

THE PERMANENT LABOUR TRIBUNAL ACT, 1967

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PRELIMINARY

PART II

TRANSITIONAL PROVISIONS RELATING TO THE REGULATION OF WAGES
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TRANSITIONAL PROVISIONS RELATING TO THE AMENDMENTS TO THE
LOCAL GOVERNMENT SERVICE (NEGOTIATING MACHINERY) ACT, 1963

THE UNITED REPUBLIC OF TANZANIA



No. 41 OF 1967

I ASSENT,

Julius K. Nyerere
 President

27 NOVEMBER, 1967

An Act to repeal and replace the Trade Disputes (Settlement) Act, 1962, to establish a Permanent Labour Tribunal, to make further and better provision for the Settlement of Trade Disputes by negotiation., conciliation and reference to the Permanent Labour Tribunal, to amend certain Laws relating to Disputes in Civil Service and Local Government Service and to provide for matters incidental thereto or connected therewith

[1ST DECEMBER, 1967]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Permanent Labour Tribunal Act, 1967 and shall come into operation on the 1st December, 1967.

Short title
and
commence-
ment
Application

2.-(1) Nothing in this Act, other than the provisions of section 44, section 45 and the Schedules hereto, shall apply-

- (a) to employment or service by or under the Government or in relation to any office or appointment in the employment or service of the Government; or
- (b) to employment or service in the Local Government Service or to any office or appointment in the employment or service of an employing authority as defined in the Local Government Service Act, 1963.

Cap. 540

(2) For the avoidance of doubts it is hereby declared that, save as may be otherwise expressly provided in this Act, the provisions of this Act shall apply to employment or service in Tanganyika by or under the Community or any Corporation or in relation to any office or appointment in Tanganyika in the employment or service of the Community or of any Corporation.

Interpreta-
tion

3. In this Act, unless the context otherwise requires-

- "award" means an award-made by the Tribunal and includes a negotiated agreement or a voluntary agreement which is registered by the Tribunal as an award;
- "chairman" means the chairman, of the, Tribunal;
- "Corporation" means a corporation 'within the Community established pursuant to the Treaty;
- "employee" means any person who has entered into or works under a contract of service with an employer whether by way of manual labour, clerical work or otherwise, and whether the contract is expressed or implied or is oral or in writing;
- "employer" means any person, or any firm, corporation or company, public authority or body of persons who, or which has entered into a contract of service to employ any person and includes any officer of such person, firm, corporation, company, authority or body who is placed in authority over all other persons employed by such person, firm, corporation, company, authority or body;
- "rock-out" means the closing of a place of employment, or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him, done in consequence of a trade dispute, not with the intention of finally determining employment, but with a view to compelling those persons, or to aid another employer in compelling persons employed by him, to accept terms or conditions of or affecting employment;
- "Minister" means the Minister for the time being responsible for labour matters;
- "Registrar" means the Registrar of the Tribunal;
- "strike" means the cessation of work by a body of persons employed acting in combination, or a concerted refusal or a refusal under a common understanding of any number of persons employed to continue to work for an employer, or a concerted interruption of work or performance of work on a go-slow basis by any number of employees, done as a means of compelling their employer or any person or body of persons employed, or to aid other employees in compelling their employer or any person or body of persons employed, to accept or not to accept terms or conditions of or affecting employment;
- "trade dispute" means any dispute between an employer and employees in the employment of that employer connected with the employment or non-employment, or the terms of the employment, or with the conditions of labour, of any of those employees;

"the Treaty" means the Treaty for East African Co-operation a copy of which is set out in the Schedule to the Treaty for East African Co-operation (Implementation) Act, 1967;

Acts 1967
No. 42

"Tribunal" means the Permanent Labour Tribunal established under section 15;

"the Union" means the National Union of Tanganyika Workers established by the National Union of Tanganyika Workers (Establishment) Act, 1964, or any other body established by the President under section 5 of that Act;

Acts 1964
No. 18

"wages" means remuneration and other benefits payable or accruing to an employee for services rendered under a contract of service.

PART II

PROCEDURE FOR THE SETTLEMENT OF DISPUTES

4. (1) Any trade disputed, whether existing or apprehended, if not trade otherwise determined, may be reported to the Labour Commissioner by notice in writing given either by or on behalf of the employer or on behalf of the employees, by general secretary of a registered trade union of which the employees are members.

Trade
disputes
may be
reported
to labour
Commis-
sioner

(2) Subject to the provisions of subsection (4), where a trade dispute has been reported to him in accordance with subsection (1), the Labour Commissioner shall appoint a Labour Officer, or such other person as he may think fit, to be the conciliator for such dispute:

Provided that where the Labour Commissioner considers that any machinery for the settlement of trade disputes which exists in the trade or industry or branch thereof in which the dispute has arisen has not been made use of by the parties to the dispute, he may, with the prior approval of the Minister, refer the dispute back to the parties thereto for negotiation and settlement.

(3) If, in the opinion of the Labour Commissioner, no, or no sufficient, machinery for the settlement of trade disputes exists in any trade or industry or branch thereof he shall so inform the Minister and the Minister may, on being so informed and after consultation with the employers and the trade union concerned in that trade or industry or branch thereof, establish, by order published in the *Gazette*, machinery for the settlement of trade disputes within that trade or industry or branch thereof.

(4) Notwithstanding the provisions of subsection (2) and subject to the provisions of section 36, where a trade dispute has been reported to the Labour Commissioner in accordance with subsection (1) and both the parties to such dispute apply in writing for the dispute to be referred to the Tribunal for settlement, or where the Labour Commissioner, after consultation with parties to the dispute, is of the opinion that the dispute should be referred to the Tribunal for settlement without any conciliatory measures being first taken in respect thereof, he shall report the dispute to the Minister, and the Minister shall within twenty-one days from the date when the dispute was reported to him either-

- (a) refer the dispute to the Tribunal for settlement; or
- (b) refer the dispute back to the Labour Commissioner with a direction to proceed in accordance with subsection (2):

Provided that the Minister may, if he is of the opinion that there are special circumstances which make it necessary or desirable to postpone reference to the Tribunal or reference back to the Labour Commissioner as aforesaid, postpone such reference for such further period or periods as he may in writing allow.

(5) Where a dispute has been referred to the Tribunal under the provisions of subsection (4), the Tribunal shall proceed to consider the dispute and make an award thereon in accordance with the provisions of Part IV-

Evidence

5.-(1) In any proceedings under, or for an offence against, this Act, a certificate purporting to be under the hand of the Labour Commissioner as to whether a trade dispute has been reported to him or not or as to whether a trade dispute has been referred back to the parties thereto or a conciliator appointed, or whether a trade dispute has been reported to the Minister under the provisions of subsection (4) of section 4, shall be admissible without further proof as evidence of the facts stated therein.

(2) In any proceedings under, or for an offence against this Act, a certificate purporting to be under the hand of the Minister as to whether he has or has not made a reference to, the Tribunal or reference back to the Labour Commissioner under the provisions of subsection (4) of section 4 on or by a date specified therein, or that he has or has not postponed the period for such reference or reference back under the proviso to subsection (4) of section 4 and, where he has postponed such period, specifying the further period within which such reference or reference back shall be made, shall be admissible without further proof as evidence of the facts stated therein.

