

TRADE UNIONS ACT, 1998

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THE UNITED REPUBLIC OF TANZANIA



NO. 10 OF 1998

I ASSENT,
Benjamin W. Mkapa
 President
 24.1.1999.

**An Act to make provisions for Trade Unions and
 related matters**

[.....]

ENACTED by the Parliament of the United Republic of Tanzania

PART I**PRELIMINARY PROVISIONS**

1. This Act may be cited as
 the Trade Unions Act, 1998 and shall
 come into operation on the date
 which the Minister may by notice
 published in the Gazette appoint.

Short title

2.-(1) In this Act, unless the
 context requires otherwise-

Interpretation

“branch” means any number of the

members of a registered trade
 union who have, in accordance
 with the constitution of the

with the constitution of the registered trade union, appointed their own: management committee but who are under the control of the executive committee of that trade union and are bound under the constitution of that trade union to contribute to its general funds.

"branch officer" means that officer within, the United, Republic of Tanzania, from which the affairs and business of a branch of trade union are conducted;

"Contract of Service means any contract, whether in writing oral, or whether expressed or implied, to employ or to serve as an employee for any period of time or number of days to be worked', or to execute any task or piecework or to perform any journey and includes foreign, contract of service;

"employee" means. any person who

has entered into or works under a
contract of service with an
employer and whether the
contract is expressed or implied
or is oral or in writing, and
includes any person. in the,
employment of the Government
or of any local, authority and any

apprentice and learner who
has entered into or works
under any agreement whether
expressed. or implied or
whether oral or in writing;

"employer" means any person or any
firm, corporation or company,
public authority (including
the government) or body of
persons who or which has
entered, into a contract of
service to employ any person
and- includes any general
manager of that person in
authority over all other

persons employed by any
person, firm, corporation,

"executive committee" means the
body, by whatever name
called to which the
management of the affairs of
a trade union is entrusted and
includes the president or
I chairman, the secretary and
the treasurer of any trade
union;

"federation" means any combination
or association of two or more trade
unions which has a separate legal
existence from the trade unions of
which it is comprised;

"local authority" includes a city
council, municipal council, town
council, local council, township
authority and minor settlement author-
ity;

"lockout" means the closing of a place of
employment or the suspension of work
or the refusal by an employer to continue
to employ

any number of persons employed by him in consequence of a trade dispute, done with a view to compelling those persons, or to aid another employer in compelling persons employed by him. to accept terms or conditions of or affecting employment;

"Minister" means the Minister responsible for labour matters; "Officer" when used with reference to a trade union, includes any member of the executive committee and any officer of a branch but does

not include a trustee or an auditor;

"Register" means the register of trade unions maintained by the Registrar under section 6 of this Act;

"registered office" means that office within United Republic of Tanzania of a trade union which is registered under the provisions of section 7 of this Act;

"registered postal address" means the address of a trade union registered under the provisions of section 7 of this Act;

"registered trade union" means a trade union registered as a trade

union under the provisions of this

Act;

"Registrar" means the person appointed by the Minister under the provisions of section 3 of this Act by name or by office to be or to act as Registrar of trade unions, and includes any person appointed by the Minister under section 3 of this Act to be or to act as an assistant registrar of trade unions;

Strike means the cessation of work by a body of persons employed acting in combination or a concerted refusal or a refusal under a common understanding of any number of persons employed to continue to work for an employer in consequence of a trade dispute done as a means of compelling their employer or any person or body of persons employed, or to aid other employees in compelling their employer or any person or body of person employed to accept or not to accept terms or conditions employment;

of or affecting.

employment;

"trade union" means any combination, either temporary or permanent of twenty or more employees or of four or more employers, the principal purposes of which are under its constitution the regulation of the relations between employees and employers, or between employees and employees or between employers and employers whether that combination would not, if this Act had not been enacted be deemed enacted, and be deemed to have an unlawful combination by reason of some one or more of purposes being restraint of trade and includes a federation.

