

THE UNITED REPUBLIC OF TANZANIA

ACT SUPPLEMENT

No. 2

3rd January, 2014

to the Gazette of the United Republic of Tanzania No. 1 Vol. 95 dated 3rd January, 2014

Printed by the Government Printer, Dar es Salaam by Order of Government

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

ARRANGEMENT OF SECTIONS

Sections

Title

PART I

PRELIMINARY PROVISIONS

1. Short title.
2. Amendment of certain written laws.

PART II

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

3. Construction.
4. Amendment of section 2.
5. Amendment of section 4.
6. Amendment of section 24.
7. Amendment of section 26.
8. Amendment of section 27.
9. Addition of section 27A.
10. Amendment of section 32.
11. Amendment of section 34.
12. Amendment of section 62.
13. Amendment of section 64.
14. Amendment of the Schedule.

PART III
AMENDMENT OF THE CONSTITUENCIES DEVELOPMENT
CATALYST FUND ACT,
(CAP. 96)

- 15. Construction.
- 16. Amendment of section 9.

PART IV
AMENDMENT OF EDUCATION FUND ACT,
(CAP. 412)

- 17. Construction.
- 18. Amendment of section 4.
- 19. Amendment of section 6.
- 20. Amendment of section 7.
- 21. Amendment of section 13.
- 22. Amendment of the First Schedule.
- 23. Addition of Third Schedules.

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

- 24. Construction.
- 25. Addition of section 34B.

PART VI
AMENDMENT OF THE HIGHER EDUCATION
STUDENT'S LOANS BOARD ACT,
(CAP. 178)

- 26. Construction.
- 27. Amendment of section 3.
- 28. Amendment of section 5.
- 29. Amendment of section 7.
- 30. Amendment of section 20.
- 31. Amendment of section 25.
- 32. Amendment of section 27
- 33. Addition of section 32A.

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

- 34. Construction.
- 35. Amendment of section 2.
- 36. Amendment of section 16.
- 37. Amendment of Schedule.

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

- 38. Construction.
- 39. Amendment of section 7.
- 40. Amendment of section 12.
- 41. Amendment of First Schedule.

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

- 42. Construction.
- 43. Amendment of section 63B.
- 44. Addition of section 63C.
- 45. Amendment of section 89.
- 46. Amendment of section 126.
- 47. Amendment of section 129.

PART X
AMENDMENT OF THE PREVENTION OF TERRORISM ACT,
(CAP. 19)

- 48. Construction.
- 49. Amendment of section 3.

- 50. Amendment of section 6.
- 51. Amendment of section 12.
- 52. Addition of section 41A.

PART XI
AMENDMENT OF THE PUBLIC CORPORATIONS ACT,
(CAP.257)

- 53. Construction.
- 54. Amendment of section 4.

PART XII
AMENDMENT OF THE SOCIAL SECURITY
(REGULATORY AUTHORITY) ACT,
(CAP. 135)

- 55. Construction.
- 56. Amendment of section 7.
- 57. Amendment of section 49A.

PART XIII
AMENDMENT OF THE UNIVERSITIES ACT,
(CAP. 346)

- 58. Construction.
- 59. Repeal of section 16.

PART XIV
AMENDMENT OF THE VOCATIONAL EDUCATION AND
TRAINING ACT, (CAP.82)

- 60. Construction.
- 61. Amendment of section 19.

THE UNITED REPUBLIC OF TANZANIA



NO. 10 OF 2013

I ASSENT,

JAKAYA MRISHO KIKWETE.
President[30th December, 2013]**An Act to amend certain written laws.****ENACTED** by 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)(No.3) Act, 2013.Amendment of
certain written
laws**2.** The written laws specified in various Parts of this Act are amended in the manner provided for in their respective Parts.

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

Construction
Cap. 80

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

Amendment of
section 2

4. The principal Act is amended in section 2, by deleting the definition of the term "air navigation services" and substituting for it the following:

"air navigation services" include air traffic management, communication, navigation, surveillance, search and rescue, meteorological services for air navigation and aeronautical information services;"

Amendment of
section 4

5. The principal Act is amended in section 4-

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

"(1) The Minister may make Regulations for the better carrying out of the provisions of this Act."

