

THE UNITED REPUBLIC OF TANZANIA



No. 22 OF 1965

In discharge of the functions
of the office of the President

I ASSENT,

Abeid A. Karume

First Vice-President

10TH JUNE, 1965

An Act to amend the Exchange Control Ordinance

[11TH JUNE, 1965]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Exchange Control Ordinance (Amendment) Act, 1965, shall be read as one with the Exchange Control Ordinance (hereinafter referred to as "the Ordinance") and shall come into operation on the eleventh day of June, 1965.

2.-(1) Notwithstanding any provision made by or under any other law whereby references in the Ordinance to the Governor are to read and construed as references to any other person or authority the or whereby the functions conferred or imposed by the Ordinance on the Governor or on such person or authority are transferred to some other person or authority, but subject to the following provisions of this Act, the Ordinance shall have effect in respect of any time, or period commencing, on or after the commencement of this Act as if such references were references to the Treasury, and all such functions are hereby transferred to and vested in the Treasury and the Ordinance shall be read and construed accordingly.

(2) The transfer of any function conferred or imposed by the Ordinance which is inconsistent with the provisions of subsection (1) is hereby revoked.

3.-(1) The Ordinance is hereby amended by deleting the words "other than sterling" where they occur in the fourth line of paragraph (a) of subsection (4) of section 1.

(2) Subject to subsection (1) of this section, the Ordinance is hereby amended by deleting the word "sterling" wheresoever it occurs and by substituting therefor the words "East African Shillings".

Short title
construction
and
commence-
ment
Cap.294

Functions of
the President
vested in
the Treasury

East African
Shillings
substituted
for sterling

Section 1
of
Ordinance
amended

4. Section 1 of the Ordinance is hereby amended by deleting subsections (1), (2) and (3) and by substituting therefor the following new subsections:-

"(1) Except with the permission of the Treasury, no person, other than an authorized dealer, shall, in the Territory, and no person resident in the Territory, other than an authorized dealer, shall, outside the Territory, buy or borrow any gold or foreign currency from, or sell or lend any gold or foreign currency to, any person other than an authorized dealer.

(2) Where a person buys or borrows any gold or foreign currency in the Territory or, being a person resident in the Territory, buys or borrows gold or foreign currency outside the Territory, he shall comply with such conditions as to the use to which it may be put or the period for which it may be retained as may from time to time be notified to him by the Treasury."

Section 2
of
Ordinance
amended

5. Section 2 of the Ordinance is hereby amended by inserting, immediately after the words "Every person in" in the first line of subsection (1), the words "or resident in"

Section 4
of
Ordinance
amended

6. Section 4 of the Ordinance is hereby amended by inserting, immediately after the words "Every person in" in the first line of subsection (4), the words "or resident in"

Section 6
of Ordinance
amended

7. Section 6 of the Ordinance is hereby amended by deleting subsection (1) and by substituting therefor the following new subsection:-

"(1) Except with the permission of the Treasury, no person resident in the Territory shall, subject to the provisions of this section, make any payment outside the Territory to, or for the credit of a person resident outside the scheduled territories."

Section 7
of
Ordinance
amended

8. Section 7 of the Ordinance is hereby amended by deleting the first six lines of subsection (1) and by substituting therefor the following: -

"(1) Except with permission of the Treasury, no person shall in the Territory, and no person resident in the Territory shall outside the Territory, make any payment to or for the credit of a person resident in the scheduled territories as consideration for or in"

Section 8
of
Ordinance
amended

9. Section 8 of the Ordinance is hereby amended by deleting the first four lines of subsection (1) and by substituting therefor the following: -

"(1) Except with the permission of the Treasury, no person shall in the Territory issue any security or, whether in the Territory or elsewhere, issue any security which is registered or to, be registered in"

Section 10
of
Ordinance
replaced

10. Section 10 of the Ordinance is hereby repealed and replaced by the following new section: -

"Issue of
bearer
certificates
and
coupons

10. Except with the permission of the Treasury, no person shall, in the Territory, and no person resident in the Territory shall, outside the Territory, issue any bearer certificate or coupon or so alter any document that it becomes a bearer certificate or coupon."

