

CHAPTER 373

THE EXPORT PROCESSING ZONES ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 373

THE EXPORT PROCESSING ZONES ACT

An Act to make provisions for establishment, development and management of the Export Processing Zones; for the creation of international competitiveness for export growth and to provide for related matters.

[1st July, 2002]

[GN. No. 316 of 2002]

Acts Nos.
11 of 2002
3 of 2006
2 of 2011
1 of 2015
9 of 2023

PART I

PRELIMINARY PROVISIONS

Short title

1.–(1) This Act may be cited as the Export Processing Zones Act.

(2) Omitted.

(3) This Act shall apply to Mainland Tanzania.

Interpretation
Acts Nos.
3 of 2006 s. 3
2 of 2011 s. 4
9 of 2023 s. 4

2. In this Act, unless the context otherwise requires -

“Act” means the Export Processing Zones Act;

“Authority” means the Export Processing Zones Authority established under section 12 of this Act;

“Board” means a Board established under section 14(1) of this Act;

“Commissioner-General” means the Commissioner-General of the Tanzania Revenue Authority as defined under the Tanzania Revenue Authority Act;

“customs territory” means the area in the United Republic which is not within an area declared to be an Export Processing Zone;

“Export Processing Zone” means an area of land which has been so established or so declared in accordance with section 3(1) of this Act;

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- “foreign market” means any market other than those located in the customs territory;
- “investor” means a company incorporated in the United Republic which makes application for, and is licensed by the Authority to manufacture and export industrial products from the Export Processing Zones to foreign markets and includes a person who provides infrastructure necessary for development of an area established or declared to be the Export Processing Zone;
- “joint venture” means an association whether incorporated or unincorporated, between a foreign investor and a local co-operative or parastatal organisation, a foreign investor and a local private investor, a domestic private investor and a local parastatal and co-operative organisation, a foreign investor and another foreign investor, for purposes of making an investment jointly in an Export Processing Zone;
- “licence” means an official permit granted by the Authority upon application by an investor to conduct business transactions within an Export Processing Zone;
- “manufacture” means any operation or process to change the form of any material for value of use and includes assembling, processing, packaging and re-packaging;
- “Minister” means the Minister responsible for Export Processing Zone;
- “single factory” means an industrial estate which may be granted an Export Processing Zone status but which is not located in an Export Processing Zone estate;
- “tax relief period” means the period specified in the licence during which an investor may not be required to pay tax and duties in relation to any business transaction carried by him.

PART II

ESTABLISHMENT OR DECLARATION OF EXPORT PROCESSING ZONES

Establishment or
declaration of
Export Processing
Zone
Act No.
2 of 2011 s. 4

3.—(1) The Minister may, upon the advice of the Board and in consultation with relevant authorities and on the recommendation of the Authority, by notice published in the *Gazette*—

- (a) establish or declare any area of land to be an Export Processing Zone; and
- (b) determine the location, extent, and physical characteristics or boundaries of an Export Processing Zone contemplated in paragraph (a).

(2) Where the Minister has consulted relevant authorities pursuant to subsection (1) and the latter have, within a period of thirty days, not responded or given reason why any such area of land should not be established or declared to be the Export Processing Zone, it shall be presumed that such authorities have consented to the establishment or declaration of Export Processing Zone in the area of land in question.

(3) The Export Processing Zone established or declared as such may consist of a developed, partly developed or underdeveloped area of land or may comprise of a single factory unit or group of factory units.

Objects and
purposes of
establishment of
Export Processing
Zone

4. The objects and purposes for which an Export Processing Zone may be established or declared are—

- (a) to attract and promote investment for export-led industrialisation with a view to diversifying and facilitating Tanzania's exports and promoting international competitiveness;
- (b) to create and expand foreign exchange earnings;
- (c) to create and increase employment and the development of skilled labour;
- (d) to attract and encourage transfer of new technology;

- (e) to foster linkages of the local economy with the international market; and
- (f) to promote processing of local raw materials for export.

