THE UNITED REPUBLIC OF TANZANIA

No. 9 OF 2000

I ASSENT

Benjamin W. Mkapa
President

10th June, 2000.

An Act to amend various financial laws

[......................................]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

1. This Act may be cited as the Financial Laws (Miscellaneous Amendments) Act, 2000. Short title

2. The provisions of written laws set out in the various Parts of this Act are each amended in the manner specified in that Part. Construction

PART II
AMENDMENT OF THE PUBLIC SERVICE RETIREMENT BENEFITS ACT, 1999

3. This part shall be read as one with the Public Service Retirement Benefits Act, 1999 in this part referred to as the "principal Act". Construction Act No. 2 of 1999

Amendment of section 3

4. Section 3 of the principal Act which relates to the interpretation is amended by inserting the following phrases in its appropriate alphabetical position—

""public officer" or "public department" means every officer or department invested with or performing duties of a public nature, whether under the immediate control of the President or not, and includes an officer or department under the control of a local authority, the community or a public corporation;

"qualifying period" means service which may be taken into account in determining whether or not that leader is eligible by length of service for a pension or gratuity;"".

Amendment of section 9

5. Section 9 of the principal Act is amended as follows—

(a) by designating section 9 as subsection (1) of section 9;

(b) by adding immediately after subsection (1) the following subsections—

"(2) Notwithstanding subsection (1), the age of retirement for Officers of the Police Force shall be—

(a) in the case of officers of the rank of a Constable, the age of fifty years;

(b) in the case of officers of the rank of a Corporal or Sergeant, the age of fifty years;

(c) in the case of officer of rank of Staff Sergeant, up to the rank of Inspector of Police, the age of fifty five years;

(d) in the case of or above the rank of an Assistant Superintendent of Police and the rank of an Inspector General of Police, the age of sixty years;

(3) The provisions of subsection (2) shall apply *mutatis mutandis* to the officers of the Fire and Rescue Services Force.

(4) Notwithstanding subsection (1), the age of retirement for the officers of the Prisons Service shall be—

(a) in the case of the rank of a Warder or Wardress, the age of fifty years;

(b) in the case of officers of or above the rank of a Corporal up to the rank of a Sergeant, the age of fifty years;

(c) in the case of officers of the rank of a Staff Sergeant of Prisons up to the rank of an Inspector of Prisons, the age of fifty five years;

(d) in the case of the officers of the rank of an Assistant Superitendent of Prisons up to the rank of Principal Commissioner of Prisons, the age of sixty years;

(5) Notwithstanding the provisions of this section, any pensionable Officer of the Police Force, Fire and Rescue Service Force or of the Prisons Service, who has worked in the Force or Service for a consecutive period of twenty five years or more may at any time thereafter opt to retire from the public service.

(6) Notwithstanding subsection (1), the age of retirement for members of Tanzania Peoples Defence Forces, Tanzania National Service and Tanzania Intelligence and Security Service shall be as provided in the National Defence Forces Act, 1965, and the Tanzania Intelligence and Security Service Act, 1996." Acts Nos. 2 of 1965 and 15 of 1996

6. Section 16 of the principal Act is amended by adding the following paragraph immediately after paragraph (g)— Amendment of section 16

"(h) in the case of member of the Tanzania Peoples Defence Forces, Tanzania National Service and Tanzania Intelligence and Security Service, in circumstances in which he is permitted by law or regulations governing the terms of his employment."

7. Section 17 of the principal Act is amended— Amendment of section 17

(a) in subsection (3), by deleting the word "During" which appears at the beginning of that subsection and substituting for it the phrase

"(3) Subject to section 9, during"

(b) in subsection (4); by inserting immediately after the phrase "shall not apply to", the phrase—
"persons referred under subsections (2), (3), (4), (5) and (6) and to".

Amendment of section 21

8. Section 21 of the Principal Act is amended—

(i) in subsection (1) by substituting paragraph (c) for the followi-ng–

(c) where such—

(i) Chief Justice was immediately before his appointment to the office of Chief Justice a public officer for fifteen years or more, a gratuity of a sum computed under the provisions of section 22;

(ii) Chief Justice was immediately before his appointment to the office of Chief Justice a public officer but had not qualified for pension, a gratuity of a sum computed under the provisions of section 25;

(iii) Chief Justice was immediately before his appointment to the office of Chief Justice not a public officer, a gratuity of a sum equal to fifty percent of the total sum of the salaries he received while he held office as Chief Justice.

(ii) in subsection (2) by adding the following paragraph immediately after paragraph (f)—

"(g) use of VIP lounge.".

PART III
AMENDMENT OF THE SPECIFIED STATE LEADERS' RETIREMENT BENEFITS ACT, 1986

Construction Act No. 2 of 1986

9. This Act shall be read as one with the Specified State Leaders' Retirement Benefits Act, 1986, in this Part referred to as the "principal Act".