(2) Any combination of employees employed by the Government or by any department or service Of any international body or organisation operating in Tanzania of which Tanzania is a member, shall not be deemed to be a trade union by

virtue only of its being a combination of persons employed by or under the Government.

-(3) Nothing in this Act shall-

(a) affect-

0) any agreement between an employer and those employed by him as to that employment;

(ii) any agreement in consideration of the sale of the goodwill of a business or of instruction in any profession, trade or handicraft, or

(b) preclude any trade union, from providing benefits for its members.

PART 11

**APPOINTMENT, OF REGISTRAR AND
OTHER OFFICERS**

3.-(!) The Minister shall appoint a Registrar and a deputy registrar of trade unions who shall be responsible for the due performance of the duties and functions assigned to them under this Act.

Appointment of
Registrar

(2) In appointing a person to be a Registrar or Deputy Registrar the Minister shall have regard to persons who are knowledgeable and experienced in labour matters.

4. The Minister may appoint any other officers who may from time to time be required for the purposes of this Act.

Appointment of
other officers

5. No suit shall lie, against the Registrar or deputy registrar or any officer for anything done or omitted to be done by him in good faith and without negligence and in intended exercise of any power or performance of any duty conferred or imposed by this Act.

Protection of
Officers

PART III**REGISTRATION OF TRADE UNIONS**

Register

-6,-(I) The Registrar shall

keep and maintain in any form which
may be prescribed, a register of trade
unions in which shall be registered-

- (a) the prescribed particulars
relating to any
registered trade union;
- (b) any alteration or change
which may from time to
time be effected in 'the
name, rules, officers,
executive committee, or
registered postal
address of any trade
union or in -the
situation Of its
registered office, and
any other matters which
may be required to be
contained in that
register under this Act
or any. regulation made
under this Act.

(2) A copy of any entry in the register, certified under the hand of the Registrar, shall be conclusive proof of the facts specified in it, as on the date of the certified copy.

7. -(I) Every trade union registered or deemed to have been registered as a trade union before the coming into operation of this Act, shall either apply to be registered as a trade union or be dissolved, within a period of three months from the commencement of this Act or the date of its formation, whichever is the later.

Trade Unions to
be registered

(2) Every trade union, established after the commencement of this Act, shall apply to be registered under this Act within a period of one month from the date on which it is so established.

(3) The Registrar may, if he think fit, grant an extension of the period specified in subsection (1) and (2) for any further period or periods, not exceeding six months in the aggregate.

(4) If any trade union, fail to apply for registration. or fail to. be dissolved in accordance with- the provision of this section, the trade, union, every officer, and every person acting as an officer or; purporting, so to act, commits an offence, and upon conviction that trade union and each, person shall be liable to a. fine of not exceeding one hundred thousand shillings or six months. imprisonment or to both

that fine and, imprisonment.

Application for
registration.

8.,-(I) Every application for registration as a trade union shall be made to the Registrar in the prescribed form and shall be signed

(a) in the case of:, an

association-, or
combination of,

employees, by at least
twenty members;

(b) in the case of an

association or
combination Of
employees by at. least,

four members, of the
body applying for
registration and any one
of them may be an
officer of the body.

(2) An application under
subsection (1) shall be accompanied
by any fees which may be prescribe
the, printed copies of the constitution
and rules of the, trade- union signed by
the members of the trade union mak-
ing. the application,. and a statement
containing the following particulars:

- (a) the names, occupations
and addresses of the
members making the
application;
- (b) the name of the trade
union and the address of
its head office, and
- (c) the titles, names, age,
addresses and
occupations of the
officers of the trade,
union, and any other
information regarding
those officers, which the,

registrar in any
particular case, may
require to be furnished.

(3), A trade union established
before the commencement of this Act
shall deliver to the Registrar, together
with its application for registration, a
general statement of the assets and
liabilities of the trade union, prepared in
any form and containing any particulars
which may be prescribed.

