

THE POLITICAL PARTIES (AMENDMENT) ACT, 2009

ARRANGEMENT OF SECTIONS

<i>Section</i>	<i>Title</i>
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PART I PRELIMINARY PROVISIONS

1. Short title.

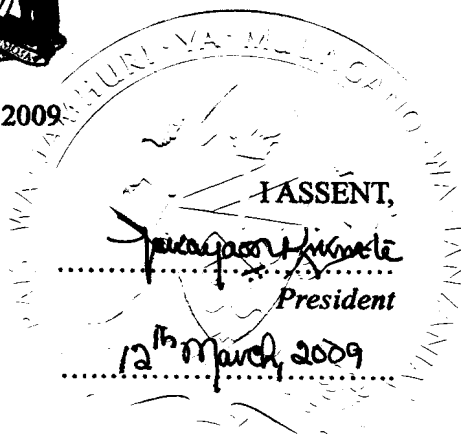
PART II GENERAL AMENDMENTS

2. Amendment of section 3.
3. Amendment of section 4.
4. Addition of section 8A.
5. Amendment of section 9.
6. Amendment of section 10.
7. Addition of section 10A.
8. Addition of sections 11A, 11B and 11C.
9. Addition of sections 12A and 12B.
10. Amendment of section 14.
11. Addition of section 18A.
12. Amendment of section 19.
13. Addition of sections 21A and 21B.
14. Amendment of section 22.

THE UNITED REPUBLIC OF TANZANIA



NO. 7 OF 2009



An Act to amend the Political Parties Act with a view to making better provisions for regulating the conduct of political parties and to provide for related matters.

ENACTED by Parliament of the United Republic of Tanzania.

**PART I
PRELIMINARY PROVISIONS**

Short
title
Cap.258

1. This Act may be cited as the Political Parties (Amendment) Act, 2008 and shall be read as one with the Political Parties Act, hereinafter referred to as the "principal Act".

**PART II
GENERAL AMENDMENTS**

Amendment
of
section 3

2. The principal Act is amended in section 3 by inserting the following new definitions in their appropriate alphabetical order:
"national leader" means a national leader of a political party as prescribed in the constitution of a political party;

“administrative meeting” means a meeting of an organ of a political party as stipulated in the political party’s constitution;

Amendment
of
section 4

3. The principal Act is amended in section 4 -

- (a) by deleting the marginal notes and substituting for them the following:

“Establishment of the office of the Registrar.”

- (b) by deleting subsection (1) and substituting for it the following new subsections:

“(1) There shall be an office of the Registrar of Political Parties which shall be an autonomous institution under the Ministry responsible for political parties.

(2) There shall be appointed by the President a Registrar of Political Parties who shall be a chief executive officer of the office of the Registrar of Political Parties.”

- (c) renumbering subsections (2), (3) and (4) as subsections (3), (4) and (5) respectively.

Addition
of section
8A and 8B

4. The principal Act is amended by adding immediately after section 8 the following new sections:

“Political
Parties
Register

8A.-(1) There shall be a Register of Political Parties the names, addresses and other particulars of registered political parties or national leaders of political parties shall be entered.

(2) The Register shall be kept and maintained by Registrar, and shall be accessible to members of public for inspection or perusal at the time and in a manner as may be Determined by the Registrar.

Registration
of national
leaders

8B.-(1) National leaders of political parties registered under the provisions of sections 7 and 9 shall be required to fill and submit a special form for national leaders to the Registrar for registration in the register of political parties kept and maintained by the Registrar.

(2) A person who is not a national leader registered under sub section (1), a leader or a member of a political party shall not engage in any political activities in the name of a party for which that person purports to be a leader or a member.

(3) Any person who contravenes the provisions of subsection (2) commits an offence and shall be liable on conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding six months or to both.

