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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) (NO.3)
ACT, 2019

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NOTICE
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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. 3) 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 COMPANIES ACT,
(CAP. 212)

- | | |
|-------------------------|---|
| Construction
Cap.212 | 3. This Part shall be read as one with the Companies Act, hereinafter referred to as the “principal Act”. |
| Amendment of section 2 | 4. The principal Act is amended in section 2, by -
(a) deleting the definition of the term “company” and substituting for it the following:
“company” means a company formed and registered under this Act or an existing company established for investment, trade or commercial activities and |

any other activity as the Minister may, by notice published in the *Gazette*, prescribe;

(b) inserting in the respective appropriate alphabetical order the following new definitions:

“commercial activities” means all activities of industry and trade, including, but not limited to, the buying or selling of commodities and activities conducted for the purpose of facilitating such buying and selling;

“investment activities” means transactions involving sale or purchase of equipment plants, properties, securities, capital, stocks, debentures or other assets generally not held for immediate re-sale and any other activity as the Minister may, by notice published in the *Gazette*, prescribe.

“trade” means the transfer of goods or services from one person or entity to another.”.

Amendment of section 3

5. The principal Act is amended in section 3, by adding immediately after subsection (2) the following-

“(3) A company which is limited by guarantee which intends to promote commerce, investment, trade or any other activity as the Minister may, by notice published in the *Gazette*, prescribe, shall be incorporated or registered under this Act; ”.

Cap. 56

Addition of section 3A

6. The principal Act is amended by adding immediately after section 3 the following:

“Compliance with Act

3A.-(1) A company referred to under section 3(3) which was incorporated or registered prior to the coming into operation of this section shall, within two months from the date of coming into operation of this section, be required to comply with the provisions of this Act.

(2) A company limited by guarantee not having share capital, incorporated or registered under this Act and obtained a certificate of compliance under section 11 of the Non-Governmental Organizations Act, shall, within two months from the date of coming into operation of this section be deemed to have been registered under the Non-Governmental Organizations Act and struck off from the register.”.

Cap. 56

Written Laws (Miscellaneous Amendments)(No.3) Act, 2019

- Amendment of section 12
Cap. 56
- 7.** The principal Act is amended in section 12(1), by inserting at the beginning of paragraph (b) the following-
“Subject to section 3(3).”
- Amendment of section 14
- 8.** The principal Act is amended in section 14, by adding immediately after subsection (5) the following:
“(6) The Registrar shall not register or maintain in the register a company limited by guarantee which does not fall under section 3(3).”
- Amendment of section 32
- 9.** The principal Act is amended in section 32, by deleting subsection (1) and substituting for it the following-
“(1) Where it is proved to the satisfaction of the Registrar that an association about to be formed as a private company for promoting commerce intends to apply its profits, if any, or other income in promoting its objects, and to prohibit the payment of any dividend to its members, the Registrar may by licence direct that the association may be registered as a private company with limited liability, without the addition of the word “limited” to its name, and the association may be registered accordingly and shall on registration, enjoy all the privileges and, subject to the provisions of this section, be subject to all the obligations of limited companies.”.
- Addition of section 400A
- 10.** The principal Act is amended by adding immediately after section 400 the following-
“Powers of Registrar to strike off a company fraudulently registered or conducting illegal business
400A.-(1) Where the Registrar has reasonable cause to believe that-
(a) a registered company has been fraudulently registered;
(b) a registered company is engaged in criminal activities such as money laundering, human trafficking, drug trafficking; terrorism financing or any other offence punishable by law;
(c) at the time of incorporation, there was misrepresentation or fraud by a registered company;
(d) by operation of law, all

shareholders or directors have been prohibited from entering the country; or

- (e) a registered company is operating contrary to its objectives as prescribed in the memorandum and articles of association,

he shall issue a notice in writing to the company, of his intention to strike the company off the register.

(2) Upon receipt of the notice referred to under subsection (1), the company may, within thirty days provide to the Registrar reasons in writing as to why the company should not be struck off the register.

(3) Where the company fails to provide reasons under subsection (2) within the prescribed time or where the reasons provided are not satisfactory, the Registrar shall strike the company off register, publish in the *Gazette* the name of the company which has been struck off and notify the company accordingly.

(4) Where a company, member or creditor is aggrieved by the decision of the Registrar under subsection (3) shall, within five years from the date of publication in the *Gazette*, apply to the court for restoration of the company in the register:

Provided that, the Registrar shall not, within such period of five years, register another company with the same name.

(5) Upon receipt of the application for restoration, the court may-

- (a) order restoration of the company in the register; and
- (b) give such directions and make such provisions as seem just for placing the company and all other persons in the same position as nearly as may be as if the name of the company had not been struck off.

(6) The company restored under subsection (5) shall be deemed to have continued in existence as if its name had not been struck off, and the court may, by order, give such directions and make such provisions as seem just for placing the company and all other persons in the same position as nearly as may be as if the name of the company had not been struck off.

(7) The Minister may make regulations necessary or convenient for better carrying out or giving effect of this section.”.

PART III

AMENDMENT OF THE COPYRIGHT AND NEIGHBOURING RIGHTS ACT, (CAP. 218)

Construc-
tion
Cap. 218

11. This Part shall be read as one with the Copyright and Neighbouring Rights Act, hereinafter referred to as the “principal Act”.

Amend-
ment of
section 42

12. The principal Act is amended in section 42 by-

(a) in subsection (1), deleting paragraphs (a) and (b) and substituting for them the following-

- “(a) in the case of the first offence in commercial basis, a fine of not less than twenty million shillings or thirty *percentum* of the value of the pirated copyright material, whichever is higher; and
- (b) in case of each subsequent offence in commercial basis, a fine of not less than thirty million shillings or fifty *percentum* of the value of the pirated copyright material, whichever is higher,

in addition, the court may order compensation to the right holder.”.

(b) by adding immediately after subsection (1) the following:

“(1A) In addition to the punishment under subsection (1), where the offender is a legal person regulated by Tanzania Communications Regulatory Authority, the person may be subjected to suspension in accordance with the Tanzania Communications Regulatory Authority Act.”.

Cap.
172

Addition of
section
42A

13. The principal Act is amended by adding immediately after section 42 the following new section-

“Compound-
ing of
offences

42A.-(1) Notwithstanding the provisions of this Act relating to penalties, where a person admits in writing that he has committed an offence under this Act, the Copyright Administrator or a person authorised by him in writing may, at any time prior to the commencement of the proceedings by a court of competent jurisdiction, compound such offence and order such person to pay-

- (a) the sum of money together with all reasonable expenses Copyright Society of Tanzania may have incurred in connection with the offence; and
- (b) all fees and charges which would have been due where the action had been authorised under this Act.

(2) Where an offence is compounded in accordance with subsection (1) and proceedings are brought against the offender for the same offence, it shall be a good defence for such offender to prove to the satisfaction of the Court that the offence with which the offender is charged has been compounded under subsection (1).

(3) Where a person fails to comply with the order issued under this section within the prescribed period, the Copyright Administrator -

- (a) shall, in addition to sum ordered, require the person to pay an interest at the rate prescribed in the regulations; and;
- (b) may enforce the order in the same manner as a decree of a court for the payment of the amount stated in the notification."

PART IV
AMENDMENT OF THE FILMS AND STAGE PLAYS ACT,
(CAP. 230)

Construction
Cap. 230

14. This Part shall be read as one with the Films and Stage Plays Act, hereinafter referred to as the “principal Act”.

General
amendment

15. The principal Act is generally amended by deleting the words “Central Censorship Board” and “Regional Censorship Board” wherever they appear in the Act and substituting for them the words “Tanzania Film Board” and “Regional Film Board” respectively.

Amendment
of section 2

16. The principal Act is amended by-

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

““classification and certification” means a motion picture content rating system designated to classify films with regard to suitability for audiences in terms of issues such as sex, violence, substance abuse, profanity, impudence or other type of mature content;

“film association” means any group, network or federation dealing with matters related to film and stage plays;

“film industry” comprises the technological and commercial institutions of film making film, production companies, film studios, filming and photographic agents and fixers, cinematography, animation, film product, screen writing, pre-production, film festivals, distribution and actors, film directors and other film crew personnel;

“Board” means the Tanzania Film Board;”

(b) deleting the definition of the term “theatre” and substituting for it the following:

“theatre” means any building, premise, venue, video exhibition centres or place at which a film is publicly exhibited or a stage play is publicly performed;” and

(c) deleting the words “censorship of” appearing in the definition of the term “Minister”.

