

THE UNITED REPUBLIC OF TANZANIA

ACT SUPPLEMENT

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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) (No.4)
ACT, 2017

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THE UNITED REPUBLIC OF TANZANIA



NO. 13 OF 2017

I ASSENT,

JOHN POMBE JOSEPH MAGUFULI,
President

[28th November, 2017]**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.4) Act, 2017.

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 LAND DISPUTES COURTS ACT,
(CAP. 216)

Construction Cap. 216

3. This Part shall be read as one with the Land Disputes Courts Act, hereinafter referred to as the "principal Act".

Amendment of section 2

4. The principal Act is amended in section 2, by deleting the definition of the term "district council" and substituting for it the following:

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Cap. 288

““Council” has the meaning ascribed to it under the Local Government (District Authorities) Act and the Local Government (Urban Authorities) Act”;

Amendment of section 10

5. The principal Act is amended in section 10, by deleting the words “of a District Council” appearing in subsection (1).

Amendment of section 23

6. The principal Act is amended in section 23, by deleting the words “one chairman” appearing in subsection (1) and substituting for it the words “at least a Chairman”.

Amendment of section 28

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

(a) inserting immediately after subsection (1) the following new subsection:

“(2) A person shall not be appointed to be the Registrar unless he holds a degree in law from a recognized university and has experience in the field of law for the period of not less than ten years.”;

(b) renumbering subsections (2), (3) and (4) as subsections (3), (4) and (5) respectively.

Amendment of section 33

8. Section 33 of the principal Act is amended-

(a) in subsection (2), by deleting the word “fifty” appearing in paragraph (a) and substituting for it the words “three hundred”; and

(b) by deleting the word “forty” appearing in paragraph (b) and substituting for it the word “two hundred”.

Amendment of section 37

9. The principal Act is amended in section 37(1), by deleting-

(a) the words “fifty million” appearing in paragraph (a) and substituting for them the

phrase “three hundred million”; and

- (b) the words “forty million” appearing in paragraph (b) and substituting for them the words “two hundred million”;

Amendment of section 44

10. The principal Act is amended in section 44, by adding immediately after subsection (2) the following new subsection:

“(3) Where the High Court has made any findings as to the correctness, legality or propriety of any decision, order or regularity of any proceedings on the matter forwarded to it under subsection (2), the High Court shall remit the file to the District Land and Housing Tribunal within fourteen days from the date of the order”.

Repeal and replacement of section 55

11. The principal Act is amended by repealing section 55 and replacing it with the following:

“Protection of members and others

55. No matter or thing done by a Chairman, member, officer, servant or agent of a Village Land Council or Ward Tribunal and District Land and Housing Tribunal shall if done in good faith in the execution or purported execution of the provisions of this Act or of regulations made there under, subject any such person to any action, liability or demand whatsoever.”

Amendment of section 56

12. The principal Act is amended in section 56(2), by:

- (a) inserting the words “appointment and” before the word “removal” appearing in paragraph (h);
- (b) inserting the words “Chairman and” between the words “of” and “assessors appearing in paragraph (i); and

- (c) adding immediately after paragraph (i) the following new paragraph:
 “(j) prescribing the general guidance and conduct of Court Brokers”;
 and
 (d) renaming paragraph “(j)” as paragraph “(k)”.

PART III
 AMENDMENT OF THE LAND SURVEY ACT,
 (CAP.324)

Construction
 Cap.324

13. This part shall be read as one with the Land Survey Act, hereinafter referred to as the “principal Act”.

Amendment of
 section 2

14. The principal Act is amended in section 2, by adding in its appropriate alphabetical order the following new definition:
 “Zonal Land Surveyor” means, the Surveyor in charge of a zone, representing the Director”.

Amendment of
 section 3

15. The principal Act is amended in section 3, by -
 (a) designating the contents of section 3 as subsection (1); and
 (b) adding immediately after subsection (1) as designated a new subsection (2) as follows:
 “(2) The Director shall delegate functions vested to him to the Zonal Land Surveyors who shall assist the Director in the performance of his duties and in the exercise of powers vested upon him by this Act.”

Amendment of
 section 4

16. Section 4(3) of the Principal Act is amended by deleting the words “not exceeding fifty thousand shillings or to imprisonment for a term not exceeding twelve months and substituting for them the words “not less than seven hundred and fifty thousand shillings or to imprisonment for a term of one year”.

Amendment of
section 6

17. The principal Act is amended in section 6(2), by deleting the words “not exceeding two thousand shillings and substituting for them the following words” of five million shillings or to imprisonment for a term of two years”.

Amendment of
section 9

18. The principal Act is amended in section 9, by deleting the words “not exceeding fifty thousand shillings” and substituting for them the words “of two million shillings”.