Amendment
of section 9

5. Section 9 of the principal Act is amended -

- (a) in subsection (1) by -
 - (i) deleting a full-stop appearing at the end of paragraph (c) and inserting a semi-colon;
 - (ii) adding immediately after paragraph (c) the following new paragraph:
“(d) the election of its party leaders at the general elections is open to both gender.”
- (b) in subsection (2) by -
 - (i) deleting the words “or policy” appearing at the end of the opening words and substituting for them the phrase “policies or activities”;
 - (ii) adding immediately after paragraph (e) the following paragraph -
“(f) allows its party leaders and members to utter or use obscene language, vindictive, defamatory or inciting words which are likely to cause or lead to the disruption of peace.”

Amendment
of section 10

6. Section 10(1) of the principal Act is amended by -

- (a) re-designating that provision as section 10;
- (b) inserting immediately after paragraph (b) the following paragraphs-

- “(c) it has submitted to the Registrar for verification names of its members;
- (d) it has submitted to the Registrar the location of its head office and subhead office on the basis that if the head office is established in Mainland Tanzania, the subhead office shall be established in Tanzania Zanzibar;
- (e) has through its constitution restricted its members from having dual membership;”
- (c) renaming paragraphs (c) and (d) as paragraphs (f) and (g) respectively.

Addition
of
section
10A

7. The principal Act is amended by adding immediately after section 10 the following new section -

“Qualification
for leaders
of a
political
party

10A. A person shall be qualified to contest for election or nomination as a leader of a political party if that person is -

- (a) a citizen of the United Republic of Tanzania who has attained or is above the age of twenty one years and who can read and write in Kiswahili or English;
- (b) a member of the relevant political party;
- (c) a person who, within five years prior to the date of submission of the name for election or nomination has not been convicted of or sentenced for commission of an offence of dishonest, corruption or evading tax; and
- (d) a person of sound mind.”

Addition
of
sections
11A, 11B
and 11C

8. The principal Act is amended by adding immediately after section 11 the following section -

"Merging
of political
parties

11A.-(1) Every political party fully registered in accordance with the provisions of this Act may at any time prior to general election be entitled to merge with another fully registered political party.

(2) Where the parties decide to merge as provided for under subsection (1) the parties shall enter an agreement to that effect in the manner as may be prescribed and submit such agreement to the Registrar.

(3) The Registrar shall, upon satisfaction with the contents of the agreement register the new party in the name as may be preferred in the agreement and issue a certificate of registration thereof.

Cessation
of merged
parties

11B.-(1) The political parties merged in accordance with the provisions of section 11A shall, with effect from the date of registration of new political party, cease to exist and all political leaders elected, appointed or nominated before the merger of such political parties shall vacate their positions.

(2) The leaders or members of a political party which has ceased to exist under the provisions of this section shall cease to be leaders or members of that political party.

(3) The properties and assets of a political party which has ceased to exist by virtue of this section shall be properties and assets of the new party.

(4) The term "political leader" as used in subsection (1) means a person elected, nominated or appointed to hold a position in a political office including offices of the President, a Member of Parliament, a Councilor or other political office within a local government authority including a township, a mtaa, a village and a kitongoji.

Parties to
hoist flags

11C.-(1) Every registered political party shall be entitled to own, use and hoist a flag of its party in areas or places as may be prescribed in the regulations to be made under the provisions of this Act.

(2) A flag of a registered party shall be of a design or type as prescribed in the respective party constitutions or rules.

(3) A member or a leader of a registered political party shall not do any act, utter any word or publish any writing with intent to insult or bring into contempt or ridicule a flag of a party.

(4) Any person who contravenes the provisions of subsection (3) commits an offence and shall be liable on conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding six months or to both."

Addition
of
sections
12A and
12B

9. The principal Act is amended by adding the following provisions immediately below section 12:

"Restriction
to establish
offices or
branches in
certain
places

12A-(1) A political party shall not establish or allow to be established offices or branches at places of worship, Government buildings, public institutions or other places as may be prescribed.

