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SPECIAL BILL SUPPLEMENT

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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) ACT,
2025

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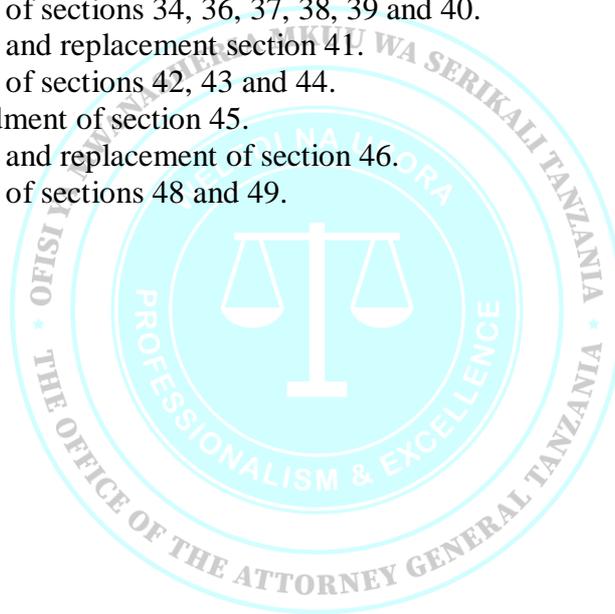
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NOTICE

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,
20th January, 2025

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) Act, 2025.

Amendment of
certain written
laws

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

PART II
AMENDMENT OF THE ECONOMIC AND ORGANISED CRIME
CONTROL ACT,
(CAP. 200)

Construction
Cap. 200

3. This Part shall be read as one with the Economic and Organised Crime Control Act, hereinafter referred to as the “principal Act”.

Repeal of

4. The principal Act is amended by repealing

section 26

section 26.

PART III
AMENDMENT OF THE GOVERNMENT CHEMIST
LABORATORY
AUTHORITY ACT,
(CAP. 177)

Construction
Cap. 177

5. This Part shall be read as one with the Government Chemist Laboratory Authority Act, hereinafter referred to as the “principal Act”.

Amendment of
section 3

6. The principal Act is amended in section 3 by deleting the definition of the term “chemical” and substituting for it the following:

““chemical” has the meaning ascribed to it under the Industrial and Consumer Chemicals (Management and Control) Act;”.

Amendment of
section 7

7. The principal Act is amended in section 7(2), by-

(a) deleting the words “two representatives” appearing at the beginning of paragraph (c) and substituting for them the words “a representative”;

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

“(d) a representative from Tanzania Peoples’ Defence Forces with expertise in chemical weapons;”;

(c) renaming paragraphs (d), (e) and (f) as paragraphs (e), (f) and (g) respectively.

Amendment of
section 11

8. The principal Act is amended in section 11(1)(b) by deleting subparagraph (ii) and substituting for it the following:

“(ii) chemicals and chemical dealers;”.

PART IV
AMENDMENT OF THE INDUSTRIAL AND CONSUMER
CHEMICALS (MANAGEMENT AND CONTROL) ACT,
(CAP. 182)

Construction
Cap. 182

9. This Part shall be read as one with the Industrial and Consumer Chemicals (Management and Control) Act, hereinafter referred to as the “principal Act”.

Amendment of
section 2

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

(a) deleting the definition of the term “Precursors Chemicals”;

(b) deleting the definition of the term “chemical” and substituting for it the following:

““chemical” means industrial or consumer chemical, chemical product, chemical weapon or public health pesticides which is a substance in any form whether by itself or in a mixture or preparation, whether manufactured or obtained naturally but excludes medicines, agricultural or veterinary pesticides, radioactives, food additives and any other substance that has therapeutic effects;”;

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

““chemical weapons” include-

(a) toxic chemicals and their precursors, except where intended for purposes not prohibited under this Act;

(b) munitions and devices, specifically designed to cause death or other harm through the toxic properties of the toxic chemicals specified in paragraph (a), which would be released as a result of the employment of such munitions and devices; and

(c) any equipment designed for use in connection with the employment of munitions or devices specified in paragraph (b);

“Globally Harmonised System of Classification and Labelling of Chemicals” also described as “GHS” means an internationally agreed system to standardise chemical hazard classification and communication;

“precursor” means any chemical reactant which takes part at any stage in the production by whatever method of-

(a) a toxic chemical as provided under International Chemical Weapons Convention; or

(b) narcotic drugs or psychotropic substance as provided under the United Nations Convention Against Illicit Traffick in Narcotic Drugs and Psychotropic Substances, 1988;

“public health pesticides” means pesticide designed and used to protect public health by controlling pests that transmit diseases, cause nuisance, or otherwise pose risks to human well-being;”.

Amendment of

11. The principal Act is amended in section 11,

section 11

by-

(a) adding immediately after subsection (5), the following:

“(6) Without prejudice to subsection (5), a person who imports, manufactures, transports, exports, stores, sells, uses or handles chemical in any manner shall comply with the requirements of Globally Harmonised System of Classification and Labelling of Chemicals.”; and

(b) renumbering subsections (6) to (13) as subsections (7) to (14) respectively.

Repeal of section 12

12. The principal Act is amended by repealing section 12.

Amendment of section 13

13. The principal Act is amended in section 13(1), by-

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

“(b) in case of public health pesticide, shall carry out field trial and analysis before registration of a public health pesticide within the time prescribed in the regulations;

(c) may use information on a review or evaluation of a public health pesticide by the registration authority of a country having similar environmental conditions and public health pesticides regulation system with Tanzania if-

(i) the proposed use of the public health pesticide is similar to that reviewed in such other country; and

(ii) the public health pesticide contains one or more active ingredients present in any public health pesticide already

- registered;” and
(b) renaming paragraphs (b) and (c) as paragraphs (d) and (e) respectively.

Addition of section 52A

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

“Temporary prohibition

52A. Where a registered or unregistered public health pesticide has resulted or is likely to result in damage to human health, animal health or environment, the Registrar may temporarily prohibit the importation, sale, distribution and use of the public health pesticide for such period and in a manner prescribed in the regulations.”.

Amendment of First Schedule

15. The principal Act is amended in the First Schedule in paragraph (1), by-

- (a) adding immediately after subparagraph (g) the following:

“(h) a representative from Tanzania Peoples’ Defence Forces with expertise in chemical weapons;” and

- (b) renaming subparagraph (h) as subparagraph (i).

PART V
AMENDMENT OF THE LAND TRANSPORT REGULATORY
AUTHORITY ACT,
(CAP. 413)

Construction

16. This Part shall be read as one with the Land

Cap. 413 Transport Regulatory Authority Act, hereinafter referred to as the “principal Act”.

Amendment of section 5

- 17.** The principal Act is amended in section 5(1)-
- (a) by deleting paragraph (d);
 - (b) in paragraph (f) by deleting the words “road worthiness of public service vehicles and goods vehicles” and substituting for them the words “railway infrastructure”; and
 - (c) by renaming paragraphs (e) to (k) as paragraphs (d) to (j) respectively.

Amendment of section 13

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

- (a) adding a new subsection (1) as follows:

“(1) A member of the Board shall be considered to have a conflict of interest for the purpose of this Act, if he knowingly acquires any pecuniary advantage or other interest that could-

 - (a) affect the proper performance of his functions as a member of the Board; or
 - (b) assist the member or any other person in the acquisition of any pecuniary advantage.”;
- (b) renumbering subsections (1) to (3) as subsections (2) to (4) respectively.

Amendment of section 26

19. The principal Act is amended in section 26(3) by deleting the words “management of the”.

Amendment of section 29

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

- (a) deleting the word “seven” appearing in subsection (2) and substituting for it the word “five”; and
- (b) deleting subsection (7) and substituting for it the following:

“(7) The Minister shall appoint the

Chairman from among the members appointed under subsection (2).”.

Amendment of section 30

21. The principal Act is amended in section 30 by deleting subsection (1) and substituting for it the following:

“(1) The tenure of members of the Council shall be as follows:

- (a) in the case of Chairman, four years; and
- (b) in the case of four other members, three years.”.

Amendment of section 31

22. The principal Act is amended in section 31 by deleting subsection (2) and substituting for it the following:

“(2) The Council shall maintain a secretariat which shall comprise of staff of the Authority.”.

PART VI

AMENDMENT OF THE MUHIMBILI NATIONAL HOSPITAL ACT,
(CAP. 150)

Construction Cap. 150

23. This Part shall be read as one with the Muhimbili National Hospital Act, hereinafter referred to as the “principal Act”.

Amendment of section 7

24. The principal Act is amended in section 7(2) by deleting the words “or terminate the appointment of senior staff including the Executive Director, Directors, division heads and other” appearing in paragraph (e) and substituting for them the word “of”.

