

CHAPTER 370

THE TREASURY REGISTRAR (POWERS AND  
FUNCTIONS) ACT

An Act to incorporate an office of Treasury Registrar for the acquisition, holding and management of investments, whether secured or not, on behalf of the Government, and for related matters.

[13th November, 1959]

Ord. No. 35 of 1959  
[R.L. Cap. 418] ✱  
Acts Nos.  
16 of 1983  
2 of 1992  
14 of 1999

1. This Act may be cited as the and Treasury Registrar (Powers and Functions) Act.

Short title

2. In this Act —

Interpre-  
tation

“investments” include shares, stock debentures, debenture stock, loan stock, notes, bonds and mortgages in or of any corporate body or issued by or on behalf of any Government or State; and “Minister” means the Minister responsible for finance.

3.—(1) Upon the coming into operation of this Act there shall be established the office of Treasury Registrar.

Establish-  
ment of  
office of  
Treasury  
Registrar  
and powers

(2) The person whom the Minister appoints to the office of Treasury Registrar shall be a corporation sole by the name of the Treasury Registrar, and by that name shall have perpetual succession and an official seal with capacity and powers to acquire, hold, manage, and dispose of investments, to sue and be sued, to execute deeds and instruments, using his official seal, to enter into agreements binding himself and his successors in office, to exercise all rights conferred by the holding of investments, including the powers of holding immovable and other property, and to do all other acts and things necessary or expedient to be done in the execution of the duties of his office or which are required to be done or may be done by the Treasury Registrar under this or any other written law.

4. A person appointed by the Minister to be an Assistant Treasury Registrar may, on behalf of the Treasury Registrar, take any oath, make any declaration, execute any deed or instrument, exhibit and

Assistant  
Treasury  
Registrars

authenticate the adhibition of the official seal of the Treasury Registrar, or do any other act or thing which the Treasury Registrar is required or authorised to do in the execution of his duties as Treasury Registrar or under this or any other written law.

Evidence of seal and acts

5. The official seal of the Treasury Registrar shall be officially and judicially noticed, and every document purporting to be a deed or instrument made or issued by the Treasury Registrar and to be sealed with his official seal, authenticated by the signature of the Treasury Registrar or an Assistant Treasury Registrar, shall be received in evidence and be deemed to be so made or issued without further proof, unless the contrary is shown.

Devolution of property and vacancies

6.—(1) Where any investments or other property or any interest in it are vested in the Treasury Registrar, the same shall, unless and until otherwise disposed of, pass and devolve to and vest in his successors in office from time to time.

(2) Where there is a vacancy in the office of Treasury Registrar at the time when, if there had been no vacancy, any interest in or charge on investments or other property would have been acquired by the corporation hereby established, that interest or charge shall, notwithstanding the vacancy, vest in the successor to that office on his appointment, but without prejudice to the right of the successor to disclaim that interest or charge.

(3) Any contract or other transaction expressed or purported to be made with the Treasury Registrar at a time when there is a vacancy in the office of Treasury Registrar, shall, on the vacancy being filled, take effect and be deemed to have taken effect as if the vacancy had been filled before the contract or transaction was expressed to be made or was capable of taking effect, and, on the appointment of a successor, shall be capable of being enforced, accepted, disclaimed or renounced by him.

Corporation to hold property in trust  
Act No. 16 of 1983  
s. 60  
Cap. 257

7.—(1) All investments and other property vested in the Treasury Registrar, including investment comprised in the paid up capital of a public corporation or a statutory corporation pursuant to section 4 of the Public Corporations Act, shall be held by the Treasury Registrar in trust for the President and for the purposes of the Government of the United Republic.

(2) The Minister may give the Treasury Registrar directions as to the disposal of investments or other property held by him and of the interest, produce or their proceeds, and the Treasury Registrar shall give effect to each direction.

(3) Save as is provided in subsection (2) nothing contained in this section or in any other written law relating to trusts or trustees

shall be construed as requiring the Treasury Registrar to realise any property held in trust for the President and to invest its rendering the Treasury Registrar liable for retaining any that property or for not investing the proceeds of its sale or any moneys held upon the trust in investments from time to time authorised for trustees.

