

THE UNITED REPUBLIC OF TANZANIA



No. 10 OF 1980

I ASSENT.

*Julius N. Nyerere*  
.....  
President

1ST MAY, 1980

**An Act to provide for the discharge of Ministerial functions, to repeal and replace the Ministers (Miscellaneous Provisions) Act, 1962 and to amend certain written laws**

[1ST MAY, 1980]

ENACTED by the Parliament of the United Republic of Tanzania.

**1.** This Act may be cited as the Ministers (Discharge of Ministerial Functions) Act, 1980 and shall come into operation on the first day of May, 1980.

Short title and commencement

**2.** In this Act, unless the context requires otherwise- "enactment" means any written law other than the Constitution.

Interpretation

**3.** Where in any enactment or document reference is made (whether expressly or by implication or by operation of the provisions of any law providing for the transfer or delegation of statutory functions) to a particular Minister described as such, whether by definition, style, title, office, functions or otherwise (other than the Vice-President), such reference, shall, unless the context requires otherwise and subject to any express reference to the contrary contained in any enactment passed or document executed after the commencement of this Act, be construed and have effect as if it were a reference to the Vice-President or the Deputy Minister for the time being performing the duties of that Minister or other Minister for the time being responsible under the direction of the

Statutory references to Ministers

President for the matter, in question, or if the President has not for the time being assigned responsibility for the matter in question to any Minister; as if it were a reference to the President; and the enactment or document in which the reference occurs shall be read and construed accordingly. ,

Deputy  
Minister may  
execute or  
President may  
provide for  
execution of  
functions of  
Minister

4.-(1) Where the office of any Minister is vacant or any Minister is, owing to absence or inability to act by reason of illness or other cause, unable to perform the functions of his office, those functions, shall, during that absence or inability, be performed by the Deputy Minister for the time being in office, of that Minister.

(2) Notwithstanding' the. provisions of subsection (1) or where there is no Deputy Minister in the office of the Minister, the President may by order under his hand, direct that the powers, duties or other functions conferred or imposed upon any Minister by an enactment shall be vested in himself or in a Minister or Deputy Minister designated in the Order, during the vacancy, absence or inability. and during that period, the President or the Minister or Deputy Minister so designated, as the case may be, may exercise these powers and shall perform those duties and functions, subject to any conditions, qualifications or exceptions specified in the Order.

5.-(1) Mae President may, from time to time, by notice published in the *Gazette*, specify the departments, business and other matters Me responsibility for which he has retained for himself or he has assigned under his direction to any Minister and may in that notice specify the effective date of the assumption of that responsibility, and where the President has issued such a notice, it shall, subject to, any subsequent notice issued under this subsection or to any certificate issued under subsection (2) of this section, be conclusive evidence of the matters specified in it.

(2) Where any question whether the responsibility for any department, business or matter has been assigned under the direction of the President to any particular Minister or has been retained by the President, or whether the President or a particular Minister air Deputy Minister is empowered under section 4 to have, exercise or perform the power, duties or functions of some other Minister, is, or is likely, to be enquire into by a court, that question shall be referred to the Attorney-General for his decision, and if he shall certify by writing under his hand, that he is satisfied that the President has himself retained, or that the particular Minister has been assigned, responsibility for the department, business or matter, or the President or the particular Minister or Deputy Minister is empowered under section 4 to exercise, perform the powers. duties and functions of that Minister at the relevant, time; the court shall not enquire further into that question and the President or that particular Minister or Deputy Minister shall be deemed to be and always to have been at the relevant time, responsible for that department, business or matter or, as the case may be, to have been empowered to exercise or perform those powers, duties and functions.

**6.-(1)** The Ministers (Miscellaneous Provisions) Act, 1962 is hereby repealed Repeal and savings  
Cap. 502

(2) Without prejudice to the provisions of subsection (1) of this section, any Order made under section 4 of the Ministers (Miscellaneous Provisions) Act, 1962, before the commencement of, this Act, and which is still in force upon the commencement of this Act, and which full force and effect as if it had been made, under this Act, until it is revoked or it expires.

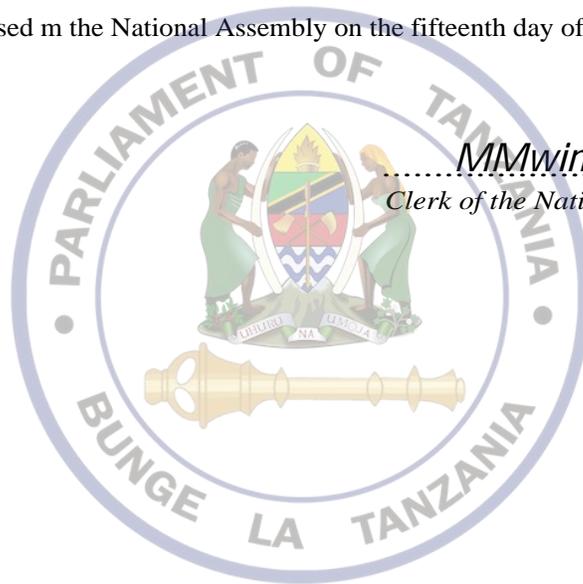
**7.** The written laws cited in the first column and specified in the second column of the Schedule to this Act are amended in the manner specified opposite them, in the third column of that Schedule. Miscellaneous amendments

SCHEDULE

COLUMN ONE	COLUMN Two	COLUMN THREE
Cap. 1	The Interpretation and General Clauses, Act, 1972	<p>Section 3 of the Act is amended in subsection (1)-</p> <p>(a) by deleting the definition the "Constitution" and substituting for it the following:- "the Constitution" means the Constitution of the United Republic of Tanzania, 1977, (entitled in Kiswahili "Katiba ya Jamhuri ya Muungano wa Tanzania ya mwaka, 1977") enacted by the Constituent Assembly of the United Republic;"</p> <p>(b) by deleting the definition "Junior Minister" and substituting for it the following:- "Deputy Minister" means a Deputy Minister appointed under section 13 of the Constitution;"</p> <p>(c) by deleting the definition "Minister" and substituting for it the following:- "Minister" means a Minister appointed under section 12 of the Constitution and includes a Vice-President, the Prime Minister; and "the Minister" means the Minister responsible for the matter in question and includes the Deputy Minister for the time being performing the functions of that Minister or, if there is, no Minister responsible for the matter in question, means the President;"</p>
Cap. 502.	The Presidential Affairs Act, 1962	<p>The Act is amended:-</p> <p>(a) in section 3 by deleting the figure "10" which appears in subsections (3) and (4) of that section and substituting for it in each case the figure "2 1";</p> <p>(b) in section 6 by deleting the figure "19" which appears in subsections (1) and (2) of that section and substituting for it in each case the figure "1";</p>

		(c) in section 7 by deleting the figure "9" which appears in subsection (1) of that section and substituting' for it the figure "10".
Cap. 506	The Official Oaths Act, 1962	Section 6 of the Act is repealed and replaced by the following:- "Deputy Minister's Oath. 6. In addition to the Oath of allegiance, every Deputy Minister shall subscribe to the Official Oath, and every oath, shall be tendered by and subscribed before the President."

Passed in the National Assembly on the fifteenth day of April, 1980.



*MMwindadi*  
Clerk of the National Assembly