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SPECIAL BILL SUPPLEMENT

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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) (NO. 3)
ACT, 2024

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- section 19A
- (a) designating the content of that section as subsection (1);
 - (b) adding immediately after subsection (1) as designated the following:
 - “(2) Where, under any written law, a regulator does not have mandate to impose any of the administrative sanctions under subsection (1), such regulator shall recommend to the relevant authority of such regulator to impose the required sanctions.”.

PART III
AMENDMENT OF THE COOPERATIVE SOCIETIES ACT,
(CAP. 211)

- Construction
Cap. 211
- 5.** This Part shall be read as one with the Co-operative Societies Act, hereinafter referred to as the “principal Act”.
- Amendment of
section 12
- 6.** The principal Act is amended in section 12(2) by deleting the words “Deputy Registrar in charge of regulatory functions, or as the case may be, the Registrar” and substituting for them the words “Registrar or Deputy Registrars”.
- Repeal and
replacement of
section 19
- 7.** The principal Act is amended by repealing section 19 and replacing for it the following:
- “Structure of
cooperative
societies
- 19.-(1)** The structure of cooperatives shall comprise of-
- (a) primary societies at grass root level;
 - (b) secondary societies at the middle level;
 - and
 - (c) federation at the top level.
- (2) A primary society dealing in savings and credit which intends to be a member of a secondary society shall be

registered as a member of a secondary society dealing in financial related matters.

(3) A primary society shall be required to be a member of either secondary level or federation, and a secondary society shall be required to be a member of a federation.”.

Amendment of section 20

8. The principal Act is amended in section 20 by deleting subsection (1) and substituting for it the following-

“(1) A primary society may be formed by-

- (a) in the case of an agricultural society, at least twenty persons;
- (b) in the case of a savings and credit co-operative society, at least twenty persons;
- (c) in the case of a specialised skills society, at least five persons; and
- (d) in the case of any other type of cooperative society, at least ten persons.”.

Addition of section 24A

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

“Objects of secondary society dealing in financial related matters

24A. The objects of a secondary society constituted of savings and credit cooperative societies shall be-

- (a) to represent its members in national and international financial cooperative forums;
- (b) to represent its members in meetings of a federation;
- (c) to provide

- consultancy services to its members;
- (d) to provide financial aid and cooperative education to its members;
 - (e) to coordinate and provide guidance on formulation of economic plans to its members;
 - (f) to provide guidance on the smooth operation of financial activities to its members; and
 - (g) to do any other thing which in its opinion is connected with or is ancillary to the objectives enumerated under this section.”.

Amendment of section 31

- 10.** The principal Act is amended in section 31-
- (a) in subsection (1), by deleting the word “sixty” and substituting for it the word “twenty”; and
 - (b) in subsection (2), by adding the words “within ten days from the date of the refusal” immediately after the word “writing” appearing in paragraph (c).

Amendment of section 55

- 11.** The principal Act is amended in section 55, by-
- (a) deleting subsection (4) and substituting for it the following:
 - “(4) The accounts of a bank shall be audited at least once a year by a registered auditor appointed by the general meeting from the list of external auditors approved

by the Bank of Tanzania:

Provided that, the bank shall notify the Registrar of such appointment.”;

(b) adding immediately after subsection (13) the following:

“(14) Save for any action falling under subsection (13) or an action under section 95, the Registrar may, for the purpose of safeguarding the affairs of a cooperative society, take any action against any audit findings approved by the general meeting which has qualified, adverse or disclaimer opinion as preliminary action prior to legal sanctions.”.

Amendment of section 72

12. The principal Act is amended in section 72 by deleting subsection (1) and substituting for it the following:

“(1) A registered society other than a bank shall not advance a loan to any person other than its member.”.

Amendment of section 73

13. The principal Act is amended in section 73 by deleting article “A” appearing at the beginning of that section and substituting for it the words “Save for a bank, a”.

Amendment of section 74

14. The principal Act is amended in section 74-

(a) in subsection (1) by inserting the words “other than a bank” between the words “society” and “may”; and

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

“(4) Without prejudice to any other written law, the conduct of investment by a registered society shall be as provided in the regulations.”.

Amendment of section 75

15. The principal Act is amended in section 75 by deleting the words “of inspection” appearing in subsection (1) and substituting for them the word “relating to

regulatory functions”.

Amendment of
section 81

16. The principal Act is amended in section 81(1) by inserting the words “, other than a bank,” between the words “society” and “may”.

Amendment of
section 141

17. The principal Act is amended in section 141(2) by deleting paragraph (p) and substituting for it the following:

“(p) prescribing for the conduct of the investment by cooperative societies;”.

PART IV
AMENDMENT OF THE COTTON INDUSTRY ACT,
(CAP. 201)

Construction
Cap. 201

18. This Part shall be read as one with the Cotton Industry Act, hereinafter referred to as the “principal Act”.

General amendment

19. The principal Act is amended generally by deleting the words “cotton inspector”, “cotton inspectors”, “inspector” and “inspectors” wherever they appear in the Act and substituting for them the words “agricultural officer” or “agricultural officers” respectively.

Amendment of
section 11

20. The principal Act is amended in section 11 by-

- (a) adding the words “by a ginner” immediately after the word “reserved” appearing in subsection (1);
- (b) adding immediately after subsection (4) the following:

“(5) A person who fails to reserve and handle cotton seeds as required under this section commits an offence and on conviction shall be liable to a fine of not less than ten million shillings.”.