[s. 6A]

8.—(1) For the purpose of securing the proper management of the property and other investments vested in it, the Treasury Registrar shall closely monitor the supervision and control of the financial affairs of all public and statutory corporations and may, in particular —

Powers in  
relation to  
corpora-  
tions  
Act No. 26  
of 1983

- (a) cause a special examination to be made of the expenditure of the funds of any public or statutory corporation;
- (b) require any corporation to make specific adjustments of expenditure;
- (c) cause or facilitate the conduct of inquiries into the conduct and performance of functions by officers having control of or access to the funds or employed in the maintenance of the accounts of any public or statutory corporation;
- (d) direct or approve the adoption, application or amendment of financial regulations so as to ensure the proper accounting of incomes and expenditure of corporation;
- (e) recommend to the Minister measures designed to —
  - (i) minimise unproductive expenditure of funds of public and statutory corporations;
  - (ii) averting loss of funds resulting from negligence, lack of care, theft, dishonesty or otherwise.

(2) The Minister (may) by regulations, published in the *Gazette*, provide the procedure for ensuring the smooth and effective exercise by the Treasury Registrar of the powers of control and supervision conferred by this section.

(3) For the avoidance doubt, in this section all reference to corporations is reference to public and statutory corporations to which section 4 of the Public Corporation Act applies, and the powers conferred by this section to the Treasury Registrar in relation to corporations shall be in addition to and not in derogation of, any powers conferred on it by or under any other written law.

Cap. 257

[s. 6B]

Voluntary  
agreement  
by Public  
Corpora-  
tion  
Act No. 14  
of 1999  
Sch.  
Cap. 60

9. Where the Treasury Registrar has received a voluntary agreement and its report from the Labour Commissioner subject to section 39(2) of the Industrial Court of Tanzania Act, he shall, within forty-five days —

- (a) ~~approve the voluntary agreement and submit the same to the Minister for registration to the Industrial Court; or~~
- (b) disapprove the voluntary agreement and return the same to the labour Commissioner together with the detailed reasons for his disapproval of the agreement.

[s. 6C]

Functions-  
of Registrar  
in relation  
to corpora-  
tions  
Act No. 16  
of 1983 s. 6

10.—(1) The Treasury Registrar shall keep or cause to be kept under permanent review the business and affairs of all persons and bodies of persons in respect of which the Treasury Registrar holds any property or any interest in the property pursuant to this Act.

(2) Without prejudice to the generality of subsection (1), and in furtherance of that provision the Treasury Registrar shall, in particular —

- (a) render advice to the Government relating to the establishment of public or statutory corporations, and the vesting of any business or property in those organisations;
- (b) review the financial performance of public and statutory corporations with a view to recommending measures aimed at amalgamation, disestablishment or improvement of their performance;
- (c) consider, recommend or approve corporate and annual plans of public statutory corporations, or other bodies in which the Treasury Registrar has an interest before their submission to the Government for incorporation in the overall economic development plans of Government or for funding;
- (d) set financial targets and other performance criteria to be pursued by any public statutory corporation;
- (e) evaluate, from time to time, the performance and effectiveness of boards and management committees of public and statutory corporations, and recommend the Government remedial or improvement measures designed to ensure the proper and more efficient utilisation of finances and assets of those corporations;
- ✓ (f) approve whether a public corporation interested in buying shares from any other public corporation or company may do so.

(3) Every chief executive officer, as well as the board or management committee and the parent Ministry of every public or

statutory corporation shall, when so required by him, furnish the Treasury Registrar with any information or report in the form and within time which may be specified in the requirement, and for the purposes of facilitating the performance by the Treasury Registrar of his functions under this section.

(4) For the avoidance of doubt, in this section all reference to corporations is a reference to public and statutory corporations to which section 4 of the Public Corporations Act applies; and the provisions of this section relate to the Treasury Registrar in its capacity of a corporation sole, but nothing in them shall be construed as authorising it to disregard any enactment or rule of law.

