

THE UNITED REPUBLIC OF TANZANIA



No. 17 OF 1989

I ASSENT,

Hasan
.....
President

31st October 1989
.....

An Act to amend certain Written Laws

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Written Laws (Miscellaneous Amendments) (No. 2) Act, 1989.

2. The Written Laws specified in the first and second columns of the Schedule to this Act are hereby amended each in the manner specified opposite to it in the third column of that Schedule.

SCHEDULE

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
Cap. 294	The Exchange Control Ordinance	The fifth schedule to the Ordinance is amended in Part 11:- (i) by deleting paragraph 6(l) and (2) and substituting the following- "6.--(1) The Governor may, where he is satisfied that any person has committed an offence under this Ordinance compound the offence by accepting from that person a sum of money and ordering the forfeiture to the Government of the foreign currency or other property in respect of which the offence was committed save that- (a) such sum of money shall not be less -than five hundred shillings or more than twenty thousand shillings; (b) the power conferred by this section shall only be exercised where the person admits in writing that he has committed the offence and by the same or subsequent writing consents to the Governor proceeding under the paragraph; (c) the Governor shall give the person from Whom he receives such sum of money a receipt therefor. (2) The provisions of this paragraph shall not apply where the value of the foreign currency, if any, in respect of which the offence was committed exceeds five hundred United States Dollars or its equivalent in other currencies"
Act 1977	The Tanzania Harbours Authority Act, 1977	(a) The Act is amended generally- (i) by deleting all references to the title "General Manager" wherever they occur in the Act and substituting for each case the title "Director General".

(h) In the first schedule—

- (i) by striking paragraph 1(1)(b);
- (ii) by re-numbering paragraph 1(1)(c) as 1(1)(b); and
- (iii) by striking all references to the General Manager and a Board Member.

Act 1973 No. 26

The National Social Welfare Training Institute Act, 1973

The Act is amended—

- (i) in section 2 by deleting the definition of "Director and substituting for it the definition of "Principal";
- (ii) In Section 9 by deleting all references to the title "Director" and substituting for it the title "Principal".

Act 1982 No. 14

The Co-operative Societies Act, 1982

The Act is amended in section 11 by adding the following new section—

Minister to institute investigations "11A.—(1) Where the Minister is informed or has reason to believe that there is an irregularity in the conduct of the affairs of any co-operative society such as may result in financial loss to the co-operative society or that theft has been made in the co-operative society, the Minister may institute or cause to be instituted investigation in the affairs of the co-operative society in such manner as he may determine.

(2) In making the investigation the Minister shall have power to call upon any person whether or not engaged in the management of the co-operative society to furnish him with any information which he may require in order to establish any fact he may require about the running of the affairs of any co-operative society.

(3) A person in the Management of co-operative society required under subsection (2) to supply information shall do so notwithstanding any law to the contrary and if he fails or refuses to do so, he shall be guilty of an offence and shall be liable on conviction to a fine of not less than twenty thousand shillings or to imprisonment for a term of two years or to both such fine and imprisonment.

FIRST COLUMN

SECOND COLUMN

THIRD COLUMN

(4) The powers of the Minister under this section may be exercised by a Regional Commissioner for the region where the co-operative society in question is situated, if it appears to him that such measures are necessary for the avoidance of further or imminent loss, save that any measures required to be taken as a result of the investigation shall be in accordance with subsection (5).

(5) At the conclusion of an investigation instituted under subsection (1), the Minister shall direct such steps to be taken in furtherance of the conclusions of the investigation as shall seem to him to be proper and consistent with the purposes and provisions of this Act; but where the investigation was instituted pursuant to subsection (4), the Regional Commissioner shall keep the Minister appropriately informed about the proceedings and, at the end of the investigation submit to him the conclusions so that further measures may be taken in accordance with law."

