

THE UNITED REPUBLIC OF TANZANIA

**ACT SUPPLEMENT**

**No. 2**

**10<sup>th</sup> May, 2013**

*to the Gazette of the United Republic of Tanzania No. 19 Vol. 94 dated 10<sup>th</sup> May, 2013*

Printed by the Government Printer, Dar es Salaam, by Order of Government

THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS)  
ACT, 2013

ARRANGEMENT OF SECTIONS

PART I  
PRELIMINARY PROVISIONS

*Sections Title*

1. Short title.
2. Amendment of certain written laws.

PART II  
AMENDMENT OF THE ANTI-MONEY LAUNDERING ACT,  
(CAP. 423)

3. Construction.
4. Amendment of section 3.

PART III  
AMENDMENT OF THE ANTI-TRAFFICKING IN PERSONS ACT,  
(CAP. 432)

5. Construction.
6. Amendment of section 3.

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

7. Construction.
8. Amendment of section 6.
9. Amendment of section 18.

- 10. Amendment of Part VI.
- 11. Amendment of section 58.

PART V  
AMENDMENT OF THE LAND ACT,  
(CAP. 113)

- 12. Construction.
- 13. Amendment of section 2.
- 14. General amendment

PART VI  
AMENDMENT OF THE PUBLIC AUDIT ACT,  
(CAP. 418)

- 15. Construction.
- 16. Amendment of section 38.
- 17. Amendment of section 39
- 18. Amendment of section 40.

PART VII  
AMENDMENT OF THE PUBLIC SERVICE RETIREMENT BENEFITS ACT,  
(CAP. 371)

- 19. Construction.
- 20. Amendment of section 9.

PART VIII  
AMENDMENT OF THE REGULATION OF LAND TENURE  
(ESTABLISHED VILLAGES) ACT,  
(CAP. 267)

- 21. Construction.
- 22. Amendment of section 2.

PART IX  
AMENDMENT OF THE WARD TRIBUNAL ACT,  
(CAP. 206)

- 23. Construction.
- 24. Amendment of section 19.
- 25. Amendment of section 22.
- 26. Amendment of section 23.

## THE UNITED REPUBLIC OF TANZANIA



No. 1 OF 2013

I ASSENT,

JAKAYA MRISHO KIKWETE,  
*President*[22<sup>nd</sup> April, 2013]

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, 2013.

Short  
title  
G.N.  
No. 3 of  
2013

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

Amend-  
ment of  
certain  
written  
laws

## PART II

AMENDMENT OF THE ANTI - MONEY LAUNDERING ACT,  
(CAP. 423)Construc-  
tion  
Cap. 423

3. This Part shall be read as one with the Anti-Money Laundering Act, hereinafter referred to as the "principal Act."

Amend-  
ment of  
section 3

4. The principal Act is amended in section 3, in the definition of the term "terrorist financing" by-

(a) deleting the word "or" appearing at the end of paragraph (a);

(b) deleting a "full stop" appearing at the end of paragraph (b) and substituting for it the word; "or"

(c) adding immediately after paragraph (b) the following new paragraph:

"(c) knowingly solicits support for, or rendering financial support to a terrorist, group or entity which is associated with terrorist acts."

## PART III

AMENDMENT OF THE ANTI-TRAFFICKING IN PERSONS ACT,  
(CAP. 432)Construc-  
tion Cap.  
432

5. This Part shall be read as one with the Anti-Trafficking in Persons Act, hereinafter referred to as the "Principal Act."

Amend-  
ment of  
section 3

6. The principal Act is amended in section 3 by inserting in its appropriate alphabetical order the following new definition:

"court" means the Court of Resident Magistrate or the District Court".

## PART IV

AMENDMENT OF THE MAGISTRATES' COURTS ACT,  
(CAP. 11)Construc-  
tion  
Cap.11

7. This Part shall be read as one with the Magistrates' Courts Act, hereinafter referred to as the "principal Act".

8. The principal Act is amended in section 6(1) by adding the words “or a Resident Magistrate” after the word “Magistrate” appearing in paragraph (a). Amend-  
ment of  
section 6

9. The principal Act is amended in section 18(1) by deleting paragraph (b) and substituting for it the following: Amend-  
ment of  
section  
18

“(b) in all matrimonial proceedings in the manner prescribed  
Cap.29 under the Law of Marriage Act.”

10. The principal Act is amended in Part VI by- Amend-  
ment of  
Part VI

(a) deleting the words ‘PRIMARY COURT  
MAGISTRATES’ appearing in the heading of that Part  
and substituting for them the words “A MAGISTRATE  
IN THE PRIMARY COURT”; and

(b) deleting the words “*Primary Court Magistrates*”  
appearing in sub-heading (b) and substituting for them  
the words “*a Magistrate in the Primary Court*”.

11. The principal Act is amended in section 58 by adding the words “or resident magistrate” immediately after the words “primary court magistrate” wherever they appear in that section.” Amend-  
ment of  
section  
58

#### PART V AMENDMENT OF THE LAND ACT, (CAP. 113)

12. This part shall be read as one with the Land Act, hereinafter referred to as the “Principal Act.” Construc-  
tion  
Cap. 113

13. The principal Act is amended in section 2 by deleting the definition of the term “Land Division of the High Court” and substituting for it the following new definition: Amend-  
ment of  
section 2

“High Court” means the High Court of Tanzania established  
under Article 108 of the Constitution of the United Republic;”

General  
amend-  
ment

14. The principal Act is generally amended by deleting the term "Land Division of the High Court" wherever it appears in the Act and substituting for it the term "High Court."

