

THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS)
ACT, 2009

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THE UNITED REPUBLIC OF TANZANIA



NO. 3 OF 2009

I ASSENT,

President

12 March, 2009

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, 2008.

Short title

2. The written laws specified in various Parts of this Act are amended in a manner provided for in their respective Parts.

Amendment of certain written laws

PART II

AMENDMENT OF THE ADMINISTRATOR-GENERAL (POWERS AND FUNCTIONS) ACT, CAP. 27)

3. This Part shall be read as one with the Administrator-General (Powers and Functions) Act, hereinafter referred to as the "principal Act".

Construction
Cap 27

4. Section 11 of the principal Act is repealed.

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| 4. Section 11 of the principal Act is repealed. | Repeal of
section
11 |
| 5. Section 12 of the principal Act is repealed. | Repeal of
section
12 |
| 6. Section 13 of the principal Act is repealed. | Repeal of
section
13 |
| 7. Section 15 of the principal Act is repealed. | Repeal of
section
15 |
| 8. Section 16 of the principal Act is repealed. | Repeal of
section
16 |
| 9. The principal Act is amended in section 52(1) by deleting the phrase "ten thousand" appearing between the phrase "does not" and the word "shillings" and substituting for them the words "ten million". | Amend-
ment of
section
52 |

PART III

AMENDMENT OF THE BIRTHS AND DEATHS REGISTRATION ACT, CAP. 108

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|---|------------------------------------|
| 10. This Part shall be read as one with the Births and Deaths Registration Act, hereinafter referred to as the "principal Act." | Constru-
tion
Cap. 108 |
| 11. The principal Act is amended in Section 6 by deleting the designation "Minister" appearing in the first line and substituting for it the designation "Registrar General". | Amend-
ment of
section 6 |
| 12. The principal Act is amended in section 7 by deleting the designation "Minis" appearing in the first line and substituting for it the designation "Registrar General." | Amend-
ment of
Section 7 |
| 13. The principal Act is amended in section 11 by deleting the phrase "the registration of whose birth is compulsory". | Amend-
ment of
section
11 |
| 14. The principal Act is amended in section 13 by deleting the phrase "the registration of whose birth is compulsory". | Amend-
ment of
section
13 |

Amend-
ment of
section
17

15. The principal Act is amended in section 17 by deleting the phrase "the registration of whose death is compulsory".

Repeal of
section
26

16. The principal Act is amended by repealing section 26 and substituting for it the following new section:

"Compul-
sory
registration
of birth
and death

26. The registration of birth and death shall be compulsory."

Repeal of
section
27

17. Section 27 of the principal Act is repealed.

Repeal of
section
28

18. Section 28 of the principal Act is repealed.

PART IV

AMENDMENT OF THE LAW SCHOOL OF TANZANIA ACT, 2007

Constru-
tion Act
No. 5
of 2007

19. This Part shall be read as one with the Law School of Tanzania Act, hereinafter referred to as the "principal Act".

Amend-
ment of
section
15

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

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

"(b) the Registrar of the Court of Appeal".

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

"(g) one member representing students".

PART V

AMENDMENT OF THE PUBLIC SERVICE ACT, CAP. 298

21. This Part shall be read as one with the Public Service Act, hereinafter referred to as the "principal Act". Construction
Cap.298
22. The principal Act is amended in section 3 by deleting the phrase "the Deputy Attorney General and" appearing in the definition of "Permanent Secretary" Amendment of
section 3
23. The principal Act is amended in section 5 by— Amendment of
section 5
- (a) deleting item (ii) of paragraph (a); and
 - (b) renumbering item (iii) of paragraph (a) as item (ii);

PART VI

AMENDMENT OF THE NATIONAL HEALTH INSURANCE FUND ACT, CAP. 395

24. This part shall be read as one with the National Health Insurance Fund Act, hereinafter referred to as the "principal Act". Construction
Cap.395
25. The principal Act is amended in section 2 by — Amendment of
sections 2
- (a) deleting the opening words of subsection (1) and substituting for them the following words:

“(1) This Act shall apply to all public servants, Councilors, retirees who were previous members and any other category or group of persons other than the following categories:”
 - (b) inserting after the words "public servant" which appears in subsection (2) the phrase "person or group of persons".
26. The principal Act is amended in section 3 by inserting at an appropriate alphabetical order the following definition: Amendment of
section 3
- “Councillors” as used in this Act means Councilors of the local government authorities other than Members of Parliament;”

Amend-
ment of
section 11

27. The principal Act is amended in section 11(1) by substituting a full-stop that appears at the end of paragraph (c) with a semi-colon and adding after that paragraph the following paragraphs:

- "(d) retiree who were previously members of the Fund; and
- (e) Councilors during the time when any of such councilors is in office.

