

THE UNITED REPUBLIC OF TANZANIA

No. 9

26th June, 2024

SPECIAL BILL SUPPLEMENT

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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) (NO. 2)
ACT, 2024

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NOTICE

This Bill to be submitted to the National Assembly is published for general information to the public together with a statement of its objects and reasons.

Dodoma,
4th June, 2024

MOSES M. KUSILUKA,
Secretary to the Cabinet

A Bill for

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) (No. 2) Act, 2024.

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 THE ANTI-TRAFFICKING IN PERSONS ACT, (CAP. 432)

Construction
Cap. 432

3. This Part shall be read as one with the Anti-Trafficking in Persons Act, hereinafter referred to as the “principal Act”.

Amendment
of section 3

4. The principal Act is amended in section 3 by

adding in the appropriate alphabetical order the following new definition:

““Secretariat” means the Anti-trafficking in Persons Secretariat established under section 24A;”.

Amendment
of section 17

5. The principal Act is amended in section 17(3) by deleting the words “Commissioner for Social Welfare” and substituting for them the words “Social Welfare Officer”.

Addition of
Part IVA

6. The principal Act is amended by adding immediately after Part IV the following:

**“PART IVA
THE ANTI-TRAFFICKING IN PERSONS SECRETARIAT**

“Establishment of
Secretariat

24A.-(1) There is established a Secretariat to be known as the Anti-trafficking in Persons Secretariat.

(2) The functions of the Secretariat shall be to-

- (a) coordinate activities of all relevant institutions on matters connected with trafficking in persons;
- (b) take measures to prevent and combat trafficking in persons, including creating public awareness, conducting

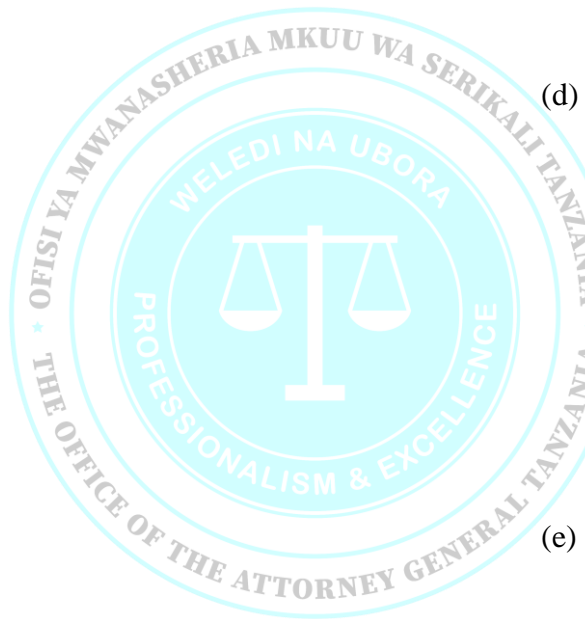
training, joint investigation and operations to disrupt trafficking routes and networks;

(c) identify, rescue, protect, rehabilitate and reintegrate victims of trafficking in persons;

(d) ensure the implementation of international agreements and conventions on matters relating to trafficking in persons on which the United Republic is a party;

(e) collaborate with other organs in the investigation and prosecution of trafficking in persons cases;

(f) foster cooperation with international, regional and national



institutions and organizations on combating trafficking in persons;

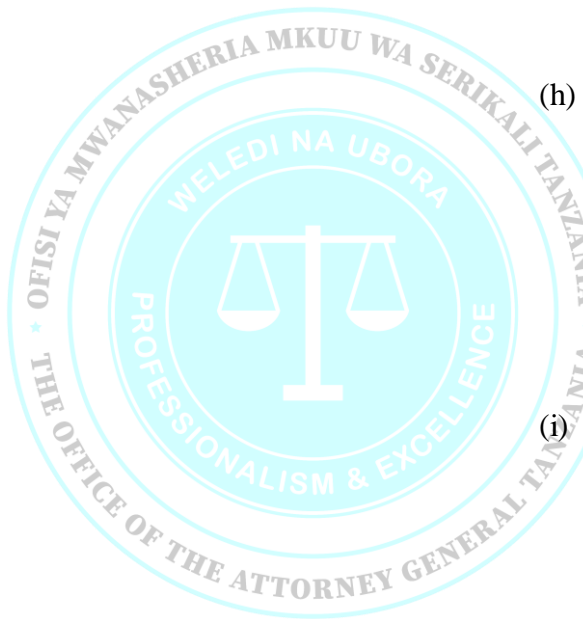
(g) establish, facilitate, promote and manage the operation of safe houses for victims of trafficking in persons;

(h) conduct research, monitor and make follow up of trafficking in persons incidences in the country; and

(i) carry out such other functions as are necessary in combating trafficking in persons.

(3) In the performance of its functions under this section, the Secretariat may-

(a) establish data collection and management system on trafficking in



- persons at the national level;
- (b) enter into any premise for the purpose of preventing and combating trafficking in persons activities; and
- (c) request information from and summon any person dealing with matters relating to trafficking in persons.

29B.-(1) The President shall appoint among senior public officers a Secretary to the Secretariat.

(2) The Secretary shall be responsible for the proper administration and management of the functions and affairs of the Secretariat.

Deputy
Secretaries

29C.-(1) There shall be two Deputy Secretaries who shall be appointed by the President one from each part of the Union.

(2) The Deputy Secretaries appointed

under this section shall be heads of the Prevention and Victims Protection Section and Zanzibar Anti-trafficking in Persons Office, respectively.

(3) The Deputy Secretaries shall, in discharging their functions under this Act, be the principal assistants of the Secretary.

Staff of
Secretariat

Cap. 298

29D. There shall be employed such number of employees of the Secretariat in accordance with the Public Service Act.”.

Amendment
of section 30

7. The principal Act is amended in section 30, by-
(a) deleting subsection (2) and substituting for it the following:

“(2) The Committee shall appoint a secretariat comprising of such persons as the Committee may, with the approval of the Minister, determine.”; and

(b) deleting subsections (3) and (4).

Amendment
of section 31

8. The principal Act is amended in section 31(1) by deleting the words “a Director of Immigration” appearing in paragraph (a) and substituting for them the words “a Commissioner General of Immigration”.

Amendment
of section 32

9. The principal Act is amended in section 32, by-
(a) deleting paragraphs (a), (d), (f) and (g); and
(b) renaming paragraphs (b), (c), (e), (h) and (i) as paragraphs (a), (b), (c), (d) and (e) respectively.

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

Construction
Cap. 20

10. This Part shall be read as one with the Criminal Procedure Act, hereinafter referred to as the “principal Act”.

Amendment
of section
205A

11. The principal Act is amended in section 205A by adding immediately after subsection (2) the following:

“(3) The mode and manner of preparation of report under subsection (1) shall be as set out in the form prescribed in the Fifth Schedule.”

Addition of
Fifth
Schedule

12. The principal Act is amended by adding immediately after the Fourth Schedule the following:

“FIFTH SCHEDULE

THE UNITED REPUBLIC OF TANZANIA

CYBER FORENSIC ANALYSIS REPORT

FB/CYBER/20...../LAB/..... Ref. No. (IR/RB)

I (Name & Rank of the officer) of the(Institution) being an officer duly authorised to examine and analyse exhibits hereby certify as follows:

1. On the day of 20..... At (place) I received (Name, Description, number of exhibit(s) below)

- (a)
- (b)
- (c)
- (d)
- (e)

sealed in packets/boxes/envelope/containers/bag (whichever applicable)

with number (any marked number)
 purporting to be sent by
 (institution) suspected to have contained
 (type of evidence) which
 were handled to me by
 (officer(s) of the
 institution) and was given Laboratory
 No.....

2. Terms of reference

The task was to conduct digital forensic examination of the exhibits
 to determine the following

- (i)
- (ii)
- (iii)

3. Method of examination:

- (i)
- (ii)
- (iii)
- (iv)

4. I have examined and analysed the said exhibit(s) the results of
 which are stated hereunder:

Exhibit "A" (Description of
 Exhibit)

Has been found/not found with

Exhibit "B" (Description of Exhibit)

Has been found/not found with

Exhibit "C" (Description of Exhibit)

Has been found/not found with

Exhibit "D" (Description of Exhibit)

Has been found/not found with

Exhibit "E" (Description of Exhibit)

Has been found/not found with

5. Together with these findings, the report is accompanied
 with..... (pictures, video etc)
 stored in.....(CD, DVD, Flash,
 hard disc, memory card etc).

6. I (Name & Rank of
 the officer) Certify that I have examined and analysed the exhibit(s)
 with the above mentioned tools sealed the packet(s)/boxes
 /envelop(s)/container(s) (whichever applicable) signed and handled
 back to (name of officer and
 Institution).

Dated.....at.....20....

