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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) (NO. 5)
ACT, 2021

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• PARLIAMENT OF TANZANIA •



BUNGE LA TANZANIA

THE UNITED REPUBLIC OF TANZANIA



NO. 9 OF 2021

I ASSENT

SAMIA SULUHU HASSAN
President[28th September, 2021]**An Act to amend certain written laws.****ENACTED** by the Parliament of the United Republic of Tanzania.**PART I
PRELIMINARY PROVISIONS**

Short title

1. This Act may be cited as the Written Laws (Miscellaneous Amendments) (No.5) Act, 2021.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 ANTI-TRAFFICKING IN PERSONS ACT,
(CAP. 432)**Construction
Cap. 432**3.** This Part shall be read as one with the Anti-Trafficking in Persons Act, hereinafter referred to as the “principal Act”.Amendment of
section 3**4.** The principal Act is amended in section 3, by-
(a) adding the words “in the case of Mainland

Tanzania or the Regional Court in the case of Tanzania Zanzibar” immediately after the words “District Court” appearing in the definition of the term “court”;

- (b) deleting the definition of the terms “exploitation”, “security services” and “social welfare officer” and substituting for them the following:

““exploitation” includes-

- (a) keeping a person in a state of slavery;
- (b) subjecting a person to practices similar to slavery;
- (c) involuntary servitude;
- (d) forcible or fraudulent use of any human being for removal of organs or body parts;
- (e) forcible or fraudulent use of any human being to take part in armed conflict;
- (f) forced labour;
- (g) sexual exploitation;
- (h) forced marriage; or
- (i) forced bergging;

“security services” includes the police, Tanzania Revenue Authority, immigration, Anti-Trafficking in Persons Secretariat, Ministry responsible for social welfare, Ministry responsible for labour and employment, local government authority and the Tanzania Intelligence and Security Services;;

“social welfare officer” means a social welfare officer in the service of the Government;”; and

- (c) adding in the appropriate alphabetical order the following definition:

““victim of trafficking in persons” means a person against whom an act of trafficking under section 4 has been committed;”.

Amendment of
section 6

5. The principal Act is amended in section 6 by adding immediately after subsection (4) the following:

“(5) Notwithstanding the provisions of any written law to the contrary, an offence under this section shall be tried in the High Court.”.

Addition of
section 8A

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

“Attempt to
commit offence

8A. Any person who attempts to commit an offence under this Part shall, on conviction, be liable to a fine of not less than one million shillings but not exceeding five million shillings or imprisonment for a term of not less than six months but not exceeding one year, or to both.”.

Amendment of
section 9

7. The principal Act is amended in section 9 by adding immediately after subsection (5) the following:

“(6) Any person who contravenes the provisions of this section commits an offence.”.

Repeal and
replacement of
section 10

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

“Reporting of
offences

10.-(1) A person who possesses information about any person committing an offence of trafficking in persons shall immediately report the offence to the police officer or any person in the security services within the locality.

(2) Any person who contravenes subsection (1) commits an offence.

(3) Where the information under subsection (1) is reported to a person other than a police officer, such person shall convey the information to the nearest police station.”.

Amendment of
section 12

9. The principal Act is amended in section 12 by adding immediately after subsection (2) the following:

“(3) Where an arrest under this Act is carried out by an officer from another security service, such officer shall immediately hand over the arrested person to the nearest police station.”.

Amendment of
section 26

10. The principal Act is amended in section 26, by-

- (a) designating the content of section 26 as subsection (1); and
- (b) adding immediately after subsection (1) as designated the following:

“(2) The sale proceeds of any property confiscated or forfeited under this Act may, subject to approval of the Minister responsible for finance, be deposited in the Fund.”.

Amendment of
section 30

11. The principal Act is amended in section 30 by deleting subsection (2) and substituting for it the following:

“(2) The Anti-Trafficking Committee shall be supported by a Secretariat which shall consist of such number of persons appointed by the Minister after consultation with the Minister responsible for public service.”.

Amendment of
section 31

12. The principal Act is amended in section 31-

- (a) in subsection (1), by-
 - (i) adding immediately after paragraph (l) the following:

“(m) a law officer from the National Prosecutions Service not below the designation of an assistant director;”;
 - (ii) renaming paragraphs (m) and (n) as paragraphs (n) and (o) respectively; and
- (b) by adding immediately after subsection (2) the following:

“(3) A member of the Committee shall, unless his appointment is otherwise terminated, hold office for three years and may be eligible for re-appointment for one further term.”.

