

THE UNITED REPUBLIC OF TANGANYIKA AND ZANZIBAR



No. 44 OF 1964

I ASSENT,

Julius K. Nyerere
President

17TH SEPTEMBER, 1964

An Act to amend the Constitution to enable the President to dispense with certain qualifications relating to Judges of the High Court of the United Republic, and to increase the number of such Judges

[18TH SEPTEMBER, 1964]

ENACTED by the Parliament of the United Republic of Tanganyika and Zanzibar.

1. This Act may be cited as the Constitution (Amendment) Act, 1964, and shall be read as one with the Interim Constitution.

Short title and construction

2. Section 47 of the Interim Constitution (which relates to the appointment of the judges of the High Court) is hereby amended as follows: -

Amendment of section 47 of Constitution

- (a) by deleting the words "A person" in the first line of paragraph (a) of subsection (3), and by substituting therefor the words, symbols and comma "Subject to the provisions of subsection (3A), a person",
- (b) by inserting, immediately after the word "subsection" in the first line of paragraph (b) of subsection (3), the words, figures and symbols "and in subsections (3A) and (5)";
- (c) by inserting, immediately below subsection (3), the following new subsection: -

"(3A) Where the President is satisfied that by reason of special circumstances a person who holds one of the specified qualifications is worthy, capable and suitable to be appointed a judge of the High Court notwithstanding that he has not held some one or other of those qualifications for a total period of not less than five years, the President may dispense with the requirement

that such person shall have held some one or other of the specified qualifications for a total period of not less than five years, and may, after such consultation aforesaid, appoint him a judge of the High Court", and

- (d) by deleting the full stop at the end of the proviso to subsection (5), substituting therefor a semicolon, and by adding the following new proviso to subsection (5): -

"Provided further that the President may dispense with the requirement that a person shall not be qualified for an appointment as a judge of the High Court unless he has held some one or other of the specified qualifications for a total period of not less than five years in the case of an appointment of a person who has one of the specified qualifications to act as a puisne judge of the High Court for the like reasons as he may dispense with that requirement under the provisions of subsection (3A).";

Reference in other laws

3. Where, in making an appointment of any person to be or to act as a judge of the High Court, the President has dispensed with a requirement of subsection (3) of section 47 of the Interim Constitution under the powers in that behalf in subsection (3A) or the second proviso to subsection (5) of that section, then, so long as such appointment subsists, references in any other law to a person qualified as a judge of the High Court shall be deemed to include a reference to such first mentioned person.

Number of puisne judges

4.-(1) The number of puisne judges of the High Court shall be eight

C.A. Act 2

(2) Section 15 of the Republic of Tanganyika (Consequential, Transitional and Temporary Provisions) Act, 1962, is hereby repealed.

Zanzibar

5. (1) Sections 1, 2 and 4 of this Act shall extend to Zanzibar as well as Tanganyika.

(2) Section 3 of this Act shall extend to Zanzibar as well as Tanganyika in relation, to any law of Tanganyika or of the United Republic which itself extends to Zanzibar.

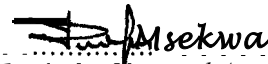
I hereby certify that the Bill for this Act was passed by the National Assembly in accordance with the provisions of section 35 of the Interim Constitution of the United Republic of Tanganyika and Zanzibar.

16th September, 1964



Speaker

Passed in the National Assembly on the eighth day of September, 1964.



Clerk of the National Assembly