

THE UNITED REPUBLIC OF TANZANIA

No. 12

11th October, 2024

ACT SUPPLEMENT

To The Gazette of the United Republic of Tanzania No.42 Vol. 105 Dated 11th October, 2024
Printed by The Government Printer, Dodoma by Order of Government

WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) ACT, 2024

ARRANGEMENT OF SECTIONS

Section Title

PART I

PRELIMINARY PROVISIONS

1. Short title.
2. Amendment of certain written laws.

PART II

AMENDMENT OF THE DEEP SEA FISHERIES MANAGEMENT
AND DEVELOPMENT ACT,
(CAP. 388)

3. Construction.
4. Amendment of section 11.
5. Amendment of section 16.
6. Amendment of section 35.
7. Amendment of Second Schedule.

PART III

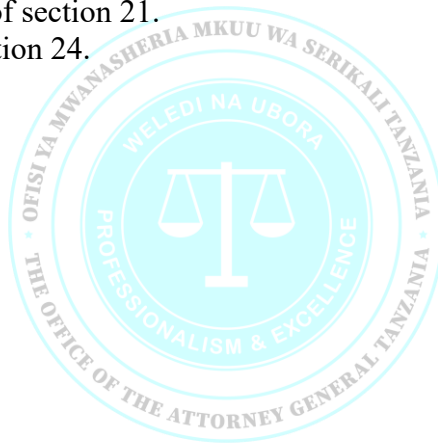
AMENDMENT OF THE MINING ACT,
(CAP. 123)

8. Construction.
9. Amendment of section 4.
10. Addition of section 5B.
11. Amendment of section 8.
12. Amendment of section 27F.
13. Addition of section 27I.
14. Amendment of section 66.

15. Amendment of section 73.
16. Amendment of section 86A.
17. Amendment of section 87.
18. Amendment of section 88.
19. Amendment of section 90A.
20. Amendment of section 100C.
21. Amendment of section 100D.
22. Amendment of section 106.

PART IV
AMENDMENT OF THE TANZANIA FISHERIES RESEARCH
INSTITUTE ACT,
(CAP. 280)

23. Construction.
24. Amendment of section 21.
25. Repeal of section 24.



THE UNITED REPUBLIC OF TANZANIA



NO. 12 OF 2024

I ASSENT

SAMIA SULUHU HASSAN
President

[2nd October, 2024]

An Act to amend certain written laws.

ENACTED by the Parliament of the United Republic of Tanzania.

**PART I
PRELIMINARY PROVISIONS**

- Short title 1. This Act may be cited as the Written Laws (Miscellaneous Amendments) Act, 2024.
- Amendment of certain written laws 2. The written laws specified in various Parts of this Act are amended in the manner specified in their respective Parts.

**PART II
AMENDMENT OF THE DEEP SEA FISHERIES MANAGEMENT AND DEVELOPMENT ACT,
(CAP. 388)**

- Construction Cap. 388 3. This Part shall be read as one with the Deep Sea Fisheries Management and Development Act, hereinafter referred to as the “principal Act”.

Amendment
of section 11

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

“(3) The members referred to in paragraphs (c), (d), (e) and (f) of subsection (1) shall be appointed by the Minister in consultation with the Minister responsible for fisheries in Tanzania Zanzibar.

(4) The tenure of office for members referred to in subsection (1) shall be three years but shall be eligible for reappointment for another term.”

Amendment
of section 16

5. The principal Act is amended in section 16 (1) by deleting paragraph (n) and substituting for it the following:

“(n) appoint in writing-

(i) such persons from amongst officers of the Authority to be licensing officers, fisheries inspectors, or authorised officers; and

(ii) such persons from amongst officers of the Authority or other qualified and accredited individuals, to be fisheries observers;

who shall carry out duties as prescribed in the regulations.”

Amendment
of section 35

6. The principal Act is amended in section 35 by adding immediately after subsection (2) the following:

“(3) A person who contravenes the provision of subsection (1) commits an offence and on conviction, shall be liable to a fine not exceeding the maximum amount set out in the Second Schedule to this Act, and in addition, all fish or fish products shall be seized by the court.”