Amendment of section 8

25. The principal Act is amended in section 8, by-

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

“(1) There shall be an Executive Director of the Hospital who shall be appointed by the President.”;

(b) deleting the words “the Board may specify”

- appearing in subsection (2) and substituting for them the words “may be determined in the instrument of appointment”;
- (c) deleting subsections (3), (5) and (6); and
- (d) renumbering subsections (4) to (8) as subsections (3) to (5) respectively.
- Amendment of section 11
- 26.** The principal Act is amended in section 11-
- (a) in subsection (1) by deleting the words “or divisions” and substituting for them the words “divisions or units”;
- (b) by deleting subsection (4) and substituting for it the following:
- “(4) There is established a Hospital Executive Management Committee comprised of the Executive Director, Directors and heads of units.”; and
- (c) in subsections (5), (7) and (8) by deleting the words “Hospital Executive” and substituting for them the words “Hospital Executive Management Committee”.
- Amendment of section 12
- 27.** The principal Act is amended in section 12-
- (a) in paragraph (a), by deleting the words “the Executive Director and other”;
- (b) in paragraph (b), by deleting the words “division heads” and substituting for them the words “other employees”; and
- (c) by deleting paragraph (c).
- Amendment of section 15
- 28.** The principal Act is amended in section 15(1) by inserting the words “Management Committee” immediately after the words “Hospital Executive”.
- Repeal and replacement of section 16
- 29.** The principal Act is amended by repealing section 16 and replacing for it the following:
- “Power to invest **16.** Subject to such directives as may be issued by the Treasury Registrar or

any other relevant authority, the Board shall have powers to invest the funds of the Hospital.’’.

Amendment of
Schedule

30. The principal Act is amended in the Schedule by deleting paragraph 1 and substituting for it the following:

“Composition of
Board

1.-(1) The Board shall consist of-

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

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

(i) the Vice Chancellor of the Muhimbili University of Health and Allied Sciences;

(ii) a representative of workers union nominated by the workers’ union;

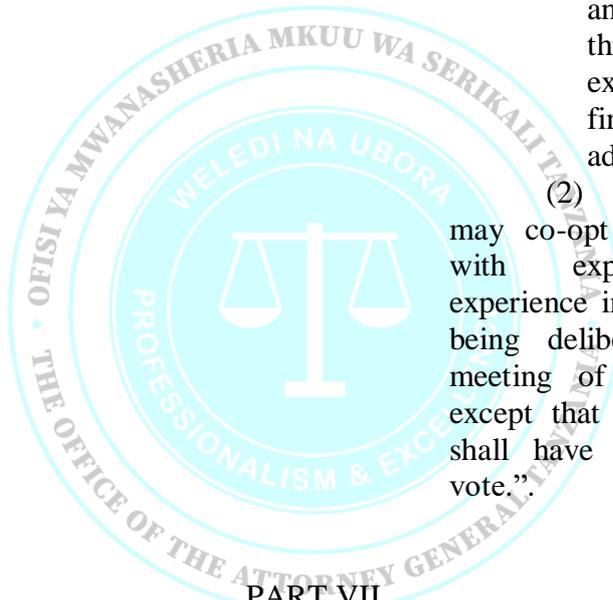
(iii) a law officer nominated



by the
Attorney
General;
and

- (iv) five other members of whom two shall be persons with experience in hospital management and the other three with experience in finance and administration.

(2) The Board may co-opt any person with expertise or experience in any matter being deliberated at a meeting of the Board, except that such person shall have no right to vote.”



PART VII

AMENDMENT OF THE NATIONAL INSTITUTE FOR MEDICAL RESEARCH ACT, (CAP. 59)

Construction
Cap. 59

31. This Part shall be read as one with the National Institute for Medical Research Act, hereinafter referred to as the “principal Act”.

Amendment of
section 2

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

““medical research” means measuring the

health problem, understanding its causes, finding solutions, translating the solutions or scientific evidence into policy, practice and products, and evaluating the effectiveness of solutions in all health matters including food and nutrition;”.

Amendment of
section 4

33. The principal Act is amended in section 4-

(a) in subsection (1), by-

(i) deleting the words “alleviate disease among the people of Tanzania” appearing in paragraph (a) and substituting for them the words “promote health, prevent and alleviate diseases and improve the wellbeing of the people of Tanzania”; and

(ii) deleting the words “into medical problems” appearing at the end of paragraph (c) and substituting for them the words “on health matters”; and

(b) in subsection (2) by deleting the words “applied and operational research designated to provided effective measures for the control of diseases endemic in Tanzania” appearing in paragraph (c) and substituting for them the words “operational, implementation, translational research, and other research and development designed to provide effective measures for the control of diseases in Tanzania”.

Amendment of
section 5

34. The principal Act is amended in section 5(3) by deleting the words “other medical” and substituting for them the word “any”.

Amendment of
section 8

35. The principal Act is amended in section 8-

(a) in subsection (1) by deleting the words “Director of the Centre” and substituting for them the words “Manager of the Centre”;

- (b) in subsection (2) by deleting the words “Director shall” and substituting for them the words “Manager shall”; and
- (c) by deleting subsection (3).

Amendment of section 10

36. The principal Act is amended in section 10 by deleting subsection (2) and substituting for it the following:

“(2) A person who contravenes the provisions of subsection (1), commits an offence and on conviction shall be liable to a fine of not less than one million shillings but not exceeding five million shillings or to imprisonment for a term of not less than one year but not exceeding five years or to both.”

Amendment of section 12

37. The principal Act is amended in section 12 by deleting subsection (2) and substituting for it the following:

“(2) A person who contravenes the provisions of subsection (1), commits an offence and on conviction shall be liable to a fine of not less than one million shillings but not exceeding five million shillings or to imprisonment for a term of not less than one year but not exceeding five years or to both.”

Amendment of section 13

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

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

“(2) Without prejudice to the provisions of subsection (1), the Institute shall, subject to approval of the Minister, make guidelines prescribing arrangement for motivation of its staff who undertakes innovation and product development from research findings.”; and

- (b) renumbering subsections (2) to (4) as

subsections (3) to (5) respectively.

Amendment of
section 16

39. The principal Act is amended in section 16 by deleting the word “Directors” wherever it appears in subsection (2) and substituting for it the word “Managers”.

Amendment of
section 17

40. The principal Act is amended in section 17-
(a) in subsection (1) by-
(i) designating the content of subsection (1) as section 17;
(ii) deleting the words “Subject to subsection (2), the members” appearing in section 17 as designated and substituting for them the words “A member”; and
(b) by deleting subsection (2).

PART VIII
AMENDMENT OF THE OFFICE OF THE ATTORNEY GENERAL
(DISCHARGE OF DUTIES) ACT,
(CAP. 268)

Construction
Cap. 268

41. This Part shall be read as one with the Office of the Attorney General (Discharge of Duties) Act, hereinafter referred to as the “principal Act”.

Amendment of
section 3

42. The principal Act is amended in section 3 by deleting the words “Deputy Chief Parliamentary Draftsman” appearing in the definition of the term “Chief Parliamentary Draftsman”.

Amendment of
section 7

43. The principal Act is amended in section 7(1) by inserting the word “appointment” immediately before the word “discipline” appearing in paragraph (e).

Amendment of
section 7B

44. The principal Act is amended in section 7B, by-
(a) deleting the terms “and Deputy Chief Parliamentary Draftsman”, “and a Deputy

Chief Parliamentary Draftsman”, “or Deputy Chief Parliamentary Draftsman” wherever they appear in that section; and

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

“(3) The Chief Parliamentary Draftsman shall be-

(a) the head of the Office of the Chief Parliamentary Draftsman;

(b) the accounting officer and disciplinary authority within the Office of the Chief Parliamentary Draftsman; and

(c) responsible in managing day to day affairs of the Office of the Chief Parliamentary Draftsman.”.

Repeal of section 8B

45. The principal Act is amended by repealing section 8B.

PART IX
AMENDMENT OF THE PORTS ACT,
(CAP. 166)

Construction Cap. 166

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

General amendment

47. The principal Act is amended generally by deleting the words “security officer” and “security officers” wherever they appear in the Act and substituting for them with the words “port security officer” and “port security officers” respectively.

Amendment of section 3

48. The principal Act is amended in section 3 by deleting the definition of the term “seamen”.

Amendment of section 12

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

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

- “(w) to operate a training institution for purposes of provision and promotion of training, consultancy, research and development in the fields of marine, port and other ancillary services;”;
and
(b) renaming paragraphs (w) and (x) as paragraphs (x) and (y).

Amendment of section 38A

50. The principal Act is amended in section 38A by inserting the words “management and operations of training institution and” between the words “the” and “conditions”.

Repeal and replacement of section 44

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

“Power to make regulations

44.-(1)

The Minister may make regulations for the better carrying out or giving effect to the provisions of this Act.

(2)

Without prejudice to subsection (1), regulations may be made in respect of-

- (a) control and management of port and their approaches;
- (b) safety of vessels;
- (c) protection of environment;
- (d) port safety and security and maintainance of good order;
- (e) forms to be used in connection

- with the business and service provided by the Authority;
- (f) imposition of fees and charges; and
- (g) any other matter which is necessary for better carrying out of the provisions of this Act.”.

Addition of section 60A

52. The principal Act is amended by adding immediately after section 60 the following:

“Establishment of Port Security Committee

60A.-(1) There shall be a Port Security Committee for every seaport and inland waterways port, which shall be responsible for matters relating to port communication, identification of risks and coordination of resources to mitigate threats and occurrence of port related disasters.

(2) The Port Security Committee shall report to the Authority on quarterly basis or such other time as may be determined by the Authority.

