

THE UNITED REPUBLIC OF TANZANIA



No. 2 OF 1965

I ASSENT.

Julus K Nyerere
.....
President

24TH MARCH, 1965

An Act to provide for the raising and maintenance of a Volunteer Military Reserve, to constitute certain other Disciplined Forces and Services as further Military Reserves and for connected purposes

[-----21ST MAY, 1965-----]

ANACTED by the Parliament of the United Republic of Tanzania.

G.N
251
of 1965

PART I

PRELIMINARY

1. This Act may be cited as the Reserve Forces Act, 1965 and shall come into operation on such date as the Minister shall, by notice in the *Gazette*, appoint.

2.-(1) In this Act, unless the context otherwise requires-
"enlisted member", in relation to the Volunteer Reserve, means a member enlisted or re-engaged under section 6;
"member", in relation to the Volunteer Reserve, means both a commissioned officer and an enlisted member of the Volunteer Reserve and, save as provided by regulations made under subsection (2) of section 7, includes a member of the permanent staff of the Reserve other than a member of the regular forces seconded thereto;

"Military Council Ordinance" means the Tanzania Military Forces (Constitution and Miscellaneous Provisions) Ordinance, as amended from time to time;

"Military Forces Ordinance" means the Tanzania Military Forces Ordinance, as amended from time to time;

"the Minister" means the Minister for the time being responsible for defence;

Short title
and
commence-
ment
Interpreta-
tion

Cap. 449

Cap. 402

- Acts 1964
No. 16 "National Service" includes the National Service established by the National Service Act, 1964 and any service having similar functions to the National Service which is established in Zanzibar;
- Cap. 58
Z. Cap. 51 "the Prisons Services" includes the Prisons Service established by the Prisons Ordinance and prison officers serving under the Prisons Decree of Zanzibar, or any law replacing such Ordinance or Decree;
- "regular forces" means the forces raised and maintained under the Military Forces Ordinance;
- "the Volunteer Reserve" means the Volunteer Reserve established by section 4.
- (2) Save as provided in subsection (1), this Act shall be read as one with the Military Forces Ordinance.
- Zanzibar 3. This Act shall extend to Zanzibar as well as to Tanganyika.

PART II

THE VOLUNTEER RESERVE

(a) *Raising and composition of the Volunteer Reserve*

- Raising and
maintenance
of the
volunteer
reserve 4.-(1) There shall be established and maintained a military reserve force to be known as the Volunteer Reserve which shall consist of such number of members as may, for the time being, be determined by the President.
- (2) Subject to the directions of the President, the Volunteer Reserve shall be divided into such branches, arms and formations as the Military Council think fit.
- Com-
missioned
officers 5. The provisions of section 8 of the Military Council Ordinance shall apply for the grant of commissions in the Volunteer Reserve, and the powers of the Military Council to make regulations under section 9 of that Ordinance shall include power to make corresponding regulations for commissioned officers in the Volunteer Reserve.
- Non-com-
missioned
ranks 6.-(1) Subject to regulations of the Military Council, the appropriate authority may enlist and re-engage citizens in the Volunteer Reserve for such period or periods as may be prescribed.
- (2) An enlisted member of the Volunteer Reserve-
- (a) may, at any time other than a time when the Volunteer Reserve or any part thereof is ordered to be mobilized, call upon the appropriate authority to discharge him, and the appropriate authority shall with all convenient speed discharge him accordingly;
- (b) may, at any time, be discharged by the appropriate authority if his services are for any reason no longer required;
- (c) shall, unless his service is prolonged under subsection (3), be discharged at the expiration of the period for which he was enlisted or re-engaged,
- but, until he is in fact discharged by the appropriate authority, he shall remain a member of the Volunteer Reserve or such other of the Military Forces to which he may be transferred in accordance with this Part of this Act, as the case may be ...

(3) Any enlisted member of the Volunteer Reserve whose term of service expires at a time when the Volunteer Reserve or any part thereof is ordered to be mobilized may be retained in the Volunteer Reserve (or if the part thereof of which he is a member has been mobilized, in any of the Military Forces to which he may be transferred in accordance with this Part of this Act) for such further period or periods as the appropriate authority, with the approval of the President, may direct.

