

THE UNITED REPUBLIC OF TANZANIA

ACT SUPPLEMENT

No. 8

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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) (NO.3)
ACT, 2018

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THE UNITED REPUBLIC OF TANZANIA



NO. 8 OF 2018

I ASSENT,

JOHN POMBE JOSEPH MAGUFULI
President

[24th SEPTEMBER, 2018]

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, 2018.

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 APPELLATE JURISDICTION ACT,
(CAP. 141)

Construction
Cap. 141

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

Addition of sections 3A and 3B

4. The principal Act is amended by adding immediately after section 3 the following –

“Overriding objective of Act

3A.-(1) The overriding objective of this Act shall be to facilitate the just, expeditious, proportionate and affordable resolution of all matters governed by this Act.

(2) The Court shall, in the exercise of its powers under this Act or the interpretation of any of its provisions, seek to give effect to the overriding objective specified in subsection (1).

Duty to uphold objective

3B.-(1) For the purpose of furthering the overriding objective specified in section 3A, the Court shall handle all matters presented before it with a view to attaining the following-

- (a) Just determination of the proceedings;
- (b) efficient use of the available judicial and administrative resources including the use of suitable technology; and
- (c) timely disposal of the proceedings in the Court at a cost affordable by the respective parties.

(2) A party to proceedings before the court or an advocate for such a party shall have the duty to assist the Court to further the overriding objective and to that effect, participate in the processes of the Court and comply with directions and orders of the Court.

(3) The Chief Justice may make rules for better carrying out the provisions of sections 3A and 3B.”

PART III
AMENDMENT OF THE CIVIL PROCEDURE CODE,
(CAP. 33)

Construction
Cap. 33

5. This Part shall be read as one with the Civil Procedure Code, hereinafter referred to as the “principal Act”.

Addition of
sections 3A
and 3B

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

“Overriding
objective of
Act

3A.-(1) The overriding objective of this Act shall be to facilitate the just, expeditious, proportionate and affordable resolution of civil disputes governed by this Act.

(2) The Court shall, in the exercise of its powers under this Act or the interpretation of any of its provisions, seek to give effect to the overriding objective specified in subsection (1).

Duty to
uphold
objective

3B.-(1). For the purpose of furthering the overriding objective specified in section 3A, the Court shall handle all matters presented before it with a view to attaining the following-

- (a) just determination of the proceedings;
- (b) efficient use of the available judicial and administrative resources including the use of suitable technology; and
- (c) timely disposal of the proceedings at a cost affordable by the respective parties.

(2) A party to civil proceedings or an advocate for such a party shall have a duty to assist the Court to further overriding the objective of this Act and, to that effect, to participate in the processes of the Court and to comply with the directions and orders of the Court.

(3) The Chief Justice may make rules for better carrying out the provisions of sections 3A and 3B.”

PART IV
AMENDMENT OF THE LAND DISPUTES COURTS ACT,
(CAP. 216)

Construction
Cap. 216

7. This Part shall be read as one with the Land Disputes Courts Act, hereinafter referred to as the “principal Act”.

Addition of
section 41A

8. The principal Act is amended by adding immediately after section 41 the following new section-

“Extended
jurisdiction

41A-(1) Notwithstanding section 41, the Chief Justice may, after consultation with the Minister responsible for legal affairs and the Attorney General, by order published in the Gazette, vest any resident magistrate with the appellate or revisional jurisdiction ordinarily exercisable by the High Court under this Act.

(2) For the purpose of any appeal from or revision in the exercise of jurisdiction referred to under subsection (1), the resident magistrate with extended jurisdiction shall be deemed to be the judge of the High Court, and court presided over by him while exercising such jurisdiction shall be deemed to be the High Court.

(3) The High Court may direct that an appeal or revision instituted in the High Court be transferred to and be heard by a resident magistrate upon whom extended jurisdiction has been conferred by this section.”

Amendment
of section 47

9. The principal Act is amended in section 47, by-

(a) deleting subsection (1) and substituting for it the following:

“(1) A person who is aggrieved by the decision of the High Court in the exercise of its original jurisdiction may appeal to the Court of Appeal in accordance with the provisions of the Appellate Jurisdiction Act.”

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

“(2) A person who is aggrieved by the decision of the High Court in the exercise of its revisional or appellate jurisdiction may, with leave of the High Court or Court of

- Appeal, appeal to the Court of Appeal.”
- (c) renumbering subsections (2) and (3) as subsections (3) and (4) respectively.

PART V
AMENDMENT OF THE MAGISTRATES' COURTS ACT,
(CAP. 11)

Construction
Cap. 11

10. This Part shall be read as one with the Magistrates' Courts Act, hereinafter referred to as the “principal Act”.

Amendment of
section 45

11. The principal Act is amended in section 45(1), by adding immediately after the words “High Court” appearing at the end of paragraphs (a) and (b) the words, “under this Part and subpart (c) of Part III to this Act.”

PART VI
AMENDMENT OF THE NATIONAL SPORTS COUNCIL OF
TANZANIA ACT,
(CAP. 49)

Construction
Cap. 49

12. This part shall be read as one with the National Sports Council of Tanzania Act, hereinafter referred to as the “principal Act”.

Amendment of
section 2

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

- (a) deleting the word “amateur” in the definition of the term “sports association” and substituting for it the words “all forms of”;
- (b) adding in the appropriate alphabetical order the following:

“sports” means an activity involving physical exertion and skill in which an individual or team competes against another for entertainment, and includes sports betting;”.