Date of
establishment of
trade union

9.-(1) For the purpose of this Act, a trade
union is established on the first date on
which any employees or employers agree
to become or create an association or
combination whether temporary or
permanent, within any particular
establishment, trade, occupation or
industry, for the furtherance of any one
or more of the objects specified in the
definition of a trade union in section 2

(2) For the purpose of prosecuting any trade union which fails to apply for registration under section 7, the date of establishment of that trade union shall, in the absence of proof of the date referred to in subsection (1) be deemed to be-

- (a) the date on which any person is proved to have been accepted or admitted as a member of that trade union, or
- (b) the date on which any act is proved to have been done by that trade union in furtherance of any one or more of the objects specified in the definition of trade union in section 2 or
- (C) in case where proof is available of both the dates referred to in paragraphs (a) and (b), the earlier date shall be

deemed to be the date of
establishment of that
trade union.

Registration

10. On application for
registration being made in
accordance with Section 8 by a trade
union, the Registrar shall subject to the
provision of section 15, 16 and 17
register the trade union in the
prescribed manner.

Power of
Registrar to call
for further
particulars

11. The Registrar may call
for further information for the
purpose of satisfying himself that any
application complies with this Act
and of any regulations made
under it or that the trade union is
entitled to registration under this
Act.

Power of
Registrar to
require a
alteration of
name

12.- if the name under which
a trade union is proposed to be
registered or in the opinion of the
Registrar, so nearly resembles any
name which is likely to deceive or
mislead the public or the members of
either trade union or in his opinion is
itself misleading, the Registrar shall

require the person applying for registration to alter the name of the trade union stated in the application, and shall refuse to register the trade union until the alteration has been made.

13. The Registrar on registering a trade union shall issue to the trade union a certificate in the prescribed form and that certificate, unless proved to have been canceled or withdrawn, shall be conclusive evidence for all purposes that the trade union has been duly registered under this Act.

Certificate of
registration

,14-(1) The Registrar may refuse to register any trade union if he is satisfied that-

Refusal of
registration

- a) it has not complied with the provisions of this Act or any regulations made under it or
- b) any of its objects or its constitution, is, unlawful or conflicts with any provisions of this Act, or

any of the persons of whom its executive committee is composed is not qualified for membership of the executive committee or for the office by virtue of which he is a member of the executive committee, or has not been appointed or elected, as the case may be to the executive committee or that office in accordance with the rules of the trade union; or

- d) it is used for unlawful purpose; or
- e) the principal objects of the combination seeking registration are not in accordance with those set out in the definition of trade union contained in this Act; or

- f) *its an* organisation consisting for persons engaged in, or working at, more than one trade or calling, and that its constitution does not contain suitable provisions for the protection and promotion of their respective trade interests; or
- g) *its accounts are not* being kept in accordance with the provisions of this Act;
- h) it is a branch of a trade union other than a registered trade union.

(2) When the Registrar refuses to register a trade union, he shall notify the applicants in writing of the grounds of his refusal, and the trade union shall be deemed to be dissolved with effect from the date of that notification

(3). Where a trade union appeals against the decision of the Registrar under the provisions of section 16 of this Act and the appeal is dismissed the trade union shall be deemed to be dissolved with effect from the date of the dismissal of that appeal.

(4). Any person acting as an officer of a trade union which has been deemed to be dissolved under the provisions of subsection (3) of this section or any person purporting so to act, commits an offence and upon conviction is liable to a fine not exceeding ten thousand shillings and in the case of a continuing offence to a fine not exceeding ten thousand shillings for, each day during which the offence continues.

(5). It shall be no offence for a person to act on behalf of a dissolved-trade, union for the purpose of -

- i) any proceedings brought -by or against that union; or

- ii) dissolving that
union and
disposing of its
funds in
accordance
with its rules.

