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ACT SUPPLEMENT

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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) ACT, 2026

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THE UNITED REPUBLIC OF TANZANIA

NO. 6 OF 2026

I ASSENT
SAMIA SULUHU HASSAN,

President
[19th September, 2026]

An Act to amend certain written laws.

ENACTED by the Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

Short title

1. This Act may be cited as the Written Laws (Miscellaneous Amendments) Act, 2026.

Amendment of certain written laws

2. The written laws specified in various Parts of this Act are amended in the manner specified in their respective Parts.

PART II
AMENDMENT OF THE ANTI-MONEY LAUNDERING ACT, (CAP. 423)

Construction Cap. 423

3. This Part shall be read as one with the Anti-Money Laundering Act, hereinafter referred to as the "principal Act".

General amendment

4. The principal Act is amended generally by deleting the words "politically exposed person" wherever they appear and substituting for them the words "domestic politically exposed

person or foreign politically exposed person".

Amendment of section 3

5. The principal Act is amended in section 3-

(a) by deleting the definition of the term "politically exposed person";

(b) in the definition of the term "reporting person" by deleting paragraph (g) and substituting for it the following:

"(g) advocates, notaries and commissioner for oaths;" and

(c) by adding in the appropriate alphabetical order the following new definitions:

""foreign politically exposed person" means-

(a) an individual who is or who has been entrusted with prominent public functions by a foreign country, including a head of state or of government, senior politician, senior government, judicial or military official, senior executive of state-owned corporation and important political party official and their family members or close associates; or

(b) a senior management officer who is or has been entrusted with a prominent function by an international organisation;

"domestic politically exposed person" means an individual who is or has been entrusted domestically with prominent public functions, including Head of State or of government, senior politician, senior government, judicial or military official, senior executive of state-owned corporation and important political party official and their family members or close associates;

"higher risk business relationship" means a business relationship assessed as posing a higher risk of money laundering, terrorist financing or proliferation financing,

requiring enhanced due diligence and monitoring;

"important political party official" means the Chairman or Deputy Chairman, Secretary, or Treasurer of a political party at the national, regional or district level, directors or deputy directors at the national level and members of the executive committee or other decision-making bodies of the party; and

"suspicious transactions" means a transaction, whether complete or incomplete, involving funds or property, that is inconsistent with a customer's known profile, business or risk pattern and which gives reasonable grounds for a reporting person to suspect that it is connected with money laundering, terrorist financing, proliferation financing or any other unlawful activity;".

Amendment of section 15

6. The principal Act is amended in section 15(11) by deleting the words "once a year" and substituting for them the words "every three years".

Amendment of section 16

7. The principal Act is amended in section 16(2) by deleting paragraph (b) and substituting for it the following:

"(b) in relation to a foreign politically exposed person-

(i) put in place risk management systems to determine whether a customer or the beneficial owner is a foreign politically exposed person;

(ii) obtain senior management approval before establishing a business relationship or continuing the business relationship with existing customers;

(iii) take reasonable measures to establish the source of wealth and the source of funds of a customer or beneficial owner identified as a

foreign politically exposed person; and

(iv) conduct enhanced ongoing monitoring on the relationship; and

(c) in relation to a domestic politically exposed person-

(i) take reasonable measures to determine whether a customer or the beneficial owner is a domestic politically exposed person; and

(ii) in cases where there is higher risk business relationship with such a person, adopt the measures in paragraph (b)(ii), (iii) and (iv).".

Addition of section 18A

8. The principal Act is amended by adding immediately after section 18 the following:

"Circumstances for reporting suspicious transaction

18A.-(1) An advocate, notary, commissioner for oaths or accountant shall report suspicious transaction of his client, when engaging in any of the following activities:

(a) buying and selling of a real estate or commercial enterprise;

(b) managing of client money, securities or other assets;

(c) management of bank accounts, savings or securities accounts;

(d) organisation of contributions for the creation, operation or management of a company;

(e) creation, operation or management of a legal entity or arrangement; or

(f) buying or selling of business entity:

Provided that, an advocate, notary or commissioner for oaths shall not be obliged to report on any suspicious transaction-

(a) which is subject of any judicial proceedings; or

(b) which materially affects professional secrecy or legal professional privilege conferred

under any written law.

(2) A dealer in precious metals or stones shall report suspicious transaction when he engages in a cash transaction with a customer equal to or above fifteen thousand USD or its equivalent in Tanzania shillings.

(3) A trust and company service provider shall report suspicious transaction of its client when, the client engages in a transaction in a any of the following activities:

(a) acting as a formation agent of legal entity;

(b) acting as, or arranging for another person to act as, a director or secretary of a company, a partner of a partnership, or a similar position in relation to any other legal entity;

(c) providing a registered office, business address or accommodation, correspondence or administrative address for a company, a partnership or any other legal entity or arrangement;

(d) acting as, or arranging for another person to act as, a trustee of an express trust or performing the equivalent function for another form of legal arrangement; or

(e) acting as or arranging for another person to act as a nominee shareholder for another person.

(4) In the performance of an obligation set out under this Act, a designated non-financial business and professional shall comply with-

(a) the internal control's requirements;

(b) the higher risk countries requirements stipulated in the Act; and

(c) the tipping-off and confidentiality requirements.".

Amendment of section 21

9. The principal Act is amended in section 21 by adding the word "18A" immediately after the figure "18" appearing in the opening phrase.

PART III

AMENDMENT OF THE ATOMIC ENERGY ACT, (CAP. 188)

Construction Cap. 188

10. This Part shall be read as one with the Atomic Energy Act, hereinafter referred to as the "principal Act".

Amendment of Schedule

11. The principal Act is amended in the Schedule-

(a) in paragraph 1, by deleting subparagraph (1) and substituting for it the following:

"(1) The Board shall consist of-

(a) a Chairman, who shall be appointed by the President; and

(b) eight other members appointed by the Minister as follows:

(i) a senior officer majoring in natural science or technology from the Ministry responsible for science and

technology;

(ii) a senior officer from the Commission for Science and Technology;

(iii) a law officer nominated by the Attorney General;

(iv) a senior officer from the Ministry responsible for health in Tanzania Zanzibar;

(v) a senior officer from either the Ministry responsible for agriculture, fisheries or livestock in Tanzania Zanzibar;

(vi) a senior officer from either the Ministry responsible for minerals, energy or industry;

(vii) one member from a research or academic institution who is an expert in atomic energy matters or related field; and

(viii) a senior military officer who is an expert in atomic energy matters or the related field from the Tanzania Peoples Defence Force."; and

(b) in paragraph 2, by-

(i) adding immediately after subparagraph (1), the following:

"(2) The Vice-Chairman shall be elected on the basis that where a Chairman is from one side of the Union, the Vice-Chairman shall be from the other side of the Union."; and

(ii) renumbering subparagraph (2) as subparagraph (3).

PART IV
AMENDMENT OF THE BUSINESS NAMES ACT, (CAP. 213)

Construction

12. This Part shall be read as one with the Business

Cap. 213 Names Act, hereinafter referred to as the "principal Act".

Amendment of section 2

13. The principal Act is amended in section 2 by adding in the appropriate alphabetical order the following definition:

""designated non-financial business professional" means a casino dealer including internet and ship-based casino, real estate agent, dealer in precious metals and stones, advocate, notary, commissioner for oaths, accountant or company service provider;".

Amendment of section 6

14. The principal Act is amended in section 6(1)(d) by deleting the words "and beneficial owners" and substituting for them the words "designated non-financial business professional or beneficial owners".

Amendment of section 21

15. The principal Act is amended in section 21(2) by adding immediately after paragraph (e), the following:

Cap. 423 "(f) reporting persons as defined under the Anti-Money Laundering Act.".

