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THE FIRE AND RESCUE FORCE (AMENDMENT) ACT, 2021

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NOTICE
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This Bill to be submitted to the National Assembly is published for general information to the public together with a statement of its objects and reasons.

Dodoma,
21st August, 2021

HUSSEIN A. KATTANGA
Secretary to the Cabinet

A BILL
for

An Act to amend the Fire and Rescue Force Act and to provide for other related matters.

ENACTED by the Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

Short title **1.** This Act may be cited as the Fire and Rescue Force
(Amendment) Act, 2021.

PART II
AMENDMENT OF THE FIRE AND RESCUE FORCE ACT,
(CAP. 427)

Construction
Cap. 427 **2.** This Part shall be read as one with the Fire and
Rescue Force Act, hereinafter referred to as the “principal
Act”.

Amendment of
section 3
Cap. 241 **3.** The principal Act is amended by inserting in its
appropriate alphabetical order the following definition:
““Commission” means the Commission established under
section 4 of the Police Force, Tanzanian Immigration
Services Department and Prisons Service Commission
Act;
“voluntary firefighter” means any person who is ordered by

the Minister pursuant to section 12 to fight fire and perform search and rescue service in accordance with the provisions of this Act;”.

Amendment of section 5

4. The principal Act is amended in section 5(2) by deleting paragraph (f) and substituting for it the following:
“(f) keep and maintain a database regarding fire and rescue service information;”.

Addition of section 11A

5. The principal Act is amended by adding immediately after section 11 the following:
“Entitlement **11A.** A fireman shall, when to carry and discharging his functions, duties or use arms powers conferred to him under the Act, be entitled to carry and use arms.”.

Amendment of section 13

6. The principal Act is amended in section 13, by-
(a) deleting subsection (3) and substituting for it the following:
“(3) Any person who-
(a) uses a fire hydrant or other water supply or installation referred to in subsection (1), for any purpose other than that authorised by the Force; or
(b) covers up, encloses, tampers or conceals a fire hydrant or other water supply or installation,
commits an offence and shall be liable on summary conviction to a fine of not less than five hundred thousand shillings but not exceeding one million shillings or to imprisonment for a term not exceeding one year or to both.”;
(b) adding immediately after subsection (4) the following:
“(5) Where a person convicted of an offence under this section is a subsequent offender for a similar offence, such person shall be liable on summary conviction-
(a) in the case of an offence under subsection (3), to a fine of not less than one million shillings but not exceeding five million shillings or to

imprisonment for a term of not less than one year but not exceeding three years; and

- (b) in the case of an offence under subsection (4), to a fine of not less than three hundred thousand shillings but not exceeding one million shillings or to imprisonment for a term of not less than three months but not exceeding one year.”;

(c) renumbering subsection (5) as subsection (6).

Amendment of section 14

7. The principal Act is amended in section 14 by deleting subsection (3) and substituting for it the following:

“(3) The assistant commissioners and other officers of the rank of, or above assistant inspector of the Force shall be appointed by the Commission.

(4) The officers of the Force of the rank below assistant inspector shall be appointed by the Commissioner-General.”.

Amendment of section 19

8. The principal Act is amended in section 19, by-

(a) deleting the word “Regulations” appearing in the marginal note and substituting for it the word “Orders”;

(b) deleting subsection (1);

(c) designating the content of subsection (2) as section 19; and

(d) deleting the content of section 19 as designated and substituting for them the following:

“The Commissioner-General may, subject to this Act and directions of the Minister, make orders for the general governance of the Force in relation to-”.

Amendment of section 22

9. The principal Act is amended in section 22-

(a) in the opening phrase of subsection (1) by deleting the words “more than twelve meters” and substituting for them the words “twelve meters and above.”;

(b) in subsection (1), by deleting the word “or” appearing at the end of paragraph (b);

(c) by adding immediately after paragraph (b) as

amended the following:

- “(c) automatic fire sprinklers; or”;
- (d) by renaming paragraph (c) as paragraph (d);
- (e) by deleting subsection (2) and substituting for it the following:
 - “(2) The owner or operator of any building shall provide a building plan to the Force for inspection and fire safety advice prior to issuance of building permit by the relevant authority.”; and
- (f) by deleting the words “subsections (1) and (2)” appearing in subsection (3) and substituting for them the words “subsection (1)”.

