

THE UNITED REPUBLIC OF TANZANIA

ACT SUPPLEMENT

No. 23

18th September, 2015

to the Gazette of the United Republic of Tanzania No. 38 Vol. 96 dated 18th September, 2015
Printed by the Government Printer, Dar es Salaam by Order of Government

THE TANZANIA EXTRACTIVE INDUSTRIES (TRANSPARENCY AND
ACCOUNTABILITY) ACT, 2015

ARRANGEMENT OF SECTIONS

Section

Title

PART I

PRELIMINARY PROVISIONS

1. Short title and commencement.
2. Application.
3. Interpretation.

PART II

ADMINISTRATIVE PROVISIONS

4. Establishment of Committee.
5. Composition of the Committee.
6. Nomination Committee.
7. Functions of the Nomination Committee.
8. Tenure of office.
9. Proceedings of the Committee.
10. Functions and powers of the Committee.
11. Delegation of powers.
12. Appointment of Executive Secretary.
13. Secretariat.

PART III

OBLIGATION OF EXTRACTIVE COMPANIES AND
STATUTORY RECIPIENTS

14. Threshold and obligation of extractive companies and statutory recipients.
15. Information on local content, corporate social responsibility and capital expenditures.
16. Obligation to publish information.

PART IV
APPOINTMENT AND THE ROLE OF ADMINISTRATOR

17. Appointment of independent administrator.

PART V
DISCREPANCY AND THE ROLE OF THE CONTROLLER
AND AUDITOR GENERAL

18. Treatment of discrepancy.

PART VI
GENERAL PROVISIONS

- 19. Minister to submit report.
- 20. Funds and resources of the Committee.
- 21. Accounts and Audit.
- 22. Annual report.
- 23. Offences and penalty.
- 24. False information.
- 25. Powers to make Regulations.
- 26. Power of the Minister to specify natural resource.
- 27. Savings provisions.

PART VII
CONSEQUENTIAL AMENDMENTS

*(a) Amendment of the Mining Act,
(Cap.123)*

- 28. Construction.
- 29. Amendment of section 4.
- 30. Amendment of section 6.
- 31. Amendment of section 7.
- 32. Amendment of section 11.
- 33. Amendment of section 21.
- 34. Amendment of section 22.
- 35. Addition of new section 22A.

36. Amendment of section 25.
37. Amendment of section 26.
38. Amendment of section 28.
39. Amendment of section 32.
40. Amendment of section 39.
41. Repeal of section 40.
42. Amendment of section 41.
43. Amendment of section 47.
44. Amendment of section 52.
45. Amendment of section 54.
46. Amendment of section 55.
47. Amendment of section 58.
48. Amendment of section 65.
49. Amendment of section 73.
50. Amendment of section 77.
51. Amendment of section 79.
52. Amendment of section 86.
53. Amendment of section 90.
54. Amendment of section 95.

*(b) Amendment of the Electricity Act
(Cap. 131)*

55. Construction.
56. Amendment of section 41.

*(c) Amendment of the Income Tax Act,
(Cap.332)*

57. Construction.
58. Amendment of section 140.

SCHEDULE

THE UNITED REPUBLIC OF TANZANIA



NO.23 OF 2015

I ASSENT,

JAKAYA MRISHO KIKWETE

President

4th August, 2015

An Act to provide for establishment of the Extractive Industries (Transparency and Accountability) Committee for purposes of ensuring transparency and accountability in extractive industries and to provide for other related matters.

ENACTED by Parliament of the United Republic of Tanzania

**PART I
PRELIMINARY PROVISIONS**

Short title and
commencement

1. This Act may be cited as the Tanzania Extractive Industries (Transparency and Accountability) Act, 2015 and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

Application

2.-(1) This Act shall apply to-
(a) Mainland Tanzania; and
(b) Mainland Tanzania as well as Tanzania Zanzibar in relation to extractive industry companies undertaking joint petroleum operations or

petroleum activities in specific areas or overlapping blocks in accordance with the Petroleum Act, 2015.

