

# THE UNITED REPUBLIC OF TANZANIA

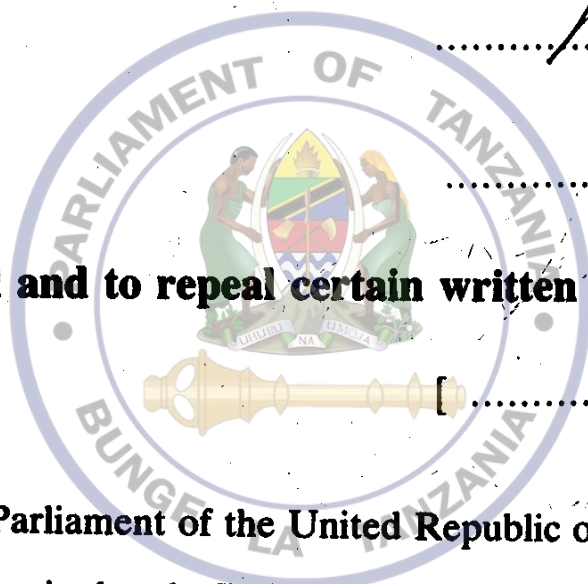


No. 1 OF 1993

I ASSENT,

President

20/4/93



## An Act to amend and to repeal 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, 1993.  | Short title                       |
| 2. The Written Laws set out in the first and second columns of the First Schedule to this Act are hereby amended in the manner specified opposite those laws in the third column of the Schedule. | Amendment of certain written laws |
| 3. The Written Laws set out in the Second Schedule to this Act, are hereby repealed.  | Repeal of certain written laws    |

## FIRST SCHEDULE

(Section 2)

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
Acts 1973 No. 33	The Income Tax Act	The Act is amended in Section 2 in the definition "parastatal organization"—  (a) by deleting paragraph (c);  (b) by renumbering the present paragraphs (d) and (e) as paragraphs (c) and (d) respectively.
Acts 1974 No. 37	The Parastatal Employees (Recovery of Debts) Act	The Act is amended in section 2 in the definition "parastatal Organization"—  (a) by deleting paragraph (c);  (b) by renumbering the present paragraphs (d) and (e) as paragraphs (c) and (d), respectively.
Cap. 16	The Penal Code	Section 284A of the Penal Code is repealed and replaced by the following:—  (1) Any person who whether or not being an employee of a specified authority, by any wilfull act or omission or by his negligence or misconduct or by reason of his failure to take reasonable care or to discharge his duties in a reasonable manner, causes any specified authority to suffer a pecuniary loss or causes any damage to any property owned or in the possession of a specified authority and which pecuniary loss or damage has a monetary value not exceeding shillings one million, shall notwithstanding any written law to the contrary, be guilty of an offence and be liable on conviction to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(1) Any person who whether or not being an employee of a specified authority, by any wilfull act or omission or by his negligence or misconduct or by reason of his failure to take reasonable care or to discharge his duties in a reasonable manner, causes any specified authority to suffer a pecuniary loss or causes any damage to any property owned or in the possession of a specified authority and which pecuniary loss or damage has a monetary value not exceeding shillings one million, shall notwithstanding any written law to the contrary, be guilty of an offence and be liable on conviction to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(2) For the purposes of subsection (1)— “employee of specified authority” includes an officer or member of a specified authority whether or not he is an employee of such authority whether or not he is an employee of such authority and the term “employer” shall be construed accordingly;

“specified authority” means—

- (a) the Government;
  - (b) a District Council or an Urban Council established under any law for the time being relating to Local Government.
  - Cap. 212 (c) any body corporate established by or under written law other than a company registered under the Companies Ordinance;
  - Cap. 381 (d) a trade union registered under the Trade Union Ordinance.
  - (e) any Company registered under the Companies Ordinance in which a specified authority, owns any percentage of the issued share capital or has guaranteed to pay any sum in the event of that company being wound up;
  - (f) a village registered under any written law for the time being relating to the registration of villages;
  - (g) a co-operative society registered under any written law for the time being relating to co-operatives.
- (3) A specified authority shall, for the purposes of subsection (1), be deemed to have incurred a pecuniary loss notwithstanding:—
- (a) that it has received or is entitled to receive any payment in respect of such loss under any policy of insurance; or

(b) that it has been otherwise compensated, or is entitled to be compensated, for such loss.