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Addition of
section 6A

17. The principal Act is amended by adding immediately after section 6 the following new section:

“Requirem
ent for
foreign
production
company

6A.-(1) Any foreign production company or individual using Tanzania scene, content and location for filming the whole or any part of a film, advertisement, documentary or program, shall-

- (a) submit to Tanzania Film Board raw footage;
- (b) acknowledge all physical locations used for filming;
- (c) submit a copy of a finished film, advertisement, documentary or program;
- (d) sign a prescribed clearance form before exiting Tanzania and submit the same to the Tanzania Film Board or any other authority appointed by the Board;
- (e) grant rights to the government of Tanzania to use content for the purposes of promoting Tanzania and its potential resources, tourism, photographic location and cultural attraction which are distributed through public broadcasts, cable programs, sound or visual recordings or any other digital platform used by public broadcaster:

Provided that, such use is compatible with fair practice and that the source and the name of the executive producer and production company are mentioned in the film, documentary or advertisement.

(2) Any person who contravenes subsection (1) shall, upon conviction, be liable to a fine of not less than five *per centum* of the production cost of the film, advertisement, documentary or program.

(3) Every film producer shall include insurance policy in every contract he signs with actors and crew.

(4) Any person who contravenes subsection (3) shall, upon conviction, be liable to a fine of not less than one *percentum* of the production cost of the film.”

Repeal and replacement of section 14

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

“Functions of Film Boards

14.-(1) The Film Board and every Regional Film Board shall have the following functions:

- (a) to regulate film industry and stage plays, foreign and local motion pictures, television, radio and stage plays’ practitioners and dealers; stage plays production and performances;
- (b) to monitor the quality of motion pictures and stage plays;
- (c) to license distribution, exhibition, motion pictures, stage plays’ exhibition venues, libraries, studios, production and distribution companies and individuals, online distribution and exhibition infrastructures;
- (d) to accredit, classify and register practitioners and dealers of motion pictures, television plays, radio plays and stage plays;
- (e) to coordinate and promote development of film sector, local and international markets, motion picture festivals and awards, talent identification, talent promotion, activities and events related to film and stage plays;
- (f) to classify and certify motion pictures, video films and stage plays;
- (g) to advise the government and stakeholders on matters of or related to the film sector in Tanzania;

- (h) to solicit for opportunities and investments in motion pictures and stage plays;
- (i) to supervise and regulate professionalism, ethics and etiquettes in the film industry and stage play; and
- (j) to perform any other functions related to motion pictures and stage plays.

(2) Without prejudice to subsection (1), it shall be the duty of every film Board to examine every film, and every poster or description thereof, submitted to it under this Act, with a view to deciding whether, and if so in what manner, it should be approved for exhibition:

Provided that, and notwithstanding the provision of section 18, if the Board so decides, it may approve a film or poster for exhibition to the public without examining it.

(3) There shall be film boards established in every district which shall be appointed by Tanzania Film Board.

(4) The films boards appointed under subsection (3) shall perform duties as may directed by the Tanzania Film Board."

Amendment of section 15

19. The principal Act is amended in section 15(1), by deleting the word "censorship" appearing in paragraph (c) and substituting for it the words "classification and certification".

Amendment of section 16

20. The principal Act is amended in section 16, by deleting subsection (1) and substituting for it the following:

“(1) A person shall not display or advertise or cause or permit to be displayed or advertised in a public place, so as to be visible from a public place, any poster unless a Film Board has first approved a poster for public display through any platform or media display.”.

Addition of section 31A

21. The principal Act is amended by adding immediately after section 31 the following:

“Profit returns

31A.-(1) The Board shall obtain profit returns from foreign film production

companies or individuals in order to contribute to the national economy as well as local film industry.

(2) The Board shall regulate a number of foreign crew entering the country for motion picture activities.

(3) The Board shall set guidelines and procedures for accessing famous filming locations.”.

Amendment of section 34

22. The principal Act is amended in section 34(2), by deleting the word “negative” appearing in paragraph (a) and substituting for it the words “footage clip or any material used to make such film.”.

Amendment of section 38

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

(a) adding immediately after paragraph (q) the following:

“(r) prescribing the code of conduct and discipline, professional ethics and etiquettes in the film industry and stage play”;

(b) renumbering paragraph (r) as paragraph (s).

PART V

AMENDMENT OF THE NON-GOVERNMENTAL ORGANIZATIONS ACT, (CAP. 56)

Construction
Cap.56

24. This Part shall be read as one with the Non-Governmental Organizations Act, hereinafter referred to as the “principal Act”.

Amendment of section 2

25. The principal Act is amended in section 2, by deleting the definition of the term “Non-Governmental Organisation” and substituting for it the following:

“Non-Governmental Organization” also known by its acronym "NGO" and which includes Community Based Organisation (CBO) means a voluntary grouping of individuals or organizations which is, non-partisan or non-profit sharing established and operates for the benefit or welfare of the community or public organized at the local, national or international levels for the purpose of enhancing or promoting economic, environmental, social or cultural development or protecting environment,

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- lobbying or advocating on such issues; but does not include:
- Cap. 212 (a) a company formed and registered under the Companies Act,
 - Cap. 318 (b) a trust formed and registered under the Trustees' Incorporation Act;
 - Cap. 366 (c) a trade union formed and registered under the Employment and Labour Relations Act;
 - Cap. 211 (d) a religious or faith propagating organisation;
 - (e) a cooperative society formed and registered under the Cooperative Societies Act;
 - (f) an agricultural association formed and registered under any written law other than this Act;
 - Cap. 337 (g) a society formed and registered under the Societies Act;
 - Cap. 258 (h) a political party formed and registered under the Political Parties Act;
 - Act No. 10 of 2018 (i) a microfinance group (VICOBA) registered under the Microfinance Act;
 - Cap. 49 (j) a sports association formed and registered under the National Sport Council of Tanzania Act; and
 - (k) any organisation which the Minister may, by order published in the *Gazette*, declare not to be a non-governmental organisation for the purpose of this Act;

Amend-
ment of
section 4

26. The principal Act is amended in section 4(1), by-

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

“(i) to suspend the operation of any Non-Governmental Organization which violates the provisions of this Act pending determination of the Board;

(j) to conduct monitoring and evaluation of Non-Government Organizations activities on quarterly basis and report to the Board;” and

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

Addition of
section 4A

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

“Power to
investi-
gate

4A.-(1) The Registrar may, in implementing the duties under section 4 and in collaboration with law enforcement organs,

investigate any matter as required.

(2) The Registrar may require any law enforcement organ or public entity to provide such facilities and services of its employees as may be deemed necessary to assist the registrar in performing the functions under this Act.

(3) It shall be the duty of every person, law enforcement organ or public entity to afford the Registrar the cooperation and assistance necessary to enable the performance of his functions under this Act or any other written laws.”

Addition of section 8A

28. The principal Act is amended by adding immediately after section 8 the following:

“De-registration of Non-Government Organization

8A. An Organization registered under this Act, and which does not fit to be a Non-Governmental Organization by virtue of section 2 shall, after expiration of two months from the date of coming into operation of this section, be deemed to have been de-registered.”.

Amendment of section 11

29. The principal Act is amended in section 11, by deleting subsections (3), (4), (5) and (6).

Amendment of section 17

30. The principal Act is amended in section 17, by adding immediately after subsection (2) the following:

“(3) A certificate of registration issued under this section shall be valid for a period of ten years.

(4) An application for renewal of certificate of registration shall be made six months before the expiry date of its registration.

(5) The Board shall renew a certificate of registration upon being satisfied that the organization has complied with the requirements of registration under this Act and any other written laws.

(6) Notwithstanding subsection (5), the Board shall, in deciding whether to renew or refuse renewal of certificate of registration, adhere to the conditions stated under section 14 of this Act.”.

Amendment of section 29

31. The principal Act is amended in section 29(1), by adding at the end of paragraph (b) the words “and shall be made available to

the public”.

Amendme
nt of
section 31

- 32.** The principal Act is amended in section 31, by-
- (a) adding immediately after paragraph (b) the following-
“(c) to adhere to the principles of financial transparency and accountability as prescribed under other written laws;”
and
 - (b) renumbering paragraph (c) as paragraph (d).

PART VI

AMENDMENT OF THE SOCIETIES ACT,
(CAP. 337)

Construc-
tion
Cap.337

- 33.** This Part shall be read as one with the Societies Act, hereinafter referred to as the “principal Act”.