Negotiated agreements

6.-(1) Where, under section 4, a conciliator is appointed for any trade dispute, he shall use his best endeavors to conciliate the parties to the dispute and effect a settlement thereof and may for this purpose make use of any machinery for the settlement of trade disputes which may exist in the trade or industry or branch thereof in which the dispute has arisen.

(2) Any settlement effected as provided for in subsection (1) shall be recorded in writing by the parties thereto and on being endorsed by the Labour Commissioner shall be known, and is in this Act referred to, as a negotiated agreement.

(3) The Labour Commissioner shall submit every negotiated agreement to the Minister together with a report setting forth the following particulars:

- (a) the rate of wages payable prior to the agreement;
- (b) the date of the last revision of wages;

- (c) the increase in labour costs in the event of the agreement being enforced-
- (d) the expected increase in labour productivity in the trade or industry affected by the agreement;
- (e) whether any redundancy in such trade or industry is likely to ensue;
- (f) the effect of the agreement on the price of the product concerned; and
- (g) whether the agreement, if enforced, is likely to affect any plan for expansion in the trade or industry concerned.

(4) On receipt of the negotiated agreement and of the report under subsection (3) the Minister shall transmit the agreement, the report and any comments which he may wish to make thereon to the Tribunal and the Tribunal shall proceed to consider the same in accordance with the provisions of section 23.

(5) Subject to section 37 no negotiated agreement shall become operative or be binding upon the parties thereto unless it is registered by the Tribunal under section 23.

7.(1) Where a conciliator appointed under section 4 is unable to effect a settlement of the trade dispute he shall report the fact to the Labour Commissioner.

Further
reference
to Labour
Commis-
sioner

(2) On receipt of a report under subsection (1), the Labour Commissioner shall report the dispute to the Minister.

8.(1) Where a trade dispute is reported to the Minister under subsection (2) of section 7 the Minister shall, within twenty-one days from the date when the trade dispute was reported to, him, refer the dispute to the Tribunal:

Reference
to Tribunal

Provided that the Minister may, if he is of the opinion that there are special circumstances which make it necessary or desirable to postpone reference of the dispute to the Tribunal, postpone such reference for such further period or periods as he may in writing allow.

(2) Where a trade dispute has been referred to the Tribunal under the provisions of subsection (1), the Tribunal shall proceed to consider the dispute and make an award thereon in accordance with the provisions of Part V.

(3) In any proceeding under, or for an offence against, this Act, a certificate purporting to be under the hand of the Minister that he has or has not made a reference to the Tribunal under subsection (1) on or by a date specified therein, or that he has or has not postponed the period for reference to the Tribunal, and, where he has postponed such period, specifying the further period within which such reference shall be made, shall be admissible in evidence without further proof and shall be conclusive evidence of the matters stated therein.

Inquiry into trade disputes and industrial conditions

9.-(1) Where any trade dispute exists or is apprehended, the Labour Commissioner may, whether or not the trade dispute is reported to him under the provisions of this Act, inquire into the causes and circumstances of such trade dispute and, with the approval of the Minister, refer any matters appearing to him to be connected with or relevant to such trade dispute to the Tribunal and the Tribunal shall inquire into the matters referred to it and report thereon to the Minister:

Cap. 300

Provided that where such dispute relates to a matter in connection with which a minimum wage board or a wages council or any other body for the inquiry into or regulation of wages or terms of employment has been appointed under the provisions of the Regulation of Wages and Terms of Employment Ordinance or any other law for the time being in force, such dispute shall be referred to such minimum wage board, wages council or other body.

(2) The Minister may at any time refer any matter connected with the economic or industrial condition of Tanganyika and affecting labour conditions, terms of service or any other aspect of relations between employers and employees, or relating to wage policy, to the Tribunal and the Tribunal shall inquire into every such matter referred to it and report thereon to the Minister.

Reference to Tribunal for advice

10. Without prejudice to the other provisions to this Act, the Labour Commissioner may, where a trade dispute exists or is apprehended refer to the Tribunal for advice on any matter relating to or arising out of the trade dispute which, in his opinion, ought to be so referred, and the Tribunal shall inquire into every such matter referred to and advise the Labour Commissioner thereon.

PART III

LOCK-OUT AND STRIKES

Certain conditions to be fulfilled before lock-out or strike takes place

11.-(1) No employer shall take part in a lock-out and no employee shall take part in a strike unless the conditions specified in subsection (2) and which are applicable to the occasion have been fulfilled.

(2) The conditions to be fulfilled for the purposes of subsection (1) are as follows:

- (a) a trade dispute exists between that employer and his employees or between those employees and their employer and the dispute has been reported to the Labour Commissioner in accordance with subsection (1) of section 4; and
- (b) the Labour Commissioner has either-
 - (i) appointed a conciliator for the trade dispute in accordance with subsection (2) of section 4; or
 - (ii) reported the trade dispute directly to the Minister in accordance with subsection (4) of section 4; and
- (c) (i) where the Labour Commissioner has appointed a conciliator either in accordance with subsection (2) of section 4 or after the trade dispute has been referred back to him in accordance with subsection (4) of section 4-

(A) the conciliator has been unable to effect a settlement of the trade dispute and the Labour Commissioner has reported the trade dispute to the Minister under subsection (2) of section 7; and

(B) twenty-one days, or if any further period or periods have been allowed by the Minister under the proviso to subsection (1) of section 8, twenty-one days and such further period or periods, have elapsed since the date of the report to the Minister; or

(ii) where the Labour Commissioner has reported the trade dispute to the Minister in accordance with subsection (4) of section 4, twenty-one days, or if any further period or periods have been allowed by the Minister under the proviso to the said subsection, twenty-one days and such further period or periods have elapsed since the date of the report to the Minister; and

(d) (i) during the period referred to in paragraph (c) (i) the trade dispute has not-

(a) been settled; nor

(b) been referred to the Tribunal for settlement; or

(ii) during the period referred to in paragraph (c) (ii) the trade dispute has not-

(a) been settled; nor

(b) been referred to the Tribunal for settlement, nor

(c) been referred back to the Labour Commissioner in accordance with the provisions of subsection (4) of section 4.

(3) Any person who contravenes the provisions of subsection (1) 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 six months or to both such fine and imprisonment.

12. Any person who procures or incites another person to take part in a lock-out or strike in contravention of the provisions of section 11 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding fifteen months or to both such fine and imprisonment.

13. Any police officer may arrest without a warrant any person whom he reasonably suspects of having committed an offence against section 11 or section 12.

14. No prosecution for a contravention of section 11 or section 12 shall be instituted save by, or with the consent of, the Director of Public Prosecutions.