Addition of section 34A

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

“General penalty

34A. Any person who commits an offence under this Act for which no specific penalty is prescribed shall, on conviction, be liable to a fine of not less than one million shillings but not exceeding ten million shillings or imprisonment for a term of not less than one year but not exceeding three years, or to both.”.

PART III

AMENDMENT OF THE DRUG CONTROL AND ENFORCEMENT ACT, (CAP. 95)

Construction Cap. 95

14. This Part shall be read as one with the Drug Control and Enforcement Act, hereinafter referred to as the “principal Act”.

Amendment of section 2

15. The principal Act is amended in section 2 by adding in the appropriate alphabetical order the following definition:

““substance with drug related effect” means a substance with addictive properties presenting a risk of abuse as a drug and may pose a threat to public health;”.

Amendment of section 4

16. The principal Act is amended in section 4 by deleting subsections (5) and (6) and substituting for them the following:

“(5) For purposes of controlling drug, drug abuse and trafficking in drugs, diversion of precursor chemicals and

controlled pharmaceuticals, any other authority vested with powers to issue permit or licence to deal or engage in drug, precursor chemicals or substances with drug related effects, shall notify the Authority before issuing import or export permit, licence or certificate.

(6) The Authority may make rules for better implementation of its functions under this Act.”.

Amendment of section 14

17. The principal Act is amended in section 14 by inserting the words “Without prejudice to the drugs, psychotropic substances or precursor chemicals prohibited under any other written laws,” immediately before the words “The list” appearing at the beginning of subsection (1).

Amendment of section 15

18. The principal Act is amended in section 15(3) by deleting the word “fifty” appearing in paragraph (iii) and substituting for it the words “one hundred”.

Amendment of section 15A

19. The principal Act is amended in section 15A, by-

- (a) inserting the words “of not less than” immediately after the word “term” appearing in subsection (1); and
- (b) deleting the word “fifty” appearing in subsection (2)(c) and substituting for it the words “one hundred”.

Amendment of section 17

20. The principal Act is amended in section 17(1) by inserting the words “commits an offence and” between the words “substance” and “shall”.

PART IV
AMENDMENT OF THE EMPLOYMENT AND LABOUR
RELATIONS ACT,
(CAP. 366)

Construction
Cap. 366

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

Amendment of
section 2

22. The principal Act is amended in section 2(1), by-

- (a) deleting the word “or” appearing at the end of paragraph (iv);
- (b) deleting the fulstop appearing at the end of paragraph (v) and substituting for it a semicolon and the word “or”; and
- (c) adding immediately after paragraph (v) the following:
“(vi) the Immigration Services Department.”.

PART V
AMENDMENT OF THE GRAZING LAND AND ANIMAL FEED
RESOURCES ACT,
(CAP. 180)

Construction
Cap. 180

23. This Part shall be read as one with the Grazing Land and Animal Feed Resources Act, hereinafter referred to as the “principal Act”.

Amendment of
section 6

24. The principal Act is amended in section 6(3) by inserting the words “management and development of grazing land control,” between the words “for the” and “manufacture” appearing in paragraph (e).

Amendment of
section 7

25. The principal Act is amended in section 7(2), by-

- (a) adding the words “range management,” immediately after the words “degree in” appearing in paragraph (a); and
- (b) deleting the words “animal range” appearing in

paragraph (b) and substituting for them the words “range management”.

PART VI
AMENDMENT OF THE IMMIGRATION ACT,
(CAP. 54)

Construction
Cap. 54

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

Amendment of
section 3

27. The principal Act is amended in section 3 by adding in the appropriate alphabetical order the following definition:

“Ministry” means the Ministry responsible for matters relating to immigration;”.

Amendment of
section 4

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

- (a) deleting the words “responsible for Home Affairs” appearing in subsection (1); and
- (b) adding immediately after subsection (2) the following:

“(3) The Department established under subsection (1) shall be a Force within the Ministry and in that capacity-

- (a) it shall be governed in a manner and style similar to other forces within the Ministry; and
- (b) it shall have all the rights and privileges enjoyed by other forces within the Ministry.

(4) The Minister may make regulations prescribing the rights and privileges which may be enjoyed by immigration officers of the Department.”.