(2) The extractive industry activities undertaken within Tanzania Zanzibar shall be governed and administered in accordance with the laws of Tanzania Zanzibar.

Interpretation

3. In this Act, unless the context otherwise requires-

“Committee” means the Tanzania Extractive Industries (Transparency and Accountability) Committee established under, section 4;

Cap. 418

“Controller and Auditor General” has the same meaning ascribed to it under the Public Audit Act;

“Chairman” means the Chairman of the Committee appointed under section 5;

“Executive Secretary” means the Executive Secretary of the Committee appointed under section 12;

“extractive industry company” means a private or state owned company engaged in exploitation of minerals, oil, natural gas and includes any other company engaged in natural resources extraction;

“Extractive Industries Transparency Initiative” also described as “EITI” means a global initiative that provides standards for governing extractive industries;

“Extractive Industries Transparency Initiative Standard” means an international framework that provides guidance to implementing countries in governing extractive industries;

“extractive industry” means an industry dealing with natural resources;

“independent administrator” means a qualified firm appointed under section 17;

“local content” means an added value brought and or developed in Tanzania through participation of the national labour, technology, goods, services, capital and research capabilities in the Extractive industry activities;

“Minister” means the Minister responsible for mining, oil and natural gas;

“reconciliation” means a process of verifying payments made by extractive companies and revenues received by the Government pursuant to section 14;

“statutory recipient” means an entity of the Government responsible for collection of revenues from extractive industry companies;

“sub-committee” means a committee established by the committee under paragraph 11 of the Schedule to this Act.

PART II

ADMINISTRATIVE PROVISIONS

Establishment of
Committee

4.-(1) There shall be a Committee to be known as the Tanzania Extractive Industries (Transparency and Accountability) Committee.

(2) The Committee shall be an independent Government entity which shall be an oversight body for promoting and enhancing transparency and accountability in the extractive industry.

Composition of
the Committee

5.-(1) Subject to the provisions of this Act, the Committee shall be composed of a Chairman to be appointed by the President and not more than fifteen other members who possess knowledge and experience on governance of industries.

(2) Fifteen members referred in subsection (1) shall be-

(a) five persons from Government entities appointed by the Minister one of whom shall be the Attorney General or his representative;

(b) five persons from extractive industry companies; and

(c) five persons from civil society organizations;

(3) The Executive Secretary shall be the Secretary of the Committee.

(4) Members appointed in terms of subsection (2)(b) and (c) shall be appointed by the respective umbrella

organizations in accordance with procedures set out by such organizations and submitted to the Minister for announcement.

(5) Appointment referred to under this section shall have regard to gender balance.

Nomination
committee

6.-(1) There is established a Committee to be known as the Nomination Committee.

2) The Nomination Committee shall be composed of the following members:

- (a) the Permanent Secretary of the Ministry responsible for mineral matters who shall be the Chairman of the Nomination Committee;
- (b) the Permanent Secretary of the Ministry responsible for finance;
- (c) the Permanent Secretary of the Ministry responsible for public service;
- (d) the Permanent Secretary of the Ministry responsible for labour; and
- (e) two experts in extractive industries nominated in accordance with subsection (3).

(3) One of the two persons referred to in subsection (2)(e) shall be appointed by the Minister from three names submitted by extractive industry companies and the other person from three names submitted by the civil society umbrella organizations.

(4) The Nomination Committee shall work on ad-hoc basis depending on the need for nomination.

(5) The Committee shall pay from its funds expenses incurred by the Nomination Committee in the cause of the discharge of its duties as may be approved by the Minister.

Functions of the
Nomination
Committee

7.-(1) The functions of the Nomination Committee shall be to nominate persons for appointment as-

- (a) Chairman of the Tanzania Extractive Industries (Transparency and Accountability) Committee; or
- (b) the Executive Secretary of the Committee.