Incitement
to take
part in-
lock-out or
strike in
contraven-
tion of
section 11
Power of
arrest

Sanction of
Director of
Public
Prosecution

PART IV

PERMANENT LABOUR TRIBUNAL

- | | |
|---------------------------|---|
| Establishment of Tribunal | 15. There is hereby established a tribunal to be known as the Permanent Labour Tribunal. |
| Jurisdiction of Tribunal | <p>16. The Tribunal shall have jurisdiction-</p> <ul style="list-style-type: none"> (a) to hear and determine an trade dispute referred to it under the provisions of this Act; (b) to register negotiated agreements and voluntary agreement and to hear and determine matters relating to the registration of such agreements; (c) to inquire into any matter referred to it under this Act and to report to the Minister on such matters; (d) to advise the Labour Commissioner on any matter referred to it by him under section 10; and (e) to exercise such functions and powers as are conferred upon it by this Act or as may be conferred upon it by written law. |
| Constitution of Tribunal | <p>17.-(1) The Tribunal shall consist of a chairman and a deputy chairman each of whom shall be appointed by the President and shall hold office, unless he, sooner dies or resigns or vacates or is removed from his office by the President, for the period specified in the instrument by which he is appointed, and shall be eligible for re-appointment.</p> <p>(2) The deputy chairman shall exercise the functions of the chairman where-</p> <ul style="list-style-type: none"> (a) the chairman is absent from the United Republic; or (b) the chairman is, by reason of illness or incapacity, unable to exercise such functions; or (c) the chairman directs the deputy chairman to exercise any of such functions: <p>Provided that no proceedings of the Tribunal shall be invalid by reason of the deputy chairman having exercised the functions of the chairman otherwise than in the circumstances specified in this subsection.</p> |
| meetings of the Tribunal | 18. The Tribunal shall sit on such occasions and at such places as the chairman may direct. |
| Assessors | 19. -(1) The jurisdiction of the Tribunal shall be exercised by the chairman sitting with two assessors one of whom shall be selected by the Minister either from any panel of assessors submitted to him by the Union or from amongst the members of the Union and the other shall be selected by the Minister either from any panel of assessor submitted to him by the Minister either from any panel of assessor other body of person which, in the opinion of the Minister, represents the interests of the employers in Tanganyika or from amongst the members of the Federation or such body. |

(2) Notwithstanding subsection (1) if in the course of any proceedings before the Tribunal either or both of the assessors who were present at the commencement of the proceedings is or are absent, the chairman and the remaining assessor (if any) may continue and conclude the proceedings notwithstanding such absence.

(3) At the conclusion of any proceedings before the Tribunal the chairman shall seek and record the opinion, of the assessors present at such conclusion.

(4) The chairman shall not be bound by the opinion of the assessors but if he disagrees with the opinion of an assessor he shall record the opinion of that assessor and the reasons for his disagreement.

(5) No proceedings shall be invalid by reason of any irregularity in the selection of any assessor.

20.-(1) Notwithstanding the foregoing provisions of this Part the President may, by notice in the *Gazette*, appoint such number of members of the Tribunal as may deem fit and may, by order in the *Gazette*, direct that the jurisdiction of the Tribunal shall, for the purposes of determining be specified in the order, be exercised by the chairman sitting with two of such members in addition to the assessors as required by section 19.

Official
members

(2) Where the President has made an order under subsection (2) the chairman shall, in proceedings relating to any matter to which such order relates, sit with any two of the member appointed by the President in addition to the assessors and every such proceedings shall be determined in accordance with the opinion of the majority of such members including, the chairman.

21.-(1) There shall be a Registrar of the Tribunal who shall be assisted in the performance of his functions by such number of officers as may be necessary.

Registrar

(2) The offices of the Registrar and of the other staff of the Tribunal shall be offices in the service of the United Republic.

PART V

PROCEEDINGS BEFORE THE TRIBUNAL

22. Where any trade dispute or other matter is referred to the Tribunal, the Tribunal shall proceed to inquire into such dispute or matter without undue delay and-

Duties and
power of
Tribunal

- (a) shall hear, receive and consider any submissions, arguments or evidence made, presented or tendered-
- (i) by or on behalf of the employees concerned;
 - (ii) by or on behalf of the trade union of which such employees may be members;
 - (iii) by or on behalf of the employer concerned; and
 - (iv) by or on behalf of any body of persons which, in the opinion of the Tribunal, represents the interests of the employers in Tanganyika and of which the employer concerned is a member;

- (b) may seek advice, in such manner as it may think appropriate, on the Government's financial and economic policies from any public officer or public department;
- (c) may seek advice, in such manner as it may think appropriate, on any financial or economic matters from any body corporate established by or under any written law which may, in the opinion of the Tribunal, be able to give such advice;
- (d) may consult, in such manner as it may think appropriate, any institution or organization based in the United Republic and carrying out research on any aspect of the economy of the United Republic;
- (e) shall, in making any award, report or decision or in giving any advice, have regard, insofar as the same may be relevant, to-
 - (i) the need to maintain a high level of domestic capital accumulation with a view to increasing the rate of economic growth and to providing greater employment opportunities;
 - (ii) the need to maintain and expand the level of employment;
 - (iii) the need to develop payment-by-result schemes, or other wage incentive structures, which will induce an employee to make greater effort and relate increases in remuneration to improvements in labour productivity;
 - (iv) the need to prevent gains in the wages of employees from being affected adversely by unnecessary and unjustified price increases;
 - (v) the need to preserve and promote the competitive position of local products in the domestic market as well as in the overseas markets;
 - (vi) the need to establish and maintain reasonable differential in rewards between different categories of skills and level of responsibility;
 - (vii) the need for the United Republic to maintain a favourable balance of trade and balance of payments;
 - (viii) the need to ensure the continued ability of Government to finance development programmes and recurrent expenditure in the public sector;
 - (ix) the need to maintain a fair relation between the income of different sectors of the community; and
 - (x) such other factors as the President may specify in directive which he may, from time to time, issue to the chairman.

Registra-
tion of
negotiated
agreements

23.-(1) Where a negotiated agreement is submitted to the Tribunal under section 6 the Tribunal shall examine such agreement, the report of the Labour Commissioner accompanying the agreement and any comments which the Minister may have made relating to the agreement, and shall proceed to decide whether or not to register the agreement.

(2) The provisions of section 22 shall apply to proceedings relating to registration of a negotiated agreement.

(3) The Tribunal may, where a negotiated agreement is submitted to it-

- (a) register the agreement as an award without any modification;
- (b) register the agreement as an award after making such modifications thereto as the parties to the agreement may consent to; or
- (c) refuse to register the agreement.

(4) Where a negotiated agreement is registered whether with or without any modification, the agreement so registered shall be deemed to be an award.

(5) Where the Tribunal refuses to register any negotiated agreement, the Minister shall refer the matter back to the conciliator for further negotiations with the parties concerned and, notwithstanding the negotiated agreement, the dispute between the parties shall be deemed to have revived and the reference back to the conciliator shall be deemed to be reference to a conciliator under subsection (2) of section 4.

24. Any award or negotiated agreement concerning a trade dispute which is made or effected by a conciliator or the Tribunal may be made retrospective.

Award, etc
may be
retrospective

25. No award shall take effect until the date of its publication in the *Gazette*:

Publication
of awards

Provided that where an award is expressed to have retrospective effect it shall, on the date of its publication in the *Gazette*, have effect from the date specified in the award.