Addition of sections 31A and 31B

10. The principal Act is amended by adding immediately after section 31 the following:

“General penalty

31A. A person who commits an offence under this Act for which no specific penalty is provided, shall upon conviction, be liable to a fine of not less than five hundred thousand shillings but not exceeding one million shillings or to imprisonment for a term of six months or both.

Compounding of offences

31B.-(1) Notwithstanding the provisions of this Act relating to penalties, where a person admits in writing that he has committed an offence under this Act, the Commissioner General or any officer of the force authorised by him in writing may, subject to the regulations made under subsection (7), at any time prior to the commencement of the proceedings by a court of competent jurisdiction, compound such offence and order such person to pay a sum of money not exceeding one half of the amount of the fine to which such person would otherwise have been liable to pay if he had been convicted of such offence.

(2) Where a person fails to comply with the compounding order issued

under this section within the prescribed period, the Commissioner General or an officer of the force authorised by him may, in addition to the sum ordered, require the person to pay an interest at the rate prescribed in the regulations.

(3) Where a person fails to comply with subsection (2), the Commissioner General may enforce the compounding order and interest accrued thereof in the same manner as a decree of a court.

(4) The Commissioner General shall submit quarterly report of all compounded offences under this section to the Director of Public Prosecutions.

(5) Any moneys charged under this section shall be paid into the Consolidated Fund through the Government Electronic Payment System.

(6) Where an offence is compounded in accordance with subsection (1) and proceedings are brought against the offender for the same offence, it shall be a good defence for the offender to prove to the satisfaction of the court that the offence with which the offender is charged has been compounded under subsection (1).

(7) The sum to be charged for every compoundable offence, forms and manner of compounding of offences shall be as prescribed in the regulations made under this Act.”.

Amendment
of section 32

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

(a) adding immediately after paragraph (g) the following:

- (h) registration or deregistration of auxiliary fire units and fire dealers;
- (i) suspension or cancelation of certificate of registration;
- (j) operations of auxiliary fire units and fire dealers;
- (k) procedures for appeal;

- (l) procedure for submission to the Force the statistics from auxiliary fire units and fire dealers;” and
- (b) renaming paragraphs (h) and (i) as paragraphs (n) and (o).

**PART III
CONSEQUENTIAL AMENDMENTS**

*(a) The Police Force, Tanzania Immigration Services Department
and Prison Service Commission Act,
(Cap. 241)*

Construction
Cap. 241

12. This Part shall be read as one with the Police Force, Tanzania Immigration Services Department and Prison Service Commission Act, hereinafter referred to as the “principal Act”.

General
amendments

- 13.** The principal Act is amended generally by-
- (a) deleting the words “the Police Force, Immigration and Prison Service” appearing in the long title and substituting for them the words “the Police Force, Prisons Service, Fire and Rescue Force and Immigration”;
 - (b) deleting the words “the Police Force, Tanzania Immigration Services Department and Prisons Service” wherever they appear in the Act and substituting for them the words “the Police Force, Prisons Service, Fire and Rescue Force and Tanzania Immigration Services Department”;
 - (c) deleting the words “the police, immigration and prisons officers” wherever they appear in the Act and substituting for them the words “the police, prisons, fire and rescue and immigration officers”; and
 - (d) deleting the words “the police, immigration or prisons officer” wherever they appear in the Act and substituting for them the words “the police, prisons, fire and rescue or immigration officers”; and
 - (e) deleting the words “Inspector General of Police, Commissioner-General of Immigration and Principal Commissioner of Prisons” wherever they appear in the Act and substituting for them the

words “Inspector General of Police, Principal Commissioner of Prisons, Commissioner-General of Fire and Rescue and Commissioner-General of Immigration”.

Amendment of section 2

14. The principal Act is amended in section 2 by adding in the appropriate alphabetical order the following definition:

“fire and rescue officer” includes a fire officer and a fireman;”.

Amendment of section 4

15. The principal Act is amended in section 4(2), by-

(a) inserting immediately after paragraph (e) the following-

“(f) Commissioner-General of Fire and Rescue Force;”;

(b) inserting immediately after paragraph (n) the following-

“(o) Commissioner of Fire and Rescue Administration and Finance;”;

(c) inserting immediately after paragraph (p) the following-

“(q) Deputy Commissioner of Fire and Rescue Legal;”;

(d) renaming paragraphs (f) to (o) as paragraphs (g) to (r) respectively.

