

THE UNITED REPUBLIC OF TANZANIA

ACT SUPPLEMENT

No. 19

6th August, 2010

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THE PUBLIC PRIVATE PARTNERSHIP ACT, 2010

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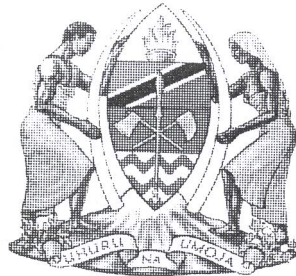
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THE UNITED REPUBLIC OF TANZANIA



NO. 18 OF 2010

I ASSENT.

JAKAYA MRISHO KIKWETE
President

25th July, 2010

An Act to provide for the institutional framework for the implementation of public private partnership agreements between the public sector and private sector entities; to set rules, guidelines and procedures governing public private partnership procurement, development and implementation of public private partnerships and to provide for other related matters.

ENACTED by Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

Short title
and
commence
-ment

1.-(1) This Act may be cited as the Public Private Partnership Act, 2010.

(2) This Act shall come into operation on such date as the Minister may, by order published in the *Gazette*, appoint.

(2) Without prejudice to subsection (1), the Minister may make regulations prescribing:

- (a) levying of fees and charges;
- (b) investment opportunities and promotion;
- (c) functions of local government authorities under this Act and clear linkages of roles between the implementing ministries and appropriate bodies at the local government;
- (d) evaluation, operation and management of projects under this Act; and
- (e) the manner in which the Empowerment of the citizens of Tanzania may be implemented; and
- (f) any other matter in the promotion and furtherance of objectives of this Act.

(3) Notwithstanding the provisions of subsections (1) and (2), the Minister may, in consultation with the Co-ordination Unit, make rules and guidelines for the better implementation of this Act.

Saving
provision

29. All existing agreements or memoranda of understanding entered into by any contracting authority with the private party before the commencement of this Act, shall not be affected by the coming into force of this Act.

PART V CONSEQUENTIAL AMENDMENTS TO THE TANZANIA INVESTMENT ACT

Construction
Cap. 38

30. This Part shall be read as one with the Tanzania Investment Act, hereinafter referred to as the "principal Act."

Amendment
of section 6

31. The principal Act is amended in section 6, by-

- (a) inserting after paragraph (b), the following new paragraph:
 - “(c) promote private sector

participation in the provision of public services through public private partnership”;

- (b) re-numbering paragraphs (e), (d), (c), (f), (g) and (h) as paragraphs (d), (e), (f), (g), (h) and (i) respectively.

Amendment
of Section 11

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

- (a) inserting in subsection (1), a comma (,) after the designation “Executive Director”, and inserting immediately after the comma the designation “the Co-ordinator; and
- (b) inserting in subsection (3) the words “other than the Co-ordinator” after the word “Centre”.

Passed in the National Assembly on the 15th July, 2010.

DR. THOMAS D. KASHIHLILAH,
Clerk of the National Assembly