

TANGANYIKA



No. 81 OF 1962

I ASSENT,
R. J. M. M. M.
Governor-General

12TH NOVEMBER, 1962

An Act to amend the Severance Allowance Act, 1962

[12TH DECEMBER, 1962]

ENACTED by the Parliament of Tanganyika.

1. This Act may be cited as the Severance Allowance (Amendment) Act 1962, and shall be read as one with the Severance Allowance Act, 1962.

Short title
and
construction
No. 57

2.-(1) Section 2 of the Severance Allowance Act, 1962, is hereby amended as follows: -

Section 2
amended

(a) by inserting, immediately after the figure and comma "5," in the second line of subsection (3), the words, figure, letter and comma "and of section 8A,";

(b) by deleting the words "one day" in the sixth line of subsection (3) and by substituting therefor the words "twenty-eight days"; and

(c) by deleting subsection (4).

(2) The provisions of paragraph (b) of subsection (1) shall be deemed to have come into operation on the date on which the Severance Allowance Act, 1962, came into operation:

Provided that no person shall be guilty of an offence against the provisions of the Severance Allowance Act, 1962, by reason of the non-payment (either before the date on which this Act is enacted or within three months after that date and after demand has been made therefor, whichever is the later) of any sum which would not have been payable had that paragraph not been enacted.

3. Section 3 of the Severance Allowance Act, 1962, is hereby amended by adding, immediately after the word "Ordinance" at the end of paragraph (d), the words "or otherwise by operation, of law"

Section 3
amended

4. The Severance Allowance Act, 1962, is hereby amended by adding, immediately below section 8, the following new section: -

New
section 8A
added

8A.-^{"Continuous employment by more than one employer"}(1) Notwithstanding the foregoing provisions of this Act, an employee shall not be entitled to a severance allowance where, after this section comes into operation-

(a) his employment by partners ceases on the dissolution of the partnership, if either he enters the employment of one or more of such partners (or of such partner

or partners and of any new partner) forthwith after such dissolution, or he is offered employment on the prescribed terms by one or more of such partners (or by such partner or partners and any new partner);
or

- (b) his employer dies, if either he enters the employment of the personal representatives, or the widow, widower or any heir of the deceased employer forthwith after such death, or he is offered employment on the prescribed terms by any such persons or person; or
- (c) his employment by a corporate body ceases on the dissolution of that body, if either he enters the employment of some other corporate body in accordance with the provisions of any enactment or in accordance with any scheme of reconstruction forthwith after such dissolution, or he is offered employment on the prescribed terms by some other body corporate in accordance with any scheme of reconstruction; or
- (d) he is employed in the business of his employer and his employment by that employer ceases on the disposal by that employer of the goodwill, or of the whole or a substantial part, of that business, or of that part of the business in which he is employed, if either he enters the employment of the person who acquires the same forthwith after such disposal, or he is offered employment on the prescribed terms by such person,

nor shall the employer first named in the relevant paragraph be liable to pay the allowance in any such circumstances.

(2) Where any employee, to whom an offer on the prescribed terms is made in any of the circumstances described in subsection (1), accepts such offer, he shall be deemed to enter the employment of the person by whom the offer is made forthwith upon the cessation of his employment with the employer first named in the relevant paragraph of that subsection.

(3) Where an employee ceases to be in the employment of one employer and enters or is deemed to enter the employment of another in any of the circumstances described in subsections (1) and (2)—

- (a) the employment of the employee by such first named employer and such second named employer (and by any other employer, employment by whom is, under any of the provisions of this section, deemed to be continuous with employment by such first named employer) shall be deemed to be continuous employment by one employer; and
- (b) if such continuous employment ceases thereafter in circumstances in which the severance allowance is payable under the provisions of this Act, the employer

in whose service the employee was employed immediately before such cessation shall be deemed to be the employer during the whole of the period which is in accordance with paragraph (a) of this subsection, deemed to be a period of continuous employment by one employer, and shall be liable to pay the severance allowance accordingly:

Provided that-

- (i) nothing in this subsection shall render any employment continuous with any employment previous to any break between contracts of service (not being leave of absence or any such periods of retainer as are referred to in subsection (3) of section 2) exceeding twenty-eight days; and
- (ii) any employer who is liable to pay the severance allowance in the circumstances described in this subsection, shall be entitled to deduct any period, and to make any reduction, which any previous employer in that continuum would have been entitled to deduct or to make had such previous employer become liable to pay the severance allowance, and shall be exempt from any liability in respect of any period for which any such previous employer was so exempt.

(4) (a) In subsections (1) and (2)—

'business' means any business, undertaking or occupation whether or not carried on for profit;

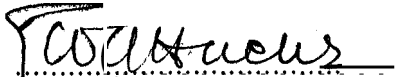
'prescribed terms' means terms whereby the employment is to commence forthwith upon the cessation of employment with the immediately preceding employer, at the same work and the same place of work and at a wage not less than the wage at which the employee was last employed by the immediately preceding employer; and shall include a term that the offer shall not be revoked at any time before the cessation of such employment aforesaid;

references to the cessation of employment on any occasion shall be construed as references to the cessation of employment with an employer on account of the employer ceasing to exist or to carry on business in whole or part on that occasion.

(b) For the avoidance of doubts it is hereby declared that, for the purposes of paragraph (b) of subsection (3), the qualifying period of three months prescribed in section 3 shall be reckoned from the commencement of the period deemed to be a period of continuous employment by one employer.

(5) For the avoidance of doubts it is hereby declared that, save in any such case referred to in paragraph (a), (b), (c) or (d) of subsection (1), the novation or transfer of a contract of service from one employer to another constitutes a termination of the employment of the employee by such first named employer."

Passed in the National Assembly on the twenty-sixth day of November, 1962.


Clerk of the National Assembly