(2) The Nomination Committee may take such actions as are reasonably necessary to identify and attract the best candidates by advertising in the newspapers widely circulating within the country.

(3) The Nomination Committee shall submit to the Minister-

(a) in case of the Chairman, three names of persons to be forwarded to the President by the Minister to be considered for appointment as Chairman; and

(b) in case of the Executive Secretary, three names to be considered by the Minister for appointment as an Executive Secretary.

(4) The Nomination Committee shall regulate its own proceedings and other matters in relation thereto.

Tenure of office

8. The Chairman and members of the Committee shall hold office for a period of three years and shall be eligible for re-appointment for one further term of three years.

Proceeding of the Committee

9. The provisions of the Schedule to this Act, shall have effect to the proceedings of the Committee.

Functions and powers of the Committee

10.-(1) The Committee shall be responsible for ensuring that benefits of extractive industry are verified, duly accounted for and prudently utilized for the benefit of the the citizens of Tanzania.

(2) Pursuant to subsection (1), functions of the Committee shall be to-

(a) develop a framework for transparency and accountability in the reporting and disclosure by all extractive industry company on revenues due to or paid to the Government;

(b) require from any extractive industry company or from the statutory recipients an accurate account of money paid by and received from the company at any period, as revenue accruing to the Government from such company for that period;

- (c) require extractive industry companies to disclose to the Committee accurate records of the cost of production, capital expenditures at every stage of investment, volumes of production and export data from extractive industry company in respect of each licence;
- (d) promote the effective citizen participation and awareness of extractive industry companies and its contribution to socio-economic development;
- (e) conduct investigations on material discrepancy from revenue payments and receipts in the extractive industry companies in accordance with the provisions of this Act;
- (f) make reconciliations on payments from extractive industry companies and Government receipts;
- (g) identify discrepancies and undertake measures to enhance capacity of any relevant organ of the Government or local government authority having statutory responsibility to monitor revenues and payments by all extractive industry companies to the Government;
- (h) disseminate by way of publication of reconciliation and investigation reports or otherwise any information concerning revenues received by the Government from extractive industry companies as it may consider necessary;
- (i) promote the effective citizen participation and awareness of resources governance in extractive industry and its contribution to socio-economic development;
- (j) make consultation amongst Government, civil society and companies for effective management of natural resources;
- (k) supervise affairs of the Secretariat;
- (l) carry out research or studies for furtherance of the functions of the Committee; and

(m) undertake any other activities related to its functions.

(3) The Committee shall report to the Minister the implementation of functions referred to under sub section (2) for appropriate actions and better governance of the extractive industry companies.

Delegation of powers

11. The Committee may delegate any of its functions to a subcommittee or the Secretariat.

Appointment of Executive Secretary

12.-(1) There shall be an Executive Secretary of the Committee who shall be appointed by the Minister.

(2) The Executive Secretary shall be the head and accounting officer of the Secretariat, and shall be responsible for implementation of the day to day activities of the Committee.

(3) A person shall be qualified for appointment as Executive Secretary if the person-

(a) possesses at least a degree in the field of engineering, economics, laws, management, development studies, geology or finance;

(b) has relevant knowledge and experience of at least five years on matters relating to extractive industry; and

(c) has a proven leadership ability.

(5) The Executive Secretary shall hold office for a period of five years and may be eligible for a re-appointment for one further term of five years.

Secretariat

13.-(1) There shall be a Secretariat of the Committee which shall be responsible for implementation of activities of the Committee.

(2) The officers and staff of the Secretariat shall be public servants.

PART III
OBLIGATIONS OF EXTRACTIVE COMPANIES AND
STATUTORY RECIPIENTS

Threshold and
obligation of
extractive
companies and
statutory
recipients

14.-(1) The Committee shall in every financial year set out a threshold for the purpose of identifying extractive industry companies that qualify for reconciliation on payments made and revenues received by the Government.

