

THE UNITED REPUBLIC OF TANZANIA



No. 14 OF 1977

I ASSENT.

Julius K. Nyerere
President

31ST OCTOBER, 1977

An Act to modify the Constitution (Consequential, Transitional and Temporary Provisions) Act, 1977 to provide for the composition of the National Assembly established under the Constitution of the United Republic of Tanzania, 1977

[1ST NOVEMBER, 1977]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Constitution (Consequential, Transitional and Temporary Provisions) (Modification) Act, 1977, shall be read as one with the Constitution (Consequential, Transitional and Temporary Provisions) Act, 1977 (in this Act referred to as "the principal Act") and shall come into operation on 1st November, 1977.

C.A. Act,
1977

2.—(1) This section shall apply subject to the qualifications set out in section 3 of this Act.

Modifica-
tions to C.A.
Act, 1977
relating to
the National
Assembly

(2) For the purposes of any matter arising on or after the commencement of this Act which relates to the composition of the National Assembly, the provisions of the principal Act shall, as from the commencement of this Act, be construed as if the provisions of sections 9 and 11 of that Act (which relate respectively to continuation of the National Assembly and dissolution of the Parliament established under the Interim Constitution) had not been enacted; and for the references in those sections to the Interim Constitution with respect to the composition of the National Assembly, the vacation of the Office of Speaker or seat of a member of the National Assembly, dissolution of Parliament the summoning of Parliament under the powers contained in section 42 (5) of the Constitution and the appointment of any person to any office appointment to which, at a time when Parliament is dissolved, is

restricted to persons who were members of the National Assembly immediately before dissolution, there shall be deemed to have been substituted, on the commencement of this Act, references to the Constitution.

(3) For the avoidance of doubts, it is hereby declared that the persons who, immediately before the commencement of this Act, are the Speaker and the members respectively of, and constitute, the National Assembly, other than members appointed under paragraph (d) of section 24 (1) of the Interim Constitution, shall continue to hold their respective offices by virtue of the provisions of this Act and shall be liable to vacate those offices in the circumstances prescribed by the Constitution.

Effect on the constitution of modifications to C.A. Act, 1977

3. For the purposes of the application of the provisions of subsection (2) of section 2 of this Act, the provisions of the Constitution shall, on the commencement of this Act and until the next dissolution of Parliament in the circumstances prescribed by the Constitution, be construed subject to the following qualifications:—

- (a) the provisions of the Constitution relating to the election of any person to a seat of a constituency member or other description of seat of a member of the National Assembly shall, as soon as practicable after the commencement of this Act, be given effect except in respect of the persons who, on the commencement of this Act, are the Speaker and the members respectively of, and constitute, the National Assembly by virtue of the provisions of subsection (3) of section 2 of this Act;
- (b) the provisions of the Constitution relating to the election of any person to a seat of a constituency member or other description of seat of a member of the National Assembly shall, in respect of any person elected in accordance with the provisions of paragraph (a) of this section, be construed as if the election of that person were made on the dissolution of Parliament;
- (c) all the requirements prescribed under the provisions of the Constitution relating to the election of members to the National Assembly shall, in relation to elections held in accordance with the provisions of paragraph (a) of this section, be deemed to have been duly fulfilled and upon the election of every person required to be elected by the provisions of that paragraph the National Assembly shall be deemed to be properly constituted and its proceedings shall be valid.

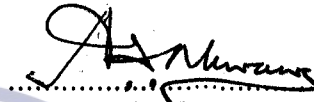
Special temporary provisions relating to election of members to the National Assembly Acts, 1970 No. 25

4. For the purpose of the election of members to the National Assembly in accordance with provisions of paragraph (a) of section 3 of this Act, the Schedule to the principal Act (which contains amendments to certain written laws, including the Elections Act, 1970) shall, on the commencement of this Act, be construed as if there were included in that Schedule the following modifications to the Elections Act, 1970:—

- (a) in the proviso to subsection (1) of section 49, the reference to the dissolution of Parliament made in relation to the primary nomination day shall be substituted by a reference to the date of the commencement of this Act;

- (b) in subsection (1) of section 61, the reference to forty days made in relation to the appointment of election day following final nomination of candidates shall be substituted by a reference to twenty days;
- (c) references in the Act made in relation to a parliamentary election shall be construed as if the election were a general election.

I hereby certify that the Bill for this Act was passed by the National Assembly in accordance with the provisions of section 52 (1) (a) of the Constitution.


.....
Speaker

Passed in the National Assembly on the *twenty-sixth* day of October, 1977.


.....
Clerk of the National Assembly

