

TANGANYIKA



No. 16 OF 1964

I ASSENT,

Julius K. Nyerere
.....
President

.5TH MARCH, 1964

An Act to make provision for the Establishment, Maintenance, Government and Discipline of a National Service and for matters connected therewith and incidental thereto

[.....]

ENACTED by the Parliament of Tanganyika.

1. This Act may be cited as the National Service Act, 1964.

Short title

2. In this Act, unless the context otherwise requires—

Interpretation

“appropriate authority” means the authority charged, in accordance with rules or orders made under this Act, with responsibility for the matter in question:

Provided that the reference appropriate authorities in section 6 and, in so far as it relates to persons seconded to the Service, in section 7, shall be construed as a reference to such appropriate authority aforesaid acting with the concurrence of such officer having authority in or over that part of the civil or military service of the Republic from which such person is seconded as may be appointed by the President;

“the Director” means the Director of National Service appointed under this Act;

“member” in relation to the Service includes both a Serviceman enlisted or re-engaged under section 5 and a person seconded to the Service in accordance with section 6;

“Minister” means the Minister for the time being responsible for the National Service;

“Serviceman” means a member of the Service enlisted or engaged under section 5.

3.—(1) There shall be established and maintained a service to be known as the National Service. Establishment
of Service

(2) The functions of the National Service shall be the training of young citizens to serve the nation and the employment of its members in tasks of national importance and otherwise in the service of the nation.

Members of the Service

- Members of Service** 4.—(1) The National Service shall consist of such number of members as may, for the time being, be determined by the President.
- (2) The members of the National Service shall be either Servicemen enlisted under the provisions of section 5 or persons otherwise in the civil or military service of the Republic who are seconded for service with the National Service in accordance with the provisions of section 6.
- Servicemen** 5.—(1) The appropriate authority may enlist into the National Service male or female citizens who, at the time of their first enlisting, are between the ages of eighteen and thirty years (both inclusive).
- (2) Every Serviceman shall be enlisted to serve in the National Service for a period of two years, and on the expiry of any such period of two years he may, if he so wishes and the appropriate authority so approves, be re-engaged for a further period of two years.
- (3) For a period of one year after the conclusion of his engagement with the National Service, a Serviceman shall form part of the National Service Reserve and, during such period, shall be liable to be recalled for employment with the National Service at any time when the Reserve is called out.
- (4) Every Serviceman shall, on first joining the National Service, make the declaration set out in the First Schedule hereto.
- Seconded members** 6.—(1) Any citizen who is in the civil or military service of the Republic may, if he so wishes and the appropriate authorities so approve, be seconded for employment with the National Service.
- (2) The period of secondment shall be such period (not exceeding two years at any one time) as shall be agreed upon at the commencement of the employment, and, subject in each case to such limitation aforesaid, the secondment may, if the person seconded so wishes and the appropriate authorities so approve, be renewed from time to time.
- (3) Where a person is first seconded for employment with the National Service in any particular rank, he shall not thereafter be required to serve in any rank junior thereto without his consent, and if he can no longer be employed in the rank at which he was first seconded or in any rank senior thereto, his secondment shall, if he so wishes, be forthwith terminated.
- Prolongation of engagement and secondment** 7. Notwithstanding the foregoing provisions of this Act other than subsection (3) of section 6, any member of the National Service whose engagement or secondment expires during a state of war, insurrection, hostilities or public emergency may be retained in the Service and his engagement and secondment prolonged for such further period as the appropriate authorities, with the approval of the President, direct.
- Discharge** 8. The appropriate authority may at any time during the term of an engagement or period of secondment, discharge a member of the National Service or terminate his secondment, as the case may be, if, for any reason, his services are no longer required.

Organization and government of the Service

9.—(1) The National Service shall be divided into such numbers and descriptions of branches, units and sub-units, as the Minister shall from time to time direct. Units of the Service

(2) Any Serviceman, and save where he is seconded specifically for a particular description of branch, unit or sub-unit (in which case he may be posted only to a branch, unit or sub-unit of that description), any other member may be posted to and employed in any branch, unit or sub-unit of the National Service.

10. The President may appoint a member of the National Service to be the Director of the Service, and, subject to this Act, to any rules made hereunder and to the directions of the President and the Minister, the Director shall have the command, superintendence, direction and administration of the National Service. The Director

11. There shall be such other ranks of the National Service as may be prescribed by rules made under section 21. Such rules— Ranks

- (a) shall prescribe the relative seniority of the various ranks; and
- (b) may prescribe the authority or authorities in whom the power to make appointments or promotions to, or reductions from, such ranks shall be vested.

Duties and employment of the Service

12.—(1) Every member of the National Service shall— Duties of Servicemen

- (a) perform such duties and carry out such training as he may be directed by the officers senior to or placed in command over him;
- (b) obey and execute promptly all orders lawfully issued to him by the officers senior to or placed in command over him.

(2) Without prejudice to the generality of the foregoing provisions of this section, members of the National Service may be trained in the use of arms and weapons of war.