(5) The Treasury Registrar shall, unless the appointment is by virtue of office, ensure that no person shall be a member of more than three boards of directors at the same time.

[s. 7]

11.—(1) For the purposes of securing the proper management of the property and other investments vested in it, the Treasury Registrar shall closely monitor the supervision and control of the financial affairs of all public and statutory corporations and may, in particular —

Powers in  
relation to  
corpora-  
tions

- (a) cause a special examination to be made of the expenditure of the funds of any public or statutory corporation;
- (b) require any corporation to make specific adjustments of expenditure;
- (c) cause or facilitate the conduct of inquiries into the conduct and performance of functions by officers having control of or access to the funds or employed in the maintenance of the accounts, of any public or statutory corporation;
- (d) direct or approve the adoption, application or amendment of financial regulations so as to ensure the proper accounting of incomes and expenditure of corporations;
- (e) recommend to the Minister measures designed to —
  - (i) minimise unproductive expenditure of funds of public and statutory corporations;
  - (ii) averting loss of funds resulting from negligence, lack of care, theft, dishonesty or otherwise.

(2) The Minister may, by regulations, published in the *Gazette*, provide the procedure for ensuring the smooth and effective exercise by the Treasury Registrar of the powers or control and supervision conferred by this section.

(3) For the avoidance of doubt, in this section all reference to corporations is reference to public and statutory corporations to which section 4 of the Public Corporations Act applies; and the powers conferred by this section to the Treasury Registrar in relation to corporations shall be in addition to and not in derogation of, any powers conferred on it by or under any other written law.

Cap. 257

[s. 8]

Accounts

12.—(1) The Treasury Registrar shall prepare in respect of each year terminating on the thirtieth day of June a statement of account in a form approved by the Minister.

(2) A statement of account prepared under this section shall be audited by the Controller and Auditor-General or an officer of the Audit Department appointed by him, and the auditor shall make a report to the Minister upon the accounts examined by him.

(3) The Minister shall lay a copy of the audited accounts and of the auditor's report before the National Assembly.

[s. 9]

Transfer of  
investments

13.—(1) Upon the coming into operation of this Act the Minister may —

- (a) direct any person who, or any authority which, holds securities on behalf of the Minister or the Government, to transfer the same to the Treasury Registrar;
- (b) give directions for the transfer into the name of the Treasury Registrar of investments registered in the name of the Government; and
- (c) give directions as to the persons who are to execute any transfer.

(2) Where the Minister gives any directions under paragraph (a) of subsection (1) of this section, the person or authority to whom they are given shall give effect to them.

(3) Where the Minister gives any directions under paragraph (c) of subsection (1) of this section to a person to execute a transfer of investments then, if those investments are registered in the books of any company or other corporate body in the official name or title (whether or not in current use) of an officer of the Government, the company or corporate body, as the case may be, shall, notwithstanding that the person executing the transfer is not the person in whose official name or title the investments are

*The Treasury Registrar  
(Powers and Functions) Act*

[CAP 370 R.E. 2002]

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registered, give effect to the transfer as if it were executed by the person in whose name such investments are registered.

[s. 10]

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**THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS)  
(NO.2) ACT, 2010**

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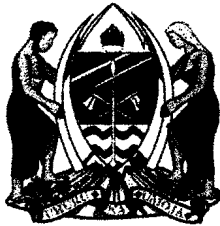
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THE UNITED REPUBLIC OF TANZANIA



NO. 11 OF 2010

I ASSENT,

*Yasuyuki Kikwete*  
.....  
President

*20<sup>th</sup> May, 2010*  
.....

**An Act to amend certain written laws.**

**ENACTED** by Parliament of the United Republic of Tanzania.

**PART I  
PRELIMINARY PROVISIONS**

Short title

1. This Act may be cited as the Written Laws (Miscellaneous Amendments) (No.2) Act, 2010.

Amendment  
of certain  
laws

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

**PART II  
AMENDMENT OF THE BANK OF TANZANIA ACT, CAP. 197**

Construction  
Cap. 197

3. This Part shall be read as one with the Bank of Tanzania Act, hereinafter referred to as the "principal Act".

Amendment  
of section 9

4. The principal Act is amended in subsection (2) of section 9 by-

- (a) deleting paragraph (c) and substituting for it the following:  
“(c) the Principal Secretary to the Treasury of the Revolutionary Government of Zanzibar, who shall be an *ex-officio* member;”
- (b) adding immediately after paragraph (c) as amended a new paragraph (d) as follows:  
“(d) one representative from the Ministry responsible for finance in the Government of the United Republic;” and
- (c) renaming paragraph (d) as (e).