(3) The Port Security Committee shall be composed of members

appointed by their relevant authority as follows:

- (a) head of Port of Dar es Salaam, Tanga, Mtwara or other inland waterways port, as the case may be;
- (b) a senior officer from Immigration Department;
- (c) a representative from Tanzania Peoples Defence Force-Navy;
- (d) a representative from Tanzania Intelligence Security Services;
- (e) a senior officer from Customs and Excise Department of the Tanzania Revenue Authority;
- (f) a senior officer from Tanzania Shipping Agencies Corporation; and
- (g) a representative from the Police Force responsible for port security.

(4) The Committee may co-opt any person whose presence is, in its opinion, desirable to attend the meetings:

Provided that the co-opted person shall



have no right to vote.

(5) The in-charge of port security of the respective port shall be the secretary to the Committee.

(6) The functions, proceedings and tenure of the Committee under subsection (1) shall be prescribed in the regulations.”.

Addition of section 86A

53. The principal Act is amended by adding immediately after section 86 the following:

“General penalty

86A. Where a person contravenes or fails to comply with any provision of this Act for which no specific penalty is provided, commits an offence and, on conviction, shall be liable to a fine of not less than ten million shillings but not exceeding fifty million shillings or to imprisonment for a term of not less than twelve months but not exceeding two years or to both.”.

Repeal and replacement of section 89

54. The principal Act is amended by repealing section 89 and replacing for it the following:

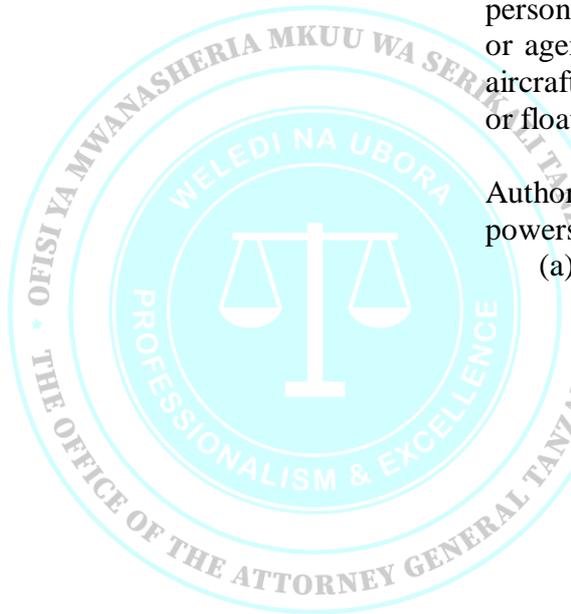
“Master, owner or person incharge of vessel answerable for damage

89.-(1) Where damage is caused to a port equipment or facility or any property of the Authority by any person, vessel,

aircraft, craft, vehicle, or any floating object, the costs of making good the damage, including the expenses of any inspection or survey carried out by or on behalf of the Authority to ascertain such damage may be recovered by the Authority from such person, Master, owner or agent of the vessel, aircraft, vehicle, craft or floating object.

(2) The Authority shall have powers to-

- (a) detain any person, vessel, aircraft, craft, vehicle or any floating object until the costs of making good the damage and the expenses have been paid to the Authority; and
- (b) require the Master, owner or person in charge of the vessel, aircraft, craft, vehicle, or any floating object to deposit a



sum of money or furnish security to meet costs and expenses of any damage caused.”.

PART X
AMENDMENT OF THE TRANSPORT LICENSING ACT,
(CAP. 317)

Construction
Cap. 317

55. This Part shall be read as one with the Transport Licensing Act, hereinafter referred to as the “principal Act”.

General
amendment

56. The principal Act is amended generally by deleting the word “uneconomic” wherever it appears in the Act and substituting for it the word “unfair”.

Amendment of
section 3

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

- (a) deleting subsection (2);
- (b) designating the content of subsection (1) as section 3;
- (c) deleting definitions of the terms “appointing authority”, “Central Licensing Authority”, “Member”, “Regional Licensing Authority” and “urban area”;
- (d) deleting the definition of the term “licensing authority” and substituting for it the following new definition:

Cap. 413

“licensing authority” means the Land Transport Regulatory Authority established under the Land Transport Regulatory Authority Act; and

- (e) adding in the appropriate alphabetical order the following definitions:

““authorised agent” means a person, government institution or cooperative society mandated as

	such pursuant to section 5;
	“hire” means an arrangement where a regulated supplier provides regulated services to a consumer at an agreed payment;
Cap. 413	“regulated services” has the meaning ascribed to it under the Land Transport Regulatory Authority Act;
Cap. 413	regulated supplier” has the meaning ascribed to it under the Land Transport Regulatory Authority Act;
	“reward” means to obtain commercial vehicle services without payment from the consumer for the purpose of facilitating the licensee’s other business;”.
Repeal and replacement of section 4	<p>58. The principal Act is amended by repealing section 4 and replacing for it the following:</p> <p>“Mandate of licensing authority 4. The licensing authority shall be responsible for issuance, renewal, cancellation and suspension of licences or permits issued under this Act.</p>
Repeal and replacement of section 5	<p>59. The principal Act is amended by repealing section 5 and replacing for it the following:</p> <p>“Authorised agent 5. The licencing authority may engage an authorised agent to-</p> <p>(a) issue or renew licence or permit; or</p> <p>(b) perform such other functions vested to the</p>

licensing
authority.”.

Repeal of
sections 5A, 6,
6A, 7, 8, 9, 10,
18, 19, 20 and
21

60. The principal Act is amended by repealing sections 5A, 6, 6A, 7, 8, 9, 10, 18, 19, 20 and 21.

Amendment of
section 26

61. The principal Act is amended in section 26 by deleting subsection (3).

Amendment of
section 28

62. The principal Act is amended in section 28(3) by deleting the words “two thousand” and substituting for them the words “one hundred thousand”.

Repeal of
sections 34, 36,
37, 38, 39 and
40

63. The principal Act is amended by repealing sections 34, 36, 37, 38, 39 and 40.

Repeal and
replacement of
section 41

64. The principal Act is amended by repealing section 41 and replacing for it the following:

“General penalty

41. Where a person contravenes or fails to comply with any provision of this Act where no specific penalty is provided, commits an offence and on conviction shall be liable to a fine of not less than one hundred thousand shillings and not exceeding five hundred thousand shillings or to imprisonment of a term of not less than six months but and not exceeding one year or to both.”.

Repeal of sections 42, 43 and 44

65. The principal Act is amended by repealing sections 42, 43 and 44.

Amendment of section 45

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

- (a) deleting paragraph (h); and
- (b) renaming paragraphs (i) to (l) as paragraphs (h) to (k) respectively.

Repeal and replacement of section 46

67. The principal Act is amended by repealing section 46 and replacing for it the following:

“Powers to inspect vehicles

46. A police officer or an officer of a licensing authority may, for purposes of ascertaining the compliance of this Act -

- (a) search any vehicle;
- (b) demand the production of any document or record which may be required to be carried in the vehicle;
- (c) require the driver or any other person on board a vehicle to give information as the police officer may require.”.

Repeal of sections 48 and 49

68. The principal Act is amended by repealing sections 48 and 49.

OBJECTS AND REASONS

This Bill proposes to amend Nine laws, namely, the Economic and Organised Crime Control Act, Cap. 200, the Government Chemist Laboratory Authority Act, Cap. 177, the Industrial and Consumer Chemicals (Management and Control) Act, Cap. 182, the Land Transport Regulatory Authority Act, Cap. 413, The Muhimbili National Hospital Act, Cap. 150, the National Institute for Medical Research Act, Cap. 59, the Office of Attorney General (Discharge of Duties) Act, Cap. 268, the Ports Act, Cap. 166 and the Transport Licencing Act, Cap. 317. The proposed amendments seek to address challenges identified in implementing the respective laws.

The Bill is divided into Ten 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 of the Bill proposes to amend the Economic and Organised Crime Control Act, Cap. 200, whereas section 26 is proposed to be repealed. The amendments aim at enabling offences under the Act to be commenced without the consent of the Director of Public Prosecutions (DPP). The requirement for the consent of the DPP before filing charges under this Act was introduced during a time when the majority of prosecutions were conducted by police officers, as the DPP's offices were not spread to all regions and districts in the country. Therefore, obtaining the DPP's consent was necessary to regulate the arbitrary initiation of prosecutions. In the current context, where the DPP has established offices up to the district level and all criminal cases are prosecuted by State Attorneys who are directly accountable to the DPP, the requirement to obtain the DPP's consent lacks justification and may also contribute to delays in the administration of criminal justice.

Part III of the Bill proposes to amend the Government Chemist Laboratory Authority Act, Cap. 177. This Act was enacted by the Parliament in 2016 for purposes of establishing the Government Chemist Laboratory Authority, to provide for its powers and functions and to provide for

matters related thereto. These amendments intend to make better provisions for effective performance of the functions of Government Chemist Laboratory Authority.

Section 3 is proposed to be amended by substituting the definition of the term “chemical” in order to align it with the definition of the term “chemical” as provided in the Industrial and Consumer Chemicals (Management and Control) Act, Cap. 182. The purpose of the amendment is to provide for the definition that cover issues related to chemical weapons which are proposed to be added in the scope of such Acts.

Section 7 is proposed to be amended by reducing one member who is a representative from higher learning or research institutions and remain with one representative from such institutions since their representation is also covered in the Technical Committees including Technical Committee on Chemicals Management, Technical Committee on Human DNA and Technical Committee on Poison Control which are the advisory bodies to the Board. Further, it is proposed to add a representative from Tanzania Peoples’ Defence Forces to the Board. The purpose of this amendment is to get expertise regarding chemical weapons in the Board following the proposed function of regulating chemical weapons to be performed by the Government Chemist Laboratory Authority.