.....
Signature of the officer

Authorising Officer:

Name:

Signature:

Rank:

”

PART IV
AMENDMENT OF THE e-GOVERNMENT ACT,
(CAP. 273)

Construction
Cap. 273

13. This Part shall be read as one with the e-Government Act, hereinafter referred to as the “principal Act”.

Amendment
of section 57

14. The principal Act is amended in the closing phrase of section 57(1)-

- (a) in subparagraph (ii), by deleting the words “paragraphs (b), (e) and (g)” and substituting for them the words “paragraphs (b) and (g)”; and
- (b) by adding immediately after subparagraph (ii) the following:

“(iii) in the case of offences under paragraph (e), be liable to a fine of not less than three million shillings but not exceeding fifty million shillings or to imprisonment for a term of not less than one year but not exceeding twenty years or to both.”.

PART V
AMENDMENT OF THE IMMIGRATION ACT,

(CAP. 54)

Construction
Cap. 54

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

Amendment
of section 3

16. The principal Act is amended in section 3, by-
(a) deleting the definition of the term “medical practitioner” and substituting for it the following:

Cap. 152 ““medical practitioner” has the meaning ascribed to it under the Medical, Dental and Allied Health Professionals Act and the Medical Practitioners and Dentists Act of Zanzibar;”;

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12 of 1999

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

““Diaspora Tanzanite Card” or “Card” means a valid card issued under this Act to a Tanzania non-citizen diaspora after being granted a special status;

“illegal immigrant” means an alien immigrant who has violated any of the conditions of entry or residence in the United Republic;

“order of departure” means an order issued in accordance with regulations made under this Act to an alien immigrant required to leave the United Republic;

“smuggling of immigrants” means the procuring of an alien immigrant in order to obtain, whether directly or indirectly, benefits for the purpose of illegal entry or exit of the alien immigrant from the United Republic;

“special status” means the status granted to a Tanzania non-citizen diaspora under this Act-

(a) for the purpose of entry, stay or exit out of the United Republic;

and

- (b) for such other purposes as may be provided under any other written laws; and

“Tanzania non-citizen diaspora” means a person who was formerly a citizen of the United Republic other than a citizen by naturalisation or whose either parent, grandparent or such other descendant is or was a citizen of the United Republic;”.

Addition of
section 8B

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

“Governing Board of
Training Academy

8B.-(1) There shall be a Governing Board of the Training Academy which shall be responsible for the general control and supervision of the Training Academy.

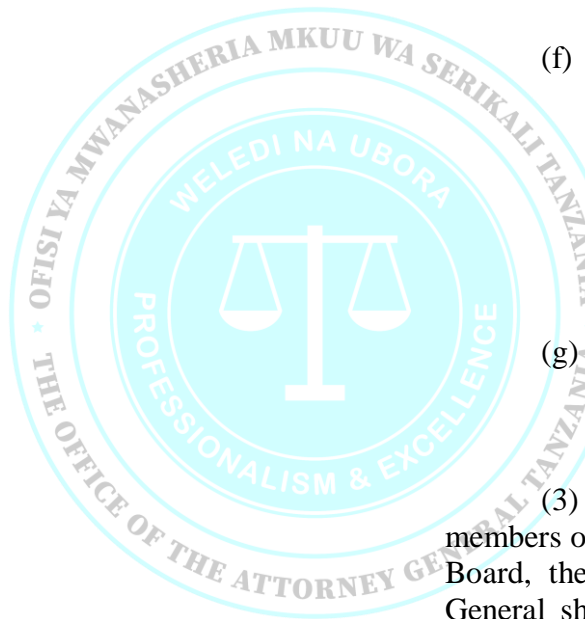
(2) The Governing Board shall consist of the following seven members appointed by the Commissioner General:

- (a) a senior officer from a Public University, who shall be the Chairperson;
- (b) the Training Academy Commandant, who shall be the Secretary;
- (c) a senior member from security organ;

- (d) a retired senior immigration officer of the rank not below Deputy Commissioner of Immigration;
- (e) a senior officer from the Ministry responsible for foreign affairs;
- (f) a senior officer from the Office of the Second Vice President of the Revolutionary Government of Zanzibar; and
- (g) a senior officer from the Treasury office.

(3) In appointing members of the Governing Board, the Commissioner General shall have regard to-

- (a) the need to have diversity of members with requisite knowledge and experience in immigration matters; and
- (b) academic qualification



and
professional
competencies.

(4) The provisions of the Schedule shall have effect as to the tenure and termination of members, proceedings and other matters in relation to the Governing Board and its members.”.

Amendment
of section 20

18. The principal Act is amended in section 20(2) by deleting the word “shall” and substituting for it the words “may also”.

Amendment
of section 23

19. The principal Act is amended in section 23, by-
(a) adding immediately after subsection (1) the following:

“(2) The Commissioner General shall, subject to subsection (1), issue a prohibited immigrant notice to any person who is a prohibited immigrant.

(3) Notwithstanding subsection (2), the Commissioner General may, for purposes of fostering regional or multilateral integration, diplomatic ties or such other related purposes, issue an order of departure to any person who is a prohibited immigrant.”; and

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

Amendment
of section 28

20. The principal Act is amended in section 28-

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

“(1) Subject to subsections (3) and (4), a person to whom this section applies shall not enter Tanzania from any place outside Tanzania or remain in Tanzania

unless-

- (a) he is in possession of a valid visa;
 - (b) he is in possession of a valid pass;
 - (c) he is a holder of a valid residence permit;
 - (d) he is in possession of a valid Diaspora Tanzanite Card;
 - (e) he is in possession of, or his name is endorsed upon, a valid permit enrollment notification issued to the applicant prior to issuance of the valid permit; or
 - (f) he is in possession of a valid Diaspora Tanzanite Card enrollment notification issued to the applicant prior to issuance of the Diaspora Tanzanite Card.”;
- (b) by adding immediately after subsection (1) the following:
- “(2) Notwithstanding the provisions of subsection (1), a person who enters Tanzania from any place outside Tanzania shall be required to be in possession of a valid passport.”;
- (c) by adding the words “Diaspora Tanzanite Card” immediately after the word “permit” wherever it appears in subsection (4);
- (d) in subsection (5) by deleting the words “paragraphs (a) and (b)” appearing in the opening phrase and paragraph (e) and substituting for them the words “paragraphs (a), (b) and (d)”;
- (e) by deleting reference to subsection (5) wherever it appears in subsections (6) and (7) and substituting for it reference to subsection (6); and
- (f) by renumbering subsections (2) to (8) as subsections (3) to (9) respectively.

Amendment
of section 32

- 21.** The principal Act is amended in section 32-
- (a) by deleting subsection (2) and substituting for it

the following:

“(2) A residence permit may be issued for a period not exceeding two years and may be renewed.”; and

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10 of
2023

- (b) in subsection (4), by adding the words “or the Zanzibar Investment Act” immediately after the word “Act”.

Addition of
sections 36A,
36B, 36C,
36D, 36E
and 36F

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

“Grant of special
status to Tanzania
non-citizen
diaspora

36A.-(1) A person who intends to be granted special status shall apply to the Commissioner General in the manner prescribed in regulations.

(2) A person shall be eligible to apply for a special status if such person-

- (a) is a Tanzania non-citizen diaspora;
- (b) observes national ethos, traditions, customs and cultural values;
- (c) is not a fugitive offender or has not been convicted of an offence of or related to money laundering, economic and organised crimes or other transnational

- crimes;
- (d) holds a valid passport or travel document;
- (e) is of good moral turpitude; and
- (f) complies with such other requirement as may be prescribed in the regulations made under this Act.

(3) The Commissioner General shall, upon being satisfied with the fulfillment of the requirements under subsection (1), grant special status and issue a Diaspora Tanzanite Card to the applicant.

Special
circumstances for
grant of special
status

36B.

Notwithstanding paragraphs (b) and (e) of section 36A(2), the Commissioner General may, upon being satisfied that an applicant possesses a rare, unique or noble profession, talent or skill which is of significance to the United Republic, grant special status and issue a Diaspora Tanzanite Card to an applicant.

Validity of Card

36C. A Card issued in terms of this Act shall be valid for a period of ten years and may be renewed.

Dependant of
Tanzania non-
citizen diaspora

36D.-(1) Subject to the conditions prescribed in the regulations, the Commissioner General may, on application made on that behalf by the person who has been granted a special status, issue a dependant pass to dependants of holder of the Card.

(2) The provisions of section 39 shall apply *mutatis mutandis* in respect of the expiration of a dependant pass.

(3) For the purpose of this section, “dependant” means spouse, child or relative of the Tanzania non-citizen diaspora:

Provided that, the dependant is not Tanzania non-citizen diaspora.