### PART III

#### AMENDMENT OF THE BANKING AND FINANCIAL INSTITUTIONS ACT, CAP 342

Construction

5. This Part shall be read as one with the Banking and Financial Institutions Act, hereinafter referred to as the “principal Act”.

Amendment  
of section 37

6. The principal Act is amended in subsection (3) of section 37 by deleting paragraph (b) and substituting for it the following:

“(b) one representative from the Ministry responsible for finance in the Government of the United Republic;”

### PART IV

#### AMENDMENT OF THE CAPITAL MARKETS AND SECURITIES AUTHORITY ACT, CAP. 79

Construction  
Cap. 79

7. This Part shall be read as one with the Capital Markets and Securities Authority Act, hereinafter referred to as the “principal Act”.

Amendment  
of section 6

8. The principal Act is amended in subsection (3) of section 6 by deleting paragraph (c) and substituting for it the following:

“(b) one representative from the Ministry responsible for finance in the Government of the United Republic;”

### PART V

#### AMENDMENT OF THE CRIMINAL PROCEDURE ACT, CAP. 20

Construction  
Cap. 20

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

Amendment  
of First  
Schedule

10. The principal Act is amended in the First Schedule by deleting columns 4 and 5 of section 66 appearing under PART VIII and substituting for them the following:

4	5
<i>Punishment</i>	<i>Court</i>
<i>Life imprisonment</i>	<i>High Court</i>

### PART VI

#### AMENDMENT OF THE FINANCIAL LEASING ACT, CAP. 417

Construction  
Cap. 417

11. This Part shall be read as one with the Financial Leasing Act, hereinafter referred to as the “principal Act”.

Amendment  
of  
section 22

12. The principal Act is amended in section 22 by deleting the words “Minister may” and substituting for it the phrase “Governor of the Bank of Tanzania may after consultation with the Minister”.

**PART VII**

**AMENDMENT OF THE MERCHANT SHIPPING ACT, CAP. 165**

Construction  
Cap. 165

**13. This Part shall be read as one with the Merchant Shipping Act hereinafter referred to as the "principal Act"**

Amendment  
of section  
341

**14. The principal Act is amended in section 341 by-**

(a) adding immediately after sub-section (2) the following new sub-section:

"(3) A person who does any of the acts referred to under subsection (1) commits an offence of piracy and shall upon conviction be liable to imprisonment for life.";

(b) renumbering subsection "(3)" as sub-section (4).

**PART VIII**

**AMENDMENT OF THE NEWSPAPERS ACT, CAP. 229**

Construction  
Cap. 229

**15. This Part shall be read as one with the Newspapers Act, hereinafter referred to as the "principal Act".**

Amendment of  
section 57

**16. The principal Act is amended in section 57 by deleting subsections "(1)," "(2)" and "(3)" and substituting for them the following:**

"(1) The Court may, where-

(a) ends of justice so require; and

(b) the matter before it is of the nature attracting the aid of assessors,

on its own motion or upon application by either of the parties, sit with not less than three competent assessors and the case shall be tried

in the manner prescribed in this section.

(2) Where the court sits with assessors and when the case on both sides is closed, the court shall—

(a) sum up the evidence for both parties to the assessors;

(b) require each of the assessors to state his opinion orally as to the case against the defendant and as to any specific question of fact addressed to him by the court; and

(c) record such opinion.

(3) In deciding any proceedings to which the provisions of subsections (1) and (2) apply, the court shall not be bound to conform to the opinions of assessors.”

