

THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS)(NO.3)
ACT, 2013

ARRANGEMENT OF SECTIONS

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- | | |
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| 6. | Amendment of section 24. |
| 7. | Amendment of section 26. |
| 8. | Amendment of section 27. |
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| 10. | Amendment of section 32. |
| 11. | Amendment of section 34. |
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- 48. Construction.
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- (d) determine and set priorities of the general performance and targets of the Authority;
- (e) ensure that measures for the development of civil aviation are in place and implementable;
- (f) consider and advise the Minister on the development and maintenance of civil aviation policy framework and such other matters affecting civil aviation as it considers desirable in the interest of civil aviation in the United Republic;
- (g) perform such other functions not inconsistent with this Act as the Minister may direct; and
- (h) approve the budget of the Authority

(3) The Board shall, in the discharge of its functions under subsections (1) and (2), have powers to-

- (a) direct the Director General to furnish it with any information, reports or other documents which the Board may require;

- (b) give lawful instructions and orders in writing to the Director General in connection with the management and performance of the Authority;
- (c) approve any organizational structures submitted by the Director General; and
- (d) subject to the approval of the Minister, determine the terms and conditions of service, salaries and other allowances including any other fringe benefits for the Director General and other directors.”

Amendment of
section 32

- 10.** The principal Act is amended in section 32, by-
- (a) re-designating section 32(1) as section 32; and
 - (b) deleting subsection (2).

Amendment of
section 34

- 11.** The principal Act is amended in section 34(2), by-
- (a) deleting paragraph (e) and substituting for it the following:

“(e) overseeing the competence of aeronautical personnel, except that for aeronautical meteorological personnel, it shall do so in collaboration with the designated meteorological authority,”
 - (b) adding immediately after paragraph (g) the following:

“(h) ensuring safety and security of the aviation system;

Attorney General.”

Addition of Third
Schedule

23. The principal Act is amended, by adding immediately after the Second Schedule, the following new Schedule.

“
THIRD SCHEDULE
”

FORMULA FOR ALLOCATION OF FUNDS

(Made under section 6(i))

INSTITUTION		PERCENTAGE %
1.	Higher Education Students' Loans Board	64
2.	Tanzania Education Authority	30
3.	National Council for Technical Education	3
4.	Tanzania Commission for Universities	3

”

PART V
AMENDMENT OF THE FILMS AND STAGE PLAYS ACT,
(CAP.230)

Construction
Cap. 230

24. This Part shall be read as one with the Film and Stage Plays Act, hereinafter referred to as the "principal Act"

Amendment of
section 34

25. The principal Act is amended in section 34(1), by deleting the words:

- (a) "five thousand" and substituting for them the words "five million";
- (b) "twelve months" and substituting for them the words "two years".

PART VI
THE HIGHER EDUCATION STUDENTS' LOANS BOARD ACT,
(CAP. 178)

Constitution
Cap. 178

26. This Part shall be read as one with the Higher Education Students' Loans Board Act, hereinafter referred to as the "principal Act."

Amendment of
section 3

27. The principal Act is amended in section 3, by deleting the word "Advanced" appearing in the definition of the term "Higher Education" and substituting for it the word "Higher".

Amendment of
section 5

28. The principal Act is amended in section 5, by deleting subsection (1) and substituting for it the following-

"(1) The Board shall consist of the following members:

- (a) a Chairman;
- (b) the Director of Higher Education;
- (c) a member from Treasury;

- (d) a member representing the Ministry responsible for finance in the Revolutionary Government of Zanzibar;
- (e) two students representing public and private higher learning institutions;
- (f) two State Attorneys of the rank of Senior or above representing the Office of the Attorney General of the United Republic and the Office of the Attorney General of the Revolutionary Government of Zanzibar;
- (g) a member representing the National Council for Technical Education;
- (h) a member representing the Tanzania Education Authority;
- (i) one member representing the Tanzania Commission for Universities;
- (j) one member representing the Association of Tanzania Employers;
- (k) one member representing financial institutions; and
- (l) two members representing public and private higher learning institutions.

Amendment of
section 7

29. The principal Act is amended in section 7(1), by-
(a) inserting the following new paragraphs-

- “(u) to issue grants, bursaries and scholarships, under such terms and conditions as may be determined by the Board from time to time;
- (v) to advise other institutions under the ministry responsible for higher education on the implementation of the provisions of this Act.”;

(b) renumbering paragraph (u) as paragraph (w).

Amendment
of section 20

30. The principal Act is amended in section 20(1), by deleting paragraph (b) and substituting for it the following:

“ (b) deduct from the basic salary of every employee who is the loan beneficiary such percentage as the Board may from time to time determine”.

Amendment of
section 25

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

“Sources
of Fund

25. Funds and resources of the Board shall consist of-

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- (a) such sums as may be appropriated to the Board by the Parliament;
- (b) such sums as shall be received pursuant to the provisions of the Education Fund Act;
- (c) such sums accrued from the repayment of loans granted and interest thereof;
- (d) any funds or assets which may vest in or accrue to the Board from other sources by way of fees, grants, gifts or any other way;
- (e) any such sums which the Board may borrow; and
- (f) any such sums or property which may in any manner become payable to or vest in the Board.”