Conditions of
special status

36E. A person who has been granted a special status shall-

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- (a) observe the Constitution of the United Republic and

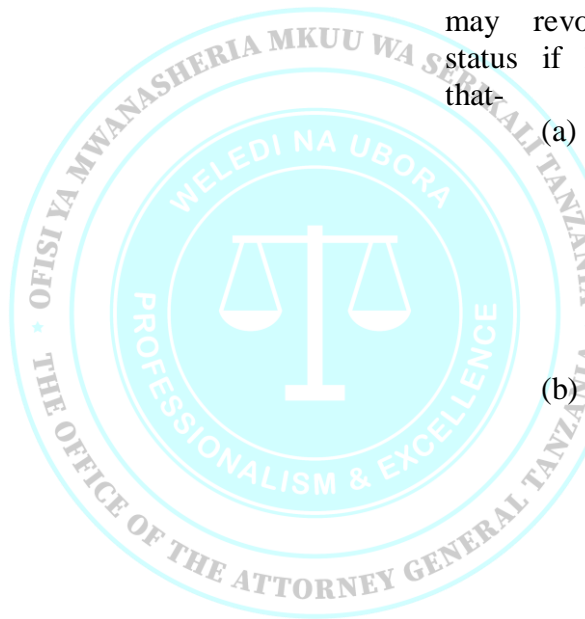
other written laws;

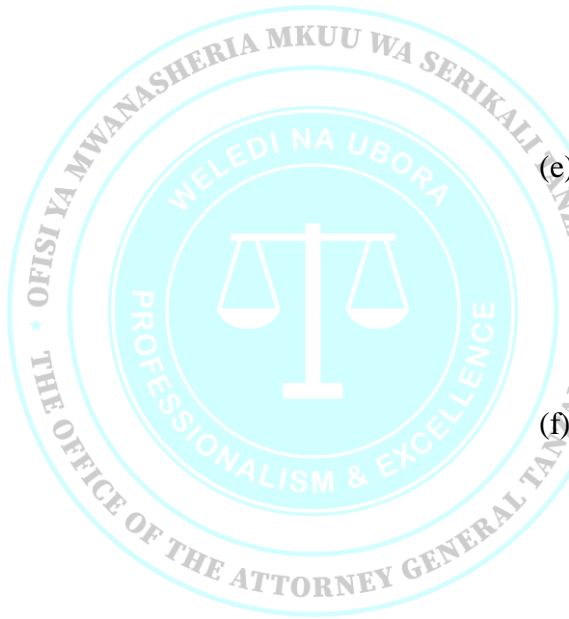
- (b) observe the requirements of a special status as set out under this Act; and
- (c) be of good moral standing.

Revocation of special status

36F.-(1) The Commissioner General may revoke a special status if he is satisfied that-

- (a) a person granted a special status has breached any conditions of the special status;
- (b) the special status was obtained by means of fraud, false representation or concealment of any material fact;
- (c) a person has shown himself by act or speech to be disloyal or disaffectionate towards the United Republic;





(d) a person has unlawfully traded or communicated with an enemy to the United Republic or has been engaged in or association with any business that is carried on in such a manner as to assist the enemy;

(e) a person is engaged in any act which is against the morals of the United Republic; or

(f) it is not conducive to the public good that, that person should continue to hold the special status.

(2) Revocation of special status in terms of subsection (1) shall constitute the automatic invalidation of the Card, and the holder shall be under obligation to return the Card to the issuer thereof.

(3) A person whose special status has been revoked, may, within one month from the date of revocation, apply to the Commissioner General for any other immigration status as provided for in the Act.”.

Amendment
of section 37

23. The principal Act is amended in section 37 by deleting the phrase “refusing an application for a residence permit or varying the conditions or period of validity specified in the permit,” and substituting for it the words “under this Act”.

Addition of
section 42A

24. The principal Act is amended by adding immediately after section 42 the following:

“Mode of application and
issuance of documents

42A. An application for, and the issuance of any immigration document under this Act shall be done electronically or by such other means as the Commissioner General may determine.”.

Amendment
of section 45

25. The principal Act is amended in section 45-
(a) in subsection (1), by-

- (i) adding the word “Card” immediately after the word “certificate” wherever it appears in that subsection;
- (ii) adding the word “Card” immediately after the word “visa” appearing in paragraph (o);
- (iii) deleting the word “and” appearing at the end of paragraph (p);
- (iv) adding immediately after paragraph (p) the following:

“(q) fails to furnish any list or

information required to be furnished by him under this Act;
 (r) fails to comply with an order of departure issued by the Commissioner General; or”; and

(v) renaming paragraph (q) as paragraph (s);
 and

(b) in subsection (2), by deleting the words “or to imprisonment for a term not exceeding three years” and substituting for them the words “but not exceeding five million shillings or to imprisonment for a term not less than six months but not exceeding three years”.

Amendment
 of section 46

26. The principal Act is amended in section 46-

(a) in the closing phrase of subsection (1), by deleting the words “or to imprisonment for a term of twenty years” and substituting for them the words “but not exceeding one hundred million shillings or to imprisonment for a term of not less than twelve years but not exceeding twenty years”; and

(b) in subsection (2), by deleting the term “Attorney General” and substituting for it the term “Director of Public Prosecutions”.

Amendment
 of section 48

27. The principal Act is amended in section 48-

(a) in subsection (1), by-

(i) adding immediately after paragraph (o) the following:

“(p) prescribing procedure for application and grant of special status;

(q) prescribing procedure for appeal.”; and

(ii) renaming paragraphs (p) and (q) as paragraphs (r) and (s) respectively;

(b) in subsection (2), by deleting the words “paragraph (a) to (q) of”.

Addition of
Schedule

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

“ _____

SCHEDULE

(Made under section 8B(4))

PROVISIONS RELATING TO THE GOVERNING BOARD

Tenure of
office

1.-(1) Subject to the provisions of this Schedule, a member of the Governing Board shall hold office for a period of three years from the date of his appointment and he may be eligible for re-appointment for one further term.

(2) Notwithstanding subparagraph (1), a member may resign at any time by giving notice in writing to the appointing authority and from the date specified in the notice or, if no date is so specified in the notice from the date of the receipt of the notice by the appointing authority, he shall cease to be a member.

(3) A person who is a member by virtue of his office shall cease to be a member upon ceasing to hold the office by virtue of which he is a member.

Termination of
appointment

2. Where a member of the Governing Board absents himself from three consecutive meetings of the Governing Board without reasonable excuse, the Governing Board shall advise the appointing authority of the fact and the appointing authority may terminate the appointment of that member and may appoint a new member in his place.

Cessation of
membership

3.-(1) Where a member of the Governing Board ceases to be a member by resignation or death or is unable to perform his functions as a member by reason of his absence from the United Republic or by reason of any infirmity of body or mind or where the appointing authority terminates his appointment, the appointing authority may appoint another member in his place and the member so appointed shall, subject to the provisions of this Schedule hold office for the remainder of the term of his predecessor.

(2) Where in the opinion of the appointing authority, the absence or infirmity of a member is of a temporary nature, may appoint a temporary member to take his place and that temporary member shall have, so long as he remains a temporary member, all the powers and functions of a member of the Governing Board:

Provided that, on the resumption of office by the substantive member the temporary member shall cease to hold office.

Vice-Chairman

4. The Governing Board shall elect one of its members to be the Vice-Chairman and a member elected as Vice-Chairman shall, subject to his continuing to be a member, hold office of Vice-Chairman for a term to be fixed by the Governing Board and shall be eligible for re- election after the end of that period.

Power of
Chairman and
Vice-Chairman

5.-(1) The Chairman shall preside at all meetings of the Board.

(2) Where at a meeting of the Governing Board the Chairman is absent, the Vice-Chairman shall preside.

(3) In the absence of both the Chairman and the Vice-Chairman

at a meeting of the Governing Board, the members present may, from amongst their number elect a temporary Chairman who shall preside at that meeting.

(4) The Chairman, Vice-Chairman or temporary Chairman presiding at a meeting of the Governing Board, shall have a right to vote and, in the event of an equality of votes, shall have a casting vote in addition to his deliberative vote.

Meetings and
procedure of
Governing
Board

6.-(1) An ordinary meeting of the Governing Board, shall be convened by the Chairman and the notice specifying the place, date and time of the meeting shall be sent to each member at his usual place of business or residence not less than fourteen days before the date of such meeting.

(2) The Governing Board shall ordinarily meet four times in a year, but the Chairman may convene an extraordinary meeting when the need to do so arises.

(3) The Chairman of the Governing Board may invite any person who is not a member to participate in the deliberations of the Governing Board, provided that, such person shall not be entitled to vote.

Quorum

7. At a meeting of the Governing Board not less than one third of the members in office for the time being shall constitute a quorum.

Decision by
vote

8. All matters at a meeting of the Governing Board shall be determined by the majority of the votes of the members present, and where a member refuses or fails to vote on any matter, he shall be deemed to have cast a negative vote.

Decision by
circulation of

9.-(1) Notwithstanding the provisions of this Schedule, decisions

papers

may be made by the Governing Board without a meeting by circulation of the relevant papers among the members and the expression of the views of the majority thereof in writing.

(2) A member of the Governing Board shall be entitled to require that a decision made under this paragraph be deferred and the subject matter be considered at a meeting of the Governing Board.

