

THE UNITED REPUBLIC OF TANZANIA



No. 32 OF 1994

[Signature] I ASSENT,
.....
President
17-1-95
.....

An Act to amend certain Written Laws.

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Written Laws Miscellaneous Amendments Act, 1994. Short title

2. The Written Laws specified in the first and second columns of the schedule to this Act are hereby amended in the manner specified opposite to each of them in the third column of that schedule. Amend-
ment of
certain
Written
Laws

3. The Collective Punishment Ordinance, 1921, is hereby repealed. Repeal of
Cap. 74

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- (a) to provide technical and professional training in African Wildlife Management at the levels of short courses, certificates, Diploma or Post Graduate;
- (b) to provide research and consultancy services in applied wildlife management to individuals and organisations concerned with conservation and management of African Wildlife and hence enhancing the primary teaching role.

Section 5 is amended—

- (a) in subsection (1) by inserting immediately after paragraph (e) the following provision:

“(f) to solicit and receive for the purposes of the functions of the College grants, aids, gifts, donations, fees subscriptions and other sums required for the implementation of the College programmes.”

- (b) in subsection (2), by inserting after that provision the following provision:

(3) In the carrying out of its functions, the Governing Body may so far as practicable, consult and cooperate with anybody, organisation or as-

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sociation in or outside the United Republic of Tanzania having relevance to the functions prescribed by this Act,"

Section 6 is amended by deleting sub-section (1) and (2) and substituting for them the following provisions:

"(1) Subject to the provisions of subsection (2) the principal of the College shall be the chief executive officer of the college and shall be responsible to the Governing Body.

(2) The Governing Body, with the prior consent of the Minister, shall appoint the Principal and determine his terms and conditions of service."

Section 12 is amended by deleting paragraph (a) and (b) substituting for them the following paragraphs:

"(a) such funds or assets as may vest in or accrue to the college from other sources by way of grants, fees or gifts.

(b) any sum which the Governing Body may, subject to the provisions of section 13, borrow for the purpose of the college.

(c) any property which may in any manner become vested in the college.

(d) revenue from student fees."

Section 19 is amended by deleting the whole of that provision and substituting for it the following:

"19. The Minister may give to the Governing Body directions of a general nature as to the exercise and performance of its functions in relation to matters ap-

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pearing to the Minister to affect national and regional interest and the Governing Body shall give effect to every such direction."

Section 21 is amended by deleting the whole provision and substituting for it the following:

"21. In appointing members of the Governing Body, the Minister shall have regard to the regional nature of the college and the desirability of fostering and maintaining friendly relations with other countries interested in the management of African fauna and flora."

The Schedule to the Act is amended—

- (a) by deleting paragraph (1) and (2) of item 2 and substituting for them the following:

"2(1) The Governing Body shall consist of—

(a) a chairman who shall be appointed by the President; and

(b) not less than ten and not more than fifteen members who shall be appointed by the Minister.

(2) In appointing the members, the Minister shall have regard to the following composition of the Governing Body:

(i) Director of Wildlife in the Ministry.

(ii) Principal Secretary in the Ministry.

(iii) Director General—Tanzania National Parks.

(iv) Not more than three representatives from countries foreign students in the institute.

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- (v) Not more than three representatives from donor community supporting the college.
- (b) in paragraph (3) of item 2 by deleting that paragraph and substituting for it the following paragraphs:
- “(3) Every member of the Governing Body, shall continue to hold office for a period not exceeding three years after which the member may be eligible for reappointment by the appointing authority.
- “(4) Any member of the Governing Body may, at any time, resign from the Governing Body by giving one month notice in writing to the respective appointing authority and that notice shall take effect from the date of acknowledgement by the authority.
- “(5) Any member of the Governing Body who is absent, without the permission of the chairman, for three consecutive meetings of the Governing Body will cease to be a member of the Governing Body.
- “(6) If any vacancy occurs in the membership of the Governing Body by reason of death, resignation, censure of membership or permanent incapacitation of any member, the appointing authority may appoint another person to fill that vacancy, and the person appointed shall hold office for the unexpired residue of period of office of the,

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"(8) The Principal shall be the Secretary of the Governing Body or in his absence the Deputy Principal.

(c) by renumbering paragraph (4) as (9).

(d) by deleting paragraphs (1) to (4) of item 4 and substituting for them the following:

"(1) The Governing Body shall ordinarily meet for the transaction of its business at the times and places determined by it, but may hold extra ordinary meetings as may be deemed necessary.

"(2) The quorum at any meeting of the Governing Body shall be five member of the Governing Body.

"(3) The chairman or with his consent, the secretary, may invite any person who is not a member to participate in the deliberations at any meeting of the Governing Body, but any person so invited shall not be entitled to vote.