13.—(1) The President may, during a state of war, insurrection, hostilities or public emergency— Employment of Servicemen in times of emergency

- (a) call out the National Service Reserve or any part or member thereof;
- (b) order that the Service or any part thereof (including the Reserve) be employed to serve with the Tanganyika Military Forces or otherwise in the defence of the Republic.

(2) Where any part of the Service is, in pursuance of an order made under this section, serving with the Tanganyika Military Forces or otherwise in the defence of the Republic, it shall be governed by, and subject to, the Tanganyika Military Forces Ordinance, and the members of the Service for the time being serving with such part shall be deemed to be subject to that Ordinance, within the meaning of section 201 thereof. Cap. 402

(3) Where any part of the Service is, in pursuance of an order made under this section, serving with the Tanganyika Military Forces or otherwise in the defence of the Republic, the President shall make rules

declaring which ranks of the National Service correspond to which ranks in the Tanganyika Military Forces and may make rules relating to the command of such part by members of the Tanganyika Military Forces.

President
may send
Servicemen
to neigh-
bouring
states

14.—(1) The President may, on the application of the government of any neighbouring state, order such parts or members of the National Service as he may think fit to proceed for service to such neighbouring state.

(2) For the purposes of this section "neighbouring state" shall mean any state having a common border with the Republic and shall include the Republic of Zanzibar and any such other state as the President may, by notice in the *Gazette*, declare to be a neighbouring state.

(3) All members of the National Service serving outside the Republic under the provisions of this section shall be under the orders of their own superior officers, and shall, in so far as appertains to their terms and conditions of service and the maintenance of discipline, be subject to the provisions of this Act and rules and orders made thereunder and shall, so far as is possible, perform duties of a like nature to those which they may be required to perform in Tanganyika but so that except as aforesaid nothing in this section shall operate contrary to the general law for the time being in force in such neighbouring state which shall apply to and be observed by such members of the Service.

Discipline

Disciplinary
code

15.—(1) Subject to the provisions of this section, the Minister may make rules prescribing a disciplinary code for the National Service and such rules may, without prejudice to the generality of the foregoing—

- (a) make provision for the investigation of disciplinary offences and the hearing and determination of disciplinary proceedings;
- (b) make provision for appeals;
- (c) prescribe disciplinary penalties and awards.

(2) The following disciplinary penalties and awards, or any combination thereof, may be prescribed for infringements of the disciplinary code:—

- (a) dismissal from the National Service;
- (b) reduction in rank;
- (c) confinement in a guardroom, or restriction to the confines of any camp or other area where a part of the Service is stationed, for not more than fourteen days;
- (d) a fine not exceeding ten shillings;
- (e) stoppages of pay;
- (f) extra drills or parades.

(3) Every Serviceman shall be subject to the disciplinary code.

(4) A person seconded to the National Service shall not be subject to the disciplinary code but shall remain subject to the laws, regulations and orders governing that part of the service of the Republic from which he was seconded to the National Service:

Provided that—

- (a) nothing in this subsection shall preclude such a person from being proceeded against under any appropriate provision of any such law, regulation or order for a dereliction of duty while seconded to the National Service; and
- (b) nothing in this subsection shall preclude such a person from exercising any function under the disciplinary code or shall be construed as derogating from the status or authority attaching to the rank he holds.

16.—(1) Any member of the National Service who—

Mutiny

- (a) takes part in a mutiny involving the use of violence or the threat of violence; or
- (b) incites any other member of the National Service, or any member of the Tanganyika Military Forces, the Police Force or the Prisons Service to take part in any such mutiny, whether actual or intended,

shall be guilty of an offence and shall be liable on conviction by a Special Tribunal to suffer death or imprisonment for life or any lesser period.

(2) Any member of the National Service who, in a case not falling within subsection (1) of this section, takes part in a mutiny or incites any such person as is referred to in paragraph (b) of the said subsection (1) to take part in a mutiny, whether actual or intended, shall be guilty of an offence and shall be liable on conviction by a Special Tribunal to imprisonment for life or any lesser period.

(3) In this section—

“mutiny” means a combination between two or more members of the Services or Forces referred to in paragraph (b) of subsection (1) or between persons at least two of whom are members of any such Service or Force—

- (a) to overthrow or resist lawful authority in any such Service or Force; or
- (b) to disobey any such authority in such circumstances as to make the disobedience subversive of discipline; and

“Special Tribunal” means a tribunal established under the Special Tribunals Act, 1964.

Acts 1964
No. 21

17. Any member of the National Service who—

Insubordinate
behaviour

- (a) strikes or otherwise uses violence to, or offers violence to, an officer senior to or placed in command over him;
- (b) uses threatening or insubordinate language to any such officer; or
- (c) refuses to obey a lawful order of any such officer,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Desertion **18.—**(1) Any member of the National Service who deserts from the Service shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand shillings or to both such imprisonment and fine.