26.-(1) If any question arises as to the interpretation of any award of the Tribunal, the Minister or the Labour Commissioner or any party to the award may apply to the Tribunal for a decision on such question, and the Tribunal shall decide the matter after hearing the parties, or without such hearing, as it thinks fit. The decision of the Tribunal shall be notified to the parties and shall be deemed to form part of and shall have the same effect in all respects as the award.

Interpreta-
tion of
awards, etc

(2) If any question arises as to the interpretation of any negotiated agreement prior to its registration, the provisions of subsection (1) shall apply thereto in every respect except that the conciliator shall perform the functions assigned by that subsection to the Tribunal.

27.-(1) Every award and decision of the Tribunal shall be final and shall not be liable to be challenged, reviewed, questioned or called in question in any court save on the grounds of lack of jurisdiction.

Awards to
be final
and
binding

(2) Every award shall be binding on the employers and employees to whom the same relates and as from the date of the publication in the *Gazette* of such award or, where the award is made retrospective, as from such date which may be specified therein pursuant to section 24, it shall be an implied term of the contract between the employers and employees to whom the award relates that the rate of wages to be paid and the conditions of employment to be observed under the contract shall be in accordance with such award until varied by a subsequent award, or by agreement.

(3) No application to vary any award shall, except with the written permission of the Minister, be made within twelve months of the date of publication in the *Gazette* of such award and no trade disputed in connection with the terms of any award shall, within such period, be report to the Labour Commissiner under section 4.

Regulation
of
proceedings,

28. Save as is otherwise expressly provided in this Act, or in rules made hereunder, a conciliator or the Tribunal, as the case may be, may regulate the procedure in any proceedings under this Act as he or it shall think fit-

Evidence

29.-(1) A conciliator or the Tribunal, for the purpose of dealing with any matter referred to him or it under this Act, shall be entitled to elicit all such information as in the circumstances may be considered necessary, without being bound by the rules If evidence in civil or criminal proceedings, and may by order require any person-

- (a) to furnish, in writing or otherwise, such particulars in relation to any matter as may be required; or
- (b) to attend before the conciliator or the Tribunal and give evidence on oath or otherwise; or
- (c) to produce any document:

Provided that if any witness refuses to furnish any particulars or to answer any question or to produce any document on the ground that it will tend to incriminate him or on any other lawful ground, he shall not be required to furnish such particulars or to answer such question or to produce such document, nor shall he be liable to any penalty for refusing so to do.

(2) Any person who, without such lawful excuse as aforesaid, fails to obey an order given under the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand shillings.

Appearance
of advocate

30. It shall be in the discretion of a conciliator or the Tribunal, as the case may be, to permit or not to permit any interested person to appear by advocate in any proceedings under this Act before such conciliator or the Tribunal.

sittings
may be
public or
Private

31. It shall be in the discretion of a conciliator or the Tribunal, as the case may be, to admit or exclude the Public or representatives of the Press from any proceedings under this Act.

Publication
of proceed-
ings

32.-(1) Where representatives of the Press are allowed to be present at any proceeding under this Act, and not otherwise, a fair and accurate report or summary of the proceedings including the evidence adduced thereat may be published:

Provided that until the award or the result of the inquiry has been published by the order of the Minister or of the Tribunal, no comments shall be published in respect of the proceedings or any evidence adduced thereat:

And provided that the terms of any award or negotiated agreement or the result of any inquiry shall not be published until the award or the negotiated agreement or the result of the inquiry or the decision of the Tribunal has been published by the order of the Minister or of the Tribunal.

(2) Any person who, before an award or negotiated agreement or the result of an inquiry or the decision of the Tribunal has been published by the order of the Minister or of the Tribunal, publishes-

- (a) the terms of the award or negotiated agreement or the result of the inquiry; or
- (b) any comment on the proceedings or any evidence adduced thereat,

shall be guilty of an offence and liable on conviction to a fine not exceeding five thousand shillings.

33. (1) So soon as may be after the thirtieth of June in every year the Minister shall cause to be prepared and laid before the National Assembly a report of the Tribunal's operations and activities during the twelve months preceding the first day of July in such year.

Report by
Tribunal

(2) The chairman shall cause to be prepared and submitted to the Minister a report of the Tribunal's operations and activities at such intervals as the Minister may direct.

PART VI

SPECIAL PROVISIONS RELATING TO EMPLOYEES OF EAST AFRICAN COMMUNITY AND CORPORATIONS

34.-Section 35 shall extend to and in respect of Zanzibar as well as to and in respect of Tanganyika.

Application
of section 35

35.-(1) Notwithstanding the provisions of this Act or of any law in Zanzibar, where-

Certain
disputes
to be referred
to the East
African
Industrial
Court

- (a) a trade dispute exists between persons in the employment or service in Tanganyika or Zanzibar under the Community or any Corporation and the Community or Corporation; and
- (b) the dispute relates to the wages or other terms and conditions of service of the persons under such employment or service; and
- (c) any conciliatory measures taken in accordance with section 4 of this Act or in accordance with the provisions of any relevant law of Zanzibar, as the case may be, have failed to bring the parties to the dispute to a settlement,

the dispute shall be referred to the East African Industrial Court established pursuant to Article 85 of the Treaty and such Court shall have power to hear and determine the dispute and to make an award thereon.

(2) Every award made by the East African Industrial Court under subsection (1) shall have the same force and effect as an award made by the Tribunal would have in Tanganyika.

Modification
of sections
4 and 11

36. Subsection (4) of section 4 and paragraph (d) (ii) (b) of subsection (2) of section 11 shall apply to persons in the employment or service under the Community or any Corporation in relation to any dispute relating to their wages or other terms and conditions of their service, as if references therein to the Tribunal were references to the East African Industrial Court.

Negotiated
agreements
between
Community
or Corpora-
tion and its
employees

37.-(1) Notwithstanding the provisions of subsections (3), (4) and (5) of section 6 or of section 23, where a negotiated agreement is concluded between persons in the employment or service under the Community or a Corporation and their employers relating to, wages or other terms and conditions of their service, such negotiated agreement shall not be required to be submitted to the Tribunal and shall be binding upon the parties to whom it relates in the same manner as an award:

Provided that no negotiated agreement to which this section applies shall take effect until the date of its publication in the *Gazette*.-

And provided that where such negotiated agreement is expressed to have retrospective effect it shall, on the date of its publication in the *Gazette*, have effect from the date specified in the award.

(2) For the avoidance of doubts it is hereby declared that the provisions of subsections (2) and (3) of section 27 shall apply, *mutatis mutandis*, to a negotiated agreement to which this section applies in the same manner as they apply to an award.

PART VII

MISCELLANEOUS

Non-applica-
tion of
Arbitration
Ordinance
Cap. 15

38. The Arbitration Ordinance shall not apply to any proceedings or award under this Act.

Voluntary
agreements
to be
registered

39.-(1) Notwithstanding any provision to the contrary in any written law where any agreement is reached between any trade union and any employer respecting the wages or terms of service of the employees or any group of employees employed by the employer, such agreement (in this Act referred to as a "voluntary agreement") shall be recorded in writing by the parties thereto and submitted to the Labour Commissioner.