Amendment of
section 26

21. The principal Act is amended in section 26(1),
by-

- (a) deleting the opening phrase and substituting for

it the following:

- “(1) An agricultural officer may-”; and
(b) inserting the words “cotton inputs” between the words “cotton” and “and” appearing in paragraph (a).

Addition of section 29A

22. The principal Act is amended by adding immediately after section 29 the following:

“Declaration of purchases and deliveries

29A.-(1) A cotton buyer shall declare to the Board correct figures of purchases and deliveries of cotton seed and cotton lint in a form prescribed in the regulations.

(2) A person who contravenes the provisions of subsection (1) commits an offence and on conviction shall-

- (a) in case of a person at a buying post, be liable to a fine of not less than five million shillings or to imprisonment for a term of twelve months or to both; and
(b) in case of a ginner, be liable to a fine of not less than ten million shillings or to imprisonment for a term of three years or to both.”.

Amendment of section 37

23. The principal Act is amended in section 37-
(a) by deleting subsection (3) and substituting for it the following:

“(3) The functions of agricultural officers

shall be to-

- (a) inspect seed cotton, cotton seed and other cotton by products;
- (b) inspect cotton plants for disease and pests;
- (c) train farmers on proper use of cotton inputs;
- (d) take samples and verify the quality of seed cotton and cotton seed as provided for in this Act or as may be prescribed;
- (e) monitor cotton cultivation activities in specified areas;
- (f) ensure that the standard grade sample boxes approved by the Board are placed at all buying posts;
- (g) monitor cotton production, processing and marketing;
- (h) ensure that all seed cotton delivered at buying post and ginnery is correctly graded and free from any foreign matter contamination;
- (i) collect and analyse data and provide reports on purchases, deliveries and ginning;
- (j) participate in the promotion of good farming methods in order to increase production and productivity of cotton through farmers education;
- (k) plan and make projection of cotton production estimates in the area of operation;
- (l) carry out inspection of cotton buying posts and recommending the issuance of cotton buying licence;
- (m) ensure that weighing scales are properly serviced, calibrated and authorised for use in accordance with the Weight and Measures Act;
- (n) classify cotton samples manually and by using high volume instrument

- machine;
 - (o) class and assign grade of cotton lint and issue cotton quality certificate;
 - (p) class cotton in accordance with rules, regulations and international standards;
 - (q) prepare and issue periodic reports on classification from various ginneries; and
 - (r) prepare standard grade boxes.”;
- (b) in subsection (4), by adding immediately after paragraph (b) the following:
- “(c) classifying and assigning grade of cotton lint;
 - (d) determining the size and weight of cotton lint sample for classing; and
 - (e) stop, searching and detaining any vehicle or other conveyance which the agricultural officer has reason to believe is being or has been used for conveying any cotton in respect of which an offence is being or has been committed.”.

Addition of sections
38A and 38B

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

“Restrictions on
movement and
storage of lint
bales

not-

38A.-(1) A person shall

- (a) move lint bales from the ginnery without release order issued by the Board;
- (b) release unmarked lint bales or bales with duplicated lot numbers; or
- (c) store lint bales in the ginnery or

remove lint bales from the ginnery without ensuring that the bales are protected from adverse weather conditions.

(2) A person who contravenes this section commits an offence and on conviction shall be liable to a fine of not less than five million shillings or to imprisonment for a term of three years or to both.

Submission of
sample for
classification

38B.-(1) A ginner shall submit to the Board cotton lint samples for classification.

(2) The samples submitted to the Board shall remain the property of the Board.

(3) A person who contravenes this section commits an offence.”.

PART V
AMENDMENT OF THE NATIONAL ECONOMIC EMPOWERMENT
ACT,
(CAP. 386)

Construction
Cap. 386

25. This Part shall be read as one with the National Economic Empowerment Act, hereinafter referred to as the “principal Act”;

Amendment of
section 3

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

“institutions or organisations” in relation to economic empowerment, means Government departments, agencies, public or private institutions, companies, non-governmental organisations, economic empowerment funds or programs, international organisations, individual persons or group of individual persons, associations or partnerships performing economic activities and any other institution or organisation which may be established as such;”;

- (b) deleting the word “the Government” appearing in the definition of the term “economic empowerment” and substituting for it the words “an institution or organisation”; and
- (c) adding in the appropriate alphabetical order the following definition:

“local content” means the value added to, or created in the economy through deliberate utilisation of Tanzanian human and material resources and services in investments and projects in order to stimulate the development of capabilities and encourage local investments, ownership and participation;”.

Amendment of section 5

27. The principal Act is amended in section 5-

- (a) in subsection (1), by-
 - (i) adding immediately after paragraph (b) the following:

“(c) regulate, coordinate, facilitate, monitor and evaluate institutions or organisations implementing economic empowerment activities;” and
 - (ii) renaming paragraphs (c) and (d) as

- paragraphs (d) and (e) respectively; and
- (b) in subsection (2), by-
- (i) adding immediately after paragraph (k) the following:
- “(1) coordinate, facilitate, monitor and evaluate local content initiatives in all sectors of the economy in collaboration with relevant sectors;”; and
- (ii) renaming paragraphs (l) and (o) as paragraphs (m) and (p) respectively.

Amendment of
section 27

- 28.** The principal Act is amended in section 27, by-
- (a) adding immediately after subsection (2) the following:

“(3) The Executive Secretary may refuse an application made under subsection (1) if the application does not comply with the requirements prescribed in the First Schedule to this Act.