PART V
AMENDMENT OF THE CIVIL AVIATION ACT, (CAP. 80)

Construction Cap. 80

16. This Part shall be read as one with the Civil Aviation Act, hereinafter referred to as the "principal Act".

Amendment of section 2

17. The principal Act is amended in section 2 by adding in their appropriate alphabetical order the following definitions:

""Chief Investigator" means a government official who is appointed under section 15B(2);

"investigation" means a process conducted for the purpose of accident prevention which includes gathering and analysis of information, drawing of conclusions, including determination of causes or contributing factors and, where

appropriate, making safety recommendations;

"investigator" means a person appointed in accordance with this Act to conduct investigation;

"serious incident" means an incident involving circumstances indicating that there was a high probability of occurrence of an accident and the incident is associated with the operation of an aircraft which-

(a) in the case of a manned aircraft, the incident takes place between the time any person boards the aircraft with the purpose of flight until such time as all such persons have disembarked; or

(b) in the case of an unmanned aircraft, the incident takes place between the time the aircraft is ready to move with the purpose of flight until such time it comes to rest at the end of the flight and the primary propulsion system is shut down;

"state-level mandatory safety reporting system" means a system established for compulsory reporting of accidents, serious incidents and other prescribed reportable occurrences that pose a significant risk to aviation safety, for the purpose of enabling timely corrective or preventive action;

"state-level voluntary safety reporting system" means a non-punitive and confidential system established for voluntary reporting of hazards, near-misses and systemic safety vulnerabilities that are not subject to mandatory reporting requirements;".

Amendment of section 5

18. The principal Act is amended in section 5(2), by-

(a) deleting the word "reserve" appearing in paragraph (bb) and substituting for it the word "rescue";

(b) adding immediately after paragraph (ff) the following:

"(gg) procedures for interception or interference of civil aircraft, methods of communication and measures of protection of safety of aircraft and persons onboard;"; and

(c) renaming paragraph (gg) as paragraph (hh).

Amendment of section 15

19. The principal Act is amended in section 15 by deleting the words "territory of the Authority" appearing at the opening phrase and substituting for them the words "territory of the United Republic".

Addition of Part VIA

20. The principal Act is amended by adding immediately after Part VI the following:

"PART VIA
AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATION

Application

15A. This Part shall apply to investigation of civil aircraft accidents and serious incidents-

(a) within the United Republic;

(b) outside the United Republic involving a United Republic aircraft or an aircraft operated by a United Republic operator or where the investigation has been delegated to the United Republic, by another Contracting State by mutual arrangement and consent; or

(c) where the United Republic is the State of Registry and the-

(i) location of the accident or the incident cannot definitely be established as being in the territory of any other State; or

(ii) accident or incident has occurred in the territory of a non-contracting state which does not intend to conduct an investigation in accordance with the Chicago Convention.

Aircraft Accident and Incident Investigation Unit

15B.-(1) There shall continue to exist under the Ministry responsible for civil aviation, a unit known as the Aircraft Accident and Incident Investigation Unit also known by its acronym "AAIU".

(2) The AAIU shall be headed by the Chief Investigator who shall be appointed in accordance with the Public Service Act.

Cap. 298

(3) The Minister may, by notice published in the *Gazette*, appoint other investigators for the better and efficient conduct of the business and activities of the AAIU.

(4) The AAIU shall be responsible for civil aircraft accident and serious incident investigations.

(5) Investigation under this Part shall be conducted for purposes of prevention of accidents and serious

incidents.

(6) The AAIU shall take reasonable measures to ensure that the investigation procedures and practices in relation to accidents and serious incidents are compatible with the United Republic's obligations under the Chicago Convention.

(7) The Minister shall set up a mechanism to ensure the availability of sufficient funds to cater for the effective and smooth implementation of aircraft accidents and incidents investigation implemented by the AAIU.

Independence in conducting investigation

15C.-(1) The AAIU shall be independent in conducting investigation, and shall-

(a) have unrestricted access and control over the scene of accident, the wreckage and evidential material including flight recorders and air traffic service records; and

(b) not be impeded by administrative investigations or proceedings.

(2) An investigation conducted in accordance with the provisions of this Part shall be distinct from judicial or administrative proceedings to apportion blame or liability.

(3) In conducting investigation, the AAIU shall have power to-

(a) carry out detailed

examination of relevant materials, documents and evidence; and

(b) interview witnesses and any other persons regarding the aircraft accident or serious incident.

(4) The investigation under this Part shall not be commenced by any other authority where the accident or serious incident is being investigated, has been investigated or is going to be investigated by the AAIU unless the investigation is for the purpose other than under this Part.

Non-disclosure

15D. (1) The AAIU or any person shall not disclose to the public-

(a) any of the following documents obtained during investigation:

(i) statements taken from a person by the AAIU;

(ii) communications between persons having been involved in the operation of the aircraft;

(iii) medical or private information regarding a person involved in the accident or serious incident;

(iv) cockpit voice recordings and transcripts from such recordings;

(v) recordings and trancripts of recordings from air traffic control units;

(vi) cockpit airborne image recordings and any part or transcripts from such recordings; and

(vii) opinions expressed in the analysis of information, including flight recorder information; and

(b) draft final report of the investigation,

unless the court or any other competent authority determines otherwise.

(2) For purposes of this section, "draft final report" means a confidential investigation report that is submitted to an authority or entity involved in the investigation, for the purpose of inviting comments.

Decralation of interest

15E. An investigator who has conflict of interest relating to any matter which is investigated or is likely to be investigated by the AAIU shall declare interest and shall not participate in the investigation concerning that matter.".

Addition of section 33A

21. The principal Act is amended by adding immediately after section 33 the following:

"Interception of civil aircraft

33A.-(1) A person shall not intercept, attempt to intercept or otherwise interfere with a civil aircraft in flight by using a weapon or any other means unless the interception or

interference is undertaken as a measure of last resort and carried out in a manner that ensures the safety of the aircraft, persons and property on board.

(2) An operator of a civil aircraft that is intercepted or interfered shall comply with instructions issued by the competent authorities in accordance with this Act.".

Amendment of section 37

22. The principal Act is amended in section 37(1)-

(a) by deleting paragraph (i) and substituting for it the following:

"(i) regulate, oversee, supervise and enforce compliance with civil aviation safety, security and technical standards relating to personnel licensing, aircraft operations, airworthiness, air navigation services, aerodromes and ground aids, aviation security and such other technical disciplines as may be necessary for the implementation of the Chicago Convention;";

(b) in paragraph (j), by deleting the words "implement the" and substituting for them the words "manage a";

(c) by deleting paragraph (k), and substituting for it the following:

"(k) establish and implement state-level mandatory and voluntary safety reporting systems and accord protection to safety data captured by, and safety information derived from both systems;" and

(d) in paragraph (m), by inserting the word "ministries," between the words "other" and "government".

Amendment of section 38

23. The principal Act is amended in section 38(3) by adding the words "from amongst persons with qualifications and experience in air transport, law, engineering, human resources, finance or accounts" immediately after the word "Minister".

Amendment of section 45

24. The principal Act is amended in section 45, by-

(a) deleting the word "Minister" appearing in subsection (1) and substituting for it the word "President"; and

(b) deleting subsection (3) and substituting for it the following:

"(3) The Director General shall serve for the term of five years and shall be eligible for reappointment for one further term.".

Amendment of section 73

25. The principal Act is amended in section 73 by deleting the word "one" appearing in subsection (1) and substituting for it the word "ten".