General
amend-
ment

- 34.** The principal Act is amended generally, by -
- (a) deleting the words “local society” wherever they appear in the Act and substituting for them the words “society”;
 - (b) deleting the words “order and good government” wherever they appear in the Act and substituting for them the words “order, morality and good governance”; and
 - (c) deleting the word “President” wherever it appears in the Act except under sections 5 and 8, and substituting for it the word “Registrar”.

Amend-
ment of
section 2

- 35.** The principal Act is amended in section 2, by-

- (a) deleting the definition of the terms “exempted society” and “local society”; and
- (b) deleting the definition of the word “society” and substituting for it the following:

“society” means a non-partisan and non-political association of ten or more persons established for professional, social, cultural, religion or economic benefits or welfare of its members, formed and registered as such under this Act, but does not include-

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- (a) a company formed and registered under the Companies Act;

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- (b) a trust formed and registered under the Trustees’ Incorporation Act;

- Cap. 366 (c) a trade union formed and registered under the Employment and Labour Relations Act;
 - (d) a religious or faith propagating organisation;
 - Cap. 211 (e) a cooperative society formed and registered under the Cooperative Societies Act;
 - (f) an agricultural association formed and registered under any written law other than this Act;
 - Cap. 258 (g) a political party formed and registered under the Political Parties Act;
 - Cap. 56 (h) a non-governmental organisation formed and registered under the Non-Governmental Organisations Act;
 - Act No. 10 of 2018 (i) a microfinance group (VICOBA) registered under the Microfinance Act;
 - Cap. 49 (j) a sport association formed and registered under the National Sport Council of Tanzania Act; and
 - (k) any society which the Minister may, by order published in the *Gazette*, declare not to be a society for the purpose of this Act;
- (c) deleting the definition of the words “unlawful society” and substituting for them the following-
 “unlawful society” means any society declared as such pursuant to section 8”.

Repeal of sections 3 and 4

36. Sections 3 and 4 of the principal Act are hereby repealed and replaced with the following:

“Registra-
tion of
association

3. An association shall not operate as a society within the meaning of this Act, unless it is registered with the Registrar in accordance with the provisions of this Act.”

Cessation
of
registered
society

4. An association registered under this Act, and which does not fit to be a society by virtue of section 2 shall, after expiration of two months from the date of coming into operation of this section, be deemed to have been de-registered.”

Repeal and replacement of section 7

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

“Registra-
tion of

7.-(1) A foreign society intending to operate in Tanzania shall comply with

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- societies registration requirements under this Act.
(2) It shall be an offence for any society which is not registered in accordance with the provisions of this Act to carry out its business as a society in Tanzania.”
- Amend-
ment of
section 8
- 38.** The principal Act is amended in section 8, by-
- (a) deleting subsection (2) and substituting for it the following:
(2) Any society declared by order of the Minister to be a society dangerous to the good governance of Tanzania, shall be declared to be unlawful under the provisions of this section and every such order made under the provisions of this section shall continue in force until revoked under this Act.
- (b) deleting the words "or deemed to be made" appearing in subsections (3) and (4);
- (c) deleting subsection (6) and substituting for it the following:
“(6) Any society against which an order under this section is made, shall be de-registered.”
- Repeal of
section 9
- 39.** The principal Act is amended by repealing section 9.
- Amend-
ment of
section 10
- 40.** The principal Act is amended in section 10, by-
- (a) deleting marginal note and substituting for it the following “Provisions on de-registration”;
- (b) deleting subsection (1) and substituting for it the following:
“(1) The provisions of this section shall apply to any society whose registration has been cancelled under this Act.”
- Repeal of
sections 11
and 12
- 41.** The principal Act is amended by repealing sections 11 and 12.
- Amend-
ment of
section 14
- 42.** The principal Act is amended in section 14, by deleting the opening words and substituting for them the following:
“The Registrar shall not register a society if-”

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- Repeal of section 16 **43.** The principal Act is amended by repealed section 16.
- Amendment of section 17 **44.** The principal Act is amended in section 17, by deleting the words “effected under section 12” appearing in the opening phrase and substituting for them the words “registered under the provisions of this Act”
- Amendment of section 19 **45.** The principal Act is amended in section 19, by deleting the words “section 8 is in force” and substituting for them the words “sections 8, 14 and 17”.
- Amendment of section 20 **46.** The principal Act is amended in section 20, by-
 (a) deleting the words “or exempted society” appearing in subsection (1); and
 (b) deleting the words “or exempted society, as the case may be” appearing in subsection (2).
- Amendment of section 25 **47.** The principal Act is amended in section 25, by-
 (a) in subsection (1), deleting the words “not exceeding ten thousand shillings” and substituting for them the word “not less than one million shillings but not exceeding ten million shillings”;
 (b) in subsection (2), deleting the phrase "subordinate court presided over by a District magistrate of a Resident Magistrate" appearing in subsection (2) and substituting for it the words "District Court presided over by Resident Magistrate;"
- Amendment of section 26 **48.** The principal Act is amended in section 26, by deleting the words “not exceeding five thousand shillings” and substituting for them the words “not less than two hundred thousand shillings but not exceeding two million shillings”.
- Amendment of section 27 **49.** The principal Act is amended in section 27, by deleting the words “not exceeding five thousand shillings” and substituting for them the word “not less than two hundred thousand shillings but not exceeding two million shillings”.
- Repeal of section 28 **50.** Section 28 of the principal Act is hereby repealed.

PART VII
AMENDMENT OF STATISTICS ACT,
(CAP. 351)

Construc-
tion
Cap. 351

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

Amend-
ment of
section 3

52. The principal Act is amended in section 3, by

(a) deleting the definitions of the terms “statistical information” and “survey” and substituting for them the following:

“statistical information” means any organized data obtained from censuses or surveys; and

“survey” means a method of collecting data from a sample of persons with a national, regional or district level coverage;”

(b) inserting in its appropriate alphabetic order the following:

““publish” means release or disseminate statistical information to the public in any form or media;

“international standards” means guidelines for producing official statistics used by United Nations Statistics Division and other recognized international organisation;

“national standards” means guidelines for producing official statistics used by Bureau;

“non-official statistics” means statistics produced without the authority of the Bureau.”

Amend-
ment of
section 6

53. The principal Act is amended in section 6, by-

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

“(g) coordinate publishing of statistical information;”

and

(b) renaming paragraphs (g) and (h) as paragraphs (h) and (i) respectively.

Amendme
nt of
section 19

54. The principal Act is amended in section 19, by inserting the words “and publish” between the words “collect” and “official”.

Amendme
nt of
section

55. The principal Act is amended in section 24A, by-

(a) deleting subsection (2) and substituting with the following:

“(2) A person who has different findings from statistics disseminated by the Bureau shall, subject to consultation with the Bureau, have the right to challenge such statistics:

Provided that, the consultation shall involve discussion on the methodology used, data sources, analysis and data interpretation.

(3) Where upon consultation under subsection (2), it is established that the findings intended to be published pursuant to subsection (2) are incorrect, the Bureau shall advise the person concerned to revise such findings accordingly before publication; and in case of disagreement on revision, the Bureau shall refer the matter to the Technical Committee for determination.

(4) Where the Technical Committee determines that-

- (a) the findings referred to it under subsection (3) are correct, it shall direct the findings to be published;
- (b) the statistics disseminated by the Bureau are correct and also the findings are correct it shall direct both to be published;
- (c) the statistics disseminated by the Bureau are correct but the findings are incorrect, it shall direct the findings not be published;
- (d) the statistics disseminated by the Bureau are incorrect and the findings are correct it shall declare as such and direct the findings be published; and
- (e) both the statistics disseminated by the Bureau and the findings are incorrect, it shall declare the statistics unpublished and the findings incorrect.

(5) Notwithstanding subsection (4)(d), where the statistics disseminated by the Bureau is found to be incorrect due to some discrepancies, the Bureau shall use standard statistical practices to correct the discrepancies of such statistics.

(6) The Technical Committee referred to under this section shall be formed by the Minister and shall be

composed of members who are conversant with and possess expertise on matters relating statistics and the subject to be determined.

(7) In the performance of its functions, the Technical Committee referred to under subsection (6) shall be guided by accepted National and International standards on statistics.

(8) For the purpose of subsection (1), the term “process” means to make an in-depth or further analysis of official statistics that may involve some adjustment or modification, including weighting schemes, method of imputing missing values or cross-checking techniques and relevant characteristics of specific approach applied.