Section 11 is proposed to be amended to vest to the Chief Government Chemist the duty to register all chemicals and chemicals dealers. The purpose of the amendment is to align the provisions of this section with the proposed amendment to section 2 of the Industrial and Consumer Chemicals (Management and Control) Act, Cap. 182.

Part IV of the Bill proposes to amend the Industrial and Consumer Chemicals (Management and Control) Act, Cap. 182. The Act was enacted in 2003 for purposes of providing for the management and control of production, importation, transportation, exportation, storage, dealing and disposal of chemicals and for matters connected therewith. Since its enactment, the Act has been amended once by the Parliament and three times by the Minister through powers conferred to him under section 63(2). These amendments intend to make better provisions, effective implementation and enhance management and control of chemicals for purposes of protection of health and the environment.

Section 2 is proposed to be amended in the definition of the word “chemical” in order to include chemical weapons and public health pesticides. The purpose of the amendment is to widen the scope of the definition of the term “chemical” and introducing new definition of terms used in the Act in order to enhance clarity.

Section 11 is proposed to be amended in order to incorporate requirements under the Globally Harmonised System of Classification and Labelling of Chemicals and list of public health pesticides. The purpose of the amendment is to align with the international standards on classification and labelling of chemicals so as to strengthen implementation of the Act in protection of health and the environment.

Section 12 is proposed to be repealed in order to remove overlap between sections 11 and 12. The purpose of the amendment is to harmonise those provisions for effective implementation of the Act.

Section 13 is proposed to be amended in order to include requirements for field trial and analysis. The purpose of the amendment is to test the efficacy and safety of public health pesticides before registering them. Further, the section is proposed to be amended in order to enable the Registrar to use information from countries having similar environmental conditions and public health pesticides regulation system with Tanzania during registration. The purpose of the amendment is to simplify the registration process for chemicals which are already registered outside Tanzania.

Section 52A is proposed to be added in order to empower the Registrar to make temporary prohibition for public health pesticides which are hazardous to human health and environment. The purpose of the amendment is to ensure that public health pesticides used in the country have the required quality for usage and are safe for human and the environment.

First Schedule is proposed to be amended by adding a representative of Tanzania People’s Defence Forces with expertise in chemical weapons as a member of the Board. The purpose of the amendment is to enhance efficiency of the Board in discharging its duties.

Part V of the Bill proposes to amend the Land Transport Regulatory Authority Act, Cap. 413. The Act was enacted in 2019 for purposes of

establishing Land Transport Regulatory Authority, to regulate land transport sector, to repeal the Surface and Marine Transport Authority and to provide for other related matters. Since its enactment, this Act has been amended once.

Section 5 is proposed to be amended by deleting the functions relating to coordination of land transport safety activities and certification of road worthiness of public service vehicles, and to empower the Authority to certify worthness of railway infrastructures. The purpose of the amendment is to avoid overlapping of regulatory functions of the Authority and Ministry of Home Affairs.

Section 13 is proposed to be amended to provide for a clear definition of the term “conflict of interest” to specify circumstances that constitute conflict of interest. The purpose of the amendment is to enhance efficiency in implementing the functions of the Board.

Section 26 is proposed to be amended with a view to align it with the provisions of section 27 that enables the Authority to review its decisions. The purpose of the amendment is to widen the scope of the review panel to review the decisions made by the Authority.

Section 29 is proposed to be amended by reducing number of members of the Council so as to minimize operating costs of the Council. Further the section is proposed to be amended to empower the Minister to appoint a Chairman of the Council. The purpose of the amendment is to enhance protection of the Chairman in supervising the enforcement of the decisions of the Council.

Section 30 is proposed to be amended to provide for the tenure of members of the Council. The purpose of the amendment is to keep and maintain institutional memory of the business of Council.

Section 31 is proposed to be amended in order to enable the secretariat to be composed by the staff of the Authority. The purpose of the amendment is to enhance efficiency and accountability in the performance of day to day activities of the Council.

Part VI of the Bill proposes to amend the Muhimbili National Hospital Act, Cap. 150. The Act was enacted in 2000 for purposes of establishing

the Muhimbili National Hospital and to provide for other related matters. Since its enactment, this Act has been amended once.

Section 7 is proposed to be amended to remove the power of the Board to appoint and determine employment of division heads and to align the provisions of this section with the provisions of section 12 regarding disciplinary authority. The purpose of the amendment is to improve and align such provisions with the administration structure of the Hospital.

Section 8 is proposed to be amended so as to recognise the mandate of the President in appointing Executive Director. The purpose of the amendment is to foster good governance and accountability in the administration of the Hospital.

Sections 11 and 15 are proposed to be amended in order to provide for “units” as part of the administration structure of the Hospital and to improve the provisions relating to the Hospital Executive Management Committee. The purpose of the amendment is to enhance efficiency of administration of the Hospital. Further, section 11 is proposed to be amended with the view to establish the Hospital Executive Management Committee. The purpose of the amendment is to ensure quality of healthcare services, operational efficiency and accountability within the Hospital.

Section 12 is proposed to be amended in order to align it with the disciplinary mandate of the Executive Director and the Board to all employees of the Hospital. The purpose of the amendment is to avoid duplication of disciplinary authorities over the employees of the hospital and to enhance effective and efficient accountability of the employees.

Section 16 is proposed to be repealed and replaced to remove the mandatory requirements for Board to invest in investments authorised under the Trustees Investment Act. The purpose of the amendment is to broaden the scope of investments and enable the Hospital to operate commercially as a strategic public institution, subject to directives as may be issued by the Treasury Registrar and other relevant authorities.

The Schedule is proposed to be amended with regards to the composition of the Board and the mandate of their appointing authority. The purpose of the amendment is to comply with the Treasurer Registrar’s guidelines on governance of public corporations.

Part VII of the Bill proposes amendments to the National Institute for Medical Research Act, Cap. 59. The Act was enacted by Parliament in 1979 for purposes of establishing the National Institute for Medical Research and matters related to the promotion of medical research. Since its enactment, this Act has been amended three times by the Minister under powers conferred to him under sections 5(2) and 6(3). The amendments intend to make better provisions for the effective implementation of the functions of the Council and the Institute through its research centres.

Section 2 of the Act is proposed to be amended by introducing a definition of the term “medical research” with the view to enhance clarity of the provisions of the Act.

Section 4 is proposed to be amended in order to widen the scope of the purpose and outcome of research to include disease prevention, quality of health care services and health systems strengthening. The purpose of the amendment is to add key components measures for control of diseases so as to address Tanzania's health challenges more effectively through focused and comprehensive research efforts, ultimately improving the health and well-being of the citizens.

Section 5 is proposed to be amended in order to widening the scope of the provision the Act by including non-medical establishments where medical research is conducted as may be declared by the Minister to be a medical research centre. The purpose of the amendment is to promote innovation and development by integrating diverse perspectives, methodologies, and resources in medical research.

Sections 8 and 16 are proposed to be amended so as to align them with the new approved organisation structure of the Institute that changed the title of the head of the Centre from “Director of the Centre” to “Manager of the Centre”. Further, the section is proposed to be amended in order to remove the powers of the managers to employ staff. The purpose of the amendment is to align with the new approved organisation structure of the Institute where managers no longer have powers to appoint non-professional support staff.

Sections 10 and 12 are proposed to be amended in order to enhance the penalty. The purpose of the amendment is to ensure that the penalty is

imposed in accordance with the prevailing pecuniary value and gravity of the offence.

Section 13 is proposed to be amended in order to facilitate motivation arrangement for staff of the Institute who undertakes innovation and product development out of research findings of the Institute. The purpose of the amendment is to promote advancement of research findings in order to get final products for the benefit of the general public and the researcher.

Section 17 is proposed to be amended for the purpose of allowing the members of the Council who are public servants to equally be entitled to receive remuneration, fees and other allowances while they are discharging the duties of the Council. The purpose of the amendment is to restore equality of entitlements to members thus facilitating increase of efficiency of the Council in the discharge of its functions.

Part VIII of the Bill proposes to amend the Office of the Attorney General (Discharge of Duties) Act, Cap. 268. This Act was enacted in 2005 in order to provide for the discharge of duties and the exercise of powers of the Attorney General, the relation of the Office of Attorney General with other public institutions and local government authorities and to provide for related matters. Since its enactment this Act has been amended four times. This amendment aims to align with approved organisation structure of the Office of the Chief Parliamentary Draftsman.

Sections 3, 7B and 8B are proposed to be amended by deleting the title and functions of the Deputy Chief Parliamentary Draftsman. The purpose of the amendments is to align with the approved organisation structure of the Office of the Chief Parliamentary Draftsman.

Part IX of the Bill proposes to amend the Ports Act, Cap. 166. The Act was enacted in 2004 to establish the Port Authority, to provide for its functions and powers and to provide for other related matters. Since its enactment, the Act has been amended eight times with the view to ensure compliance with national and global standards in ports management.

The Act is proposed to be amended generally by redesignating the definition of the term “security officer” as “port security officer”. The purpose of the amendment is to comply with International Ship and Port Facility Security Code, 2004 (ISPS Code) as developed from the

International Convention for the Safety of Life at Sea of 1974 to which Tanzania is a party.

