAL HEALTH INSURANCE FUND ACT

22. This Part shall be read as one with the National Health Insurance Fund Act hereinafter referred to as "the principal Act."

23. The principal Act is amended in section 2 by deleting paragraph (c) of subsection (1).

24. The principal Act is amended in section 6 by adding the following provision after subsection (4):
   "(5) The Director General shall hold office for a period of five years and shall be eligible for reappointment for a further period of five years."

25. The principal Act is amended by deleting section 14A and substituting for it the following new section:

14A. Membership of a member shall cease where one of the following circumstances occurs:
   (a) death;
   (b) termination from employment;
   (c) failure to contribute to the fund for three consecutive months; and
   (d) any other circumstance which in the opinion of the Board shall be considered as a factor for cessation of membership.

26. The principal Act is amended in section 33 by-
   (a) deleting the word "eight" appearing in paragraph (b) and substituting for it the word "fifteen"; and
   (b) deleting paragraph (d) and substituting for it the following new paragraphs:
      "(d) that any investment of the Fund shall be for short or long term investment aimed at improving the provision of health services to its members or to the general public:"
(e) that any such investment shall be made subject to guidelines issued by the Bank of Tanzania.

27. The principal Act is amended in section 37 (2) by deleting the word “Board” appearing between the words “the” and “from” and substituting for it a designation “the Controller and Auditor General.”

PART X
AMENDMENT OF THE TANZANIA PASSPORTS AND TRAVEL DOCUMENTS ACT

28. This Part shall be read as one with the Tanzania Passports and Travel Documents Act, hereinafter referred to as “the principal Act”.

29. The Second Schedule to the principal Act is amended by:
   (a) adding immediately after item (f) the following new item-
       “(g) the State Attorney as defined under the Attorney General (Discharge of Duties) Act.”
   (b) by re-arranging items “(g)” to “(t)” as items “(h)” to “(u)”.

PART XI
AMENDMENT OF THE SEEDS ACT

30. This Part shall be read as one with the Seeds Act, hereinafter referred to as “the principal Act.”

31. The principal Act is amended in section 4 by deleting paragraph (a) of subsection (1) and substituting for it the following new paragraph-
   “(a) the Chairman appointed by the Minister among persons not holding any political post or Chief Executives of the Government.”

PART XII
AMENDMENT OF THE UNIT TITLES ACT

32. This Part shall be read as one with the Unit Titles Act, hereinafter referred to as “the principal Act.”
33. The principal Act is amended by deleting section 70 and substituting for it the following:

"Litigation

70. Notwithstanding the provisions of section 69, where mediation has failed, the aggrieved party may institute a case in the High Court or the District Land and Housing Tribunal."

PART XIII
AMENDMENT OF THE VILLAGE LAND ACT

34. This Part shall be read as one with the Village Land Act hereinafter referred to as "the principal Act".

35. The principal Act is amended in section 2 by deleting the words "the Land Division of" appearing in the definition of the term "Court" and wherever the words appears in the Act.

36. The principal Act is amended in section 62 by deleting paragraph (b) of subsection (2) and substituting for it the following new paragraph:

"(b) the High Court:"

PART XIV
AMENDMENT OF THE PUBLIC SERVICE ACT

37. This Part shall be read as one with the Public Service Act hereinafter referred to as the "principal Act".

38. The principal Act is amended in section 8(3)(f) by deleting-

(a) the word "arise" which appears in subparagraph (i) and substituting for it the word "arises"; and

(b) the word "for" which appears in subparagraph (ii) and substituting for it the words "in the".
39. The principal Act is amended in section 29 by-

(a) inserting the word “retired” between the words “amongst” and “public” which appear in paragraph (b) of subsection (1):

(b) deleting the word “Minister” which appears in subsection (3) and substituting for it the word “President”:

(c) by-

(i) inserting a new subsection (4) as follows:

“(4) Tenure of office for members of the Secretariat shall be three years.”;

(ii) renumbering the existing subsection (4), (5), (6) and (7) as subsections (5), (6), (7) and (8); and

(d) inserting the words “rules of” between the words “make” and “procedures” which appear in subsection 8 as renumbered.

Passed in the National Assembly on the 28th January, 2010.

Dk. Thomas D. KASHEMILAH,
Clerk of the National Assembly