(9) The Minister may make regulations prescribing for the composition, appointment of members and better carrying out of the functions and responsibilities of the Technical Committee. ”

Repeal and replacement of section 24B

56. Section 24B is repealed and replaced by the following:

“Dissemination of non-official statistics

24B.-(1) A person shall not publish non-official statistics without consultation with the Statistician General.

(2) The consultation referred to under subsection (1) shall involve discussion on data sources, methodology used, data sources, analysis, data interpretation and results to be published.

(3) Where data sources and methodology referred to under subsection (2) are found to meet acceptable national and international standards, such non-official statistics shall be published.

(4) Where data sources and methodology referred under subsection (2) do not meet the acceptable national or international standards due to some discrepancies, the Bureau may advise the person concerned to correct the discrepancies before publication.

(5) Where the non-official statistics submitted to the Statistician General for approval do not meet acceptable national or international standards, such information may

be published with a clear disclaimer statement that the information is not official.

(6) Where a person is not satisfied with the decision of the Statistician General under this section he may refer the matter to the Technical Committee for determination.

(7) Notwithstanding subsection (1), the following statistical information may be published without consultation-

- (a) surveys or researches in natural sciences, technology or innovation conducted by recognised academic and research institutions such as universities and other academic and research institutions;
- (b) researches conducted using administrative data or statistics from Government institutions such as ministries, independent departments, authorities and regional administration;
- (c) surveys or researches conducted for programmes by international organisations, regional bodies, intergovernmental organisations, bilateral institutions, diplomatic missions or international development organisations; and
- (d) surveys or researches conducted purely for internal or personal use by institutions or organisations which are not intended to be published.”

Amend-
ment of
section 37

57. The principal Act is amended in section 37, by deleting subsection (4) and substituting for it the following-

“(4) Any person who publishes non-official statistics contrary to the provisions of this Act, commits an offence and shall, upon conviction by a competent court, be liable -

- (a) in the case of an individual, to a fine of not less than one million shillings but not exceeding five million shillings or to imprisonment for a term of not less than six months but not exceeding twelve months or to both; and

- (b) in the case of an institution, to a fine of not less than ten million shillings but not exceeding fifty million shillings.”

PART VIII

**AMENDMENT TANZANIA SHIPPING AGENCIES ACT,
(CAP. 415)**

- Construc-tion
Cap.415 **58.** This Part shall be read as one with the Tanzania Shipping Agencies Act hereinafter referred to as the “principal Act.”
- Amend-ment of
section 2 **59.** The principal Act is amended in section 2, by deleting the words “at sea ports and inland waterways ports”.
- Amend-ment of
section 3 **60.** The principal Act is amended in section 3, by-
““airport” means a defined area on land or water including any building, installations and equipment intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft with facilities for passengers and cargo;
“airway bill” means a document that accompanies goods shipped by an international air courier providing detailed information about the shipment;
“ammunition” shall have the meaning ascribed to it under the Firearms and Ammunition Control Act;
“consignment note” means a document prepared by a consignor and countersigned by the carrier as a proof of receipt of consignment for delivery at the destination;
“dry port” means an inland common user facility which is directly linked to a maritime port by road or railway, having appropriate infrastructure, equipment and storage facilities operating as a centre for transshipment of sea bound cargo and containers to and from inland destinations and includes Inland Clearance Depot and Empty Container Depot;
- Cap. 223
Cap. 392
Cap. 283
Cap. 123
Cap. 392
Cap. 392

“export” means to take or cause goods to be taken out of Mainland Tanzania;

“ferry” includes a boat or ship, whether owned by the government or private person, for conveying passengers or goods in a passage over any river, arm of the sea, lake or part of a lake from any place to which the public have access to any other place but does not include a boat or a ship owned or operated by security forces;

“firearm” shall have meaning ascribed to it under Firearms and Ammunition Control Act;

“gas” shall have the meaning ascribed to it under the Petroleum Act;

“Government trophy” means the Government trophy as referred to under the Wildlife Conservation Act;

“import” means to bring or to cause goods to be brought into Mainland Tanzania from a foreign country;

“live animal” means any kind of live vertebrate and invertebrate animal and the young and egg thereof;

“mineral” shall have the meaning ascribed to it under the Mining Act;

“oil” shall have the meaning ascribed to it under the Petroleum Act;

“petroleum” shall have the meaning ascribed to it under the Petroleum Act;

“port services” means any service rendered by a port terminal operator within a port in any manner including loading and unloading of goods on board vessels, shore handling of goods, storage of goods, handling of passengers carried on vessels and handling of refined petroleum products, edible oils and natural or liquidified gases on vessels;

“ship” means a floating vessel which is self-propelled and capable of carrying passengers or cargo;

“vessel” includes any ship, boat, sailing vessel, ferry or other vessel of any description used in navigation;”

- (b) inserting the words “ports, pipelines, airports border-post” between the words “through,” and “customs” appearing in the definition of the words “clearing and forwarding”;
- (c) deleting the definition of the word “consignee” and substituting for it the following-

““consignee” means the party to whom goods accepted for carriage on board are addressed and that party is named as such in the bill of lading, airway bill or consignment note;”

(d) deleting the definition of the word “port” and substituting for it the following-

“port” means a sea port or inland waterways port of Mainland Tanzania, whether on the coast or elsewhere and in relation to execution of exclusive mandate and shipping agency under this Act, a port shall include airport;

(e) adding the words “airway bill or consignment note” between the words “lading” and “as party” appearing in the definition of the word “shipper”.

Amend-
ment of
section 5

61. The principal Act is amended in section 5, by deleting paragraph (g) and (h) and substituting for them the following-

“(g) promoting competition in the maritime transport services;

(h) entering into contractual obligations with other persons or body of persons in order to secure the provision of quality and efficient shipping services and maritime environment, safety and security, whether by means of concession, joint venture, public private partnership or other means and to delegate its own functions of providing shipping services and maritime environment, safety and security to one or more parties.”

Amend-
ment of
section 7

62. Section 7 of the principal Act is amended-

(a) in subsection (1) by-

(i) deleting the word “arms” appearing in paragraph (a) and substituting for it the word “firearms;”

(ii) adding between the words “trophies” and “or” appearing in paragraph (a) the following words “fertilizers, industrial sugar, domestic sugar, edible cooking oil, wheat, oil products, gas, liquidified gas and chemicals or any other liquid related products ”;

(iii) adding immediately after paragraph (c) the following new paragraph-

“(d) shipping agency functions in relation to-

(i) tanker ships, pure car carriers vessel, cruise vessel, exhibition vessel, casual caller, chartered vessel and military ship;

- (ii) minerals, mineral concentrates, machineries, equipment, products or extracts related to minerals and petroleum, firearms and ammunition, live animals, Government trophies, fertilizers, industrial and domestic sugar, edible or cooking oil, wheat oil products, gas, liquidified gas and chemicals or any other liquid related products"; or
- (iii) any other goods as the Minister may by order published in the *Gazette* prescribe.”; and
- (b) by inserting immediately after sub section (1), the following-
“(1A) For the purpose of subsection (1)(d), the term “tanker ship” means a ship designed to transport liquids or gases in bulk including oil products, gas, liquidified gas and chemicals or any other liquid related products.”
- Amend-
ment of
section 10
- 63.** The principal Act is amended in section 10, by deleting subsection (1) and substituting for it the following-
“(1) The Corporation shall regulate maritime transport services, maritime safety, maritime security and prevention of pollution from ships and maritime activities in accordance with the provisions of this Act.”
- Amend-
ment of
section 11
- 64.** The principal Act is amended in section 11, by-
(a) deleting the opening phrase to subsection (1) and substituting for it the following-
“(1) The functions of the Corporation in relation to regulation of maritime administration, maritime safety, maritime security and prevention of pollution from ships and maritime activities shall be to:-”
(b) deleting paragraph (b) and substituting for it the following-
“(b) exercise flag state control on Tanzanian ships and port state control on foreign ships;”.
- Amend-
ment of
section 13
- 65.** The principal Act is amended in section 13, by deleting subsection (3) and substituting for it the following-
“(3) Notwithstanding the provisions of subsection (2), the Director General shall not issue a licence for shipping agency if the applicant or its shareholder is ship owner, ship operator, ship charterer, dry port operator or clearing and forwarding agent.”
- Amendme
- 66.** The principal Act is amended in section 22(2), by-

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nt of
section 22

- (a) deleting the word “senior” appearing in paragraph (g);
- (b) inserting the word “management” between the words “of” and “staff” appearing in paragraph (h); and
- (c) deleting the word “senior” appearing in paragraph (i);

Amend-
ment of
section 30

67. The principal Act is amended in section 30, by deleting subsection (5) and substituting for it the following-

“(5) The Director General shall serve for a term of five years renewable once on such terms and conditions as shall be set out in the scheme of service and letter of his appointment.”