Amendment of
section 3

14. The principal Act is amended in section 3, by-

(a) adding immediately after subsection (1) the following provisions:

“(2) Notwithstanding the provisions of subsection (1), the Attorney General shall have the right, through the Solicitor General, to intervene in any suit or matter instituted by or against the Council.

(3) Where the Attorney General intervenes in any suit or matter pursuant to subsection (2), the provisions of the Government Proceedings Act shall apply in relation to the proceedings of that suit or matter as if it had been instituted by or against the Government:

Provided that, the requirement of ninety days notice of intention to sue the Government as stipulated under the Government Proceedings Act shall not apply where the Attorney General intervenes under this section.

(4) The Council or such other person on its behalf shall have the duty of notifying the Attorney General of any impending suit or intention to institute a suit or matter for or against the Council.”;

(b) renaming subsection (2) as subsection (5).

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

(a) deleting the word “amateur” appearing in subsection (1) (a);

(b) deleting the word “amateur” appearing in subsection (2) (g) and substituting for it the words “all forms of”.

Amendment of
section 4

Amendment of
section 6

16. The principal Act is amended in section 6(b), by deleting the word “or” appearing immediately after the word “approval” and substituting for it the word “of”.

Amendment of
section 8

17. The principal Act is amended in section 8, by-

- (a) deleting the words “Tanzania Audit Corporation” appearing in subsection (2) and substituting for it the words “Controller and Auditor General”;
- (b) deleting the word “auditors” appearing in subsection (3), and substituting for it the words “Controller and Auditor General”;
- (c) deleting the word “auditor’s” appearing in subsection (4) and substituting for it the words “Controller and Auditor General”.

Amendment of
section 10

18. The principal Act is amended in section 10, by deleting the words “as many” and substituting for them the words “such number of”.

Amendment of
section 21

19. The principal Act is amended in section 21(1), by deleting the word “up” appearing immediately after the word “binding” and substituting for it the word “upon”.

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

Construction
Cap.351

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

General
amendment

21. The principal Act is amended generally by-

- (a) deleting the title “Director General” wherever it appears throughout the Act and substituting for it the title “Statistician General”;
- (b) deleting the words “statistical information” and “official statistical information” wherever they appear in sections 5, 6(2)(c) and (f), 19, 22(2), 23(1), 28 and 37(2), (4), (5), (6) and substituting for them the words “official statistics”.

Amendment of
section 3

22. The principal Act is amended in section 3, by-

(a) deleting the definition of the term “official statistics” and substituting for it the following:

““official statistics” means statistics produced, validated, compiled and disseminated by or under the authority of the Bureau;”;

(b) adding in the appropriate alphabetical order the following new definition:

““statistical information” means any organized quantitative or qualitative information obtained from different sources through censuses, surveys or administrative data.”

Amendment of
section 17

by-

23. The principal Act is amended in section 17(3),

(a) deleting the word “all” appearing in paragraph (a) and substituting for it the words “Government institutions and”; and

(b) inserting the word “Government institution and” between the words “by” and “agencies” appearing in paragraph (b).

Repeal and
replacement of
section 18

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

“Mandate to
collect official
statistics

18.-(1) Without prejudice to section 20, the Statistician General shall have powers to commence, vary or discontinue the collection of official statistics conducted through surveys or censuses.

(2) A person, Government institution or agency shall not authorise the commencement of the collection of official statistics through surveys or censuses

except with the approval of the Statistician General.”

Repeal and replacement of section 19

25. The principal Act is amended by repealing section 19 and replacing it with the following:

“Delegation of powers to collect official statistics

19. Notwithstanding the generality of section 18(2) and subject to guidelines issued by the Bureau, powers to collect official statistics afforded to heads of Government institutions pursuant to any written laws shall be deemed to be powers delegated to those institutions by the Statistician General.”

Amendment of section 20

26. The principal Act is amended in section 20,

by-

(a) deleting the marginal note and substituting for it the following:

“Producers of official statistics”;

(b) deleting the opening words of subsection (1) and substituting for them the following:

“(1) Official statistics may be produced by-”;

(c) deleting subsection (3).

Amendment of section 22

27. The principal Act is amended in section 22,

by-

(a) deleting the word “other” appearing in the marginal note;

(b) deleting subsection (2) and substituting for it the following:

“(2) The Bureau may cause to be published statistics collected pursuant to subsection (1).”.

Addition of sections 24A and 24B

28. The principal Act is amended by adding immediately after section 24 the following:

“Dissemination
of official
statistics

24A.-(1) Any person who is authorised by the Bureau to process any official statistics, shall before publishing or communicating such information to the public, obtain an authorisation from the Bureau.

(2) A person who has different findings from statistics disseminated by the bureau shall, prior to communicating such findings to the public, consult the bureau.

“Prohibition on
dissemination of
statistical
information

24B.-(1) A person shall not disseminate or otherwise communicate to the public any statistical information which is intended to invalidate, distort or discredit official statistics.

(2) A person shall not disseminate or communicate to the public any statistical information without the approval of the Statistician General.”

Amendment of
section 37

29. The principal Act is amended in section 37,
by-

- (a) inserting the words “, being an employee of the Bureau,” between the words “person” and “who” appearing in the opening phrase of subsection (1);
- (b) deleting subsection (4) and substituting for it the following:

“(4) Any person who publishes or causes to be published or communicates any official statistics or statistical information contrary to the provisions of this Act, commits an offence and is liable, on conviction to a fine of not less than ten million shillings or to imprisonment for a term of not less than three years or to both.”;

(c) deleting subsections (5) and (6).

Passed by the National Assembly on the 10th September, 2018.

STEPHEN KAGAIGAI

Clerk of the National Assembly