## PART IX

### AMENDMENT OF THE PENAL CODE, CAP. 16

Construction  
Cap. 16

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

Amendment of  
section 6

18. The principal Act is amended by repealing section 6 and substituting for it the following new section:

“Extent of  
jurisdiction of  
local courts

6.-(1) The jurisdiction of the Courts of Tanzania for the purposes of this Code extends to—

(a) every place and within the territorial waters;

(b) any offence committed by a citizen of Tanzania in any place outside Tanzania;

(c) any offence committed by any



person on an aircraft registered in Tanzania; and

(d) offences committed by any person on the high seas.

(2) For the purposes of this section the term "high seas" means the open seas of the world outside the jurisdiction of any state."

Amendment of section 66

19. The principal Act is amended by repealing section 66 and substituting for it the following new section:

"Piracy 66.-(1) A person who-

(a) does any act of violence or detention, or any act of degradation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed-

(i) against another ship or aircraft, or against persons or property on board such ship or aircraft; or

(ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any state;

(b) participates in the operation of a ship or of an aircraft with knowledge of facts

making it a pirate ship  
or aircraft; or

- (c) does any act of inciting  
or of intentionally  
facilitating an act  
referred to in  
paragraph (a) or (b),

commits an act of piracy.

(2) A person who does or participate in piracy commits an offence of piracy and on conviction is liable to imprisonment for life.

(3) Where a pirate ship is not registered in Tanzania, no prosecution shall be commenced unless there is special arrangement between the arresting state or agency and Tanzania.

(4) No prosecution shall be commenced under this section without the consent of the Director of Public Prosecutions.

(5) For the purposes of this section-

“pirate ship or aircraft” means a ship or aircraft under the dominant control of person who-

- (a) intend to use such ship or aircraft for piracy; or
- (b) have used such ship or aircraft for piracy, so long as it remains under the control of that person; and

“private ship or private aircraft”  
means a ship or aircraft that  
is not owned by the  
Government or held by a  
person on behalf of or for the  
benefit of the Government.”

**PART X**

**AMENDMENT OF THE PUBLIC CORPORATIONS ACT, CAP. 257**

Construction  
Cap. 257

**20.** This Part shall be read as one with the Public Corporation Act, hereinafter referred to as the “principal Act”.

General  
amendments

**21.** The principal Act is amended generally-

(a) in section 14 by-

- (i) inserting the phrase “and to the Office of Treasury Registrar” between the words “responsible Minister” and “a draft” appearing in subsection (1)
- (ii) deleting the words “and the Commission” appearing in paragraph (f) of subsection (2) and substituting for them the phrase “and the Office of Treasury Registrar”;
- (iii) inserting the words “and the Commission” immediately after the words “responsible Minister” wherever they appear in subsections (3), (4) and (6);

(b) in sections 15 and 16 by inserting the phrase “and the Office of Treasury Registrar” immediately after the words “responsible Minister” wherever they appears in those sections;

- (c) in section 18 by-
  - (i) inserting the phrase “and the Office of Treasury Registrar” between the words “responsible Minister” and “any” appearing in subsection (1);
  - (ii) inserting the phrase “or to the Office of Treasury Registrar” between the words “responsible Minister” and “may” appearing in subsection (1);
  - (iii) inserting between the words “responsible Minister” and “any” appearing in subsection (1) the phrase “or to the Office of Treasury Registrar”;
- (d) in section 20 by adding at the end of the opening words of subsection (2), the phrase “upon recommendation of the Office of Treasury Registrar”;
- (e) adding immediately after section 20 a new section 20A as follows-

Powers of  
Treasury  
Registrar

Cap 370

**20A.-(1)** For the purpose of securing the proper management of the properties and other investments vested in him under the Treasury Registrar (Powers and Functions) Act, the Treasury Registrar shall closely monitor the supervision and control of the financial affairs of all public and statutory corporations and may, in particular-

- (a) cause a special examination to be made of the expenditure of the funds of any public or statutory

- corporation;
- (b) require any corporation to make specific adjustments of expenditure;
- (c) cause or facilitate the conduct of inquiries into the conduct and performance of functions by officers having control of, or access to the funds or employed in the maintenance of the accounts of any public or statutory corporation;
- (d) direct or approve the adoption, application or amendment of financial regulations so as to ensure the proper accounting of incomes and expenditure of corporation;
- (e) recommend to the Minister measures designed to-
  - (i) minimise unproductive expenditure of funds of public and statutory corporations;

- (ii) averting loss of funds resulting from negligence, lack of care, theft, dishonest or otherwise.

