

THE UNITED REPUBLIC OF TANZANIA



No. 14 OF 1968

I ASSENT,

Julius K. Nyerere
.....
President

13TH FEBRUARY, 1968

An Act to prescribe certain forms relating to qualifications of Members of the National Assembly, to prescribe the procedure for proceedings before the High Court for Declaration as to whether the seat of any member has become vacant and to provide for matters incidental thereto and connected therewith

[2ND MARCH, 1968]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the National Assembly (Qualification of Members) (Forms and Procedure) Act, 1968, shall be read as one with the Constitution and shall come into operation on the 2nd of March, 1968.

Short title,
construction
and
commence-
ment

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

“the Constitution” means the Interim Constitution of Tanzania, 1965;
“member” means a member of the National Assembly other than a Regional Commissioner who holds his seat in accordance with paragraph (e) of subsection (1) of section 24 of the Constitution.

Interpretation
Acts 1965
No. 43

PART I

PETITIONS FOR DECLARATION BY THE HIGH COURT

3. Where the Attorney-General has reason to believe that the seat in the National Assembly of any member has become vacant by virtue of the provisions of paragraphs (h), (i), (j), (k) or (l) of subsection 2 of section 27 of the Constitution he may petition the High Court for a declaration that such member has by operation of subsection (1) of section 35 of the Constitution vacated his seat as a member.

Petition by
Attorney-
General

4. Every petition under section 2 shall contain—

(a) the name and address of the member in respect of whom the petition is made; and

Contents of
petition

- (b) a statement of facts on which the petition is founded.
- Member's right to appear
5. A copy of every petition lodged under section 3 shall be served on the member in respect of whom the petition is made and such member shall have a right to appear and defend the petition.
- Procedure
Acts 1966 No. 49
6. Every petition under section 3 shall, insofar as may be practicable, be tried in the same manner as if it were a civil suit, and save as in this Act may be otherwise expressly provided, the provisions of the Civil Procedure Code, 1966 shall, insofar as the same may be applicable, apply to petitions under this Act.
- Witnesses
7.—(1) Witnesses shall be subpoenaed and sworn in the same manner, as nearly as circumstances admit, as in a trial by the High Court in the exercise of its original civil jurisdiction and shall, without prejudice to the provisions of any other law, be subject to the same penalties for the giving of false evidence or for non attendance.
(2) On the trial of a petition under this Act, the court may by order compel the attendance of any person as a witness who appears to it to be in a position to give relevant information, and any person refusing to obey such order shall be guilty of a contempt of court. The court may examine any witness so compelled to attend or any person in court, although such witness or person is not called and examined by any party to the petition. After the examination of a witness as aforesaid by the court, such witness may be cross-examined by or on behalf of the petitioner or the member or both of them.
- Determination of court
8.—(1) At the conclusion of the trial of a petition under this Act the court shall determine whether the member in respect of whom it is made has vacated his seat in the National Assembly and may make such order for the costs of the petition as it may think fit.
(2) Where the court makes an order for payment of costs by the Attorney-General such costs shall be paid by the Government.
(3) Notwithstanding the provisions of section 6 no order for costs against the Attorney-General shall be executed or enforced save in accordance with the law for the time being in force relating to execution of decrees or orders for payment of money passed or made against the Government.

PART II

UNDERTAKINGS, DECLARATIONS AND STATEMENTS OF AFFAIRS

- Undertaking to dispose of property or share
Form 1
9. Every undertaking to dispose of a share, house or building or of an interest in a share, house or building, required to be lodged by a member under the provisions of paragraph (b) of subsection (10) of section 27 of the Constitution shall be in the appropriate form prescribed in the Schedule to this Act.
- Undertaking in respect of salary
Form 2
10. Every undertaking by a member in respect of his salary required to be lodged under the provisions of paragraph (c) of subsection (12) of section 27 of the Constitution shall be in the appropriate form prescribed in the Schedule to this Act.

11. Every declaration required to be lodged by a member with the Speaker under the provisions of section 34A of the Constitution shall be in the appropriate form prescribed in the Schedule to this Act.

Declaration as to compliance with leadership qualifications Form 3

12.—(1) Every member who is required to lodge with the Speaker a statement of affairs under the provisions of section 34B of the Constitution and who is such member on the 2nd of March, 1968 shall lodge such statement not earlier than the 15th of March, 1968 and not later than the 31st of March, 1968 and thereafter not earlier than the fifteenth day of March and not later than the thirty-first day of March in every subsequent year for so long as he continues to be such member.