*(b) The Employment and Labour Relations Act,
(Cap. 366)*

Construction Cap. 366

16. This Part shall be read as one with the Employment and Labour Relations Act, hereinafter referred to as the “principal Act”.

Amendment of section 2

17. The principal Act is amended in section 2(1), by-

(a) deleting the word “or” appearing at the end of paragraph (iii);

(b) deleting a full stop appearing at the end of paragraph (iv) and substituting for it a semicolon and the word “or”; and

(c) adding immediately after paragraph (iv) the following:

“(v) the Fire and Rescue Force.”.

OBJECTS AND REASONS

This Bill proposes to amend the Fire and Rescue Force Act, Cap. 427 and to make consequential amendments to the Police Force, Tanzania Immigration Services Department and Prison Service Commission Act, Cap. 241 and the Employment and Labour Relations Act, Cap. 366.

The proposed amendments intend to address the shortcomings observed during the implementation of the law and to effect amendments to other laws to be in line with the proposed changes.

The Bill is divided into three Parts, whereby Part I deals with Preliminary Provisions.

Part II of the Bill proposes amendment to the Fire and Rescue Force Act, Cap 427, whereby section 3 is amended by adding the interpretation of the terms so as to provide for the intended meaning. Section 5 is proposed to be amended with the view to improve record keeping of the services rendered by the Force through a database.

The amendment proposes the addition of new section 11A to entitle firemen to carry and use arms in the course of implementation of their functions, duties or powers conferred to it under this Act. The aim of this amendment is to enhance the security of Fire and Rescue Force infrastructures and personnel.

The Part further proposes to amend section 13 with the view to enhance the penalty and ensure that it is up-to-date and deters the commission of the offence prescribed.

Section 14 is proposed to be amended so as to distinguish the appointing authority for senior officers and other officers of the Force in order to make better provision regarding their appointment, promotion, confirmation and other administrative matters. Section 19 is proposed to be amended so as to empower Commissioner-General of the Force to make orders for the general governance of the Force.

This Part further proposes amendment of section 22 by compelling an owner or operator to provide fire safety protection in a building of twelve meters and above, above the level of the street or ground surface. The purpose of these amendments is to widen the scope of fire safety protection in buildings. Amendments are proposed in section 27 to provide for compensation for firemen and voluntary firefighters injured or who die in the cause of provision of services under this Act.

The Bill also proposes amendment in the Act by adding sections 31A and 31B introducing a general penalty and compounding of offences respectively. The objectives of the amendments are to facilitate better administration of offences and facilitate amicable settlement and discouragement of lengthy court trial process. Section 32 is proposed amended by adding matters which the Minister may make regulations for in respect of auxiliary fire units and fire dealers. The purpose of this amendment is to make provisions for supervision and control of the private and public fire and rescue service providers in Mainland Tanzania.

Part III proposes consequential amendments to the Police Force, Immigration and Prison Service Commission Act (Cap. 241) and the Employment and Labour Relations Act (Cap. 366), whereby various interpretation of terms are amended in the view to provide for their intended meaning to be in line with the Fire and Rescue Force Act, Cap. 427. The amendment further propose to incorporate members of the Fire and Rescue Force into the Commission.

This Part also proposes amend the Employment and Labour Relations Act so as to include Fire and Rescue Force in a list of exempted Forces from whom the application of the Employment and Labour Relations Act shall not apply.

MADHUMUNI NA SABABU

Muswada huu unapendekeza kufanya marekebisho ya Sheria ya Jeshi la Zimamoto na Uokoaji, Sura ya 427 kwa lengo la kuondoa mapungufu ambayo yamebainika katika Sheria hiyo wakati wa utekelezaji wake pamoja na kufanya marekebisho katika sheria nyingine ili ziendane

na marekebisho yanayopendekezwa katika Sheria ya Jeshi la Zimamoto na Uokoaji.

Muswada huu umegawanyika katika Sehemu Tatu, ambapo Sehemu ya Kwanza inahusu Masharti ya Utangulizi.

Sehemu ya Pili ya Muswada inapendekeza marekebisho katika Sheria ya Jeshi la Zimamoto na Uokoaji, Sura 427, ambapo kifungu cha 3 kinarekebishwa kwa kuongeza tafsiri ya misamiati ili kuleta maana iliyokusudiwa.