(4) Where an application is refused under subsection (3), the Executive Secretary shall, within fourteen days from the date of refusal, furnish the applicant with reasons for refusal.

(5) The application refused under this section may be resubmitted after rectification of defects.”;

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

“(3) The Minister may, by order published in the *Gazette*, amend, add to, vary or replace the First Schedule to this Act.”; and

- (c) renumbering subsection (3) as subsection (6).

Amendment of
section 28

- 29.** The principal Act is amended in section 28 by deleting subsection (4) and substituting for it the following:

“(4) The Minister may, by order published in the *Gazette*, amend, add to,

vary or replace the Second Schedule to this Act.”.

Amendment of
section 38

- 30.** The principal Act is amended in section 38, by-
- (a) designating the content of section 38 as subsection (1); and
 - (b) adding immediately after subsection (1) as designated the following:

“(2) A person who commits an offence under subsection (1) shall upon conviction, be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding three months or to both.”.

Amendment of
section 39

- 31.** The principal Act is amended in section 39 by adding immediately after subsection (2) the following:

“(3) A person who commits an offence under subsection (1) shall upon conviction, be liable to a fine not exceeding ten million shillings or to imprisonment for a term not exceeding twelve months or to both.”.

PART VI
AMENDMENT OF THE NATIONAL IRRIGATION ACT,
(CAP. 435)

Construction
Cap. 435

- 32.** This Part shall be read as one with the National Irrigation Act, hereinafter referred to as the “principal Act”.

Amendment of
section 2

- 33.** The principal Act is amended in section 2 by adding the definition of the following terms in their appropriate alphabetical order:

““irrigation land” means a piece of land suitable and set for irrigation owned by any person or farmer in the irrigation scheme;

“Board” means the Governing Board of the Commission established under section 3(6);”.

Amendment of
section 3

34. The principal Act is amended in section 3(9) by deleting the word “Commission” and substituting for it the word “Board”.

Amendment of
section 4

35. The principal Act is amended in section 4(3) by deleting the word “Commission” appearing at the beginning of that subsection and substituting for it the word “Board”.

Amendment of
section 5

36. The principal Act is amended in section 5(2) by deleting the words “and management” appearing in paragraph (b).

Amendment of
section 29

37. The principal Act is amended in section 29, by-
(a) adding immediately after subsection (2) the following:

“(3) An irrigators’ organisation established and registered under this Act shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name have power to-

- (a) own property;
- (b) borrow money;
- (c) enter into contracts;
- (d) institute and defend suits or other legal proceedings; and
- (e) do all such other acts authorised in its by-laws.”; and

(b) adding the words “in consultation with the Commission” immediately after the word “authority” appearing in subsection (4); and

(c) renumbering subsections (3) and (4) as subsections (4) and (5) respectively.

Amendment of
section 31

38. The principal Act is amended in section 31 by deleting paragraph (j) and substituting for it the following:

“(j) to prepare and maintain annual budget, accounts and other records as may be prescribed;”.

Amendment of
Schedule

39. The principal Act is amended in the Schedule by deleting the word “Commission” wherever it appears and substituting for it the word “Board”.

PART VII
AMENDMENT OF THE PUBLIC AUDIT ACT,
(CAP. 418)

Construction
Cap. 418

40. This Part shall be read as one with the Public Audit Act, hereinafter referred to as the “principal Act”.

Addition of section
4A

41. The principal Act is amended by adding immediately after section 4 the following new section:

“Entitlements and
benefits

4A.-(1) Notwithstanding the provisions of any other written law, the President shall have powers to determine or vary the salary, benefits and other entitlements of the Controller and Auditor-General while in service or upon retirement, removal or resignation from office.

(2) In the exercise of powers under subsection (1), the President shall have regards to Article 144(6) of the Constitution of the United Republic as well as the nature of functions of the Controller and Auditor General.”.

OBJECTS AND REASONS

This Bill proposes to amend six laws, namely; the Anti-Money Laundering Act, Cap. 423, the Cooperative Societies Act, Cap. 211, the Cotton Industry Act, Cap. 201, the National Economic Empowerment Act, Cap. 386, the National Irrigation Act, Cap. 435 and the Public Audit Act, Cap. 418. The proposed amendments aim to address challenges relating to interest and implementation of duties that have arisen during the implementation of certain provisions within these laws.

The Bill is divided into Seven 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 Anti-Money Laundering Act, Cap 423. This Act was enacted in 2006 in order to make provisions for prevention and prohibition of money laundering, terrorist financing and proliferation financing. Since enactment, the Act has been amended seven times with a view to ensure compliance with global standards in the fight against money laundering, terrorist financing and proliferation financing.

This Bill proposes to amend section 19A to enable a regulator to effectively exercise the mandate to impose administrative sanctions in circumstances where the law governing the regulator does not provide for such mandate. The objective of the amendment is to ensure that regulators carry out effective control of money laundering conducts, financing of terrorism and proliferation financing.

