

THE UNITED REPUBLIC OF TANZANIA

ACT SUPPLEMENT

No. 6

18th October, 2013

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THE UNITED REPUBLIC OF TANZANIA



No. 7 OF 2013

I ASSENT,

JAKAYA MRISHO KIKWETE,
President

10th October, 2013

An Act to amend the Constitutional Review Act, Cap. 83.

ENACTED by Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Constitutional Review (Amendment) Act, 2013 and shall be read as one with the Constitutional Review Act, hereinafter referred to as the "principal Act".

Construc-
tion
Cap.83

2. The principal Act is amended in section 3, by inserting in the appropriate alphabetical order the following new definitions:

Amend-
ment of
section 3

"Draft Constitution" means the draft constitution prepared by the Commission under this Act;

"Standing Orders" means the Standing Orders of the Constituent Assembly made under this Act".

Amend-
ment of
section
20

3. The principal Act is amended in section 20 by deleting subsection (4) and substituting for it the following:

"(4) Notwithstanding the dissolution of the Commission under section 37(1), the Clerk of the Constituent Assembly may, upon consultation with the Chairman of the Constituent Assembly, invite the Chairman, Vice Chairman or any other member of the dissolved Commission to give clarification which may be required during the debates of the Constituent Assembly."

Amend-
ment of
section
22

4. Section 22 of the principal Act is amended-

(a) by deleting the opening phrase of paragraph (c) appearing in subsection (1) and substituting for it the following:

"(c) one hundred and sixty six members appointed by the President in agreement with the President of Zanzibar from the following:"

(b) deleting paragraph (vi) and substituting for it the following:
(vi) the Trade Union Organisations;

(c) by inserting the following provisions after subsection (2):

"(2A) The President shall invite each group specified under subsection (1) (c) to submit to him-a list of not more than nine names of persons for appointment of three persons from the list as members:

Provided that, the list shall, for every name proposed, indicate the age, gender, experience, qualifications and place of abode of such person.

(2B) In appointing members of the Constituent Assembly under subsection (1)(c), the President shall have regard to:

(a) qualifications and experience of persons nominated;
and
(b) gender balance.

"Addition
of section
22A

5. The principal Act is amended by-

(a) adding immediately after section 22 the following new section:

"Interim
Chairman

22A.- (1) Without prejudice to the provisions of section 23, after the convening of the Constituent Assembly, the Clerk of the National Assembly and the Clerk of the

House of Representatives shall manage and supervise the process of electing the Interim Chairman of the Constituent Assembly who shall preside

over the proceedings of the Assembly for the purposes of:

- (a) developing and adopting the Standing Orders of the Constituent Assembly; and
- (b) conducting the election of the Chairman and Vice Chairman of the Constituent Assembly.

(2) The Interim Chairman elected by the Constituent Assembly under subsection (1) shall not be eligible to contest for the chairmanship of the Constituent Assembly."

6. The principal Act is amended in section 23 by—

Amend-
ment of
section 23

(a) adding immediately after subsection (3) the following:

"(4) A member shall not be eligible for nomination or election as a Chairman or Vice Chairman unless that member—

- (a) possesses a degree from a recognized university;
- (b) possesses proven experience and competence in chairing public assemblies or *fora*;
- (c) has not been convicted by any court in the United Republic and sentenced to a term of imprisonment exceeding six months for any offence involving dishonesty and moral turpitude.

(5) Procedure for application, nomination and election of Chairman and Vice Chairman shall be as may be prescribed in the Standing Orders."

(b) renumbering subsections (4), (5) and (6) as subsections (6), (7) and (8) respectively;"

7. The principal Act is amended in section 24 by- (a) deleting subsection (4) and substituting for it the following:

Amend-
ment of
section 24

"(4) The Clerk of the Constituent Assembly shall, upon consultation with the Deputy Clerk, select such number of staff from the National Assembly, the House of Representatives, Offices of the Attorney General of the United Republic and

Zanzibar and from other public institutions, as may be necessary for better performance of the functions of the Constituent Assembly.

(5) The staff selected under subsection (4) shall be under secondment for the prescribed period of the Constituent Assembly."

(b) renumbering subsection (5) as subsection (6).

Amend-
ment of
section 26

8. The principal Act is amended in section 26 by adding immediately after subsection (2) the following:

"(3) Where the support of two third majority of the total number of members is not attained as required under subsection (2), the Chairman of the Constituent Assembly shall identify issue or issues in controversy for the purpose of voting for the second time in respect of such issue or issues.

(4) The issue or issues as identified under subsection (3) shall be passed by the Constituent Assembly based on the support of two third majority of the total number of members hailing from Mainland Tanzania and two third majority of the total number of members hailing from Tanzania Zanzibar.

(5) Where the support of two third majority is not attained as required under subsection (4), the Constituent Assembly shall vote for the third time, and the issue or issues shall be determined by simple majority of the total number of members hailing from Mainland Tanzania and simple majority of the total number of members hailing from Tanzania Zanzibar.

(6) Upon completion of voting under subsection (5), the proposed Constitution shall be deemed to have been passed by the Constituent Assembly and the provisions of the Referendum Act shall apply.

(7) Procedures for voting under this section shall be as prescribed in the Standing Orders."

Amend-
ment of
section
27

9. The principal Act is amended in section 27 by deleting subsection (2) and substituting for it the following:

"(2) There shall be freedom of opinion in the debates of the Constituent Assembly and such opinion of the members shall not

be questioned in any court or place outside the Constituent Assembly.

(3) The procedure of debates in the Constituent Assembly shall be prescribed in the Standing Orders".

10. The principal Act is amended in section 28 by adding immediately after subsection (2) the following provision:

Amend-
ment of
section 28

"(3) Without prejudice to subsections (1) and (2), the Constituent Assembly shall deliberate on the Draft Constitution within a period not exceeding seventy days from the date on which the Constituent Assembly convened.

(4) The Chairman of the Constituent Assembly, after consultation with the Vice Chairman may, upon approval by the President in agreement with the President of Zanzibar, extend the period under subsection (3) for such period as may be appropriate to accomplish the functions of the Constituent Assembly."

11. The principal Act is amended in section 37 by deleting subsection (1) and substituting for it the following:

Amend-
ment of
section 37

"Dissolu-
tion of
Commis-
sion

37.—(1) Upon submission of the Draft Constitution to the Constituent Assembly under section 20(3), the President shall, by Order published in the *Gazette*, dissolve the Commission."

Passed in the National Assembly on the 6th September, 2013.

Dk. THOMAS D. KASHILILAH,
Clerk of the National Assembly