(b) in subsection (2) by-

(i) adding immediately after the word "may" the phrase "in consultation with the Authority;"

(ii) adding immediately after the opening phrase of subsection (2) the following new paragraphs:

" (a) for regulating air navigation and economic regulation of air transport services;

- (b) giving effect to Chicago Convention and annexes thereto, and any other civil aviation conventions to which the United Republic is a party;”
- (iii) renaming paragraphs (a) to (u) as paragraphs (c) to (w) respectively;
- (iv) deleting paragraph (v);
- (v) renaming paragraphs (w) and (x) as paragraphs (x) and (y) respectively;
- (vi) adding immediately after the renamed paragraph (y) the following:
 - “(z) regulating aviation training organizations;
- (aa) prohibiting or regulating the emission or causing of smoke, soot, ash, grit, dust and any other substance whatsoever, which obscures or may obscure visibility in the vicinity of the aerodrome;
- (bb) classifying and use of airspace, control search and reserve facilities;
- (cc) for the aircraft design, construction, repair, maintenance, repair of facilities and related equipment;
- (dd) overseeing the implementation of the safety management system; and
- (ee) providing for development and implementation of the state safety program.”

Amendment of
section 24

by-

6. The principal Act is amended in section 24(2).
- (a) adding immediately after paragraph (b), the following:
“(c) borrowing”;
 - (b) renaming paragraph (d) as paragraph (c).

Amendment of
section 26

by-

7. The principal Act is amended in section 26(1).
- (a) adding immediately after paragraph (g) the following:
 - “(h) to plan, develop, regulate and promote operations of a safe, secure and efficient civil aviation system;
 - (i) to conduct safety, security and economic oversight of the aviation industry;
 - (j) to establish and implement the state safety programme;
 - (k) to establish an acceptable level of safety;
 - (l) to advise the Government on matters concerning civil aviation;
 - (m) to coordinate search and rescue operations of aircraft;
 - (n) to deal with acts of unlawful interference;
 - (o) to establish, manage and operate training institutions for the industry;
 - (p) to plan, develop and formulate the safe, secure and efficient management of Tanzanian airspace; and”;
 - (b) renaming paragraph (h) as paragraph (q).

(c) deleting subsection 6 and substituting for it the following:

“(6) In addition to its regulatory functions, the Authority may provide air navigation services:

Provided that, it shall not provide aeronautical meteorological services.”

Amendment of
section 27

8. The principal Act is amended in section 27, by deleting the words “and functions” appearing in the marginal note.

Addition of
sections 27A

9. The principal Act is amended by adding immediately after section 27, the following new sections:

“Functions
and powers
of the Board

27A.-(1) The Board shall generally be responsible for ensuring that the performance and management of the functions and affairs of the Authority are carried out in an efficient, transparent and ethical manner.

(2) Without prejudice to the generality of subsection (1), the Board shall-

- (a) set the Authority’s strategic objectives and value;
- (b) review management performance standards;
- (c) ensure that the necessary resources are in place for the Authority to meet its objective;
- (c) provide public education on the functions and obligations of the Authority;

- (d) determine and set priorities of the general performance and targets of the Authority;
- (e) ensure that measures for the development of civil aviation are in place and implementable;
- (f) consider and advise the Minister on the development and maintenance of civil aviation policy framework and such other matters affecting civil aviation as it considers desirable in the interest of civil aviation in the United Republic;
- (g) perform such other functions not inconsistent with this Act as the Minister may direct; and
- (h) approve the budget of the Authority

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

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

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

Amendment of
section 32

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

Amendment of
section 34

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

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

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

- (i) promulgation of manual of aviation Standards;”
- (c) renumbering paragraph (h) as paragraph (j).”

Amendment of
section 62

12. The principal Act is amended in section 62(1), by-

- (a) adding immediately after paragraph (a) the following new paragraphs:
 - “ (b) charges paid in respect of air navigation services and safety oversight;
- (b) renaming paragraphs (b), (c) and (d) as paragraphs (c), (d) and (e) respectively;
- (c) inserting the word “loans” between the words “grants” and “donations” appearing in the first line of paragraph (d) as re-named.