(2) The extractive industry company that qualifies under subsection (1) shall submit to the Committee information and data containing all forms of taxes and charges made to the Government in a manner prescribed in the regulations.

(3) A statutory recipient that receives payments from extractive industry companies shall submit to the Committee information and data on revenue receipts.

Information on
local content,
corporate social
responsibility
and capital
expenditures

15.-(1) An extractive industry company shall submit to the Committee annual reports containing information on local content and corporate social responsibility.

(2) Notwithstanding sub section (1), the extractive industry company shall submit to the Committee capital expenditures at every stage of investment.

(3) A person who is required to furnish information under this section and refuses or fails to comply with such requirement commits an offence.

Obligation to
publish
information

16.-(1). In order to ensure transparency and accountability in extractive industries, the Committee shall cause the Minister to publish-

- (a) in the website or through a media which is widely accessible all concessions, contracts and licenses relating to extractive industry companies;
- (b) names of individual shareholders who own interests in the extractive industry companies;
- (c) implementation of Environmental Management Plans of the extractive industry companies;

(d) implementation reports referred to under section 17(5).

(2) For the purpose of subsection (1), all information on activities undertaken by an extractive industry company required to be reported or submitted to its local or foreign stock markets shall equally be reported or submitted to the Committee.

PART IV APPOINTMENT AND THE ROLE OF ADMINISTRATOR

Appointment of
Independent
Administrator

17.-(1) The Committee may engage an independent administrator to reconcile and verify payments made by extractive industry companies and revenues received by the Government.

(2) Reconciliation report shall include data on investment expenditure, production, export and any other matters related to the activities of the extractive industry in a particular reporting period.

(3) Independent administrator appointed by the Committee shall be a qualified firm to carry out activities required under sub sections (1) and (2).

(4) Independent administrator shall carry out the assignment on such terms and conditions as set out by the Committee.

(5) The independent administrator shall, upon completion of assignment imposed under this section, submit the reconciliation report to the Committee for consideration and publication.

PART V DISCREPANCIES AND ROLE OF CONTROLLER AND AUDITOR-GENERAL

Treatment of
discrepancy

18.-(1) Where the reconciliation report identifies any material discrepancy between payments and receipts, the Committee shall, within fourteen working days upon receipt, submit such report to the Controller and Auditor General for investigation.

(2) The Controller and Auditor General shall prepare the audit report and submit it to the Committee and the Minister for consideration.

(3) The Committee shall after receiving the investigation report referred to under sub section (2) forward the same to the relevant authorities for further action.

(4) The relevant authorities shall, after receiving the investigation report from the Committee, take actions on the recommendations made by the Controller and Auditor General within thirty working days and shall prepare and forward the implementation report to the Committee.

(5) The Committee shall, within fourteen working days after receiving the implementation report referred to under sub section (4), submit such report to the Minister for consideration and publication.

PART VI GENERAL PROVISIONS

Minister to
submit report

19. The Minister shall, as soon as may be practicable and not later than twelve months after the close of the financial year, lay before the National Assembly a report on the implementation of activities under this Act.

Funds and
resources of the
Committee

20. The funds and resources of the Committee shall consist of-

- (a) such sums of money as may be appropriated by Parliament;
- (b) money raised by way of loans, donations or grants from, within and outside Tanzania;
- (c) such sums of money or property which may become payable to or vested in the Committee under this Act or any other written law or in respect of any matter incidental to the carrying out of its functions.

Accounts and
Audit

21.-(1) The Committee shall cause to be kept and maintained proper books of accounts with respect to-

- (a) sums of money received and expended by the Committee and matters in respect of which the receipt and expenditure take place;
- (b) assets and liabilities of the Committee; and
- (c) the income and expenditure statement of the Committee.

(2) The auditing of the financial reports and books of accounts of the Committee shall be done by the Controller and Auditor General or a person authorized by him.

Annual report

22.-(1) The Committee shall, not later than six months after the end of financial year, submit to the Minister a copy of the audited accounts and annual report on the activities of the Committee in respect of that year.