Part III of the Bill proposes to amend the Cooperative Societies Act, Cap. 211, whereby section 12 is amended with a view to extend delegated functions of the Deputy Registrar in charge of promotion functions to assistant registrars. The objective of the amendment is to enable assistant registrars execute day to day promotional functions for the effective implementation of functions of the Commission. Section 19 is proposed to be amended with a view to recognize “secondary societies level” as part of the levels of cooperative society regime in Tanzania. The section is further amended to provide for registration of membership in different structures of cooperative societies. The objective of the amendment is to strengthen

and enhance cooperation among members of cooperatives. Section 20 is proposed to be amended to allow flexibility for expansion of membership in primary societies of different fields without limiting the maximum number of memberships. The objective of the amendment is to widen involvement of persons in undertakings of cooperative societies.

Section 24A is proposed to be added to provide for the underlying objects of the formation of secondary society formed by savings and credit cooperatives. The objective of the amendment is to guide on the appropriate areas of operation of secondary societies that will ensure their prosperity and sustainability. Section 31 is proposed to be amended by reducing the time frame for scrutiny of application for registration. The objective of the amendment is to expedite the registration process and enhance cooperative societies. Section 55 is proposed to be amended in subsection (4) with a view to ensure cooperative banks engage registered auditors as directed by the Bank of Tanzania for purposes of conducting audit. Further, a new subsection (14) is proposed to be added with the aim of giving the Registrar powers and mandate to take action over audit findings relating to qualified opinion, adverse opinion and disclaimer opinion as preliminary actions prior to legal sanctions. The objective of the amendment is to provide for rectification of audit queries prior to sanctions.

Sections 72 and 73 are proposed to be amended with the intent to remove restriction on a cooperative bank which operates as an ordinary bank under Banking and Financial Institutions Act, Cap. 342. The objective is to allow a cooperative bank to implement its commercial business operation as a bank and at the same time serving as registered society under the Cooperatives Societies Act. Section 74 is amendment in subsection (1) so as to allow a cooperative bank to invest as an ordinary bank and also to comply with its internal policies and guidelines issued by the Bank of Tanzania on investment. Further, the section is amended in subsection (4) so as to provide for regulatory control on investments by co-operative societies through regulations to be made by the Minister.

Section 75 is proposed to be amended to enable the fund to cover all aspects of regulatory functions other than inspection expenses. The objective of the amendment is to widen the financial undertakings of the fund. Section 81 of the Act is proposed to be amended by removing the restriction of placing of a charge by cooperative banks. The objective of

the amendment is to enable the smooth and effective operation of banking business which ordinarily necessitates creation of charge (collateral) on its assets so as to meet its business needs. Section 141 is proposed to be amended with a view to empower the Minister to make regulations governing investment undertakings by cooperatives. The objective of the amendment is to regulate sound investment undertakings as envisaged in section 74 of the Act.

Part IV of the Bill proposes to amend the Cotton Industry Act, Cap. 201. This Act was enacted in 2001 with a view to establish the Tanzania Cotton Board, to make better provisions for the regulation, improvement and development of the cotton industry. The amendments proposed to this Act intend to strengthen activities relating to development of cotton industry specifically in inspection of cotton seeds, cotton fibers and cotton processing industries.

The Bill proposes to make general amendments by eliminating from the Act the usage of the designation “cotton inspector” and introducing the designation “agricultural officer”. This amendment aims at aligning the provisions of the law with approved scheme of service of the Cotton Board which recognises the designation “agricultural officer”. Section 11 is proposed to be amended to impose on a ginner the obligation to reserve cotton seed and provide for the penalty for non-observance of such obligation. The proposed amendment aims at ensuring a sufficient stock of cotton seed reserved by the Board for sale to cotton farmers in upcoming seasons.

Section 26 is proposed to be amended to empower agricultural officers to inspect cotton inputs in order to enhance the Board’s supervision over inputs intended for cotton farming. Furthermore; section 29A is proposed to be added to impose on cotton buyers a duty to declare all purchases and deliveries of seed cotton and cotton lint. The aim of the proposed amendment is to ensure availability of accurate data and information regarding various transactions in the cotton industry. Section 37 is proposed to be amended by providing for and widening the scope of functions of the agricultural inspector. The aim of the proposed amendment is to ensure proper administration of activities under the Act in order to enhance cotton productivity and marketing.

Section 38A is proposed to be added in order to provide for procedures governing movement and storage of lint bales and prescribe the penalty for contravening the introduced requirements. Furthermore, a new section 38B is proposed to be added in order to impose on the ginner an obligation to submit to the Board cotton lint samples for purposes of classification. The amendment aims at enhancing accountability and minimising disputes arising in relation to cotton classification.

Part V proposes to amend the National Economic Empowerment Act, Cap. 386. This Act was enacted in 2005 with the aim of establishing the National Economic Empowerment Council for the promotion and facilitation of ownership of income generating activities and assets by Tanzanians, to provide a legal and institutional framework for the Council, to establish the National Economic Empowerment Fund and to provide for the control of the financial affairs of the Council and the Fund, and to provide for other incidental matters. Since its enactment, this Act has never been amended hence, this is the first amendment which among other things aims to facilitate better implementation of the provisions of the Act.

Section 3 is proposed to be amended by improving the definition of various terms used in the Act and adding new definitions which were not previously not defined in the Act. The purpose of the amendment is to enhance clarity of the terms used so as to ensure the provisions in the Act can be comprehended as intended. Section 5 is proposed to be amended by adding among the functions of the National Economic Empowerment Council the duty to regulate, coordinate, facilitate and evaluate institutions or organisations implementing economic empowerment activities and local content initiatives in all sectors. The aim of the amendment it to ensure joint monitoring and coordination of economic empowerment activities and strengthen the role of the Council in monitoring economic empowerment activities.