PART VI
AMENDMENT OF THE COMPANIES ACT,
(CAP. 212)

Construction Cap. 212

26. This Part shall be read as one with the Companies Act, hereinafter referred to as the "principal Act".

Amendment of section 2

27. The principal Act is amended in section 2 by adding in the appropriate alphabetical order, the following new definitions:

""nominee" means a person instructed by the nominator to act on his behalf in a certain capacity regarding a company;

"nominator" means a person who issues instruction directly or indirectly to a nominee to act on his behalf in the capacity of a director or a shareholder;

"nominee director" means a person who routinely exercises a function of the director in the company on behalf of, and subject to the direct or indirect instructions of the nominator;

"nominee shareholder" means a person who exercises voting rights and other rights ancillary to it according to the instructions

of the nominator or receives dividend on behalf of the nominator;".

Amendment of section 15

28. The principal Act is amended in section 15(2) by adding immediately after paragraph (b), the following:

"(c) accurate and up to date records of a nominee director or nominee shareholder, if any, with particulars as prescribed in the regulations;".

Amendment of section 118

29. The principal Act is amended in section 118, by -

(a) adding the words "nominee shareholder" immediately after the word "members," appearing in the opening phrase of subsection (1);

(b) adding immediately after subsection (1), the following:

"(2) The register of a company having a nominee shareholder shall contain the particulars as prescribed in the regulations.";

(c) renumbering subsections (2), (3), (4), (5) and (6) as subsections (3), (4), (5), (6) and (7) respectively; and

(d) deleting the references to subsections (2), (4) and (6) appearing in subsection (6) as renumbered and substituting for them the references to subsections (3), (5) and (7) respectively.

Amendment of section 133

30. The principal act is amended in section 133(5), by-

(a) adding immediately after paragraph (a) the following:

"(b) the number of paid up and unpaid up shares of each class held by each member of the company at the date to which the return is made up;"; and

(b) renaming paragraph (b) as paragraph (c).

Amendment of section 213

31. The principal Act is amended in section 213, by-

(a) adding the words "nominee directors" after the word "directors" appearing in subsection (1); and

(b) adding immediately after subsection (3) the following:

"(3A) The register of a company having

nominee directors shall contain the particulars as prescribed in the regulations.".

Addition of section 220A

32. The principal Act is amended by adding immediately after section 220, the following:

"Power of Registrar to inspect

220A.-(1) The Registrar or any authorised officer performing the duty of registration of companies under this Act shall have powers to conduct inspection of a company's records, accounts, and other relevant documents.

(2) The Registrar or any authorised officer performing the duty of registration of companies, with or without prior notice, may carry inspection at the registered office of the company or any other place where the company's records are maintained.

(3) Subject to subsection (1), every company, its directors, officers, and employees shall provide full cooperation to the Registrar or the authorized officer conducting the inspection.

(4) A person who fails to provide the required documents, obstructs inspection, or provides false or misleading information shall be liable to default fine.

(5) The implementation of any matter under this section shall be undertaken in accordance with regulations made under section 493(2).".

Amendment of section 404

33. The principal Act is amended in section 404(1), by-

(a) adding immediately after paragraph (c), the

following:

"(d) a registered company has failed to comply with the provisions of section 33;"; and

(b) renaming paragraphs (d) and (e) as paragraphs (e) and (f) respectively.

Amendment of section 438

34. The principal Act is amended in section 438-

(a) in subsection (1), by adding immediately after paragraph (g) the following:

"(h) a list of shareholders containing the address, number and class of shares of each shareholder;

(i) accurate and up to date records of beneficial owners of such company which shall include-

(i) full name, including any former or other name;

(ii) date and place of birth;

(iii) telephone number;

(iv) nationality, national identity number, passport number or other appropriate identification;

(v) residential, postal and email address, if any;

(vi) place of work and position held;

(vii) nature of the interest, including the details of the legal, financial, security, debenture or informal arrangement giving rise to the beneficial ownership; and

(viii) oath or affirmation as to whether the beneficial owner is a domestic or foreign politically exposed person or not."; and

(b) by adding immediately after subsection (3) the following:

"(4) A foreign company registered prior to the coming into effect of the provisions of

subsection (1)(h) shall, within six months from the date of coming into effect of subsection (1)(h) be required to comply with such requirements.".

Amendment of section 440

35. The principal Act is amended in section 440(1) by deleting paragraph (b) and substituting for it the following:

"(b) the directors, secretary or shareholders of a foreign company or the particulars contained in the list of the directors, secretary and shareholders;".

Addition of sections 456A

36. The principal Act is amended by adding immediately after section 456, the following:

"Register of nominee directors and shareholders

456A. The Registrar shall establish and maintain a Register of nominee directors and nominee shareholder with particulars as prescribed in the regulations.".

Amendment of section 457

37. The principal Act is amended in section 457 by adding immediately after paragraph (f) the following:

"(g) reporting person as defined under the Anti-Money Laundering Act.". Cap. 423

Addition of section 468A

38. The principal Act is amended by adding immediately after section 468 the following:

"Guidelines

468A. The Registrar may issue guidelines to facilitate the effective implementation of this Act, which shall be published in the *Gazette*.".

PART VII
AMENDMENT OF THE CRIMINAL PROCEDURE ACT, (CAP. 20)

Construction Cap. 20

39. This Part shall be read as one with the Criminal Procedure Act, hereinafter referred to as the "principal Act".

Amendment of section 4 Cap. 366 Cap. 298

40. The principal Act is amended in section 4 by adding the words "save for a matter under the Employment and Labor Relations Act and the Public Service Act" at the end of subsection (3).

PART VIII
AMENDMENT OF THE DRUG CONTROL AND ENFORCEMENT ACT, (CAP. 95)

Construction Cap. 95

41. This Part shall be read as one with the Drug Control and Enforcement Act, hereinafter referred to as the "principal Act".

Amendment of section 2

42. The principal Act is amended in section 2-

(a) in the definition of the term "cannabis", by deleting the word "excluding" and substituting for it the word "including"; and

(b) in the definition of the term "cannabis plant", by deleting the words "containing tetrahydro-cannabinol".

Amendment of section 11

43. The principal Act is amended in section 11(1) by deleting the words "in production of drugs" appearing in paragraph (b) and substituting for them the words "of any prohibited plant".

Repeal and replacement of section 12

44. The principal Act is amended by repealing section 12 and replacing for it the following:

"Authority to make Rules

12.-(1) The Authority may make rules to provide for licensing, permits, production, manufacture, possession, transport, import into, export from the Mainland Tanzania, sale, purchase, consumption, use, storage, distribution, disposal or acquisition of any narcotic drug or psychotropic substance.

(2) Without prejudice to the generality of subsection (1), the Authority may make rules regulating-

(i) cultivation or gathering of any portion of coca plant, cannabis plant, khat plant, production, possession, sale, purchase, transport, import into the Mainland Tanzania, use or consumption of coca leaves only on the account of Government;

(ii) cultivation of opium poppy only on account of the Government;

(iii) production and manufacture of opium and production of poppy straw;

(iv) sale of opium and opium derivatives from Government factories for export from the Mainland Tanzania or to manufacturing chemists;

(v) manufacture of drugs other than prepared opium but not including manufacture of medicinal opium or any preparation containing any manufactured drugs from materials which the maker is lawfully entitled to possess;

(vi) manufacture, possession, transport, sale, purchase,

consumption or use of psychotropic substances; or

(vii) importation into Mainland Tanzania and transshipment of narcotic drugs and psychotropic substances.".

Amendment of section 15

45. The principal Act is amended in section 15(3)-

(a) in paragraph (i), by adding the words "in solid form or more than one hundred millilitres in liquid form" immediately after the word "grams"; and

(b) in paragraph (iii), by adding the words "in solid form or more than two hundred millilitres in liquid form" immediately after the word "kilogram".