11. Section 11 of the Ordinance is hereby amended as follows:-

- (a) by inserting- immediately after the words "No person in" in the first line of paragraph (1), the words "or resident in";
(b) by deleting paragraph (2).

Section 11
of
Ordinance
amended

12. Section 12 of the Ordinance is hereby amended as follows:—

- (a) by inserting immediately after the words "No person" in tile first line of paragraph (1), the word "resident",. and
(b) by deleting paragraph (2).

Section 12
of
Ordinance
amended

13. Section 15 of the Ordinance is hereby amended by deleting subsection (6) and by substituting therefor the following new subsection:

"(6) Where a certificate of title which under this section should for the time being be in the custody of an authorized depository is Dot in the custody of an authorized depository then, except with the permission of the Treasury, no person shall in the Territory, and no person resident in the Territory shall outside the Territory, buy, sell, transfer or do anything which affects his rights or powers in relation to, the security."

Section 15
of
Ordinance
amended

14. Section 17 of the Ordinance is hereby amended by deleting subsection (2) and by substituting therefor the following new subsection:

"(2) Except with the permission of the Treasury, no person shall in the Territory, and no person resident in the Territory shall outside the Territory, transfer, or do anything which affects his rights or powers in relation to, any security to which this section applies."

Section 17
of
Ordinance
amended

15. Section 21 of the Ordinance is hereby amended by deleting the words "the United Kingdom" where they occur in paragraph (a) of subsection (1) and by substituting therefor the words "East Africa",

Section 21
of
Ordinance
amended

16. Section 22 of the Ordinance is hereby amended by deleting the words "the United Kingdom" where they occur in paragraph (a) Of subsection (1) and by substituting therefor the words "East Africa

Section 22
of
Ordinance
amended

17. Section 30 of the Ordinance is hereby amended by deleting the words "the Territory" where they occur in the proviso to subsection (2) and by substituting therefor the words "East Africa"

Section 30
of
Ordinance
amended

18. Section 35 of the Ordinance is hereby repealed and replaced by the following new section:-

Section 35
of
Ordinance
repealed
and replaced

"Application
to United
Republic
and
Executive
for
Zanzibar

35. This Ordinance shall bind the United Republic and the Executive for Zanzibar and shall apply to transactions by a Government or other public department or other person acting on behalf of the United Republic or the Executive for Zanzibar, and the Treasury shall not, by virtue of any contract made by or on behalf of the United Republic or the Executive for Zanzibar in relation to any securities be under any obligation to grant any permission under Part III of this Ordinance or any exemption from the provisions of the said Part III."

Section 38
of
Ordinance
repealed
and replaced

19. Section 38 of the Ordinance is hereby repealed and replaced by the following new section:—

"Fees and
financial
provisions

38. (1) The Treasury may, by order, prescribe fees to be paid for anything to be done under this Act.

(2) Save insofar as they may be discharged by fees paid under this Ordinance, the expenses incurred under or by virtue of this Ordinance by any Government department shall be paid out of moneys provided by Parliament, and, subject to any discretions under section 9 of the Exchequer and Audit Ordinance, all sums received under or by virtue of this Ordinance by any Government department shall be paid into the Exchequer account."

Cap. 439

Section 42
of
Ordinance
amended

20. Section 42 of the Ordinance is hereby amended by deleting paragraph (a) of subsection (7).

Section 46
of
Ordinance
amended

21. Section 46 of the Ordinance is hereby amended by deleting the words "Her Majesty's Government in the United Kingdom" where they occur in subsection (1), and by substituting therefor the words "the United Republic"

Section 48
of
Ordinance
amended

22. (1) Subsection (1) of section 48 of the Ordinance is hereby amended by inserting in their appropriate alphabetical positions the following new definitions: -

"East Africa" means Tanzania, Kenya and Uganda;

"the Territory" means Tanzania;

"the Treasury" means the Minister for the time being responsible for finance and (save in relation to any power to make orders) includes such officer or officers of the Treasury as may be deputed by the Minister to exercise and perform functions under this Ordinance."

(2) Section 48 of the Ordinance is hereby further amended as follows: -

(a) by inserting, immediately below subsection (1), the following new subsection: —

"(1A) Where, in accordance with this Ordinance or anything done thereunder, any property or thing is to be assigned, sold or transferred to, or vested in, the Treasury, it shall be assigned, sold or transferred to, or vested in, as the case may be, the Treasury Registrar."