Section 27 is proposed to be amended to give the Executive Secretary powers to refuse applications for registration if the applicant does not fulfill application requirements. Further, section 28 is proposed to be amended in order to empower the Minister to amend or vary the Schedules in the Act. The proposed amendments aim at improving provisions relating to application and issuance of certificates of registration as well as simplifying the procedure for amending Schedules. Sections 38 and 39 are proposed to be amended to provide for penalties in respect of offences

committed under the Act. The aim of the proposed amendment is to ensure that offences are appropriately punished.

Part VI of the Bill proposes to amend the National Irrigation Act, Cap. 435. This Act was enacted in 2013 to provide for the establishment of the National Irrigation Commission, to provide for the development, operation and maintenance of irrigation and drainage systems, to provide for effective implementation of the National Irrigation Policy, the National Irrigation Development Strategy and to provide for other related matters. Since its enactment, this Act has never been amended hence, this is the first amendment which among other things aims at improving the provisions of the Act for its better implementation.

Section 2 is proposed to be amended to add the definition of various terms. The purpose of the amendment is to provide the definition of terms which were used in the Act but not defined with a view of enhancing clarity. Section 5 is proposed to be amended to remove provisions directing the Commission to collaborate with various stakeholders in the management of irrigation. The purpose of this amendment is to avoid contradiction since collaboration between the Commission and national and international organisations is limited to matters relating to development of irrigation, not management of irrigation.

Section 29 is proposed to be amended by adding a provision to grant corporate status to irrigators' organisations. The proposed amendments aim at ensuring efficiency of registered irrigators' organisations by empowering them to perform various functions such as entering into contracts, acquiring property and enabling availability of necessary services such as obtaining loans from financial institutions. Section 29 is further amended to impose a requirement for directions from the local government authorities to be issued to irrigators' organisations after consultation with the Commission. The aim of the amendment is to ensure harmony in the directions issued to the organisations by the Commission and the local government authorities.

Section 31 is proposed to be amended by adding on irrigators' organisations the responsibility to prepare annual budget. The aim of the proposed amendment is to ensure accountability in the use of resources of the irrigators' organisations. Sections 3, 4 and the Schedule are proposed to be amended by discarding the use of the word "Commission" and

instead introduce the use of the word “Board”. The aim of the proposed amendment is correcting a clerical error made during enactment of the Act and ensure the provisions of the Act are applied in relation to the Board as was intended.

Part VII of the Bill proposes to amend the Public Audit Act, Cap. 418. This Act was enacted in 2008 in order to empower the Controller and Auditor-General to conduct public audit for the purpose of promoting accountable democratic institutions by preventing financial malpractice, corruption, delivery of information to taxpayers about the carrying out of Government policies and programs.

The Act is proposed to be amended by adding a new section 4A to provide for the manner in which the Controller and Auditor-General’s benefits and entitlements shall be determined or varied. The objective of the amendment is to incorporate in the Act, the President’s authority to prescribe the Controller and Auditor-General’s benefits taking into account both the nature of the Office of the Controller and Auditor-General and the prohibition on the Controller and Auditor-General to hold any office upon retirement in the public service during the allotment of those benefits.

MADHUMUNI NA SABABU

Muswada huu unapendekeza kufanya marekebisho katika Sheria Sita zifuatazo: Sheria ya Kudhibiti Utakatishaji wa Fedha Haramu, Sura ya 423, Sheria ya Vyama vya Ushirika, Sura ya 211, Sheria ya Tasnia ya Pamba, Sura ya 201, Sheria ya Taifa ya Uwezesaji wa Kiuchumi, Sura ya 386, Sheria ya Taifa ya Umwagiliaji, Sura ya 435 na Sheria ya Ukaguzi wa Umma, Sura 418. Mapendekezo ya marekebisho yanakusudia kutatua changamoto zilizojitokeza katika utekelezaji wa baadhi ya masharti yanayohusiana na maslahi na utekelezaji wa wajibu katika Sheria hizo.

Muswada huu umegawanyika katika Sehemu Saba. Sehemu ya Kwanza inahusu Masharti ya Utangulizi ambayo yanajumuisha jina la Muswada na namna ambavyo Sheria hizo zinapendekezwa kurekebisha.

Sehemu ya Pili ya Muswada inapendekeza kurekebisha Sheria ya Kudhibiti Utakatishaji wa Fedha Haramu, Sura ya 423. Sheria hii ilitungwa na Bunge mwaka 2006 ili kuweka masharti kuhusu udhibiti wa utakatishaji wa fedha haramu, ufadhili wa ugaidi na ufadhili wa silaha za maangamizi. Tangu kutungwa kwake, Sheria hii imerekebisha mara sita ili kuhakikisha kuwa Tanzania inazingatia viwango vinavyotambulika kimataifa katika udhibiti wa utakatishaji wa fedha haramu.

Muswada huu unapendekeza kurekebisha kifungu cha 19A ili kumwezesha mdhibiti kutekeleza mamlaka ya kuweka vikwazo vya kiutawala katika mazingira ambapo sheria inayomwongoza mdhibiti haijaainisha mamlaka hayo. Lengo la marekebisho haya ni kuhakikisha kwamba wadhibiti wanatekeleza udhibiti mzuri wa vitendo vya utakatishaji wa fedha haramu, ufadhili wa ugaidi na ufadhili wa silaha za maangamizi.