Record of
proceeding of
Governing
Board

10.-(1) The Governing Board shall cause minutes of all proceedings of meetings of the Governing Board to be entered in a book kept for the purpose.

(2) Subject to subparagraph (1), the minutes if purporting to be approved by the members of the Governing Board and signed by the Chairman on the next succeeding meeting of the Governing Board shall be evidence of such proceeding and until the contrary is proved, the meeting to which the minutes related shall be deemed to have been duly convened and all proceedings thereto have been duly transacted.

Proceedings
not to be
invalid by
reason of
irregularity

11. An act or proceeding of the Governing Board shall not be invalid by reason of the number of members not being complete at the time of such act or proceedings or of any defect in the appointment of any member or the fact that any member was at the time disqualified or disentitled to act as such.

Governing
Board may
regulate its
proceedings

12. Subject to the provisions of this Schedule, the Governing Board may regulate its proceedings.”.

PART VI AMENDMENT OF THE LAND ACT,

(CAP. 113)

Construction
Cap. 113

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

Amendment
of section 2

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

““special derivative right” means a right to occupy and use land granted by the Commission pursuant to section 19(1A) and includes a lease, sub-lease, licence, usufructuary right and any interest analogous to those interests;”.

Amendment
of section 19

31. The principal Act is amended in section 19 by adding immediately after subsection (1) the following:

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“(1A) A person who is granted a special status and holds a Diaspora Tanzanite Card issued under the Immigration Act or a body incorporated under the Companies Act whose majority shareholders are persons holding a Diaspora Tanzanite Card may, subject to the provisions of this Act, be granted a special derivative right:

Provided that, the minority shareholders shall be Tanzanian citizens.

(1B) The Commissioner may, subject to subsection (1A) and upon application in a prescribed form, grant a special derivate right in respect of general or village land on the following terms:

- (a) conditions as provided under subparts 2 and 3 of Part VI of the Act shall be applicable mutatis mutandis; and
- (b) such other conditions as may be prescribed in the regulations or as the Commissioner may impose.

(1C) The provisions of sub-part 4 of Part VI shall apply in respect of revocation and its effect of a special derivative right issued under subsection (1A).

Cap. 54

(1D) Notwithstanding subsection (1C), a special derivative right shall terminate upon revocation of special status as provided under the Immigration Act.

(1E) The procedures for application, issuance and termination of a special derivative right granted by the Commissioner shall be as provided in the regulations.”.

PART VII
AMENDMENT OF THE MEDICAL STORES DEPARTMENT ACT,
(CAP. 70)

Construction
Cap. 70

32. This Part shall be read as one with the Medical Stores Department Act, hereinafter referred to as the “principal Act”.

Amendment
of section
16A

33. The principal Act is amended in section 16A by deleting the phrase “subject to such conditions as may be prescribed under the Trustee Investments Act, in relation to investments of funds by trustees”.

PART VIII
AMENDMENT OF THE STANDARDS ACT,
(CAP. 130)

Construction
Cap. 130

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

Amendment
of section 2

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

- (a) deleting the interpretation of the term “management”;
- (b) adding the words “through metrological traceability” at the end of definition of the term “National Measurement Standard”;
- (c) adding the words “for own use or trade or

- business purpose” at the end of definition of the term “commodity”; and
- (d) inserting in the appropriate alphabetical order the following new definitions:

““calibration” means operation that, under specified conditions, in a first step, establishes a relation between the quantity values with measurement uncertainties provided by the measurement standards and corresponding indications with associated measurement uncertainties and in a second step, uses this information to establish a relation for obtaining a measurement result from an indication;

“food borne disease” means any disease, infectious or toxic in nature, caused or thought to be caused by consumption of contaminated food;

“owner” means a person in possession or having control of, or power of disposition of, or importer, exporter, consignee, agent or, of commodity, product or service;

“pre-packaged food” means food that is processed to extend its shelf life, packaged, labelled, and complying with specified standards ready for offer to the consumer and includes food supplements;”.

Amendment
of section 4

- 36.** The principal Act is amended in section 4(1)-
- (a) in paragraph (a), by deleting the words “quality control of commodities” and substituting for them the words “quality assurance, quality control and safety of commodities”;
- (b) in paragraph (b), by inserting the word “metrological” between the words “and” and “traceability”;

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

“(f) assist industries and institutions in setting up and implementing management systems standards and enforcing quality assurance, safety and quality control;”;
and

(d) in paragraph (s), by adding the words “metrology, product safety” immediately after the word “standardisation”.

Amendment
of section
21A

37. The principal Act is amended in section 21A(4) by deleting the words “the CODEX Alimentarius Commission” and substituting for them the words “international recognised standardisation bodies”.

Amendment
of section 22

38. The principal Act is amended in section 22-

(a) in subsection (2), by deleting the words “samples of any commodity” and substituting for them the words “reference measurement standards”; and

(b) in subsection (3), by inserting the words “or licensed calibration laboratory” between the words “Bureau” and “for calibration”.

Amendment
of section 23

39. The principal Act is amended in section 23(2) by deleting the words “a certificate of appointment” and substituting for them the words “an identity card”.

Amendment
of section 24

40. The principal Act is amended in section 24-

(a) in subsection (1), by-

(i) inserting immediately after paragraph (e) the following:

“(f) seize any commodity in respect of which he has reasonable cause to believe or suspect that the commodity does not conform with the standard or requirements prescribed by the Bureau;”;
and

(ii) renaming paragraphs (f) and (g) as paragraphs (g) and (h) respectively; and

- (b) in subsection (2), by deleting the words “the certificate” and substituting for them the words “an identity card”.

Amendment
of section 25

41. The principal Act is amended in section 25(1)(c) by deleting subparagraph (i) and substituting for it the following:

- “(i) take corrective and preventive action or repair the defective commodity;”.

Amendment
of section 27

42. The principal Act is amended in section 27, by-
(a) deleting subsections (1) and (2) and substituting for them the following:

“(1) A person who contravenes any of the provisions of this Act for which no specific penalty is provided, commits an offence and upon conviction shall be liable-

- (a) in case of a first offender, to a fine of not less than thirty percent but not exceeding fifty percent of the total market value or assessed value of the defective, substandard, unfit, unregistered product or commodity or any commodity or product to which the percentage applies or a fine of fifty million shillings, whichever is greater, or to imprisonment for a term of not less than six months but not exceeding one year or to both;

- (b) in case of a second or subsequent offender, to a fine of not less than fifty percent of the total market value or assessed value of the defective, substandard, unfit, unregistered product or commodity or any commodity or product to which the percentage applies or a fine of eighty million

shillings, whichever is greater, or to imprisonment for a term of not less than one year but not exceeding three years or to both; and

- (c) in case of an offence which percentage of the defective, substandard, unfit, unregistered product or commodity or any commodity or product does not apply, to a fine of not less than ten million shillings or to imprisonment for a term of not less than six months or to both.”; and

(b) renumbering subsection (3) as subsection (2).

Addition of
section 31A

43. The principal Act is amended by adding immediately after section 31 the following:

“Advertisement of
food or cosmetics

31A. A person shall not publish, distribute or in any other manner, bring to the notice of the public any advertisement of food or cosmetics regulated under this Act, except in accordance with the conditions prescribed in the regulations.”.

Amendment
of section 36

44. The principal Act is amended in section 36-

- (a) in subsection (3), by inserting the words “advertisement of food or cosmetics” between the words “with” and “premise” appearing in paragraph (e); and
- (b) by deleting subsection (4) and substituting for it the following:

“(4) The regulations and by-laws made under this Act may, where no specific

penalty is provided, provide for a penalty not exceeding a fine of thirty percent of the total market value or assessed value of the product or commodity to which the percentage applies or a term of imprisonment of not less than six months but not exceeding three years or to both.”.

PART IX
AMENDMENT OF THE PLANNING COMMISSION ACT,
(CAP. 127)

Construction
Cap.127

45. This Part shall be read as one with the Planning Commission Act, hereinafter referred to as the “principal Act”.

General
amendment

46. The principal Act is generally amended in the long title, section 1, in the definition of the term “Tume” appearing in section 3, heading to Part II and section 4(1) by deleting the words “Tume ya Mipango” and substituting for them the words “Tume ya Taifa ya Mipango”.

Amendment
of section 5

47. The principal Act is amended in section 5-

- (a) In subsection (1), by-
 - (i) deleting the word “sita” appearing in the opening phrase and substituting for it the word “nane”;
 - (ii) adding the words “ambaye atakuwa Makamu Mwenyekiti” immediately after the word “taifa” appearing at the end of paragraph (a); and
 - (iii) deleting the word “wanne” appearing in paragraph (c) and substituting for it the word “sita”;
- (b) by adding immediately after subsection (1) the following:

“(2) Katibu Mkuu Kiongozi, Mwanasheria Mkuu wa Serikali, Katibu Mkuu wa Wizara yenye dhamana na masuala ya mipango ya maendeleo ya taifa na Katibu

Mkuu wa Wizara yenye dhamana na masuala ya fedha watashiriki vikao vya Tume kwa nyadhifa zao.”; and

- (c) by renumbering subsections (2) to (5) as subsections (3) to (6) respectively.



