

THE UNITED REPUBLIC OF TANZANIA

ACT SUPPLEMENT

No. 2

24th February, 2012

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THE UNITED REPUBLIC OF TANZANIA



No. 2 of 2012

I ASSENT,

JAKAYA MRISHO KIKWETE,
President

20th February, 2012

An Act to amend the Constitutional Review Act, 2011.

Enacted by Parliament of the United Republic of Tanzania.

*Consolidation
Act No. 3
of 2011*

1. This Act may be cited as the Constitutional Review (Amendment) Act, 2012 and shall be read as one with the Constitutional Review Act, 2011.

*Amendment
of section 6*

2. The Constitutional Review Act, 2011 is amended as follows:

- (a) in section 6, by-
 - (i) deleting paragraph (a) of subsection (5);
 - (ii) renaming subparagraph (b) as subparagraph (a); and
 - (iii) renaming subparagraph (c) as subparagraph (b).
- (b) adding the following new provisions after subsection (5);

“(6) For the purposes of subsections (1), (2) and (3), the President shall invite fully registered political parties, religious organisations, civil societies, associations, institutions and any other group of persons under whatever name having common interest to submit to the President lists of names of persons for appointment as members:

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

(7) Subsection (6) shall not be construed as precluding the President from appointing as members persons outside the lists of names submitted to him as provided for in subsection (6).”

Amendment
of sections
12, 13, 17
and 18

3. The Constitutional Review Act, 2011 is further amended:

- (a) in section 12, by adding new subclauses (4) and (5) as follows:

“(4) Where a question of removal of a member for breach of Code of Conduct arises, the President shall appoint a Committee composed of:

- (a) a Judge of the Court of Appeal who shall be the Chairman;
- (b) a Commissioner of the Commission for Human Rights and Good Governance;
- (c) a Commissioner of the Public Leaders Ethics Secretariat;
- (d) an advocate of the High Court for Zanzibar recommended by the Zanzibar Law Society; and
- (e) an advocate of the High Court recommended by the Tanganyika Law Society,

who shall inquire into the matter and make recommendations to the President, and where the Committee recommends that the removal of the member should not be made, the question of removal of that member shall abate.

(5) The Committee shall regulate its own procedure for the conduct of business.”

(b) in section 13, by adding the following new provision after subsection (6):

“(7) The Commission shall be a disciplinary authority in respect of members of the Secretariat.”

(c) in section 17, by:

- (a) inserting after the designation “District Commissioner” which appears in paragraph (a) of subsection (5) the designation “a Director of local government authority”; and
- (b) inserting after the designation “District Commissioner” which appears in paragraph (b) of subsection (5) the designations

“Municipal Director, Clerk to the Town or District Council.”

- (c) repealing subsection (9) and substituting for it the following:

“(9) Any person who intends to conduct public awareness programme on the constitutional review and so recognized by the Commission shall, in the case of:

- (a) an individual, notify the Commission in writing or in that behalf, a District Commissioner, a Director of Local Government Authority or the Municipal Director or the Clerk to the Town or District Council; or
- (b) an organization, civil society, association, institution or a group of persons under whatever name having common interest, be required to-
 - (i) issue notice to the Commission in writing or in that behalf, a District Commissioner, a Director of Local Government Authority or the Municipal Director or the Clerk to the Town or District Council in writing;
 - (ii) register under the relevant laws of Mainland

Tanzania or Tanzania
Zanzibar,

and that person, organization, society, association, institution or group of persons shall disclose to the Commission, or in that behalf, a District Commissioner, a Director of Local Government Authority or the Municipal Director or the Clerk to the Town or District Council, as the case may be, sources of funds that would be expended for awareness programme.

(10) The notice referred to under subsection (9) shall specify time, date, place, venue and the nature of the subject matter of the awareness programme.

(11) For the purpose of this section, an organisation, society, association, institution or group of persons having common interest may convene meetings in order to afford opportunity for their members to make their opinions on the proposed constitution and forward such opinions to the Commission.

(12) Any organisation, society, association, institution or group of persons having common interest which intend to conduct a public meeting, rally or assembly for purposes of this section shall

notify the relevant authority in accordance with law governing such meetings, rallies or assemblies.”

(d) in section 18, by adding the following provision immediately after subsection (5):

“(6) For the purpose of this section, the Commission may allow organisations, associations or groups of persons to convene meetings in order to afford opportunity to its members to air their views on the draft Constitution and forward such views to the commission.”

Amendment
of section
21

4. The Act is further amended by adding the following new provisions:

(d) in section 21, by-

(a) deleting the words “or prevents” which appear in the opening words of subsection (1) and substituting for them the words “,prevents or by conduct or omission, incites-”

(b) deleting the words “five”, “fifteen”, “three” and “seven” which appear in subsection (3) and substituting for them the words “two”, “five”, “one” and “three”, respectively.

Passed in the National Assembly on the 10th February, 2012.

DR. THOMAS D. KASHILILAH.
Clerk of the National Assembly