

THE UNITED REPUBLIC OF TANZANIA



No. 3 OF 1995

[Signature] ASSENT,
.....
President

.....
[25/4/95]

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)
Act, 1995.

Short
title

2. The written laws set out in the
First and Second columns of the Schedule
to this Act are amended in the manner
specified opposite those laws in the
third column of the schedule.

Amendment
of
certain
written
Laws

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
Cap. 16	The Penal Code	The Penal Code, 1966, is hereby amended- (a) in subsection (1) of section 114, by deleting the words "five hundred shillings" and substituting for them, the words "fifty thousand shillings". (b) in subsection (1) of section 175, by deleting the words "two thousand shillings" and substituting for them the words "two hundred thousand shillings".
Act No. 8 of 1990	The Police Force and Prisons Service Commission Act, 1990	The Police Force and Prisons Service Commission Act, 1990, is hereby amended. -(a) by deleting subsections (2) to (5), and substituting for them respectively the following provisions: "(2) The disciplinary authority in respect of officers above the rank of Assistant Commissioner is vested in the Commission and the final disciplinary authority is vested in the President.

FIRST COLUMN

SECOND COLUMN

THIRD COLUMN

(3) The disciplinary authority in respect of officers from the rank of Assistant Inspector to the rank of Assistant Commissioner is vested in the Inspector General and the final disciplinary authority is vested in the Commission.

(4) Subject to the provisions of sub-section (2) and (3), the Commission may delegate some of its disciplinary powers to the Inspector General of Police, the Principal Commissioner of Prisons and the Principal Secretary.

(5) The disciplinary authority in respect of Police and Prison officers below the rank of Assistant Inspector is -

- (a) in the case of police officers, vested in the officer for the time being commanding police in the district in the first place, by appeal to the officer commanding police in the region and the final disciplinary authority is vested in the Inspector General of Police; and

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
		(b) in the case of prison officer, vested in the officer for the time being commanding prison in the region and the final disciplinary authority is vested in the Principal Commissioner of Prisons".
Act No. 24 1973	The Tanzania Food and Nutrition Centre	The Tanzania Food and Nutrition Centre is of amended-
		(a) in section 3 - (i) by deleting the contents in subsection (1) and substituting for them the following: "Establi- 3 (1) There is hereby shment established under the of the Ministry responsible for centre health an autonomous body to be known as the Tanzania Food and Nutrition Centre".

FIRST COLUMN

SECOND COLUMN

THIRD COLUMN

(ii) by adding immediately after subsection (2), the following provision:-

"(3) Consequent upon the changing of the former centre into an autonomous entity, all assets and liabilities to which the former centre was entitled or subject and all employees of the former centre shall with effect from the date of coming into operation of this Act, be vested in and transferred to the new centre.

b) in section 8-

(i) by deleting subsection (1) of section 8 and substituting for it the following provision:

"Appointment of the Managing Director	8 (1) The Minister shall, after consultation with the Board appoint a suitable person to be the Managing Director of the Centre".
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FIRST COLUMN

SECOND COLUMN

THIRD COLUMN

(ii) by adding the word "Managing" immediately after the end "the" which appears at the beginning of the sentence in subsection (2) and deleting the word "administrative" appearing there and substituting for it the word "executive".

(iii) by deleting the word "Director" wherever it appears in the Act and substituting for it the words "Managing Director".

(iv) by deleting subsection (3) and substituting for it the following provision:

"(3) The Governing Board may, with the consent of the Minister, appoint other Directors to perform such functions as the Governing Board may assign.

FIRST COLUMN

SECOND COLUMN

THIRD COLUMN

(4) The Managing Director may in his absence appoint any of the directors to act as the Managing Director".

(v) by renumbering subsection (4) as (5)

(vi) in the new subsection (5), by deleting the expression "or in his absence the Deputy or assistant Director" appearing therein.

(c) In section 14, by deleting the words "a sum not twenty thousand appearing in paragraph (a) of subsection (8) and substituting for them the words "any sum as the Board may approve".

(d) In section 16, by deleting the period appearing at the end of the sentence in subsection 2 and inserting the words "or any other authorized Auditor as the Governing Board may appoint".

FIRST COLUMN

SECOND COLUMN

THIRD COLUMN

- (e) In the schedule to the Act-
 - (i) by deleting sub-item (1) of item 2 and substituting for it the following sub-item:

"(1) The Governing Board shall consist of a chairman who shall be appointed by the President and not less than eight nor more than twelve other members appointed by the Minister.

(2) In appointing the members, the Minister may have regard to appointing member representing the following offices:

- (a) Ministry responsible for health (Prevention)
- (b) Ministry responsible for and livestock development;
- (c) Prime Minister's Office (local government)

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
		(d) Commission responsible for planning (social services sector)
		(e) Ministry responsible for community development women affairs and children.
		(f) Ministry responsible for education (curriculum development).
		(g) Sokoine University of Agriculture (Department of Food Science and Human Nutrition).
		(h) University of Dar-es-Salaam (IDS or ERB)".
		(ii) by deleting the proviso in sub-item (1) of item 4 and substituting for it the following proviso:

FIRST COLUMN

SECOND COLUMN

THIRD COLUMN

"provided that in the case of a member who is a member by virtue of his holding some other office, that member shall continue to be a member of Governing Board for so long as he continues to hold that office".