(2) The Minister shall within a period of six months after the accounts have been audited lay the audited accounts and audit report before the National Assembly.

Offences and penalty

23. Any person, who without reasonable causes, or fails to produce a document or an information required under this Act, within the specified time, commits an offence and upon conviction, shall be liable-

- (a) in case of an individual, to a fine of not less than ten million shillings; and
- (b) in case of a body corporate, to a fine of not less than one hundred and fifty million shillings.

False information

24. Any persons who-

- (a) gives false information or reports to the Committee regarding data on investment expenditure, production, export and any other information related to the activities of the extractive industry;
- (b) renders false statement of account or fails to produce a statement of account required under this Act; or
- (c) refuses or fails to give information;
- (d) without reasonable excuse, obstructs or hinders the Committee or any person authorized as such

from doing any of its functions,
commits an offence and shall be liable upon conviction to a
fine of not less than one hundred million shillings.

Powers to make
Regulations

25. The Minister may in consultation with other relevant Ministries, make regulations prescribing matters which are necessary or convenient to be prescribed for better carrying out or giving effect to the provisions of this Act.

Power of the
Minister to
specify natural
resource

26. The Minister may in consultation with other relevant Ministries by Order published in the *Gazette* specify any other natural resource to be subject to this Act.

Savings
provision

27.-(1) All Mineral Development Agreements and Production Sharing Agreements or any other agreements signed prior to coming into operations of this Act, shall, upon coming into force of this Act, be subjected to disclosure requirements under this Act.

(2) Except for information that is confidential as the Committee may determine, all other information contained in agreements referred to under subsection (1), shall be subject to disclosure requirements under this Act.

PART VII CONSEQUENTIAL AMENDMENTS

(a) *Amendment of the Mining Act, (Cap.123)*

Construction
Cap. 123

28. This Part shall be read as one with the Mining Act, hereinafter referred to as the "principal Act."

Amendment
of section 4

29. The principal Act is amended in section 4, by-
(a) deleting the definition of the term "Agency";
(b) deleting the definition of the term "primary mining licence" and substituting for it the following:

“primary mining licence” means a licence for small scale mining characterised by minimal machinery or technology of an initial capital for investment which does not exceed US dollars 5 million or its equivalent in Tanzania Shilling;

- (c) inserting in their appropriate alphabetical order the following new definitions:

“Geological Survey of Tanzania” means the Geological Survey of Tanzania as established under the Executive Agencies Act;

“Cap. 245

“online transactional mining flexicadastre portal” means a web based service to facilitate submission of mineral right applications, online payments, administration of mineral rights and exchange of mineral rights information including communication of decisions electronically;

“prescribed form” means all forms applicable under this Act including an electronic forms available within the online transactional mining cadastre portal;

“resident mines office” means the office established under section 26;

“resident mines officer” means an officer appointed as such under section 19(3); and

“Tanzania Mineral’s Audit Agency” means the Tanzania Mineral’s Audit Agency established under the Executive Agencies Act;”;

Cap. 245

Amendment of
section 6

30. Section 6 of the principal Act is amended, by-

- (a) adding the phrase “or processing operations” after the words “mining operations” appearing in the second line of subsection (1);
- (b) deleting paragraph (a) of subsection (3) and substituting for it the following:

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

- (c) deleting subsection (4) and substituting for it the following:

“(4) Any minerals obtained in the course of unauthorised prospecting or mining or processing operations including equipment involved in such operations and any minerals possessed without a proper permit shall be forfeited to the Government by the Commissioner for Minerals and auctioned through relevant Government Asset Auctioning Procedures.”;

Amendment of
section 7

31. The principal Act is amended in section 7(b), by-

- (a) deleting subparagraph (ii); and

(b) re-naming subparagraph (iii) as paragraph (ii).