PART VII
AMENDMENT OF THE MEAT INDUSTRY ACT,
(CAP. 421)

Construction
Cap. 421

29. This Part shall be read as one with the Meat Industry Act, hereinafter referred to as the “principal Act”.

Addition of
section 10A

30. The principal Act is amended by adding immediately after section 10 the following:

“Delegation of
functions

10A.-(1) The Board may, upon recommendation by the Registrar and after consultation with the Minister, delegate some of its functions to a local government authority.

(2) The functions delegated under subsection (1) shall be performed under the supervision of the Registrar.”.

Addition of
sections 13A
and 13B

31. The principal Act is amended by adding immediately after section 13 the following:

“Establishment
of zonal
offices

13A.-(1) The Board may, upon recommendation by the Registrar and after consultation with the Minister, establish zonal offices as it may deem necessary for better carrying out and implementation of the functions of the Board.

(3) The zonal officer in-charge shall be appointed from amongst livestock or food science professionals with proven experience in the meat industry.

Appointment of
inspectors and
graders

13B.-(1) The Minister may, by order published in the *Gazette*, appoint meat industry inspectors, meat graders and livestock graders from amongst livestock or food science professionals in the public service

who shall perform functions within specified areas.

(2) The tenure, powers, duties and functions of meat industry inspectors, meat graders and livestock graders shall be prescribed in the regulations.

(3) Without prejudice to subsection (1), any person employed by the Board as a livestock or food science professional shall be deemed to be a meat industry inspector from the date of employment.”.

Amendment of section 16

32. The principal Act is amended in section 16(4)(a) by adding immediately after subparagraph (iv) the following:

“(v) other meat industry stakeholders;”.

Amendment of section 17

33. The principal Act is amended in section 17, by-

(a) deleting the words “livestock producer, or trader or livestock market operator after complying with the conditions prescribed by the Board” appearing in subsection (2) and substituting for them the words “meat industry stakeholder after complying with the conditions prescribed in the regulations”; and

(b) deleting the words “by the Board” appearing in subsection (3) and substituting for them the words “in the regulations”.

Amendment of section 33A

34. The principal Act is amended in section 33A(2) by inserting the word “not” between the words “but” and “exceeding”.

PART VIII
AMENDMENT OF THE POLICE FORCE, TANZANIA
IMMIGRATION SERVICES DEPARTMENT AND PRISONS
SERVICE COMMISSION ACT,
(CAP. 241)

Construction
Cap. 241

35. This Part shall be read as one with the Police Force, Tanzania Immigration Services Department and Prisons Service Commission Act, hereinafter referred to as the “principal Act”.

Amendment of
section 19A

36. The principal Act is amended in section 19A by adding the words “the Commissioner General of Immigration” immediately after the word “Prisons” appearing in subsection (1).

PART IX
AMENDMENT OF THE PUBLIC SERVICE SOCIAL SECURITY
FUND ACT,
(CAP. 371)

Construction
Cap. 371

37. This Part shall be read as one with the Public Service Social Security Fund Act, hereinafter referred to as the “principal Act”.

Amendment of
section 40

38. The principal Act is amended in section 40(3) by adding the words “the Commissioner General of Immigration” immediately after the word “Prisons” appearing in paragraph (c).

PART X
AMENDMENT OF THE TANZANIA WILDLIFE RESEARCH
INSTITUTE ACT,
(CAP. 260)

Construction
Cap. 260

39. This Part shall be read as one with the Tanzania Wildlife Research Institute Act, hereinafter referred to as the “principal Act”.

Amendment of
section 3

40. The principal Act is amended in section 3, by-
(a) deleting the definition of the term “Director of Game”;

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

Cap. 283 ““wildlife” has the meaning ascribed to it under the Wildlife Conservation Act;”;
and

- (c) adding in the appropriate alphabetical order the following definitions:

““CITES” means the Convention on International Trade in Endangered Species of Wild Fauna and Flora of 1973 and includes any appendices thereto and any resolutions of the Conferences of the Parties;

Cap. 283 ““Director” means the Director of Wildlife appointed under section 7 of the Wildlife Conservation Act;”;

““research” means a systematic study conducted in order to develop, verify and disseminate appropriate technologies for the benefit of stakeholders in the wildlife industry;”.

Amendment of section 4

41. The principal Act is amended in section 4(1) by adding the phrase “or in its acronym “TAWIRI” which shall be the leading institute responsible for wildlife research” immediately after the word “Institute”.

Amendment of section 5

42. The principal Act is amended in section 5(1), by-

- (a) adding immediately after paragraph (k) the following:

“(l) to provide scientific advice for wildlife protected under CITES;

(m) Subject to consultation with the Minister, to establish and manage forensic laboratories and collect forensic data on wildlife genetic resources.