Amendment of
section 27

32. The principal Act is amended in section 27, by adding immediately after subsection (2) the following new subsection:

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“(3) All funds granted to or received by any higher learning institution pursuant to this Act shall be audited and reported upon by the Controller and Auditor General in accordance with the Public Audit Act.”

Addition of
section 32A

33. The principal Act is amended, by deleting section 32A and substituting for it the following:

“Information of
loan beneficiaries

32A. (1) Every institution or company, whether public or private, shall at the request of the Board, furnish to the Board information relating to loan beneficiaries who are employed in such institution or company.

(2) A person who fails to comply with the requirement of subsection (1), commits an offence and the penalty prescribed under sections 21 and 23 shall apply.”

PART VII
THE NATIONAL COUNCIL FOR TECHNICAL EDUCATION ACT,
(CAP. 129)

Construction
Cap. 129

34. This Part shall be read as one with the National Council for Technical Education Act, hereinafter referred to as the “principal Act”.

Amendment of
section 2

35. The principal Act is amended in section 2, by deleting the definition of the term “Minister” and substituting for it the following:

“Minister” means the Minister responsible for technical education;”

Amendment of
section 16

36. The principal Act is amended in section 16, by-
(a) deleting paragraph (d) and substituting for it the following:

“(d) such funds as may be received from the Higher Education Students’ Loans Board for purposes of quality assurance of the learning process and standards of institutions within its mandate.

(e) other fees as may be prescribed by the Council in respect of services rendered to its clients;

(f) such funds as may be received pursuant to the provisions of the Education Fund Act”;

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(b) renaming paragraphs (e) and (f) as paragraphs (i) and (j).”

Amendment of
Schedule

37. The principal Act is amended in the Schedule, by deleting the words “Higher Education Council” appearing in item (c) of paragraph 1(1) and substituting for it the words “Tanzania Commission for Universities.”

PART VIII
AMENDMENT OF THE OFFICIAL OATH ACT,
(CAP. 266)

Construction
Cap. 266

38. This Part shall be read as one with the Official Oath Act, hereinafter referred to as the “principal Act”.

Amendment of
section 7

39. The principal Act is amended by repealing section 7 and replacing it with the following:

“Judge’s
Oath

7. In addition to the oath of allegiance, the Chief Justice, Jaji Kiongozi, a Justice of the Court of Appeal and a Judge of the High Court shall take and subscribe to judicial oath before the President.”

Amendment of
section 12

40. The principal Act is amended in section 12, by-
(a) deleting the phrase “or a Minister presiding at a meeting of cabinet”;
(b) re-designating section 12 as section 12(1); and
(c) adding immediately after subsection (1) as re-designated the following:

“(2) Subject to subsection (1), where the President is absent, the oath shall be subscribed before the Vice President.

(3) In case both the President and Vice President are absent, the oath shall be tendered by and subscribed before the Prime Minister.”

Amendment
of First
Schedule

41 The principal Act is amended in the First Schedule, by-
(a) deleting the title “JUDICIAL OATH” and substituting for it the title “JUDGE’S/JUDICIAL OFFICER’S OATH”; and
(b) deleting the title “KIAPO CHA HAKIMU” and substituting for it the title “KIAPO CHA JAJI/AFISA WA MAHAKAMA”.

PART IX
AMENDMENT OF THE PENAL CODE
(CAP. 16)

Construction
Cap. 16

42. This Part shall be read as one with the Penal Code, hereinafter referred to as the “principal Act”.

Amendment
of section
63B

43. The principal Act is amended in section 63B (1), by deleting the phrase “one thousand shillings or to imprisonment for a term not exceeding twelve months” and substituting for it the phrase “not less than five hundred thousand shillings or to imprisonment for a term of not less than one year”.

Addition of
section 63C

44. The principal Act is amended by adding immediately after section 63B the following new section:

“Hate
speech

63C.-(1) A person who-

- (a) uses threatening, abusive or insulting words or behaviour, or displays any written material;
- (b) publishes or distributes written material;
- (c) presents or directs the performance the public performance of a play;
- (d) distributes, shows or plays, a recording of audio or visual images;
- (e) direct a public performance of a play; or

(f) provides, produces or directs a programme, which is threatening, abusive or insulting or involves the use of threatening, abusive or insulting words or behaviour, commits an offence if such person intends thereby to stir up ethnic hatred, or having regard to all the circumstances, ethnic hatred is likely to be stirred up.

(2) Any person who commits an offence under this section shall be liable to a fine of five million shillings or to imprisonment for a term not less than five years or to both.

(3) In this section, "hatred" means hatred against a group of persons defined by reference to colour, race, gender, disability, conscience, belief, nationality or ethnic or national origins.

(4) For the purpose of this section, publishing includes transmitting communication by means of any network services or application services and include printing of materials."

Amendment
of section 89

45. The principal Act is amended in section 89(1), by deleting the words "six months" appearing in the closing paragraph and substituting for them the words "one year"