PART III LICENSING

Restriction on
entering into,
residing in, etc,
Export Processing
Zones

5.-(1) A person shall not-

- (a) unless he is the holder of a licence granted by the Authority-
 - (i) conduct any business or undertake a retail trade in an Export Processing Zone in respect of any goods manufactured in, or imported into, such Export Processing Zone;
 - (ii) remove any goods manufactured in an Export Processing Zone for any purpose other than conveyance to another Export Processing Zone or for export into a foreign market or for purposes of processing such goods only; or
 - (iii) use any goods manufactured in an Export Processing Zone for consumption in such Export Processing Zone or in any other Export Processing Zone; or
- (b) unless authorised in writing by the Authority-
 - (i) subject to the provisions of subsection (2), enter into an Export Processing Zone; or
 - (ii) reside in an Export Processing Zone.

(2) The provisions of paragraph (b)(i) shall not apply to or in respect of-

- (i) members of the Police Force; or
- (ii) members of the public service; including customs officers or officers of the local government authorities; or
- (iii) any person employed by an investor or an institution or company charged or authorised by law to supply any public utility,

acting in the course of their respective duties and functions.

(3) The Authority may, by notice in writing addressed to the investor or any person who is in an Export Processing Zone-

- (a) impose conditions relating to the regulation, restriction or prohibition of entry of goods or categories of goods, into an Export Processing Zone;
- (b) order such investor or person in an Export Processing Zone to, within a period of time prescribed in the notice, which shall not be less than fourteen days-
 - (i) remove from the Export Processing Zone any article, item or thing; or
 - (ii) discontinue any activity or operation in such Export Processing Zone, as the Authority may specify in such notice.

(4) An addressee who receives a notice in accordance with the preceding subsection may, within seven days after receipt of such notice, make written representations to the Authority relating to any condition imposed by, or order contained in, such notice.

(5) A person who contravenes the provision of subsection (1) or fails to comply with a notice issued pursuant to subsection (4) commits an offence and on conviction, shall be liable-

- (a) where such a person is a natural person, to a fine not exceeding fifteen million shillings or to imprisonment for a term not exceeding four years or to both;
- (b) where such a person is not a natural person, to a fine not exceeding fifty million shillings.

Authority to issue
licence

6.-(1) The Authority shall be responsible for the issuance of a licence to any person who wishes to carry on business or activity in an Export Processing Zone.

(2) The licence issued pursuant to subsection (1) shall operate as if it were a licence issued by competent authorities under the Business Licensing Act and the National Industries (Licensing and Registration) Act.

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(3) For the purposes of this section, the Authority shall consult the relevant authorities responsible for administration of the Business Licensing Act and the National Industries (Licensing and Registration) Act with a view to have a coordinated record of persons or company carrying on business in Tanzania.

Cancellation and
suspension of
licence
Act No.
3 of 2006 s. 3

7.-(1) The Authority may, after issuing a thirty days written notice to the holder of the licence, cancel or suspend a licence if it is satisfied that the holder-

- (a) without reasonable cause stated in writing, fails to establish the business or activity for which a licence was granted, within the time stipulated in a licence or any period which may be prescribed by the Authority;
- (b) suspends its activities in an Export Processing Zone for a period of more than six months without the prior consent of, or notification to the Authority; or
- (c) without reasonable cause stated in writing, fails to comply with the terms of a licence or the provisions of this Part or any regulation or, upon request of extension of time made to the Authority and accepted by the licensee, fails to continue with the business for such period of time as may be prescribed in a licence or by the Authority in a notice to the holder of a licence.

(2) The Authority shall cancel the licence issued to the investor for carrying on a business or activity in an Export Processing Zone where such a licence holder has-

- (a) failed to pay tax or evaded payment of tax in respect of any transaction eligible for taxation;
- (b) failed to comply with any of the provisions of this Act or of any regulation made under this Act or the condition subject to which such certificate was issued;
- (c) assigned to another person a licence without obtaining the prior approval of the Authority; or
- (d) obtained such licence on the basis of fraud or deliberate submission of false or misleading information or statements.

(3) The holder of a licence may, within twenty one days after receipt of the notice in terms of subsection (1), make written representations to the Authority, and the Authority shall take into consideration such representation when deliberating on whether or not to cancel or suspend a licence.