7.-(1) Subject to the directions of the President, the Military Council may provide for the constitution of a permanent staff of the Volunteer Reserve and commissions may be granted and citizens enlisted under sections 5 and 6 of this Act in the permanent staff of the Reserve.

Permanent
staff

(2) Regulations of the Military Council may provide-

- (a) for the duties and the terms of service of members of the permanent staff of the Volunteer Reserve;
- (b) for the modification of this Act in relation to such members;
- (c) for the application of the Military Forces Ordinance and in particular of section 201 thereof (with such modifications as they may think fit) to such members,

and the provisions of this Act and of the Military Forces Ordinance shall apply to and in relation to such members accordingly.

(3) In addition to the officers and non-commissioned ranks appointed to or enlisted in the permanent staff of the Volunteer Reserve under the foregoing provisions of this Act, the Military Council may second members of the regular forces to the permanent staff of the Volunteer Reserve.

(4) Regulations under subsection (2) of this section shall not apply to members of the regular forces seconded to the permanent staff of the Volunteer Reserve, but such members of the regular forces shall remain subject to the Military Forces Ordinance.

(b) Liability of members of the Volunteer Reserve for training and to be mobilized

8.-(1) Subject to the provisions of this section every member of the Volunteer Reserve shall, by way of annual training, attend and be trained at not less than such number of part-time drills as may be prescribed for his branch or arm of the Volunteer Reserve.

Annual
training

(2) Every member of the Volunteer Reserve shall, at and during such drills-

- (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.

(3) The requirements of subsection (1) may be dispensed with in whole or in part-

- (a) as respects any unit, by the Military Council;
- (b) as respects any individual member, by his commanding officer subject to any general directions of the Military Council.

Special training

9.-(1) A member of the Volunteer Reserve may, with his own consent, be posted to a training establishment appointed by the Military Council, there to undergo full time training and instruction for a period not exceeding six months.

(2) Subject to any regulations of the Military Council, a member of the Volunteer Reserve undergoing training and instruction at any such training establishment shall be subject to the Military Forces Ordinance.

Mobilization of the Volunteer Reserve

10.-(1) In the event of a state of war being declared, or of insurrection, hostilities or public emergency, the President may, by proclamation, order the Volunteer Reserve or any part thereof to be mobilized.

(2) In any such proclamation, the President may give or may authorize the Military Council to give, such directions as may be necessary and proper for mobilizing the Volunteer Reserve or any part thereof, and every such proclamation and the directions given in pursuance thereof shall be obeyed as if enacted herein, and every member of the Volunteer Reserve subject to such directions shall attend at the time and place fixed by the directions and at that time and place be deemed to be mobilized.

Volunteer Reserve to be governed by Military Forces Ordinance when mobilized

11. Subject to any regulations made by the Military Council, where the Volunteer Reserve or any part of the Volunteer Reserve is mobilized-

- (a) the Reserve or that part thereof, as the case may be, shall be governed by the Military Forces Ordinance and the members of the Reserve or of that part thereof shall be subject to the Military Forces Ordinance;
- (b) the units of the Reserve or that part thereof shall form part of, and be deemed to become units of' the Military Forces; and
- (c) the members of the Reserve or that part thereof shall be liable to be transferred, seconded or attached to, and to serve in, any of the Military Forces, and shall be liable to serve both within and outside Tanzania.

Demobilization of the Volunteer Reserve

12.-(1) Where the Volunteer Reserve, or any part thereof has been mobilized it shall remain mobilized until demobilized by directions given in pursuance of a proclamation of the President for the standing down of the Volunteer Reserve.

(2) Directions under this section shall include directions for the demobilization of members of the Volunteer Reserve who, since the Reserve was mobilized have been transferred, to any of the Military Forces which are not then demobilized.

(c) *The Government and Discipline of the Reserve*

13.-(1) Subject to the provisions of this Part of this Act, the Military Regulations Council may, with the approval of the President, make regulation for-

- (a) the government, discipline, command, good order and guidance of the Volunteer Reserve, including any matter which by this Part may be prescribed or is expressed to be subject to regulations;
- (b) the organization, duties and training of the Volunteer Reserve and its various branches, arms and formations;
- (c) the distribution, posting, transfer, attachment and inspection of personnel;
- (d) the description, supply, use and disposal of arms, accouterments, clothing, equipment and other stores, including investigations into losses thereof;
- (e) the allowances of the Volunteer Reserve.