(2) On receipt of a voluntary agreement the Labour Commissioner shall submit the same to the Minister together with a report setting forth the following particulars: -

- (a) the rate of wages payable prior to the agreement;
- (b) the date of the last revision of wages;
- (c) the increase in labour costs in the event of the agreement being enforced;
- (d) the expected increase in labour productivity in the trade or industry affected by the agreement;
- (e) whether any redundancy in such trade or industry is likely to ensue;

- (f) the effect of the agreement on the price of the product concerned; and
- (g) whether the agreement, if enforced, is likely to affect any plan for expansion in the trade or industry concerned.

(3) The Minister shall transmit the voluntary agreement, the Labour Commissioner's report and any comments which he may wish to make thereon to the Tribunal.

(4) No voluntary agreement shall be operative or be binding on the parties thereto unless it is registered by the Tribunal.

(5) Where a voluntary agreement is submitted to the Tribunal the Tribunal shall examine such agreement, the Labour Commissioner's report and any comments which the Minister may have made thereto and shall proceed to decide whether or not to register the agreement.

(6) The provisions of section 22 shall apply to proceedings relating to registration of a voluntary agreement.

(7) The Tribunal may, where a voluntary agreement is submitted to it-

- (a) register the agreement as an award without any modification;
- (b) register the agreement as an award after making such modifications thereto as the parties to the agreement may consent to; or
- (c) refuse to register the agreement.

(8) Where a voluntary agreement is registered, whether with or without any modification, the agreement so registered shall be deemed to be an award and shall take effect from the date of its publication in the *Gazette* or such earlier date as may be specified therein.

(9) Nothing in this section shall apply to any voluntary agreement between any trade union and the Community or any Corporation respecting the wages or terms of employment of the employees of the Community or Corporation.

40.-(1) Where the Minister is of the opinion that it is desirable to extend any award effected under the provisions of this Act in respect of an undertaking of any trade or industry to any other undertaking of that trade or industry, he may submit a proposal for such extension to the Tribunal.

Extension
of awards

(2) Where a proposal is submitted to the Tribunal under subsection (1), the Tribunal shall proceed to consider the same in accordance with provisions of Part V and may, if it is satisfied that the proposed extension is desirable, make an order extending the award in such manner as it may direct.

(3) An order made by the Tribunal under subsection (2) may be retrospective.

(4) When an award is extended to any undertaking of any trade or industry the award shall, subject to the provisions of subsection (5), have effect within that undertaking as if it had been effected in and in relation to that undertaking.

(5) The provisions of section 25 shall apply, *mutatis mutandis*, to an order made under subsection (2).

Rules and
directions

41.-(1) The Minister may make rules-

- (a) prescribing the procedure to be followed in any proceedings before a conciliator or the Tribunal;
- (b) prescribing such abstracts of this Act and such notices in such language or languages as he may think fit and providing for the publication, display and dissemination of the same by employers and trade unions; and
- (c) generally for the better carrying into effect of the purposes of this Act.

(2) Without prejudice to the provisions of paragraph (a) of subsection (1) the Minister may give directions, not inconsistent with any rules made under that paragraph, relating to the scope, method and conduct of any specific proceedings.

Repeal
Cap. 480

42. The Trade Disputes (Settlement) Act, 1962 (hereinafter in this Part referred to as "the 1962 Act") is hereby repealed.

Transitional

43. Notwithstanding the provisions of section 42-

- (a) where at the commencement of this Act any trade dispute has been reported to the Labour Commissioner under the Provisions of subsection (1) of section 3 of the 1962 Act such trade dispute shall be deemed to have been reported to him under the provisions of subsection (1) of section 4 of this Act;
- (b) where at the commencement of this Act any proceedings are pending before a conciliator appointed under the 1962 Act and no settlement has been effected by him, such conciliator shall be deemed to have been appointed under the provisions of this Act and the provisions of section 6 of this Act shall apply to the proceedings before him;
- (c) where at the commencement of this Act a negotiated agreement has been concluded between the parties to a trade dispute under the provisions of subsection (2) of section 5 of the 1962 Act and-
 - (i) if such negotiated agreement has been published in accordance with subsection (3) of that section, the negotiated agreement shall have the same force and effect as a negotiated agreement duly registered by the Tribunal under this Act;
 - (ii) if such negotiated agreement has not been so published the provisions of sections 6 and 23 of this Act shall apply to the agreement,
- (d) where at the commencement of this Act a dispute has been reported to the Minister under paragraph (b) of subsection (2) of section 6 or under subsection (2) of section 7 of the 1962 Act, such dispute shall be deemed to have been reported to the Minister under subsection (2) of section 7 of this Act and the Minister shall proceed in respect of such dispute in accordance with the provisions of section 8 of this Act;
- (e) where at the commencement of this Act any matter-

- (i) has been referred to a Tribunal for settlement under subsection (1) of section 8 of the 1962 Act;
- (ii) has been referred to a Board of Enquiry under section 9 of the 1962 Act; or
- (iii) has been referred for advice to a Tribunal under section 12 of the 19,62 Act,

such Tribunal or the Board, as the case may be, shall continue in existence and shall proceed to consider such matter and make an award thereon or make a report thereon or give advice in respect thereto as if this Act had not been enacted and every such Board or Tribunal shall have the same powers and shall be subject to the same obligations as are conferred or imposed upon it by the 1962 Act and the provisions of the 1962 Act relating to the constitution of such Board or Tribunal shall continue to apply to it;

- (f) where at the commencement of this Act a Tribunal appointed under the 1962 Act has made an award which has not been confirmed by the Minister under subsection (3) of section 22 of that Act, or where any such Tribunal makes an award after the commencement of this Act pursuant to the powers vested in it by paragraph (e) of this section, the Tribunal shall submit the award to the Minister who shall submit the same to the Permanent Labour Tribunal and the Tribunal shall proceed to consider the award as if such award were a negotiated agreement submitted to it under section 6 of this Act:

Provided that, in relation to an award submitted to the Tribunal under this paragraph, the Tribunal shall register the award either without any modification or with such modifications as it may deem appropriate whether or not the parties thereto consent to such modifications;

- (g) where the Tribunal registers an award under paragraph (f) the award shall be deemed to be an award of the Tribunal;
- (h) where at the commencement of this Act a Tribunal established under the provisions of the 1962 Act has made an award which has been confirmed by the Minister under section 22 of that Act, such award shall, whether or not the same has been published in the *Gazette* as required by subsection (3) of the said section 22, be deemed to be an award made by the Permanent Labour Tribunal under the provisions of this Act; and if such award has not been published in the *Gazette*, the Minister shall cause the same to be so published as soon as may be practicable.

44. The laws set out in the first and second columns on the First Schedule to this Act are amended in the manner specified in the third column of the said Schedule.

Amendment
of certain
laws

45. The transitional provisions set out in the Second Schedule to this Act shall have effect in respect of the laws amended in the First Schedule to this Act.