(2) No person shall be found guilty of the offence of desertion unless the court is satisfied that he intended not to return to the Service.

Persons causing disaffection, etc.

19. Any person who—

- (a) causes or attempts to cause or does any act calculated to cause disaffection amongst members of the Service; or
- (b) induces or attempts to induce, or does any act calculated to induce any member of the Service to desert or to commit any breach of discipline,

shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Arms and accoutrements

20.—(1) When a member of the Service ceases to belong to the Service, all powers and authorities vested in him by or under this Act shall immediately cease and determine and he shall forthwith deliver up to the person appointed by the Director for that purpose, all arms, ammunition, accoutrements, clothing, uniform and other appointments which have been supplied to him or entrusted to his care and which are the property of the Republic.

(2) Any member of the Service who, having ceased to belong to the Service, fails to deliver up any arms, ammunition, accoutrements, clothing, uniform or other appointments as required by this section, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding four hundred shillings or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Rules and Orders

Rules and orders

21.—(1) In addition to the powers to make rules provided in the foregoing provisions of this Act, the Minister may make rules relating to the following matters:—

- (a) the establishment, organization and distribution of the Service, the conditions of appointment and service and the various ranks and appointments therein;
- (b) the duties to be performed by members of the Service and their guidance in the discharge of such duties;
- (c) the pay, allowances and gratuities of members of the Service;
- (d) the description and issue of arms, ammunition, accoutrements, uniforms, emblems and badges of rank and necessaries to be supplied to members of the Service;
- (e) the conditions governing resignation, dismissal, discharge, reduction in rank or reversion of members of the Service;

- (f) leave conditions of the Service;
- (g) generally for the good order and government of the Service.

(2) Subject to the provisions of this Act, rules made under the provisions of this section may, subject to any restrictions or exceptions therein contained, empower the Director and other members of the Service having command of any branch, unit or sub-unit thereof to make general, special, routine and standing orders with respect to all or any of the following matters, that is to say:—

- (a) the discipline, good order and guidance of the branches, units and sub-units under his command;
- (b) the organization and duties of the branches, units and sub-units under his command;
- (c) the distribution, posting, transfer, attachment and inspection of personnel; and
- (d) the description, supply, use and disposal of arms, accoutrements, clothing and other stores.

Miscellaneous

22.—(1) Any person, not being a member of the Service, who is found in possession of any article whatsoever which has been supplied to a member for use in the execution of his duty, who fails to account satisfactorily for his possession thereof, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding four hundred shillings or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Unlawful possession of articles supplied to members of the Service

(2) Any person who, without lawful authority—

(a) purchases any article whatsoever which has been supplied to such member for use in the execution of his duty; or

(b) aids and abets such member in selling or disposing of any article,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding four hundred shillings or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

23. Every Serviceman shall be exempt from personal tax payable under the Personal Tax Ordinance and from rates payable under the Local Government Ordinance for a period of three years from the date of his joining the Service.

Exemption from certain taxes
Cap. 355
Cap. 333

24. The provisions of the laws set out in the first and second columns of the Second Schedule hereto are hereby amended in the manner set out opposite thereto in the third column thereof.

Amendment of laws

25. The units raised and maintained in Tanganyika under the authority of the Government under the style of the National Service before the commencement of this Act shall, with effect from the commencement of this Act, be deemed to have been raised under this Act.

Transitional

FIRST SCHEDULE

(Section 5 (4))

THE NATIONAL SERVICE ACT, 1964

DECLARATION

I,, swear by Almighty God/do solemnly and sincerely declare that I will be faithful and loyal to the Republic of Tanganyika and that I will faithfully serve the Republic during my service in the National Service and will obey all orders of the President and of the officers placed over me.

.....
Signature or Mark of Serviceman

Declared at this
day of19.....

Before me

SECOND SCHEDULE

(Section 24)

1	2	3
Penal Code (Cap. 16)	Section 5	In the second series of categories of persons included in the definition "person employed in the public service", add at the end of paragraph (iv) the words and semi-colon "and all members of the National Service":
The Employment Ordinance (Cap. 366)	Section 1 (2)	Delete the full stop at the end of the proviso, substitute a semi-colon and add the following new paragraph: "(iv) members of the National Service".
The Trade Unions Ordinance (Cap. 381)	Section 58A	Insert, immediately after the words "Prisons Service", the words "or the National Service".
The Civil Service (Negotiating Machinery) Act, 1962 (Acts 1962, No. 52)	Section 2 (1)	In the definition "civil servant" insert, immediately after the words "Prisons Service", the words "or the National Service".
The Civil Service Act, 1962 (C.A. Act 11)	Section 2 (1)	In the definition "Civil Service office", delete the word "and" at the end of sub-paragraph (vi) of paragraph (a), and add, below that sub-paragraph, the following new sub-paragraph— "(vii) the office of a member of the National Service, and".

Passed in the National Assembly on the twentieth day of February, 1964.

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Clerk of the National Assembly