Section 3 is proposed to be amended with a view to delete the definition of the term “seamen”. The purpose of the amendment is to omit terminologies which has not been used in the provisions of the Act.

Section 12 is proposed to be amended to add functions of the Authority in regards to the operation of training institution for promotion of research and capacity building in the field of maritime and port industry. The purpose of the amendment is to facilitate the effective and efficient administration of ports.

Section 38A is proposed to be amended to empower the Authority to make rules in regards to management and operation of training institution. The purpose of the amendment is to enhance effective and efficient administration of training institution.

Section 44 is proposed to be amended by widening the Minister's authority to make regulations. The purpose of the amendment is to ensure effective implementation of the Act.

Section 60A is proposed to be added in order to make provisions for the establishment of the Port Security Committee which shall be responsible for providing port communication, identification of risks and coordination of resources to mitigate threats and occurrence of port related disasters. The purpose of the amendment is to ensure the effective administration of ports and compliance with the International Ship and Port Facility Security Code, 2004.

Section 67 is proposed to be amended by introducing a “wayleave fee” as a source of funds of the Authority. The purpose of the amendment is to enhance revenue of the Authority. Section 67A is proposed to be added to enable the Authority to charge and waive the whole or part of the storage charges. The purpose of the amendment is to promote private sector investment within port areas and to facilitate maintenance of ports infrastructure.

Section 86A is proposed to be added in order to provide for general penalty for offences in respect of which no specific penalty is provided in

the Act. The purpose of the amendment is to ensure effective implementation of the provisions of the Act.

The Act is further proposed to be amended in section 89 in order to identify measures which may be taken against the master, owner of the vessel or person incharge for any damage caused to port facilities. The purpose of the amendment is to ensure effective protection of port facilities and infrastructure.

Part X of the Bill proposes to amend the Transport Licencing Act, Cap. 317. The Act was enacted in 1973 in order to provide for the regulation of transport licensing, to establish procedures and standards for granting, renewal, and revocation of transport licenses, to promote fair competition and ensure safety and efficiency in the transport sector, and for related matters. Since its enactment this Act has been amended eleven times. This amendment intends to align the provisions of the Act with the Land Transport Regulatory Authority Act, Cap. 413.

The Act is generally amended by substituting the term “uneconomic competition” wherever they appear with the term “unfair competition”. The purpose of the amendment is to provide the appropriate term that relates to domestic and international free market systems that recognize fair and unfair competition.

Section 3 is proposed to be amended by deleting the definition of terms “Central Licensing Authority”, “Regional Licensing Authority”, “member”, “appointing authority” and “urban area” since the provisions relating to those terms are proposed to be repealed. Further the section is amended by introducing definitions of new terms which are used in various provisions of the Act. The purpose of the amendment is to enhance clarity for the terms used in the Act and ensure consistency of the Act and the Land Transport Regulatory Authority Act, Cap. 413.

Sections 4 and 5 are proposed to be amended by recognising the Land Transport Regulatory Authority as the authority responsible for issuance, renewal and cancelation of license issued under this Act and by introducing authorized agents who will facilitate in issuance and renewal of licences or permits. The purposes of the amendment is to ensure efficient delivery of services to the public.

Sections 5A, 6, 6A, 7, 8, 9, 10, 18, 19, 20 and 21 are proposed to be repealed since the Land Transport Regulatory Authority is the regulator of land transport services mandated to issue, renew and cancel licences or permits under the Land Transport Regulatory Authority Act, Cap. 413. Also the procedures on application for licences have been provided in the said Act. The purpose of the amendment is to address the problem of overlap of licencing and regulations functions.

Section 26(3) is proposed to be deleted since the penalty with regard to exclusive licence has been provided in the Transport Licensing (Public Services Vehicle) Regulations, 2020.

Section 28(3) is proposed to be amended by enhancing the penalty. The purpose of the amendment is to align the penalty with the prevailing pecuniary value.

Section 34 is proposed to be repealed since the provisions are redundant and that the powers to revoke or suspend licence are vested to the Authority and not the Minister. Further sections 36, 37, 38, 39 and 40 are proposed to be repealed since the procedure for issuance of licence, opposing certain applications or variations of licence are no longer governed under this Act and appeal are prescribed in the Land Transport Regulatory Authority Act, Cap. 413. The purpose of the amendment is to align the provisions of this Act and that of the Land Transport Regulatory Authority Act, Cap. 413.

Section 41 is proposed to be amended to remove offenses provided under the Penal Code, Cap. 16. Additionally, the amendment aims to introduce provisions for general penalties for offenses where specific penalties are not prescribed under the Act. The purpose of the amendment is to enhance the effective implementation of the provisions of the Act.

Sections 42, 43 and 44 are proposed to be repealed since penalties of those offences fall under the general penalties. Further, offences for over charging fares and their penalties are provided for in the Land Transport Regulatory Authority Act and regulations made there under. Further more, the financial provisions are already provided in the same Act.

Section 45 is proposed to be amended by removing requirements relating to assessors' participation following the establishment of Land Transport Regulatory Authority which is responsible for all matters relating to

licensing. The purpose of the amendment is to ensure effective implementation of the Act.

Section 46 is proposed to be repealed and replaced with the new provisions to exclude Administrative officers from exercising powers of inspection of vehicles. The purpose of amendment is to ensure that the responsibility under that section are only exercised by a police officer and officer of the licesing authority since those are day to day functions of the Authority.

Section 48 and 49 are proposed to be repealed following the proposed amendments to sections 36, 37, 38, 39 and 40. The purpose of the amendments is to align with the proposed ammendments of the Land Transport Regulatory Authority Act, Cap 413 where matters relating to licences and complaint handling are regulated by the Land Transport Regulatory Authority.

MADHUMUNI NA SABABU

Muswada huu unapendekeza kufanya marekebisho katika Sheria Tisa ambazo ni Sheria ya Makosa ya Uhujumu Uchumi na Uhalifu wa Kupangwa, Sura ya 200, Sheria ya Mamlaka ya Maabara ya Mkemia Mkuu wa Serikali, Sura ya 177, Sheria ya Usimamizi na Udhibiti wa Kemikali za Viwandani na Majumbani, Sura ya 182, Sheria ya Mamlaka ya Udhibiti wa Usafiri Ardhini, Sura ya 413, Sheria ya Hospitali ya Taifa ya Muhimbili, Sura ya 150, Sheria ya Taasisi ya Taifa ya Utafiti wa Magonjwa ya Binadamu, Sura ya 59, Sheria ya Utekelezaji wa Majukumu ya Ofisi ya Mwanasheria Mkuu wa Serikali, Sura ya 268, Sheria ya Bandari, Sura ya 166 na Sheria ya Leseni za Usafirishaji, Sura ya 317. Mapendekezo ya marekebisho yanalenga kutatua changamoto zilizojitokeza wakati wa utekelezaji wa baadhi ya masharti katika Sheria husika.

Muswada huu umegawanyika katika Sehemu Kumi. Sehemu ya Kwanza inahusu Masharti ya Utangulizi ambayo yanajumuisha jina la Muswada na namna ambavyo Sheria zinapendekezwa kurekebishwa katika Sehemu zake.

Sehemu ya Pili ya Muswada inapendekeza marekebisho katika Sheria ya Makosa ya Uhujumu Uchumi na Uhalifu wa Kupangwa, Sura ya 200, ambapo kifungu cha 26 kinapendekezwa kufutwa. Marekebisho haya yanakusudia kuwezesha mashtaka chini ya Sheria hii kufunguliwa bila kuhitaji ridhaa ya Mkurugenzi wa Mashtaka. Takwa la ridhaa ya Mkurugenzi wa Mashtaka kabla ya kufungua shtaka chini ya Sheria hii liliwekwa miaka ya nyuma ambapo sehemu kubwa ya mashtaka yalikuwa yanaendeshwa na askari polisi kwa kuwa Ofisi ya Taifa ya Mashtaka haikuwa imeenea katika mikoa na wilaya zote nchini. Hivyo, kulikuwa na umuhimu wa kupata ridhaa ya Mkurugenzi wa Mashtaka ili kudhibiti ufunguaji holela wa mashtaka. Katika mazingira ya sasa ambapo Ofisi ya Taifa ya Mashtaka imefungua ofisi zake hadi ngazi ya Wilaya na kesi zote za jinai zinaendeshwa na Mawakili wa Serikali wanaowajibika moja kwa moja kwa Mkurugenzi wa Mashtaka, masharti ya kupata ridhaa ya Mkurugenzi wa Mashtaka yanakosa mantiki ya kuendelea kuwepo na yanaweza kuchangia ucheleweshaji wa haki jinai.

Sehemu ya Tatu ya Muswada inapendekeza kurekebisha Sheria ya Mamlaka ya Maabara ya Mkemia Mkuu wa Serikali, Sura ya 177. Sheria hii ilitungwa na Bunge mwaka 2016 kwa lengo la kuanzisha Mamlaka ya Maabara ya Mkemia Mkuu, kuweka masharti kuhusu wajibu na majukumu yake na masharti mengine yanayohusiana na hayo. Marekebisho haya yanakusudia kuweka masharti bora ili kuwezesha utekelezaji bora wa majukumu ya Mamlaka ya Maabara ya Mkemia Mkuu wa Serikali.