Variation of
licence

8.—(1) The Authority shall not vary a licence and conditions attached to it, except where the holder has requested the Authority in writing to do so and such variation is necessary for purposes of causing the holder to better carry out the business or activity for which such a licence was issued.

(2) Where variation of a licence relates to extension of the tax relief period, such variation shall not extend the tax relief period originally granted to an investor.

Appeal against
decision of
Authority

9.—(1) A person who is aggrieved by a decision of the Authority to reject an application for a licence, cancel or suspend a licence may appeal to the Minister who may confirm, vary or set aside the decision of the Authority.

(2) A person who is dissatisfied with the decision of the Minister made in pursuant to subsection (1) may, within thirty days from the date on which the decision of the Minister was made, appeal to the High Court.

Prohibition of
other activities

10.—(1) A person shall not, during the tax relief period, carry on any trade or business other than the trade or business in relation to which a licence was granted.

(2) Without prejudice to subsection (1), a person shall not carry on the business of retail sales of articles produced or assembled in an Export Processing Zone except as may be determined and authorised by the Authority.

Authority to
determine certain
goods or articles
to be processed in
Export Processing
Zones

11.—(1) The Authority shall determine the rightful products to be processed, produced or the type of services to be supplied in the Export Processing Zones.

(2) Goods or articles specified or referred to in this subsection shall not, subject to the provisions of subsection

(3), be manufactured, processed, produced or supplied and no such goods or articles shall be brought into, or be allowed to remain in an Export Processing Zone-

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- (a) firearms or ammunition, or other war materials as provided in the Fire Arms and Ammunitions Control Act;
- (b) dangerous explosives and other hazardous substances;
- (c) drugs and narcotics.

(3) The provisions of subsection (2)(a) shall not apply to the members of the Police Force, Tanzania People's Defence Forces or officials of the Tanzania Revenue Authority or security guards employed in the area of an Export Processing Zone when they are in the execution of their duties.

PART IV

THE EXPORT PROCESSING ZONE AUTHORITY

Establishment of
Authority
Act No.
3 of 2006 s. 4

12.-(1) There is hereby established an autonomous Government Authority to be known as the Export Processing Zones Authority.

(2) The Authority shall be a body corporate and shall -

- (a) have perpetual succession and a common seal;
- (b) in its corporate name, be capable of suing and being sued;
- (c) subject to this Act, be capable of purchasing or otherwise acquiring, and or , alienating movable and immovable property.

Objectives and
functions of
Authority
Acts Nos.
3 of 2006 s. 4
2 of 2011 s. 5

13.-(1) The Authority shall initiate, develop and manage the operations of the publicly owned Export Processing Zones and for that purpose, shall carry out duties and perform the functions as stipulated under this section.

(2) For purposes of initiating, developing and managing operations of the Export Processing Zones, the Authority shall-

- (a) in consultation with the Minister responsible for lands and Minister responsible for local government

authorities, acquire land in its name and lease or issue derivative rights to investors or erect thereon industrial and commercial buildings and lease such buildings to investors for undertaking thereon the Export Processing Zones licensed business;

- (b) provide basic infrastructure for purposes of operations in the Export Processing Zones;
- (c) provide within the Export Processing Zones utilities and a system of sewerage, drainage and removal of refuse and waste for the benefit of Export Processing Zones, investors and other users;
- (d) prepare national and international programmes for appropriate promotion of the Export Processing Zones;
- (e) ensure provision of security and surveillance, property and equipment maintenance and availability of restaurants and food services;
- (f) provide commercial information for the benefit of investors in the Export Processing Zones; and
- (g) provide any other public utility as may be necessary for the betterment of operators and investors within the Export Processing Zones or consumers of products or services from the Export Processing Zones.

(3) In discharging the duties and performing the functions referred to in subsection (2), the Authority shall have powers to subcontract any person to execute any duty or perform any functions provided for under subsection (2), and in particular, may license or enter into joint venture with private investors to develop Export Processing Zones' infrastructure.

(4) The Authority may charge rent, dues and impose fees and charges for services rendered or facilities provided in the Export Processing Zones

(5) The Authority may, in discharging the powers and duties conferred by this Act, provide such other services, perform such other duties and functions and exercise such powers as may be necessary to attain the spirit of this Act.