OBJECTS AND REASONS

This Bill proposes to amend eight laws, namely, the Anti-Trafficking in Persons Act, Cap. 432, the Criminal Procedure Act, Cap. 20, the e-Government Act, Cap. 273, the Immigration Act, Cap. 54, the Land Act, Cap. 113, the Medical Stores Department Act, Cap. 70, the Standards Act, Cap. 130 and the Planning Commission Act, Cap. 127. The proposed amendments seek to address challenges identified in implementing the respective laws.

The Bill is divided into Nine Parts. Part I deals with Preliminary Provisions which include the title of the Bill and the manner in which the laws are proposed to be amended in their respective Parts.

Part II proposes to amend the Anti-Trafficking in Persons Act, Cap. 432 in order to address challenges identified in the course of the implementation of the Act and to fortify the regulation of matters relating to trafficking in persons.

Section 3 is proposed to be amended to introduce a new definition for the term “Secretariat”. The aim of this amendment is to facilitate comprehension of term as envisioned in the Act.

Section 17 is proposed to be amended by deleting the term “Commissioner for Social Welfare” and substituting for it the term “Social Welfare Officer”. The aim of this amendment is to designate the proper authority charged with the duty to provide counselling services and to ensure the reach of counseling service to victims of acts of trafficking in persons.

Section 24A is proposed to be added to establish the Secretariat and provide for its functions in accordance with the approved organizational structure of the Ministry of Home Affairs. The purpose of this amendment is to stipulate the functions and role of the Secretariat and the Anti-Trafficking Committee with respect to the regulation of Trafficking in persons.

The Act is further proposed to be amended by adding new sections 24B, 24C, and 24D, with a view to introduce provisions regarding the

appointment of the Secretary, Deputy Secretaries, and the recruitment of staff for the Secretariat. The purpose of these amendments is to strengthen the Secretariat's institutional capacity in order to ensure that the Secretariat has sufficient manpower to effectively carry out its functions.

Section 30 is proposed to be amended by deleting by subsections (2), (3) and (4) and substituting for them a new subsection (2). The purpose of these amendments is to confer upon the Anti-Trafficking Committee the power to appoint a secretariat in order to sufficiently empower the Secretariat in the execution of its duties.

Section 31 is proposed to be amended in subsection (1) by deleting the words "Director of Immigration" and substituting for them the words "Commissioner General of Immigration". The purpose of this amendments is to harmonize the use of terms in the Act and in the Immigration Act, Cap.54.

Section 32 is proposed to be amended by deleting certain operational functions of the Anti-Trafficking Committee, as these functions are presently vested in the Secretariat. The purpose of this amendment is to distinguish the functions of the Secretariat and those of the Anti-Trafficking Committee.

Part III of the Bill proposes to amend the Criminal Procedure Act, Cap. 20, whereby section 205A is proposed to be amended and a new Fifth Schedule is proposed to be added in order to prescribe the mode and manner of preparing a cyber forensic analysis report. The purpose of the amendment is to ensure proper implementation of the reporting and augmenting the evidential value of the cyber forensic analysis reports.

Part IV of the Bill proposes to amend the e-Government Act, Cap. 273 whereby section 57 is proposed to be amended to increase the penalty for offences relating to the removal or destruction of data, electronic records, ICT infrastructure, and ICT equipment. The objective of this amendment is to ensure that penalties are sufficiently stringent considering the nature of the offences.

Part V of the Bill proposes to amend the Immigration Act, Cap. 54, whereby section 3 is proposed to be amended by deleting and substituting the current definition of the term "medical practitioner" with a view to

take on board the definition of the term “medical practitioners” recognised as such under the Medical and Dentists Practitioners Act of Tanzania Zanzibar. Currently, the meaning of the term “medical practitioner” is as provided for under the Medical Practitioners and Allied Health Professionals Act, Cap. 152. Further, the section is amended in order to introduce new definitions of the terms “Diaspora Tanzanite Card”, “illegal immigrant”, “order of departure”, “smuggling of immigrants”, “special status” and “Tanzania non-citizen diaspora”. The purpose of these amendments is to enhance clarity of current provisions and newly added provisions.

The Act is further proposed to be amended by adding a new section 8B and the Schedule to provide for establishment of the Governing Board of the Tanzania Regional Immigration Training Academy (TRITA). The objective of the amendment is to make legal recognition of the existing Governing Board and meet the mandatory requirements of having in place the Governing Board for institutions registered under the National Council for Technical and Vocational Education and Training Act, Cap 129. Further, the amendment aims to clearly set out the tenure and termination of members, the proceedings of the Governing Board and other matters related thereto.

Section 20(2) is proposed to be amended by deleting the word “shall” and substituting for it the words “may” in order to enable an immigration officer to record testimony of a suspect by using any other means other than the use of video, still picture and audio technology only. The purpose of the amendment is to allow flexibility of use of other additional means of recording testimony of a suspect depending on the circumstances and nature of investigation.

Section 23 is proposed to be amended by introducing a new subsection (2) which empowers the Commissioner General to issue a prohibited immigrant notice to a prohibited immigrant who is declared as such by the Commissioner General and to other relevant authorities. Currently, section 23 provides for the meaning of the term “prohibited immigrant” but is silent as to when a person becomes a prohibited immigrant. Furthermore, amendments to section 23 seeks to introduce a new subsection (3) which empowers the Commissioner General to issue an order of departure to prohibited immigrant. The definition intends to accommodate circumstances where the person concerned is at fault with his country of

origin. Generally, the purpose of these amendments is to widen the scope of identification of the prohibited immigrants and foster regional or multilateral integration, diplomatic ties.

Section 28 is proposed to be amended with a view to adding new entry authorisations, namely a Diaspora Tanzanite Card and enrolment notifications. The section is further amended with a view to separating the words passport and visa since they can be applicable distinctively. The purpose of the amendment is to enable a holder of a Diaspora Tanzanite Card or a holder of an enrolment notification to enter the United Republic using the Card or enrollment notification without prejudice to the requirement of having a valid passport. Further, the amendment aims at enabling an alien immigrant who is exempted from visa requirements, to enter the United Republic by only using a valid passport.

Section 32 is proposed to be amended by deleting and substituting subsection (2) with a view to providing the maximum validity of a residence permit to be two years with an option of indefinite renewal. Currently, section 32 provides that the maximum validity of original residence permit to be three years and the maximum duration for its renewal to be two years. The section further provides that the total validity of original permit and its renewal should not exceed five years. The purpose of this amendment is to remove the five years limitation for original permit and renewal so as to facilitate foreigners to stay in the United Republic for such longer periods depending on activities they undertake, including investments.

The Act is proposed to be amended by adding sections 36A, 36B, 36C, 36D, 36E and 36F in order to provide for matters relating to special status to Tanzania non-citizen diaspora. The provisions are meant to apply to a person who was formerly a citizen of the United Republic other than a citizen by naturalisation, or whose either parent, grandparent or such other descendant is or was a citizen of the United Republic. Under the proposed sections, once a person qualifies as a Tanzania non-citizen diaspora and ultimately granted a special status, such status will enable the Tanzania non-citizen diaspora to enjoy certain rights and privileges such as the right to entry and stay in the United Republic as well as engaging in various economic and social activities. Furthermore, a person granted with a special status shall be entitled to be issued a Diaspora Tanzanite Card as an official proof that the holder of the card has a special status. Furthermore,

the proposed new sections provide for matters relating to the validity period, dependants and provisions relating to revocation of a Diaspora Tanzanite Card.

Section 37 is proposed to be amended by widening the scope of matters in which a person may appeal against to the Minister. The purpose of this amendment is to ensure that a person aggrieved by any decision of the Commissioner General have a right to appeal against such decisions.

The Act is proposed to be amended by adding a new section 42A. The purpose of the amendment is to recognise applications made through the electronic immigration systems (e-mmigration) and such other means approved by the Commissioner General in order to enhance efficiency in the provision of immigration services.

Section 45 is proposed to be amended by adding word “Card”. The purpose of the amendment is to impose penalty for offence committed by holders of Diaspora Tanzanite Card as is the case for holders of visas, permits, certificates and passes issued under the Act.

Section 46 is proposed to be amended with a view to set limitations of both minimum and maximum penalty. The purpose of the amendment is to allow the court to determine a penalty on consideration of the prescribed maximum and minimum threshold based on the circumstances of a given case and the gravity of the offence.

Section 48 is proposed to be amended in order to prescribe for new matters to be included in regulations including procedures for application and grant of special status, matters relating to the Governing Board of TRITA, and matters of appeal. The purpose of the amendment is to ensure better implementation of the provisions of the Act. The Act is proposed to be amended by introducing a Schedule to cover matters relating to tenure and proceedings of the Governing Board as set out under the proposed section 8B.