"(4) At its first meeting the Governing Body shall elect any member to be Vice-Chairman of the Body.

Cap. 9
Ordinance No. 7 of 1931

The Records (Disposal) Ordinance

Section 2 is hereby amended by deleting the whole of that section and substituting for it the following provision:

"Powers to make rules for the disposal of records, books or paper belonging to or being in its
2.—(1) The Chief Justice may, on approval of the Director of the National Archives, make rules to provide for the disposal, destruction or otherwise of such records, books or paper belonging to or being in its

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		posel of records
		custody or in the custody of any Court or of the Administrator-General or official Receiver as the authorising officer may consider, useless or unworthy of being permanently preserved.
		(2) Nothing contained in subsection (1) shall be deemed to authorize the destruction of any record book or paper which under the provisions of any law for the time being in force is to be kept and maintained."
		(3) For the purpose of this section "Authorising officer" means "a person who is authorized to keep records in Court, Administrator-Generals office or the office of the Official receiver.
Act No. of 1979	The Appellate Jurisdiction Act, 1979	Section 4 is amended in subsection (5) by deleting that provision and substituting for it the following: "(5) The power conferred upon the court by subsection (2) and (4) of this section and the power to examine the records of any proceedings pursuant to subsection (3), shall not be exercised by a single judge of the court.
Act No. 0 of 1985	The Criminal Procedure Act, 1985	Section 173 is amended by deleting that Section and substituting for it the following provision: "Ex-tended Jurisdiction 173.—(1) The Minister may after consultation with the Chief Justice and the Attorney-General, by order published in the <i>Gazette</i> — (a) invest any resident magistrate in relation to any category of case specified in the order, with appellate jurisdiction ordinarily exercisable by the High Court; or

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- (b) invest any resident magistrate, in relation to any particular case, specified in the order, with the appellate jurisdiction ordinarily exercisable by the High Court. And such magistrate shall, by virtue of such order notwithstanding the provision of any written

law to the contrary but subject to the limitations or restrictions, if any, specified in the order or any subsequent order, have power in relation to such category of cases so specified, or as the case may be such case so specified, to hear and determine appeals and exercise in its capacity as a court of appeal, in the same manner and to the same extent as the High Court, and in so far as it is necessary, expedient or desirable for the proper exercise of such jurisdiction, and for the purpose of any appeal from his decision in the exercise of such jurisdiction, such resident magistrate shall be deemed to be a judge of the High Court, and the Court presided over by him while exercising such jurisdiction shall be deemed to be the High Court".

(2) For Avoidance of doubt, any proceeding or decision, conducted or made prior to the Coming into effect of this amendment, by a resident magistrate with competent extended jurisdiction shall be deemed to have been conducted or made in accordance with the provision of this section.

(3) The provisions of this Act, the Magistrates Courts Act, 1984 and the Civil Procedure Code which govern the exercise by the High Court of its appellate and revisional jurisdiction shall, *mutatis mutandis*, and to the extent that they are relevant, govern proceedings before a Resident Magistrate under this section in the same manner as they govern like proceedings before the High Court, and the provisions of the said

Act. No. 2 of 1984

SCHEDULE—(contd.)

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		written laws which relate to appeals to the High Court, the powers of the High Court to such appeals, the revisional jurisdiction of the High Court and other matters relating to the appeals, revision, inspection and Supervision to or by the High Court, shall be construed, in relation to proceedings under this section, as if references to the High Court were references to such resident magistrate exercising extended jurisdiction conferred upon him under this section. Section 175 is hereby repealed.
Act. No. 3 of 1970	The National Security Act, 1970	Section 9 is hereby repealed.
Cap. 439	The Exchequer and Audit Ordinance	Section 3 is hereby amended by deleting that provision and substituting for it the following new provision: "Appoint- ment pay- master General 3. The Principal Secretary of the Treasury shall be the Paymaster General and the Paymaster General shall subject to the directions of the Treasury, control the issue of Public Moneys to Ministries, Regions and Departments of the Government, and perform such other functions as the Minister may by regulations under this ordinance, prescribe."
Act. No. 1 of 1985	The Elections Act. 1985	The heading "NOMINATION OF PRESIDENTIAL CANDIDATES" which appears immediately after PART I of Chapter III is hereby deleted and substituted for the heading "PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATES NOMINATION".

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SCHEDULE—(contd.)

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Section 30 is amended by—

- (a) adding immediately after the word "candidate" which appears in the last line of that section, the following phrase "and the name of the candidate for the office of Vice-President."
- (b) by deleting the marginal notes accompanying that Section and substituting for them the following word as marginal notes "Presidential and Vice-Presidential Nomination."