Amendment of
section 64

13. The principal Act is amended in section 64, by-

- (a) adding immediately after subsection (1) the following:

“(2) In addition to any other functions assigned to him by the Audit Committee of the Authority, the head of Internal Audit shall be responsible for the internal auditing of the Authority’s accounts and shall, in every three months in each financial year, submit a report to the Director General.

(3) The Chairman of the Audit Committee of the Authority shall submit the report referred to under subsection (2) to the Board for consideration”;

(b) renumbering subsection (2) as subsection (4).

Amendment of
the Schedule

14. The principal Act is amended in the Schedule, by deleting the word "special" appearing in paragraph 4(3) and substituting for it the word "extra-ordinary".

PART III
AMENDMENT OF THE CONSTITUENCIES DEVELOPMENT
CATALYST FUND ACT,
(CAP. 96)

Construction
Cap. 96

15. This Part shall be read as one with the Constituencies Development Catalyst Fund Act, hereinafter referred to as the "principal Act".

Amendment of
section 9

16. Section 9 of the principal Act is repealed and replaced with the following:

"Accounts
and audit

Cap.418

9. All funds received under this Act shall be audited and reported upon by the Controller and Auditor General in terms of the provisions of the Public Audit Act.

PART IV
AMENDMENT OF EDUCATION FUND ACT,
(CAP. 412)

Construction
Cap. 412

17. This Part shall be read as one with the Education Fund Act, hereinafter referred to as the "principal Act".

Amendment of
section 4

18. The principal Act is amended in section 4, by-
(a) deleting the words "as grant or loans" appearing in subsection (1); and

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

“(3) The monies deposited in the Fund shall be used for improvement of access, equity and quality of education in accordance with the provisions of this Act.”

Amendment of
section 6

19. The principal Act is amended in section 6, by-

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

“(a) to provide funds to supplement the provision of education at all levels”;

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

“(f) to develop and make periodic review of the formula for allocation and disbursement of the financial resources of the Authority to different educational levels except that, at least fifty percent of the financial resources shall be provided to finance basic and secondary education.;

(g) to develop and make periodic review of the resources allocated for the facilitation of education to students with disabilities.”

- (c) inserting the phrase “other than the funds allocated to other institutions specified under this section” after the word “Fund” appearing at the end of paragraph (g);

- (d) adding immediately after paragraph (h) the following new paragraph:

“(i) to apply the monies deposited into the Fund for the purpose of giving effect to the mandate of the Authority, the Higher

Education Students' Loans Board, the Tanzania Commission for Universities and the National Council for Technical Education pursuant to the formula specified in the Third Schedule, except that, the funds so applied shall relate to the sources specified under section 13(a) to (c):

Provided that the Authority shall consult with the institutions referred to in this section in the application of the monies deposited into the Fund;"

(e) renaming paragraph (i) as paragraph (j).

Amendment of
section 7

20. The principal Act is amended in section 7, by-

(a) deleting subsection (3); and

(b) renumbering subsections (4) to (7) as subsections (3) to (6) respectively.

Amendment of
section 13

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

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

(a) such sums not less than two *per centum* (2.0%) of the annual Government recurrent budget less than the amount payable in defraying the national debt as additional funding to education levels.";

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

" (b) skills and development levy as provided for under the Vocational Education and Training Act;

(c) such sums as may be appropriated to the Fund by the Parliament; and

- (d) such sums as may be accrued to the Authority by way of loans repayment, interests, grants, projects or donations from any source within or outside the United Republic.”

Amendment of the
First Schedule

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

“(b) other members to be appointed by the Minister as follows-

- (i) a member from Higher Education Students Loans Board;
- (ii) a member representing the Committee of Vice Chancellors;
- (iii) two members from Prime Minister’s Office Regional and Local Government Authority in the education coordination division, one of whom shall represent secondary education section and another basic education section;
- (iv) a member from Treasury;
- (v) one member from Ministry of Education engaged in higher education;
- (vi) a member from private sector dealing with education;
- (vii) a member from the Ministry of Education of Zanzibar responsible for higher education;
- (viii) a member representing financial institutions; and
- (ix) a State Attorney of the rank of Senior State Attorney or above representing the office of the

Attorney General.”