Amendment of
section 11

32. The principal Act is amended by repealing section 11 and replacing it with the following:

“Validity of
the
development
agreement

11. The development agreement entered into under this Act, shall be valid for a maximum period of ten years and may be renewed on mutual agreement by parties.”

Amendment of
section 21

33. The principal Act is amended in section 21, by deleting the word “Agency” and substituting for it the phrase “Geological Survey of Tanzania”.

Amendment of
section 22

34. The principal Act is amended in section 22, by deleting the word “Agency” and substituting for it the phrase “Geological Survey of Tanzania”. ;

Addition of new
section 22A.

35. The principal Act is amended by adding a new section 22A immediately after section 22 as follows:

“Responsibi-
lities
of the
Tanzania
Mineral Audit
Agency

22. The Tanzania Minerals Audit Agency shall be responsible for matters related to auditing and monitoring of mineral production and shall, in particular, audit-

- (a) quality and quantity of minerals produced and exported by mining entities;
- (b) financial records of mining entities for the purpose of tax assessments; and
- (c) environmental management expenditures of the mining entities for the purpose of assessment of compliance to the mine closure plan.”

Amendment of
section 25

36. The principal Act is amended in section 25 (2), by adding immediately after paragraph (e) the following new paragraph:

“(f) to enable the Tanzania Extractive Industries Transparency and Accountability Committee to acquire and publish information from mining companies.”

Amendment of
section 26

37. The principal Act is amended in section 26(2), by inserting the words “resident mine offices” immediately after the words “offices and.”

Amendment of
section 28

38. The principal Act is amended in section 28(3)(a), by-

- (a) inserting the phrase “and a copy of his national identity card, passport, driving licence or voters registration card” at the end of paragraph (i); and
- (b) inserting the phrase “including copies of their identity cards” at the end of that paragraph (ii).

Amendment of
section 32

39. The principal Act is amended in section 32, by-

- (a) deleting subsection (2) and substituting for it the following:

“(2) A holder of a licence who intends to renew the licence shall, within one month before the expiry date of the licence, submit an application for renewal of the prospecting licence.”

- (b) adding immediately after paragraph (b) of subsection (4) the following new paragraph:

“(c) notwithstanding paragraph (b), the holder of a prospecting licence whose licence has less than 40 square kilometres shall

relinquish part of the licence such that the remaining licence area is not less than 20 square kilometres.”

Amendment of
section 39

40. The principal Act is amended in section 39(1), by deleting the figure “51” and substituting for it the figure “50”.

Repeal of
section 40

41. The principal Act is amended by repealing section 40.

Amendment of
section 41

42. The principal Act is amended in section 41, by-

- (a) deleting the phrase “by the entitled applicant” appearing in the second line of subsection (2), and substituting for it the phrase “ for a special mining licence”;
- (b) deleting subsection (3); and
- (c) re-numbering subsection (4) as subsection (3).

Amendment of
section 47

43. The principal Act is amended in section 47, by deleting paragraph (a) and substituting for it the following:

“(a) commence mining activities within eighteen months or such other further period as the licensing authority may allow from the date of grant of a licence and carry on mining operations in substantial compliance with the programme of mining operations and an environmental management plan;”

Amendment of
section 52

44. The principal Act is amended in section 52, by deleting paragraph (a) and substituting for it the following:

“(a) commence mining operations within eighteen months and develop the mining area in substantial compliance with the programme of mining operations with due diligence;”

Amendment of
section 54

- 45.** The principal Act is amended in section 54, by-
- (a) deleting subparagraph (b) of subsection (2) and substituting for it the following:

“(b) describe the area not exceeding the prescribed maximum area over which a primary mining licence is sought, and shall be accompanied by a sketch plan with sufficient details to enable the zonal mines officer to identify the area.”;

- (b) adding immediately after subsection (2) the following new subsection:

“(3) An application for a primary mining licence shall contain:

- (a) in the case of an individual, his full name and nationality, physical and postal addresses and attach an identification card such as his national identity card, passport, driving licence or voter’s registration card;
- (b) in the case of a body corporate, its corporate name, place of incorporation, names and the nationality of its directors;
- (c) in the case of more than one person, the particulars referred in paragraphs (i) and (ii);
- (d) environmental investigations and social study and an environmental protection plan as described in the relevant regulations.” ; and

- (c) re-numbering subsection (3) as subsection (4).