Amendment of section 16

46. The principal Act is amended in section 16(2), by-

(a) deleting the words "or below" appearing in paragraph (a) and substituting for them the words "and not less than 2 grams in solid form or 100 millilitres and not less than 20 millilitres in liquid form";

(b) deleting the words "or below in liquid form, or 100 kilogram or below in solid form" appearing in paragraph (b) and substituting for them the words "but not less than 25 litres in liquid form, or 100 kilograms but not less than 25 kilograms in solid form";

(c) deleting paragraph (c) and substituting for it the following:

"(c) cannabis which is in solid form of the weight of 50 grams or above;" and

(d) adding immediately after paragraph (c) the following:

"(d) cannabis resin or cannabis oil which is-

(i) in solid form not exceeding 5 grams; or

(ii) in liquid form not exceeding 5 millilitres; and

(e) khat in solid form weighing not less than 2

kilograms, or in liquid form weighing two hundred millilitres or above.".

Amendment of section 18

47. The principal Act is amended in section 18(1) by deleting the words "provisions of this Act or" appearing in the opening phrase.

Amendment of section 25

48. The principal Act is amended in section 25 by adding the words "an offence" immediately after the word "commit" appearing in paragraphs (a) and (b).

Amendment of section 30

49. The principal Act is amended in section 30(1) by adding the words "in solid form or 20 millilitres or more in liquid form" immediately after the word "more" appearing in paragraphs (a) and (b).

Amendment of section 34

50. The principal Act is amended in section 34(1) by adding the words "or an authorised officer of the Authority" between the words "General" and "or" appearing in the opening phrase.

Amendment of section 38

51. The principal Act is amended in section 38(2) by adding the words "if any" immediately after the word "origin" appearing in paragraph (d).

Amendment of Third Schedule

52. The principal Act is amended in the Third Schedule, by-

(a) deleting the word "FORENSIC" appearing in the title of Form No. DCEA 001 and substituting for it the words "SAMPLE OR EXHIBIT"; and

(b) deleting the word "SAMPULI" appearing in the title of Fomu Na. DCEA 001 and substituting for it the words "WA SAMPULI AU KIELELEZO.".

PART IX
AMENDMENT OF THE INSTITUTE OF RURAL DEVELOPMENT PLANNING ACT, (CAP. 174)

Construction Cap. 174

53. This Part shall be read as one with the Institute of Rural Development Planning Act, hereinafter referred to as the "principal Act".

General amendment

54. The principal Act is amended generally by deleting the words "Director" and "Director's" wherever they appear and substituting for them the words "Rector" and "Rector's" respectively.

Amendment of Schedule

55. The principal Act is amended in paragraph 1 of the Schedule, by-

(a) deleting subparagraph (b);

(b) deleting subparagraph (c) and substituting for it the following:

"(c) not more than ten and not less than seven other members, who shall be appointed by the Minister."; and

(c) renaming paragraph (c) as paragraph (b).

PART X
AMENDMENT OF THE INSTITUTE OF ACCOUNTANCY ARUSHA ACT, (CAP. 240)

Construction Cap. 240

56. This Part shall be read as one with the Institute of Accountancy Arusha Act, hereinafter referred to as the "principal Act".

General amendment

57. The principal Act is amended generally, by-

(a) deleting the word "Principal" wherever it appears and substituting for it the word "Rector"; and

(b) deleting the word "Council" wherever it appears and substituting for it the words "Governing Council".

Amendment of section 4

58. The principal Act is amended in section 4 by adding the words ",management sciences and apprenticeships" immediately after the word "accountancy" appearing in paragraphs (a), (b) and (c).

Amendment of section 10

59. The principal Act is amended in section 10 by deleting subsection (1) and substituting for it the following:

"(1) The Rector shall be the Secretary to the Governing Council.".

Amendment of First Schedule

60. The principal Act is amended in the First Schedule-

(a) in paragraph 2 by deleting item (b) and substituting for it the following:

"(b) not more than ten members who shall be appointed by the Minister.";

(b) by deleting paragraph 4 and substituting for it the following:

"Tenure of appointment

4. A member of the Governing Council shall hold office for a term of three years and shall be eligible for reappointment for one further term."; and

(c) in paragraph 9, by deleting the words "a special or emergency" appearing in the proviso to subparagraph (1) and substituting for them the words "an extraordinary".

PART XI
AMENDMENT OF THE INTERPRETATION OF LAWS ACT, (CAP. 1)

Construction Cap. 1

61. This Part shall be read as one with the Interpretation of Laws Act, hereinafter referred to as the "principal Act".

Amendment of section 85

62. The principal Act is amended in section 85 by adding a proviso to subsection (1) as follows:

"Provided that, subsidiary legislation shall be made in the same language as the principal legislation under which it is made.".

PART XII
AMENDMENT OF THE PATENTS (REGISTRATION) ACT, (CAP. 217)

Construction Cap. 217

63. This Part shall be read as one with the Patents (Registration) Act, hereinafter referred to as the "principal Act".

Amendment of section 2

64. The principal Act is amended in section 2,-

(a) by deleting the definition of the term "ARIPO office" and substituting for it the following:

""ARIPO office" means the Secretariat of the African Regional Intellectual Property Organization established by Lusaka Agreement of 1976;"; and

(b) in the definition of the term "regulations" by deleting the phrase "and the verb "to work" shall be construed in accordance with section 39(3)".

Amendment of section 7

65. The principal Act is amended in section 7(2) by deleting the word "more" appearing in paragraph (e) and substituting for it the word "mere".

Repeal and replacement of section 39

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

"Term of patent

39. A patent shall expire at the end of twenty years from the date of filing an application for patent.".

Amendment of section 73

67. The principal Act is amended in section 73(1) by deleting the words "and XVII".

Amendment of section 74

68. The principal Act is amended in section 74-

(a) in subsection (5), by deleting the word "seventh" and substituting for it the word "tenth";

(b) by deleting subsection (6); and

(c) by renumbering subsections (7), (8) and (9) as subsections (6), (7) and (8) respectively.

Amendment of heading to Part XVII

69. The principal Act is amended by deleting the heading to Part XVII and substituting for it the following:

"PART XVII
DESIGNS REGISTERED UNDER REGIONAL OR INTERNATIONAL INSTRUMENTS".

Repeal and replacement of section 76

70. The principal Act is amended by repealing section 76 and replacing for it the following:

"Recognition of designs registered under Regional or International instruments

76.-(1) A design registered by virtue of a regional or international instruments in respect of which the United Republic is a designated state, shall have the same effect in Tanzania as a design registered under this Act, unless the Registrar has communicated to the Regional or International Office in respect of the application thereof, a decision in accordance with the provisions of such instrument that if the design is registered, that design shall have no effect in Tanzania.

(2) The designs recognised under the Protocol in respect of which the United Republic is a designated state before the commencement of this section shall be deemed to have been recognised under the provisions of this section.".

Repeal of sections 77 and 78

71. The principal Act is amended by repealing sections 77 and 78.

PART XIII
AMENDMENT OF THE PRISONS ACT,
(CAP. 58)

Construction

72. This Part shall be read as one with the Prisons Act,

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hereinafter referred to as the "principal Act".

General amendment

73. The principal Act is amended generally by deleting the words "Principal Commissioner" and "Commissioner" wherever they appear in the Act and substituting for them the words "Commissioner General".