Amendment of
section 13

19. The Principal Act is amended in section 13, by adding immediately after subsection (3) the following new subsection:

“(4) Without prejudice to the generality of subsection (1) cadastral survey documents submitted to the Director may be generated through electronic form and such documents shall be valid for all purposes.”

Addition of
Section 18A

20. The principal Act is amended by adding immediately after section 18 the following new section:

“Topographical
and other maps

18A.-(1) The Director shall have exclusive right to prepare, produce and supply topographical maps and any other map showing any regional and National boundaries.

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

PART IV
 AMENDMENT OF THE NATURAL WEALTH AND RESOURCES
 CONTRACTS (REVIEW AND RE-NEGOTIATION OF
 UNCONSCIONABLE TERMS) ACT
 (ACT NO. 6 OF 2017)

Construction
 Act No. 6
 of 2017

21. This Part shall be read as one with the Natural Wealth and Resources Contracts (Review and Re-Negotiation of Unconscionable Terms) Act, herein after referred to as the “principal Act”.

Amendment of
 section 3

22. Section 3 of the principal Act is amended in the definition of the term “natural wealth and resources” by deleting the words “and flora fauna” appearing in the third line and substituting for them the following:
 “mineral resources, petroleum resources, flora and fauna”;

PART V
 AMENDMENT OF THE TOWN PLANNERS REGISTRATION ACT,
 (CAP.426)

Construction
 Cap.426

23. This Part shall be read as one with the Town Planners Registration Act, hereinafter referred to as the “principal Act”.

Amendment of
 section 2

24. The principal Act is amended in section 2, by inserting in their appropriate alphabetical order the following new definitions:

“a foreign firm” means a firm whose majority shares are owned by non-citizens;

“town planning practice” includes-

- (a) preparation of General Planning Schemes including Metropolitan Plans, Master Plans, Strategic Urban Development Plans and Interim Land Use Plans;
- (b) preparation of Regional and District Physical Development plans and Village Land Use plans;
- (c) preparation of detailed plans for redevelopment or renewal, of regularization, institutional management plans, neighborhood

- unit plans and any other site plans;
 - (d) preparation of national or regional policies and strategies pertaining to planning and housing; and
 - (e) preparation of various technical guidelines to guide development; and
- “stop order” means an order issued by the Board under this Act.”

Amendment of
section 4

25. The principal Act is amended in section 4,
by:

(a) inserting immediately after subsection (1) the following new subsections:

“(2) The Board shall be a body corporate and shall;

(a) have perpetual succession and common seal;

(b) in its corporate name be capable of-

(i) suing and being sued;

(ii) acquiring, holding and disposing of movable and immovable property; and

(iii) entering into Contracts or other transactions and doing all other acts and things which a body corporate may lawfully perform;

(3) Notwithstanding the provisions of this section, the Attorney General shall have the right to intervene in any suit or matter instituted by, or against the Board.

(4) Where the Attorney General intervenes in any matter in pursuance of 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.

(5) For the purposes of subsections (3) and (4), the Board shall have a duty to notify the Attorney General

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of any impending suit or intention to institute a suit or matter by, or against the Board.

(b) renaming subsection (2) as subsection (6).

Amendment of
section 7

26. The principal Act is amended in section 7, by adding immediately after subsection (2) the following new subsections:

“(3) The Registrar shall be the accounting officer and secretary of the Board.

(4) Without prejudice to subsection (3), the functions of the Registrar shall be to:

- (a) plan, manage, monitor and implement the programs and policies of the Board;
- (b) prepare draft policies and programs on the professional development of town planners for approval by the Board;
- (c) prepare budgets for approval by the Board;
- (d) prepare and submit to the Board reports on the activities and audited accounts of the Board;
- (e) liaise with other relevant Bodies for the purposes of providing strategic advice on the professional development of Town Planners;
- (f) facilitate the meetings of the Board; and
- (g) perform any other duties relating to the objectives and functions of the Board that may be entrusted upon him by the Board.

(5) In the performance of his functions under this Act, the Registrar shall be answerable to the Board”.

Amendment of
section 8

27. The principal Act is amended in section 8, by deleting subsection (2) and substituting for it the following:

“(2) Application Forms for

Registration, Practicing Licence, Certificates of Registration and Register of Town Planners shall be as prescribed in the Regulations.”

Amendment of section 22

28. The principal Act is amended in section 22, by deleting the phrase “exceeding five hundred thousand shillings and not less than three hundred thousand shillings or to imprisonment for a term not exceeding two years but not less than three months” and substituting for it the phrase “less than five million shillings but not exceeding ten million shillings or to imprisonment for a term not less than one year but not exceeding three years”.