(2) Regulations under this section may empower the Commander and other officers of the regular forces, and any officer of the Volunteer Reserve, to make and issue general, special, routine and standing orders with respect to any of the matters referred to in subsection (1).

(d) *Offences*

14.-(1) Any member of the Volunteer Reserve who- Mutiny

- (a) takes part in any mutiny involving the use of violence or the threat of violence; or
- (b) incites any other member of the Volunteer Reserve, or any member of the regular forces, the Police Force, the Prisons Services or the National 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 Volunteer Reserve 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 Volunteer Reserve or the forces or services referred to in paragraph (b) of subsection (1), or between persons at least two of whom are members of any such Reserve, forces or service-

(a) to overthrow or resist lawful authority in any such Reserve, forces or service; or

(b) to disobey any such authority in such circumstances as to make the disobedience subversive of discipline; and

Acts 1964
No. 21

"special Tribunal " means a tribunal established under the Special Tribunals Act, 1964.

False
statement
on enlistment

15. Any person who, on enlisting in the Volunteer Reserve-

(a) makes a false statement to the person so enlisting him; or

(b) if he has previously been discharged or dismissed with disgrace from the regular forces, the Police Force, the Prisons Services or the National Service, fails to disclose that fact and the circumstances thereof,

shall be guilty of an offence and shall be liable on conviction by a civil court to a fine not exceeding five hundred shillings.

Insubordinate
behaviour

16. Any member of the Volunteer Reserve who at, or on proceeding to or from, a part time drill or on proceeding to or from any training establishment-

(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 by a civil court 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:

Provided that where any person is charged before any court with an offence under this section, no further proceedings in respect thereof shall be taken against him without the consent in writing of the Director of Public Prosecutions except such as the court may think necessary by remand (whether in custody or on bail) or otherwise to secure the due appearance of the person charged; so, however, that if that person is remanded in custody he shall, after the expiration of a period of twenty-eight days from the date on which he is so remanded, be entitled to be discharged from custody on entering into a recognizance without sureties unless within that period the Director of Public Prosecutions has consented to such further proceedings as aforesaid.

Failure to
attend on
mobilization
of Volunteer
Reserve

17. Any member of the Volunteer Reserve who, without leave lawfully granted or such sickness or other reasonable excuse as may be allowed in the prescribed manner, fails to appear at the time and place appointed for his attendance when the Volunteer Reserve or the part thereof to which he belongs is mobilized shall be guilty, according to the circumstances, of deserting within the meaning of section 30 or of absenting himself without leave within the meaning of section 31 of the Military Forces Ordinance and shall, whether subject to that Ordinance or not, be liable to be tried by court martial and to be convicted and punished accordingly.

18.-(1) When a member of the Volunteer Reserve ceases to belong to the Reserve, all powers and authorities vested in him by or under this Act shall immediately cease and determined and he shall forthwith deliver up to the prescribed authority 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 United Republic.

Arms and accoutrements

(2) Any person who, having ceased to belong to the Reserve, 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 by a civil court to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

19.-(1) The liability of any person to be tried convicted and punished for an offence contrary to sections 14, 15, 16 or 17 shall not be affected by the fact that, since the commission of the act charged, he has ceased to be a member of the Volunteer Reserve.

General provisions relating to offences

(2) Nothing in sections 14, 15 or 16 shall preclude a member of the Volunteer Reserve who has become subject to the Military Forces Ordinance from being tried, convicted or punished under that Ordinance for any offence thereunder.

(3) A member of the Volunteer Reserve, whether otherwise subject to the Military Forces Ordinance or not, may be taken into military custody for an offence contrary to this Act or for any other offence committed while carrying out his duties or attending to his obligations under this Act, but, unless he is at that time subject to the Military Forces Ordinance or is liable to be tried by court martial for an offence contrary to section 17, he shall, as soon as may be, be handed over to the civil authorities.

(4) For the purpose of subsection (3) "military custody" includes the custody of members of the Volunteer Reserve.

20.-(1) The Special Tribunals Act, 1964 shall have effect as if the Reserve were a Service and this Act a Service law within the meaning ascribed to those expressions in section 2 of the Special Tribunals Act.

Application of special Tribunals Act

(2) Subsection (4) of section 7 of the Special Tribunals Act shall have effect in relation to the Volunteer Reserve subject to subsection (2) of section 19 of this Act.