Kifungu cha 3 kinapendekezwa kurekebisha ili kutafsiri upya msamiati “*chemical*” kwa kuwianisha tafsiri ya msamiati huo na tafsiri ya msamiati “*chemical*” iliyotolewa katika Sheria ya Usimamizi na Udhibiti wa Kemikali za Viwandani na Majumbani, Sura ya 182. Lengo la marekebisho haya ni kutoa tafsiri itakayojumuisha masuala ya silaha za kikemikali yanayopendekezwa kuongezwa katika wigo wa Sheria hizo.

Kifungu cha 7 kinapendekezwa kurekebisha kwa kupunguza mwakilishi mmoja kutoka taasisi za elimu ya juu au taasisi za utafiti kama mjumbe wa Bodi na kubaki na mwakilishi mmoja kutoka katika taasisi hizo kwakuwa taasisi hizo tayari zina uwakilishi katika Kamati za Kitaalam ikiwemo Kamati ya Kitaalamu ya Usimamizi wa Kemikali, Kamati ya Kitaalamu ya Udhibiti wa Vinasaba vya Binadamu na Kamati ya Kitaalamu ya Kudhibiti Matukio ya Sumu ambazo kazi zake ni kuishauri Bodi. Vilevile, inapendekezwa kumwongeza mwakilishi wa Jeshi la Ulinzi la Wananchi Tanzania kuwa miongoni mwa wajumbe wa Bodi. Lengo la marekebisho

haya ni kupata utaalamu kuhusu silaha za kemikali katika Bodi kufuatia kupendekezwa kwa jukumu la usimamizi wa silaha za kemikali kutekelezwa na Mamlaka ya Maabara ya Mkemia Mkuu wa Serikali.

Kifungu cha 11 kinapendekezwa kurekebishwa kwa kumpa Mkemia Mkuu wa Serikali jukumu la kusajili kemikali zote na wadau wanaojihusisha na kemikali. Marekebisho haya yanalenga kuwianisha masharti ya kifungu hiki na marekebisho yanayopendekezwa katika kifungu cha 2 cha Sheria ya Usimamizi na Udhhibiti wa Kemikali za Viwandani na Majumbani, Sura ya 182.

Sehemu ya Nne ya Muswada inapendekeza kurekebisha Sheria ya Usimamizi na Udhhibiti wa Kemikali za Viwandani na Majumbani, Sura ya 182. Sheria hii ilitungwa mwaka 2003 kwa lengo la kuweka masharti ya usimamizi na udhibiti wa uzalishaji, uingizaji ndani ya nchi, usafirishaji, uuzaji nje ya nchi, uhifadhi, uendeshaji na utupaji wa kemikali, pamoja na masuala yanayohusiana na hayo. Tangu kutungwa kwake, Sheria hii imerekebishwa mara moja na Bunge na mara tatu na Waziri kwa mamlaka aliyopewa chini ya kifungu cha 63(2). Marekebisho haya yanakusudia kuweka masharti bora, utekelezaji madhubuti na kuimarisha usimamizi na udhibiti wa kemikali kwa ajili ya kulinda afya na mazingira.

Kifungu cha 2 kinapendekezwa kurekebishwa katika tafsiri ya neno “*chemical*” ili kujumuisha silaha za kikemikali na viuatilifu dhurifu vya afya ya jamii. Lengo la marekebisho haya ni kupanua wigo wa tafsiri ya kemikali na kuongeza misamiati mipya iliyotumika katika Sheria ili kuweka uelewa sahihi wa maana iliyokusudiwa katika Sheria.

Kifungu cha 11 kinapendekezwa kurekebishwa ili kujumuisha matakwa ya Mfumo wa Ulinganifu wa Kimataifa wa Uainishaji na Uwekaji Lebo wa Kemikali (GHS) na orodha ya viuatilifu dhurifu vya afya ya jamii. Lengo la marekebisho haya ni kuwianisha masharti yanayohusiana na viwango vya kimataifa vya uainishaji na uwekaji lebo wa kemikali ili kuimarisha utekelezaji wa Sheria katika kulinda afya na mazingira.

Kifungu cha 12 kinapendekezwa kufutwa ili kuondoa mwingiliano wa vifungu vya 11 na 12. Lengo la marekebisho haya ni kuwianisha vifungu hivyo ili kuwezesha utekelezaji bora wa masharti ya Sheria.

Kifungu cha 13 kinapendekezwa kurekebishwa ili kuweka masharti ya majaribio ya uwandani ya viuatilifu dhurifu vya afya ya jamii. Lengo la

marekebisho haya ni kupima ubora na usalama wa viuatilifu dhurifu vya afya ya jamii kabla havijasajiliwa. Aidha, kifungu kinapendekezwa kurekebisha ili kumwezesha Msajili kutumia taarifa za tathmini kutoka nchi nyingine zenye mfumo wa udhibiti unaofanana na Tanzania wakati wa usajili. Lengo la marekebisho haya ni kurahisisha mchakato wa usajili wa kemikali ambazo zimesajiliwa nje ya Tanzania.

Kifungu cha 52A kinapendekezwa kuongezwa ili kumwezesha Msajili kuweka zuio la muda kwa viuatilifu vya afya ya jamii ambavyo ni hatari kwa afya ya binadamu na mazingira. Lengo la marekebisho haya ni kuhakikisha ubora na usalama wa viuatilifu vya afya ya jamii vinavyotumika nchini.

Jedwali la Kwanza linapendekezwa kurekebisha kwa kumwongeza mwakilishi wa Jeshi la Ulinzi la Wananchi wa Tanzania mwenye ujuzi wa masuala ya silaha za kikemikali kama mjumbe wa Bodi. Lengo la marekebisho haya ni kuimarisha ufanisi wa Bodi katika kutekeleza majukumu yake.

Sehemu ya Tano ya Muswada inapendekeza kurekebisha Sheria ya Mamlaka ya Udhibiti wa Usafiri Ardhini, Sura ya 413. Sheria hii ilitungwa mwaka 2019 kwa lengo la kuanzisha Mamlaka ya Udhibiti wa Usafiri wa Ardhini, kudhibiti sekta ya usafiri wa ardhini, kufuta Mamlaka ya Usafiri wa Nchi Kavu na Majini na kuweka masharti mengine yanayohusiana na hayo. Tangu kutungwa kwake, Sheria hii imerekebisha mara moja.

Kifungu cha 5 kinapendekezwa kurekebisha kwa kufuta majukumu yanayohusiana na uratibu wa shughuli za usalama wa usafiri wa ardhini na uthibitishaji wa ubora wa magari ya huduma za umma na kuipa Mamlaka wajibu wa kuthibitisha ubora wa miundombinu ya reli. Lengo la marekebisho haya ni kuepuka mwingiliano wa majukumu ya udhibiti kati ya Mamlaka na Wizara ya Mambo ya Ndani.

Kifungu cha 13 kinapendekezwa kurekebisha ili kuweka tafsiri sahihi ya msamiati "*conflict of interest*" kwa kubainisha masuala ambayo yanapelekea kuwepo kwa mgongano wa maslahi. Lengo la marekebisho haya ni kuimarisha ufanisi katika utekelezaji wa majukumu ya Bodi.

Kifungu cha 26 kinapendekezwa kurekebisha kwa lengo la kukiwianisha na masharti ya kifungu cha 27 kinachoruhusu Mamlaka kufanya mapitio ya maamuzi yake. Lengo la marekebisho haya ni kupanua wigo wa jopo

linalohusika na mapitio ili kulipa uwezo wa kupitia maamuzi yaliyofanywa na Mamlaka.

Kifungu cha 29 kinapendekezwa kurekebisha ili kupunguza idadi ya wajumbe wa Baraza kwa lengo la kupunguza gharama za uendeshaji wa Baraza. Aidha, kifungu kinapendekezwa kurekebisha kwa kumpa Waziri mamlaka ya kumteua Mwenyekiti. Lengo la marekebisho haya ni kumwongezea ulinzi Mwenyekiti katika kutekeleza na kusimama maamuzi ya Baraza.

Kifungu cha 30 kinapendekezwa kurekebisha ili kubainisha muda wa kuhudumu wa wajumbe katika Baraza. Lengo la marekebisho haya ni kutunza na kuhifadhi kumbukumbu za kiutendaji za shughuli za Baraza.

Kifungu cha 31 kinapendekezwa kurekebisha ili kuwezesha Sekretarieti ya Baraza kuundwa kutoka miongoni mwa watumishi wa Baraza. Lengo la marekebisho haya ni kuongeza ufanisi katika utekelezaji wa majukumu ya kila siku ya Baraza.

Sehemu ya Sita ya Muswada inapendekeza kurekebisha Sheria ya Hospitali ya Taifa ya Muhimbili, Sura ya 150. Sheria hii ilitungwa mwaka 2000 kwa lengo la kuanzisha Hospitali ya Taifa ya Muhimbili na kutoa masharti mengine yanayohusiana na hayo. Tangu kutungwa kwake, Sheria hii imerekebisha mara moja.

Kifungu cha 7 kinapendekezwa kurekebisha ili kuondoa mamlaka ya Bodi ya kuteua na kuamua ajira za wakuu wa idara na kuwianisha masharti ya kifungu hiki na kifungu cha 12 kuhusiana na mamlaka ya nidhamu. Lengo la marekebisho haya ni kuboresha na kuwianisha masharti na muundo wa utawala wa Hospitali.