Amendment of section 23

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

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

“(1) A body whether corporate or otherwise shall not carry out business or practice as a town planner unless it is registered in accordance with this Act and at least two of its partners, members or shareholders are persons registered under this Act.”; and

(b) deleting the words “ not exceeding five hundred thousand shillings but not less than three hundred thousand shilling” appearing in subsection (4) and substituting for them the words “ not less than two million shillings but not exceeding five million shillings.”

Amendment of section 25

30. The principal Act amended in section 25, by-

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

“(b) fails to pay prescribed fees;”

(b) renaming paragraphs (b) and (c) as paragraphs (c) and (d) respectively;

(c) deleting the words “not exceeding five

hundred thousand shillings but not less than one hundred thousand shillings or to imprisonment for a term not exceeding two years but not less than three months” and substituting for them the words “not less than two million shillings but not exceeding five million shillings or to imprisonment for a term not less than one year and not exceeding three years”.

Addition of
section 25A

31. The principal Act is amended by adding immediately after section 25 the following new section:

“Power
to issue
stop
order

25A.-(1) Where any person or firm which is not registered under the Act undertakes town planning works or carries out any town planning work in contravention of the Act, the Board may issue a stop order or take other legal action.

(2) A person who fails to comply with the requirements of the stop order issued under subsection (1), commits an offence and upon conviction, is liable to a fine of not less than three million shillings and not exceeding five million shillings and in case of a continuing offence to a fine of three hundred and fifty thousand shillings for every day during which the offence continues after conviction.

(3) The stop order issued under this section shall be served through the registered address at the principal office of the party in breach.

(4) Any person who refuses service of a stop order issued under this section, commits an offence and on conviction is liable to a fine of five million shillings or to an amount equivalent to two percent of the town planning work, whichever is greater, or to twelve months imprisonment or to both.

(5) Notwithstanding subsections (3) and (4), where an offence under this section is committed by a firm, that firm is liable on conviction to a fine of not less than five million shillings but not exceeding ten million shillings and in case of a continuing offence to a fine of five hundred thousand shillings for every day during which the offence continues after conviction.”

Amendment of
section 31

- 32.** The principal Act is amended in section 31(2), by-
- (a) inserting immediately after paragraph (a) the following new paragraph:
 - “(b) fees payable and forms in respect of application for registration and licencing under this Act;”;
 - (b) renaming paragraphs (b), (c) and (d) as paragraphs (c), (d) and (e) respectively.

Repeal of the
Second Schedule

- 33.** The principal Act is amended by repealing the Second Schedule.

PART VI
AMENDMENT OF THE WORKERS COMPENSATION FUND ACT,
(CAP. 263)

Construction
Cap. 263

- 34.** This Part shall be read as one with the Workers Compensation Fund Act, hereinafter referred to as the “principal Act”.

Amendment of
section 48

- 35.** The principal Act is amended in section 48-
- (a) in subsection (4), by deleting paragraph (b) and substituting for it the following:
 - “(b) the employee with less than one hundred per cent but more than thirty percent permanent disablement, shall be paid monthly pension calculated in accordance with paragraph (a)

proportionate to the degree of permanent disablement of the employee;

- (c) the employee with thirty percent or less than thirty percent permanent disablement shall be paid in the form of a lump sum and the amount payable shall be eighty four times the monthly pension amount provided in paragraph (a) proportionate to the degree of permanent disablement of the employee.” ;

- (b) by deleting subsection (6) and substituting for it the following:”

“(6) For the purpose of this section, “monthly pension” means a pension payable monthly during the lifetime of the employee and shall cease or be adjusted when the employee resumes work or qualifies for payment of an old age or invalidity pension upon reaching retirement age.”

Amendment of the
First Schedule

36. The first Schedule of the principal Act is amended in paragraph 1 as follows:

- (a) in subparagraph (1), by deleting item (b) and substituting for it the following:

“(b) other members appointed by Ministers as follows:

- (i) two members representing the most representative employers’ organisation;
- (ii) two members representing the most representative employees’ organisation;
- (iii) a law officer representing the Attorney General;
- (iv) a representative from the Ministry responsible for social security;

- (v) a representative from the Ministry responsible for Public Service Management;
 - (vi) a representative from the Ministry responsible for finance; and
 - (vii) a representative from an association of persons with disabilities arising from related injuries or diseases.”
- (b) by adding immediately after subparagraph (2) the following;
“(3) The Director General of the Fund shall be Secretary to the Board.”

Passed by the National Assembly on the 15th November, 2017.

STEPHEN KAGAIGAI,
Clerk of the National Assembly