

THE UNITED REPUBLIC OF TANZANIA

Supplement No. 87

24th September, 2021

SUBSIDIARY LEGISLATION

*To The Gazette Of The United Republic Of Tanzania No. 87 Vol. 102 Dated 24th September, 2021
Printed By The Government Printer, Dodoma By Order Of Government*

GOVERNMENT NOTICE No. 679 Published On. 24/9/2021

THE STANDARDS ACT,
(CAP. 130)

REGULATIONS

(Made under section 36(3)(f))

THE STANDARDS (COMPOUNDING OF OFFENCES) REGULATIONS, 2021
ARRANGEMENT OF REGULATIONS

Regulation Title

1. Citation.
2. Interpretation.
3. Compounding of offences.
4. Notification of offences.
5. Payment procedures.
6. Report to Director of Public Prosecutions.

SCHEDULE

THE STANDARDS ACT.
(CAP. 130)

REGULATIONS

(Made under section 36(3)(f))

THE STANDARDS (COMPOUNDING OF OFFENCES) REGULATIONS, 2021

- Citation 1. These Regulations may be cited as the Standards (Compounding of Offences) Regulations, 2021.
- Interpretation
Cap. 130 2. In these Regulations, unless the context otherwise requires-
“Act” means the Standards Act;
“Bureau” means the Tanzania Bureau of Standards established by section 3;
“compounding” means settlement mechanism of the Bureau to give a defaulter an option to pay a sum of money in lieu of the offence committed upon admission and acceptance by the defaulter; and
“Director General” means the Director General appointed under section 7 of the Act.
- Compoundin
g of offences 3. Subject to the provisions of section 30 of the Act, where a person has committed any offence under the Act or its regulations, the Bureau may, at any time prior to the commencement of the proceedings by any Court of competent jurisdiction, compound such offence and order such person to pay such sum of money not exceeding twenty million Tanzania shillings.
- Notification
of offences 4.-(1) Where an offence is committed, the Director General or an authorised officer of the Bureau shall serve that person with a notification form in a manner prescribed in the Schedule to these Regulations or fourteen days notice which requires a defaulter to give an explanation in relation

to the committed offence.

(2) Upon an admission of an offence by the defaulter in writing, the Bureau shall charge penalty of thirty percent of the value of non-conforming products provided that such penalty shall not exceed twenty million Tanzania shillings.

(3) For the domestic manufactured non-conforming products whose value cannot be established the following criteria shall apply:

(a) capital investment of the defaulter excluding building;

(b) record of the commission of the offence with regard to the Standards Act; and

(c) any other criteria as the Bureau may determine.

(4) Subject to subregulations (2) and (3) of regulation 5, the Bureau shall serve a defaulter with a fourteen days penalty written notice stating the sum for which the offence shall be compounded and the date by which the sum shall be paid.

(5) A person who fails to respond to the notice as provided under subregulation (4), shall be prosecuted in the court of law.

Payment
procedures

5.-(1) Where the person accepts the offence to be compounded shall pay the compounded amount into the account prescribed by the Bureau and an official receipt shall be issued.

(2) Payment shall be effected electronically or through banking system within fourteen days from the date of issuance of the debit invoice.

(3) The Bureau may accept any sum of the correct amount paid in instalment by defaulter upon providing sufficient reasons.

(4) Without prejudice to subregulation (2), Director General may extend time for payment upon satisfaction with the reasons advanced by the defaulter.

(5) A person who fails to pay the compounded amount in accordance with subregulation (1) shall be prosecuted in court of law of competent jurisdiction and upon conviction, shall be punished in accordance with

section 27 of the Act.

Report to
Director of
Public
Prosecutions

6. Director General shall, subject to section 9A of the National Prosecutions Services Act, submit monthly reports of all compounded offences under these Regulations and the Act to the Director of Public Prosecutions which shall contain the following information-

- (a) name and particulars of the offender;
- (b) offence committed and the relevant provision;
- (c) date and place in which the offence was committed;
- (d) compounded amount; and
- (e) any other relevant information.

SCHEDULE

(Made under regulation 4(1))

PART A

NOTIFICATION FORM

To:

P.O. Box:

Physical address:

Street : Plot No.:

Road : Near famous area:

Mobile No.

Email.....

1. You are alleged with the offence of
(Particulars of the offence)

That on theday ofyear.....

At (place)..... You (brief facts of the
offence):

.....

.....

2. If you voluntarily admit to commit an offence(s) without undue influence, in lieu
of criminal proceedings thereof, complete Part B of this form.

PART B

ADMISSION OF COMPOUNDED OFFENCE

I.....of (residential or business address)..... voluntarily plea guilty to the offence of contrary to section of the Standards Act, Cap. 130 in lieu of criminal proceedings thereof.

Without undue influence I request the offence(s) be compounded as per section 30 of the Standards Act, Cap. 130 and the regulations made thereunder.

I hereby accept the liability to pay a fine as may be prescribed by the Bureau from the date of notification being the statutory penalty for the offence(s) which I have plead guilty.

Name of defaulter :.....

Signature :.....

Dated at this day of, 20.....

Executed by (Name)

Title

Signature

Date :.....

Dodoma,
1st September, 2021

KITILA A. MKUMBO
Minister for Industries and Trade