Amendment of section 2

74. The principal Act is amended in section 2 by deleting the definition of the term "young prisoner".

Addition of section 3A

75. The principal Act is amended by adding immediately after section 3 the following:

"Functions of Service

3A.-(1) Save as otherwise provided in this Act, the Service shall be responsible for-

(a) providing safe custody of prisoners;

(b) providing remand services;

(c) rehabilitations of offenders; and

(d) facilitating the reintegration of offenders into their communities.

(2) In the performance of its functions under this Act, the Service shall observe the following principles:

(a) classification of prisoners based on security needs, rehabilitation needs and social reintegration prospects;

(b) treatment of all prisoners with respect for their inherent dignity as human beings;

(c) use of proportionate force consistent with the protection of society, prisons officers and

prisoners;

(d) affording prisoners with effective complaints handling mechanisms; and

(e) effective and progressive delivery of rehabilitation and reintegration programs for prisoners.".

Amendment of section 5

76. The principal Act is amended in section 5(1) by deleting the words "subordinate officers as he may see fit" and substituting for them the words "officers from the rank of Assistant Inspector to the rank below Assistant Inspector".

Addition of section 7A

77. The principal Act is amended by adding immediately after section 7 the following:

"Regional and District Prison Officers

7A.-(1) The control and operation of the Service in a region shall vest in the Regional Prisons Officer who shall be appointed by the Commissioner General for that purpose.

(2) A Regional Prisons Officer shall, subject to such orders and directions as the Commissioner General may provide, have the administrative command, superintendence, control and directions within the respective region and may make superintendent orders.

(3) The Commissioner General shall appoint a District Prisons Officer who shall, subject to the orders of the Regional Prisons Officer, exercise command and control over prisons within the district.".

Amendment of section 43

78. The principal Act is amended in section 43(2) by deleting the words "one hundred" and substituting for them the

words "fifty thousand".

Amendment of section 51

79. The principal Act is amended in section 51(1), by-

(a) deleting paragraph (a); and

(b) renaming paragraphs (b) and (c) as paragraphs (a) and (b) respectively.

Addition of section 62A

80. The principal Act is amended by adding immediately after section 62 the following:

"Establishment of rehabilitation programs

62A.-(1) The Service shall, for purposes of reintegrating eligible prisoners, establish rehabilitation programs in respect of-

(a) educational and vocational training;

(b) spiritual services;

(c) resourceful physical works,

(d) graphic works,

(e) artistic works, and

(f) psychological support services.

(2) The Service may collaborate with other government institutions and community-based organizations to deliver cultural and community-specific reintegrate services designed to support successful post-release adjustment.".

Addition of section 81A

81. The principal Act is amended by adding immediately after section 81 the following:

"Reintegration upon release or discharge of prisoner

81A. The Service shall, upon release or discharge of a prisoner, arrange for the transportation of a released prisoner to his place of residence or elsewhere and may, in so doing, connect the released prisoner to the responsible Government institution, community support

services entity or social support networks to foster continuity of reintegration.".

Amendment of section 82

82. The Principal Act is amended in section 82 by deleting the words "five thousand shillings" appearing in the closing phrase and substituting for them the words "one hundred thousand shillings or to imprisonment for a term not exceeding six months or to both".

Amendment of section 84

83. The principal Act is amended in section 84 by deleting the word "two" appearing in the closing phrase and substituting for it the words "one hundred".

Amendment of section 85

84. The principal Act is amended in section 85-

(a) in subsection (1), by deleting the words "five thousand" appearing in the closing phrase and substituting for them the words "one million"; and

(b) in subsection (2), by inserting the word "hundred" between the words "one" and "thousand" appearing in the closing phrase.

Amendment of section 86

85. The principal Act is amended in section 86 (1) by inserting the word "hundred" between the words "one" and "thousand".

Amendment of section 87

86. The principal Act is amended in section 87 by inserting the word "hundred" between the words "one" and "thousand" appearing at the closing phrase.

Amendment of section 88

87. The principal Act is amended in section 88-

(a) in subsection (1), by deleting the words "five thousand" appearing in the closing phrase and substituting for them the words "one million"; and

(b) in subsection (2), by deleting the words "ten thousand" and substituting for them the words "five million".

Amendment of section 89

88. The principal Act is amended in section 89 by

deleting the words "two thousand" appearing in the closing phrase and substituting for them the words "one million".

Amendment of section 90

89. The principal Act is amended in section 90 by deleting the words "five thousand" and substituting for them the words "one million".

Amendment of section 91

90. The principal Act is amended in section 91(3) by deleting the words "five thousand" and substituting for them the words "one million".

Amendment of section 92

91. The principal Act is amended in section 92 by deleting the words "three thousand" and substituting for them the words "one million".

Amendment of section 93

92. The principal Act is amended in section 93 by deleting the word "three thousand" and substituting for them the words "one million".

Amendment of section 94

93. The principal Act is amended in section 94-

(a) in subsection (1), by deleting the word "two" and substituting for them the words "one hundred"; and

(b) in subsection (2), by deleting the word "two" and substituting for them the words "one hundred".

Amendment of section 105

94. The principal Act is amended in section 105(1), by-

(a) adding immediately after paragraph (cc), the following:

"(dd) procedures for prisoners' rehabilitation and reintegration;"; and

(b) renaming paragraph (dd) as paragraph (ee).

PART XIV
AMENDMENT OF THE PRIVATE HEALTH LABORATORIES (REGULATION) ACT, (CAP. 136)

Construction Cap. 136

95. This Part shall be read as one with the Private Health Laboratories (Regulation) Act, hereinafter referred to as the

"principal Act".

General amendment

96. The principal Act is amended generally by deleting the word "technologist" wherever it appears in the Act and substituting for it the word "practitioner".

Amendment of section 3

97. The principal Act is amended in section 3, by-

(a) deleting the definitions of the terms "private health laboratory" and "private health laboratory services" and substituting for them the following:

""private health laboratory" means any health laboratory registered or recognized as such by the Board to provide private health laboratory services in accordance with this Act, and includes a laboratory attached to a private health facility, an autonomous laboratory, mortuary, mobile laboratory and point of care testing site;

"private health laboratory services" means services provided by a private health laboratory to an individual and the community and includes clinical chemistry, haematology and blood transfusion, histopathology and cytology, postmortem examination, parasitology and medical entomology, microbiology and immunology, molecular biology, clinical sample transportation and research;" and

(b) adding in the appropriate alphabetical order the following new definitions:

""point of care testing site" means a site where laboratory tests are performed at or near the location of patient care;

"clinical sample transportation" means all procedures required for safe and secure transportation of patient's sample for diagnostic purposes;

"health laboratory scientist" has the meaning

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ascribed to it under the Health Laboratory Practitioners Act;".

Amendment of section 12

98. The principal Act is amended in section 12-

(a) in subsection (2) by deleting the phrase "who is registered under this Act and possesses a certificate of registration in respect of that private health laboratory" and substituting for it the words "registered under the Health Laboratory Practitioners Act"; and

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(b) in subsection (3) by deleting the words "not less than fifty thousand shillings" and substituting for them the words "not less than one million shillings but not exceeding five million shillings".

Addition of section 12A

99. The principal Act is amended by adding immediately after section 12 the following:

"Responsibility of approved person

12A. An approved person shall be responsible for the day-to-day operations of a private health laboratory and ensuring implementation of quality management system.".

Amendment of section 13

100. The principal Act is amended in section 13(1) by deleting the words "laboratories to be identified" and substituting for them the words "laboratories, whether attached to a private health facility or autonomous, to be identified or recognised".

Amendment of section 14

101. The principal Act is amended in section 14(11) by deleting the words "not less than twenty thousand shillings but not exceeding one hundred thousand shillings" and substituting for them the words "not less than one million shillings but not exceeding five million shillings".

