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THE UNITED REPUBLIC OF TANZANIA

*ACT SUPPLEMENT*

*No. 1*

*9<sup>th</sup> February, 2018*

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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS)  
ACT, 2018

ARRANGEMENT OF SECTIONS

*Section Title*

PART I  
PRELIMINARY PROVISIONS

1. Short title.
2. Amendment of Certain Written Laws.

PART II  
AMENDMENT OF THE BANKRUPTCY ACT,  
(CAP. 25)

3. Construction.
4. Amendment of section 2.
5. Amendment of section 74.

PART III  
AMENDMENT OF THE BUDGET ACT,  
(CAP. 439)

6. Construction.
7. Amendment of section 21.

PART IV  
AMENDMENTS OF THE LAND ACT,  
(CAP. 113)

- 8. Construction.
- 9. Amendment of section 45.
- 10. Addition of new sections.
- 11. Amendment of section 120A.

PART V  
AMENDMENT OF THE PUBLIC SERVICE ACT,  
(CAP. 298)

- 12. Construction.
- 13. Amendment of Part V.

THE UNITED REPUBLIC OF TANZANIA



NO. 1 OF 2018

I ASSENT

DR. JOHN POMBE JOSEPH MAGUFULI  
*President*

[8<sup>th</sup> February, 2018]

**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) Act, 2018.
- 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 BANKRUPTCY ACT,  
(CAP. 25)

- Construction Cap. 25                    **3.** This Part shall be read as one with the Bankruptcy Act, hereinafter referred to as the “principal Act”.
- Amendment of section 2                    **4.** The principal Act is amended in section 2, by inserting in its appropriate alphabetical order the following new definition:

Cap.27 “Official Receiver” means the Administrator-General appointed pursuant to the provisions of the Administrator- General (Powers and Functions) Act;”

Amendment of section 74

5. The principal Act is amended in section 74 by deleting the words “The official receiver and the” appearing at the beginning of subsection (2) and substituting for them the article “The”.

PART III  
AMENDMENT OF THE BUDGET ACT,  
(CAP. 439)

Construction Cap.439

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

Amendment of section 21

7. The principal Act is amended in section 21, by-
- (a) deleting the words “ by February” wherever they appear in subsection (2) and substituting for them the words “in October or November”;
  - (b) adding immediately after subsection (2) the following:
    - “(3) Notwithstanding subsection (2), where the general election is scheduled to be held in the month of October or November, the Minister may lay the Plan and Budget Guidelines during the second meeting of the National Assembly after the general election.”
  - (c) renumbering sections 3, 4 and 5 as sections 4, 5 and 6 respectively.

PART IV  
AMENDMENT OF THE LAND ACT,  
(CAP. 113)

Construction

8. This Part shall be read as one with the Land Act,

Cap. 113 hereinafter referred to as the “principal Act”.

Amendment  
of section 45

9. The principal Act is amended in section 45(2), by-
- (a) deleting the “fulstop” appearing at the end of paragraph (f) and substituting for it a “semicolon”;
  - (b) inserting immediately after paragraph (f) the following new paragraphs:  
“(g) where there is contravention of section 120A or 120B.”

Addition of  
new  
sections

10. The Principal Act is amended by adding immediately after section 120 the following new sections:

“Mortgage of land

**120A.-(1)**

Subject to the provisions of this Act, a person may mortgage any land for the purpose of obtaining money from the local or foreign bank, or local or foreign financial institution for developing his land or for any other investment.

(2) The money obtained from the local or foreign bank, or local or foreign financial institution shall,-

- (a) where the mortgaged land is developed, be utilized for further developmen

t of the  
land, for  
investments  
or for other  
purposes;  
and

(b) where the  
mortgaged land  
is undeveloped  
or  
underdeveloped,  
be utilized to  
develop part or  
whole of such  
mortgaged  
land.

(3) A Mortgagor  
shall within six  
months submit to the  
Commissioner  
information as to the  
manner in which the  
money obtained from  
the mortgage is  
invested to develop  
the mortgaged land.

Money to be  
invested in  
Tanzania

**120B.**-(1) Money  
obtained from a  
mortgage from a  
local or foreign bank,  
or local or foreign  
financial institution  
referred to under  
section 120A shall be  
invested in Tanzania.

(2) Where the  
mortgagee is a local  
or foreign bank, or

local or foreign financial institution, the mortgagee shall submit to the Commissioner a declaration that the money obtained from the mortgage is invested in Tanzania.

(3) For purposes of this section-

“local bank” means any bank licensed by the Bank of Tanzania to undertake the banking business in Tanzania;

“local financial institution” means any entity licensed in Tanzania to engage in the banking business, but limited as to size, locations served, or permitted activities as prescribed by the Bank of Tanzania or required by the terms and

conditions of its licence;  
“underdeveloped” in respect of land, means a land which is not developed in accordance with the conditions of relevant rights of occupancy;  
“undeveloped” in respect of land, means a land without improvement in, on, under or over such land or without any change of substantial nature in the use of such land.

Scope of application

**120C.** The provisions of sections 120A(2),(3) and 120B(1) shall not apply to land held under the Certificate of Customary Right of Occupancy.

Non compliance under mortgage of land

**120D.** Failure to comply with the requirements under



sections 120A and 120B shall constitute a breach of conditions of right of occupancy provided for under section 45(2).

Procedure relating to mortgage of land

**120E.** The procedure for administration and enforcement of section 120A and 120B shall be prescribed in the Regulations.”

Amendment of section 120A

**11.** The Principal Act is amended by redesignating the contents of section 120A as contents of section 120F.

**PART V  
AMENDMENT OF THE PUBLIC SERVICE ACT,  
(CAP. 298)**

Construction of Cap 298 Amendment of Part V

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

**13.** The principal Act is amended in Part V by inserting immediately after the heading the following:

“Age of retirement of public servant

**25A.-(1)** A public servant may retire from the Service-

- (a) in case the of voluntary retirement upon attaining the age of fifty

five years;  
and

(b) in case of  
voluntary  
retirement  
upon  
attaining the  
age of fifty  
five years;  
and

(2) Notwithstanding  
subsection (1), a  
professor or a senior  
lecturer of a public  
university or a  
medical specialist of a  
public hospital may  
retire from the  
Service -

(a) in the case of  
voluntarily  
retirement,  
upon attaining  
the age of sixty  
years; and

(b) the term in  
the case of  
compulsory  
retirement,  
upon  
attaining the  
age of sixty  
five years .

(3) For the  
purposes of this  
section, the term:  
“professor” includes  
an associate  
professor; and

Cap. 346

“medical specialist”  
includes any specialist  
above the medical  
doctor; and  
“public university”  
has the meaning  
ascribed to it under  
the Universities Act.

Passed by the National Assembly on the 30<sup>th</sup> January, 2018

STEPHEN KAGAIGAI  
Clerk of the National Assembly