(e) *Miscellaneous*

21. Notwithstanding the provisions of the Disqualification (National Assembly and Miscellaneous Offices) Act, 1962, the acceptance of a commission in or enlistment or re-engagement in the Volunteer Reserve (other than the permanent staff thereof) shall not disqualify a person for election as a member of the National Assembly.

Membership of the National Assembly

22.-(1) The provisions of sections 171 and 172 of the Military Forces Ordinance (which relate to certain exemptions from tolls and duties and from the taking in execution of property used for military purposes) shall apply in relation to members of the Volunteer Reserve as they apply in relation to members of the regular forces.

Exemptions

- (2) The Minister may, by order published in the *Gazette*-
- (a) exempt the Volunteer Reserve, or the members thereof when on duty or at any training establishment, from the operation of any enactment specified in the order to the extent to which the Reserve or such members would be capable of being exempted therefrom if the Reserve were a part of the regular forces;
 - (b) confer on the Volunteer Reserve, or the members thereof when on duty or at any training establishment, any other Privilege or immunity specified in the order, being a privilege or immunity which would be enjoyed by or would be capable of being conferred on the Reserve or such members thereof if the Reserve were a part of the regular forces,

subject however to such limitations and conditions as may be specified by or under the order and, in relation to any exemption, privilege or immunity in respect of any tax, rate, duty or fee, the concurrence of the Minister for the time being responsible for financial matters.

Persons causing disaffection, etc.

23. Any person who-

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

shall be guilty of an offence and shall be liable upon conviction by a civil court 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.

Unlawful possession of articles supplied to Volunteer Reserve

24.-(1) Any person, not being a member of the Volunteer Reserve, 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 by a civil court to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding three months or to, both, such fine and imprisonment.

(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 by a civil court to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

PART III

CONSTITUTION OF OTHER DISCIPLINED FORCES AND SERVICES AS MILITARY RESERVE FORCES

Constitution of military reserve forces

25. The Police Force, the Prisons Services and the National Service (including the National Service Reserve) shall constitute military reserve forces.

26.-(1) The Minister, after consultation in the case of the Police Force and the Prisons Services with the appropriate Minister, shall, from time to time, prepare a scheme or schemes for the training of the members of the Police Force, the Prisons Services and the National Service in the use of arms and weapons of war and in military exercises.

Military
training

(2) Members of the Police Force, Prisons Services and the National Service shall attend and be trained in accordance with the appropriate scheme for the time being in force as part of their duties.

(3) In this section, the appropriate Minister means the Minister responsible for the force or service concerned and in the case of the Prisons Service of Zanzibar means the Minister of the Executive of Zanzibar responsible for that Service.

27.-(1) In the event of a state of war being declared, or of insurrection, hostilities or public emergency, the President may, by proclamation-

Mobilization
of such
reserves

- (a) order the National Service Reserve or any part thereof to be called out;
- (b) order the Police Force, the Prisons Services and the National Service (including the National Service Reserve), or any of them, or any part thereof, to be mobilized for service within the Military Forces.

(2) In any such proclamation, the President may give, or may authorize the Military Council to give, such directions for the calling out of the National Service Reserve and the mobilization of the Police Force, Prisons Services and National Service (including the National Services Reserve), or any part thereof, and every such proclamation and the directions made in pursuance thereof shall be obeyed as if enacted therein, and every person subject to such directions shall attend at the time and place fixed by the directions and at that time and place be deemed to be mobilized for service with the Military Forces.

(3) Subject to any regulations made by the Military Council, where the Police Force, the Prisons Services or the National Service (including the National Service Reserve) or any part thereof are mobilized for service with the Military Forces—

- (a) such force or service, or such part thereof, as the case may be, shall be governed by the Military Forces Ordinance and the members of such force or service, or of that part thereof, shall be subject to the Military Forces Ordinance;
- (b) the units of such force or service or such part thereof shall form part of, and be deemed to be units of, the Military Forces; and
- (c) the members of such force or service or such part thereof shall be liable to be transferred, seconded, or attached to, and to serve in, any of the Military Forces, and to serve both within and outside Tanzania.