Addition of Third
Schedule

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

THIRD SCHEDULE

FORMULA FOR ALLOCATION OF FUNDS

(Made under section 6(i))

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

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

Construction
Cap. 230

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

Amendment of
section 34

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

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

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

Constitution
Cap. 178

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

Amendment of
section 3

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

Amendment of
section 5

28. The principal Act is amended in section 5, by deleting subsection (1) and substituting for it the following-
"(1) The Board shall consist of the following members:

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

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

Amendment of
section 7

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

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

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

Amendment
of section 20

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

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

Amendment of
section 25

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

“Sources
of Fund

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

Cap. 412

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

Amendment of
section 27

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

Cap. 418

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

Addition of
section 32A

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

“Information of
loan beneficiaries

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

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

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

Construction
Cap. 129

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

Amendment of
section 2

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

"Minister" means the Minister responsible for technical education;"

Amendment of
section 16

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

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

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

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

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

Amendment of
Schedule

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

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

Construction
Cap. 266

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

Amendment of
section 7

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

"Judge's
Oath

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

Amendment of
section 12

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

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

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

Amendment
of First
Schedule

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

(a) deleting the title "JUDICIAL OATH" and substituting for it the title "JUDGE'S/JUDICIAL OFFICER'S OATH"; and

(b) deleting the title "KIAPO CHA HAKIMU" and substituting for it the title "KIAPO CHA JAJI/AFISA WA MAHAKAMA".

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

Construction
Cap. 16

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

Amendment
of section
63B

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

Addition of
section 63C

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

“Hate
speech

- 63C.-(1) A person who-
- (a) uses threatening, abusive or insulting words or behaviour, or displays any written material;
 - (b) publishes or distributes written material;
 - (c) presents or directs the performance the public performance of a play;
 - (d) distributes, shows or plays, a recording of audio or visual images;

(c) direct a public performance of a play; or

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

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

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

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

Amendment of section 89

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

Amendment
of section
126

46. The principal Act is amended in section 126, by deleting the phrase “guilty of an offence” and substituting for it the phrase “commits an offence and upon conviction is liable to a fine of not less than three million shillings or to imprisonment for a term not exceeding two years.”

Amendment
of section
129

47. The principal Act is amended in section 129, by deleting the phrase “is guilty of an offence and is liable on conviction to imprisonment for one year” and substituting for it the phrase “commits an offence and upon conviction is liable to a fine of not less than three million shillings or to imprisonment for a term of not less one year”.

PART X

AMENDMENT OF THE PREVENTION OF TERRORISM ACT, (CAP.19)

Construction
Cap.19

48. This Part shall be read as one with the Prevention of Terrorism Act, hereinafter referred to as the “principal Act”.

Amendment
of section 3

49. The principal Act is amended in section 3, by inserting in their appropriate alphabetical order the following new definitions-

Cap 423 “Commissioner of Financial Intelligence Unit” shall have the meaning ascribed to it under the Anti-Money Laundering Act;

Cap.423 “Financial Intelligence Unit” also known by its acronym “FIU” means an extra ministerial department established under section 4 of the Anti-Money Laundering Act,”

Amendment
of section 6

50. The principal Act is amended in section 6, by deleting the word “may” appearing in the closing statement of subsection (1) and substituting for it the word “shall.”

Amendment
of section 12

51. The principal Act is amended in section 12 -

- (a) in subsection (1) by deleting the word “may” and substituting for it the word “shall”;
- (b) in the opening phrase of subsection (3) by deleting the word “may” and substituting for it the word “shall”; and
- (c) in subsection (5) by deleting the word “may” and substituting for it the word “shall”.

Addition of
section 41A

52. The principal Act is amended, by adding immediately after section 41, the following:

“Reporting
to FIU

41A.-(1) Nothing under section 41 shall be taken as limiting or restricting the obligations of financial institutions to report to the FIU any transaction in respect of which there is reasonable ground to suspect that it is related or linked to the terrorist financing or intended to finance terrorist acts or a terrorist organization.