15-(1) A certificate of Cancellation of
registration of a registered trade registration
union may be cancelled or withdrawn
by the Registrar-

- a) at the request of the
trade union upon its
dissolution, and
verified in any manner
which the Registrar
may require; or
- lb) if he is satisfied-
 - i) that the
certificate was
obtained or
issued by fraud
or mistake;
 - ii) that the
constitution of
the trade union

- or of its
executive co-
mmittee is
unlawful;
- iii) that the union
has been or is
being or is
likely to be
used for any
unlawful
Purpose
contrary to its
objects or
rules;
- iv) that the trade
union has
contravened
any Provisions
of this Act or
any of the
regulations
made under it,
or any of. its
rules, or
allowed any
rule to continue
if, force' which

is , inconsistent
with those
provisions, or
has rescinded
any rule
providing for
any matter for
which
provision is
required by this
Act;

- V) **that the**
funds of the
trade union are
or have been
expended in an
unlawful
manner or on
an unlawful
object or on an
object not
authorised by
the rules of the
union; or

- vi) that the trade union has ceased to exist.

(2). **Where** two or more registered trade union exist in a particular establishment, trade, occupation or industry as the case may be, the Registrar may, if he is satisfied that it is in the interest of the employees in that establishment, trade occupation or industry so to do-

- a) cancel the certificate or registration of the trade union or trade unions other than the trade union which has the largest number of employees in the said establishment, trade, occupation or industry as its members; or
- (b) issue an order- requiring the trade union or trade unions, other than the trade union which has

the largest number of employees, in the said establishment trade, occupation or industry as- its members to delete from the, membership register those members occupation or industry and the trade unions so ordered shall not enroll as, members employed in that establishment, trade, occupation or industry except with the permission, in writing,. of the Registrar.

(3). An order under this section, shall have full force and effect notwithstanding any provision of the rules of the trade union or trade Union concerned.

(4). Where the Registrar propose to cancel or withdraw the: certificate of registration of any trade **union under subsection (1) (b) or**

subsection (2) (a) he shall give to the trade union not less than thirty days prior notice, in writing, specifying the ground on which he proposes to cancel or withdraw its certificate of registration before that certificate is cancelled or with drawn.

(5) Where the Registrar proposes to issue an order to any trade union under subsection (2)(b), he shall, prior to the issue of such order, notify the trade union of his intention to do so, and shall give it an opportunity to submit any representations which it may wish to make against that, order being issued.

(6) A trade union, served with a notice under subsection (4) may, at any time, within a period of thirty days, reckoned from the date of that notice, show cause in writing against the proposal to cancel its certificate of registration, and, if any cause is shown, the Registrar may hold an enquiry which he may consider necessary in the circumstances.

(7) The Registrar may, after the expiration of the period of thirty days referred to in subsection (4), cancel the certificate of registration of any trade union which has failed to show cause under that sub-section, or which, having shown cause, has failed to satisfy him that its certificate of registration should not be cancelled.

(8) An order made by the Registrar, under this section, cancelling the certificate of registration of any trade union, shall be dated as on the date on which it was made and specify briefly the grounds for the cancellation and shall forthwith be served on the trade union affected by that order.

16-(1) Any person aggrieved by the refusal of the Registrar to register a trade union or by an order made by the Registrar under section 15 and 21 may appeal against that refusal or orders to the High Court

and on that appeal the High Court may make any orders which it thinks proper, including any directions as to the costs of the appeal.

(2) The High Court may make rules governing appeals under this Act and providing for the method of giving evidence, prescribing the time within which appeals may be brought the fees, to be paid, the procedure to be followed and the manner of notifying the Registrar of the appeal.

(3) The Registrar shall be entitled to be heard on any appeal.

Trade unions
prohibited from
carrying on
business unless
registered

17.-(I) No trade union or any of its officer or member shall perform any act in furtherance of the purposes for which it has been formed unless that trade union has first been registered.

(2) The provisions of subsection (1) shall not apply to a person taking part in the management or organisation of the trade union or

acting on behalf of, or as an officer
of, the trade union for the purpose of

- (i) any proceedings
brought by or against
the union; or
- (ii) dissolving the union
and disposing of its
funds in accordance
with its rules.

