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Laws Regulations

2013

Miscellaneous Amendments Act 2013

Tanzania, The United Republic

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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 X
AMENDMENT OF THE PREVENTION OF TERRORISM ACT, (CAP.19)

Construction Cap.19

48. This Part shall be read as one with the Prevention of Terrorism Act, hereinafter referred to as the "principal Act".

Amendment of section 3

49. The principal Act is amended in section 3, by inserting in their appropriate alphabetical order the following new definitions-

"Commissioner of Financial Intelligence Unit" shall have the meaning ascribed to it under the Anti-Money Laundering Act; Cap.423

"Financial Intelligence Unit" also known by its acronym "FIU" means an extra ministerial department established under section 4 of the Anti-Money Laundering Act," Cap.423

Amendment of section 6

50. The principal Act is amended in section 6, by deleting the word "may" appearing in the closing statement of subsection (1) and substituting for it the word "shall."

Amendment of section 12

51. The principal Act is amended in section 12 -

(a) in subsection (1) by deleting the word "may" and substituting for it the word "shall";

(b) in the opening phrase of sub-section (3) by deleting the word "may" and substituting for it the word "shall"; and

(c) in subsection (5) by deleting the word "may" and substituting for it the word "shall".

Addition of section 41A

52. The principal Act is amended, by adding immediately after section 41, the following:

"Reporting to FIU

41A.-(1) Nothing under section 41 shall be taken as limiting or restricting the obligations of financial institutions to report to the FIU any transaction in respect of which there is reasonable ground to suspect that it is related or linked to the terrorist financing or intended to finance terrorist acts or a terrorist organization.

(2) In addition to the requirement provided for under section 41, any reporting person shall report

without delay to the FIU any information regarding a transaction or proposed transaction in respect of any property which is to his knowledge, owned or controlled by or on behalf of a terrorist group.

(3) Any reporting person that has in his possession or under his control a property against which an order of freezing has been issued or granted under this Act, shall report the fact of that possession or control in every three months, to the Commissioner of FIU.

(4) No civil, administrative or criminal proceedings shall be instituted against a reporting person for making disclosure or report, in good faith, or as required under section 41 and this section.

(5) A reporting person who fails to comply with reporting obligations under section 41 and this section, shall, on conviction, be liable-

(a) to a fine of not less than one hundred million shillings but not exceeding five hundred million shillings or to imprisonment for a term of not less than two years or to both; or

(b) to administrative sanctions as may be prescribed in the Regulations made under this Act.

(6) For the purposes of this section the term "reporting person" has the meaning ascribed to it under the Anti-Money Laundering Act."

Cap.423