

THE UNITED REPUBLIC OF TANZANIA



No. 14 OF 1999

I ASSENT

*Benjamin W. Mkapa*

President

*7<sup>th</sup> January, 2000.*

**An Act to Amend certain various Written Laws.**

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Written Laws (Miscellaneous Amendments) (No. 2) Act, 1999. Short title

2. The various laws set forth in the first and second columns of the Schedule to this Act are hereby amended in the manner specified in the third column. Amendment of  
Certain  
Written  
Laws

## SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Acts 1992 No. 17	The Open University Tanzania Act, 1992	<p>The Act is amended in subsection (1) of Section 11—</p> <p>(a) by deleting the word "and" which appears at the end of paragraph (1); and</p> <p>(b) by adding immediately after paragraph "(m)" the following new paragraph.</p> <p>"(n) one member elected by the registered and recognized Tanzania Workers' Union or unions as may be determined by the Minister responsible for Labour".</p>
Acts 1982, No. 7	The Local Government (District Authorities) Act, 1982	<p>The Act is amended—</p> <p>(a) in section 30—</p> <p>(i) by inserting immediately after the word "into" appearing in the first line of subsection (3) the words "not more than five".</p> <p>(ii) by deleting the word "minister" appearing in the second line of the proviso to subsection (4) and substituting for it the words "District Commissioner".</p> <p>(iii) by adding immediately after subsection (4) the following new subsection—</p> <p>"(5) Notwithstanding subsection (3), existing villages which consist of more than five vitongoji shall be divided and reduced to five vitongoji at the time and in the manner as the Minister may deem appropriate.</p> <p>(b) in section 57—</p> <p>(i) by deleting the whole of subsection (3) and substituting for it the following:—</p>

COLUMN 1	COLUMN 2	COLUMN 3
Acts No. 8 of 1982	The Local Govern- ment (Urban Authorities) Act, 1982	<p data-bbox="695 369 1459 499">"(3)" After the expiry of five years from the date when the village council was elected by the village assembly, the executive director of the district council in which the village is situated, or any other person appointed by the director to be the assistant returning officer, shall in the manner prescribed by the Minister in the regulations convene a meeting of the village assembly for election of new members of the council.</p> <p data-bbox="646 506 1365 541">(ii) by deleting the whole of subsection (5) and substituting for it the following:</p> <p data-bbox="727 537 1459 594">"(5)" At the meeting convened pursuant to the provisions of subsection (3) a temporary chairman elected by the village assembly shall preside.</p> <p data-bbox="602 606 760 632">(c) in section 59</p> <p data-bbox="646 625 1459 682">(i) by deleting the word "Minister" appearing in the proviso to subsection (2) and substituting for it the words "district Commissioner".</p> <p data-bbox="639 680 1377 716">(ii) by adding immediately after subsection (2) the following new subsection.</p> <p data-bbox="675 720 1459 774">"(3) A Chairman who is aggrieved by the decision of the District Commissioner under subsection (2) may appeal to the Minister".</p> <p data-bbox="602 772 1442 829">(d) in subsection (3) of section 171, by deleting the last three lines and substituting for it the following phrase;</p> <p data-bbox="639 825 1442 879">".....he shall refer the matter to the electoral commission for preparation of elections to constitute a new authority, or nomination for re-election".</p> <p data-bbox="578 894 768 919">The Act is amended—</p> <p data-bbox="613 909 1459 966">(a) in subsection (4) of section 14 by deleting the whole of subsection (4) and substituting for it the following:</p> <p data-bbox="634 972 1459 1102">"(4) Every Mtaa or village shall have a chairman to be elected by an electoral meeting of all the adult members of the Mtaa or village as the case may be in accordance with such procedures as may be prescribed by the Minister and may be removed from office by the decision of a simple majority of such members subject to the procedure prescribed by the Minister for that purpose.</p> <p data-bbox="670 1108 1459 1186">Provided that a chairman of Mtaa or Village who has been so removed may appeal to the District Commissioner only on issues of procedure relating to such removal and may, where he is aggrieved by the decision of the District Commissioner appeal to the Minister.</p>