Establishment of
Export
Processing
Zones
Authority
Board
Acts Nos.
3 of 2006 s. 4
2 of 2011 s. 6
9 of 2023 s. 5

14.—(1) There is established for the Authority a Board to be known as the Export Processing Zones Authority Board.

(2) The Board shall consist of the following members:

- (a) the Minister who shall be the chairman;
- (b) the Attorney General;
- (c) the Permanent Secretary of the Ministry responsible for finance;
- (d) the Permanent Secretary of the Ministry responsible for water;
- (e) the Permanent Secretary of the Ministry responsible for energy;
- (f) the Permanent Secretary of the Ministry responsible for local government authority;
- (g) the Executive Secretary of the Planning Commission;
- (h) the Commissioner General of the Tanzania Revenue Authority;
- (i) the Commissioner for lands;
- (j) the Chairman of the Tanzania Private Sector Foundation; and
- (k) the President of the Tanzania Chamber of Commerce, Industry and Agriculture;

(3) The Board may co-opt any other person to attend meetings of the Board.

(4) The Board may, establish such committees as it may deem expedient to discharge such duties and perform such functions as it may direct.

Functions and
powers of Board
Acts Nos.
3 of 2006 s. 4
2 of 2011 ss. 4, 7

15.—(1) The Board shall be responsible for the performance of the functions and management of the affairs of the Authority.

(2) For the proper discharge of the functions of the Authority, the Board shall, subject to any directions on matters of general policy which the Minister may give in that behalf, have the responsibility and power to-

- (a) develop Export Processing Zones' policies and to give general policy directions in relation to the development and operations of the Export Processing Zones;

- (b) approve plans and programmes related to the establishment and development of Export Processing Zones;
- (c) advise the Minister pursuant to section 3 of this Act;
- (d) determine priority sectors to be promoted in a particular Export Processing Zone;
- (e) approve specific financing requirements for the development of Export Processing Zones;
- (f) approve the budgets of the Authority;
- (g) approve structure and manning levels of the Authority; and
- (h) approve operational policies and staff remuneration.

(3) The Board shall have powers to regulate its own procedure.

Meetings and
decisions of
Board
Acts Nos.
3 of 2006 s. 4
2 of 2011 s. 4

16.—(1) The Board shall hold four regular meetings every year and may hold more meetings where the business of the Authority so requires.

(2) Five members shall constitute a quorum for a meeting of the Board.

(3) The Chairman shall preside at all meetings of the Board at which he is present.

(4) Where the Chairman is absent, the members present shall elect one of their numbers to be the Chairman of that meeting.

(5) The decision of the Board shall be by majority votes of the members present and voting, and in the event of an equality of votes, the Chairman of the meeting shall have a casting vote.

Director General
and other
employees
Acts Nos.
3 of 2006 s. 4
2 of 2011 s. 4

17.—(1) The Board shall, after consultation with the Minister, appoint a Director General of the Authority on such terms and conditions as the Board may determine.

(2) The Director General shall be the Chief Executive Officer of the Authority and shall be directly responsible to the Board for day to day administration of the affairs of the Authority.

(3) The Director General shall be the Secretary of the Board and may participate in its deliberations, but shall not be entitled to vote on any resolution or other matters before the Board.

(4) The Board may appoint or employ senior officers of the Authority on such terms and conditions as the Board may approve.

Sources of funds
Act No.
3 of 2006 s. 4

18.—(1) The sources of funds for the Authority shall include—

- (a) sums of money as may be appropriated by the Parliament for that purpose;
- (b) returns on investments in the Export Processing Zones' infrastructure and industrial sheds;
- (c) borrowing;
- (d) such donations, grants or bequeaths as the Authority may receive from any person or organisation associated with its duties in the Export Processing Zones as provided for in this Act;
- (e) proceeds from rent and other service charges derived from the activities in the Export Processing Zones; and
- (f) any other moneys received by or made available to the Authority for the purposes of performing its functions under this Act.