PART VI  
AMENDMENT OF THE PUBLIC AUDIT ACT,  
(CAP. 418)

Construc-  
tion  
Cap. 418

15. This Part shall be read as one with the Public Audit Act, hereinafter referred to as the "principal Act."

16. The principal Act is amended by deleting section 38 and substituting for it the following:

"Parlia-  
mentary  
oversight  
Com-  
mittee

38.—(1) The Public Accounts Committee, Local Authorities Accounts Committee and Parastatal Organisations Accounts Committee shall discuss the reports of the Controller and Auditor-General and the consolidated report referred to under subsection (2) after they have been tabled in the National Assembly.

(2) For the purpose of preparation of a consolidated report referred to under subsection (1)–

(a) the accounting officers shall prepare an action plan of the intended remedial actions for submission to the Paymaster General;

(b) the Paymaster General shall consolidate responses and action plan received under subsection (2) and shall:

(i) submit a consolidated report of responses and action plan to the Minister who shall lay the report to the National Assembly;

(ii) submit to the Controller and Auditor-General a copy of such consolidated report.

(3) The report of the Minister under subsection (2) (b) (i) shall be laid before the National Assembly concurrently with the report of the Controller and Auditor-General.

(4) Upon completion of discussions and hearing, the parliamentary oversight committees shall prepare and submit to the National Assembly a report which may include comments and recommendations.

(5) The reports submitted in accordance with subsection (4) shall be discussed by the National Assembly together with the consolidated report of the responses and action plan submitted by the Minister under subsection (2)(b)(i)."

17. The principal Act is amended by deleting section 39 and substituting for it the following:-

Amend-  
ment of  
section  
39

"Reports as public documents 39.—(1) All audit reports issued by the Controller and Auditor General shall be public documents after being tabled in the National Assembly.

(2) Every statutory report that constitutes a public document shall be discussed by the National Assembly after it has been deliberated upon by the Parliament. Oversight Committees in the manner prescribed under section 38(5), and in accordance with the procedures prescribed by the Parliament."

18. The principal Act is amended by repealing section 40 and substituting for it the following-

Amend-  
ment of  
section  
40

"Annual Audit report of Controller and Auditor General 40. In preparing the Annual Audit report, the Controller and Auditor General shall incorporate an implementation status of the action plan prepared by accounting officers and consolidated by the Paymaster General."

#### PART VII

#### AMENDMENT OF THE PUBLIC SERVICE RETIREMENT BENEFITS ACT, (CAP. 371)

19. This Part shall be read as one with the Public Service Retirement Benefits Act, hereinafter referred to as the "principal Act".

Construc-  
tion  
Cap. 371

20. The principal Act is amended in section 9(4) by-

Amend-  
ment of  
section 9

(a) deleting paragraphs (a), (b), (c) and (d) and substituting for them the following:

"(a) in the case of the rank of a Warder or Wardress, the age of voluntary retirement shall be forty five years and compulsory age of retirement shall be fifty years;

- (b) in the case of the officer of the rank of a Corporal, Sergeant, Staff Sergeant or Regiment Sergeant Major, the age of voluntary retirement shall be fifty years and the age of compulsory retirement shall be fifty five years.

## PART VIII

AMENDMENT OF THE REGULATION OF LAND TENURE  
(ESTABLISHED VILLAGES) ACT,  
(CAP. 267)

Construc-  
tion  
Cap. 267

21. This Part shall be read as one with the Regulation of Land Tenure (Established Villages) Act, hereinafter referred to as the "principal Act".

Amend-  
ment of  
section  
2

22. The principal Act is amended in section 2 by deleting the definition of the term "High Court" and substituting for it the following new definition:  
"High Court" means the High Court of the United Republic of Tanzania established under Article 108 of the Constitution of the United Republic;"

## PART IX

AMENDMENT OF THE WARD TRIBUNAL ACT,  
(CAP. 206)

Construc-  
tion  
Cap. 206

23. This Part shall be read as one with the Ward Tribunal Act, hereinafter referred to as the "principal Act".

Amend-  
ment of  
section  
19

24. The principal Act is amended in section 19 by deleting the words "Primary Court Magistrate" wherever the words appear in that section and substituting for them the words " Primary Court Magistrate or Resident Magistrate".

Amend-  
ment of  
section  
22

25. The principal Act is amended in section 22 by deleting the words "Primary Court Magistrate" wherever the words appear in that section and substituting for them the words "Primary Court Magistrate or Resident Magistrate".

Amend-  
ment of  
section  
23

26. The principal Act is amended in section 23 by deleting the words "Primary Court Magistrate" appearing in subsections (2) and (3) and substituting for them the words "Primary Court Magistrate or Resident Magistrate".

Passed in the National Assembly on the 8<sup>th</sup> February, 2013.

DR. THOMAS D. KASHILILAH  
*Clerk of the National Assembly*