

THE UNITED REPUBLIC OF TANZANIA



No. 22 OF 1975

I ASSENT,

Julius K. Nyerere
President

12TH..AUGUST, 1975

An Act to amend the National Service Act, 1964

[1ST JULY. 1975]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the National Service (Amendment) Act, 1975, shall be read as one with the National Service Act, 1964 (hereinafter referred to as "the principal Act") and shall be deemed to have come into operation on the first day of July, 1975.
2. The principal Act is amended by deleting the words "the Director of National Service" and "the Director" wheresoever they occur therein and substituting therefor in each case "the Chief of National Service.
3. Section 2 of the principal Act is amended
 - (a) by deleting the definition "member" and substituting therefor:
" "member" in relation to the Service includes both a Serviceman enlisted or engaged under section 5 or section 5F;"
 - (b) by deleting the definition "Serviceman" and substituting therefor:
" "Serviceman" means a member of the Service enlisted or engaged under section 5 or section 5F."
4. Section 3 of the principal Act is amended by deleting subsection (2) and substituting therefor the following: -
"(2) The functions of the National Service shall be--
 - (a) to train young citizens of the United Republic to. serve the nation in the spheres of social and economic development and the defence of their countries;
 - (b) to impart military training to its members with a view to enable such members to qualify for recruitment or engagement as soldiers for the infantry battalions of the Peoples Defence Forces of Tanzania;

Short title

Cap. 553

Chief of National Services substituted for "Director" Section 2 amended

Section 3 amended.

- (c) to participate in national defence operations."
- Section 4 amended 5. Section 4 of the principal Act is amended in subsection (2) by deleting paragraphs (c) and (d).
- Section 5 amended 6. Section 5 of the principal Act is amended-
- (a) in subsection (1), by deleting the proviso;
- (b) by adding immediately below subsection (2) the following new subsection: -
- "(2A) Where in the opinion of the Chief of National Service any Serviceman enlisted pursuant to an enlistment notice under section 5F has not, on the completion of the period of one year provided for in subsection (2) of this section, attained a standard normally expected of a serviceman in the National Service, the Chief of National Service may, by order under his hand, extend such period of one year by six months or such shorter period as the Chief of National Service may in such order specify, and in any case in which such order is made the provisions of subsection (2) of this section shall take effect as if the reference in paragraph (a) thereof to the period of one year were a reference to such period so extended.;"
- (c) in subsection (3) by deleting the words "the National Service or" which occur in the third and fourth lines.
- Section 5A repealed 7. The principal Act is amended by repealing section 5A.
- Section 6 repealed 8. The principal Act is amended by repealing section 6.
- Section 7 amended 9. Section 7 of the principal Act is amended-
- (a) by deleting the words "other than subsection (3) of section 6" which occur in the first two lines;
- (b) by deleting the words "or secondment" and the words "and secondment" which occur in the third and fifth lines respectively.
- Section 8 repealed and replaced 10. Section 8 of the principal Act is repealed and replaced by the following: -
- "Discharge" 8. The appropriate authority may at any time during the term of an engagement discharge a member of the National Service if, for any reason, his services are no longer required or if in the opinion of the appropriate authority, the continued engagement of the serviceman is contrary to the public interest or the interest of the National Service."
- Section 9 amended 11. Section 9 of the principal Act is amended by deleting subsection (2).
- Section 10 repealed and replaced 12. Section 10 of the principal Act is repealed and replaced by the following section: -
- "The Chief of National Service 10. The President may appoint a member of the Tanzania People's Defence Forces to be the Chief of National Service, and, subject to this Act, to any rules made hereunder and to the directions of the President, the Minister and the Chief of Defence Forces, the Chief of National Service shall have the command, superintendence, direction and administration of the National Service."