Act 1974 No. 42

Water Utilization (Control and Regulation) Act,
1974

Section 33 which relates to offences and penalties is amended—

- (a) in subsection (1) by deleting the phrases "five thousand" and "two years" which appear in the fifth and sixth lines respectively and substituting for them the words "hundred thousand" and "three years";
- (b) in subsection (2)—
 - (i) by deleting the phrases "two thousand"; "twelve months" which appears in the eighth and ninth lines respectively and substituting for them the phrases "fifty thousand" and "two years".
 - (ii) by deleting the phrases "five thousand" and "two years" which appears in the tenth and eleventh lines and substituting for them the phrases "hundred thousand" and "three years"; and

- (iii) by deleting the phrases "one hundred" which appears in the fourteenth line and substituting for it the phrase "five hundred";
- (c) In subsection (3)—
 - (i) by deleting the phrases "one thousand shillings" and "six months" which appear in the seventh and ninth lines respectively and substituting for them the phrases "fifty thousand shillings" and "two years";
 - (ii) by deleting the phrase "one hundred shillings" which appears in the eleventh line and substituting for it the phrase "two hundred shillings";
- (d) in subsection (4)—
 - (i) by deleting the phrase "two thousand shillings" and twelve months" which appears in the seventh and eighth lines respectively and substituting for them the phrases "fifty thousand shillings" and "two years";
 - (ii) by deleting the phrases "five thousand shillings" and "two years" which appear in the tenth, eleventh and twelfth lines and substituting for them the phrases "one hundred thousand" and "three years"; and
- (e) in subsection (5) by deleting the phrases "five thousand shillings" and "two years" which appear in the sixth and seventh lines respectively and substituting for them the phrases "one hundred thousand shillings" and "three years".

Acts 1970, No. 3

The National Security Act, 1970

Section 19 which relates to bail is deleted and substituted with the following new Section:—

"Bail

19.—(1) Notwithstanding anything in this section contained, no police officer, after a person is arrested and while he is awaiting trial or appeal, admit that person to bail if the Director of Public Prosecutions certifies in writing that it is likely that the safety or interests of the Republic would thereby prejudiced.

FIRST COLUMN

SECOND COLUMN

THIRD COLUMN

Cap. 16

Penal Code

(2) The certificate issued by the Director of Public Prosecutions under this section shall take effect from the date it is filed in court or notified to the officer in charge of a police station and shall remain in effect until the proceedings concerned are concluded or the Director of Public Prosecutions withdraws it."

Section 318A(1) is amended in the last paragraph which relates to penalty by deleting the phrase "twenty years" and substituting for it the phrase "thirty years with corporal punishment."

Cap. 506

Official Oaths

The Act is amended—

- (i) in section 2(1) by inserting the phrase "Speakers Oath" between the phrases "Judicial Oath" and "Official Oaths";
- (ii) in section 7 by adding the following new Section—

"Speakers Oath 7A. In addition to the Oath of Allegiances the Speaker shall take and subscribe the Oath of the Speaker of the National Assembly, and such oath shall be tendered and subscribed before the National Assembly; and

- (iii) In the First Schedule by inserting immediately before the "Judicial Oath" the following oath—

"Speaker's Oath"

"I do hereby take oath that I will well and truly serve the United Republic of Tanzania in the Office of Speaker of the National Assembly and that, in the exercise of the functions of this office I will do right to all manner of persons, according to the Constitution, the Standing Orders of the National Assembly, and the Laws and Customs of the United Republic, and that I will not directly or indirectly reveal such matters as shall be referred to the National Assembly and committed to my secrecy. So Help me God.

KIAPO CHA SPIKA

Mimi naapa kwamba nitaitumikia vema na kwa moyo thabiti Jamhuri ya Muungano wa Tanzania katika kazi zangu kama Spika wa Bunge, na katika kutimiza wajibu wa cheo hicho nitawatendea haki watu wote kwa mujibu wa Katiba, Kanuni za Bunge, na Sheria, Mila na Desturi za Jamhuri ya Muungano na kwa vyovyote vile sitatoa siri za Bunge. Ewe Mwenyezi Mungu nisa'idie".

Passed in the National Assembly on the twenty-seventh day of October, 1989.

.....
Clerk of the National Assembly