

THE UNITED REPUBLIC OF TANZANIA



No. 11 OF 1965

I ASSENT,

Julius K Nyerere

President

24. TH MARCH, 1965

An Act to vest the undertaking of the Tanganyika Broadcasting Corporation in the United Republic and to provide for the expiration of The Tanganyika Broadcasting Corporation Ordinance

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ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Tanganyika Broadcasting Corporation (Dissolution) Act, 1965, shall be read as one with the Tanganyika Broadcasting Corporation Ordinance (hereinafter referred to as "the Ordinance"), and shall come into operation on such date as the Minister shall, by notice published in the *Gazette*, appoint.

Short title,
construc-
tion and
commence-
ment
Cap. 370

2.-(1) Subject to the provisions of this Act, the undertaking, assets and liabilities which, immediately before the commencement of this Act, were the undertaking, assets and liabilities of the Corporation shall, on the commencement of this Act, vest by virtue of this Act and without further assurance in the United Republic.

Vesting of
assets and
liabilities

(2) On the commencement of this Act, the Corporation shall deliver to such persons or authority as the Minister may order possession of the movable and immovable property vested by this Act in the United Republic, including, without prejudice to the generality of the foregoing, all books, papers, documents, minutes, receipts and ledgers appertaining to the Corporation and its operations.

(3) Where, immediately before the commencement of this Act, the Government or the United Republic is liable, under an agreement with some other person as a guarantor or surety for the performance of any act by the Corporation and, under the provisions of this Act, the

United Republic succeeds to the liability of the Corporation to the same persons as a principal in that behalf, such person shall, in the event of seeking a remedy for a default, elect whether to pursue his remedy against the Government or the United Republic as a guarantor or surety, or against the United Republic as a principal, and where he elects to pursue his remedy against the Government or the United Republic in the one capacity, the liability of the Government and the United Republic in the other capacity shall be extinguished.

Agreements,
etc.

3.-(1) Subject to the provisions of this Act, every deed, bond and agreement (other than an agreement for personal service and such other agreement as is referred to in section 4) to which the Corporation was a party immediately before the commencement of this Act, whether in writing or not and whether or not of such a nature that rights, liabilities or obligations thereunder could be assigned by the Corporation, shall, unless its terms or subject matter make it impossible that it should have effect as modified in manner provided by this subsection, have effect from the commencement of this Act as if-

- (a) the United Republic were a party thereto;
- (b) for any reference (however worded and whether express or implied) to the Corporation there were substituted, as respects anything falling to be done on or after the commencement of this Act, a reference to the United Republic;
- (c) for any reference (however worded and whether express or implied) to any Committee, sub-committee, officer, trustee or member of the Corporation there were substituted, as respects anything falling to be done on or after the commencement of this Act, a reference to such person holding office in the service of the United Republic, or such authority thereof, as the Minister shall appoint.

(2) Documents, other than those referred to in subsection (1), but not including written laws, which refer, whether specifically or generally, to the Corporation shall be construed in accordance with the provisions of subsection (1) so far as applicable.

Staff

4.-(1) Where any person in the employment of the Corporation is appointed to the service of the United Republic without any interval between the termination of his employment under the Corporation and his appointment to the service of the United Republic, then-

- (a) if such person was employed by the Corporation on terms under which he was entitled to a gratuity and he is employed in the service of the United Republic on the like terms, for the purposes of determining any right to a gratuity his service shall be regarded as continuous from the time he was appointed by the Corporation and, if the rates of the gratuity differ in respect of his employment under the Corporation and his employment in the service of the United Republic, the gratuity for which he is eligible shall be calculated at the appropriate rates in respect of his employment under the Corporation and his employment in the service of the United Republic;

- (b) if the terms relating to leave and passages on which any such person as is referred to in paragraph (a) is employed in the service of the United Republic are less favourable than those on which he was employed by the Corporation, he shall be eligible at the end of his current tour of service (such tour to be calculated continuously with his service under the Corporation) to the passage allowances for which he would have been entitled had he remained in the employment of the Corporation until the end of that tour and to leave, in respect of that part of his tour of service during which he was employed by the Corporation, calculated at the rate appropriate to his terms of service thereunder;
- (c) for the purposes of the Severance Allowance Act, 1962, employment in the service of the United Republic immediately after such appointment shall be deemed to be continuous with employment by the Corporation immediately before such appointment, and section 8A of that Act shall apply to the parties in the same manner as it applies to the cases set out in subsection (1) of the said section 8A;
- (d) notwithstanding any regulations made under the Civil Service Act, 1962, length of service under the Corporation may be taken into account in determining the period which a person is required to serve on probation and if such service is not less than two years and is continuous up to the date of his appointment to the service of the United Republic, he may be appointed and confirmed in a pensionable office without serving any probationary period:

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C.A. Act 11

Provided that nothing in this subsection shall derogate from any powers, under the terms of his appointment, to, dismiss, or terminate the appointment of any person appointed to the service of the United Republic or to withhold any gratuity, passage allowance or severance allowance, or to refuse to grant any leave, as a consequence thereof.