Amend-
ment of
section 31

68. The principal Act is amended in section 31(3), by-

- (a) adding the word “or” at the end of paragraph (a); and
- (b) deleting paragraph (b) and substituting for it the following-
“(b) is a holder of a first degree from a recognized university and a Master Mariner or Chief Engineer Officer in accordance with the International Convention on Standard of Training, Certification and Watch keeping for Seafarers (STCW Reg. II/2 or III/2) with seagoing service; and”

Amend-
ment of
section 46

69. The principal Act is amended in section 46, by-

- (a) deleting the words “business of shipping agency” appearing in paragraph (a) and substituting for them the words “regulated service”; and
- (b) deleting paragraph (b) and substituting for it the following:
“(b) inspect and take copies of any record required under this Act to be kept in respect of regulated service or any other records relating to such service,”

Amend-
ment of the
Schedule

70. The principal Act is amended in the Schedule by deleting the words “shipping agency” appearing after the word “for” appearing in paragraph 1(1) in item (e) and substituting for it the word “maritime transport.”

PART IX
AMENDMENT OF THE TRUSTEES’ INCORPORATION ACT,
(CAP.318)

Written Laws (Miscellaneous Amendments)(No.3) Act, 2019

Construc-
tion
Cap.318

71. This Part shall be read as one with the Trustees' Incorporation Act, hereinafter referred to as the "principal Act".

General
amend-
ment

72. The Principal Act is amended generally by deleting the designation "Registrar-General" wherever it appears in the Act and replacing it with the designation "Administrator-General".

Addition of
section 1A

73. The Principal Act is amended by adding immediately after section 1 the following:

"Interpretation

1A. In this Act, unless the context requires otherwise-

"trust" means a legal relationship created by personal acts, by an order of the court or operation of the law, when specified property or interests are placed under the control and management of a trustee or trustees for the benefit of another party or parties, called a beneficiary or beneficiaries, or for purposes specified under section 2(1), and excludes:

Cap. 56

(a) a non-governmental organization registered under the Non-Governmental Organizations Act;

Cap. 212

(b) a company registered under the Companies Act;

Cap. 337

(c) a society registered under the Societies Act;

(d) a trade union formed and registered under the Trade Unions Act;

(e) an agricultural association formed and registered under any written law other than this Act;

Cap. 258

(f) political party registered under the Political Parties Act;

Cap. 49

(g) a sports association or club registered under the National Sports Council of Tanzania Act;

Act No.
10 of 2018

(h) a microfinance group (VICOBA) registered under the Microfinance Act;

(i) a cooperative society formed and registered under the Cooperative Societies Act; and

(j) any trust which the Minister may, by

order published in the *Gazette*, declare not to be a trust for the purpose of this Act;

“trustee” means a person who holds, controls and manages property or any other interests for the benefit of a beneficiary or beneficiaries, or for purposes specified in section 2(1).”

Amend-
ment of
section 14

74. The Principal Act is amended in section 14(2) by deleting the words “a police officer of the rank of Inspector or above” appearing in paragraph (e) and substituting for them the words “other relevant investigation authorities”.

OBJECTS AND REASONS

This Bill proposes amendments to Eight laws, namely; the Companies Act, Cap. 212, the Copyright and Neighbouring Rights Act, Cap. 218, the Films and Stage Plays Act, Cap. 230, the Non-Governmental Organizations, Act Cap. 56, the Societies Act, Cap. 337, the Statistics Act Cap.351, the Tanzanian Shipping Agencies, Act Cap.415 and the Trustees' Incorporation Act Cap.318.

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

This Bill is divided into Nine Parts. Part I deals with preliminary provisions which includes 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 to amendments to the Companies Act, Cap. 212. It is proposed to re-define the term “company” and introduce the definitions of other terms such as commercial activities, investment activities and trade in order to restrict the scope of operation of companies within such activities. It is further proposed to amend section 3 to restrict the scope of operation companies limited by guarantee to promotion of commerce, investment and trade. The amendment are meant to clearly differentiate companies limited by guarantee from other entities such as NGO, Trusts and Societies.

Section 12(1) is amended in paragraph (b), the purpose of this amendment is that the existence of the said paragraph renders

the organization with such status to be of the same meaning with the non-governmental organization. The amendment of such paragraph renders the company limited by guarantee and not having share capital to be registered under the Companies Act, Cap.212.

Amendment of section 14 intends to introduce new subsections (5) and (6) for the purposes of removing overriding roles between the Registrar of Companies and Registrar of NGOs regarding registration of charity organizations. The amendments also intend to outline and retain in the register of companies, a company with objectives of promoting commerce after obtaining approval from Registrar of NGO's certifying that intended objectives do not fall under the Non-Government Organizations Act.

Section 32 is amended by deleting sub section (1) and instead thereto a new subsection is inserted. The purpose of this amendment is to clear overlapping functional powers between the Registrar of Companies and Registrar of NGO's.

The additional of new section 400A is intended to empower the Registrar of Companies to strike a company off register where the company has been found to involve itself in criminal offences or illegal transactions.

Part III proposes amendments to the Copyright and Neighbouring Rights Act, Cap. 218, whereby section 42 is amended for the purpose of enhancing the penalty for the contravention of the provisions of the Act. This Part also proposes addition of new section 42A which aims at empowering the Chief Executive Office of Copyright Society of Tanzania to compound offences committed under the Act and procedures to compound. This Part further empowers the Minister to make

regulations prescribing types of offences which may be compounded under the Act.

Part IV proposes amendments to the Films and Stage Plays Act, Cap. 230. The amendments to section 2 intend to broaden the scope of meaning of the terms used in the Act. This Part introduces a new section 6A which requires any foreign production company or individual using Tanzania scene, content and location for filming whole or any part of a film, advertisement, documentary or program to submit to Tanzania Film Board raw footage, acknowledge all physical locations used for filming; submit a copy of a finished film, advertisement, documentary or program, and sign a prescribed clearance form before exiting Tanzania and submit the same to Tanzania Film Board or any other authority appointed by the Board. Subsection (2) provides for penalty for any contravention of subsection (1), while subsection (3) requires every film producer to include insurance policy in every contract signed with actors and crew. The aim of this amendment is to widen the scope and regulating film sector in Tanzania.

Amendment of section 10 intends to formalize informal film and video exhibition centers to widen platforms for exhibition, distribution and marketing. It also provides standards suitable for the establishment and running of video exhibition centres. This amendment intends to increase revenue of the Board, producers and local government through the introduction of a new source of income. Amendment of section 14 with the view to elaborate and list the functions of the Board, and it is further amended to strengthen the relationship and coordination between the Tanzania Film Board and other film Boards.

This Part also proposes amendment to section 31A for the purpose of increasing government revenue through profit returns;

it also intends to increase employment and income opportunities to the local film practitioners and crew. This amendment also intends to impart new technology to the local practitioners and crew.

Lastly amendment to section 38(r) is intended to empower the Minister to make regulations which shall regulate and supervise discipline, professional ethics and etiquettes in the film industry and stage play.

Part V proposes amendment to the Non-Governmental Organization, Cap. 56. Among other things, the amendments redefine the term “Non-Governmental Organization (NGO)” with a view to clearly stating in the definition essential elements that differentiate an NGO from other entities registered under other written laws. Further to that, the definition clearly specifies entities that are not NGOs. Amendment of section 4 is intended to widening the scope of the functions and duties of the Registrar of NGOs which includes the ability to suspend operation of the Non-Governmental Organization which operates contrary to the provisions of the Act. The Registrar of NGOs is also empowered to conduct evaluation of the activities carried out by an NGO. The additional of new section 4A is intended to give the Registrar powers of conducting investigations under this Act. Section 11 is amended by deleting subsections (3), (4), (5) and (6). The reasons for such amendment are to restrict the requirement for compliance which were under the existing law, whereby, an organization which was registered or established under any other written law could make an application for compliance under the Act.

Amendment of section 17 is intended to provide for the period for which the certificate of registration shall be valid and the procedure for renewal of such certificates.

Amendment of section 29 is intended to require every NGO to make available to the public the prepared annual audited reports. Amendment of section 31 requires the NGOs to have a duty to adhere to the principles of financial transparency and accountability.