Addition of sections 17A and 17B

102. The principal Act is amended by adding immediately after section 17 the following:

"General penalty

17A. A person who contravenes any provisions of this Act

for which no specific penalty is provided, commits an offence and on conviction, shall be liable to a fine of not less than one million shillings but not exceeding five million shillings or to imprisonment for a term of not less than six months but not exceeding two years or to both.

Immunity

17B. Anything done by a member of the Board, Registrar, Deputy Registrar or staff in the execution or performance or purported execution or performance of the duties or functions under this Act, shall not render a member, Registrar, Deputy Registrar or staff liable for the matter or thing done if done in good faith.".

Amendment of section 18

103. The principal Act is amended in section 18(2), by-

(a) adding immediately after paragraph (c) the following:

"(d) prescribing specific functions and procedures to be complied with by approved persons;"; and

(b) renaming paragraphs (d) and (e) as paragraphs (e) and (f) respectively.

Repeal and replacement of section 21

104. The principal Act is amended by repealing section 21 and replacing for it the following:

"Appeal

21. A person who is aggrieved by the decision of the Board under this Act may, at any time within thirty days after receiving the notice of decision of the Board, appeal to the Minister.".

Amendment of Schedule

105. The principal Act is amended in the Schedule-

(a) in paragraph 1 by deleting subparagraph (1) and substituting for it the following:

"(1) The Board shall consist of the

following persons to be appointed by the Minister:

(a) a Chairman, who shall be appointed from amongst senior health laboratory scientists or pathologists; and

(b) six other members as follows:

(i) a pathologist;

(ii) head of laboratory services from the Ministry responsible for health;

(iii) a senior health laboratory practitioner from any private health laboratory;

(iv) a senior health laboratory practitioner representing voluntary agency organisations;

(v) a law officer representing the Attorney General; and

(vi) a qualified and experienced health practitioner as the Minister may determine.";

(b) by adding immediately after paragraph 1 the following:

"Termination of membership

1A. The Minister may terminate a member of the Board for-

(a) incompetence;

(b) gross misconduct;

(c) absence from or non-attendance of three consecutive meetings of the Board without reasonable excuse;

(d) failure to disclose conflict of interest as required under this Act; or

(e) inability to perform the functions as a Board member arising from

infirmity of body or mind." and

(c) by adding immediately after paragraph 8, the following:

"Committees of Board

9. The Board may establish committees from amongst its members to carry out any special or general functions determined by the Board and may delegate to any such committee such function as the Board may deem fit and necessary.

Conflict of interest

10. A member of the Board who has a conflict of interest relating to any matter being discussed by the Board shall declare interest, and such person shall not participate in decision making concerning that matter. ".

PART XV
AMENDMENT OF THE TANZANIA LIBRARY SERVICES ACT, (CAP.102)

Construction Cap.102

106. This Part shall be read as one with the Tanzania Library Services Act, hereinafter referred to as the "principal Act".

General amendment

107. The principal Act is amended generally by deleting the word "Director" wherever it appears in the Act and substituting for it the word "Director General".

Amendment of section 2

108. The principal Act is amended in section 2-

(a) by deleting the definition of the term "book" and substituting for it the following:

""book" means a printed or non-printed information materials including a book, document, periodical, magazine, newspaper, pamphlet, music-score, gramophone record, picture, print,

engraving, etching, deed, photograph, map, chart, plan, film, filmstrip, microfilm, slide or manuscript, and any other article or thing of a like nature, provided for use in any library or documentation centre;";

(b) in the definition of the term "public library", by adding the phrase "which is mainly funded and maintained by the Government and" immediately after the word "library";

(c) by adding in the appropriate alphabetical order, the following new definitions:

""community library" means a library which is established, owned and managed by a community, based on community needs;

"documentation centre" means a centre for documenting, indexing, analysing, abstracting, maintaining and preserving information for reference of a particular institution;

"editor" means a professional who prepares, superintends, revises and corrects manuscripts, books, periodicals, engravings, computer software and audio-visual production;

"librarian" means a person who is trained on library and information sciences and who is recognised by the Board;

"National Library" means a library specifically established by the Government to save a preeminent repository of information for intellectual and cultural heritage of the nation;

"publisher" means a person or firm whose business is to arrange the writing and professionally prepare and manage manuscripts, books, periodicals, engravings, computer software, audio-visual production or non-printed

materials;

"specialised library" means a library that provides specialised information resources on a particular subject for targeted users; and

"translator" means a professional who translates manuscripts, books, periodicals engravings, computer software or audio-visual materials from one language to another;".

Amendment of section 4

109. The principal Act is amended in section 4-

(a) in subsection (1), by-

(i) adding the word "degrees," immediately after the word "grant" appearing in paragraph (d);

(ii) deleting the words "of books" appearing in paragraph (h) and substituting for them the words ",procurement and distribution of books, e-resources";

(iii) adding immediately after paragraph (n) the following:

"(o) to register and regulate professional conducts of librarians;

(p) to provide facilities and opportunities for professional learning, exposure, skills acquisition, and cause to be held professional development programs for library professionals, publishers and editors;

(q) to set, promote and maintain professional standards for libraries;

(r) to register and maintain list of publishers, editors and translators and cause publication of such lists which contain their names, addresses and qualifications;

(s) to nurture young publishers and editors on issues pertaining to publication and production;";

(iv) renaming paragraphs (o) and (p) as

paragraphs (t) and (u) respectively; and

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

"(2) In the performance of its functions under this Act, the Board shall ensure that books and other literary works deposited with, held by, or made accessible through libraries promote a sound understanding of national values, cultivate and enhance respect for indigenous and traditional literature, and do not contain immoral content or glorify, encourage, or otherwise promote criminal or other undesirable activities.".

Amendment of section 5

110. The principal Act is amended in section 5, by-

(a) deleting proviso appearing in subsection (2), and substituting for it the following:

"Provided that, in case of a gramophone record, audio-visual material, digital material, film or other information not being a printed material, the Board may direct the person producing them to supply the Board with one copy.";

(b) deleting subsection (4) and substituting for it the following:

"(4) A person who contravenes provisions of this section, commits an offence and on conviction, shall be liable to a fine of not less than two million shillings but not exceeding ten million shillings or to imprisonment for a term of not less than six months but not exceeding two years or to both:

Provided that, where a person is convicted under this section, in addition to the penalty imposed, the court may make an order for the forfeiture, impoundment, destruction, incapacitation, sealing or disposal of any print and non-print materials or, where the subject material is proven valuable to the society, make an order to abide with the provisions of this

Act.”.

Amendment of section 13

111. The principal Act is amended in section 13, by-

(a) adding immediately after paragraph (b) the following:

“(c) monies generated from rent of property or spaces and fees collected from training, tuition, research and consultancy;”; and

(b) renaming paragraphs (c) and (d) as paragraphs (d) and (e) respectively.

Amendment of section 14

112. The principal Act is amended in section 14(8)(b) by deleting the words “fifty thousand” and substituting for them the words “fifty million”.

Amendment of Schedule

113. The principal Act is amended in the Schedule, by deleting paragraph 2(1) (b) and substituting for it the following:

“(b) eight other members appointed by the Minister as follows:

(i) a representative from the Department of Policy and Planning of the Ministry responsible for Education;

(ii) a representative from Education Department of the Ministry responsible for local government;

(iii) a representative from Information Services Department of the Ministry responsible for information;

(iv) a Law Officer representing the Attorney General;

(v) a representative from e-Government Authority;

(vi) a representative from Publishers Association of Tanzania;

(vii) a representative from Tanzania Library Association; and

(viii) a representative from either the Institute of Adult Education or Tanzania Institute of Education or experienced

librarian from higher leaning institutions.”.