10. Section 16 of the principal Act is amended by deleting paragraph (a) of subsection (1) and substituting for it the following— Amendment of section 16

"(a) a winding-up allowance of the sum equal to the amount that would be received as salary in twenty four months by the incumbent Vice-President."

11. Section 18 of the principal Act is amended by deleting paragraph (a) of subsection (1) and substituting for it the following— Amendment of section 18

"(a) a winding-up allowance of the sum equal to the amount that would be received as salary in twenty four months by the incumbent Prime Minister."

12. Section 24 of the principal Act is repealed. Repeal of section 24

PART IV

AMENDMENT OF THE POLITICAL SERVICE RETIREMENT BENEFITS ACT, 1999

13. This Part shall be read as one with the Political Service Retirement Benefits Act, 1999, in this Part referred to as the "principal Act". Construction Act No. 3 of 1999

14. Section 2 of the principal Act is amended by deleting subsection (2) and substituting for it the following— Amendment of section 2

"(2) Part III, sections 14, 15, 18, 19, 20, Part VII and VIII of this Act shall each come into operation on the date of publication of this Act in the *Gazette.*"

15. Section 3 of the principal Act is repealed. Repeal of section 3

16. Section 4 of the principal Act is amended by inserting in its appropriate alphabetical position the following phrase— Amendment of section 4

"public officer" or "public department" means every officer or department invested with or performing duties of a public nature, whether under the immediate control of the President or not and includes an officer or department under the control of a local authority, the community, or a public corporation;"

"public service" means service in the Government;

"qualifying period" means service which may be taken into account in determining whether or not that leader is eligible by length of service for a pension or gratuity;".

Amendment of section 7

17. Section 7 of the principal Act is amended–

(a) in subsection (1) by deleting the phrase appearing from 13th line starting with the words "shall be deemed............ employment as a public officer" and substituting for it the phrase "shall be deemed to have been on leave without salary from his former employer but the period during which he served as a leader shall be taken into account for the purposes of determining the qualifying period.";

(b) in subsection (2), by deleting the phrase "with reference to the provisions of the laws" which appears in the 11th line and substituting for it the phrase "the provisions of section 24 and 25 of the Public Service Retirement Benefits Act, 1999 or any other law";

(c) by adding the following provision after subsection (2)–

"(3) Subject to subsections (1) and (2), a leader who, upon ceasing to be a leader has not attained the age of retirement and does not return to his former employer or while serving as a leader attains the age of compulsory retirement, that leader shall be eligible to receive a pension or gratuity calculated in accordance with the provisions of section 24 or 25 of the Public Service Retirement Benefits Act, 1999, or any other law or regulation which governs his employment while he was in the public Service."

Act No. 2 of 1999

Amendment of section 24

18. Section 24 of the principal Act is amended by repealing subsection (1) and substituting for it the following–

"(1) Where a former President, Vice-President, Prime Minister or Speaker was, prior to becoming a leader, under the repealed Act, whose terms of service were permanent and pensionable, his pension or gratuity in relation to the services he rendered prior to being elected or appointed as the President, Vice-President, Prime Minister or Speaker, as the case may be, shall be granted in addition to the benefits granted to him in accordance with the provisions of sections 9, 12, 14 or 18.".

PART V

AMENDMENT OF THE POLITICAL LEADERS' PENSIONS ACT, 1981

19. This Part shall be read as one with the Political Leaders' Pensions Act, 1981, in this Part referred to as the "principal Act". Construction Act No. 14 of 1981

20. Section 9 of the principal Act is amended as follows— Amendment of section 9

(a) by repealing subsection (2) and substituting for it the following—;

"(2) Subject to subsections (1) and (4), a political leader will be deemed to have qualified for payment of pension or gratuity who upon ceasing to be a political leader has not attained the age of retirement and does not wish to return to his former employer and such pension or gratuity shall be calculated in accordance with the provisions of section 11 of this Act.";

(b) Subsection (3) is amended by deleting the following phrase appearing on the seventh line "computing any pension or gratuity he may be granted under the pension laws or regulations governing his employment as a public officer" and substituting for them the phrase "determining the qualifying period.";

(c) by repealing subsection (4) and substituting for it the following-

"(4) Where a political leader who prior to taking a political office was a public officer and ceases to hold office in the circumstances described under paragraph (b) of subsection (1), his last salary as a political leader shall be taken into account in computing any pension or gratuity granted under this Act:

Provided that a public officer who, on or after the first day of November, 1995 attains the age of compulsory retirement pursuant to the provisions of the law or regulations governing his employment as a public officer, upon ceasing to hold office under circumstances described under this subsection had not received any terminal benefits granted under such law or regulations, the last salary enjoyed by him as political leader shall be taken into account in computing any pension or gratuity granted to him as such public officer."