(2) Absence of provisions in any law establishing a statutory corporation that requires the statutory corporation to comply with the provisions of this section shall not be a defence for the statutory corporation not to comply with any directive or requirement made pursuant to this section.

#### **PART XI**

### **AMENDMENT OF THE NATIONAL BANK OF COMMERCE (RE-ORGANISATION AND VESTING OF ASSETS AND LIABILITIES) ACT, CAP. 404**

Construction  
Cap. 404

**22.** This Part shall be read as one with the National Bank of Commerce (Re-Organisation and Vesting of Assets and Liabilities) Act, hereinafter referred to as the “principal Act”.

Amendment  
section 6A

**23.** The principal Act is amended in 6A by-

- (a) inserting the phrase “in consultation with the Treasury Registrar” between the word “may” and “direct”;
- (b) inserting the phrase “and the Treasury Registrar” between the word “accountable” and a full stop

**PART XII  
AMENDMENT OF THE PUBLIC SERVICE RETIREMENT BENEFITS  
ACT, CAP. 371**

Construction  
Cap. 371

**24.** This Part shall be read as one with the Public Service Retirement Benefits Act, hereinafter referred to as the "principal Act".

Amendment of  
section 52

**25.** The principal Act is amended in subsection (1) of section 52 by deleting paragraph (a) and substituting for it the following-

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

**PART XIII  
AMENDMENT OF THE STATISTICS ACT, CAP. 351**

Construction  
Cap. 351

**26.** This Part shall be read as one with the Statistics Act, hereinafter referred to as the "principal Act".

Amendment  
of section 6

**27.** The principal Act is amended in section 6 by deleting subsection (2) and substituting for it the following:

- "(2) The Board shall consist of-
- (a) the chairman who shall be appointed by the President;
  - (b) one representative of the Ministry responsible for statistics; and
  - (c) not more than eight other members."

Amendment  
of section 8

**28.** The principal Act is amended in section 8 by deleting the words "The Permanent Secretary" appearing at the beginning of that section and substituting for it the phrase:

"The Permanent Secretary of the Ministry responsible for statistics".

**PART XIV**

**AMENDMENT OF THE TANZANIA REVENUE AUTHORITY ACT, CAP. 399**

Construction  
Cap. 399

**29.** This Part shall be read as one with the Tanzania Revenue Authority Act, hereinafter referred to as the "principal Act".

Amendment  
of section 10

**30.** The principal Act is amended in sub-section (1) of section 10 by deleting paragraph (b) and substituting for it the following:

" (b) one representative from the Ministry responsible for finance in the Government of the United Republic."

**PART XV**

**AMENDMENT OF THE TREASURY REGISTRAR (POWERS AND FUNCTIONS) ACT, CAP. 370**

Construction  
Cap. 370

**31.** This Part shall be read as one with the Treasury Registrar (Powers And Functions) Act, hereinafter referred to as the "principal Act".

Amendment  
of section 2

**32.** The principal Act is amended in section 2 by deleting the definition of the term "investments" and substituting for it the following:

"investment" include shares, stock, debentures, debenture stock, loan stock, notes, bonds and mortgages in or of any corporate body or issued by or on behalf of the Government.

Amendment  
of section 3

**33.** The principal Act is amended by repealing section 3 and substituting for it the following:

"Establishment of Office of Treasury Registrar **3.-(1)** There is established an office to be known as the Office of the Treasury Registrar.



(2) The Office of the Treasury Registrar shall be a body corporate with perpetual succession and official Seal and shall, in its own name, be capable of-

- (a) suing and being sued;
- (b) acquiring, holding, managing and disposing of properties;
- (c) executing deeds and instruments;
- (d) entering into agreement;
- (e) exercising all rights conferred by the holding of investments including the powers of holding immovable and other properties; and
- (f) doing all other acts and things necessary or expedient to be done in the execution of the duties of the Office of Treasury Registrar or which are required to be done or may be done by the Office of Treasury Registrar under this Act or any other written law."