Kifungu cha 8 kinapendekezwa kurekebisha ili kutambua mamlaka ya Rais katika uteuzi wa Mkurugenzi Mtendaji. Lengo la marekebisho haya ni kukuza utawala bora na uwajibikaji katika usimamizi wa Hospitali.

Vifungu vya 11 na 15 vinapendekezwa kurekebisha ili kutambua "vitengo" kama sehemu ya muundo wa utawala wa Hospitali na kuboresha masharti kuhusiana na Kamati ya Usimamizi wa Hospitali. Lengo la marekebisho haya ni kuongeza ufanisi katika usimamizi wa Hospitali. Aidha, kifungu cha 11 kinapendekezwa kurekebisha kwa lengo la kuanzisha Kamati ya Utawala wa Hospitali. Lengo la marekebisho haya ni

kuhakikisha ubora wa huduma za afya, ufanisi wa kiutendaji na uwajibikaji ndani ya Hospitali.

Kifungu cha 12 kinapendekezwa kurekebisha ili kuendana na mamlaka ya nidhamu ya Mkurugenzi Mtendaji na Bodi kwa wafanyakazi wote wa Hospitali. Lengo la marekebisha haya ni kuepuka kuingiliana kwa mamlaka ya nidhamu juu ya wafanyakazi wa Hospitali na kuongeza uwajibikaji bora na ufanisi kwa wafanyakazi.

Kifungu cha 16 kinapendekezwa kufutwa na kuandikwa upya ili kuondoa sharti la lazima kwa Bodi kuwekeza katika uwekezaji unaoruhusiwa katika Sheria ya Uwekezaji wa Wadhamini. Lengo la marekebisha haya ni kuongeza wigo wa uwekezaji wa Hospitali na kuiwezesha kujiendesha kibiashara kama taasisi ya kimkakati kwa kuzingatia maelekezo yatakayokuwa yanatolewa na Msajili wa Hazina na mamlaka nyingine zozote zinazohusika.

Jedwali linapendekezwa kurekebisha katika muundo wa Bodi na mamlaka ya uteuzi wa wajumbe wa Bodi. Lengo la marekebisha haya ni kuendana na miongozo ya Msajili wa Hazina kuhusu uendeshaji wa Mashirika ya Umma.

Sehemu ya Saba ya Muswada inapendekeza kurekebisha Sheria ya Taasisi ya Taifa ya Utafiti wa Magonjwa ya Binadamu, Sura ya 59. Sheria hii ilitungwa mwaka 1979 kwa lengo la kuanzisha Taasisi ya Taifa ya Utafiti wa Magonjwa ya Binadamu na masuala yanayohusiana na kukuza utafiti wa matibabu. Tangu kutungwa kwake, Sheria hii imewahi kurekebisha mara tatu na Waziri kwa mamlaka aliyopewa chini ya vifungu vya 5(2) na 6(3). Marekebisha haya yanakusudia kuweka masharti bora ya utekelezaji madhubuti wa majukumu ya Baraza na Taasisi kupitia vituo vyake vya utafiti.

Kifungu cha 2 kinapendekezwa kurekebisha kwa kuongeza tafsiri mpya ya msamiati "*medical research*" ili kuongeza uelewa wa maana iliyokusudiwa katika masharti mbalimbali ya Sheria.

Kifungu cha 4 kinapendekezwa kurekebisha ili kuongeza mawanda ya utafiti na matokeo ya utafiti kwa kujumuisha tafiti nyingine za afya zinazokusudia kuzuia magonjwa, kuimarisha ubora wa huduma za afya na kuimarisha huduma na mifumo ya afya. Lengo la marekebisha haya ni kuongeza vipengele muhimu katika hatua za kudhibiti magonjwa ili

kutatua changamoto za kiafya za watanzania kwa ufanisi kupitia tafiti za kina na hatimaye kuboresha afya na ustawi wa wananchi.

Kifungu cha 5 kinapendekezwa kurekebisha ili kuongeza wigo wa masharti ya Sheria kwa kuwezesha kufanyika kwa tafiti za magonjwa ya binadamu kwenye vituo vingine visivyo vya utafiti wa magonjwa ya binadamu kama vinavyoweza kutangazwa na Waziri kuwa vituo vya utafiti. Lengo la marekebisho haya ni kuhamasisha ubunifu na maendeleo kwa kuunganisha mitazamo tofauti, mbinu mbalimbali na rasilimali katika tafiti zinazohusu magonjwa ya binadamu.

Vifungu vya 8 na 16 vinapendekeza kurekebisha ili kuendana na Muundo mpya wa Taasisi uliopitishwa ambao ulibadilisha cheo cha Mkurugenzi wa Kituo kuwa Meneja wa kituo. Vilevile, kifungu kinapendekezwa kurekebisha ili kuondoa mamlaka ya meneja wa vituo ya kuajiri. Lengo la marekebisho haya ni kuendana na muundo mpya wa Taasisi uliopitishwa, ambapo meneja wa vituo hawana mamlaka ya kuajiri watumishi wa kada saidizi.

Vifungu vya 10 na 12 vinapendekezwa kurekebisha kwa kuboresha masharti ya adhabu. Lengo la marekebisho haya ni kuhakikisha adhabu zinatolewa kwa kuzingatia thamani ya sasa ya fedha na ukubwa wa kosa.

Kifungu cha 13 kinapendekezwa kurekebisha ili kuwezesha utaratibu wa kutoa motisha kwa wafanyakazi wa Taasisi wanaofanya uvumbuzi na kuzalisha bidhaa kutokana na tafiti zilizofanywa na Taasisi. Lengo la marekebisho haya ni kuhamasisha uendelezaji wa matokeo ya utafiti ili kupata bidhaa kamili kwa manufaa ya umma kwa ujumla na mtafiti mwenyewe.

Kifungu cha 17 kinapendekezwa kurekebisha ili kuruhusu wajumbe wa Baraza la Taasisi ambao ni watumishi wa umma kulipwa posho na stahili nyingine sawa na wajumbe wengine wakati wakitekeleza majukumu ya Baraza. Lengo la marekebisho haya ni kuweka usawa wa malipo kwa wajumbe wa Baraza hivyo kuongeza ufanisi wa Baraza katika kutekeleza majukumu yake.

Sehemu ya Nane ya Muswada inapendekeza kurekebisha Sheria ya Utekelezaji wa Majukumu ya Ofisi ya Mwanasheria Mkuu wa Serikali, Sura ya 268. Sheria hii ilitungwa mwaka 2005 kwa lengo la kuweka masharti ya utekelezaji wa majukumu na mamlaka ya Mwanasheria Mkuu

wa Serikali, kuweka uhusiano kati ya Ofisi ya Mwanasheria Mkuu wa Serikali na taasisi nyingine za umma na mamlaka za serikali za mitaa na kuweka masharti kuhusu masuala mengine yanayohusiana na hayo. Tangu kutungwa kwake, Sheria hii imefanyiwa marekebisho mara nne. Marekebisho ya sasa yanalenga kuweka masharti yanayoendana na muundo ulioidhinishwa wa Ofisi ya Mwandishi Mkuu wa Sheria.

Vifungu vya 3, 7B, na 8B vya Sheria vinapendekezwa kurekebisha kwa kufuta cheo na majukumu ya Naibu Mwandishi Mkuu wa Sheria. Lengo la marekebisho haya ni kuendana na muundo ulioidhinishwa wa Ofisi ya Mwandishi Mkuu wa Sheria.

Sehemu ya Tisa ya Muswada inapendekeza kurekebisha Sheria ya Bandari, Sura ya 166 Sheria hii ilitungwa mwaka 2004 kwa lengo la kuanzisha Mamlaka ya Bandari na kuweka masharti kuhusu majukumu na mamlaka yake, kufuta Sheria ya Mamlaka ya Bandari ya Tanzania ya mwaka 1977 na kuweka masharti yanayohusiana na hayo. Tangu kutungwa kwake, Sheria hii imefanyiwa marekebisho mara nane kwa lengo la kuhakikisha inazingatia viwango vya kitaifa na kimataifa katika usimamizi wa bandari.

Sheria inapendekezwa kurekebisha kwa ujumla kwa kubadilisha maneno "*security officer*" kuwa "*port security officer*". Lengo la marekebisho haya ni kuzingatia Kanuni za Kimataifa za Usalama wa Meli na Vituo vya Bandari za Mwaka 2004 (ISPS Code) zilizotengenezwa kutokana na Mkataba wa Kimataifa wa Usalama wa Maisha Baharini wa Mwaka 1974, ambao Tanzania ni mwanachama.

Kifungu cha 3 kinapendekezwa kurekebisha kwa lengo la kufuta tafsiri ya neno "*seamen*". Marekebisho haya yanalenga kufuta tafsiri ya neno ambalo halijatumika katika Sheria.

Kifungu cha 12 kinapendekezwa kurekebisha ili kuongeza majukumu ya Mamlaka kuhusiana na kusimamia taasisi ya mafunzo kwa ajili ya kuendeleza tafiti na kujenga uwezo katika sekta ya baharini na bandari. Lengo la marekebisho haya ni kuwezesha usimamizi bora na wa ufanisi wa bandari.