Amendment
of Second
Schedule

7. The principal Act is amended in the Second Schedule by adding immediately after the twelfth row that contains reference to section 34(5) the following row:

“

35(3)	operator of a fishing vessel, engaged in any fishing activities without a valid and applicable licence, authorisation or other permission	1 million
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”

PART III
AMENDMENT OF THE MINING ACT,
(CAP. 123)

Construction
Cap. 123

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

Amendment
of section 4

- 9.** The principal Act is amended in section 4, by-
- (a) deleting the word “lime” appearing in the definition of the term “industrial minerals” and substituting for it the word “limestone”;
 - (b) deleting the words “mineral right holder” appearing in the definition of the term “integrity pledge” and substituting for them the words “mineral rights holders, licenced dealers and licenced brokers”;
 - (c) inserting the word “geothermal” between the words “uranium” and “thorium” appearing in the definition of the term “energy minerals”;
 - (d) adding in their appropriate alphabetical order the following new definitions:

““geothermal resources” means mineral resources that contain thermal energy;

“mineral auction” includes mineral auction by tender;”;

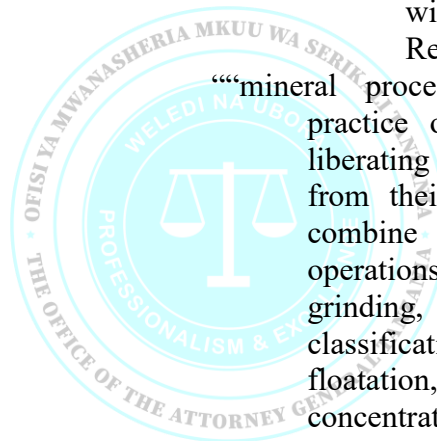
- (e) deleting the definition of the terms “gross value” and “mineral processing” and substituting for them the following:

“gross value” means the market value of minerals as determined at the point of sale or, in the case of consumption within Tanzania, at the point of delivery within Tanzania

through valuation pursuant to section 126 of this Act:

Provided that-

- (a) for the purposes of calculating the amount of royalties payable, the Government shall be entitled to reject the valuation if such value is steeply low on account of deep negative volatility, unless the raw minerals are disposed of for beneficiation within the United Republic; and



““mineral processing” means the practice of beneficiating or liberating valuable minerals from their ores which may combine a number of unit operations including crushing, grinding, sizing, screening, classification, washing, froth floatation, gravity concentration, electrostatic separation, magnetic separation, leaching, smelting, refining, calcining and gasification or any other processes incidental thereto;”

- (f) deleting the words “is between US\$100,000 and” appearing in the definition of the term “mining licence” and substituting for them the words “is above US\$ 5,000,000 up to”; and
- (g) deleting the word “milling” appearing in the definition of the term “processing area” and substituting for it the word “comminution”.

Addition of section 5B

10. The principal Act is amended by adding immediately after section 5A the following:

“Critical and strategic minerals

5B.-(1) The Minister may, on recommendation of the Geological Survey of Tanzania and by order published in the *Gazette*, and upon approval by the Cabinet, declare certain minerals to be critical or strategic.

(2) The order made under this section shall prescribe conditions applicable to the critical or strategic minerals, and any contravention of such conditions shall be an offence.

(3) For the purpose of this section-

(a) a mineral shall be considered to be “critical” where it becomes essential to the national economic, geopolitical consideration, technology, industrial use, and its supply is limited or threatened; and

(b) “strategic minerals” means minerals declared to be strategic minerals under this section.”.

Amendment of section 8

11. The principal Act is amended in section 8(1) by adding immediately after paragraph (b) the following:

“(c) an individual or a company that fails to pay an application fee within twenty eight days from the date of notification of payment of such fee, and in which case such application shall be deemed as withdrawn.”.

12. The principal Act is amended in section 27F, by-



Amendment
of section
27F

(a) adding immediately after subsection (4) the following:

“(5) The provisions of section 63 shall apply to the mineral rights holder who fails to submit mineral data under subsection (3).

(6) A mineral right holder who submits false or misleading information commits an offence and on conviction shall be liable-

(a) in case of an individual, to a fine of not less than five million shillings but not exceeding ten million shillings or to imprisonment for a term of not less than twelve months but not more than three years or both; or

(b) in case of a body corporate, to a fine of not less than two hundred million shillings but not exceeding five hundred million shillings.”;

(b) renumbering subsections (5), (6), and (7) as subsections (7), (8) and (9) respectively.