Sehemu ya Tatu ya Muswada inapendekeza marekebisho ya Sheria ya Vyama vya Ushirika, Sura ya 211, ambapo kifungu cha 12 kinarekebisha kwa kukasimisha majukumu ya uenezi ya Naibu Msajili kwa wasajili wasaidizi. Lengo la marekebisho haya ni kuwawezesha wasajili wasaidizi kutekeleza majukumu ya kila siku ya uenezi kwa ajili ya utekelezaji bora wa majukumu ya Tume. Kifungu cha 19 kinapendekezwa kurekebisha ili kutambua “ngazi ya vyama vya ushirika vikuu” kama mojawapo ya ngazi

za vyama vya ushirika nchini Tanzania. Kifungu hiki kinafanyiwa marekebisho zaidi ili kutoa nafasi ya usajili wa wanachama katika ngazi tofauti za vyama vya ushirika. Lengo la marekebisho haya ni kuimarisha ushirikiano miongoni mwa wanachama wa vyama vya ushirika. Kifungu cha 20 kinapendekezwa kurekebisha ili kuruhusu kukua kwa wigo wa uanachama wa ushirika ngazi ya msingi wenye kujishughulisha na shughuli mbalimbali bila kuwa na kikomo cha idadi ya juu ya uanachama huo. Dhumuni la marekebisho haya ni kuongeza wigo wa ushiriki wa watu katika shughuli za vyama vya ushirika.

Kifungu cha 24A kinapendekezwa kuongezwa ili kuweka malengo ya msingi wa uundaji wa ushirika ngazi ya juu kwa vyama vya ushirika vya akiba na mikopo. Lengo la marekebisho hayo ni kuwa na miongozo itakayoweza utekelezaji wa shughuli za vyama vya ushirika vya ngazi ya juu vyenye tija kwa maendeleo endelevu kwa vyama hivyo. Kifungu cha 31 kinapendekezwa kurekebisha kwa kupunguza muda wa kushughulikia maombi ya usajili. Lengo la marekebisho hayo ni kuharakisha mchakato wa usajili na kukuza ushiriki wa watu katika ushirika. Kifungu cha 55 kinapendekezwa kurekebisha katika kifungu kidogo cha (4) ili kuhakikisha benki za ushirika zinatumia wakaguzi waliosajiliwa kama inavyoelekezwa na Benki Kuu ya Tanzania kwa lengo la kufanya ukaguzi. Vilevile, kifungu kidogo cha (14) kinapendekezwa kuongezwa kwa lengo la kumpa Msajili mamlaka ya kuchukua hatua zozote iwapo vyama vya ushirika vitakuwa na hati chafu baada ya ukaguzi. Hatua hii itatekelezwa kabla ya hatua za kisheria kuchukuliwa. Lengo la marekebisho haya ni kutoa fursa ya kutatua hoja za ukaguzi.

Vifungu vya 72 na 73 vinapendekezwa kurekebisha kwa nia ya kuondoa kizuizi kwa benki ya ushirika ambayo inafanya kazi kama benki ya kawaida chini ya Sheria ya Benki na Taasisi za Fedha, Sura ya 342. Lengo la marekebisho haya ni kuruhusu benki ya ushirika kutekeleza shughuli zake za kibiashara kama benki na wakati huo huo kuhudumu kama benki ya ushirika iliyosajiliwa chini ya Sheria ya Vyama vya Ushirika. Kifungu cha 74 kinafanyiwa marekebisho katika kifungu kidogo cha (1) ili kuruhusu benki ya ushirika kuwekeza kama benki ya kawaida na pia kuzingatia sera zake za ndani na miongozo ya Benki Kuu ya Tanzania kuhusu uwekezaji. Vilevile, kifungu hiki kimefanyiwa marekebisho katika kifungu kidogo cha (4) ili kuweka udhibiti wa uwekezaji wa vyama vya ushirika kupitia kanuni zitakazotengenezwa na Waziri.

Kifungu cha 75 kinapendekezwa kufanyiwa marekebisho ili kuwezesha mfuko kushughulikia masuala yote ya kazi za udhibiti isipokuwa gharama za ukaguzi. Lengo la marekebisho hayo ni kupanua wigo wa shughuli za kifedha za mfuko. Kifungu cha 81 cha Sheria hiyo kinapendekezwa kurekebishwa kwa kuondoa zuio la uwekaji dhamana kwa benki za ushirika. Lengo la marekebisho hayo ni kuwezesha uendeshaji wenye tija na ufanisi wa biashara ya kibenki ambayo kwa kawaida inahitaji uwekaji dhamana kwenye mali zake ili kukidhi mahitaji yake ya kibiashara. Kifungu cha 141 kinapendekezwa kurekebishwa kwa ili kumpa Waziri mamlaka ya kutengeneza kanuni za kusimamia shughuli za uwekezaji na vyama vya ushirika. Lengo la marekebisho hayo ni kuwezesha uwepo wa uwekezaji madhubuti kama ilivyoainishwa katika kifungu cha 74 cha Sheria.

Sehemu ya Nne ya Muswada inapendekeza kufanya marekebisho katika Sheria ya Tasnia ya Pamba, Sura ya 201. Sheria hii ilitungwa mwaka 2001 kwa madhumuni ya kuanzisha Bodi ya Pamba Tanzania ili kuweka masharti bora ya udhibiti, uboreshaji na uendelezaji wa tasnia ya pamba. Kwa ujumla marekebisho yanayopendekezwa katika Sheria hii yanalenga kuimarisha shughuli zinazohusu maendeleo ya tasnia ya pamba hususani katika ukaguzi wa mbegu za pamba, nyuzi za pamba na viwanda vya kuchakata pamba.