Use of Authority
funds
Act No.
3 of 2006 s. 4

19.—(1) The funds of the Authority shall be used for—

- (a) initiating, developing and managing Export Processing Zones infrastructure in accordance with the provisions of this Act;
- (b) providing utilities in the Export Processing Zones;
- (c) rehabilitating and maintaining Export Processing Zones' infrastructure; and
- (d) discharging liabilities arising out of implementation of this Act.

(2) Notwithstanding the provisions of subsection (1), the Authority shall retain all the moneys accrued for its continuous use in carrying out its functions.

Management and
auditing of funds
of Authority
Act No.
3 of 2006 s. 4
Cap. 348

20.—(1) The funds of the Authority shall be managed in accordance with the provisions of the Public Finance Act.

(2) The funds of the Authority shall be audited by the Controller and Auditor-General or an auditor appointed by him to act on his behalf.

(3) The Authority shall prepare an annual report on the implementation of the Export Processing Zones operations and submit the same to the Minister, who shall lay the report before the National Assembly.

PART V INVESTMENT INCENTIVES

Incentives
granted for
investments
in the Export
Processing Zones
Acts. Nos.
3 of 2006 ss. 5, 6
1 of 2015 s. 26

21.—(1) An investor in the Export Processing Zones shall be entitled to the following incentives:

- (a) subject to compliance with applicable conditions and procedures, accessing the Export Credit Guarantee Scheme;
- (b) remission of customs duty, value added tax and any other tax charged on raw materials and goods of capital nature related to the production in the Export Processing Zones;
- (c) exemption from payment of corporate tax for an initial period of ten years and thereafter, a corporate tax shall be charged at the rate specified in the Income Tax Act;
- (d) exemption from payment of withholding tax on rent, dividends and interest for the first ten years;
- (e) exemption from payment of all taxes and levies imposed by the local government authorities products produced in the Export Processing Zones for a period of ten years;
- (f) exemption from pre-shipment or destination inspection requirements;
- (g) on site customs inspection of goods in the Export Processing Zones;

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Cap. 54

Cap. 436

- (h) provisions of business visa at the point of entry to key technical, management and training staff for a maximum of two months; thereafter, the requirements to obtain a residence permit; according to the Immigration Act and the work permit in accordance with the Non-Citizens (Employment Regulation) Act shall apply;
- (i) remission of customs duty, value added tax and any other tax payable in respect of importation of one administrative vehicle, ambulances, firefighting equipment vehicles and up to two buses for employees' transportation to and from the Export Processing Zones;
- (j) treatment of goods destined into Export Processing Zone as transit cargo;
- (k) exemption from value added tax on utility and *wharfage* charges;
- (l) entitlement to an initial automatic immigrant quota of up to five persons during the start up period and thereafter, any application for an extra person shall be submitted to the Authority which shall, in consultation with the Immigration Department and Commissioner for Labour, authorise any additional persons deemed necessary taking into consideration the availability of qualified Tanzanian, complexity of the technology employed by the investor and agreements reached with the investor;
- (m) access to competitive, modern and reliable services available within the Export Processing Zones; and
- (n) unconditional transferability through any authorised dealer bank in freely convertible currency of-
 - (i) net profits or dividends attributable to the investment;
 - (ii) payments in respect of loan servicing where foreign loan has been obtained;
 - (iii) royalties, fees and charges in respect of any technology transfer agreement;

- (iv) the remittance of proceeds (net of all taxes and other obligations) in the event of sale or liquidation of the business enterprises or any interest attributable to the investment; and
- (v) payments of emoluments and other benefits to foreign personnel employed in Tanzania in connection with the business enterprise.

(2) The provisions of subsection (1)(e) shall not apply in relation to the goods manufactured and sold or otherwise offloaded in the customs territory.

(3) The Authority may, subject to such conditions relating to the grant of investment incentives, recommend to the Board, variation, addition, alteration or general amendments to the types of investment incentives to be granted to the persons who are doing business in the Export Processing Zones.

(4) Where the Board is satisfied that variation, addition, alteration or general amendments to the types of investment incentives be made, shall submit proposals to the Minister responsible for finance who shall proceed to make variation, addition, alteration or general amendments as may be necessary.