Transitional
provisions
relating to
the amended
laws

FIRST SCHEDULE

PART I

1.	2.	3.
Cap. 300	Regulation Of Wages and Terms of Employment Ordinance	<p>(1) Section 2 is amended by adding, immediately below the definition "out-worker" the following definition: "the Tribunal" means the Permanent Labour Tribunal established by the Permanent Labour Tribunal Act, 1967.</p> <p>(2) Section 4 is repealed and replaced by the following: "Establishment of minimum wage boards and determination of basic minimum wages</p> <p>4.-(1) The Minister may, if he is of the opinion that it is expedient to fix a basic minimum wage in respect of any employees or class of employees not excepted from the application of this Ordinance, make an order establishing a minimum wage board to enquire into the matter.</p> <p>(2) Before establishing a board under subsection (1), the Minister shall publish in the <i>Gazette</i> a notice of his intention to establish such board and every such notice shall set forth the proposed terms of reference of the board intended to be established and shall specify the time within which any objection to the proposed establishment of the board or to any of the proposed terms of reference shall be sent to the Minister,</p> <p>(3) Every objection shall be in writing and shall state-</p> <p>(a) the specified grounds of objection;</p> <p>(b) the omissions, additions or modifications asked for,</p> <p>and the Minister shall consider any such objection made by or on behalf of any person appearing to him to be affected, being an objection sent to the Minister within the time specified in the notice, but shall not be bound to consider any other objection.</p> <p>(4) After considering the objections which the Minister is required by subsection (3) to consider, the Minister may-</p> <p>(a) proceed to make an order establishing a board as proposed by him in the notice or subject to such modifications as he may think fit; or</p> <p>(b) abandon the intention to establish the proposed board and make no order.</p> <p>(5) Every order establishing a board shall be published in the <i>Gazette</i> and in at least one local newspaper circulating in Tanganyika, and the order shall come into operation on the date on which it is so published in the <i>Gazette</i> or on such later date as may be specified therein,</p>

(6) Where a board is established in accordance with this section, the board shall proceed to consider the matters within its terms of reference and shall submit its recommendations relating to such matters to the Minister.

(7) The recommendations of a board shall be deemed to be a wages regulation proposal within the meaning of section 10 of this Ordinance."

(3) Section 10 is amended-

(a) by deleting subsection (3) and substituting therefor the following:-

"(3) Where the Minister receives any wages regulation proposal in pursuance of the provisions of this section or section 4 he shall submit the proposal to the Tribunal together with such comments as he may wish to make thereon.

(3A) On receipt of any wages regulation proposal from the Minister, the Tribunal shall proceed to consider the same together with any comments which the Minister may have submitted in respect thereto, and shall submit its recommendations in respect thereof to the Minister.

(3B) In considering any wages regulation Proposal under subsection (3A) the Tribunal shall have the same powers and shall be subject to the same obligations, with such modifications as may be necessary, as if such proposal was a matter referred to it under the Permanent Labour Tribunal Act, 1967.

(3c) On receipt of the recommendations of the Tribunal in respect of any wages regulation proposal the Minister shall, with the approval of the President-

(a) make an order (hereinafter referred to as a wages regulation order) giving effect to such proposals either-

(i) as submitted by the council or board, as the case may be; or

(ii) with such modifications as the President may authorize,

and such wages regulation order shall take effect, subject to the provisions of subsection (4) of this section, from such day as may be specified therein; or

(b) reject the proposal and make no order.";

N in subsection (4) by deleting "(3)" where it occurs in the first line and substituting therefor (3c);

(c) by adding the following subsection immediately below subsection (6):

"(7) The Minister may, after consultation with the Tribunal and with the approval of the President, by order published in the *Gazette* exempt any employees or class of employees from any wages regulation order made under this section and where any employees or class of employees are exempted from any wages regulations order, such order shall cease to apply to such employees or class of employees from the date of the publication of exemption order or from such later date as may be specified in the exemption order."

1. Cap. 484
2. The Civil Service (Negotiating Machinery) Act, 1962

PART II

- 3.
- (1) Subsection (1) of section 2 is amended-
- (a) by deleting the definition "award" and substituting therefor the following:
"award" means an award made by the President under section 13;"
 - (b) by deleting the definition "Board";
 - (c) in the definition "strike" by inserting immediately after the word and comma "employer," in the fourth line, the words "or a concerted interruption of work or performance of work on a go-slow basis by any number of employees,";
 - (d) by deleting the full stop at the end of the definition "trade union", substituting therefor a comma and inserting, immediately below such definition, the following:
"the Tribunal" means the Permanent Labour Tribunal established by the Permanent Labour Tribunal Act, 1967.11
- (2) Section 7 is amended by deleting subsections (2) and (3) and substituting therefor the following:
- "(2) Every agreement recorded and signed in accordance with subsection (1) shall be submitted to the Minister who shall submit the same, together with such comments as he may wish to make thereon, to the Tribunal.
- (3) Where an agreement is submitted to the Tribunal under subsection (2) the Tribunal shall consider the same and make recommendations relating thereto to the President.
- (4) In considering an agreement under this section the Tribunal shall have the same powers and shall be subject to the same obligations, with such modifications as may be necessary, as if such agreement were a matter referred to it under the Permanent Labour Tribunal Act, 1967.
- (5) On receipt of the recommendations of the Tribunal in respect of any agreement under this section the President shall direct-
- (a) that the agreement be accepted by the Government without any modifications; or
 - (b) that the agreement be accepted by the Government with such modifications as may be specified by him; or
 - (c) that the agreement be rejected by the Government.
- (6) Every direction given by the President under subsection (5) in respect of any agreement under subsection (1) shall be final and binding upon the Government and those junior civil servants to whom the agreement relates for a period of twelve months from the date of such direction and no application to negotiate another agreement relating to any matter covered by the agreement or to vary the agreement or matter which involves the variation of the agreement shall, save with the prior permission of the Minister, be placed upon the agenda of or discussed within the Council until the expiration of such period of twelve months.
- (7) Where the President has directed that an agreement under subsection (1) be accepted by the Government with or without any modification, the Minister may, if he considers it desirable, cause the agreement, with any modification specified in the President's direction, to be published in such manner as he may think fit."

(3) Section 9 is amended by deleting the words "a Board" in paragraph (b) thereof and substituting therefor the word "the Tribunal".

(4) Section It is repealed and replaced by the following: -

"Reference to Tribunal 11.-(1) Where under paragraph (b) of section 9, the Minister refers a dispute to the Tribunal, the Tribunal shall consider the causes and circumstances of the dispute and shall submit its report in respect thereof to the Minister.

(2) In considering a dispute under this section the Tribunal shall have the same powers and shall be subject to the same obligations, with such modifications as may be necessary, as if such dispute were a matter referred to it under the Permanent Labour Tribunal Act, 1967."

(5) Section 12 is amended-

(a) in subsections (1) and (2) by deleting the words "a Board" wheresoever they occur therein and substituting therefor the words "the Tribunal"; and

(b) by deleting subsection (3) and substituting therefor the following: -

"(3) Where a disputed is referred to the Tribunal under section submit its report in respect of such dispute to the Minister without delay and, where practicable, within twenty-one days from the date Of reference."

(6) Section 13 is hereby repeated and replaced by the following:-

Award by the President 13.-(1) Where the report of the Tribunal in respect of any dispute referred to it under section 9 is submitted to the Minister, the Minister shall without delay and, if practicable within fourteen days of such receipt, submit the report together with any comments he may wish to make thereon, to the President.

(2) On receipt of the report of the Tribunal and the comments of the Minister, the President may, after considering the same, make an award on the dispute.