Addition of section 3A

**34.** The principal Act is amended by adding immediately after section 3 as amended the following new section:

"Appointment of Treasury Registrar

**3A.-(1)** There shall be a Treasury Registrar who shall be appointed by the President from amongst the citizens of Tanzania.

(2) The President on appointment of the Treasury Registrar shall, consider relevant professional qualifications, experience and leadership skills suitable for appointment to the post.

(3) The Treasury Registrar shall not, personally or by virtue of his office, be

appointed as a member or Chairman of a corporation in which the Government is a shareholder.

(4) The provisions of subsection (3) shall not be construed as a bar to other members of the Office of Treasury Registrar from being appointed as board members.

(5) The Treasury Registrar shall hold Office for a term of five years and shall be eligible for reappointment for one further term only.”

Amendment  
of section 4

**35.** The principal Act is amended by repealing section 4 and substituting for it the following:

“Employment  
and  
management of  
staff

**4.-(1)** The Treasury Registrar shall employ, appoint, promote and control discipline of such number and categories of officers and employees of such qualifications as may be considered necessary to assist him in the performance of the functions, carrying responsibilities and exercise of his powers.

(2) In discharging the duty imposed by subsection (1), the Treasury Registrar shall, with necessary variations be guided by the laws governing employment in the public service.

(3) A person who, immediately before the coming into force of this section, holds or is acting in any capacity within the Office of Treasury Registrar, upon the coming into force of this section shall be deemed to have been appointed to or to act in that office in accordance with the provisions of this Act.

(4) The Treasury Registrar shall, upon approval of the relevant authorities, determine remuneration of officers appointed or employed

pursuant to subsection (1).”

Amendment  
of section 7

**36.** The principal Act is amended in section 7 by deleting subsection (2) and substituting for it the following:

“(2) The President may, for the public interest and in accordance with the relevant laws, give the Treasury Registrar directives as to the disposal of investments or other properties held by him and of the interest, produce or their proceeds.”

Amendment  
of section 10

**37.** The principal Act is amended in section 10 by-

(a) adding immediately after paragraph (f) appearing in subsection (2), the following paragraphs:

(g) invest or to dispose of investments in public corporations or statutory corporation;

(h) supervise public corporations and statutory corporation’s investment funds;

(i) make follow-up and ensure dividends from public corporation where the Government has, shares, are paid when are due;

(j) monitor and evaluate the performance of public and statutory corporations;

(k) ensure that every public corporation enters into performance contract with the Treasury Registrar immediately upon appointment of the government body;

- (l) monitor and evaluate training programme in public and statutory corporations;
  - (m) direct or approve the adoption, application or amendment of financial regulations so as to ensure the proper accounting of the income and expenditure of public corporations;
  - (n) to examine and approve organization and salaries structures, schemes of service, and incentive package in public corporations and statutory corporations; and
  - (o) to monitor capital grants, subsidy, capital funds, reserves or retained earnings earned by a corporation and any other public investments;
- (b) deleting the phrase “as well as the board or management committee and the parent Ministry” appearing in subsection (3) and substituting for it the phrase “and the Chairman of board or management committee as the case may be”;
- (c) adding immediately after subsection (5) the following new subsections:

“(6) The Treasury Registrar may, where a chief executive or the chairman of board or management committee, as the case may be, without any reasonable excuse-

(a) fails to comply with the requirements under subsection (3) within the specified time; or

(b) furnishes with the Treasury Registrar false or misleading information,

recommend to the appointing authority of such chief executive or the chairman of board or management committee to be disqualified from holding such position.

(7) The Treasury Registrar shall, before making the recommendation pursuant to subsection (6), require such chief executive or the chairman of board or management committee, as the case may be, to show cause within specified period as to why such recommendation should not be made.