Section 32 is hereby amended by—

- (a) adding immediately before paragraph (a) the following paragraph:
 - "(a) the name and address of the candidate for the office of Vice-President who shall be his running mate.
- (b) renumbering paragraphs (a) and (b) as (b) and (c) respectively.
- (c) by deleting the words "the nominators" which appears at the end of paragraphs (b) and (c) and substituting for them the words "their nominators" respectively.

Section 35 is amended—

- (a) by making the content of that section as subsection (1); and
- (b) by adding immediately after subsection (1) the following provision:
 - "(a) the name and address of the candidate for the office of Vice-President who shall be his running mate.
- (b) renumbering paragraphs (a) and (b) as (b) and (c) respectively.
- (c) by deleting the words "the nominators" which appears at the end of paragraphs (b) and (c) and substituting for them the words "their

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Section 35A is amended—

- (a) in paragraph (b) of subsection (1) by adding after the word "Presidential" appearing therein the word "or Vice-Presidential".
- (b) in the text at the end of paragraph (a) and (b) by deleting the word "thereafter" and substitute for it the phrase "to give time for the political party concerned to nominate a new Presidential or Vice-Presidential Candidate as the case may be."

Section 35G is amended by adding immediately thereafter the following provision:

"Election
of Presi-
dent to be
deemed
election of
Vice-Pres-
ident

35H. Where a Presidential candidate is declared to have been elected his running mate shall be deemed to have thereby been elected to the office of the Vice-President"

Section 61 is amended—

- (a) by adding immediately after paragraph (a) therein the following provision:
 - (b) if a voter is incapacitated by blindness or other physical cause, or is unable to read, he may ask a person of his own choice other than the presiding officer, a polling assistant or a polling agent to assist the incapacitated person to record his vote in accordance with paragraph (c) to (k) of this section.
- (b) by renumbering paragraph (b) to (k) as (c) to (l) respectively.

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Act No. of
1972

SCHEDULE—(contd.)

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The Interpretation of Laws and General Clauses
Act, 1972

Act No. 5
of 1992

The Political Parties Act, 1992

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The Act is amended by adding the definition of the word "Subordinate Court" immediately after the definition of the word "subsidiary Legislation" as follows: "Subordinate Court" except where it is expressly defined to the contrary, means any court lower than the High Court;

Section 11 of the Act is amended:—

- (a) by deleting the marginal note to the Section and substituting for it the following:
"Rights and privileges of, and meetings by political parties";
- (b) by inserting in subsection (1) immediately before the words "Subject to this section,";
- (c) in paragraph (a) of subsection (1) by deleting the words "obtaining a permit from the District Commissioner for" and substituting the words "giving a notification to the police officer in-charge of";
- (d) by numbering the present subsection (3) as subsection (2); and
- (e) adding after subsection (2) the following:—
(3) When a political party is desirous of holding a meeting or procession in any open public place in any area it shall, not less than forty eight hours before the meeting, submit a written notification of its impending meeting to the police officer in-charge of the area in which the place the meeting is not take place is situated.

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- (4) The written notification referred to in subsection (3) shall specify—
- (a) the name of the political party submitting the notification;
 - (b) the place in and time at which the meeting is to take place;
 - (c) the agenda or purpose in general of the meeting;
 - (d) such other particulars as the Minister may from time by notice published in the *Gazette*, specify.
- (5) Where a political party submits a notification in accordance with subsection (3), it may proceed to hold the meeting in question as scheduled unless and until it receives an order from the police officer in-charge of the area directing that the meeting be not held as notified.
- (6) A police officer to whom a notification is submitted pursuant to subsection (3) shall not give a stop order under subsection (5) in relation to the notification unless he is satisfied that:—
- (a) a previous notification has been submitted by another political party or other persons for holding a meeting or other function or procession in the same place at the sametime as is intended by the notifier;
 - (b) the meeting or procession is intended to execute or to be used for as unlawful purpose;

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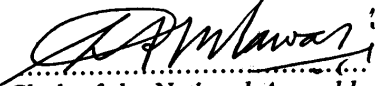
(c) the meeting is likely or intended to cause a breach of the peace or to prejudice the public safety on the area;

(d) the political party or group of persons giving the notification is not a registered political party or body of persons or the person submitting the notification is not appropriately identified as an authorised representative of the political party concerned.

(7) A stop order given under subsection (5) shall be in writing and in such form as is able to easily disclose the reasons for its issuance and whether or not the political party concerned may hold the meeting at the venue at another time or date convenient to it in the same area".

Passed in the National Assembly on the 29th November, 1994

Dar es Salaam,
29th November, 1994


Clerk of the National Assembly