## **Additional Proposals**

## Proposed Amendments for Business Licensing Act Cap. 208

No.	SECTIONS (Marginal Note)	Current provision	Proposed Amendments	Reasons for Amendments
1	SECTION 2 - Interpretation	There is no interpretation of "Chief Executive Officer"	Chief Executive Officer means an Accounting Officer of a Licensing Authority Changes subject to Hansard - CPD	To provide clarity of the person(s) exercising powers to compound offences as provided under section 22 (1) of the Act
2	SECTION 8	<ul> <li>8 (5) Subject to subsection (6), where a licence is granted on or after— <ul> <li>(a) the first day of October of each year and before the twenty-eighth or the twenty-ninth as the case may be, of February, the licence fee payable shall be two-thirds of the fee which is payable under subsection (1);</li> <li>(b) the twenty-eighth or the twenty-ninth February as the case may be, each year, the licence fee payable shall be one-third of the fee which is payable under subsection (1).</li> </ul> </li> </ul>	Delete this sub section	It's redundant following amendment of Section 7 by Finance Act 2014 which provided the Validity of Business License to be 12 Months from the date of issuance

3		8 (6) The provisions of subsection (5) shall not apply where the licensing authority is satisfied that the person applying for the licence was carrying on the business in contravention of the provisions of section 3 for a period exceeding thirty days immediately preceding the date on which an application for the licence was made.	Delete this sub section	It's redundant following amendment of Section 7 by Finance Act 2014 which provided the Validity of Business License to be 12 Months from the date of issuance
4		Re-numbering of sub sections 7 and 8	Sub section 7 be 5 and 8 be 6	To rearrange the subsections sequentially after deleting subsection 5 and 6
5	SECTION 13. <i>"Application for</i> <i>licenses"</i>	Section 13 (3) Notwithstanding the procedure prescribed under section 6, every application for renewal of a business licence shall be accompanied by Taxpayer Identification Number issued by the Tanzania Revenue Authority and documentary evidence or written explanation satisfactory to the licensing authority regarding the payment or exemption for payment by the applicant of income tax or such other tax or levy as the Minister for Finance may, by notice published in the Gazette, specify for the purposes of this section.	(3) Notwithstanding the procedure prescribed under section 6, every application for renewal of a business licence shall be accompanied by Tax Clearance Certificate issued by the Tanzania Revenue Authority and documentary evidence or written explanation satisfactory to the licensing authority regarding the payment or exemption for payment by the applicant of income tax or such other tax or levy as the Minister for Finance	To remove the requirement of accompanying of TIN during renewal since TIN which is filed during the first application suffices. Further, Tax Clearance Certificates which is a requirement for renewal comprises such particulars;

			may, by notice published in the Gazette, specify for the purposes of this section.	
6	ADD SECTION 14A	No section for Licensing Authority to cancel or suspend License	<ul> <li>14A-(1) The Licensing Authority may cancel or suspend a business licence granted under this Act if it is satisfied that: <ul> <li>(a) The holder of the business license has breached a condition of a business license;</li> <li>(b) The holder of the Business License has run bankrupt or has gone into liquidation</li> </ul> </li> <li>(c) The conduct of the business is endangering the safety or health of persons who live or work in the neighborhood of the premise where the business is conducted.</li> <li>(2) The Licensing Authority shall, before exercising its powers under</li> </ul>	The mandate given to a Licensing Authority to issue business license goes hand in hand with power to cancel or suspend the license
			sub regulation (1), notify the	

			licence holder to rectify the	
			irregularity or malpractice.	
			(3) A licence shall not be	
			cancelled or suspended without	
			first giving the licence holder a	
			right to be heard.	
			(4) The Licensing Authority shall,	
			immediately after cancellation or	
			suspension of any licence, cause	
			to be published through an	
			appropriate media as the Authority	
			may determine, a notice	
			containing particulars of the	
			licence and the licence holder so	
			cancelled or suspended.	
7	SECTION 17	17 The permanent Secretary, a licensing	17 The permanent Secretary, a	To provide and clarify
		authority, any public officer authorized in	licensing authority, any public	powers of inspectors when
		that behalf by a licensing authority or a	officer authorized in that behalf by	conducting inspection
		policy officer of or above the rank of	a licensing authority or a policy	
		inspector may enter on any premise on	officer of or above the rank of	
		which he reasonably suspects any person of	inspector may enter on any	
		carrying on any business and may require	premise on which he reasonably	
		such person to produce to him the business	suspects any person of carrying on	
		license, if any, granted to such person	any business and may:	
			(a) require such person to produce	
			to him the business license	

			(b) inspect and examine premises	
			or place where business is	
			carried	
			(c) demand the owner, occupier,	
			or other person having control	
			of premises to give any	
			information relevant to the	
			inspection; and	
			(d) Exercise any powers which	
			may be necessary for carrying	
			out the provisions of this Act.	
0			-	
8	ADD AS	No section for obligation of the license	18A The owner, manager or any	To provide fair steps and
	SECTION 18 A	holder to notify the licensing authority in	other person who is in-charge of a	avoiding unnecessary
		case of cessation of business etc.	business shall notify the Licensing	punitive actions and notifying
			Authority in which his business	the Licensing Authority on
			License is issued if-	the changes of the particulars
			(a) he ceases to operate business	that were provided during
			before expiry of the Business	application of the license
			License;	
			(b) his business is placed in	
			liquidation;	
			(c) business premises are changed;	
			(d) his line of business activities	
			has changed.	