Failure to
attend on
mobilization

28. Any member of the Police Force, the Prisons Services or the National Service (including the National Service Reserve) who, without leave lawfully granted or such other sickness or other reasonable excuse as may be allowed in the prescribed manner, fails to appear at the time and place appointed for his attendance when the Police Force, Prisons Services or National Service (including the National Service Reserve), as the case may be, or that part of such force or service to which he belongs, are mobilized for service with the Military Forces, shall be guilty, according to the circumstances, of deserting within the meaning of section 30 or of absenting himself without leave within the meaning of section 31 of the Military Forces Ordinance and shall, whether subject to that Ordinance or not, be liable to be taken into military custody and to be tried by court martial and to be convicted and punished accordingly.

Prolongation
of service
during
mobilization

29. In addition to any other provision for the prolongation of the service of members of the Police Force, the Prisons Services or the National Service, where the term of service or secondment of a member of the Police Force, the Prisons Services or the National Service (including the National Service Reserve) expires at a time when the force or service to which he belongs or any part thereof is ordered to be mobilized for service with the Military Forces, he may be retained in the force or service to which he belongs (or, if the part thereof of which he is a member has been mobilized for such service, in any of the Military Forces to which he may be transferred in accordance with this Part of this Act) for such further period or periods as the appropriate authority, with the approval of the President, may direct.

Demobiliza-
tion

30.-(1) Where the Police Force, Prisons Services or National Service (including the National Service Reserve), or any part of any such force or service, has been mobilized for service with Military Forces, it shall remain so mobilized until demobilized by directions made in pursuance of a proclamation of the President for the standing down of the relevant force or service, or of that part thereof.

(2) Directions under this section shall include directions for the demobilization of the members of the relevant force or service or part thereof who, since such force, service or part was mobilized, have been transferred to any of the Military Forces which are not then demobilized.

Regulations

31. The Military Council may, with the approval of the President, make regulations for-

- (a) any matter which by this Part may be prescribed or is expressed to be subject to regulations;
- (b) the training of any force or service to which this Part applies;
- (c) declaring which ranks in the forces and services to which this Part applies correspond to which ranks in the Military Forces and for the grant of commissions and the making of appointments accordingly.

PART IV

AMENDMENT AND CONSTRUCTION OF LAWS

32. The provisions of the laws set out in the first and second Columns of the Schedule hereto are hereby amended in the manner set out opposite thereto in the third column of that Schedule.

Amendment
of laws

33. Section 120A of the Prisons Ordinance, section 91 of the Police Force Ordinance, section 24 of the Tanganyika Military Forces Ordinance and section 16 of the National Service Act, 1964 shall have effect as if the Volunteer Reserve were included amongst the other services and forces to which those sections refer, or as the case may be, were subject to service law.

Construction
of certain
laws relating
to mutiny

THE SCHEDULE

(Section 32)

AMENDMENT OF LAWS

PART I

CONSEQUENTIAL UPON PART II OF THIS ACT

The Penal Code (Cap. 16)	Section 5	In the second series of the categories of persons included in the definition "persons employed in the public service", add, immediately after the word "Territory" in paragraph (iv), the brackets and words "(including members of the Volunteer Reserve when on duty)".
The Employment Ordinance (Cap. 366)	Section 1 (2)	<i>Insert</i> , immediately before the semicolon at the end of paragraph (i) of the proviso, the words "including members of the Volunteer Reserve in their capacities as such".
The Trade Unions Ordinance (Cap. 381)	Section 58A (1)	<i>Insert</i> , immediately after the words "United Republic" in paragraph (a), the words "or a member of the permanent staff of the Volunteer Reserve"
The Tanzania Military Forces Ordinance (Cap. 402)	Section 201 (2)	<i>Delete</i> the words "under the provisions of this section" in the second line.
The Civil Service (Negotiating Machinery) Act 1962 (Acts 196 No. 52)	Section 2 (1)	In the definition "civil servant", insert, immediately after the word "Tanganyika", the brackets and words "(including the Volunteer Reserve)".

PART II

CONSEQUENTIAL UPON PART III OF THIS ACT

The Police Force Ordinance (Cap. 322)	Section 6	Is repealed.
The National Service Act, 1964 (Acts 1964 No. 16)	Section 12 (2)	Is repealed.
	Section 13	Is repealed.

Passed in the National Assembly on the eighteenth day of March, 1965.


Clerk of the National Assembly