- 13.** Section 11 of the principal Act is repealed. Section 11
repealed
- 14.** Section 12 of the principal Act is amended by adding the following subsection: - Section 12
amended
- "(2) Servicemen shall, for the purposes of discipline, training and operations and for the purposes of compensation for disability or death in the course of training or operation, be deemed to be members of the Regular Force of the Tanzania Peoples Defence Forces:
- Provided that the command in respect of the military operations of the National Service shall vest in the Chief of Defence Forces."
- 15.** Section 14 of the principal Act is amended in subsection (3) by deleting the words "their terms and conditions of service and" which occur in the third and fourth lines. Section 14
amended
- 16.** The principal Act is amended by repealing sections 15, 16, 17 and 18. Sections 15,
16, 17 and
18 repealed
- 17.** Section 21 is amended-
- (1) in subsection (1)-
- (a) in paragraph (a) by deleting the words ", the conditions of appointment and service";
- (b) by deleting paragraph (c) and substituting therefor the following: -
- "(c) allowances of members of the Service;";
- (c) by deleting paragraph (e) and substituting therefor the following: -
- "(e) the conditions governing the discharge of members of the Service;";
- (d) by deleting paragraph (ff);
- (2) in subsection (2), by deleting the words "and other members of the Service having command of any branch, unit or sub-unit thereof";
- (3) by adding the following subsection: -
- "(3) The Chief of National Service may delegate any of his powers under subsection (2) to any other officer or member of the Service."
- 18.** Section 21A of the principal Act is amended by deleting subsection (2). Section 21A
amended
- 19.** The principal Act is amended by adding immediately below section 22 the following sections:-- Section 22A
added
- "Unauthorised use of uniforms, decorations, etc.
- 22A.** Any person who without lawful authority, the proof of which shall lie upon him-

- (a) wears a uniform of the National Service or any other uniform that is so similar to the uniform of the National Service that it is likely to be mistaken therefor;
- (b) wears a distinctive mark relating to wounds received or service performed in any National Service operation, or a medal, ribbon, badge, chevron or any decoration or order that is awarded in relation to any service in the National Service, or any imitation thereof, or any mark or device or thing that is likely to be mistaken for any such mark, medal, ribbon, badge, chevron, decoration or order;
- (c) falsely represents himself to be a person who is or has been entitled to use or wear any such thing as is specified in paragraph (b) of this subsection; or
- (d) purchases or takes in pawn any decoration or order awarded to any member of the National Service or solicits or procures any person to sell or pledge any such decoration, or acts for any person in the sale or pledging thereof unless at the time of such purchasing, taking, soliciting, procuring or action the person to whom the decoration or order was awarded was dead or had otherwise ceased to be a member of the National Service and of the Defence Forces shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

use of
uniform or
other article
for theatrical
performance

22B. Nothing in section 22 or 22A shall prohibit-

- (a) the use or wearing of National Service badges for purposes of ornament, or the wearing of brooches or other ornaments representing such military badges; or
- (b) the wearing or use of such uniforms or things as are referred to in section 22 and 22A for purposes of any theatrical performance."

Section 23
repealed

20. Section 231 of the principal Act is repealed.

Consequential
amendments

21. The written laws specified in the first column of the Schedule to this Act are amended in the manner specified opposite thereto in the second column of the said Schedule.

Transitional
provisions

22. Consequent upon the abolition of the permanent staff of the National Service by amendments to the principal Act introduced by this Act, every member of the permanent staff shall, with effect from the date on which this Act is deemed to have come into operation, be appointed to such rank in the Tanzania Peoples Defence Forces as the appropriate authority having the power to make such appointment may determine.

SCHEDULE

FIRST COLUMN	SECOND COLUMN
<p>(a) The National Defence Act, 1966 (Act No. 24 of 1966)</p>	<p>(i) Section 12 is amended by deleting the full stop at the end of paragraph (b), substitute "g" therefor " and" and adding the following paragraph: - "(c) members of the National Service Reserve.,"</p> <p>(ii) The First Schedule is amended in section C.2 (I)- (A) by adding the following paragraph below paragraph (a): "(aa) a member of the National Service;"; (B) in paragraph (c) delete the words "the National Service (including the National Service Reserve)" and substitute therefor "the National Service Reserve."</p>
<p>(b) The Reserve Forces Act, 1965 (Cap. 578)</p>	<p>Part II is amended by deleting therefrom all references to the National Service and substituting therefor references to the National Service Reserve.</p>

Passed in the National Assembly on the seventeenth day of July, 1975.


Clerk of the National Assembly