(b) by deleting the words "they are not British subjects" where they occur in subsection (5) and by substituting therefor the words "they are not in the Territory and are not citizens of Tanzania"

23.-(1) The First Schedule to the Ordinance (as contained in the Exchange Control (Definition of the Scheduled Territories) Order, 1964) is hereby repealed and replaced by the Schedule set out in the First Schedule to this Act.

(2) The Exchange Control (Specified Currency) Order, 1959 is hereby revoked and replaced by the order set out in the Second Schedule to this Act.

(3) The First and Second Schedules to this Act shall have effect as if there were orders made under sections 1 and 2 respectively of the Ordinance and nothing in this Act shall be construed as precluding the exercise in relation thereto of any of the powers conferred by subsection (4) of section 1 of the Ordinance or section 24 of the Interpretation and General Clauses Ordinance.

24.-(1) The Ordinance and this Act shall extend to Zanzibar as well as to Tanganyika and the extension of the Ordinance to Zanzibar shall have effect as if it had been so extended under the Acts of Union of Tanganyika and Zanzibar.

(2) The Ordinance, as amended by this Act shall have effect as if references therein to the Companies Ordinance, Bankruptcy Ordinance and the Customs laws of Tanganyika included references to the Companies Decree, and the Bankruptcy and Customs laws, respectively, of Zanzibar.

(3) The Exchange Control Decree of Zanzibar is hereby repealed.

(4) The provisions of section 10 of the Interpretation and General Clauses Ordinance shall apply in relation to the Exchange Control Decree of Zanzibar as if it were an Ordinance which is repealed and replaced by this Act.

Declaration of scheduled territories and specified currencies G.N. 1964 No. 194 Cap.294 Supp.59 Subsidiary p.1

Cap.1

Extension to Zanzibar Acts 1964 No.22 G.N. 1964 No. 243 Tanganyika Cap.212 and 45 Zanzibar Cap. 153 Zanzibar Cap. 139

THE FIRST SCHEDULE

FIRST SCHEDULE

(Section 23 (1))

(Section 1)

THE SCHEDULED TERRITORIES

Kenya.
Tanzania.
Uganda.

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THE SECOND SCHEDULE

"The Exchange Control (Specified Currency) Order, 1965.

(Section 23 (2))

1. This Order may be cited as the Exchange Control (Specified Currency) Order, 1965.
2. The foreign currency Set Out in tile Schedule to this Order is hereby specified as foreign currency to which section 2 of the Exchange Control Ordinance applies.

THE SCHEDULE

1. Australian pounds.
2. Austrian Schillings.
3. Belgian francs.
4. Burmese kyats.
5. Canadian dollars.
6. Ceylon rupees.
7. Cyprus pounds.
8. Danish kroner.
9. Deutschemark.
10. French francs.
11. Ghana pounds.
12. Iceland krona.
13. Indian rupees.
14. Irish pounds.
15. Italian lire.
16. Jamaica pounds.
17. Japanese yen.
18. Jordan dinars.
19. Kuwaiti dinars.
20. Libyan pounds.
21. Malawi pounds.
22. Malayan dollars.
23. Maltese pounds.
24. Netherlands guilders.
25. New Zealand pounds.
26. Nigerian pounds.
27. Norwegian kroner.
28. Pakistan rupees.
29. Portuguese escudos.
30. Sierra Leone leones.
31. South African rands.
32. Spanish pesetas.
33. Swedish kroner.
34. Swiss francs.
35. United Kingdom pounds.
36. United States dollars.
37. West Indian dollars.
38. Western Samoan pounds.
39. Zambian pounds.
40. The currencies of any of the following:—the territories under the sovereignty of Her Majesty the Queen of Great Britain and Northern Ireland, any protectorate or protected State within the meaning of the British Nationality Acts, 1948 and 1958, and any trust territory of which Her Majesty the Queen of Great Britain and Northern Ireland or the Commonwealth of Australia or New Zealand is the administering authority."

Passed in the National Assembly on the tenth day of June, 1965.


Clerk of the National Assembly