

Additional Proposals

Proposed Amendments for Business Licensing Act Cap. 208

No.	SECTIONS (Marginal Note)	Current provision	Proposed Amendments	Reasons for Amendments
1	SECTION 2 - <i>Interpretation</i>	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	8 (5) Subject to subsection (6), where a licence is granted on or after– (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); (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).	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 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	<p>14A-(1) The Licensing Authority may cancel or suspend a business licence granted under this Act if it is satisfied that:</p> <p>(a) The holder of the business license has breached a condition of a business license;</p> <p>(b) The holder of the Business License has run bankrupt or has gone into liquidation</p> <p>(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.</p> <p>(2) The Licensing Authority shall, before exercising its powers under sub regulation (1), notify the</p>	The mandate given to a Licensing Authority to issue business license goes hand in hand with power to cancel or suspend the license

			<p>licence holder to rectify the irregularity or malpractice.</p> <p>(3) A licence shall not be cancelled or suspended without first giving the licence holder a right to be heard.</p> <p>(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.</p>	
7	SECTION 17	<p>17 The permanent Secretary, a licensing authority, any public officer authorized in that behalf by a licensing authority or a policy officer of or above the rank of inspector may enter on any premise on which he reasonably suspects any person of carrying on any business and may require such person to produce to him the business license, if any, granted to such person</p>	<p>17 The permanent Secretary, a licensing authority, any public officer authorized in that behalf by a licensing authority or a policy officer of or above the rank of inspector may enter on any premise on which he reasonably suspects any person of carrying on any business and may:</p> <p>(a) require such person to produce to him the business license</p>	<p>To provide and clarify powers of inspectors when conducting inspection</p>

			<ul style="list-style-type: none"> (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. 	
8	ADD AS SECTION 18 A	No section for obligation of the license holder to notify the licensing authority in case of cessation of business etc.	<p>18A The owner, manager or any other person who is in-charge of a business shall notify the Licensing Authority in which his business License is issued if-</p> <ul style="list-style-type: none"> (a) he ceases to operate business before expiry of the Business License; (b) his business is placed in liquidation; (c) business premises are changed; (d) his line of business activities has changed. 	To provide fair steps and avoiding unnecessary punitive actions and notifying the Licensing Authority on the changes of the particulars that were provided during application of the license

9	SECTION 19	19(1)(i)) in the case of an offence under paragraph (a) to (g) shall be liable to a fine 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 million Shillings for those businesses of national and international character and to three million 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.	The amount stated has existed for very long time (since 1972) and not relevant to the current business environment.
10	SECTION 19	19 (1)(d) Failure to produce a business license upon being required to do so under section 17	19 (1) (d) Failure to comply with the provisions of Section 17 of this Act upon being required to do so	To create offence in case of non-compliance with the powers provided under section 17
11	SECTION 22. <i>“Compounding of offences”</i>	22.-(1) The Chief Executive Officer 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.	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 person(s) exercising powers to compound offences

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	24 (1) (b)a revocation of business license by a licensing authority under subsection (2) of section 14;	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. <i>“Rules regulating application and construction of Schedule”</i>	(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.

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