(8) Notwithstanding the provisions of any written law, a person against whom a recommendation under this section has been made, shall not be appointed or considered for reappointment to run a corporation or to be the Chairman of Board or management committee, as the case may be, for any other term.”

Addition of  
section 11A

**38.** The principal Act is amended by adding immediately after section 11 the following new section:

“Funds of  
the  
Office of  
Treasury  
Registrar

**11A.** The funds and resources for the Office of the Treasury Registrar shall consist of monies-

- (a) appropriated by the Parliament for the purpose of the Office of the Treasury Registrar;
- (b) earned in connection with services rendered in accordance with this Act or any other law;
- (c) which are donations or bequest and terms of which are acceptable by the Treasury Registrar; and
- (d) accruing to the Office of the Treasury Registrar from any other source other than monies from government investment.”

**PART XVI**

**AMENDMENT OF THE ELECTION EXPENSES ACT,  
ACT NO. 6 OF 2010**

Construction

**39.** This Part shall be read as one the Election Expenses Act, hereinafter referred to as the “principal Act”.

Amendment  
of section 7

**39A.** The principal Act is amended in section 7(3) by deleting -

- (a) the phrase “who have been approved’ appearing in the opening words and substituting the phrase “the composition of which is notified-”;
- (b) the word “by” in paragraph (a) and substituting the word “to”;
- (c) the phrase “by the District Administrative Secretary” in paragraph (b) and substituting the phrase “in case of Tanzania Mainland, to the

Executive Director of the relevant local government authority and, in case of Tanzania Zanzibar, to the District Administrative Secretary; and

(d) the word “by” in paragraph (c) and substituting the word “to”.

Amendment  
of section 9

**40.** The principal Act is amended in section 9 by deleting the word “seven” appearing in the opening phrase of subsection (1) and substituting for it the word “five”.

Amendment  
of section 24

**40A.** The principal Act is amended in section 24(1) by deleting the words “within twenty one” and substituting for them the words “at least five”.

## PART XVII

### AMENDMENT OF THE EMPLOYMENT AND LABOUR RELATIONS ACT, CAP. 366

Construction  
Cap. 366

**41.** This Part shall be read as one with the Employment and Labour Relations Act, hereinafter referred to as the “principal Act”.

Amendment  
of the Third  
Schedule

**42.** The principal Act is amended in the Third Schedule by deleting paragraph 13 and substituting for it the following new paragraph:

“Disputes  
originating  
from the  
repealed  
laws

**13.**-(1) All disputes originating from the repealed laws shall be determined by the substantive laws applicable immediately before the commencement of this Act.

(2) All disputes pending and all applications for executions filed arising from the decision of the Minister in the subordinate courts prior to the commencement of this Act shall proceed to be determined by such courts.

(3) All disputes pending -

- (a) revision of the defunct Industrial Court of Tanzania shall be determined by a panel of three Judges of the Labour Court; and
  - (b) hearing before the Industrial Court of Tanzania shall be determined by the Labour Court.
- (4) All appeals and applications for judicial review originating from the Industrial Court of Tanzania pending in the High Court shall be determined by the High Court.
- (5) The Commission shall have powers to mediate and arbitrate all disputes originating from the repealed laws brought before the Commission by the Labour Commissioner and all such disputes shall be deemed to have been duly instituted under section 86 of the Act.
- (6) All references pending decision of the Minister shall-
- (a) in the case of references which were returned by the High Court to the Minister for retrial, be determined and finalized by the Minister; and
  - (b) in the case of references pending the decision of the Minister be forwarded together with their respective complete records to the Labour Court for determination.
- (7) The date of the decision of the Minister shall be the date indicated in the prescribed form.
- (8) Notwithstanding the provisions of any other written laws, for the purposes of computation of limitation of time, the period between the date of decision and the date of receipt of the decision shall be excluded.



(9) The provisions of this paragraph of the Third Schedule shall apply for a period of three years from the date of publication of this amendment in the *Gazette* and, the Minister may, upon consultation with the Council and by notice published in the *Gazette*, extend that period for an aggregate period not exceeding three years.

Passed in the National Assembly on the 20<sup>th</sup> April, 2010.



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*Clerk of the National Assembly*