Muswada unapendekeza kufanya marekebisho ya jumla kwa kufuta matumizi ya cheo cha “cotton inspector” na badala yake kutumia cheo cha “agricultural officer”. Marekebisho haya yanalenga kuwianisha masharti ya Sheria na muundo wa utumishi wa Bodi ulioidhinishwa ambao unatambua cheo cha “agricultural officer”. Kifungu cha 11 kinapendekezwa kurekebishwa kwa kumpa mchakataji wa pamba wajibu wa kuweka akiba ya mbegu za pamba pamoja na kuweka adhabu kwa mchakataji ambaye atakiuka wajibu huo. Lengo la mapendekezo haya ni kukuza akiba ya mbegu za pamba inayotakiwa kuwasilishwa kwa Bodi kwa ajili ya kuuzwa kwa wakulima wa pamba katika misimu mingine.

Kifungu cha 26 kinapendekezwa kurekebishwa ili kuwezesha maafisa kilimo kufanya ukaguzi kwa ajili ya kuimarisha usimamizi wa Bodi katika pembejeo zinazopaswa kutumika katika kilimo cha pamba. Aidha, kifungu kipyua cha 29A kinapendekezwa kuongezwa ili kuwapa wanunuzi wa pamba wajibu wa kuweka wazi na kuwasilisha kwa Bodi kuhusu pamba yote iliyonunuliwa na uwasilishaji wa mbegu za pamba na marobota ya

pamba. Lengo la marekebisho yanayopendekezwa ni kuwezesha upatikanaji wa takwimu na taarifa sahihi za miamala mbalimbali katika tasnia ya pamba. Kifungu cha 37 kinapendekezwa kurekebisha kwa kuainisha na kupanua wigo wa majukumu ya afisa kilimo. Lengo la marekebisho hayo ni kuhakikisha usimamizi madhubuti wa shughuli zilizoainishwa katika Sheria ili kuimarisha uzalishaji na upatikanaji wa masoko ya pamba.

Kifungu cha 38A kinapendekezwa kuongezwa ili kuweka masharti yanayoainisha utaratibu wa usafirishaji na uhifadhi wa mabalo ya pamba na kuainisha adhabu ya ukiukwaji wa masharti yaliyowekwa. Aidha, kifungu kipya cha 38B kinapendekezwa kuongezwa ili kutoa wajibu wa mchakataji wa pamba kuwasilisha kwa Bodi sampuli ya pamba kwa ajili ya upangaji wa madaraja kwa kuzingatia ubora wa pamba. Lengo la marekebisho yanayopendekezwa ni kuongeza uwajibikaji na kupunguza migogoro inayojitokeza kuhusiana na madaraja ya pamba.

Sehemu ya Tano ya Muswada inapendekeza kufanya marekebisho katika Sheria ya Taifa ya Uwezeshaji wa Kiuchumi, Sura ya 386. Sheria hii ilitungwa mwaka 2005 kwa lengo la kuanzisha Baraza la Taifa la Uwezeshaji wa Kiuchumi kwa ajili ya kukuza na kuwezesha umiliki wa shughuli za kuzalisha mapato na mali kwa Watanzania, kuweka mfumo wa kisheria na kitaasisi kwa Baraza, kuanzisha Mfuko wa Taifa wa Uwezeshaji wa Kiuchumi na kuweka utaratibu wa udhibiti wa masuala ya fedha ya Halmashauri na Mfuko, na kuweka masharti ya mambo mengine yanayotokea. Tangu ilipotungwa, Sheria hii haijawahi kufanyiwa marekebisho hivyo, haya ni marekebisho yake ya kwanza ambayo pamoja na masuala mengine, yanalenga kuwezesha utekelezaji bora wa masharti ya Sheria.

Kifungu cha 3 kinapendekezwa kurekebisha kwa kuboresha tafsiri za misamiti mbalimbali iliyotumika na kuongeza tafsiri ya msamiati ambao haujatafsiriwa katika Sheria. Lengo la marekebisho haya ni kutoa ufafanuzi wa misamiati hiyo ili kuhakikisha kuwa masharti ya Sheria yanaeleweka kama ilivyokusudiwa. Kifungu cha 5 kinapendekezwa kurekebisha ili kuongeza miongoni mwa majukumu ya Baraza la Uwezeshaji wa Kiuchumi, jukumu la kusimamia, kuratibu, kuwezesha na kufanya ufuatiliaji wa taasisi na mashirika yanayofanya shughuli za uwezeshaji kiuchumi na hatua za ushirikishwaji wa wazawa zinazochukuliwa katika sekta mbalimbali. Lengo la marekebisho haya ni

kuhakikisha usimamizi na uratibu wa pamoja wa shughuli za uwekezaji kiuchumi nchini na kuimarisha nafasi ya Baraza katika kusimamia shughuli za uwezeshaji wananchi kiuchumi.