PART XVI
AMENDMENT OF THE TANZANIA TOURIST BOARD ACT,
(CAP. 364)

Construction Cap. 364

114. This Part shall be read as one with the Tanzania Tourist Board Act, hereinafter referred to as the “principal Act”.

General amendment

115. The principal Act is amended by deleting the words “Managing Director” wherever they appear in the Act and substituting for them the words “Director General”.

Amendment of section 2

116. The principal Act is amended in section 2 by adding in the appropriate alphabetical order the following definitions:

““Director General” means the Director General appointed under this Act;

Cap. 65 “Director of Tourism” means the Director appointed under the Tourism Act;

Cap. 65 “tourism facility” has the meaning ascribed to it under the Tourism Act;”.

Amendment of section 5

117. The principal Act is amended in section 5, by-

(a) adding immediately after paragraph (k) the following:

“(1) in relation to tourism facilities and activities, to-

(i) register, classify and grade tourism facilities;

(ii) establish and maintain registers of tourism facilities and activities;

(iii) license providers of tourism facilities and services;

(iv) regulate tourism activities and services;

(v) monitor quality assurance of tourism facilities and services; and

(vi) identify tourist attractions and diversify tourism activities.”;

(b) adding immediately after subsection (1) the following:

"(2) The Board shall furnish the Director of Tourism with information necessary for tourism development.";

(c) renumbering subsections (2) and (3) as subsections (3) and (4) respectively; and

(d) deleting reference to subsection (2) appearing in subsection (4) as renumbered and substituting for it reference to subsection (3).

Amendment of Schedule

118. The principal Act is amended in paragraph 1 of the Schedule-

(a) in subparagraph (1), by-

(i) deleting items (c), (d) and (e) and substituting for them the following:

"(c) a representative of the government institution responsible for investment promotion;

(d) a Law Officer representing the Attorney General;

(e) a person with knowledge and experience in tourism representing higher learning institutions offering courses relating to tourism;";

(ii) adding immediately after item (e) the following:

"(f) an experienced accountant who is registered by the relevant professional body; and

(g) two representatives from the Tourism Confederation of Tanzania appointed from amongst six persons nominated or appointed by the Confederation."";

(b) adding immediately after subparagraph (1), the following:

"(2) The Board may co-opt any person to participate in any meeting of the Board, but such person shall have no right to vote."; and

(c) renumbering subparagraphs (2) and (3) as subparagraphs (3) and (4) respectively.

PART XVII
AMENDMENT OF THE TOURISM ACT, (CAP. 65)

Construction Cap. 65

119. This Part shall be read as one with the Tourism Act, hereinafter referred to as the "principal Act".

General amendment

120. The principal Act is amended by deleting the word "Director" wherever it appears in sections 9, 10, 11, 12, 13, 14, 15,16, 21, 22, 23, 24, 25, 31, 32, 33, 34, 35, 39, 40, 41, 44, 45, 46, 51, 52 and 56 and substituting for it the words "Director General".

Amendment of section 2

121. The principal Act is amended in section 2 by inserting in the appropriate alphabetical order the following definition:

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""Director General" means the Director General of the Tanzania Tourist Board appointed under the Tanzania Tourist Board Act;".

Repeal and replacement of section 4

122. The principal Act is amended by repealing section 4 and replacing for it the following:

"Technical Advisory Committee

4.-(1) There is established a Technical Advisory Committee which shall advise the Minister on matters related to the management and regulation of tourism activities and on any other matter as the Minister may direct.

(2) The composition, tenure of office, meetings and procedural matters of the Committee shall be as provided for in the First Schedule.".

Amendment of section 6

123. The principal Act is amended in section 6(1), by-

(a) deleting paragraph (c) and substituting for it the

following:

"(c) coordinate the dissemination of information on tourism development;";

(b) deleting paragraphs (d), (k), (n), (o) and (p); and

(c) renaming paragraphs (e), (f), (g), (h), (i), (j), (l), (m) and (q) as paragraphs (d), (e), (f), (g), (h), (i), (j), (k) and (l) respectively.

Amendment of section 13

124. The principal Act is amended in section 13 by deleting the words "shall publish in the *Gazette* once in a year or at other intervals as the Minister may direct," and substituting for them the words "may, at such intervals as the Minister may direct, publish in a widely circulating newspaper or in any other manner as Director General may deem necessary,".

Amendment of section 14

125. The principal Act is amended in section 14(1) by deleting the words "and the operator of such facility shall be required to pay relevant fees" appearing in the closing phrase.

Amendment of section 16

126. The principal Act is amended in section 16, by-

(a) deleting the words "with the consent of the Minister" appearing in subsection (1);

(b) deleting the word "Minister" appearing in subsections (2) and (3) and substituting for it the words "Director General";

(c) deleting the words "direct the Director to" appearing in subsection (3); and

(d) deleting the words "after consultation with the Minister" appearing in subsection (5).

Amendment of section 17

127. The principal Act is amended in section 17(1) by deleting the words "after consultation with the Director" and substituting for them the words "upon recommendation by the Director General".

Amendment of section 34

128. The principal Act is amended in section 34 by deleting subsection (3) and substituting for it the following:

"(3) The Director General shall periodically publish in a widely circulating

newspaper or in any other manner as the Director General may deem necessary, a list of tourism operators licensed under this Act.".

Amendment of section 36

129. The principal Act is amended in section 36 by deleting the words "twelve calendar months" and substituting for them the words "twelve months from the date of issuance".

Repeal and replacement of section 42

130. The principal Act is amended by repealing section 42 and replacing for it the following:

"Registration of tour guides

42.-(1) A person shall not carry out activities as a tour guide unless such person is registered by the Director General.

(2) The manner of registration of tour guides shall be prescribed in the regulations.".

Repeal of section 43

131. The principal Act is amended by repealing section 43.

Amendment of section 50

132. The principal Act is amended in section 50 by adding the words "Director General" immediately after the word "Director".

Amendment of section 53

133. The principal Act is amended in section 53 by adding the words "Director General," immediately after the word "Director" wherever they appears.

Amendment of First Schedule

134. The principal Act is amended in the First Schedule, by-

(a) deleting paragraph 1 and substituting for it the following:

"1. The Technical Advisory Committee shall consist of the following members who shall be appointed by the Minister:

(a) a Chairman from the private sector with at least ten years' experience in tourism;

(b) Director General;
(c) three members representing the private sector each appointed from-
(i) Tourism Confederation of Tanzania;
(ii) Tanzania Association of Tour Operators; and
(iii) Hotel Association of Tanzania;
(d) a Law Officer representing the Attorney General;
(e) a representative of the government institution responsible for investment promotion;
(f) a senior officer representing the Tanzania Immigration Department; and
(g) a senior officer with knowledge in tax from the Ministry responsible for finance.";

(b) deleting paragraph 3 and substituting for it the following:

"3. The Director shall be the Secretary to the Committee."; and

(c) deleting the word "four" appearing in paragraph 5(1) and substituting for it the word "two".

PART XVIII
AMENDMENT OF THE TRADE AND SERVICE MARKS ACT, (CAP. 326)

Construction Cap. 326

135. This Part shall be read as one with the Trade and Service Marks Act, hereinafter referred to as the "principal Act".