9SECTION 1919(1)(i) in the case of an offence under paragraph (a) to (g) shall be liable to a fin not exceeding two hundred and fifty thousand shillings for those businesses of national and international character and to one hundred thousand shillings for those businesses whose licences are issued and governed by the local authorities or to a term of imprisonment not exceeding two years or to both such fine and imprisonment.19(1)(i) in the case of an offence under paragraph (a) to (g) shall be liable to a fine not exceeding Five huiton Shillings for those businesses of national and international character and to imprisonment not exceeding two years or to both such fine and imprisonment.19(1)(i) in the case of an offence under paragraph (a) to (g) shall be isite or those businesses whose licences are issued and governed by the local authorities or to a term of imprisonment not exceeding two years or to both such fine and imprisonment.The amount stated has existed for very long time (since 1972) and not relevant to the current business environment.10SECTION 1919 (1)(d) Failure to produce a business license upon being required to do so under section 1719 (1) (d) Failure to produce a business filense upon being required to do so on offence under this Act or under any regulations made hereunder compound such offence by accepting from such person a sum of money which the offender had not paid for his business license.22(1) The Licensing Authority may, if he is satisfied that a person has committed an offence under this Act or under any regulations made hereunder compound such offence by accepting from such person a sum of money which the offender had not paid for his business license.To provide clarity of the per					
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Index			section 17	this Act upon being required to do	powers provided under
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12	SECTION 22	22-(3) where any person is aggrieved by any order made under subsection (1) he may, within thirty days of such order being made, appeal against such order to the High Court, under the provisions of Part X of the Criminal Procedure Act shall apply, <i>mutatis mutandis</i> , to every such appeal as if it was an appeal against sentence passed by a District Court in the exercise of its original criminal jurisdiction.	Delete subsection 3	Compounding is upon admission of the offense and acceptance of the compounded amount
13	SECTION 24	<ul><li>24 (1) (b)a revocation of business license</li><li>by a licensing authority under subsection</li><li>(2) of section 14;</li></ul>	24 (1) (b)a Cancellation, suspension or revocation of a business license by a licensing authority under section 14	To provide an avenue for appeal by the aggrieved license holder
14	SECTION 31. "Rules regulating application and construction of Schedule"	(4) Where a person applies for a business licence the licence fee in respect of which is required to be assessed by reference to that annual turnover and the licensing authority is satisfied that such person did not at any time within the calendar year immediately preceding the date of such application carry on such business, the licensing authority may grant him a licence upon payment by such person of a licence fee of one hundred shillings or, in the case	(4) Where a person applies for a business licence the licence fee in respect of which is required to be assessed by reference to that annual turnover and the licensing authority is satisfied that such person did not at any time within the calendar year immediately preceding the date of such application carry on such business, the licensing authority may grant him a licence upon payment by	The amount stated has existed for very long time (since 1972) and not relevant to the current business environment.

of a building contractor, two thousand	such person of a licence fee of two	
shillings:	hundred thousand shillings or, in	
Provided that where in any such	the case of a building contractor,	
case the licence fee for any licence applied	one million shillings:	
for by such person in respect of any period	Provided that where in	
commencing on a day following the expiry	any such case the licence fee for	
of such licence granted to him under this	any licence applied for by such	
subsection is assessed at more than one	person in respect of any period	
hundred shillings or, in the case of a	commencing on a day following	
building contractor, two thousand shillings,	the expiry of such licence granted	
the licensing authority shall refuse to grant	to him under this subsection is	
such person such licence applied for unless	assessed at more than two hundred	
such person pays to the licensing authority	thousand shillings or, in the case	
in respect of such previous licence-	of a building contractor, one	
(a) where such previous licence	million shillings, the licensing	
was applied for and granted in respect of	authority shall refuse to grant such	
any period commencing on or after the first	person such licence applied for	
day of September in any year, the	unless such person pays to the	
difference, if any, between one-half of the	licensing authority in respect of	
licence fee payable in respect of the licence	such previous licence-	
so applied for and one hundred shillings or,	(a) where such	
as the case may be, two thousand shillings;	previous licence was applied for	
(b) in any other case, the	and granted in respect of any	
difference between the licence fee payable	period commencing on or after the	
in respect of the licence so applied for and	first day of September in any year,	
	the difference, if any, between	

one hundred shillings or, as the case may	one-half of the licence fee payable
be, two thousand shillings.	in respect of the licence so applied
	for and two hundred thousand
	shillings or, as the case may be,
	one million shillings;
	(b) in any other case,
	the difference between the licence
	fee payable in respect of the
	licence so applied for and two
	hundred thousand shillings or, as
	the case may be, one million
	shillings.