(3) Any trade union or any of
its, officer of member who
contravenes the provisions of this
section commits an offence and upon
conviction is liable to a fine not
exceeding one hundred thousand
shillings.

18.-(I) If the registration of any registered trade union is cancelled under the provisions of section 15 of this Act -

Consequences
of cancellation
of registration

- (a) the trade union, its
officers and members
shall cease to enjoy any
of the rights,
immunities, or
privileges of a

registered trade union,
but without prejudice to
any liabilities incurred
or to be incurred -by the
trade union which may
be enforced against the
union and its assets;

- (b) the trade union shall
be dissolved and its funds
shall be disposed off in
**accordance with the rules
of the union;**
- (c) the trade union shall
deliver to the Registrar
its certificate of
registration or
cancellation;
- (d) no person shall, except
for the purpose of
defending or bringing
legal proceedings or
dissolving the union
and disposing of its
funds in accordance
with its rules, take any
part in its management

or organisation, or act
or purport to act on
behalf of the union or as
an officer of the union.

(2) If any trade union is not
dissolved in accordance with
paragraph (a) of subsection (1) or its
certificate of registration is not
delivered to the Registrar within
three months, or any extended time
which the Registrar may in his
discretion in any particular case
allow after the date of cancellation
or the date of the dismissal of an
appeal against the cancellation, then
the trade union, any of its officer and
any person acting as an officer of the
trade union, commits an offence and
upon conviction is liable to a fine not
exceeding one hundred thousand
shillings.

Prohibition of
activities on
intended
cancellation of
registration or
determination of
Appeal

19-(1) The Registrar may, on or after giving of any notice referred to in subsection (4) of section 15 by order, prohibit any trade union to which that order is addressed from carrying on any activities for any period which he may specify in that order.

(2) A notification of every order made under subsection (1) shall be published in the Gazette and a copy of the order shall be served on the trade union concerned or shall be affixed in a conspicuous manner on any building occupied by that trade union and at the, nearest police station in the district in which that building exists.

Suspension of a
branch of a
union

20.-(1) The Registrar may after consultation with the trade union concerned if he is satisfied that a branch of a trade union has contravened the provisions of the Act or the rules of the union, by order, direct the suspension of that branch.

(2) The order of suspension

made under subsection (I)-

- (a) may contain any direction which the Registrar may consider expedient; and
- (b) shall be deemed to be **duly served** if it is delivered at the registered office or the trade union or if it is served personally on any officer of the branch.

(3) The order of suspension

may at any time be revoked by the Registrar.

(4) Until the order of

suspension **is revoked by the Registrar**, the branch of the trade union in respect of which the order of suspension is made, shall be prohibited from carrying on any activity, except as may be specified in the order of suspension.

Power of the
Registrar to
suspend a Trade
union

21.-(I) Notwithstanding anything in this Act, it shall be lawful for the Registrar after consultation with **a trade** Union or federation by order **published** in the Gazette, to suspend for a period not exceeding six months, any trade union or any class or description of trade unions, which in his opinion is, or is being, used for purposes prejudicial to or incompatible with the interests of the security of public order in the United Republic of Tanzania or any part of the United Republic of Tanzania.

prejudicial to or incompatible with the interests of the security of public order in the United Republic of Tanzania or any part of the United Republic of Tanzania.

(2) Where, in the opinion of the Minister the exigencies of the situation require, the Minister may **bring any order made under** subsection into force immediately upon its being made, after publishing it in any manner Which he thinks fit, even before its publication in the Gazette.

(3) An order under subsection (1) may, at any time, be varied or revoked by the Minister.

(4) Until an order of suspension is revoked by the Minister -

- (a) a certificate of registration of the trade union in respect of which the order of suspension is made shall cease to have effect and the trade union shall cease to enjoy any of the rights, immunities or privileges of a registered trade union;
- (b) the trade union shall be prohibited from carrying on any activity and
- (c) no person shall take any part in its management or organisation, or act

or purport to act on
behalf of the trade
union or as -an officer of
the union.