Part VI of the Bill proposes to amend the Land Act, Cap 113 whereby section 19 is proposed to be amended with a view to set procedure to allow a person granted special status under the Immigration Act, whether individually or through a company whose majority shareholders are persons who are holders of special status. According to the proposed

amendment, a person granted special status shall have the right to occupy land through a special derivative right granted by the Commissioner for Lands. The aim of this amendment is to enable a diaspora with special status to own or dispose land acquired through any means including inheritance or sale. The special derivative right serves as a right of occupancy issued under special terms and conditions.

Part VII of the Bill proposes to amend the Medical Stores Department Act, Cap. 70, whereby section 16A is amended to remove the mandatory requirements for MSD to invest only in investments authorised under the Trustees Investment Act. The aim of this amendment is to expand the scope of MSD's investments and enable it to operate commercially as a strategic public institution, subject to directives which may be given by the Treasury Registrar and other relevant authorities.

Part VIII of the Bill proposes to amend the Standards Act, Cap. 130, whereby section 2 is proposed to be amended by deleting definitions of certain terms, improving the existing definitions and adding definitions of new terms. This amendment aims to enhance clarity of the terms used.

Section 4 is proposed to be amended by broadening the scope and functions of the Bureau to undertake quality assurance and safety of commodities, and management systems standards in matters related to metrology and safety, which are in line with the functions of the Bureau. The purpose of the amendment is to enhance efficiency in regulating standards.

Moreover, section 21A is proposed to be amended in order to recognise international manufacturing practices adopted by organisations such as International Organisation for Standardisation (ISO), World Health Organisation (WHO), Food and Agricultural Organisation (FAO), World Food Program (WFP). The purpose of this amendment is to harmonise goods manufacturing practices used by the Bureau with globally recognised practices. Furthermore, Section 22 is proposed to be amended for the purpose enabling the Bureau to request for samples, equipment and information instead of the Board. The purpose of the amendment is to facilitate better performance of the functions of the Bureau.

Section 23 is proposed to be amended for the purpose of enabling inspectors of the Bureau to be furnished with identity cards instead of

certificate of appointment. The purpose of this amendment is to provide for a practical practice regarding identification of inspectors. Section 24 is proposed to be amended to empower the inspector to seize other commodities which do not conform with prescribed standards. The purpose of the amendment is to enhance conformity and ensure compliance of standards set by the Bureau.

It is further proposed to amend section 25 by allowing the owner of defective commodities to take corrective and preventive action or repair the defective commodity. The purpose of the amendment is to ensure accountability and to prevent the supply and consumption of sub-standard commodities. Section 27 is proposed to be amended in order to compute penalties basing on the nature and frequency of the offence committed. The purpose of the amendment is to ensure proportionality of penalties in the Act.

The Act is proposed to be amended by introducing a new section 31A in order to make provisions relating to the advertisement of food or cosmetics. The purpose of the amendment is to provide for control of advertisement of food and cosmetics with the view to ensure that such food and cosmetics are in conformity with standards set by the Bureau and prevent false or misleading information to the public.

Section 36 is proposed to be amended to enable the Minister to make regulations prescribing provisions governing the advertisement of food and cosmetics and to set the threshold of penalties that may be prescribed in subsidiary legislation. The purpose of this amendment is to ensure proper compliance and effective implementation of the provisions of the Act.

Part Nine of the Bill proposes to amend the Planning Commission Act, Chapter 127, whereby the Act is proposed to be amended generally in the long title, section 1, section 3, heading to Part II and section 4 by changing the name of the Commission to be the National Planning Commission. The purpose of these amendments is to align the name of the Commission with the scope of its functions which include overseeing national economy, planning process, and the implementation of national development plans.

Section 5 is proposed to be amended by increasing the number of temporary members of the Commission appointed by the President from

six to eight. The purpose of this amendment is to provide the President with a wider scope to appoint individuals with expertise and experience in economic and national development planning. Further, the section is amended by adding new members to the Commission who will be members by virtue of their positions. The proposed new members are the Chief Secretary, Attorney General, Permanent Secretary responsible for planning and national development, and the Permanent Secretary responsible for financial matters. The purpose of the amendment is to ensure effectiveness and efficiency in the performance of the functions of the Commission.



MADHUMUNI NA SABABU

Muswada huu unapendekeza kufanya marekebisho katika Sheria Nane ambazo ni Sheria ya Kuzuia Usafirishaji Haramu wa Binadamu, Sura ya 432, Sheria ya Mwenendo wa Mashauri ya Jinai, Sura ya 20, Sheria ya Serikali Mtandao, Sura ya 273, Sheria ya Uhamiaji, Sura ya 54, Sheria ya Ardhi, Sura ya 113, Sheria ya Bohari ya Dawa, Sura ya 70, Sheria ya Viwango, Sura ya 130 na Sheria ya Tume ya Mipango, Sura ya 127. Mapendekezo ya marekebisho yanalenga kutatua changamoto zilizojitokeza wakati wa utekelezaji wa baadhi ya masharti katika Sheria hizo.

Muswada huu umegawanyika katika Sehemu Tisa. Sehemu ya Kwanza inahusu Masharti ya Utangulizi ambayo yanajumuisha jina la Muswada na namna ambavyo masharti ya Sheria hizo yanapendekezwa kurekebishwa.

Sehemu ya Pili inapendekeza kurekebisha Sheria ya Kuzuia Usafirishaji Haramu wa Binadamu, Sura ya 432 kwa lengo la kutatua changamoto zilizojitokeza wakati wa utekelezaji wa utekelezaji wa vifungu mbalimbali vya sheria husika na kuboresha vifungu hivyo ili kuimarisha nyanja zote za kuzuia usafirishaji haramu wa binadamu.

Kifungu cha 3 kinapendekezwa kurekebishwa kwa kuongeza tafsiri ya msamiati “Sektretarieti”. Lengo la marekebisho haya ni kutoa ufafanuzi wa matumizi ya msamiati huo ambao umetumika katika Sheria.

Kifungu cha 17 kinapendekezwa kurekebishwa kwa kuhamisha jukumu la kutoa ushauri nasaha kutoka kwa Kamishna wa Ustawi wa Jamii na badala yake jukumu hilo litekelezwe na afisa ustawi wa jamii. Lengo la marekebishi haya ni kuhakikisha kwamba waathirika wa biashara haramu ya usafirishaji wa binadamu wanapokea huduma za ushauri nasaha.

Kifungu cha 24A kinapendekezwa kuongezwa ili kuanzisha Sekretarieti na kutoa majukumu yake kulingana na muundo wa kiutendaji wa Wizara ya Mambo ya Ndani. Lengo la marekebisho haya ni kubainisha majukumu ya Sekretarieti ili kuwezesha utekelezaji mzuri wa majukumu yake na kufafanua majukumu ya Sekretarieti pamoja kuboresha majukumu ya

Kamati ya Kuzuia Usafirishaji Haramu wa Binadamu ili kuondoa muingiliano.

Vilevile Sheria inapendekezwa kurekebisha kwa kuongeza vifungu vipya vya 24B, 24C na 24D, ambavyo vinaweka masharti ya uteuzi wa Katibu na Manaibu Katibu pamoja na ajira kwa watumishi wapya wa Sekretarieti. Lengo la marekebisha haya ni kuongeza uwezo wa Sekretarieti kwa kuhakikisha kuwa ina nguvu kazi ya kutosha kutekeleza majukumu yake kwa ufanisi.

Kifungu cha 30 kinapendekezwa kurekebisha ili kuipa Kamati ya Kuzuia Usafirishaji Haramu wa Binadamu mamlaka ya kuteua sekretarieti kutoka miongoni mwa watumishi wa Wizara baada ya kusauriana na Waziri. Lengo la marekebisha haya ni kurekebisha utaratibu wa sasa ambapo Sekretarieti yenye jukumu ka kudhibiti usafirishaji haramu wa binadamu ndio ina jukumu la kuisaidia Kamati na badala yake kutoa mamlaka kwa Kamati ya Kuzuia Usafirishaji Haramu wa Binadamu kuteua sekretarieti ambayo itaisaidia katika utekelezaji wa majukumu yake.

Kifungu cha 31 kinapendekezwa kurekebisha kwa kumuondoa Mkurugenzi wa Uhamiaji na badala yake kumuweka Kamisha wa Uhamiaji. Lengo la marekebisha haya ni kuleta mfanano katika matumizi ya maneno kama yanavyotumika katika Sheria ya Uhamiaji, Sura ya 54.

Kifungu cha 32 kinapendekezwa kurekebisha kwa kufuta baadhi ya majukumu ya uendeshaji ya Kamati ya Kuzuia Usafirishaji Haramu wa Binadamu kwa kuwa majukumu hayo sasa yanatekelezwa na Sekretarieti. Lengo la marekebisha haya ni kutofautisha majukumu ya Sekretarieti na majukumu ya Kamati ya Kuzuia Usafirishaji Haramu wa Binadamu.

