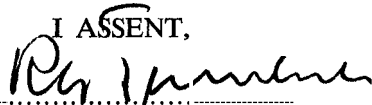


TANGANYIKA



No. 51 OF 1962

I ASSENT,

Governor-General

18TH JULY, 1962

An Act to amend the Trade Unions Ordinance

I.....I

ENACTED by the Parliament of Tanganyika.

1. This Act may be cited as the Trade Unions Ordinance (Amendment) Act, 1962, shall be read as one with the Trade Unions Ordinance (hereinafter called the Ordinance) and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

Short title
construction
and
commence-
ment

2. Section 2 of the Ordinance is hereby amended as follows: -

- (a) by inserting immediately after the definition of "contract of service" the following new definition: —
" 'designated federation' means the federation of trade unions appointed under section 7A to be the designated federation;";
- (b) by deleting the definition of "employer" and substituting the following new definition:-
" 'employer' means any person, or, any firm, corporation or company, public authority (including the Government) or body of persons who or which has entered into a contract of service to employ any person and includes any general manager of such person, firm, corporation, company, authority or body, who is placed in authority over all other persons employed by such person, firm, corporation, company, authority or body";
- (c) by deleting the definition of "trade dispute" and substituting therefor the following new definition:-
" 'trade dispute' means any dispute between an employer and employees in the employment of that employer connected with the employment or non-employment, or the terms of the employment, or with the conditions of labour, of any of those employees;"; and
- (d) by deleting from the definition of "trade union" the words "and includes any federation of trade unions where the principal purposes of such federation are as hereinbefore mentioned" and substituting therefor the words "and includes the designated federation".

Section 2 of
cap. 381
amended

Section 7 of
Cap. 381
amended

3. Section 7 of the Ordinance is hereby amended as follows: -
- (a) by inserting immediately after the words "Every trade union" in the first line of subsection (1) thereof the commas and words
 - (b) by inserting immediately after the words "trade union" in the first line of subsection (3) thereof the commas and words "⁴, other than the designated federation,"

New sections
inserted in
Cap. 381

4. The Ordinance is hereby amended by inserting immediately after section 7 thereof the following new sections to be numbered 7A, 7B and 7c: -

^{"Appointment of designated federation appoint}
7A.-(1) The Minister may, by notice in the *Gazette*, appoint any federation comprised of registered trade unions which are combinations of employees to be the designated federation. The appointment of a federation under this section shall not be revoked except in the circumstances set out in the proviso to subsection (2) of section 9.

(2) Where a federation has been appointed under subsection (1) to be the designated federation then, so long as such appointment subsists-

- (a) every registered trade union to which this section applies and which is not already a member of the designated federation shall, within three months of the date of such appointment, become a member of the designated federation; and
- (b) every trade union to which this section applies formed after the date of such appointment shall-
 - (i) before applying for registration as a trade union apply to become a member of the designated federation; and
 - (ii) within three months of the date of its registration as a trade union, become a member of the designated federation.

(3) This section shall apply to every trade union which is a combination of employees.

Designated
federation
shall not
refuse
admission

7B. The designated federation-

- (a) shall, unless the Minister in writing otherwise directs, admit to membership of the designated federation within the period specified in paragraph (a) or (b), as the case may be, of subsection (2) of section 7A. every registered trade union to which section 7A applies; and
- (b) shall not, except with the prior consent in writing of the Minister, cancel or revoke the membership of the designated federation of any registered trade union to which section 7A applies.

No federation
of employees'
trade unions
other than
designated
federation

7c.-(1) Where a federation of registered trade unions has been appointed under section 7A to be the designated federation, then, with effect from the date of such appointment and so long as such appointment subsists, no registered trade union to which section 7A applies shall become or remain a

member of any other federation in Tanganyika and, subject to subsection (3), any such federation in Tanganyika shall, at the expiration of a period of three months from such date, be dissolved.

(2) The provisions of subsection (1) shall not be construed as preventing-

- (a) the amalgamation of two or more registered trade unions in accordance with the provisions of, section 28; or
- (b) the affiliation of any registered trade union to any federation of trade unions established outside Tanganyika.

(3) The provisions of subsection (1) relating to the dissolution of federations, other than the designated federation, shall not apply to any federation comprised of registered trade unions which are combinations of employers."

5. Section 9 of the Ordinance is hereby repealed and replaced by the following new section:-

"Registra-
tion

9.-(1) On application for registration being made in accordance with sections 7 and 8 by a trade union, other than the designated federation, the Registrar shall, subject to the provisions of sections 11, 12 and 13, register the trade union in the prescribed manner as a registered trade union.