(2) The Minister shall prepare a scheme for the termination of the appointment of persons who are in the employment of the Corporation on the commencement of this Act but who are not appointed to the service of the United Republic without any such interval as aforesaid and in such scheme shall provide for-

- (a) notice or payment in lieu of notice;
- (b) in so far as provision is made in that behalf in the terms on which such persons were employed by the Corporation, for the payment of gratuities and the grant of leave in proportion to the length of such persons' service, and for the payment of passage allowances;
- (c) payment of severance allowance to such persons as are eligible therefor and, in determining the eligibility of any person for severance allowance, it is hereby declared for the avoidance of doubts that no such person forfeits his eligibility by reason only of his refusing an offer of appointment to the service of the United Republic,

and the termination of such persons' employment by the Corporation shall be in accordance with such scheme.

(3) The Minister shall pay the costs of any scheme made under this section out of the liquid assets of the Corporation or, to the extent that such assets are insufficient for those purposes, out of moneys provided by Parliament.

(4) Neither the Corporation nor the United Republic shall be under any liability to the Trustees of the East African Pension Trustees Limited Scheme for the Tanganyika Broadcasting Corporation, to any assurers under that Scheme, or to the members thereof, for the discontinuance of the Scheme, for any failure to give notice thereof, or for any contribution under that Scheme in respect of any time after the commencement of this Act; but the said Scheme shall be discontinued on the commencement of this Act and such discontinuance shall be without prejudice to the rights of any member to any benefit therefrom which are exercisable in accordance with the Scheme on the termination by the employer of the employment of a member.

Legal proceedings

5. (1) Any legal proceedings pending immediately before the commencement of this Act to which the Corporation is a party in so far as they relate to any property, right, liability or obligation hereby vested in the United Republic or to any deed, bond, agreement or other document which has effect in accordance with section 3, may be continued by or against the United Republic.

(2) In any such proceedings, or in any proceedings instituted by or against the United Republic after the commencement of this Act in respect of any liability, right or obligation formerly vested in the Corporation, the United Republic and every other party to the proceedings may take all such objections and exceptions as might have been taken in proceedings by or against the Corporation, including, without prejudice to the generality of the foregoing, any objection or exception under the law relating to the limitation of actions, and such may be instituted notwithstanding any restriction contained in section 3 of the Government Suits Ordinance or otherwise limiting the nature of suits which may be instituted against the United Republic as such.

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Completion of Acts

6. Where anything has been commenced by or under the authority of the Corporation prior to the commencement of this Act, such thing may be carried on and completed by, or under the authority of, the United Republic.

Effecting and securing transfer

7.--(1) The members of the Corporation and its officers and servants shall do all such acts as may be necessary or desirable for the more effectual vesting of the undertaking, assets and liabilities of the Corporation in the United Republic.

(2) The Minister may by order provide for any matter which appears to him to be necessary or expedient for the purposes of securing the effective transfer of any assets and liabilities vested in the United Republic under this Act, and, without prejudice to the generality of the foregoing, may appoint any person to do any act or sign any document for and on behalf of the Corporation whereby the assets of the Corporation may be transferred to the United Republic; and every act done or document signed by a person in accordance with the provisions of such an order for such purposes shall be as effectual as if it had been done or made by the Corporation.

(3) Save as provided in subsection (1) or in relation to the staff of the Corporation, the Corporation shall cease to exercise any function or conduct any business from the commencement of this Act and no remuneration shall be paid to any member of the Corporation in respect of any period thereafter.

8.-(1) When the Minister is satisfied that the assets and liabilities of the Corporation have been transferred to the United Republic in accordance with this Act, he shall, by order in the *Gazette*, dissolve the Corporation.

Dissolution
of Corpora-
tion and
expiry of
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(2) The Tanganyika Broadcasting Corporation Ordinance shall expire on the date on which the Minister dissolves the Corporation, and thereupon the provisions of subsection (2) of section 10 of the Interpretation and General Clauses Ordinance shall apply in relation to the Tanganyika Broadcasting Corporation Ordinance as if the Tanganyika Broadcasting Corporation Ordinance had been repealed.

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9. The Broadcast Receiving Apparatus (Licensing) Act, 1964 is hereby amended as follows: -

Amendment
of Acts, 1964
No. 6

(a) in section 3, by deleting the comma and words "after consultation with the Tanganyika Broadcasting Corporation" in the second and third lines;

(b) in subsection (4) of section 11 and in subsection (2) of section 14, by deleting the words "be paid to the Tanganyika Broadcasting Corporation" and by substituting therefor in each case the following: -

Cap. 439 ", subject to section 9 of the Exchequer and Audit Ordinance, be paid into the exchequer account".

Passed in the National Assembly on the seventeenth day of March, 1965.


Msekwa
Clerk of the National Assembly