Amendment of section 2

136. The principal Act is amended in section 2, by-

(a) deleting the definition of the term "trade or service mark" and substituting for it the following:

""trade or service mark" means any sign or

combination of signs capable of distinguishing goods or services of one undertaking from those of other undertakings;";

(b) deleting the definition of the term "visible sign"; and

(c) adding in the appropriate alphabetical order the following new definitions:

""certification mark" means a sign or combination of signs capable of distinguishing, in the course of trade, goods or services certified by any person or entity in respect of kind, quality, quantity, intended purpose, value, geographical origin or other characteristics of the goods or services, or the mode or time of production of the goods or of rendering the services, as the case may be, from goods or services not so certified;

"collective mark" means a sign capable of distinguishing, in the course of trade, goods or services of persons who are members of an association from goods or services of persons who are not members thereof;

"date of entry into force" means the 1st day of September 1999, on which the Protocol entered into force in respect of the United Republic;

"Protocol" means the Banjul Protocol on Marks within the Framework of the African Regional Intellectual Property Organisation adopted at Banjul, Gambia;

"sign" includes, three dimensional marks, stylised, letters, words, colors or combinations of colors, numerals, get-ups, and holograms; and

"TRIPS Agreement" means the Trade-Related Aspects of Intellectual Property Rights Agreement of Marrakesh, Morocco 1994

as amended;".

Addition of sections 16A and 16B

137. The principal Act is amended by adding immediately after section 16 the following:

"Collective mark

16A. A mark capable of distinguishing, in the course of trade, the goods or services of persons who are members of an association, from goods or services of persons who are not members of such association, shall on application in the prescribed manner, be registerable as a collective trade mark or service mark in respect of the goods or services in the name of such association.

Certification mark

16B.-(1) A mark adopted in relation to any goods to distinguish in the course of trade goods certified by any person in respect of origin, material, mode of manufacture, quality, accuracy or other characteristic from goods not so certified shall be registrable as a certification mark under this Part in respect of those goods or services in the name of that person as proprietor thereof:

Provided that, a mark shall not be registrable in the name of a person who carries on a trade in goods or services of the kind certified.

(2) In determining whether a mark is adopted to distinguish, the court or the Registrar shall have regard to the extent to which-

(a) the mark is inherently adopted to distinguish in relation to the goods in question; and

(b) by reason of the use of the mark or of any other circumstances, the mark is in fact adopted to distinguish in relation to the goods in question.

(3) Subject to subsections (5), (6) and (7), and sections 33 and 34, the registration of a person as proprietor of a certification trade mark in respect of any goods and services shall, if valid, give to that person the exclusive right to the use of the trade mark in relation to those goods.

(4) A person shall be deemed to have infringed the right under subsection (3) where such person, not being the proprietor of the trade mark or a person authorised by him under its regulating instrument in that behalf to use it in accordance therewith, uses a mark identical to it or so nearly resembling it as to be likely to deceive or cause confusion, in the course of trade, in relation to any goods in respect of which it is registered, and in such manner as to render the use of the mark likely to be taken either-

(a) as being used as a trade mark; or

(b) in the case where the use is on the goods or

in physical relation thereto or in an advertising circular or other advertisement issued to the public, as importing a reference to some person having the right either as proprietor or by his authorisation under the relevant regulating instrument to use the trade mark or to goods certified by the proprietor.

(5) The right to the use of a certification trade mark given by registration shall be subject to any conditions or limitations entered on the register, and shall not be deemed to be infringed by the use of any such mark in any mode-

(a) in relation to goods to be sold or otherwise traded in any place;

(b) in relation to goods to be exported to any market; or

(c) in any other circumstances, to which, having regard to any such limitations, the registration does not extend.

(6) The right to the use of a certification trade mark given by registration shall not be deemed to be infringed by the use of any such

mark by any person-

(a) in relation to goods certified by the proprietor of the trade mark if, as to those goods or a bulk of which they form part, the proprietor or another in accordance with his authorisation under the relevant regulations has applied the trade mark and has not subsequently removed or obliterated it, or the proprietor has at any time expressly or impliedly consented to the use of the trade mark; or

(b) in relation to goods adopted to form part of, or to be accessory to, other goods in relation to which the trade mark has been used without infringement of the right given or might for the time being be so used, if the use of the mark is reasonably necessary in order to indicate that the goods are so adopted and neither the purpose nor the effect of the use of the mark is to indicate otherwise than in accordance with the

fact that the goods are certified by the proprietor:

Provided that, paragraph (a) shall not have effect in the case of use which consist of the application of any such mark to goods, notwithstanding that they are goods mentioned in that paragraph, if that application is contrary to the relevant regulations.

(7) Where a certification trade mark is one of two or more registered trademarks that are identical or nearly resemble each other, the use of any of those trade marks in exercise of the right to the use of that trade mark given by registration shall not be deemed to be an infringement of the right given to the use of any other of those trademarks.

(8) A person shall deposit at the office of the Registrar, in respect of every trade mark registered under this section, a regulating instrument that governs the use of the certification mark.

(9) The regulating instrument to be deposited shall-

(a) include provisions as to the cases in which the proprietor is to certify goods and to authorise the use of the mark;

(b) be open to inspection in the same manner as the register; and

(c) contain any other provisions that the Registrar may require or permit to be inserted therein".

Addition of section 19A

138. The principal Act is amended by adding immediately after section 19 the following:

"Protection of well-known marks

19A.-(1) A trade mark which is entitled to protection under the Convention or the TRIPS Agreement as a well-known mark, shall be a mark which is well known in Tanzania as being the mark of a person who is-

(a) a national of a convention country; or

(b) domiciled in, or has a real and effective industrial or commercial establishment in a convention country, whether or not that person carries on business or has any good-will in Tanzania.

(2) In determining whether a mark is a well-known mark, the Registrar shall take into account any circumstances from which it may be inferred that the mark is well known and shall include-

(a) information concerning the degree of knowledge or recognition of the mark in the relevant sector of the public;

(b) the duration, extent and geographical area of any use of the mark;

(c) the duration, extent and geographical area of any promotion of the mark, including advertising or publicity and the presentation, at fairs or exhibitions, of the goods or services to which the mark applies;

(d) the duration and geographical area of any registrations, or any applications for registration, of the mark, to the extent that they reflect use or recognition of the mark;

(e) the record of successful enforcement of rights in the mark, in particular, the extent to which the mark was recognised as well known by competent authorities; and

(f) the value associated with the mark.

(3) Subject to the provisions of this Act, the proprietor of a mark which is entitled to protection under the Convention or the TRIPS Agreement as a well-known mark, is entitled to restrain by injunction, the use in Tanzania of a mark which is identical or the essential part of which is identical or similar to his, in relation to identical or similar goods or services, where the use is

likely to cause confusion among the users of the goods or services.

(4) Nothing in subsection (3) shall affect the continuation of any *bona fide* use of a mark in use before the commencement of this section.

(5) A mark shall not be registered if the mark, or an essential part thereof, is likely to impair, interfere with or take unfair advantage of the distinctive character of the well-known trade mark.".

Amendment of section 26

139. The principal Act is amended in section 26 by deleting a full stop appearing at the end of subsection (2) and substituting for it a colon and the following proviso:

"Provided that, the Registrar may cause an application to be advertised before acceptance where he considers the existance of exceptional circumstances for so doing.".

Addition of section 28A

140. The principal Act is amended by adding immediately after section 28 the following:

"Recognition of registration under Protocol

28A. A trade or service mark registered by the African Regional Intellectual Property Organisation on or after the date of entry into force, describing the United Republic as a designated state, shall be deemed registered under this Act unless the Registrar has communicated to the African Regional Intellectual Property Organisation in respect of the application thereof, a decision in accordance with the provisions of the Protocol that if the mark is registered, that mark shall have no effect in the United Republic.".

Passed by the National Assembly on 1st September, 2026

BARAKA ILDEPHONCE LEONARD,
Clerk of the National Assembly