(n) to conduct wildlife census and monitoring of wildlife population in Mainland Tanzania; and”;

(b) renaming paragraph (l) as paragraph (o).

Amendment of
section 10

43. The principal Act is amended in section 10, by-

- (a) adding the words “data and sample” immediately after the word “information” appearing in subsection (1); and
- (b) deleting subsection (2) and substituting for it the following:

“(2) Any person who contravenes or fails to comply with subsection (1) commits an offence and shall, upon conviction, be liable to a fine of not less than two million shillings but not exceeding five million shillings or to imprisonment for a term of not less than six months but not exceeding two years.”.

Amendment of
section 11

44. The principal Act is amended in section 11, by-

- (a) adding the words “data and sample” immediately after the word “information” wherever it appears in subsections (1) and (2);
- (b) deleting the words “not exceeding fifteen thousand shillings” appearing in subsection (2) and substituting for them the phrase “of not less than two million shillings but not exceeding seven million shillings or to imprisonment for a term of not less than one year but not exceeding three years”; and
- (c) adding immediately subsection (2) the following:

“(3) In addition to the penalty under subsection (2) and subject to the procedures prescribed in the regulations, any permit issued to a person convicted under this section may be revoked.”.

Addition of
sections 11A
and 11B

45. The principal Act is amended by adding immediately after section 11 the following:

“Intellectual
property on
invention

11A.-(1) Any rights to an invention or discovery in wildlife research shall-

- (a) in the case of research

conducted by the Institute, be owned by the Institute; and

- (b) in the case of research conducted by the Institute and another person, be co-owned by the researcher and the Institute.

(2) Any person who intends to use an invention or discovery under subsection (1) shall seek written permission from the researcher and the Institute.

Restriction to publish

11B. Any person who conducts wildlife research in Mainland Tanzania shall not publish or cause to be published the results of such research unless the person has obtained approval of the Institute.”.

Amendment of section 13

46. The principal Act is amended in section 13(2), by-

- (a) adding immediately after paragraph (d) the following:

- “(e) prescribing for registration of local and foreign wildlife researchers and the mode of application, refusal and cancellation of registration;
- (f) for coordinating wildlife research projects and allied scientific research carried in Mainland Tanzania;
- (h) regarding the ownership of intellectual property rights including wildlife research data and information and research discovery;
- (i) prescribing conditions for export of wildlife specimens or samples;
- (j) prescribing research fees and charges;

- (k) for conducting physical and chemical wildlife immobilization;
- (l) prescribing procedures regarding engagement of research associates;
- (m) prescribing procedures for publication of wildlife research findings; and”;
- and;
- (b) renaming paragraph (e) as paragraph (n).

Addition of section 13A

47. The principal Act is amended by adding immediately after section 13 the following:

“Appeals

13A. Any person who is aggrieved by the decision of the Institute when implementing any provision of this Act may, within thirty days upon receipt of such decision, appeal to the Minister.”.

Repeal and replacement of section 14

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

“Appointment, functions and powers of Director General

14.-(1) There shall be a Director General of the Institute appointed by the President on the advice of the Minister from amongst persons who possess relevant qualifications and competence to manage efficiently and effectively the affairs of the Institute.

(2) A person shall be eligible for appointment as a Director General if that person is a citizen of Tanzania with high level of integrity and possesses-

- (a) a doctorate degree in wildlife or related sciences from a recognised university;
- (b) proven knowledge and experience of at least ten years in matters relating to wildlife research and development; and

(c) at least seven years experience in a managerial position of any research related institute.

(3) The Director General shall be the Chief Executive Officer of the Institute and shall be responsible for-

- (a) day to day operations and affairs of the Institute;
- (b) mobilisation and management of funds, properties and business of the Institute;
- (c) administration, organisation and management of staff of the Institute and discipline of the employees other than management staff of the Institute; and
- (d) coordination and implementation of policies and programmes of the Institute.”.

Amendment of section 21

49. The principal Act is amended in section 21, by-

- (a) adding immediately after paragraph (c) the following:

“(d) such sums or contributions as the Institute may receive from the Tanzania Wildlife Protection Fund;”;

and

- (b) renaming paragraph (d) as paragraph (e).

Passed by the National Assembly on the 7th September, 2021.

NENELWA J. MWIHAMBI
Clerk of the National Assembly