(4) No prosecution under this section shall be commenced without the consent of the Director of Public Prosecutions.

(5) For the avoidance of doubts it is hereby declared that where any person charged with stealing anything or with any other offence under any section of this Code is acquitted, he may be subsequently charged and tried for any offence under this section even if the subsequent charge under this section is based on the same acts or omissions upon which the previous charge was based.

(6) Where the court convicts person of an offence under this section, the court shall order such person to pay the specified authority compensation of an amount not exceeding the amount of the actual loss incurred by the specified authority and in assessing such compensation the court shall have regard to any extenuating circumstance it may consider relevant.

(7) Where an order is made under subsection (6) the specified authority in whose favour such order is made may file an authenticated copy thereof in the district court having jurisdiction over the area over which the court which made the order has jurisdiction, and upon being so filed the order shall be deemed to be a decree passed by such district court and may be executed in the same manner as if it were a decree passed under the provisions of the Civil Procedure Code, 1966 and the district court shall have jurisdiction execute such decree notwithstanding that the amount of the compensation awarded may exceed the pecuniary jurisdiction of the district court".

Cap. 371

The Pension Ordinance

is amended—

(a) by adding immediately after section 4 the following new section:

“Presi-  
dent may  
exempt  
certain  
condition

4A. —(1) Any public officer to whom this Ordinance applies may by application to the President, supported by an affidavit and a recommendation of a specified authority, apply for exemption from the application to him of any condition under this Ordinance or under any other written law relating to the granting of pension or gratuity, and the President may grant the exemption if he is satisfied that the application of such conditions under the Ordinance or under any other written law in relation to the public officer or a category of public officers would unfairly disqualify the officer or category of public officers from being granted such pension or gratuity.

(2) For the purposes of this section the expression “specified authority” means—

- (a) in relation to public officer serving under a district or regional administration, the Regional Commissioner;
- (b) in relation to a public officer serving in a Ministry, the Principal Secretary; and
- (c) in relation to a public officer serving in an extra-Ministerial Department, the Head of the Department.

(3) If it is so recommended to him by the Retirement Benefits Committee the President may, in addition to any pension or gratuity granted under this Act or under any other written law relating to the granting of pension or gratuity to public officers, by order published in the *Gazette* grant such other retirement benefits and upon such terms and conditions as shall be specified in the Order, to the holder of any public office.

(4) For the purposes of this section the Retirement Benefits Committee shall consist of—

- (a) the Chief Secretary, who shall be the Chairman;
- (b) the Principal Secretary to the Treasury;
- (c) The Principal Secretary for the time being responsible for Civil Service affairs;
- (d) the Deputy Attorney-General;

and it shall be responsible for advising the President on matters relating to the provisions of this section.

(5) All the retirement benefits granted under this section shall be paid out of the Consolidated Fund.

Acts 1971  
No. 16

The Prevention of Corruption Act

(b) in section 8 by adding immediately after paragraph (g) the following new paragraph;

“(h) if the officer ceases to hold office pursuant to the provisions of article 72 of the constitution”.

Cap. 108

The Births and Deaths Registration Ordinance

The Act is amended in section 2 in the definition “specified authority”—

- (a) by deleting paragraph (f);
- (b) by renumbering the present paragraphs (g) and (h) as paragraphs (f) and (g), respectively.

The Ordinance is amended—

- (a) in section 19 by adding immediately after paragraph (b) the following proviso:

“Provided that the district registrar shall not, without the prior approval of the Registrar-General, register any birth ten or more years after its occurrence”.

- (b) by repealing section 20A.

