

THE UNITED REPUBLIC OF TANGANYIKA AND ZANZIBAR



No. 28 OF 1964

I ASSENT,

Jelani K. Nyerere
President

10TH JULY, 1964

An Act to amend the Retirement (Special Provisions) Act, 1962

31ST JULY, 1964

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

1. This Act may be cited as the Retirement (Special Provisions) (Amendment) Act, 1964, and shall be read as one with the Retirement (Special Provisions) Act, 1962 (hereinafter referred to as the principal Act).

Short title and construction act 1962 no. 50

2. Subsection (1) of section 2 of the principal Act is hereby amended as follows: -

Section 2 of principal Act amended

- (a) by deleting the definition "African";
- (b) by inserting, in the appropriate alphabetical position, the following new definition: -
"citizen" means a citizen of Tanganyika or of the United Republic; -
- (c) by deleting item (ii) in the definition "qualified officer" and by substituting therefor the following new item: -
(ii) a citizen;

3. Section 3 of the principal Act is hereby amended by deleting the substantive provisions (but not the proviso thereto) and by substituting therefor the following: —

Section 3 of principal Act amended

"If the President, or a Minister appointed in that behalf by the President, is satisfied that there are more candidates who are both citizens and qualified for appointment to, or promotion in, any particular branch or category of officers in the service of the United Republic than there are vacancies in that category or branch that could be appropriately filled by such candidates, he may select qualified officers in that branch or category whose retirement would, in his opinion, cause vacancies that could appropriately be filled by such of those candidates as are available and fit for appointment, and, by notice in writing,

call upon the officers so selected to retire from the service of the United Republic; and any *such officer who is so* required to retire shall retire accordingly: -

Section 4
of principal
Act amended

4. Section 4 of the principal Act is hereby amended as follows: -
- (a) by deleting the words and figures "sections 6 and 7" and by substituting therefor the word and figure "section 6"; and
 - (b) by deleting the words "an African", "such African" and "Africanisation" and by substituting therefor the words "a citizen," "such citizen" and "localization" respectively.

Section 5
of principal
Act amended

5. Section 5 of the principal Act is hereby amended by deleting the words and figures "sections 6 and 7" and by substituting therefor the word and figure "section 6".

Section 7
of principal
Act repealed

6. Section 7 of the principal Act is hereby repealed.

Section 13
of principal
Act amended

7. Subsection (1) of section 13 of the principal Act is hereby amended by deleting the words "African officer or candidate" and "African officers or candidates" and by substituting therefor the words "officer or candidate who is a citizen" and "officers and candidates who are citizens" respectively.

Savings in
respect of
citizens
who have
been
previously
superseded

8.(I) Notwithstanding the amendment of the principal Act by this Act, any person who-

- (a) was, before the commencement of this Act, entitled to retire from the public service under section 4 of the principal Act on the grounds that he had been superseded, before the fourteenth day of February, 1964, by an African; and
- (b) gives notice of his intention to retire in accordance with the principal Act in sufficient time to enable him to retire or to proceed on leave pending retirement on or before the fourteenth day of February, 1965,

shall not cease to be entitled to retire under that section solely on the ground that he is a citizen, but the principal Act (other than section 7 thereof) shall continue to apply to any such person as if this Act had not been passed:

Provided that nothing in this subsection shall apply to any person who is registered or naturalized as a citizen in consequence of an application made after the commencement of this Act.

(2) The provisions of paragraph (b) of subsection (1) shall have effect in relation to a person who is on overseas leave at any time between the fourteenth day of February, 1964, and the date of the commencement of this Act (both days inclusive), as if there were substituted for the fourteenth day of February, 1965, the day following the first anniversary of his return to duty from such leave.

(3) Notwithstanding the provisions of subsection (3) of section 6 of the principal Act, a citizen who, before the commencement of this Act, gave notice of his intention to retire under section 4 of the principal Act, shall not require the consent of the President to the withdrawal of such notice, if such withdrawal is made within one month after the commencement of this Act and before the notice expires.

Passed in the National Assembly on the first day of July, 1964.


Msekwa
Clerk of the National Assembly