Amendment of
section 55

46. The principal Act is amended in section 55, by adding immediately after subsection (3) the following subsection-

“(4) Notwithstanding subsection (2), a primary mining licence issued for mining sand and other fast depleting building materials shall be valid for a period of one year and may be renewed in accordance with section 56.”;

Amendment of
section 58

47. The principal Act is amended in section 58, by deleting, subsection (2) and substituting for it the following-

“(2) An application made in accordance with subsection (1) shall be processed by the Commissioner and the mining licence shall be granted by the Minister.”

Amendment of
section 65

48. The principal Act is amended in section 65, by -
(a) deleting subsections (1) and (2) and substituting for them the following:

“(1) A person who is aggrieved by a decision of the Minister for suspension or cancellation of mineral rights may, within sixty days from the date of the decision, file an application for judicial review to the High Court.”; and

(b) re-numbering subsections (3) and (4) as subsections (2) and (3), respectively.

Amendment of
section 73

49. The principal Act is amended in section 73, by-
(a) deleting subsection (3) substituting for it the following:

“(3) An application for dealer licence in respect of gemstones shall be

accompanied by commitment to acquire and utilize, in case of Tanzanian five lapidary machines and in the case of foreigner thirty (30) lapidary machines within three months from the date of grant of the licence.”; and

- (b) in subsection (5), adding a new paragraph (g) immediately after paragraph (h) as follows:
“(g) building materials.”

Amendment of
section 77

50. The principal Act is amended in section 77, by deleting paragraph (b) and substituting for it the following:

“(b) be submitted to a zonal mines officer on a monthly basis;”.

Amendment of
section 79

51. The principal Act is amended in section 79, by deleting the word “Minister” whenever it appear in that section and substituting for it the word “Commissioner”.

Amendment of
section 86

52. The principal Act is amended by repealing section 86 and replacing for it with the following:

“Prohibition
against
dealing in
certain
minerals

86. No person shall be eligible for grant of a licence as a broker or a dealer in uranium minerals.”

Amendment of
section 90

53. The principal Act is amended in section 90, by deleting subsection (1) and substituting for it the following:

(1) There shall be a sorting and valuation fee prescribed in the regulations, which shall be payable to the Government by a mineral right holder who sells gemstones produced or acquired by such mineral right holder.”

Amendment of
section 95

54. The principal Act is amended in section 95, by deleting figure “100” appearing in paragraph (a) of subsection (1) and substituting for it figure “200”.

*(b) Amendment of the Electricity Act
(Cap. 131)*

Construction
Cap. 131

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

Amendment of
section 41

56. The principal Act is amendment in section 41, by deleting subsections (6) and (7) and substituting for them with the following provision:

“(6) The Minister may make regulations prescribing for-

- (a) re-organisation of electricity market;
- (b) promotion of competition in the generation, transmission and distribution of electricity; and
- (c) competition in consumer services, investment and private sector participation in the electricity subsector.”.

*(a) Amendment of the Income Tax Act,
(Cap.332)*

Construction
Cap. 332

57. This Part shall be read as one with the Income Tax Act hereinafter referred to as the “principal Act”.

Amendment of
section 140

58. The principal Act is amended in section 140 (1) by adding immediately after paragraph (g) the following new paragraph:

- “(h) to enable the Tanzania Extractive Industries Transparency and Accountability Committee to publish tax information from extractive industry companies.”.

SCHEDULE

(Made under section 9)

PROCEDURE OF THE COMMITTEE

Chairman

1.-(1) The Chairman shall preside at all meeting of the Committee.