(5) Any person who
Contravenes the provisions of
subsection (1) or any order or
direction given under subsection (3)
commits an offence and upon
conviction is liable to a fine not
exceeding one hundred thousand
shillings or to imprisonment for a
term not exceeding six months or to
both the fine and imprisonment.

PART IV

FEDERATION OF TRADE UNIONS

Formation of
federation

22.-(1) Two or more
registered trade unions may form or
create a federation of trade unions if -

- (a) the consent of the
members of each of the
registered trade union,
wishing to form or
create a federation is
obtained by a majority

of votes taken at, a
general meeting or a
meeting of delegates;
and

- (b) prior to the meeting
referred to in paragraph
(a), a not less than three
months notice of the
proposed resolution to
participate in the
federation, is served
upon the Registrar and
all members of the
unions concerned.

(2) A notice under subsection
(1) shall be published by the unions
concerned on a **local wide circulated**
newspapers.

23-(I) Every federation of Registration Of
trade unions established after the Federation
commencement of this Act shall
apply to be registered within one
month from the date on which it was
so established.

(2) Every application for registration under this section shall be signed by the secretary and seven members of each and every registered trade union forming or creating that federation.

(3) Upon receipt of an application the Registrar shall, if he is satisfied that this section and section 22 have been complied with and that the federation is entitled to registration, register the federation.

(4) The Registrar may, if he thinks fit, grant an extension of the period specified in subsection (1), Provided that no period shall in any Particular case, be so extended to exceed a period of six months in the aggregate.

(5) For the Purposes of this section, federation of trade unions -

- (a) shall be deemed to have been established before -the commencement of this Act if **resolution**

agreeing to form or create that federation have been passed substantially, in the manner provided by section 22 by at least two registered trade unions before the date of that commencement; or

- (b) established after the commencement of this Act shall be deemed to be established on the date on which resolutions are passed in the manner provided in the preceding provisions by at least two registered trade unions agreeing to form or create a federation;

(6) In the event of the resolution being passed on different dates, the date of the establishment of

a federation shall be deemed to be the date of the passing of the second resolution.

Affiliation with
registered
federation

24.-(1) A registered trade union may affiliate with a registered federation if the consent of the members of the trade union to the affiliation has been obtained in the manner provided in section 22 and, the federation files with the Registrar a notice, signed by the secretary of the federation, that the application to affiliate has been duly approved by the federation.

(2) Notice in writing of any resolution for affiliation passed by a registered trade union, under subsection (1), signed by the secretary and by seven members of the union shall be filed with the Registrar within one month from the passing of the resolution.

(3) Upon the filling of both the notices referred to in subsection (1) and (2), the Registrar shall if satisfied that the provisions of this

section have been complied with and that the trade union is entitled to affiliate with the federation, enter the fact or the affiliation in the register, and 'the trade union shall on that occasion be deemed to be a member of the federation as from the date of acceptance of the affiliation by the federation.

(4) For the avoidance of doubt it is hereby expressly declared that a trade union shall not for the purposes of his Act become a member of a federation by reasons only of its becoming affiliated to that federation or to any trade union which is a member of the federation.

25. The provisions of this Act relating to trade unions including the provisions as to penalties, shall apply so far as they may be applicable, to a federation if that federation a trade union

Provisions and Penalties applicable to federations

Decision by
Secret Ballot

26. The provisions of this Act relating to the taking of decisions by secret ballot shall apply to a federation of trade unions as if the individual members of the trade unions comprising the federation were the members of that federation and not the unions, except in the matter of the election of officers, who shall be elected by secret ballot of the delegates representing the component unions.

PART V

CONSULTATIVE BODIES

formation of or
affiliation with
consultative or
similar bodies

27.-(1) Any trade union registered under this Act may affiliate with or be a member of, any consultative body or similar body, by whatever name called, established outside or within the United Republic of Tanzania, which

- (a) pursues or intends to pursue any of the objects specified in the definition of "trade

union" in section 2
other than the
resolution of
resolutions between
employees and
employees as the case
may be,

- (b) the members of the
Union have through a
majority of votes at a
general meeting or a
meeting of delegates,
after service on the
members of not less
than fourteen days
notice of the proposed
resolution to affiliate
with prior to that
meeting or be a
member of that
consultative or similar
body.