PART VI

AMENDMENT OF THE TANZANIA INTELLIGENCE AND SECURITY SERVICE ACT, 1996

Construction
Act No. 15 of 1996

21. This Part shall be read as one with the Tanzania Intelligence and Security Service Act, in this Part referred to as the "principal Act".

Amendment of section 9

22. Section 9 of the principal Act is amended by—

(a) inserting immediately after subsection (2) the following provisions—

"(3) Notwithstanding subsection (1) an employee who attains the age of fifty five may at any time voluntarily retire from the service but an employee who does not opt to retire shall continue in the employment in the service on pensionable terms until he attains the age of sixty years which is the age of compulsory retirement.

(4) An employee who does not retire from Service upon attainment of fifty five years shall not retire from Service except on the following cases—

(a) on medical evidence to the satisfaction of the employer that he is incapable of discharging his duties by reason of becoming invalid;

(b) on the satisfaction of the employer that retirement is otherwise necessary or unavoidable;

(c) on abolition of an office or on cessation to hold office in pursuance to the provisions of Article 72 of the Constitution; or

(d) on motion of the employer.

(b) by renumbering subsections (3) and (4) as subsections (5) and (6) respectively.

PART VII

AMENDMENT OF THE PROVIDENT FUND (GOVERNMENT EMPLOYEES) ORDINANCE

23. This Part shall be read as one with the Provident Fund, (Government Employees) Ordinance, in this Part referred to as the Ordinance. Construction Cap. 51

24. Section 4 of the Ordinance is amended by inserting immediately after subsection (5), the following provision: Amendment of section 4 of the Provident Fund (Government Employees) Ordinance Cap. 51

"(6) Notwithstanding the provisions of this section, every member of Police Force, Service and every member of the Fire and Rescue Service Force in the rank and file whose deposits are made and kept in pursuance of the provisions of the Ordinance, shall–

(a) as long as his terms of employment have not become permanent and pensionable, contribute to that Fund;

(b) where the terms of employment of such member have changed and become permanent and pensionable, be transferred from that Fund and be made to and kept in the Public Service Pensions Fund, in pursuance of the Public Service Retirement Benefits Act, 1999." Act No. 2 of 1999

PART VIII

AMENDMENT OF THE PARASTATAL PENSIONS FUND ACT, 1978

25. This Part shall be read as one with the Parastatal Penions Fund Act, 1978, in this Part referred to as the "principal Act". Construction Act No. 15 of 1978

26. Section 24 of the principal Act is amended in subsection (1) by deleting the words "fifty" and "fifty five" where they occur and substituting for them respectively the words "fifty five" and "sixty". Amendment of section 24 of Act No. 14 of 1978

PART IX

AMENDMENT OF THE INCOME TAX ACT, 1973

27. This Part shall be read as one with the Income Tax Act, 1973, in this Part referred to as the "principal Act". Construction Act No. 33 of 1973

Amendment of section 3

28. Section 3 of the principal Act is amended by repealing subsection 4.

Amendment of Part II

"**29.** The principal Act is amended—

(a) in section 3 which appears in Part II by repealing subsection (4);

(b) by inserting immediately after section 3 the following—

"Taxpayer identification number and issuance of certificate

3A.—(1) Every person whose income is chargeable to tax under this Act shall upon application for registration, have a taxpayer identification number allocated to him by the Commissioner.

(2) Every person, other than an individual, shall register for a taxpayer identification number within thirty days after the date on which that person is established, incorporated or registered by or under any law in force in the United Republic.

(3) Every person who becomes chargeable to tax in pursuant to the provisions of this Act shall register for a taxpayer identification number with the Commissioner within thirty days after the date on which that person becomes so chargeable.

(4) The Commissioner shall issue to a person registered under this Act a certificate of registration which that person shall display in a conspicuous position at his place of business.

Section not to apply to certain employees

3B.—(1) Notwithstanding the provisions of section 3A, this section shall not apply in relation to an employee—

(a) if such employee had no income chargeable to tax for such year of income other than his income from emoluments; and

(b) if the tax payable in respect of such emoluments has been recovered by deduction under Part IX of this Act.

(2) Every tax withholder to whom the provisions of Part IXB of this Act applies shall have a taxpayer identification number, which shall be produced when required by the Commissioner.

(3) Every tax withholder to whom the provisions of Part IXB of this Act applies, shall register for taxpayer identification number within thirty days after the date on which the obligation to comply with this Part arises.

Identification number for protection or collection of tax

3C.–(1) For the purposes of collection or protection of tax, any person whom the Commissioner may so require shall have a taxpayer identification number.