Part VI proposes amendment to the Societies Act, Cap. 337, whereby section 2 is amended in order to redefine the term “society” by stating its essential features and excluding entities that do not qualify to be society. Apart from the amendments that intend to differentiate a society from other entities, the Societies Act is proposed to be amended in various provisions in order to eliminate some anomalies that have been noted in the Act. Such anomalies include unharmonised powers of Registrar of Societies, Minister and the President whereby certain provisions in the Act subject powers of the President to the Minister.

Part VII proposes amendment to the Statistics Act., Chapter 351, where section 3 provides definitions of some new terms. The definition of “*non-official information*” intends to elaborate the type of information gathered through surveys and censuses whose dissemination require consultation with the Statistician General before they are disseminated. The definition of “*survey*” is intended to clear confusion that was caused by the previous definition and to clearly state the scope of surveys whose results need consultation with the Statistician General before they disseminated to the public. The definition of the term “*publish*” is meant to elaborate the proper use of the concept of publishing of statistical information.

Amendment of section 6 is intending to introduce a new function of the National Bureau of Statistics that is to coordinate the dissemination of statistical information. The intention of the

amendment is to make sure the disseminated statistical information meet the required standards and do not mislead the public.

Amendment of section 19 intends to extend the scope of the powers afforded to government institutions to collect official statistics to include powers to disseminate the same.

Amendment of section 24A intends to introduce the procedures of disseminating statistics that are different from those published by the government. Furthermore, the section introduces the procedures for a person who is not satisfied with the conclusion reached after the consultation to seek intervention from the higher levels. The amendment further suggests to introduce a new definition of the words “*to process*” with the intention to provide the meaning intended under section 24A(1). It is also proposed to repeal section 24B(1) as its contents are covered under the proposed new section 24B(2). The proposed amendments under section 24B(2) intends to introduce the procedures to be followed for anyone intending to publish non-official information.

Amendments proposed under section 37(4) intend to state that it is an offence for anyone to disseminate any statistical information contrary to provisions of this Act, and it states the respective penalties.

Part VIII proposes amendments to the Tanzania Shipping Agencies Act, Cap. 415. Section 2 is amended by deleting the words “*at sea ports and inland waterways ports*”. The reason for this amendment is to broaden the scope of the application of the Act which was limited to sea port and inland waterways port. This broader scope will enable the Corporation to perform the clearing and forwarding function stipulated under section 7(1)(a)

using other modes of transport such as road, border posts, airports and pipelines.

Section 3 is amended by introducing new definitions of new terms which were not defined in the Act or were found to be necessary to be defined. The purpose of such amendment is to provide definition of the new term used in the Act for clarity and consistency. This section also proposes amendment of some existing definitions to clear ambiguities which were found during the implementation of the Act. This section also re-defining the term “ferry” with the view to widening the definition of ferry to include government owned ferries.

Section 5 is also amended by improving paragraph (g) and (h) so as to extend the objectives of the Corporation to promote all regulated services under the maritime transport services. The reason for such amendment is to cover all intended regulated services under the Act and not shipping agency business only.

Section 7 is amended by deleting the word “arms” appearing in subsection (1) and substituting for it the firearms” so as to harmonize the term with the definition provided in the Firearms and Ammunitions Control Act, Cap. 223. This section is further amended by adding a new words “fertilizers, industrial and domestic sugar, edible or cooking oil and wheat, oil products, gas, liquidified gas and chemicals or any other liquid related products appearing in paragraph (a) in order to control dumping of products, insure conformity and compliance with the Tanzania Food and Drugs Authority (TFDA) requirements, safeguard domestic industry and increase Government revenue. This section is further amended by adding a new paragraph (d) with the view to extend exclusive mandate of the Corporation to enable control of malpractices of importation and exportation of products transported by tanker ships, pure car carriers vessel,

cruise vessel, exhibition vessel, casual caller, chartered vessel and military ship which include minerals, mineral concentrates, machineries, equipment, products or extracts related to minerals and petroleum, firearms and ammunition, live animals, Government trophies, fertilizers, industrial and domestic sugar, edible or cooking oil and wheat, oil products, gas, liquified gas and chemicals or any other liquid related products, increase its revenue, control illegal immigrants and enhance safety and security of the country.

Sections 10 and 11 are amended by deleting subsections (1) in respect of each section with the view to provide proper role of the Corporation on regulating maritime safety, maritime security and prevention of pollution from ships and maritime activities. The provision is amended for clarity and for enabling the Corporation to perform effectively its regulatory role on maritime safety, maritime security and prevention of pollution from ships and maritime activities. Section 11(1)(b) is further amended to enable the Corporation to carry out flag state control on Tanzanian ships and port state control on foreign ships.

Section 13(3) is amended by adding shareholders in the list of persons who shall not be entitled for shipping agency licence. The purpose is to avoid any influence which might be caused during clearance of goods by having the same shareholder in the company as well as in the clearing and forwarding company contrary to this Act.

Section 22(1) is amended by deleting the word “*senior*” appearing in paragraph (g) and (i) so as to widen the scope of the Board’s role on the appointment and disciplinary action to all managerial positions. This section also proposes amendment to paragraph (h) in order to exclude disciplinary matters of other

staff from the scope of the Board's role as it is not their appointing authority.

Section 30 is amended to ensure that the source of the terms and conditions of the Director General during appointment as provided under sub section (2) are aligned with the terms and conditions during renewal as provided in sub section (5). The section is further amended in order to remove the reference to the Board and the Minister as they are not appointing authorities of the Director General. The purpose of amendments to this section is to avoid unnecessary confusion during implementation.

Section 46(2) is amended in paragraphs (a) and (b) in order to expand the mandate of an authorized officer of the Corporation to enter and inspect shipping agents and other regulated service providers under this Act to ensure compliance with the regulatory requirements by all service providers.

Lastly, this Part also proposes amendment to the Schedule, whereby paragraph 1(1)(e) is amended in order to designate the Ministry referred to under that paragraph as the Ministry responsible for maritime transport. The purpose is to ensure that a member of the Board under paragraph 1(1)(e) is appointed from the Ministry responsible for maritime transport.

Part IX proposes to amend the Trustees' Incorporation Act, Cap.318 in order to give a clear definition the terms "trust" and "trustees". Amendments also proposed to ensure that some term defined are in conformity with the provisions of other laws.

MADHUMUNI NA SABABU

Muswada huu unapendekeza marekebisho katika Sheria Nane zifuatazo: Sheria ya Makampuni, (Sura ya 212), Sheria ya Hakimiliki, (Sura ya 218), Sheria ya Filamu na Michezo ya Kuigiza, (Sura ya 230), Sheria ya Mashirika yasiyo ya Kiserikali, (Sura ya 56), Sheria ya Vyama vya Kijamii, (Sura ya 337), Sheria ya Takwimu (Sura ya 351), Sheria ya Uwakala wa Meli, (Sura ya 415) na Sheria ya Muunganisho wa Wadhamini, (Sura ya 318).

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 Tisa. 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 kufanya marekebisho kwenye Sheria ya Makampuni, Sura ya 212, (the Companies Act, Cap. 212) ambapo vinaongezwa vifungu vya 10(4) na 10A kwa lengo la kuweka utaratibu wa makampuni kusajiliwa kulingana na malengo au madhumuni ya kuundwa kwa kampuni husika. Aidha, marekebisho haya yanakusudia kuondoa changamoto ambayo imejitokeza miaka ya hivi karibuni ambapo baadhi ya makampuni yamekuwa yakisajiliwa chini ya Sheria za Makampuni lakini malengo na madhumuni yake yangepaswa kusajiliwa kama mashirika yasiyo ya kiserikali chini ya Sheria ya Mashirika yasiyo ya Kiserikali, Sura ya 56. Hivyo, kwa mujibu wa marebekisho yanayopendekezwa katika ibara ya 5,

makampuni yote yaliyosajiliwa chini ya Sheria ya Makampuni ambayo yanajishughulisha na shughuli za kijamii yatapaswa ndani ya kipindi cha miezi mitatu kusajiliwa chini ya Sheria ya NGO. Lengo la marekebisho haya ni kutofautisha usajili wa makampuni na mashirika yasiyo ya serikali. Aidha, inapendekezwa kurekebisha kifungu cha 32(1) kwa lengo la kuondoa mgongano wa usajili uliopo kati ya Msajili wa makampuni chini ya Sheria ya Makampuni na Msajili wa Mashirika yasiyo ya Kiserikali (NGO's).