Kifungu cha 27 kinapendekezwa kurekebisha kwa kumpa Katibu Mtendaji mamlaka ya kukataa maombi ya usajili endapo mwombaji hajakidhi matakwa ya usajili. Vilevile, kifungu cha 28 kinapendekezwa kurekebisha ili kumuwezesha Waziri kurekebisha Majedwali ya Sheria. Marekebisha haya yanalenga kuboresha masharti kuhusu maombi ya usajili na utoaji wa cheti cha usajili na kurahisisha utaratibu wa marekebisha ya Majedwali. Vifungu vya 38 na 39 vinapendekezwa kurekebisha ili kuweka adhabu kwa makosa ambayo kwayo adhabu haijainishwa kwenye Sheria. Lengo la marekebisha haya ni kuhakikisha makosa yanayotendwa yanaadhibiwa ipasavyo.

Sehemu ya Sita ya Muswada inapendekeza kufanya marekebisha katika Sheria ya Taifa ya Umwagiliaji, Sura ya 435. Sheria hii ilitungwa mwaka 2013 ili kuweka masharti ya uanzishwaji wa Tume ya Taifa ya Umwagiliaji, kuweka utaratibu wa kuendeleza, uendeshaji na matengenezo ya mifumo ya umwagiliaji na mifereji ya maji ili kutoa utekelezaji mzuri wa Sera ya Taifa ya Umwagiliaji, Mkakati wa Maendeleo ya Taifa wa Umwagiliaji na kueleza masuala mengine yanayohusiana na hayo. Tangu ilipotungwa, Sheria hii haijawahi kufanyiwa marekebisha hivyo, haya ni marekebisha yake ya kwanza ambayo pamoja na masuala mengine, yanalenga kuboresha masharti ya Sheria kwa ajili ya kuwezesha utekelezaji wake bora.

Kifungu cha 2 kinapendekezwa kurekebisha kwa kuongeza tafsiri ya misamiati mbalimbali. Lengo la marekebisha haya ni kuweka tafsiri ya misamiati ambayo ilikuwa imetumika katika Sheria lakini haikuwa imetafsiriwa ili kutoa ufafanuzi wa misamiati hiyo. Kifungu cha 5 kinapendekezwa kurekebisha kwa kuondoa masharti yanayoelekeza Tume kushirikiana na wadau mbalimbali katika usimamizi wa umwagiliaji. Lengo la marekebisha haya ni kuondoa mkanganyiko kwa kuwa ushirikiano kati ya Tume na mashirika ya ndani au nje ya nchi ni katika uendelezaji wa umwagiliaji na sio katika usimamizi wa umwagiliaji.

Kifungu cha 29 kinapendekezwa kurekebisha kwa kuongeza masharti yanayovipa vyama vya umwagiliaji utu wa kisheria. Lengo la marekebisha

haya ni kuongeza tija kwa vyama vya umwagiliaji vilivyosajiliwa kwa kuvipa nguvu kisheria kufanya masuala mbalimbali kama vile kuingia mikataba, kumiliki mali na kuviwezesha kupata huduma mbalimbali kama vile kukopa katika taasisi za fedha. Aidha, kifungu hicho kinarekebishwa pia ili kuweka masharti kwa maelekezo kutoka kwa mamlaka za serikali za mitaa kutolewa kwa vyama vya umwagiliaji baada ya mashauriano na Tume. Lengo la marekebisho haya ni kuhakikisha kuwa hakuna mgongano wa maelekezo yanayotolewa kwa vyama kutoka kwa Tume na mamlaka za serikali za mitaa.

Kifungu cha 31 kinarekebishwa kwa kuviongezea vyama vya umwagiliaji jukumu la kuandaa bajeti za vyama kila mwaka. Lengo la marekebisho yanayopendekezwa ni kuongeza uwajibikaji katika matumizi ya rasilimali za vyama vya umwagiliaji. Kifungu cha 3, 4 na Jedwali vinapendekezwa kurekebishwa kwa kuondoa matumizi ya neno “Commission” na badala yake kutumia neno “Board”. Lengo la marekebisho yanayopendekezwa ni kurekebisha makosa ya kiuandishi yaliyojitokeza wakati wa utungaji wa Sheria na kuhakikisha kuwa masharti husika yanatumika kwa Bodi kama ilivyokusudiwa.

Sehemu ya Saba ya Muswada inapendekeza kufanya marekebisho katika Sheria ya Ukaguzi wa Umma, Sura ya 418. Sheria hii ilitungwa mwaka 2008 ili kumpa Mdhibiti na Mkaguzi Mkuu wa Hesabu za Serikali uwezo wa kufanya ukaguzi wa hesabu za umma kwa madhumuni ya kukuza uwajibikaji katika taasisi za kidemokrasia kwa kuzuia ubadhirifu wa fedha, rushwa na utoaji wa taarifa kwa walipakodi kuhusu utekelezaji wa sera na programu za Serikali.

Sheria inapendekezwa kufanyiwa marekebisho kwa kuongeza kifungu kipyua cha 4A ili kuweka masharti kuhusu namna ambavyo malipo na stahili za Mdhibiti na Mkaguzi Mkuu wa Hesabu za Serikali zitaamuliwa au kufanyiwa mabadiliko. Madhumuni ya marekebisho haya ni kubainisha mamlaka ya Rais kuhusu maslahi ya Mdhibiti na Mkaguzi Mkuu wa Hesabu za Serikali katika Sheria ili kukidhi upangaji wa maslahi hayo kwa kuzingatia uhalisia wa Ofisi hiyo na zuio la Mdhibiti na Mkaguzi wa Hesabu za Serikali kutoshika nafasi yoyote ya madaraka baada ya kustaafu utumishi.

Dodoma,
12 Agosti, 2024

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