(2) Notwithstanding subsection (1), a political party may hold administrative meeting at places referred to in subsection (1) if such places offer facilities or services for hire or reward.

Parties to
hold
general
meetings

12B-(1) Every fully registered political party shall be required to convene a general meeting for the purpose of electing national leaders within one year after being fully registered.

(2) The Registrar of Political Parties may strike off the register, a political party which fails to comply with the requirements of subsection (1).

(3) Any person who contravenes the provisions of sections 11, 12, 15 or any other sections, to which no specific penalty is prescribed, shall be liable on conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding six months."

Amendment
of section
14

10. The principal Act is amended in section 14(1) by deleting item (i) of paragraph (b) and substituting for it the following item:

"(i) an annual statement of the account of the political party audited by the Controller and Auditor-General and the report of the account."

Addition
of
section
18A

11. The principal Act is amended by adding immediately after section 18 the following new section:

"Submission
of
financial
reports at
the same
time

18A. Notwithstanding the provisions of sections 14 and 18, every political party receiving subvention in accordance with this Act shall, not later than 31st October every year, submit to the Registrar financial statements and audited accounts reflecting any other source of funds and details regarding the manner in which such funds were used."

Amendment
of section
19

12. Section 19 of the principal Act is amended -

(a) in paragraph (c) of subsection (2) by -

(i) inserting a full stop immediately after the word "party" appearing in the third line;

(ii) deleting the phrase "and the Minister has agreed to such cancellation" appearing immediately after the word "party";

(b) by adding the following provision immediately after subsection (2):

"(3) Notwithstanding powers of the Registrar to cancel the registration of a political party, the Registrar shall not cancel registration of a political party if the period during which the General Elections would be held does not exceed twelve months."

Addition
of section
21A and
21B

13. The principal Act is amended by adding immediately after section 21 the following new sections:

“Registrar
to submit
report to
the
Administrator
General
Cap.318

21A. The Registrar shall, within three months after receipt of the names, addresses and a copy of a certificate of incorporation of the Board of Trustees of a political party or any other information required to be submitted to the Registrar in that respect, submit the same to the Administrator General.

Establishment
of the
Political
Parties
Council

21B.-(1) There is established within the Office of the Registrar of Political Parties the Council of Political Parties.

(2) Members of the Council shall not be more than two national leaders of each fully registered political party.

(3) A Chairman and Vice Chairman of the Council shall be elected by members of the Council from amongst themselves.

(4) The Office of the Registrar of Parties shall provide a Secretariat of the Council.

Functions
of the
Council

21C-(1) Functions of the Council shall include to-

- (a) advise the Registrar on the disputes arising amongst political parties;**
- (b) advise the Registrar on matters of national interest with reference to Political Parties or political situation;**
- (c) advise the Government through the Registrar on the enactment, amendment and implementation of political parties Act and other laws relating to political parties;**

- (d) advise on the regulations prescribing matters regarding political parties;
- (e) inform the Registrar on any matter regarding the operations of any political party.

(2) Procedures, term of office of members and other matters relating to Council shall be as may be prescribed in the regulations.”

Amendment
of
section 22

14. Section 22 of the principal Act is amended in subsection (2)-

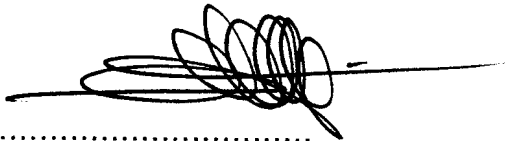
- (a) by adding immediately after paragraph (g) the following new paragraphs:-

“(h) prescribing and regulating the use of flags by political parties;

(i) prescribing procedures and process for merging of political parties.”

- (b) renaming paragraph (h) as paragraph (j).

Passed in the National Assembly on 6th February, 2009.



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Dr. Thomas D. Kashililah
Clerk of the National Assembly