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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS)(NO.3)
ACT, 2013

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THE UNITED REPUBLIC OF TANZANIA



NO. 10 OF 2013

I ASSENT,

JAKAYA MRISHO KIKWETE,
President

[30th December, 2013

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.3) Act, 2013.

Amendment of
certain written
laws

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

PART II
AMENDMENT OF THE CIVIL AVIATION ACT,
(CAP. 80)

Construction
Cap. 80

3. This Part shall be read as one with the Civil Aviation Act, hereinafter referred to as the "principal Act".

Amendment of
section 2

4. The principal Act is amended in section 2, by deleting the definition of the term "air navigation services" and substituting for it the following:

"air navigation services" include air traffic management, communication, navigation, surveillance, search and rescue, meteorological services for air navigation and aeronautical information services;"

Amendment of
section 4

5. The principal Act is amended in section 4-

(a) by deleting subsection (1) and substituting for it the following:

"(1) The Minister may make Regulations for the better carrying out of the provisions of this Act."

(b) in subsection (2) by-

(i) adding immediately after the word "may" the phrase "in consultation with the Authority;"

(ii) adding immediately after the opening phrase of subsection (2) the following new paragraphs:

" (a) for regulating air navigation and economic regulation of air transport services;

- (b) giving effect to Chicago Convention and annexes thereto, and any other civil aviation conventions to which the United Republic is a party;"
- (iii) renaming paragraphs (a) to (u) as paragraphs (c) to (w) respectively;
- (iv) deleting paragraph (v);
- (v) renaming paragraphs (w) and (x) as paragraphs (x) and (y) respectively;
- (vi) adding immediately after the renamed paragraph (y) the following:
“(z) regulating aviation training organizations;
- (aa) prohibiting or regulating the emission or causing of smoke, soot, ash, grit, dust and any other substance whatsoever, which obscures or may obscure visibility in the vicinity of the aerodrome;
- (bb) classifying and use of airspace, control search and reserve facilities;
- (cc) for the aircraft design, construction, repair, maintenance, repair of facilities and related equipment;
- (dd) overseeing the implementation of the safety management system; and
- (ee) providing for development and implementation of the state safety program.”

Amendment of
section 24

by-

6. The principal Act is amended in section 24(2).
- (a) adding immediately after paragraph (b), the following:
 - “(c) borrowing”;
 - (b) renaming paragraph (d) as paragraph (c).

Amendment of
section 26

by-

7. The principal Act is amended in section 26(1).
- (a) adding immediately after paragraph (g) the following:
 - “(h) to plan, develop, regulate and promote operations of a safe, secure and efficient civil aviation system;
 - (i) to conduct safety, security and economic oversight of the aviation industry;
 - (j) to establish and implement the state safety programme;
 - (k) to establish an acceptable level of safety;
 - (l) to advise the Government on matters concerning civil aviation;
 - (m) to coordinate search and rescue operations of aircraft;
 - (n) to deal with acts of unlawful interference;
 - (o) to establish, manage and operate training institutions for the industry;
 - (p) to plan, develop and formulate the safe, secure and efficient management of Tanzanian airspace; and”;
 - (b) renaming paragraph (h) as paragraph (q).

(c) deleting subsection 6 and substituting for it the following:

“(6) In addition to its regulatory functions, the Authority may provide air navigation services:

Provided that, it shall not provide aeronautical meteorological services.”

Amendment of section 27

8. The principal Act is amended in section 27, by deleting the words “and functions” appearing in the marginal note.

Addition of sections 27A

9. The principal Act is amended by adding immediately after section 27, the following new sections:

“Functions and powers of the Board

27A.-(1) The Board shall generally be responsible for ensuring that the performance and management of the functions and affairs of the Authority are carried out in an efficient, transparent and ethical manner.

(2) Without prejudice to the generality of subsection (1), the Board shall-

- (a) set the Authority’s strategic objectives and value;
- (b) review management performance standards;
- (c) ensure that the necessary resources are in place for the Authority to meet its objective;
- (c) provide public education on the functions and obligations of the Authority;

- (d) determine and set priorities of the general performance and targets of the Authority;
- (e) ensure that measures for the development of civil aviation are in place and implementable;
- (f) consider and advise the Minister on the development and maintenance of civil aviation policy framework and such other matters affecting civil aviation as it considers desirable in the interest of civil aviation in the United Republic;
- (g) perform such other functions not inconsistent with this Act as the Minister may direct; and
- (h) approve the budget of the Authority

(3) The Board shall, in the discharge of its functions under subsections (1) and (2), have powers to-

- (a) direct the Director General to furnish it with any information, reports or other documents which the Board may require;

- (b) give lawful instructions and orders in writing to the Director General in connection with the management and performance of the Authority;
- (c) approve any organizational structures submitted by the Director General; and
- (d) subject to the approval of the Minister, determine the terms and conditions of service, salaries and other allowances including any other fringe benefits for the Director General and other directors.”

Amendment of
section 32

- 10.** The principal Act is amended in section 32, by-
- (a) re-designating section 32(1) as section 32; and
 - (b) deleting subsection (2).

Amendment of
section 34

- 11.** The principal Act is amended in section 34(2), by-
- (a) deleting paragraph (c) and substituting for it the following:
 - “(e) overseeing the competence of aeronautical personnel, except that for aeronautical meteorological personnel, it shall do so in collaboration with the designated meteorological authority;”
 - (b) adding immediately after paragraph (g) the following:
 - “(h) ensuring safety and security of the aviation system;

(i) promulgation of manual of aviation Standards;”

(c) renumbering paragraph (h) as paragraph (j).”

Amendment of
section 62

12. The principal Act is amended in section 62(1), by-

(a) adding immediately after paragraph (a) the following new paragraphs:

“ (b) charges paid in respect of air navigation services and safety oversight;

(b) renaming paragraphs (b), (c) and (d) as paragraphs (c), (d) and (e) respectively;

(c) inserting the word “loans” between the words “grants” and “donations” appearing in the first line of paragraph (d) as re-named.

Amendment of
section 64

13. The principal Act is amended in section 64, by-

(a) adding immediately after subsection (1) the following:

“(2) In addition to any other functions assigned to him by the Audit Committee of the Authority, the head of Internal Audit shall be responsible for the internal auditing of the Authority’s accounts and shall, in every three months in each financial year, submit a report to the Director General.

(3) The Chairman of the Audit Committee of the Authority shall submit the report referred to under subsection (2) to the Board for consideration”;

(b) renumbering subsection (2) as subsection (4).

Amendment of
the Schedule

14. The principal Act is amended in the Schedule, by deleting the word "special" appearing in paragraph 4(3) and substituting for it the word "extra-ordinary".

PART III
AMENDMENT OF THE CONSTITUENCIES DEVELOPMENT
CATALYST FUND ACT,
(CAP. 96)

Construction
Cap. 96

15. This Part shall be read as one with the Constituencies Development Catalyst Fund Act, hereinafter referred to as the "principal Act".

Amendment of
section 9

16. Section 9 of the principal Act is repealed and replaced with the following:

"Accounts
and audit

Cap.418

9. All funds received under this Act shall be audited and reported upon by the Controller and Auditor General in terms of the provisions of the Public Audit Act.

PART IV
AMENDMENT OF EDUCATION FUND ACT,
(CAP. 412)

Construction
Cap. 412

17. This Part shall be read as one with the Education Fund Act, hereinafter referred to as the "principal Act".

Amendment of
section 4

18. The principal Act is amended in section 4, by-
(a) deleting the words "as grant or loans" appearing in subsection (1); and