(3) Any award made by the President under this section may be expressed to have retrospective effect and shall be made within twenty-one days from the date on which the recommendations of the Tribunal and the comments, if any, of the Minister were submitted to the president unless, in the opinion of the President, the special circumstances of the case make it necessary or desirable to postpone the making of the award for such period or periods, as the President may, in writing, allow,

(4) In any proceedings under, or for an offence against this Act, a certificate purporting to be under the hand of the Minister that the President has or has not made an award on or by a date specified therein, or that the President has or has not postponed the period for making an award and, where the President has postponed such period, specifying the further period within which the award shall be made, shall be admissible in evidence without further proof and shall be conclusive evidence of the facts stated therein."

(7) Section 14 is amended by deleting the word "Minister" in the first line and substituting therefor the word "President"

(8) Section 15 is amended-

(a) by deleting the word "Minister" in the first line and substituting therefor the word "President". and

(b) by deleting the words "report of the Board" in the second line and substituting therefor the words "report of the Tribunal".

(9) Section 16 is amended by deleting the word "Minister" in the first line and substituting therefor the word "President"

(10) Subsection (2) of section 17 is amended-

(a) by deleting the words "a Board" in paragraph (c) (i) (q) and substituting therefor the words "the Tribunal"; and

(b) paragraph (c) (ii)-

(i) by deleting the words "a Board" and "the Board" wheresoever they occur therein and substituting therefor in each case the words "the Tribunal"; and

(ii) by deleting the word "Minister" wheresoever it occurs therein and substituting therefor the word "President"

(11) Part V is deleted.

(12) Section 26 is repealed.

(13) Section 27 is repealed and replaced by the following - . -

"Regulations and directions

27.-(1) The Minister may make regulations for the better carrying into effect of the provisions and purposes of this Act and, without prejudice to the generality of the foregoing, may make regulations prescribing any thing that is to be prescribed under this Act.

(2) The Minister may give directions relating to the scope, method and conduct of any proceedings before the Tribunal under this Act:

Provided that no such direction shall be inconsistent with any provision of the Permanent Labour Tribunal Act, 1967 relating to the powers and duties of the Tribunal."

PART III

- | | | |
|----|----|----|
| 1. | 2. | 3. |
|----|----|----|
- Cap. 542 The Local Government Service (Negotiating Machinery) Act, 1963
- (1) Subsection (1) of section 2 is amended-
- (a) by deleting the definition "award" and substituting therefor the following:-
"award" means an award made by the President under section 13;"
- (b) by deleting the definition "Board";
- (c) in the definition "strike" by inserting immediately after the word and comma "employer," in the fourth line, the words "or a concerted interruption of work or performance of work on a go-slow basis by any number of employees,";
- (d) by adding, immediately below the definition "trade union," the following:
the Tribunal" means the Permanent Labour Tribunal established by the Permanent Labour Tribunal Act, 1967."
- (2) Section 3 is repealed and replaced by the following ..
- "3.-(1) There shall be established for the purposes of this Act a National Joint Staff Council which shall consist of a Chairman, a Vice-Chairman and such number of members not less than ten and not more than twenty, as the Minister may prescribe.
- (2) The members of the Council shall be appointed by the Minister from persons who have been nominated by the Commission and the trade union anti who are-
- (a) civil servants; or
- (b) employees of the Commission; or
- (c) representatives of an Association of Local Authorities; or
- (d) officers or representatives of the trade union:
- Provided that the Chairman of the Council shall be one of the persons nominated by the Commission and the Vice-Chairman shall be one of the persons nominated by the trade union.
- (3) subject to the provisions of this Act, the Minister may prescribe the number of members who shall be appointed from persons nominated by the Commission and the number of such members who shall be appointed from persons nominated by the trade union, and may by regulations, provide for the terms of office of members of the Council, the filling of vacancies on the Council, the procedure to be adopted by the Council at meetings thereof (including, but without prejudice to the generality of the foregoing, the number of members required to make up a quorum) the procedure, for the reporting of disputes and for such other matters as seem to be necessary, expedient or desirable in relation to the Council or to the carrying out of its functions."
- (3) Section 7 is amended by deleting subsections (2) and (3) and substituting therefor the following:
- "(2) Every agreement recorded and signed in accordance with subsection (1) shall be submitted to the Minister who shall submit the same, together with such comments as he may wish to make thereon, to the Tribunal.

(3) Where an agreement is submitted to the Tribunal under subsection (21), the Tribunal shall consider the same and make recommendations relating thereto to the President.

(4) In considering an agreement under this Section the Tribunal shall have the same powers and shall be subject to the same obligations, with such modifications as may be necessary, as if such agreement were a matter referred to it under the Permanent Labour Tribunal Act, 1967.

(5) On receipt of the recommendations of the Tribunal in respect of any agreement under this section the President shall direct:

- (a) that the agreement be accepted by the statutory authority without modifications; or
- (b) that the agreement be accepted by the statutory authority with such modifications as may be specified by him; or
- (c) that the agreement be rejected by the statutory authority.

(6) Every direction given by the President under subsection (5) in respect of any agreement under subsection (1) shall be final and binding upon the statutory authority and those employing authorities and junior local government officers to whom the agreement relates for a period of twelve months from the date of such direction and no application to negotiate another agreement relating to any matter covered by the agreement or to vary the agreement or matter which involves the variation of the agreement shall, save with the prior permission of the Minister, be placed upon the agenda of or discussed within the Council until the expiration of such period of twelve months.

(7) Where the President has directed that an agreement under subsection (1) be accepted by the statutory authority, whether with or without any modifications, the Minister may, if he considers it desirable, cause the agreement, with any modification specified in the President's direction, to be published in such manner as he may think fit."

(4) Section 8 is amended by deleting the word "Commission" and substituting therefor the word "Minister"

(5) Section 9 is amended-

- (a) by deleting the word "Commission" in the first line and substituting therefor the word "Minister"; and
- (b) by deleting the words "a Board" in paragraph (b) and substituting therefor the words "the Tribunal".

(6) Sections 9 and 10 are amended-

- (a) by deleting the word "Commission" in the soever it occurs therein and substituting therefor "Minister"; and
- (b) in section 9-
 - (i) by deleting the word "it" in the first line thereof and substituting therefor the word "him"; and
 - (ii) by deleting the word "it" in the first line of Paragraph (a) thereof and substituting therefor the word "he"

(7) Section 11 is repealed and replaced by the following: -

"Reference to Tribunal 11.-(1) Where under paragraph (b) of section 9, the Minister refers a dispute to the Tribunal, the Tribunal shall consider the causes and circumstances of the dispute and shall submit its report in respect thereof to the Minister.

(2) in considering a dispute under this section the Tribunal shall have the same powers, and shall be subject to the same obligations, with such modifications as may be necessary, as if such dispute were a matter referred to it under the Permanent Labour Tribunal Act, 1967."