[s. 15]

Restriction on
exportation
of goods into
customs territory
by Export
Processing Zones
investments
Act No.
3 of 2006 s. 7

22.-(1). Goods which are subject to exemption from taxes within an Export Processing Zone shall not be taken out of the zone except-

- (a) as exports outside the customs territory;
- (b) as exports into the customs territory subject to-
 - (i) necessary permits being obtained from the customs authority;
 - (ii) payment of all applicable import duties, levies and other charges;
 - (iii) compliance with all customs procedures; and
 - (iv) the *percentum* of such exports not exceeding twenty *percentum* of the total annual production of the investors within the establishment.

(2) The Board may, depending on the nature of the industry or goods and market circumstances, authorise an investor to sell in the customs territory the amount exceeding that prescribed under subsection (1).

(3) All goods offloaded for sale into the customs territory shall be liable to all applicable duties and taxes.

[s. 16]

Work Permits
for technical s.aff
Act No.
3 of 2006 s. 5

23.—(1) The Government shall provide work permits for management and technical staff for skills that are not locally available, the number of which shall be determined by the Authority after consultation with the Ministry responsible for labour.

(2) Subject to the provisions of subsection (1), the Authority shall make recommendations to the Government with a view to exempt from payment of training levy, an investor who has trained local employees, the quantum of which shall be fifty percent of the said training levy.

[s. 17]

Authority
may enter into
contractual
agreement
Act No.
3 of 2006 s. 5

24.—(1) The Authority may enter into a contractual agreement not inconsistent with this Act, with an investor on the grant of such investment incentives and the conduct of business within the Export Processing Zones.

(2) The contractual agreement entered into pursuant to subsection (1) may contain provisions binding on the United Republic in relation to a special licence or business transactions that may be conducted under a special licence-

- (a) which guarantee special provisions for the payment of taxes, fees and other fiscal import;
- (b) relating to the circumstances or the manner in which the Authority may exercise any discretion conferred on it by this Act or regulations made under this Act;
- (c) relating to environmental matters, including matters which are project specific and not covered by any regulations of general application, provisions intended to define the scope and, as may be appropriate in any

particular case, limit the extent of the obligations or liabilities of the holder of a special licence.

(3) Where this Act or regulations confer on the Minister or the Authority a discretion to do anything, the Minister or, as the case may be, the Authority, shall exercise such discretion subject to and in accordance with relevant stipulations contained in the contractual agreement entered into pursuant to the provisions of this section.

(4) The Authority shall refer the proposed contractual agreement to the Minister for purposes of obtaining approval in relation to the business transactions or project which the investor proposes to enter into.

[s. 18]

PART VI

APPLICATION AND DISAPPLICATION OF OTHER LAWS

Disapplication
Act No.
3 of 2006 s. 5
Sura ya 38

25. [Disapplication of the “Sheria ya Uwekezaji Tanzania”].

[s. 19]

Exemption of
Stamp
Duty Act
Act No.
3 of 2006 s. 5

26. An instrument executed in or outside an Export Processing Zone which relates to the transfer, hypothecation or lease of any movable or immovable property and any act to be performed or done in such an Export Processing Zone, or any document, certificate, instrument, report or record relating to any activity, action, operation, enterprise, project, undertaking or venture including-

- (a) a mortgage bond;
- (b) customs and excise documents;
- (c) a hire purchase agreement or financial lease;
- (d) an agreement of partnership;
- (e) power of attorney;
- (f) a deed of transfer;
- (g) bills of exchange; or
- (h) promissory notes,

shall not be subject to any duty imposed under the Stamp Duty Act.

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[s. 20]

Application of
Urban Planning
Act
Act No.
3 of 2006 s. 5
Cap. 355

27. For the purposes of the Urban Planning Act and the rules relating to buildings in the Export Processing Zones, a reference to a local government authority in any provision of those laws with regards to planning consent and building permit, shall be construed as a reference to the Authority.

[s. 21]

Application of
labour laws
Act No.
3 of 2006 s. 5

28. The existing labour laws applicable in the United Republic shall apply *mutatis mutandis* in the Export Processing Zones.