(2) Any person who is required under this Act to make a return, statement or other document shall, while making such a return, statement or document include the taxpayer identification number of that person.

Making return, statement, etc, for another person

3D. –(1) Any person who is required to make a return, statement, or other document on behalf of another person shall include the taxpayer identification number in such a manner as may be prescribed for the purposes of proper identification of the person in whose behalf the return, statement or other document is submitted.

(2) Subject to subsection (1), any person required under this Act to make a return, statement or order document in respect of another person shall request from that other person, and include in the return statement or other document, the taxpayer identification number, in the prescribed manner for proper identification of the person on whose behalf the return, statement or other document is submitted.

Minister may amend, vary or replace Seventh Schedule

3E.–(1) Every institution specified under the Seventh Schedule to this Act, shall require a taxpayer identification number from any person applying for anything listed or engaged in the types of transactions listed in the Seventh Schedule.

(2) The Minister may, by order published in the *Gazette* amend, vary or replace the Seventh Schedule.

(3) Any person who, in relation to the transactions for which a taxpayer identification number is required, refuses or fails to comply with the provisions of section 3A or 3E commits an offence punishable under this Act.";

Insertion of the Seventh Schedule

30. The principal Act is amended by inserting immediately below the Sixth Schedule the following Schedule—

"SEVENTH SCHEDULE

TRANSACTIONS FOR WHICH TAXPAYER IDENTIFICATION NUMBER (TIN) IS REQUIRED

Institution	*Purpose of Transaction*
Commissioner for Lands	Registration of title upon transfer of ownership
Central and Local Government	Trade licence
Registrar of Motor Vehicles	Registration of motor vehicles or transfer of vehicles under the Road Traffic Act, 1973 and lincensing of motor vehicles under the Transport Licensing Act, 1973
Registrar of Corporations	New registrations
Business names,	
Patents and Trade and Service Marks	
Ministry of Industry and Commerce	Trade licensing and industrial licensing
Commissioner for VAT	Application for registration
Commissioner for Customs and Excise toms	Importation of goods; Cus- clea- ring and forwarding
All Government Ministries, Government Agencies, Local Government Authority, Parastatal Organisation, Corporations, Bank, Financial Institution, Cooperative Societies and public bodies.	All contracts, including contracts of service and employment, supply of goods and service.
Immigration Department	Resident permit
Ministry of Labour	All working permits".

PART X

AMENDMENT OF THE INSURANCE ACT, 1996

31. This Part shall be read as one with the Insurance Act, 1996, in this Part referred to as the "principal Act". Construction Act No. 18 of 1996

32. Section 8 of the principal Act is amended— Amendment of section 8

(a) by redesignating section 8 as subsection (1);

(b) by adding the following subsection—

"(2) For the purposes of this section

"citizens of Tanzania" includes a body corporate registered in Tanzania in which a citizen of Tanzania or the government holds the majority of the shares."

33. Section 5 of the principal Act is amended by— Amendment of section 5

(a) repealing subsection (1) and substituting for it the following—

"(1) There shall be established an agency of the government to be known as the Insurance Supervision Department which, subject to the general supervision of the Minister, shall be charged with the responsibility to coordinate policy and other matters relating to insurance in the United Republic.

(2) The agency shall be a body corporate with perpetual succession and a common seal and shall, subject to this Act, be—

(a) capable of suing and being sued in its corporate name;

(b) capable of borrowing money, acquiring and disposing of property; and

(c) capable of doing all other things which a body corporate may lawfully do."

(b) Renumbering subsections (2), to (11) as subsection (3) to (12) respectively.

PART XI
AMENDMENT OF THE TANZANIA REVENUE AUTHORITY ACT, 1995

Construction Act No. 11 of 1995

34. This Part shall be read as one with the Tanzania Revenue Authority Act, 1995 in this Part referred to as the "principal Act"

Amendment of section 6

35. Section 6 of the principal Act is amended as follows—

(a) by inserting after subsection (1) the following—

> "(2) Notwithstanding subsection (1), the taxpayer identification number registered in accordance with the provisions of part II of the Income Tax Act, 1973, shall apply in relation to the administration and management of the laws set out in the First Schedule to this Act or any other written law administrable under the Act".

(b) by redesignating subsection (2) as subsection (3).

Addition of section 80A

36. The principal Act is amended by adding the following provisions immediately after section 80-

"Application for TIN not to be the basis of provisional assessment of tax on certain cases

80A. Except for a person or an individual whose income is chargeable to tax in accordance to the provisions of PART II, particulars furnished in respect of an application for a taxpayer identification number shall not be a basis for provisional assessment of tax."

Passed in the National Assembly on the 11th April, 2000.

Clerk of the National Assembly

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