(2) In addition to the requirement provided for under section 41, any reporting person shall report

without delay to the FIU any information regarding a transaction or proposed transaction in respect of any property which is to his knowledge, owned or controlled by or on behalf of a terrorist group.

(3) Any reporting person that has in his possession or under his control a property against which an order of freezing has been issued or granted under this Act, shall report the fact of that possession or control in every three months, to the Commissioner of FIU.

(4) No civil, administrative or criminal proceedings shall be instituted against a reporting person for making disclosure or report, in good faith, or as required under section 41 and this section.

(5) A reporting person who fails to comply with reporting obligations under section 41 and this section, shall, on conviction, be liable-

(a) to a fine of not less than one hundred million shillings but not exceeding five hundred million shillings or to imprisonment for a term of not less than two years or to both; or

(b) to administrative sanctions as may be prescribed in the Regulations made under this Act.

Cap.423

(6) For the purposes of this section the term "reporting person" has the meaning ascribed to it under the Anti-Money Laundering Act."

PART XI
AMENDMENT OF THE PUBLIC CORPORATION ACT,
(CAP. 257)

Construction
Cap. 257

53. This Part shall be read as one with the Public Corporation Act, hereinafter referred to as the "principal".

Amendment
of section 4

54. The principal Act is amended in section 4, by adding immediately after subsection (2) the following subsections-

"(3) Notwithstanding the preceding provisions of this section, the public corporation established under this Act shall have a duty of notifying the Attorney General of any impending suit or intention to institute a suit or matter for or against the corporation.

(4) The Attorney General shall have the right to intervene in any suit or matter instituted by or against the corporation.

Cap.5 (5) Where the Attorney General intervenes in any matter in pursuance to subsection (3), the provisions of the Government Proceeding Act, shall apply in relation to the proceedings of that suit or matter as if it had been instituted by or against the Government."

PART XII
AMENDMENT OF THE SOCIAL SECURITY (REGULATORY
AUTHORITY) ACT,
(CAP. 135)

Construction
Cap. 135

55. This Part shall be read as one with the Social Security (Regulatory Authority) Act, hereinafter referred to as the “principal Act”.

Amendment
of section 7

56. The principal Act is amended in section 7, by deleting paragraph (e) appearing in subsection (1) and substituting for it the following-

“(e) two members representing the most representative employers organization”.

Amendment
of section
49A

57. The principal Act is amended in section 49A, by-

- (a) deleting subsection (3); and
- (b) re-designating subsections (4),(5) and (6) as subsections (3),(4) and (5) respectively.

PART XIII
AMENDMENT OF THE UNIVERSITIES ACT,
(CAP. 346)

Construction
Cap. 346

58. This Part shall be read as one with the Universities Act, hereinafter referred to as the “principal Act”.

Repealing of
section 16

59. The principal Act is amended, by repealing section 16 and replace it with the following new section:

“Source
of fund”

16.-(1) The funds and other resources of the Commission shall include:

Cap.412

- (a) such monies as may be appropriated by Parliament;
- (b) donations, loans, gifts, grants, from any source within or outside the United Republic;
- (c) funds accruing from investments, projects or fundraising activities by the Commission;
- (d) such funds as shall be received pursuant to the provisions of the Education Fund Act;
- (e) such funds as may be received from the Higher Educations Students' Loans Board for purposes of quality assurance of the leaning process and standards of institutions within its mandate ; and
- (f) other fees as may be prescribed by the Commission in respect of services rendered by the Commission to its client."

PART XIV
AMENDMENT OF THE VOCATIONAL EDUCATION AND
TRAINING ACT, (CAP.82)

Construction
Cap.82

60. This Part shall be read as one with the Vocational Education and Training Act, hereinafter referred to as the "principal Act".

Amendment
of section 19

61. The principal Act is amended. by-

- (a) re-designating section 19 as section 19(1); and
- (b) adding immediately after subsection (1) as re-designated the following:

“(2) The Minister may, by order published in the *Gazette*, exempt from payment of levy, any employer or category of employers whose turnover does not exceed forty million shillings per year.”

Passed in the National Assembly on the 8th November, 2013.

DR. THOMAS D. KASHILILAH
Clerk of the National Assembly