COLUMN 1	COLUMN 2	COLUMN 3
		<p>(b) in subsection (1) of section 14A by deleting a fullstop at the end of subsection (1) and adding the following phrase:</p> <p style="padding-left: 40px;">"in accordance with such procedures as may be prescribed by the Minister."</p>
		<p>(c) by adding immediately after section 14A the following new sections:</p>
"Division of village area into vitongoji		<p>14B.—(1) The area of the village established in the urban area shall be divided into not more than five vitongoji consisting of such number of households or of such geographical area as may be determined by the village council and approved by the Urban Authority.</p> <p>(2) Every Kitongoji established under subsection (1) shall have a chairman who shall be elected by a Kitongoji electoral meeting consisting of all the adult members of the Kitongoji in accordance with such procedures as may be prescribed and may be removed from office by the decision of a simple majority of such members subject to the procedure prescribed by the Minister for that purpose.</p> <p>Provided that a chairman who has been so removed may appeal to the District Commissioner only on issues of procedure relating to such removal and may, where he is aggrieved by the decision of the District Commissioner appeal to the Minister.</p> <p>(3) A Chairman of Kitongoji elected under subsection (2) shall hold office for a term of five years from the date of his election.</p>
The Village Council		<p>14C.—(1) There shall be established a village council for every village in the urban area.</p> <p>(2) Every village council established under subsection (1) shall consist of not less than fifteen but not more than twenty five members elected as follows:</p>

COLUMN 1	COLUMN 2	COLUMN 3
		<p>(a) a chairman to be elected by the village assembly;</p> <p>(b) the chairman of all the vitongoji within the village;</p> <p>(c) such other members to be elected by the village assembly of whom not less than one quarter of the total number of all the members of the village council shall be women; and</p> <p>(d) the village executive officer who shall be the Secretary to the village council.</p> <p>(3) The election of the Village Council shall be conducted according to such procedures as may be prescribed by the Minister.</p> <p>(4) After the expiry of five years from the date when the village council was elected under subsection (2), the director of an urban council in which the village is situated, or any other person appointed by the director to be the assistant returning officer, shall, in the manner prescribed by the Minister in the regulations, convene a meeting of the village assembly for election of new members of the Council.</p> <p>(5) At the meeting convened under subsection (4) a temporary chairman elected by the village assembly shall preside."</p> <p>(d) in subsection (3) of section 75 by deleting the last three lines and substituting for it the following phrase.</p> <p>"... he shall refer the matter to the electoral Commission for preparation of elections to constitute a new authority or nomination for re-election."</p>

Acts No. 1 of  
1987

The Patents Act, 1987 The Act is amended—

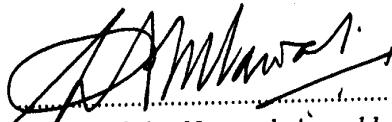
- (a) in section 2 by adding immediately after the definition of the word "application" the following new definition;

"ARIPO" office means the secretariat of the African Regional Designs within the framework of the African Regional Industrial Property Organization (ARIPO) as amended on December, 10, 1982.

COLUMN 1	COLUMN 2	COLUMN 3
Acts No. 41 of 1967	The Industrial Court of Tanzania Act, 1967	<p>(b) by adding immediately after section 28 the following new section:</p> <p>"Patents granted by virtue of the protocol 28A. A patent granted by virtue of the Protocol in respect of which the United Republic of Tanzania is a designated state, shall have the same effect in the United Republic of Tanzania as a Patent granted under this Act, unless the Registrar has communicated to the ARIPO office in respect of the application therefor, a decision in accordance with the provisions of the Protocol, that if the patent is granted by the ARIPO office, that patent shall have no effect in the United Republic of Tanzania."</p> <p>The Act is amended—</p> <p>(a) by adding immediately after subsection (1) of section 39 the following new subsections</p> <p>"(2) Where a voluntary agreement is made subject to subsection (1) of section 39 in respect of a specified public corporation or any other corporation as the Minister may by order published in the <i>Gazette</i> determine, the Labour Commissioner shall submit the voluntary agreement to the Treasury Registrar together with the report setting forth the particulars as per subsection (2) of section 39.</p> <p>(3) The Treasury Registrar shall, within 45 days from the date of receiving a voluntary agreement together with the report from the Labour Commissioner—</p> <p>(a) approve the voluntary agreement and submit the same to the Minister for registration to the Industrial Court, or</p> <p>(b) disapprove the voluntary agreement and return the same to the Labour Commissioner together with the detailed reasons for his disapproval of the agreement."</p> <p>(b) by renumbering subsection (2) as (4), (3) as (5), (4) as (6), 5 as (7), (6) as (8), (7) as (9), (8) as (10) and (9) as (11).</p>

COLUMN 1	COLUMN 2	COLUMN 3
Cap. 418	The Treasury Registrar Ordinance	<p>The Act is amended by adding immediately after section 6B the following new section:</p> <p>"Voluntary agreements by Public Corporations 6C "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, 1967, he shall, within 45 days—</p> <ul style="list-style-type: none"><li>(a) approve the voluntary agreement and submit the same to the Minister for registration to the Industrial Court; or</li><li>(b) disapprove the voluntary agreement and return the same to the Labour Commissioner together with the detailed reasons for his disapproval of the agreement"</li></ul>

Passed in the National Assembly on the 8<sup>th</sup> November, 1999

  
Clerk of the National Assembly