Inapendekezwa kuongeza kifungu kipyua cha 400A kwa lengo la kumpa Msajili wa makampuni mamlaka ya kuifuta kampuni yoyote pale itakapoonekana kampuni hiyo inajihusisha na masuala ya kijinai au masula yaliyozuiwa.

Sehemu ya Tatu inapendekeza kufanya marekebisho kwenye Sheria ya Haki Miliki, Sura ya 218 (the Copyright and Neighbouring Rights, Cap. 218), ambapo kifungu cha 42 kinafanyiwa marekebisho kwa lengo la kuongeza kiwango cha adhabu kwa makosa yaliyoainishwa chini ya Sheria hii. Sehemu hii pia inapendekeza kuongeza kifungu kipyua cha 42A ambacho kinalenga kumpa Mtendaji Mkuu uwezo wa kufifilisha makosa na kuainisha utaratibu utakaofuatwa wakati wa kufifilisha makosa hayo.

Sehemu ya Nne inapendekeza kufanya marekebisho kwenye Sheria ya Filamu na Michezo ya Majukwaani, Sura ya 230 (the Films and Stage Plays Act, Cap. 230). Katika mapendekezo hayo, kifungu cha 2 kinarekebishwa kwa lengo la kupanua tafsiri ya baadhi ya misamiati iliyotumika katika Sheria. Sehemu hii inapendekeza kuongezwa kwa kifungu kipyua cha 6A ambacho kinaweka masharti mapya kuhusu utengenezaji wa filamu nchini. Kwa mujibu wa kifungu hicho, mtu au kampuni ya kigeni inayotaka kutumia eneo lolote la Tanzania kutengeneza filamu

itapaswa, kuwasilisha mali ghafi iliyotumika kutengeneza filamu husika; kubainisha maeneo ya Tanzania ambayo yametumika katika kuandaa filamu husika; na pia kuwasilisha kwa Bodi ya Filamu nakala ya filamu iliyotengenezwa na kuruhusu filamu au kipande cha picha jongevu kutumiwa na Serikali ya Tanzania kutangaza mali asili na utalii, mila na tamaduni za Mtanzania. Aidha, mtu au kampuni hiyo itatakiwa kubainisha maeneo ya nchi yanayofaa kwa ajili ya utayarishaji wa filamu; pamoja na kujaza fomu maalum kabla ya kuondoka nchini. Kifungu hiki kinaweka adhabu kwa mtu atakayekiuka masharti hayo. Marekebisho mengine katika kifungu hiki yanamtaka mtu au kampuni yoyote ya filamu kuhakikisha inawakatia bima watu wote watakaohusika katika kutengeneza filamu.

Kifungu cha 10 cha Sheria hii kinarekebishwa kwa kuongeza kumbi/vibanda vinavyoonyesha video katika usimamizi na uratibu wa kumbi za sinema na vibanda vinavyoonyesha video. Lengo la kuongeza vibanda au kumbi za kuonyesha video katika kifungu hiki ni kurasimisha kumbi hizo ambazo awali hazikupewa masharti ya kisheria. Marekebisho hayo yanakusudia kuboresha usimamizi na kuweka viwango vya ubora wa maeneo hayo, kuongeza kipato kupitia maboresho ya usambazaji wa filamu kwa watendaji wa filamu pamoja na kuongeza mapato ya Serikali kwa kuongeza chanzo kipya cha mapato.

Kifungu cha 14(2) cha Sheria hii kinafanyiwa marekebisho eneo la majukumu ya Bodi ya Filamu kwa lengo la kuimarisha uhusiano na ushirikiano kati ya Bodi ya Filamu na Bodi nyingine za filamu.

Mapendekezo haya yanaongeza kifungu kipya cha 34A. Kifungu hiki kinamtaka mtu au kampuni ya filamu ya kigeni kuwasilisha sehemu ya faida (*profit returns*) itokanayo na kazi za filamu zinazotayarishwa nchini. Kifungu hiki kinatoa mamlaka

kwa Bodi ya Filamu kuratibu na kusimamia idadi ya watendaji kutoka nje ya nchi na kuweka masharti ya kisheria kutumia wazawa katika timu zao za uzalishaji na kuweka taratibu za kutumia au kutembelea maeneo mashuhuri ya nchini kwa ajili ya shughuli za filamu. Lengo la kifungu hiki ni kuongeza mapato ya Serikali, kutengeneza ajira nchini, kulinda na kutangaza maeneo mashuhuri ya Tanzania kwa ajili ya kutengeneza filamu pamoja na kupata teknolojia mpya kutoka kwa wageni kupitia ajira.

Marekebisho yanafanywa kwenye kifungu kidogo cha 38(r) kinachompa mamlaka Waziri mwenye dhamana na masuala ya Filamu na Michezo ya Majukwaani kutunga kanuni za kusimamia taaluma ya Filamu na Michezo ya Majukwaani pamoja na nidhamu kwa watendaji katika sekta ya filamu.

Sehemu ya Tano inapendekeza marekebisho kwenye Sheria ya Mashirika yasiyo ya Kiserikali, Sura ya 56. Marekebisho yanafanywa kwenye kifungu cha 2 kwa lengo la kutoa tafsiri ya maneno ambayo yametumika katika sheria lakini hayakuwa na tafsiri. Marekebisho ya kifungu cha 4 yanalenga kupanua wigo wa majukumu na wajibu wa Mkurugenzi wa Uratibu wa NGO ili kumwezesha kuzuia shirika lisilo la kiserikali kutekeleza majukumu yake endapo shirika hilo litakuwa linatekeleza majukumu yake kinyume na Sheria, na kutathmini shughuli zinazotekelezwa na NGO. Kifungu kipya cha 4A kinampa Msajili mamlaka ya kufanya uchunguzi wa mwenendo wa shirika lolote lililo chini yake. Kifungu cha 11 kinarekebishwa ili kuwianisha masharika ya Sheria ya NGO na marekebisho yaliyofanyika katika Sheria ya Makam

puni, Sheria ya Vyama vya Kijamii na Sheria ya Miunganisho ya Wadhamini ambapo sheria hizi zote sasa zinatambua usajili utakaofanywa chini ya Sheria ya NGO. Marekebisho ya kifungu cha 17 yanalenga kuweka ukomo wa leseni ya usajili na utaratibu wa kuomba upya leseni inayoisha

wakati wake. Marekebisho ya kifungu cha 29 yanalenga kulitaka kila shirika lisilokuwa la kiserikali kuhakikisha kwamba taarifa za ukaguzi za mahesabu za mwaka zinawekwa wazi kwa umma. Marekebisho ya kifungu cha 31 yanayataka mashirika yasiyo ya kiserikali kuhakikisha kwamba wanafuata kanuni za fedha za uwazi na uwajibikaji.

Sehemu ya Sita inapendekeza kurekebisha Sheria ya Vyama vya Kijamii, Sura ya 337, (the Societies Act, Cap. 337), ambapo kifungu cha 2 kinapendekezwa kufanyiwa marekebisho ili kuyatambua ndani ya Sheria hii mashirika au taasisi zote zilizoanzishwa chini ya Sheria ya Mashirika yasiyo ya Kiserikali na hivyo kuyafanya yawajibike chini ya Sheria ya NGO.

Sehemu ya Saba inapendekeza kufanya marekebisho kwenye Sheria ya Takwimu, Sura ya 351, katika kifungu cha 3 kwa kutoa tafsiri mpya ya baadhi ya misamiati. Tafsiri ya misamiati taarifa za kitakwimu “*statistical information*” yana lenga kutoa ufafanuzi wa aina ya taarifa za kitakwimu zinazotokana na sensa na tafiti ambazo usambazaji wake kwa umma unahitaji majadiliano na Mtakwimu Mkuu wa Serikali. Aidha tafsiri ya neno “*survey*” inalenga kuondoa mkanganyiko uliokuwa kwenye tafsiri ya awali na kubainisha wigo (*scope*) wa tafiti ambazo matokeo yake yanahitaji majadiliano na Mtakwimu Mkuu wa Serikali kabla ya kusambazwa. Tafsiri ya msamiati kusambaza “*publish*” inalenga kutoa ufafanuzi wa matumizi sahihi wa dhana ya uchapishaji wa taarifa za kitakwimu.

Marekebisho ya kifungu cha 6 yanapendekeza kuongeza jukumu jipya kwa Ofisi ya Taifa ya Takwimu la kuratibu utoaji wa taarifa za kitakwimu. Lengo la marekebisho haya ni kuhakikisha kuwa taarifa za kitakwimu zinazotolewa zinakidhi viwango na hazipotoshi umma.