Kifungu cha 38A kinapendekezwa kurekebisha ili kutoa mamlaka kwa Mamlaka ya Bandari kutengeneza kanuni kuhusiana na usimamizi na

uendeshaji wa taasisi ya mafunzo. Lengo la marekebisho haya ni kuboresha usimamizi na ufanisi wa taasisi ya mafunzo.

Kifungu cha 44 kinapendekezwa kurekebishwa kwa kuongeza mawanda ya mamlaka ya Waziri ya kutengeneza Kanuni. Lengo la marekebisho haya ni kuwezesha utekelezaji bora wa masharti ya Sheria.

Kifungu cha 60A kinapendekezwa kuongezwa ili kuweka masharti ya kuundwa kwa Kamati ya Usalama wa Bandari, ambayo itakuwa na jukumu la kuratibu mawasiliano ya bandari, utambuzi wa hatari na uratibu wa rasilimali za kupunguza vitisho na matukio ya majanga yanayohusiana na bandari. Lengo la marekebisho haya ni kuhakikisha uwepo wa usimamizi bora wa bandari na uzingatiaji wa Kanuni za Kimataifa za Usalama wa Meli na Vituo vya Bandari ya mwaka 2004.

Kifungu cha 67 kinapendekezwa kurekebishwa kwa kuanzisha ada ya matumizi ya njia “*wayleave fee*” kama chanzo cha mapato ya Mamlaka. Lengo la marekebisho haya ni kuongeza mapato ya Mamlaka.

Kifungu cha 67A kinapendekezwa kuongezwa ili kuiwezesha Mamlaka kutoza na kusamehe kiasi chote au sehemu ya kiasi cha gharama za huduma za utunzaji zinazotolewa na Mamlaka. Lengo la marekebisho haya ni kuhamasisha uwekezaji wa sekta binafsi ndani ya maeneo ya bandari na kusaidia utunzaji wa miundombinu ya bandari.

Kifungu kipyua cha 86A kinapendekezwa kuongezwa ili kuweka adhabu ya jumla kwa makosa ambayo hayajawekewa adhabu mahsusi katika Sheria. Lengo la marekebisho haya ni kuwezesha utekelezaji bora wa masharti ya Sheria.

Kifungu cha 89 kinapendekezwa kurekebishwa kwa kufutwa na kuandikwa upya kwa kuainisha hatua ambazo zinaweza kuchukuliwa dhidi ya baharia, mmiliki wa chombo cha usafiri baharini au kiongozi wa chombo kutokana na kusababisha madhara katika miundombinu ya bandari. Lengo la marekebisho haya ni kuhakikisha usalama wa miundombinu ya bandari.

Sehemu ya Kumi ya Muswada inapendekeza kurekebisha Sheria ya Utoaji wa Leseni za Usafirishaji, Sura ya 317. Sheria hii ilitungwa mwaka 1973 kwa lengo la kudhibiti utoaji wa leseni za usafirishaji, kuanzisha taratibu na viwango vya utoaji, uhuishaji na ufutaji wa leseni za usafirishaji,

kuhamasisha ushindani wa haki na kuhakikisha usalama na ufanisi katika sekta ya usafiri, kuweka masharti mengine yanayohusiana na hayo. Tangu kutungwa kwake, Sheria hii imerekebishwa mara kumi na moja. Marekebisho haya yanakusudia kuendana na masharti ya Sheria ya Mamlaka ya Udhibiti wa Usafiri Ardhini, Sura ya 413.

Sheria inapendekezwa kurekebishwa kwa ujumla kwa kubadilisha misamiati “*uneconomic competition*” popote yalipotumika katika Sheria na kuweka maneno “*unfair competition*”. Lengo la marekebisho haya ni kuweka msamiati sahihi unaoendana na mifumo ya soko huria ya ndani na ya kimataifa inayotambua ushindani wa haki na usio wa haki.

Kifungu cha 3 kinapendekezwa kurekebishwa kwa kufuta tafsiri za misamiati “*appointing authority*”, “*Central Licencing Authority*”, “*member*”, “*Regional Licencing Authority*” na “*urban area*”, kufuatia kufutwa kwa masharti ndani ya Sheria yaliyokuwa yametumia misamiati hiyo. Aidha kifungu kinarekebishwa kwa kuongeza misamiati mipya iliyotumika katika masharti mbalimbali ya Sheria. Lengo la marekebisho haya ni kuhakikisha misamiati inayotumika katika Sheria inaeleweka kwa urahisi na inaendana na masharti ya Sheria ya Mamlaka ya Udhibiti wa Usafiri Ardhini, Sura ya 413.

Vifungu vya 4 na 5 vinapendekezwa kurekebishwa kwa ajili ya kutambua Mamlaka ya Udhibiti Usafiri Ardhini kama Mamlaka yenye dhamana ya kutoa, kuhuisha, kusitisha na kufuta leseni na kuwaruhusu Mawakala Waidhiniwa kutoa huduma za utoaji na uhuishaji wa leseni au vibali. Lengo la marekebisho haya ni kuongeza ufanisi na upatikanaji wa huduma kwa wananchi.

Vifungu vya 5A, 6, 6A, 7, 8, 9, 10, 18, 19, 20 na 21 vinapendekezwa kufutwa kwa sababu Mamlaka ya Udhibiti wa Usafiri Ardhini imepewa majukumu ya kutoa, kuhuisha na kufuta Leseni au vibali chini ya Sheria ya Mamlaka ya Udhibiti wa Usafiri Ardhini, Sura ya 413. Vile vile utaratibu wa uombaji wa leseni umeainishwa kwenye Sheria hiyo. Lengo la marekebisho haya ni kutatua changamoto ya mwingiliano wa majukumu ya utoaji leseni na udhibiti.

Kifungu cha 26(3) kinapendekezwa kufutwa kwakuwa adhabu zinazohusu leseni maalumu zimeainishwa kwenye Kanuni za Leseni za Usafiri wa Umma 2020.

Kifungu cha 28(3) kinapendekezwa kufanyiwa marekebisho kwa kuongeza adhabu. Lengo la marekebisho haya ni kulinganisha adhabu hiyo na thamani ya sasa ya fedha.

Kifungu cha 34 kinapendekezwa kufutwa kwakuwa masharti yake yamepitwa na wakati na kwa kuwa Mamlaka ya Udhubiti wa Usafiri Ardhini ndiyo yenye mamlaka ya kufuta na kusitisha leseni na siyo Waziri. Vile vile vifungu vya 36, 37, 38, 39 na 40 vinapendekezwa kufutwa kwa kuwa utaratibu wa utoaji leseni, uwasilishaji wa pingamizi la maombi au mabadiliko ya leseni hayashughulikiwi chini ya Sheria hii na utaratibu wa kushughulikia malalamiko na rufaa umeainishwa kwenye Sheria ya Mamlaka ya Udhubiti wa Usafiri Ardhini, Sura ya 413. Lengo la marekebisho haya ni kuwianisha masharti ya Sheria hii na Sheria ya Mamlaka ya Udhubiti wa Usafiri Ardhini, Sura ya 413.

Kifungu cha 41 kinapendekezwa kufanyiwa marekebisho ili kuondoa makosa ambayo yapo kwenye Kanuni za Adhabu, Sura ya 16. Vilevile, marekebisho yanakusudia kuweka masharti ya adhabu ya jumla kwa makosa ambayo adhabu mahsusi haijatolewa kwenye Sheria. Lengo la marekebisho haya ni kuwezesha utekelezaji bora wa masharti ya Sheria.

Vifungu vya 42, 43 na 44 vinapendekezwa kufutwa kwa sababu makosa hayo yana adhabu ya jumla na kosa la kutoza nauli zaidi adhabu yake imeainishwa chini ya Sheria ya Mamlaka ya Udhubiti wa Usafiri Ardhini na kanuni zake. Vilevile, masuala ya fedha na ada yameainishwa katika Sheria ya Mamlaka ya Udhubiti wa Usafiri Ardhini, Sura ya 413.

Kifungu cha 45 kinapendekezwa kurekebisha kwa kuondoa takwa la ushiriki wa washauri wa Baraza kufuatia mabadiliko ya mamlaka ya utoaji wa leseni. Lengo la marekebisho haya ni kuwezesha utekelezaji bora wa masharti ya Sheria.

Kifungu cha 46 kinapendekezwa kufutwa na kuandikwa upya kuondoa mamlaka ya maafisa tawala kushiriki katika ukaguzi wa vyombo vya usafiri. Lengo la marekebisho haya ni kuhakikisha kuwa utekelezaji wa majukumu chini ya kifungu hicho yanatekelezwa na polisi na maafisa wa Mamlaka pekee.

Vifungu vya 48 na 49 vinapendekezwa kufutwa kufuatia mapendekezo ya marekebisho ya kufutwa kwa vifungu vya 36, 37, 38, 39 na 40. Lengo la marekebisho haya ni kuendana na mapendekezo ya marekebisho katika

Sheria ya Mamlaka ya Udhibiti wa Usafiri Ardhini, Sura ya 413 ambapo masuala yanayohusiana na leseni, na utatuzi wa migogoro yanasimamiwa na Mamlaka ya Udhibiti wa Usafiri Ardhini.

Dodoma,
21st January, 2025

HAMZA S. JOHARI
Attorney General