Sehemu ya Tatu ya Muswada inapendekeza kufanya marekebisha katika Sheria ya Mwenendo wa Makosa ya Jinai, Sura ya 20 ambapo kifungu cha 205A kinapendekezwa kurekebisha na Jedwali la Tano linapendekezwa kuongezwa kwa kuainisha namna na muundo wa kuandaa ripoti ya uchunguzi wa kiforensiki kwa njia ya mtandao. Lengo la marekebisha haya ni kuboresha mfumo wa uandaaji wa ripoti ya uchunguzi wa kiforensiki pamoja na kuongeza thamani ya ushahidi wa ripoti hiyo.

Sehemu ya Nne ya Muswada inapendekeza kufanya marekebisha katika Sheria ya Serikali Mtandao, Sura ya 273 ambapo kifungu cha 57

kinapendekezwa kurekebisha ili kuongeza adhabu kwa kosa la kuondoa, kuharibu au kubadili data, kumbukumbu za kielektroniki, mifumo au vifaa vya kielektroniki. Lengo la marekebisho haya ni kuhakikisha adhabu zinazowekwa kwenye Sheria zinawekwa kwa kuzingatia uzito wa makosa.

Sehemu ya Tano ya Muswada inapendekeza kufanya marekebisho katika Sheria ya Uhamiaji, Sura ya 54, ambapo kifungu cha 3 kinapendekezwa kurekebisha kwa kufuta na kuandika upya tafsiri ya msamiati “medical practitioner” kwa lengo la kuwajumuisha watu wanaotambuliwa kuwa ni madaktari chini ya Sheria ya Madaktari na Madaktari wa Meno ya Tanzania Zanzibar. Kwa sasa, Sheria ya Uhamiaji inaelekeza kwamba tafsiri ya msamiati “medical practitioner” itakuwa kama ilivyotolewa chini ya Sheria ya Madaktari, Madaktari wa Meno na Wataalamu wa Afya Shirikishi, Sura ya 152. Dhumuni la marekebisho yanayopendekezwa ni kuoanisha tafsiri ya msamiati huo katika Sheria hizo tajwa. Vilevile, kifungu kimerekebisha kwa kuongeza tafsiri ya msamiati “Board”, “Diaspora Tanzanite Card”, “illegal immigrant”, “order of departure”, “smuggling of immigrants”, “special status” na “Tanzania non-citizen diaspora”. Lengo la marekebisho haya ni kuyafanya masharti yaliyoainishwa katika Sheria na yale yanayopendekezwa kuongezwa yaeleweke kwa urahisi zaidi.

Aidha, Sheria inapendekezwa kurekebisha kwa kuongeza kifungu kipya cha 8B na Jedwali ili kuanzisha Bodi ya Usimamizi wa Chuo cha Uhamiaji cha Kikanda (TRITA). Lengo la marekebisho haya ni kuitambua kisheria Bodi iliyopo na kukidhi matakwa ya uwepo wa Bodi ya Ushauri kwa vyuo vinavyosajiliwa chini ya Sheria ya Baraza la Taifa la Elimu ya Ufundi na Mafunzo ya Ufundi Stadi, Sura ya 129. Aidha, marekebisho hayo yanalenga kuweka bayana muda wa wajumbe wa Bodi ya Usimamizi kuhudumu, utenguzi wa wajumbe, mwenendo wa Bodi na masuala mengine yanayohusiana na Bodi ya Usimamizi.

Kifungu cha 20(2) kinapendekezwa kurekebisha kwa kufuta neno “shall” na badala yake kuweka neno “may” ili kuondoa sharti la lazima kwa afisa uhamiaji kunakili ushahidi wa mtuhumiwa kwa kutumia video, picha na teknolojia ya kunasa sauti. Lengo la marekebisho haya ni kuruhusu njia nyingine za nyongeza kutumika katika kufanya uchunguzi kadri mazingira yatakavyoruhusu.

Kifungu cha 23 kinapendekezwa kurekebishwa kwa kuongeza kifungu kidogo kipya cha (2) ambacho kinamwezesha Kamishna Jenerali kutoa notisi kwa mhamiaji aliyezuiwa kuingia nchini na mamlaka nyingine zozote zinazohusika. Kwa sasa, kifungu cha 23 kinafafanua maana ya neno “prohibited immigrant” lakini hakifafanui ni wakati gani mtu anahesabika kuwa ni mhamiaji aliyezuiwa. Aidha, marekebisho ya kifungu cha 23 yanakusudia kuongeza kifungu kidogo kipya cha (3) ambacho kinamwezesha Kamishna Jenerali kutoa amri ya kuondoka nchini kwa mhamiaji aliyezuiwa kuingia nchini, hususan katika mazingira ambapo mhusika ametenda makosa katika nchi yake ya asili. Kwa ujumla, lengo la marekebisho haya ni kuhakikisha utambuzi wa wahamiaji waliozuiliwa kuingia nchini na kuimarisha ushirikiano wa jumuiya za kikanda na ushirikiano wa kidiplomasia.

Kifungu cha 28 kinapendekezwa kurekebishwa kwa ajili ya kuongeza masharti mapya ya ruhusa ya kuingia nchini kwa kutumia Kadi ya Tanzanite Diaspora na taarifa ya idhini ya kupewa Kadi hiyo. Kifungu hiki kinapendekezwa pia kurekebishwa ili kutenganisha pasipoti na visa kwa kuwa nyaraka hizo zinaweza kutumika tofauti. Lengo la marekebisho hayo ni kumwezesha mmiliki wa Kadi ya Tanzanite Diaspora na mgeni ambaye ana taarifa ya kuidhinishwa kuingia ndani ya Jamhuri ya Muungano kutumia nyaraka hizo bila kuathiri takwa la kuwa na pasipoti halali. Vilevile marekebisho hayo yanalenga kuwawezesha wageni ambao hawahitajiki kutumia visa kuingia nchini kwa kutumia pasipoti halali pekee.

Kifungu cha 32 kinapendekezwa kurekebishwa kwa kufuta na kuandika upya kifungu kidogo cha (2) kwa lengo la kuainisha muda wa ukomo wa juu wa kutumika kwa kibali cha makazi kuwa miaka miwili na kibali hicho kinaweza kuhuishwa kwa kipindi kirefu zaidi ya miaka miwili. Kwa sasa, kifungu cha 32 kimeainisha kwamba muda wa ukomo wa juu wa kibali cha ukaazi kuwa ni miaka mitatu na muda wa ukomo wa juu kuhusiana na uhuishaji wa kibali hicho kuwa ni miaka miwili. Kifungu hicho pia kinaainisha kwamba muda wa jumla wa uhalali wa kibali cha ukaazi cha msingi na muda wa uhuishaji wake hautazidi miaka mitano. Lengo la marekebisho haya ni kuondoa ukomo wa miaka mitano wa kibali cha ukaazi cha msingi na uhuishaji wake kwa ajili ya kuwezesha wageni kukaa na kufanya shughuli zao ndani ya Jamhuri ya Muungano kwa muda mrefu kulingana na shughuli wanazofanya, ikiwa ni pamoja na uwekezaji.

Sheria inapendekezwa kufanyiwa marekebisho kwa kuongeza vifungu vya 36A, 36B, 36C, 36D, 36E na 36F kwa ajili ya kuweka masharti yanayohusu hadhi maalum kwa raia wa nchi nyingine ambaye aliwahi kuwa raia wa Tanzania au mwenye asili ya Tanzania. Masharti hayo yanakusudiwa kutumika kwa mtu ambaye alikuwa raia wa Jamhuri ya Muungano, isipokuwa kwa wale waliokuwa na uraia wa kuasili, au mtu ambaye mzazi wake mmoja, babu, bibi au mtu yeyote katika kizazi kilichomtangulia ni, au alikuwa raia wa Jamhuri ya Muungano. Kwa mujibu wa vifungu vipya vinavyopendekezwa, pale ambapo mtu anapewa hadhi maalum, hadhi hiyo itamwezesha kuingia katika Jamhuri ya Muungano na kushiriki katika shughuli za kiuchumi, kijamii, kitamaduni na kimichezo. Aidha, hadhi maalum itaenda sambamba na kupata Kadi ya Tanzanite Diaspora ambayo itakuwa ni uthibitisho rasmi kwamba mmiliki wa kadi hiyo ana hadhi maalum. Vilevile, masharti mapya yanayopendekezwa yanaainisha masuala kuhusiana na muda wa uhalali, wategemezi na masharti na utaratibu wa kufutwa kwa Kadi ya Tanzanite Diaspora.

Kifungu cha 37 kinapendekezwa kurekebishwa kwa kuongeza wigo wa masuala ambayo mtu anaweza kuyakatia rufaa kwa Waziri. Lengo la marekebisho hayo ni kuhakikisha kuwa mtu ambaye hajaridhishwa na uamuzi wowote wa Kamishna Jenerali anapata haki ya kukata rufaa kwa Waziri dhidi ya uamuzi huo.