(2) Where at any meeting of the Committee the Chairman is absent, the members present shall elect one of its members to be a temporary Chairman who shall preside at that meeting.

(3) The Chairman or temporary Chairman presiding at any meeting of the Committee shall have a vote and in the event of an equality of votes, shall have a casting vote in addition to his deliberation vote.

Meeting and procedure of the Committee

2.-(1) The Committee shall meet once in every quarter of the year and at any additional times which may be fixed by the Chairman or in his absent or unable for any reason to act, the Executive Secretary.

(2) The Chairman or in his absence, the Executive Secretary may, upon application in writing by at least five members convene a special meeting of the Committee at any time.

(3) The Executive Secretary of the Committee shall give to each member adequate notice of the time and place of each meeting,

Quorum

3. At any meeting of the Committee not less than one half of all the members of the Committee shall constitute a quorum and provided that each group is represented.

Absence of a member

4. Where any member absents himself from three consecutive meetings of the Committee without reasonable cause the Committee shall advise the appointing authority of the fact and the appointing authority may terminate the appointment of such member and appoint another member in his place.

Appointment of temporary member

5. Where any member by reason of illness, infirmity or absence from United Republic for a long time, the appointing authority may appoint a temporary member who shall cease to hold office on the resumption of office of the substantive member.

Minutes of the meetings

6. Minutes of each meeting of the Committee shall be kept and confirmed by the Committee at the next meeting and signed by the Chairman of the meeting.

Decisions of
Committee

7. Subject to the provisions relating to a casting vote, decisions at meetings of the Committee shall be determined by consensus of the all members present.

Seal of the
Committee

8.-(1) The Seal of the Committee shall be of a shape size and form as the Committee may determine.

(2) The seal shall not be used except in pursuance of a resolution of the Committee and shall be authenticated by the signature of the Chairman, Executive Secretary or any member of the Committee authorized to act in that behalf by the Committee.

(3) All documents, other than those required by law to be under seal, made by and all decision of the Committee, may be signified under the hand of the Chairperson or the Executive Secretary or any member or officer of the Committee authorized in that behalf by the Committee.

Regulations of
proceedings

9. Subject to the provision of this Schedule, the Committee may regulate its own proceedings.

Vacancies not to
invalidate
proceedings

10.-(1) Subject to the provision of paragraph 3 relating to quorum, the Committee may act notwithstanding any vacancy in its membership.

(2) No act or proceeding of the Committee shall be invalid by reason only of some defect in the appointment of person who purports to be its member.

Cessation of
membership

11.-(1) A member of the Committee may resign by giving notice in writing addressed to the Chairman and the appointing authority and as from the date specified in the notice or if no date is specified from the date of receipt of the notice by the Chairman the member shall cease to be a member of the Committee.

(2) A member appointed to fill such vacancy shall hold office for the remainder of the term of his predecessor.

Executive
Secretary to
convene
meetings

12. The Executive Secretary shall, in consultation with the Chairman, convene meetings of the Committee also keep minutes of meetings and perform other functions as the Committee may require.

Meeting of
Committee

13.-(1) The Committee shall ordinarily meet once in every quarter of the year and at such additional times as may be fixed by the Chairman.

(2) The Committee shall hold an extraordinary meeting as may be considered necessary at time as may be fixed by chairperson.

Sub-committee
of the
Committee

14. The Committee may appoint, amongst the members of the Committee, three or more members, at least one from each cluster, to form a Sub-committee to carry out on its behalf any of the functions of the Committee as it may determine.

Co-opt of non-member

15. The Committee may co opt other person who is not members of the Committee to provide expertise and other assistance as may be required and such persons so invited shall have no right to vote during the deliberations of the Committee or take part in the final decision of the Committee.

Emolument of committee members

16. The Committee shall, after consultation with the Minister prescribe fees and allowances which may be payable to the Chairman and members.

Passed by the National Assembly on 6th July, 2015.

DR. THOMAS D. KASHILILAH
Clerk of the National Assembly