Acts 1979  
No. 4

The Local Authorities (Elections) 1979

The Act is hereby amended—

(a) in section 2 by deleting the definition “Electoral authority” and substituting for it the following:

“Electoral Authority” means the Electoral Commission established by article 74 of the Constitution;

(b) by repealing section 6.

Acts, 1992  
No. 5

The Political Parties Act, 1992

Section 11 of the Act is hereby amended—

(a) in subsection (1), by adding immediately after the word “provisionally” which appears in the first line of that subsection the words or fully registered”;

(b) by adding immediately after paragraph (b) of subsection (1), the following new subsection:

“(2) notwithstanding any other written law to the contrary sections 40, 41, 42 and 43 of the Police Force Ordinance shall apply and have effect as to all meetings to be held in any part of the United Republic by any political party whether provisionally or fully registered.”;

(c) by numbering the present subsection (2) as subsection (3).

Acts 1991  
No. 6

The Loans and Advances Realization Trust Act

Section 16 of the Act is amended in Subsection (1) by deleting the words, “within two months from the coming into operation of this Act.”

Cap. 322

SECOND SCHEDULE

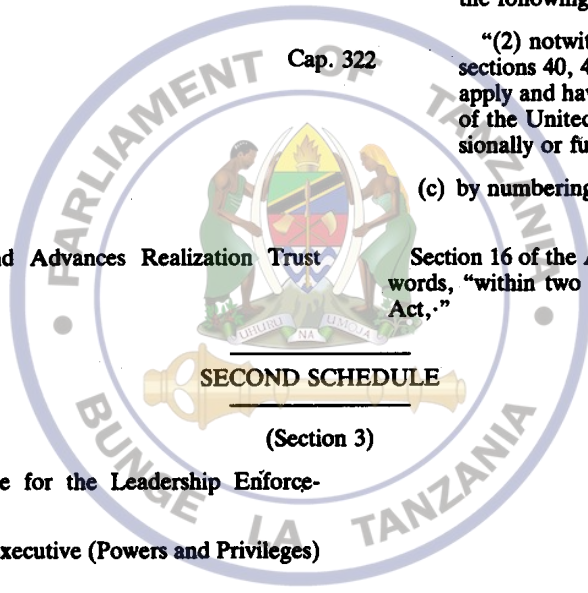
(Section 3)

Acts 1973  
No. 6

The Committee for the Leadership Enforcement Act, 1973

Cap. 599

The National Executive (Powers and Privileges) Act, 1965

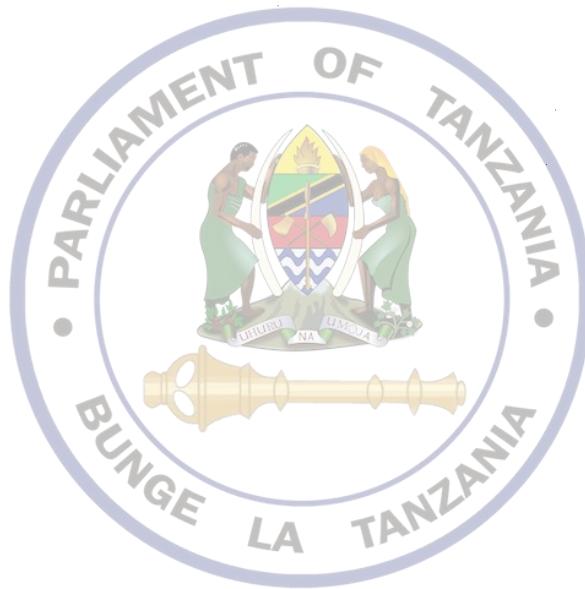


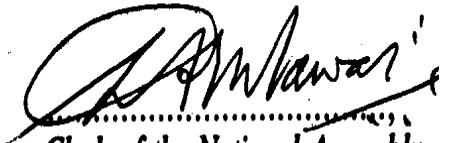
Cap 35

The Public Holidays Ordinance

The Schedule is amended by deleting the Item "the 5th day of February," and substituting for it the Item "the 26th day of December, Boxing day".

Passed in the National Assembly on the 19th day of February, 1993.



  
Clerk of the National Assembly