Muswada huu unapendekeza kuongeza kifungu kipya cha 42A. Lengo la marekebisho haya ni kutambua maombi yanayofanyika kwa njia ya kielektroniki au njia nyingine ambazo Kamishna Jenerali anaweza kuruhusu ili kuongeza ufanisi katika utoaji wa huduma za uhamiaji.

Kifungu cha 45 kinapendekezwa kurekebishwa kwa kuongeza neno “Kadi”. Lengo la marekebisho haya ni kuainisha adhabu kwa makosa yatakayotendwa na wamiliki wa Kadi ya Tanzanite Diaspora kama ilivyo kwa wamiliki wa visa, vibali, vyeti na hati za kusafirira vinavyotolewa chini ya Sheria.

Kifungu cha 46 kinapendekezwa kurekebishwa kwa madhumuni ya kubainisha ukomo wa chini na wa juu wa adhabu. Lengo la marekebisho haya ni kuruhusu Mahakama kutoa adhabu kwa kuzingatia viwango vya juu na chini vya adhabu vilivyoainishwa kulingana na mazingira ya utendekaji wa kosa.

Kifungu cha 48 kinapendekezwa kurekebisha kwa kuongeza maeneo ambayo Waziri anaweza kuyatengenezea kanuni ili kujumuisha utaratibu wa uombaji na utoaji wa hadhi maalumu, masuala kuhusu Bodi ya Chuo cha Uhamiaji cha Kikanda Tanzania na utaratibu wa rufaa kwa Waziri. Lengo la marekebisho haya ni kuwezesha utekelezaji bora wa masharti ya Sheria. Sheria inapendekezwa kurekebisha kwa kuongeza Jedwali linaloweka masharti kuhusu muda wa kuhudumu kwa wajumbe wa Bodi na masharti mengine kuhusu mwenendo wa Bodi ya Chuo.

Sehemu ya Sita ya Muswada inapendekeza kufanya marekebisho katika Sheria ya Ardhi, Sura ya 113 ambapo kifungu cha 19 kinapendekezwa kufanyiwa marekebisho kwa lengo la kuweka utaratibu wa matumizi ya ardhi kwa mtu aliyepewa hadhi maalumu chini ya Sheria ya Uhamiaji, Sura ya 54. Kwa mujibu wa marekebisho yanayopendekezwa, mtu aliyepewa hadhi maalumu atakuwa na haki ya kumiliki ardhi kupitia utaratibu wa hati miliki maalumu itakayotolewa na Kamishna wa Ardhi. Lengo la marekebisho haya ni kumwezesha raia wa kigeni mwenye asili ya Tanzania kumiliki au kuondosha miliki ya ardhi aliyoipata kwa njia mbalimbali ikiwemo urithi au kununua. Hati miliki maalumu itakuwa aina ya hati miliki itakayotolewa kwa vigezo na masharti maalumu.

Sehemu ya Saba inapendekeza marekebisho katika Sheria ya Bohari ya Dawa, Sura ya 70 ambapo kifungu cha 16A kinarekebisha ili kuondoa masharti ya lazima kwa MSD kuwekeza katika uwekezaji unaoruhusiwa katika Sheria ya Uwekezaji wa Wadhamani pekee. Lengo la marekebisho haya ni kuongeza wigo wa uwekezaji wa MSD na kuiwezesha kujiendesha kibiashara kama taasisi ya kimkakati kwa kuzingatia maelekezo yatakayokuwa yanatolewa na Msajili wa Hazina na mamlaka nyingine zozote zinazohusika.

Sehemu ya Nane ya Muswada inapendekeza kufanya marekebisho katika Sheria ya Viwango, Sura ya 130 ambapo kifungu cha 2 kinapendekezwa kurekebisha kwa kufuta na kuboresha baadhi ya tafsiri ya misamiati kwenye Sheria na kuongeza misamiati mipya. Lengo la marekebisho haya ni kutoa ufafanuzi wa misamiati mbalimbali iliyotumika kwenye Sheria.

Kifungu cha 4 kinapendekezwa kurekebisha kwa kupanua wigo wa majukumu ya Shirika katika masuala ya udhibiti ubora na usalama wa bidhaa, mifumo ya usimamizi wa viwango vya metrolojia na usalama wa

bidhaa. Lengo la marekebisho haya ni kuboresha udhibiti wa viwango vya bidhaa.

Vilevile, kifungu cha 21A kinapendekezwa kurekebishwa ili kutambua taratibu za kimataifa za uzalishaji wa bidhaa zinazotumika na mashirika ya kimataifa kama vile Shirika la Viwango vya Kimataifa (ISO), Shirika la Afya Duniani (WHO), Shirika la Chakula na Kilimo Duniani (FAO) na Shirika la Mpango wa Chakula Duniani (WFP). Lengo la marekebisho haya ni kuwianisha taratibu za uzalishaji zinazotumika na Shirika na taratibu zinazotambulika kimataifa. Kifungu cha 22 kinapendekezwa kurekebishwa kwa lengo la kuliwezesha Shirika kuomba sampuli, vifaa na taarifa kutoka kwa mteja mwenye leseni badala ya taarifa hizo kuombwa na Bodi ambayo haihusiki na utendaji kazi wa kila siku wa Shirika. Lengo la marekebisho haya ni kuongeza ufanisi katika utekelezaji wa majukumu ya Shirika.

Kifungu cha 23 kinapendekezwa kurekebishwa ili kuwezesha wakaguzi wa Shirika kupewa vitambulisho badala ya vyeti vya uteuzi. Lengo la marekebisho haya ni kuweka utaratibu unaorahisisha utambulisho wa wakaguzi. Kifungu cha 24 kinapendekezwa kurekebishwa ili kumpa mkaguzi wa Shirika mamlaka ya kukamata bidhaa zisizokidhi viwango vilivyoainishwa. Lengo la marekebisho ni kuimarisha utaratibu wa udhibiti ili kuwezesha uzingatiwaji wa viwango.

Aidha, kifungu cha 25 kinapendekezwa kurekebishwa ili kumruhusu msambazaji wa bidhaa zisizokidhi viwango kuchukua hatua za kurekebisha bidhaa zisizokidhi viwango. Lengo la marekebisho haya ni kuhakikisha uwajibikaji na kuthibiti usambazaji na matumizi ya bidhaa zisizokidhi viwango. Kifungu cha 27 kinapendekezwa kurekebishwa ili kuwezesha adhabu ya faini kutolewa kwa kuzingatia thamani ya bidhaa isiyokidhi viwango au ambayo haijasajiliwa. Lengo la marekebisho haya ni kutoa adhabu kwa kuzingatia uzito wa kosa.

Sheria inapendekezwa kurekebishwa kwa kuongeza kifungu cha 31A ili kuweka masharti yanayohusiana na utangazaji wa vyakula na vipodozi. Lengo la marekebisho haya ni kudhibiti utangazaji ili kuhakikisha kuwa vyakula na vipodozi vinakidhi viwango vya ubora pamoja na kuzuia usambazaji wa taarifa za uongo.

Kifungu cha 36 kinapendekezwa kurekebisha ili kumpa Waziri mamlaka ya kutengeneza kanuni zinazoainisha masharti ya utangazaji wa vyakula na vipodozi na kuweka viwango vya juu vya adhabu zitakazoainishwa katika kanuni. Lengo la marekebisho haya ni kuwezesha utekelezaji bora wa masharti ya Sheria.

Sehemu ya Tisa ya Muswada inapendekeza kufanya marekebisho katika Sheria ya Tume ya Mipango, Sura ya 127 ambapo Sheria inapendekezwa kurekebisha kwa ujumla katika jina refu, kifungu cha 1, kifungu cha 3, kichwa cha habari cha Sehemu ya Pili na kifungu cha 4 kwa kubadilisha jina la Tume kuwa Tume ya Taifa ya Mipango. Lengo la marekebisho haya ni kuwianisha jina la Tume na wigo wa majukumu yake ambayo yanajumuisha kusimamia uchumi wa taifa, mchakato wa upangaji na utekelezaji wa mipango ya maendeleo ya taifa.

Kifungu cha 5 kinapendekezwa kurekebisha kwa kuongeza idadi ya wajumbe wa Tume wanaoteuliwa na Rais kutoka wajumbe sita hadi wajumbe nane. Lengo la marekebisho haya ni kutoa wigo mpana kwa Rais kuteua watu wenye ujuzi na uzoefu katika masuala ya uchumi na mipango ya maendeleo ya taifa. Aidha, kifungu hicho kinarekebisha kwa kuongeza wajumbe wapya kwenye Tume ambao watahudhuria vikao kwa nyadhifa zao. Wajumbe hao ni Katibu Mkuu Kiongozi, Mwanasheria Mkuu wa Serikali, Katibu Mkuu mwenye dhamana ya masuala ya mipango na maendeleo ya taifa na Katibu Mkuu mwenye dhamana ya masuala ya fedha. Lengo la marekebisho haya ni kuhakikisha ubora na ufanisi katika utekelezaji wa majukumu ya Tume.

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