Kifungu cha 5 kinapendekezwa kufanyiwa marekebisho ili kuboresha mfumo wa utunzaji wa taarifa ya huduma zinazotolewa kwa mfumo wa kanzi data.

Inapendekezwa kuongeza kifungu kipya cha 11A ili kuwapa Askari wa Jeshi la Zimamoto na Uokoaji haki ya kutumia silaha wakati wa utekelezaji wa majukumu, wajibu na mamlaka yao yaliyoainishwa chini ya Sheria. Lengo la marekebisho haya ni kuimarisha usalama wa miundombinu ya Jeshi, maafisa na askari.

Marekebisho pia yanapendekezwa katika kifungu cha 13 kwa kuongeza adhabu ili iendane na wakati na hivyo kuzuia utendaji wa makosa. Lengo la marekebisho haya ni kuzuia utendaji wa makosa yaliyoainishwa katika sheria.

Kifungu cha 14 kinapendekezwa kurekebishwa ili kutenganisha mamlaka ya ajira ya maafisa waandamizi na maafisa wengine wa jeshi kwa lengo la kuweka utaratibu bora kuhusu uteuzi, kupandishwa vyeo, kuthibitishwa kazini na masuala mengine ya kiutawala ya maafisa wa jeshi. Aidha, kifungu cha 19 kinapendekezwa kurekebishwa ili kumpa mamlaka Kamishna Jenerali wa Jeshi la Zimamoto na Uokoaji kutengeneza amri za usimamizi wa jumla wa Jeshi.

Kifungu cha 22 kinarekebishwa kwa kumtaka mmiliki au msimamizi wa jengo kufunga mfumo wa vifaa vya moto kwenye jengo hilo. Vilevile marekebisho katika kifungu hiki yanaweka sharti kwa mtu yeyote anayekusudia kujenga jengo lenye urefu wa kuanzia mita kumi na mbili kutoka usawa wa ardhi kuwasilisha mchoro wa ujenzi wa jengo kwa Jeshi la Zimamoto kwa ajili ya ukaguzi na ushauri wa kiusalama kuhusu masuala ya moto kabla ya kuanza kwa shughuli za ujenzi. Aidha,

marekebisho yanapendekezwa kufanyika katika kifungu cha 27 kwa kutoa fidia kwa askari wa Jeshi la Zimamoto na watu wanaojitolea ambao hujeruhiwa au kufariki wakati wa kupambana dhidi ya majanga ya moto.

Muswada pia unapendekeza marekebisho katika Sheria kwa kuongeza vifungu vya 31A na 31B kwa kuweka adhabu ya jumla na ufililishaji wa makosa. Lengo la marekebisho hayo ni kuboresha utaratibu wa utoaji adhabu na kupunguza mlolongo mrefu wa mashauri mahakamani. Vilevile kifungu cha 32 kinarekebishwa ili kuongeza wigo wa maeneo ambayo Waziri anaweza kutunga kanuni ili kuzisimamia kampuni binafsi saidizi zinazotoa huduma za zimamoto na uokoaji.

Sehemu ya Tatu inapendekeza marekebisho yatokanayo katika Sheria ya Tume ya Jeshi la Polisi, Uhamiaji na Magereza (Sura ya 241) na Sheria ya Ajira na Mahusiano ya Kazi (Sura ya 366), kwa kuboresha tafsiri mbalimbali katika Sheria ya Tume ya Jeshi la Polisi, Uhamiaji na Magereza ili ziendane na marekebisho yaliyofanyika kwenye Sheria ya Jeshi la Zimamoto na Uokoaji. Vilevile marekebisho katika Sheria hii yanakusudia kujumuisha wajumbe kutoka Jeshi la Zimamoto na Uokoaji kwenda Tume. Aidha, Sheria ya Ajira na Mahusiano ya Kazi, Sura ya 366 inarekebishwa kwa lengo la kulijumuisha Jeshi la Zimamoto katika orodha ambayo masharti ya Sheria ya Ajira na Mahusiano ya Kazi hayatumika.

Dodoma,
18 Agosti, 2021

GEORGE B. SIMBACHAWENE
Waziri wa Mambo ya Ndani ya Nchi