(8) Section 12 is amended-

(a) in subsections (1) and (2)-

(i) by deleting the words "a Board" where-soever they occur therein and substituting therefor the words "the Tribunal"; and

(ii) by deleting the word "Commission" and the words "secretary to the Commission" where-soever they occur therein and substituting therefor in each case the word "Minister"; and

(b) by deleting subsection (3) and substituting therefor the following:--

"(3) Where a dispute is referred to the Tribunal under section 9, the Tribunal shall submit its report in respect of such dispute to the Minister without delay and, where practicable, within twenty-one days from the date of reference."

(9) Section 13 is hereby repealed and replaced by the following: -

"Award by the President

13.-(1) Where the report of the Tribunal in respect of any dispute referred to it under section 9 is submitted to the Minister, the Minister shall, without delay and if practicable within fourteen days of the receipt of the report, submit the report together with an, comments he may wish to make thereon, to the President.

(2) On receipt of the report of the Tribunal and the comments, if any, of the Minister, the President may, after considering the same, make an award on the dispute.

(3) Any award made by the President under this section may be expressed to have retrospective effect and shall be made within twenty-one days from the date on which the report of the Tribunal and the comments, if any, of the Minister were submitted to the President, unless in the opinion of the President, the special circumstances of the case make it necessary or desirable to postpone the making of the award for such period or periods as the President may, in writing, allow.

(4) In any proceedings under, or for an offence against this Act, a certificate purporting to be under the hand of the Minister that the President has or has not made an award on or by a date specified therein, or that the President has or has not postponed

the period for making an award and, where the President has postponed such Period, specifying the further period within which the award shall be made, shall be admissible in evidence without further proof and shall be made conclusive evidence of the facts stated therein."

(10) Section 14 is amended by deleting the word "Commission" in the first line and substituting therefor the word "President"

(11) Section 15 is repealed.

(12) Section 16 is amended-

(a) by deleting the words "Subject to the proviso to subsection (1) of section 13, every award made by the Commission" in the first two lines and substituting therefor the words "Every award made by the President"; and

(b) by deleting the word "Commission" in the seventh line and substituting therefor the word "Minister"

(13) Section 17 is amended-

(a) in subsection (2), by deleting the words "a Board" which occur in the first line and substituting therefor the words "the Tribunal"; and

(b) in subsection (3), by deleting the words "a Board" which occur in the fourth line and substituting therefor the words "the Tribunal".

(14) Section 18 is amended by deleting subsection (1) and substituting therefor the following:-

"(1) Where a local dispute has been referred to the Tribunal under section 17, the Tribunal shall proceed to consider the causes and circumstances thereof in accordance with section 11 and shall submit its report to the Commission without delay and, where practicable, within twenty-one days of the reference and the Commission shall forward the report to the Minister."

(15) Subsection (2) of section 19 is amended-

(a) by deleting the word "Commission" wherever it occurs in paragraphs A. (a) and A. (b) and substituting therefor the word "Minister";

(b) by deleting the words "a Board" in paragraph A. (c) (i) (iii) and substituting therefor the words "the Tribunal";

(c) in paragraph A. (c) (ii)-

(i) by deleting the words "a Board" and "the Board" wherever they occur therein and substituting therefor in each case the words "the Tribunal"; and

(ii) by deleting the word "Commission" wherever it occurs therein and substituting therefor the word "President"

(d) by deleting the words "a Board" in paragraph B. (c) (i) (IV) and substituting therefor the words "the Tribunal"; and

(e) in paragraph B. (c) (ii)-

G) by deleting the words "a Board" and "the Board" wherever they occur therein and substituting therefor in each case the words "the Tribunal"; and

(ii) by deleting the word "Commission" where-soever it occurs therein and substituting there-for the word "President"

(16) The title to Part VI is deleted and replaced with the title "MISCELLANEOUS".

(17) Sections 21, 22, 23, 24, 25 and 28 are replaced.

(16) Section 30 is repealed and replaced by the following,-

"Regula-
tions and
directions

30.-(1) The Minister may make regulation for the better carrying into effect of the provisions and Purposes of this Act and, without prejudice to the generality of the foregoing, may make regulations prescribing any thing that is to be prescribed under this Act.

(2) The Minister may give directions relating to the scope, method and conduct of any specified proceedings before the Tribunal under this Act:

Provided that no such direction shall be inconsistent with any provision of the Permanent Labour Tribunal Act, 1967 relating to the powers and duties of the Tribunal."

SECOND SCHEDULE

PART I PRELIMINARY

in this Schedule "operative date" means the date on which the Permanent Labour Tribunal Act, 1967 comes into operation.

PART II

TRANSITIONAL PROVISION RELATING TO THE REGULATION OF WAGES AND TERMS OF EMPLOYMENT ORDINANCE

Notwithstanding the amendments to the Regulation of Wages and Terms of Employment Ordinance (hereinafter in this Part referred to as "the Ordinance") made by paragraph (2) of Part I of the First Schedule, every minimum wage board established under section 4 of the Ordinance as in force before the operative date shall be deemed to have been established under the said section as in force after the operative date.

PART III

TRANSITIONAL PROVISIONS RELATING TO THE AMENDMENTS TO THE CIVIL SERVICE (NEGOTIATING MACHINERY) ACT, 1962

Notwithstanding the amendments to the Civil Service (Negotiating Machinery) Act, 1962 (hereinafter in this Part referred to as "the Act") made by Part II of the First Schedule-

- (1) where immediately before the operative date an agreement has been reached within the Joint Staff Council and such agreement has been recorded and signed as required by subsection (1) of section 7 of the Act, the provisions of subsection (2) and (3) of the said section as, in force immediately before the operative date shall apply to such agreement;
- (2) where immediately before the operative date any proceedings are pending before a Board of Inquiry, the Board shall continue in existence and shall continue and conclude such proceedings as if such amendments had not been made and the Minister may make an award on the receipt of the report of the Board in accordance with section 13 of the Act as in force immediately before the operative date;
- (3) where the Minister makes an award pursuant to the powers vested in him by paragraph (2) of this part, the provisions of the Act as in force immediately before the operative date shall apply to such award; and
- (4) any regulations made under section 27 of the Act as in force immediately before the operative date shall be deemed to have been made under section 27 as in force on the operative date.

PART IV

TRANSITIONAL PROVISIONS RELATING TO THE AMENDMENTS TO THE LOCAL GOVERNMENT
SERVICE (NEGOTIATING MACHINERY) ACT, 1963

Notwithstanding the amendments to the Local Government (Negotiating Machinery) Act, 1963 (hereinafter in this Part referred to as "the Act") made by Part III of the First Schedule-

- (1) where immediately before the operative date an agreement has been reached within the National Joint Staff Council and such agreement has been recorded and signed as required by subsection (1) of section 7 of the Act, the provisions of subsections (2) and (3) of the said section as in force immediately before the operative date shall apply to such agreement;
- (2) where immediately before the operative date any proceedings are pending before a Board of Inquiry the Board shall continue in existence and shall continue and conclude such proceedings as if such amendments had not been made and the Commission may make an award on the receipt of the report of the Board in accordance with section 13 of the Act as in force before the operative date; and
- (3) where the Commission makes an award pursuant to the powers vested in it by paragraph (2) of this Part, the provisions of the Act as in force immediately before the operative date shall apply to such award.

Passed in the National Assembly on the twenty-fifth day of October, 1967.


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Clerk of the National Assembly