(c) deleting the words “the written authorisation of” appearing in subsection (8) as renumbered and substituting for them the words “verification of results from.”.

Addition of
section 27I

13. The principal Act is amended by adding immediately after section 27H the following:

“Mineral
Laboratory

27I.-(1) There is established a mineral laboratory within the Mining Commission known as the Mining Commission Mineral Laboratory which shall be under the control and authority of the Commission.

(2) The mineral laboratory shall be used for analysing minerals and mineral products or samples in respect of-

- (a) import or export of minerals, mineral products or samples;
- (b) minerals or mineral products in storage or in transit within the United Republic;
- (c) minerals which are covered by a mineral trading permit; and
- (d) minerals or mineral products at mines or mineral processing plants.

Amendment
of section 66

- 14.** The principal Act is amended in section 66, by-
- (a) adding the words “inspection fee” after the word “rent” appearing in subsection (1); and
 - (b) adding the words “inspection fee” after the word “rent” appearing in subsection (3).

Amendment
of section 73

- 15.** The principal Act is amended in section 73-
- (a) in subsection (4), by adding immediately after paragraph (g) the following:
“**(h)** tanzanite.”; and
 - (b) by adding immediately after subsection (4) the following:
“**(5)** In this Part-
 - (a) “metallic minerals” includes all metallic minerals other than gold; and
 - (b) “coloured gemstone” includes all coloured gemstones other than diamond and tanzanite.”.

Amendment
of section
86A

- 16.** The principal Act is amended in section 86A, by-
- (a) adding immediately after subsection (3) the following:
“**(4)** Notwithstanding subsection (3), where the importer produces authentic documents proving importation of minerals from outside the United Republic and that he

has paid royalty in the country of origin, he shall not pay royalty upon disposal of such minerals.

(5) A person who makes any statement which is false or misleading with the intention of obtaining benefit under subsection (4), commits an offence and upon conviction shall be liable to a fine of not less than five million shillings but not exceeding fifty million shillings or three times the value of the imported mineral, whichever is greater, or to imprisonment for a term of not less than one year but not exceeding two years or to both.”; and

(b) renumbering subsection (4) as subsection (6).

Amendment
of section 87

17. The principal Act is amended in section 87(1)-

(a) in subsection (1), by-

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

“(c) in the case of gemstone for export disposed of at the mineral auction or international gem fair, premium of fifteen *per centum*”; and

(ii) renaming paragraphs (c), (d), (e), (f), (g), (h) as paragraphs (d), (e), (f), (g), (h), (i) respectively; and

(b) deleting subsection (6).

Amendment
of section 88

18. The principal Act is amended in section 88(4) by deleting the phrase “has the meaning attributed to those words in subsection (6) of section 87 and that provision”.

Amendment
of section
90A

19. The principal Act is amended in section 90A(5) by adding immediately after the word “producers”, the words “and minerals disposed of during government organised mineral auction or international gem fair.”.

Amendment
of section
100C

20. The principal Act is amended in section 100C by adding immediately after subsection (7) the following-

“(8) Notwithstanding the provisions of section 100B(2) and subsections (3) and (4) of this section, gemstones disposed of during the government organised mineral auction or international gem fair may be exported.”

Amendment of section 100D **21.** The principal Act is amended in section 100D(3) by deleting the words “shall not” and substituting for them the word “may”.

Amendment of section 106 **22.** The principal Act is amended in section 106(1) by inserting the words “licensed dealer or licensed broker” between the words “holder” and “who undertakes”.

PART IV
AMENDMENT OF THE TANZANIA FISHERIES RESEARCH
INSTITUTE ACT,
(CAP. 280)

Construction Cap. 280 **23.** This Part shall be read as one with the Tanzania Fisheries Research Institute Act, hereinafter referred to as the “principal Act”.

Amendment of section 21 **24.** The principal Act is amended in section 21 by adding immediately after paragraph (b) the following closing phrase:
“that failure shall be construed as the termination of research and the Institute shall recommend to the Commission for Science and Technology for termination of the research clearance.”.

Repeal of section 24 **25.** The principal Act is amended by repealing section 24.

Passed by the National Assembly on the 02nd September, 2024

NENELWA JOYCE MWIHAMBI.
Clerk of the National Assembly