The Ordinance is amended-

- (a) In section 40, by deleting the provisions of section 40 and substituting for them the following provisions:

Cap. 322

The Police Force
Ordinance

"Assemblies and processions in public places 40-(1) Any person who is desirous of convening, collecting, forming or organizing any assembly or procession in any public place shall not less than forty eight hours before the time when the assembly or procession is scheduled to take place submit a

FIRST COLUMN

SECOND COLUMN

THIRD COLUMN

written notification of his impending assembly or procession to the police officer in charge of the area specifying:

- (a) the place and time at which the meeting is to take place;
- (b) the purpose in general of the meeting;
- (c) such other particulars as the Minister may from time to time, by notice published in the Gazettes, specify.

FIRST COLUMN

SECOND COLUMN

THIRD COLUMN

(2) Where a person submits a notification in accordance with subsection (1) he may proceed to convene, collect, form or organise the assembly or procession in question as scheduled unless and until he receives an order from the Police Officer in charge of the area directing that the assembly or procession shall not be held as notified.

(3) A Police Officer to whom a notification has been submitted pursuant to subsection (1), shall not give a stop order under subsection (2) in relation to the notification unless he is satisfied that the assembly or procession is likely to cause a breach of the peace or to prejudice the public safety or the maintenance of public order or to be used for any unlawful purpose.

FIRST COLUMN

SECOND COLUMN

THIRD COLUMN

(4) The Officer in charge of Police may stop or prevent the holding or continuance of any assembly or procession in a public place which has been convened, collected, formed or organized otherwise than in accordance with the notification under subsection (1) or in regard to which any particular specified by the Minister under paragraph (c) of subsection (1) has been or is being contravened and may, for any of the purposes aforesaid, give or issue such orders as he may consider necessary or expedient, including orders for the dispersal of any such assembly or procession as aforesaid.

FIRST COLUMN SECOND COLUMN THIRD COLUMN

(5) The Minister may by order declare that the provisions of this section shall not apply to any assembly or procession convened, collected, formed or organized exclusively for one or more of or a combination of one or more such purposes as may be specified in such order.

(6) Any person who is aggrieved by the terms of a stop order issued under sub-section (3) or, any order given by a police officer under sub-section (4), may appeal to the Minister whose decision on the matter shall be final".

(b) in section 41, by deleting the whole of that provision and substituting for it the following provisions:

FIRST COLUMN

SECOND COLUMN

THIRD COLUMN

"Powers to disperse assemblies and processions wherever held. 41. The officer in charge of Police may stop or prevent the holding or continuance of any assembly or procession in any place whatsoever, if, in the opinion of such officer the holding or continuance, as the case may be, of such assembly or procession breaches the peace or prejudices the public safety or the maintenance of peace and order and may, for any of the purposes aforesaid, give or issue such orders as he may consider necessary or expedient, including orders for the dispersal of any such assembly or procession as aforesaid".

- (c) in section 42, by deleting the figure "(6)" which appears therein and substituting for it the figure "/4\"

FIRST COLUMN

SECOND COLUMN

THIRD COLUMN

(d) In section 43 -

(i) by deleting the figure "(6)" which appears in paragraph (a) of subsection (1) and substituting for it the figure "(4)";

(ii) by deleting the words "condition of a permit issued under the provisions of subsection (2)" which appears in paragraph (b) of subsection (1) and substituting for them the words "particular specified by the minister in accordance with paragraph (c) of subsection (1)";

(iii) by deleting paragraph (c) of subsection (1);

FIRST COLUMN

SECOND COLUMN

THIRD COLUMN

(iv) by deleting the fine of "five hundred" specified in subsection (1) and substituting for it a fine of "fifty thousand";

(v) by deleting subsection (2) and substituting for it the following provision:

"(2) Subject to the provisions of any order made under subsection (5) of section 40, where any assembly or procession in a public place has been convened, collected, formed or organized otherwise than in accordance with subsection (1) of section 40-

(a) every person taking part in convening collecting, forming or organizing such assembly or procession shall be guilty of an offence and may be arrested without a warrant

FIRST COLUMN

SECOND COLUMN

THIRD COLUMN

and shall be liable on conviction to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding one year or to both such fine and imprisonment;

- (b) every person attending such assembly or taking part in such procession, who knows or has reasons to believe that such assembly or procession has been convened, collected, formed or organized otherwise than in accordance the provisions of subsection (1) of section 40, shall be guilty of an offence and may be arrested without a warrant and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
T NO. 10 of	The Food (Control of Quality) Act, 1978	The Act is amended in Section 37 by deleting paragraph (b) of Subsection (2) and substituting for it the following paragraph "(b) destroy or dispose of that food in any other way at the expense of the owner of the food; and where the owner fails to comply with this provision, the authorized officer may destroy or dispose of the food and the expense shall be recoverable as a civil debt".

Passed in the National Assembly on the 21st February, 1995.


Clerk of the National Assembly