[s. 22]

PART VII

ACQUISITION, COMPENSATION AND DISPUTES SETTLEMENT

Acquisition and
compensation
Act No.
3 of 2006 s. 5
Cap. 2
Cap. 118

29.—(1) An interest in or right over any property within the Export Processing Zones may not be acquired by the Government except in accordance with the Constitution of the United Republic and the Land Acquisition Act.

(2) Where any property is acquired in accordance with subsection (1), the Government shall, subject to the provisions of section 31, pay the owner of such property just and prompt compensation in a freely convertible currency.

[s. 23]

Settlement of
disputes
Act No.
3 of 2006 s. 5

30.—(1) Where a person to whom the Export Processing Zone licence is to be issued pursuant to this Act so elects, a licence concerned may provide that any dispute between the holder of such licence and the Authority in respect of-

- (a) any issue relating to the amount of, or any other matter in connection with any compensation payable in case of acquisition as provided under section 29;
- (b) the validity or continued validity of such licence; or

- (c) any other dispute arising under this Act, shall be settled by arbitration-
 - (i) in accordance with the rules and procedures for arbitration of the International Centre for Settlement of Investment Disputes;
 - (ii) within the framework of any bilateral or multilateral agreement on investment protection to which the Government of the United Republic and the country in which the investor is a national, are signatories;
 - (iii) in accordance with the rules and procedures for arbitration of the International Chamber of Commerce; or
 - (iv) in accordance with any other international machinery for the settlement of investment disputes by the parties.

(2) A licence referred to in subsection (1) which makes provision for arbitration shall constitute the consent of the holder of a licence and the Government to submit to arbitration.

(3) An award in any arbitration contemplated in this section shall be final and binding on the Government and the holder of the licence, and shall be enforceable, in the case of a foreign award, in accordance with the Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

[s. 24]

Non-limitation
for settlement of
disputes
Act No.
3 of 2006 s. 5

31. Section 30 shall not be construed-

- (a) in the case where a licence referred to in subsection (1) of section 30 does not make provision for the settlement of disputes, as restricting or limiting the right of a holder of such licence to any other remedy available; or
- (b) in the case where a licence referred to in subsection (1) of section 30 does make provision for settlement of disputes, as precluding a holder of such licence or the Authority from entering into an agreement providing

that any particular dispute specified or contemplated in such agreement shall not be settled otherwise than as provided in such licence.

[s. 25]

Minister may
make regulations
Act No.
3 of 2006 s. 5

32. The Minister may, in consultation with the Authority, make regulations generally for the better carrying out of the purposes of this Act.

[s. 26]

PART VIII OFFENCES

Offences relating
to licences and
foreign currency
Act No.
3 of 2006 s. 5

33. A person who-

- (a) in or in connection with an application for granting of a licence; or
- (b) for purposes of obtaining or retaining any foreign currency, makes any false statement which he knows to be false or have reason to believe not to be true, or knowingly furnishes any false information,

commits an offence and on conviction, shall be liable to a fine not exceeding fifteen million shillings or to imprisonment for a term not exceeding four years or to both.

[s. 27]

Offence for
transshipment of
products etc.
Act No.
3 of 2006 s. 5

34.-(1) A person shall not trans-ship any products to any other country purporting that such products were produced or manufactured in an Export Processing Zone for purposes of gaining any advantage accorded to Tanzania in terms of a trade quota under any bilateral, multilateral or regional agreement or protocol.

(2) A person who contravenes subsection (1), commits an offence and on conviction, shall be liable-

- (a) where such a person is a natural person, to a fine not exceeding twenty million shillings or to imprisonment for a term not exceeding five years or to both;

- (b) where such a person is not a natural person, to a fine not exceeding one billion shillings, closure and forfeiture of his enterprise or business.

[s. 28]

Offences for
manufacture of
processing, etc. of
prohibited goods
or articles
Act No.
3 of 2006 s. 5

35.—(1) A person who commits an offence against section 11(1), on conviction, shall be liable to a fine not exceeding fifty million shillings or to imprisonment for a term not exceeding fifteen years.

(2) The trial court may, in addition to a sentence imposed pursuant to subsection (1), order forfeiture to the Government of the goods or articles with respect to which an offence was committed.

[s. 29]