Notification of
formation or
affiliation with
consultative or
similar bodies

28. Where any registered trade union is affiliated with or is a member of any consultative or similar body established outside or within the United Republic of Tanzania it shall within sixty days of the affiliation or membership, notify the Registrar in writing of the affiliation or membership.

Powers of
Registrar to
declare
affiliation
invalid

29. Where a registered trade union has given notification to the Registrar under Section 28, the Registrar may declare the affiliation or membership to be invalid if he is satisfied that-

- (a) that consultative or similar body does not pursue or intends to Pursue any of the objects specified in the definition of "trade union" in section I other than the resolution of relation between employee and

employers or between
employers and
employees as the case
may be; or

- (b) the consent of the
union has not been
obtained through a
majority of votes
taken at a general
meeting of delegates,
pursuant to paragraph
(b) of section 27(l),

30.-(1) If any member,
officer or employee of a trade union
is appointed to any office -, or is em-
ployed by, any consultative or similar
body, whether within or outside the
United Republic of Tanzania, immedi-
ately before or after the commencement of
this Act, he shall, within sixty days of the
commencement of this Act, or within sixty
days of the appointment to the office or of
his employment, as the case may be, inform
the Registrar
of the appointment or employment.

Duty to inform
registrar on
appointment to
an Office or
employment in
consultative or
similar bodies

(2) A person who has been a
member or the executive committee of
any trade union, the registration of

which has been cancelled under this Act, shall not hold office in or be employed by any consultative or similar body except with the written permission of the Registrar.

Interpretation of
consultative or
similar body

31. For the purpose of this Part the expression "consultative or similar body" includes any trade union council, trade union co-ordinating or advisory body, trade union, and the other Organisation composed of trade union, and the federation or Organisation other than a federation of trade unions registered or required to be registered under PART IV

PART VI

CONSTITUTION AND RULES OF TRADE

UNION

Membership of
minors

32. Any person of the apparent age of fourteen, may be a member of a registered trade union unless provision is made in the rules to the contrary and may, subject to the rules, enjoy all the rights of member except as in this Act provided and may execute all instruments and give all acceptances necessary to be executed or

give under the rules, but shall not be an officer or a trustee of a registered trade union.

33.-(I) All persons on first joining or forming any particular trade union shall be persons actually engaged or employed in an industry or occupation with which that union is directly concerned.

Members and officers of a trade union

(2) Except with the prior permission of the Registrar and subject to any conditions which he may specify, not more than one officer of a registered trade union may be a person who is not and has not been actually engaged or employed in an industry or occupation with which that union is directly concerned and, except as mentioned earlier, so long as any one person is an officer of a registered trade union, no other person shall be qualified to be an officer of that union.

(3) The provisions of subsections (1) and (2) shall not apply in the case of the federation.

(4) No officer of a registered trade union shall be qualified to be an officer of any other registered trade union.

(5) Notwithstanding the provision of subsection (4), the Registrar may, in his discretion, permit a person who holds the office of secretary of one registered trade union to hold the office of secretary Of another registered trade union.

(6) A person who has been convicted of any crime involving fraud or dishonesty shall not be qualified to be an officer of a trade union from the date of the conviction-

- (a) in any case in which he is sentenced to imprisonment until after the expiration of a period of three years commencing on the date upon which he completed the sentence;

- (b) in any case in which
he is sentenced to pay
a fine, until after the
expiration of a period
of three years
commencing on the
date of payment of the
fine or, if he is
sentenced to
imprisonment in
default of payment of
fine, until after the
expiration of a period
of three years
commencing on the
date upon which he
completed this
sentence;
- (c) in any other case, until
after the expiration of
a period of three years
commencing on the
date of conviction.