Repeal of
section
12
Amend-
ment of
section
22

28. Section 12 of the principal Act is repealed.

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

"Cessation of membership 14A. Membership shall cease if employment of a member is determined by death."

Amend-
ment of
section
45

30. The principal Act is amended in section 45 by-

- (a) deleting the words "compounded interest" appearing in subsection (1); and
- (b) inserting proviso to subsection (1) as follows:

"Provided that the Fund may, if it thinks, waive in whole or in part any penalty imposed pursuant to this section."

Repeal of
section
52

31. Section 52 of the principal Act is repealed.

PART VII

AMENDMENT OF THE NATIONAL PROSECUTION SERVICE ACT, 2008

Constru-
ction
Act No. 1
of 2008

32. This Part shall be read as one with the National Prosecution Services Act, 2008, hereinafter referred to as the "principal Act."

33. Section 22 of the principal Act is amended in subsection (1) by inserting the phrase "by notice in the Gazette" between the words "may" and "appoint."

Amendment of section 22

PART VIII

AMENDMENT OF THE WITCHCRAFT ACT, CAP. 18

34. This Part shall be read as one with the Witchcraft Act, hereinafter referred to as the "principal Act".
35. Section 5 of the principal Act is amended in subsection (2) by deleting subsection (3).

Construction
Cap.18

Amendment of section 5

PART IX

AMENDMENT OF THE PENAL CODE, CAP. 16

36. Part shall be read as one with the Penal Code, hereinafter referred to as the "principal Act".
37. Section 162 of the principal Act is hereby repealed.

Construction
Cap.16

Amendment of section 162

PART X

AMENDMENT OF THE ECONOMIC AND ORGANISED CRIMES CONTROL ACT, CAP. 200

38. This Part shall be read as one with the Economic and Organized Crimes Control Act, hereinafter referred to as the "principal Act".
39. The First Schedule to the principal Act is amended by deleting paragraphs 1 and 2.

Construction
Cap.200

Amendment of the First Schedule

PART XI

AMENDMENT OF THE TRANSPORT LICENSING ACT, CAP. 317

- Amendment of section 3
40. This Part shall be read as one with the Transport Licensing Act hereinafter referred to as the "principal Act".
- Amendment of section 3
41. The principal Act is amended in section 3 by inserting at the end of the definition of the term "motor vehicle" the phrase "and includes motorcycle and tri-cycle."
- Amendment of section 17
42. The principal Act is amended in section 17 by-
- (a) deleting the word "and" which appears at the end of the paragraph (a);
 - (b) substituting for a full-stop which appears at the end of paragraph (b), with a semi-colon; and
 - (c) adding the following paragraph after paragraph (b):-
 - (c) may, in the case of application for use of a motor cycle or tricycle as public service vehicle, issue general or specific conditions for use of such motor cycle or tricycle for hire or reward and for issuance of policy of insurance."

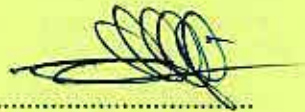
PART XII

AMENDMENT OF THE LAND ACT, CAP. 113

- Construction Cap. 113
43. This Part shall be read as one with the Land Act hereinafter referred to as the "principal Act."
- Amendment of Section 23
44. The principal Act is amended in section section 23 by deleting word "two years" appearing in paragraph (b) of subsection (5) and substituting for it the word "five years."
- Amendment of Section 30
45. The principal Act is amended by adding after section 30 of following new provisions:

“Saving provisions: **30A.** Notwithstanding the amendment and repeal of sections 26, 27, and 28 an offer of a right of occupancy issued before the 1st December, 2008 shall continue to be valid for all purposes and shall have the force of law applicable to it as if section 26, 27, and 28 had not amended or repealed as the case may be.”

Passed in the National Assembly on the 29th January, 2009.



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Dr. Thomas D. Kashililah
Clerk of the National Assembly