

THE UNITED REPUBLIC OF TANZANIA



No. 24 OF 1969

I ASSENT,

Julius K. Nyerere
President

10 APRIL, 1969

**An Act to amend the National Assembly (Qualification of Members)
(Forms and Procedure) Act, 1968**

[//. APRIL, 1969]

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) (Amendment) Act, 1969 and shall be read as one with the National Assembly (Qualification of Members) (Forms and Procedure) Act, 1968 (hereinafter referred to as the principal Act).

Short title
Acts 1968
No. 14

2. Section 3 of the principal Act is repealed and replaced by the following section: -

Section 3
of Act 14
of 1968
repealed and
replaced

"3. Where the Attorney-General has reason to believe that any member of the National Assembly is, by virtue of the provisions of section 35 of the Constitution, required to vacate his seat in the National Assembly by reason of-

- (a) such member ceasing to be a citizen of Tanzania; or
- (b) such member being found to be under a Declaration of Allegiance to some country other than Tanzania; or
- (c) such member being found to have such interest in such government contract as may be prescribed by an Act of Parliament enacted under the authority of subsection (2) of section 27 of the Constitution; or
- (d) such member or his spouse having done any act or thing or having acquired any property or interest in any property which, if done or acquired by any person who is not a member or by the spouse of such person, would disqualify such person from election as a constituency member under the provisions of paragraph (h), (i), (j), (k) or (1) of subsection (2) of section 27 of the Constitution;

(e) the operation of the provisions of paragraphs (e), (f) or (g) of subsection (1) of section 35 of the Constitution,

the Attorney-General may petition the High Court for a declaration that the seat of such member in the National Assembly has become vacant".

Section 4 of Act 14 of 1968 amended

3. Section 4 of the principal Act is amended by deleting the figure "2" which occurs in the first line and substituting therefor the figure "3".

New sections 5A and 5B added

4. The principal Act is amended by adding immediately below section 5 the following new sections:-

"Petition by member who is declared to have vacated his seat 5A.-(1) Where a member of the National Assembly is required to vacate his seat in the National Assembly by virtue of the provisions of paragraph (a), (b), (c) or (d) of subsection (1) of section 35 of the Constitution otherwise than by reason of the circumstances specified in section 3 of this Act, and the Speaker of the National Assembly has declared such member to have vacated his seat, the member may, if he is aggrieved by such declaration, petition the High Court for a declaration that he is not required to vacate his seat.

(2) Every petition under subsection (1) shall be lodged in the High Court within thirty days of the date on which the Speaker declares such member to have vacated his seat.

Contents of petition

5B. Every petition under section 5A shall contain a statement of facts on which the petition is founded and a copy of such petition shall be served on the Attorney-General who shall have a right to appear and to be heard on behalf of the United Republic in respect of any matter arising out of or relating to the petition"

Section 6 of Act 14 of 1968 amended

5. Section 6 of the principal Act is amended by inserting immediately after the figure "3" which occurs in the first line the words and the figure "or section 5A".

Passed in the National Assembly on the twenty-sixth day of March, 1969.


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Clerk of the National Assembly