(2) Upon the appointment under section 7A of a federation of registered trade unions to be the designated federation, the Registrar shall, if it is not already so registered, register the designated federation in the prescribed manner as a registered trade union:

Provided that nothing in this subsection shall be construed as, precluding the Registrar from cancelling the registration of the designated federation under the provisions of section 14 or as restricting his powers in that behalf, and where the Registrar cancels the registration of the designated federation—

- (a) such cancellation shall also have effect as a revocation of the appointment of that federation as the designated federation; and
- (b) the provisions of sections 16 and 17 shall apply to the federation, its officers, members, funds and other assets as they apply to a trade union, its officers, members, funds and other assets."

Section 9 of
cap. 381
repealed
and
replaced

6. Section 13 of the Ordinance is hereby amended as follows: -

- (a) by deleting the full stop at the end of subsection (1) thereof, substituting therefor a colon and adding immediately thereafter the following proviso:-

"Provided that the provisions of this subsection shall not apply in the case of the designated federation."; and

- (b) by inserting immediately after subsection (1) thereof the following new subsection to be numbered (1A): -

Section 13 of
cap. 381
amendment

"(1A) Where a federation of registered trade unions has been appointed under section 7A to be the designated federation then, so long as such appointment subsists, the Registrar shall refuse to register any trade union to which section 7A applies unless he is satisfied that it has applied to become a member of the designated federation."

Section 14 of
Cap. 381
amended

7. Section 14 of the Ordinance is hereby amended by inserting immediately after subsection (2) thereof the following new subsection to be numbered (2A): -

"(2A) Where a federation of registered trade unions has been appointed under section 7A to be the designated federation then, so long as such appointment subsists, the registration of a registered trade union to which section 7A applies shall be cancelled by the Registrar—

- (a) if he is satisfied that it has, within three months of the appointment of the designated federation or of the registration of the trade union, whichever is the later, failed to become a member of the designated federation; or
- (b) if he is satisfied that, having become a member of the designated federation, it has ceased to be a member thereof."

Section 25
of Cap. 381
amended

8. Section 25 of the Ordinance is hereby amended as follows: -

- (a) by inserting immediately after subsection (2) thereof the following new subsection to be numbered (2A): -

"(2A) The provisions of subsections (1) and (2) shall not apply in the case of the designated federation. ; ^{and}

- (b) by deleting the full stop at the end of the proviso to subsection (3) thereof, substituting therefor a colon and adding immediately thereafter the following further proviso: -

"And provided that any officer of a registered trade union to which section 7A applies shall be qualified to be an officer of the designated federation."

Section 29
of Cap. 381
amended

9. Section 28 of the Ordinance is hereby amended by adding immediately below subsection (6) of the following new subsection: -

"(7) This section shall have effect subject to section R."

Section 29
of Cap. 381
amended

10. Section 29 of the Ordinance is hereby amended by adding immediately below subsection (7) the following new subsection: -

"(8) This section shall have effect subject to section X"

New
sections
inserted
in Cap. 381

11. The Ordinance is hereby amended by inserting immediately after section 41 thereof the following new sections to be numbered 41A and 41B: -

"Designated federation may direct that part of union dues be paid to federation

41A.-(1) The designated federation may, with the approval of the Minister to time, by notice in writing addressed to the general secretary of any registered trade union which is a member of the designated federation, direct-

- (a) that such sum as may be specified in the notice shall, in each year and in such instalments as may be so specified, be paid to the designated federation from the funds of that trade union for the purposes of the designated federation; or
- (b) that such proportion as may be specified in the notice of the trade union dues collected by or paid to that trade union in each year shall, in such instalments as may be so specified, be paid to the designated federation for the purposes thereof,

and the trade union shall comply with such direction.

(2) Where a registered trade union to which a direction has been issued under subsection (1) fails, without reasonable cause, to comply with the terms of such direction, the union and every officer of the union who is in default shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand shillings.

(3) In this section 'trade union dues' means any regular or periodic subscription required to be paid to a trade union by a member thereof as a condition of his membership, but does not include any political levy or any levy or subscription for a particular object or purpose.

Directions by Minister

41B.-(1) The Minister may in writing give directions, not inconsistent with the provisions of this Ordinance, to the designated federation as to the purposes to which any moneys received by the designated federation under section 41A shall be applied and to the proportion of such moneys which shall be assigned to each of such purposes, and the designated federation shall give effect to such directions.