Marekebisho ya kifungu cha 19 yanalenga kupanua wigo kwa taasisi za Serikali zilizopewa mamlaka ya kukusanya takwimu kwa mujibu wa Sheria kuweza kusambaza takwimu hizo.

Marekebisho ya kifungu cha 24A yanalenga kuweka utaratibu wa kutoa matokeo ya takwimu zinazotofautiana na takwimu zilizotangazwa na Serikali. Aidha, kifungu hiki kinaweka utaratibu wa kumwezesha mtu ambaye hakuridhika na matokeo ya majadiliano kuchukua hatua zaidi ili kufikia muafaka. Marekebisho pia kwenye kifungu hiki yanapendekeza kutoa tafsiri mpya ya maneno “*to process*” kwa lengo la kutoa ufafanuzi sahihi wa neno hilo kama ilivyokusudiwa katika kifungu cha 24A(1). Vilevile kifungu cha 24B(1) kinapendekezwa kufutwa kutokana na sababu kwamba maudhui ya kifungu hiki yamezingatiwa katika mapendekezo ya maboresho ya kifungu cha 24B(2). Kifungu cha 24B(2) kinarekebishwa kwa lengo la kuweka utaratibu wa kusambaza taarifa za kitakwimu zinazotokana na tafiti au sensa ambazo zinatoa uwakilishi wa ngazi ya Wilaya, Mkoa au Taifa. Marekebisho haya pia yanalenga kuainisha takwimu zinazoweza kutolewa au kuchapishwa bila hitaji la kufanya majadiliano na Mtakwimu Mkuu wa Serikali.

Sehemu ya Nane inapendekeza kufanya marekebisho kwenye Sheria ya Wakala wa Meli Tanzania, (Sura ya 415) (the Tanzania Shipping Agencies Act, Cap. 415) ambapo kifungu cha 2 kinarekebishwa kwa lengo la kupanua wigo wa matumizi ya Sheria. Wigo mpana unaopendekezwa utaliwezesha Shirika kutekeleza majukumu yake ya kipekee ya uwakala wa forodha na uondoshaji wa shehena.

Kifungu cha 3 kinarekebishwa kwa kuongeza tafsiri za maneno ambayo hayakutafsiriwa ndani ya Sheria na kuongeza maneno mapya ambayo yameonekana ni muhimu yakatafsiriwa

kwa mujibu wa Sheria hii. Pia tafsiri mpya ya neno “*ferry*” imetolewa kwa lengo la kupanua tafsiri ya neno hilo ili kujumuisha vivuko vinavyomilikiwa na Serikali. Lengo ni kuondoa utata unaoweza kujitokeza wakati wa utekelezaji wa Sheria. Aidha, tafsiri za baadhi ya maneno zimefanyiwa maboresho ili kukidhi madhumuni ya marekebisho yanayopendekezwa.

Kifungu cha 5 pia kinarekebishwa kwa kuboresha aya (g) na (h) ili kuongeza wigo wa malengo ya Shirika kwa ajili ya kukuza huduma zote zinazodhibitiwa chini ya usafirishaji kwa njia ya maji. Sababu za marekebisho haya ni kujumuisha huduma zote zinazodhibitiwa na Shirika na sio huduma ya uwakala wa meli pekee kama ilivyokuwa katika haya hiyo.

Kifungu cha 7 kinarekebishwa kwa kufuta neno “*arms*” linalojitokeza katika kifungu kidogo cha (1) na badala yake kuweka neno “*firearms*”. Sababu za marekebisho hayo ni kuwianisha neno hilo na tafsiri ya neno hilo kama ilivyotolewa kwenye Sheria ya Kusimamia Silaha, Sura ya 223 (*the Firearms and Ammunitions Control Act, Cap. 223*). Kinarekebishwa pia kwa kuongeza maneno mapya “*fertilizers, industrial and domestic sugar, edible or cooking oil and wheat, oil products, gas, liquidified gas and chemicals or any other liquid related products,*” kwenye aya (a) ili kuzuia kingizwa nchini kwa bidhaa ambazo hazina ubora pamoja na kuzingatia matakwa ya TFDA. Kifungu kinarekebishwa pia kwa kuongeza aya mpya ya (d) kwa lengo la kulipa Shirika mamlaka ya kipekee ya kufanya uwakala wa meli ili kusimamia udanganyifu unaoweza kujitokeza wakati wa uagizaji na usafirishaji wa shehena za bidhaa zinazosafirishwa kwa njia ya meli za kusafirisha gesi na vimiminika vinavyojumuisha mafuta, bidhaa za mafuta, gesi, kemikali na bidhaa nyingine zinazohusiana, kuongeza pato la Serikali,

kudhibiti uhamiaji haramu na kuongeza ufanisi kwenye ulinzi na usalama wa nchi.

Vifungu vya 10 na 11 vinarekebisha kwa kufuta vifungu vidogo vya (1) vya kila kifungu kwa lengo la kuweka wigo sahihi wa Shirika kwenye udhibiti, usalama na ulinzi wa usafiri majini na uzuiaji wa uchafuzi unaotokana na vyombo vya usafiri majini na shughuli za usafiri majini. Sababu za marekebisho haya ni kuweka ufafanuzi wa vifungu hivyo na kuliwezesha Shirika kutekeleza kwa ufanisi kwa mujibu wa Sheria hii. Kifungu cha 11(1)(b) kimerekebisha ili kuliwezesha Shirika kufanya udhibiti wa meli za Tanzania na meli za nchi za kigeni.

Kifungu cha 13(3) kinarekebisha kwa kuongeza mwanahisa kwenye orodha ya watu ambao hawawezi kupewa leseni ya kufanya uwakala wa meli. Sababu ni kuzuia ushawishi unaoweza kufanywa na mwanahisa katika maamuzi ya kampuni ya uwakala wa forodha na uondoshaji wa mizigo kinyume cha Sheria hii.

Kifungu cha 22(1) kinarekebisha kwa kufuta neno “senior” linalojitokeza kwenye aya (g) na (i) ili kupanua wigo wa majukumu ya Bodi kwenye uteuzi na hatua za kinidhamu kwa watumishi wa ngazi zote za uongozi. Kifungu pia kinapendekeza marekebisho kwenye aya (h) kwa lengo la kuondoa masuala ya kinidhamu ya watumishi wasio wa kada ya uongozi kutoka kwenye wigo wa majukumu ya Bodi kwa vile sio mamlaka yao ya uteuzi.

Kifungu cha 30 kimerekebisha ili kuhakikisha kwamba msingi wa vigezo na masharti ya ajira ya Mkurugenzi Mkuu wakati wa uteuzi kama yalivyoainishwa kwenye kifungu kidogo cha (2) yanauwiana na vigezo na masharti ya ajira wakati wa kuongeza muda wa ajira kama ilivyoainishwa kwenye kifungu kidogo cha (5). Kifungu kinarekebisha pia ili kuondoa rejea ya

Bodi na Waziri kwa vile siyo mamlaka za uteuzi wa Mkurugenzi Mkuu. Sababu ya marekebisho ya kifungu hiki ni kuepuka mkanganyiko unaoweza kujitokeza wakati wa utekelezaji.

Marekebisho pia yanafanyika kwenye kifungu cha 31 kwa lengo la kuainisha sifa/vigezo mbadala vya mtu anayefaa kuteuliwa kuwa Msajili chini ya Sheria hii.

Kifungu 46(2) kinarekebisha katika aya za (a) na (b) kwa lengo la kupanua mamlaka ya Afisa wa Shirika aliyeidhinishwa kwa ajili ya kuingia na kufanya ukaguzi wa mawakala wa meli na watoa huduma wengine wanaodhibitiwa chini ya Sheria hii ili kuhakikisha uzingatiwaji wa matakwa ya udhibiti.

Sehemu ya Tisa inapendekeza kurekebisha Sheria ya Miunganisho ya Wadhamini, Sura ya 318, (the Trustees' Incorporation Act, Cap. 318) ambapo kifungu cha 2(1) kinapendekezwa kifanyiwe marekebisho kwa kuongeza tafsiri ya baadhi ya maneno ambayo yameonekana ni vyema yakatafsiriwa ili kuweka uelewa wa pamoja ndani ya Sheria hii. Marekebisho pia yanapendekeza kuboresha baadhi ya vifungu kutokana na mabadiliko kwenye sheria nyingine ili kuwa na maana inayofanana ndani ya sheria hizo.

Dodoma,
25 Mei, 2019

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