Statement of affairs

(2) Every member who is required to lodge with the Speaker a statement of affairs under the provisions of section 34B of the Constitution and who is elected or appointed as such member on or after the 3rd of March, 1968 shall lodge such statement within fifteen days of his election or appointment and thereafter within fifteen days of the anniversary of his election or appointment, as the case may be, in every subsequent year for so long as he continues to be such member.

(3) Every statement of affairs shall be in the appropriate form prescribed in the Schedule to this Act.

Form 4

(4) The Principal Secretary to the President's Office, the Clerk to the National Assembly and such other public officers as may be authorized in writing by the President, the Speaker or the Attorney-General in that behalf, may have access to any statement of affairs lodged under the provisions of section 34B of the Constitution.

SCHEDULE

Form 1

UNDERTAKING TO DISPOSE OF PROPERTY

Under section 27 (10) (b) of the Constitution

WHEREAS I am (my wife/husband is) a candidate for election to the National Assembly for constituency:

AND WHEREAS the following property has become vested in me in the following circumstances:

(Describe the property and circumstances in which the same has become vested).

I hereby undertake to dispose of the said property within three months of the date appointed for the primary nomination/within three months of my (my husband/wife) taking my/his/her seat in the National Assembly.

.....
Signature of person giving the undertaking

.....
Witness

.....
Address

(This undertaking must be attested by a magistrate or Justice of the Peace).

Form 2

UNDERTAKING IN RESPECT OF SALARY

Under section 27 (12) (c) of the Constitution

WHEREAS I, have been elected a member of the National Assembly:

AND WHEREAS I am in receipt of the following salary: (State the source and amount of the salary).

I hereby undertake that upon taking my seat I shall forego my claim to the following salary: (State which salary will be given up).

OR I hereby undertake to claim only such portion of the salary payable to me as a member of the National Assembly which when taken together with my said other salary would not exceed the amount of the salary for the time being payable to a member of the National Assembly.

Date at thisday of19.....

Signature of the Member

Form 3

DECLARATION BY MEMBERS OF THE NATIONAL ASSEMBLY

Under section 34A of the Constitution

I, being a member of the National Assembly, having been elected/appointed as such member on hereby solemnly and sincerely declare that to the best of my knowledge and belief I am not disqualified from being a member of the National Assembly by virtue of any of the provisions of paragraphs (h), (i), (j), (k) and (l) of subsection (2) of section 27 of the Interim Constitution of Tanzania, 1965.

This declaration is made and subscribed by the said who is known to me personally (or, who has been identified to me by the latter being known to me personally) this day of19.....

Signature of person making the declaration

Signature

Qualification and address

(This declaration must be made before a Commissioner for Oaths or a Notary Public).

Form 4

STATEMENT OF AFFAIRS

Under section 34B of the Constitution

PART I

PARTICULARS OF INCOME AND PROPERTIES OF THE MEMBER

- 1. Describe all immovable properties owned by you:
2. Give particulars of any immovable property owned by you which is occupied by some other person:
*3. Give particulars of all income received by you during the last twelve months, stating its source and amount:
4. Do you hold any property as trustee? If so, state:
(a) Description of the property:
(b) Names of the beneficiaries under the trust:
(c) Your relationship, if any, to the beneficiaries:
(d) The amount of the annual trust income:

PART II

PARTICULARS OF THE INCOME AND PROPERTIES OF THE SPOUSE

- 1. Describe all immovable properties owned by your spouse :
- 2. Give particulars of any immovable property owned by your spouse which is occupied by some other person :
- *3. Give particulars of all income received by your spouse during the last twelve months, stating its source and amount :
- 4. Does your spouse hold any property as trustee? If so, state :
 - (a) Description of the property :
 - (b) Names of the beneficiaries under the trust :
 - (c) Your relationship, if any, to the beneficiaries :
 - (d) The amount of the annual trust income :

I, declare that the particulars contained in this statement are true to the best of my knowledge and belief.

Dated at thisday of19.....

.....
Signature of the Member

Note.—Particulars required in paragraph 3 of Part I and in paragraph 3 of Part II need not be given in the first statement of affairs submitted after election, appointment or in the statement submitted in 1968.

Passed in the National Assembly on the fifteenth day of January, 1968.

Shahjahan
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Clerk of the National Assembly