(2) The Minister may require the designated federation to employ as accountant to the federation a person with such qualifications and experience as the Minister may specify and the designated federation shall comply with such requirement."

12. The Ordinance is hereby amended by inserting immediately after 'section 47 thereof the following new sections to be numbered 47A and **47B:** -

"Power to suspend officers

47A.-(1) Without prejudice to any other powers conferred upon him by this Ordinance, where the Registrar is satisfied-

- (a) that the funds of a trade union have been or are being expended in an unlawful manner or on an unlawful object or on an object not authorized by this Ordinance; or

New sections inserted in cap. 381

(b) that the accounts of a trade union are not being kept in accordance with the provisions of this Ordinance, he may by order in writing suspend from office, either indefinitely or for such period as may be specified in the order, the officers of the trade union or such of them as are named in the order.

(2) An order made under subsection (1) shall be delivered at the registered office of the trade union and from the date of such delivery and so long as the order remains in force no officer of the trade union to whom the order relates shall, save with the permission or pursuant to a direction of the Registrar-

- (a) do or purport to do any act or exercise any powers as an officer of the trade union; or
- (b) draw or receive or be credited with any salary, allowance or expenses payable to him as an officer of the trade union.

(3) Any officer of a trade union who contravenes or fails to comply with the provisions of subsection (2) shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding one month or to both such fine and imprisonment.

(4) In any proceedings under subsection (3) proof that an order under subsection (1) has been posted to the registered postal address of a trade union shall be deemed to be proof of the delivery of such order at the registered office of the trade union.

(5) Any officer of a trade union in respect of whom an order has been made under subsection (1) may within fourteen days from the date on which the order was made appeal against such order to the Minister whose decision shall be final.

Power to
apply for
appointment
of receiver

47B.-(I) Without prejudice to any other powers conferred upon him by this Ordinance, where the Registrar is satisfied-

- (a) that the funds of a trade union have been or are being expended in an unlawful manner or on an unlawful object or on an object not authorized by this Ordinance; or
- (b) that the accounts of a trade union are not being kept in accordance with the provisions of this Ordinance, he may apply to the High Court for the appointment of a receiver of the assets of the trade union.

(2) On application being made to it under subsection (1), the High Court may appoint a receiver of the assets of the trade union and a receiver so appointed shall be subject to all rules of court relating to receivers generally."

13. Section 52 of the Ordinance is hereby amended-Section 52
of cap. 381
amended

- (a) by deleting the words "Governor in Council of Ministers" where they appear in subsections (1) and (2) thereof and substituting therefor in each case the word "Minister";
- (b) by inserting immediately after paragraph (h) of subsection (2) thereof the following new paragraph to be lettered (hh): -
 "(hh) the collection by employers of not less than ten employees who are members of a registered trade union of union dues by means of deductions from the wages of those employees and the payment of the dues so collected to that trade union;"

and

- (c) by adding immediately after subsection (2) thereof the following new subsections: -

"(3) Regulations made under paragraph (hh) of subsection (2) may prescribe penalties for the breach of such regulations not exceeding a fine of one thousand shillings.

(4) An employer may make deductions from the wages of his employees in accordance with the provisions of regulations made under paragraph (hh) of subsection (2) notwithstanding the provisions of section 63 of the Employment Ordinance."

Cap. 366

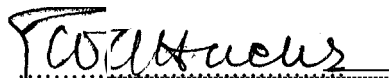
14. Section 57 of the Ordinance is hereby amended-Section 57 of
cap 381
amended

- (a) by deleting the word "and" in the first line thereof and substituting therefor a comma;
- (b) by inserting immediately after the words "the Co-operative Societies Ordinance" the words "and the Societies Ordinance";
- (c) by deleting the word "either" in the last line thereof and substituting therefor the word "any ; and
- (d) by adding at the end of the marginal note thereto a reference to Cap. 337.

15. The Ordinance is hereby amended by inserting immediately after section 58 thereof the following new section to be numbered 58A:-New section
inserted in
cap.381"Prohibition
on certain
person
joining trade
union

58A. No person who is a member of the Police Force or the Prisons Service or who holds or acts in any office to which appointments are made by the Judicial Service Commission shall be or become a member of any trade union or any body or association affiliated to a trade union."

Passed in the National Assembly on the twenty-seventh day of June 1962.


 Clerk of the National Assembly