(7) Where the Registrar is of the opinion that any person who holds the office of secretary or treasurer in a registered trade union has not attained a standard literacy sufficiently high as to enable him to perform the duties of his office

effectively, he may serve notice to that effect on that person and, so long as that notice has not been withdrawn or cancelled by the Registrar, that Person shall be disqualified from holding office as the secretary or treasurer of a registered trade union.

(8) For the Purpose of satisfying himself that the Provisions Of this section are being complied

With, the Registrar may call for information from the executive Committee or any officer of a trade union.

(9) Any Officer of a trade union who fails to comply with any request made by the registrar under the provisions of subsection (7) of

this section shall be liable to a fine not exceeding fifty thousand shillings.

(10) Any person who holds office in a trade union which, under the provisions of this Act, he is not qualified to hold shall be liable to a fine not exceeding five hundred thousand shillings and to a further fine not exceeding five hundred shillings for each day upon which he holds that office while he is not so

qualified.

34. No person shall be a Voting voting member of a trade union members of a unless he is employed or resident trade union within United Republic of Tanzania.

35. A registered trade union change Of name may, with the consent of the majority of the members voting at a meeting of the union convened and conducted in accordance with the rules of the union, and subject to the provisions of section 37 of this Act, change its name.

Amalgamation

36.-(I) Any two or more registered trade unions may become amalgamated together as one trade union with or without dissolution or division of its funds or either or any of them if in the case of each trade union on a secret ballot being taken in the manner prescribed, the votes of at least fifty per centum of the members entitled to vote at the meeting recorded and of the votes recorded those in favour of the Proposal exceed by twenty per centum

or more, the votes against the proposal,

(2) No registered trade union

shall after the commencement of this Act amalgamate with any trade union other than a registered trade union.

Notice of
change of name,
amalgamation
etc

37.-(I) A notice in writing containing any Particulars which may be Prescribed shall be given to the Registrar of every change of name effected after the commencement of this Act, signed by the secretary and at least two members of the trade union in the case

employers, and by the secretary and at least six members of the trade union in the case of a combination of employees, and that notice shall be given within one month of the change of name.

(2) If the proposed name is identical with that by Which any other existing trade union has been registered or, in the opinion of the Registrar so nearly resembles any name which is likely to deceive the public or the members of either trade union or, in his opinion, is itself misleading, the Registrar shall refuse to register the change of name.

(3) Except as provided in subsection (2) of this section, the Registrar shall, if he is satisfied that the provisions of this Act in respect of change of name have been complied with, register the change of name in the prescribed manner, and the change of name shall have effect from the date of the registration.

(4) A notice in writing containing any particulars which may be prescribed shall be given to the Registrar of every amalgamation and federation effected after the coming into force of this Act, signed by the secretary and at least six members of each registered trade union which is a party to it except where the trade union is a combination of employers in which case the notice shall be signed by the secretary and at least two members, and that notice shall be given within one month of the

amalgamation or federation.

(5) If the Registrar is satisfied that the provisions of this Act in respect of amalgamation have been complied with and that the trade union formed would be entitled to be registered under this Act, he shall register the trade union in the prescribed manner and the amalgamation shall have effect from the date of the registration.

(6)- If the Registrar is satisfied that the provisions of this Act in respect of federation have been complied with and that the combination formed is a trade *union* within the meaning of this Act and that trade union is entitled to be registered under this Act, he shall

register the trade union in the prescribed manner and the federation shall have effect from the date of the registration.

(7) Any person aggrieved by the refusal of the registrar to register either a change of name of a registered trade union or the trade union formed by the amalgamation or federation of any two or more registered trade unions, may appeal against the refusal in the manner

provided by section 16 of this Act.

38.-(I) A change in the name of a trade union shall not affect any right or obligation of that trade union or render defective any legal proceeding by or against that trade

Effect of change
of name,
amalgamation
etc

union, and any legal proceeding which might have been continued or commenced by or against it under its former name may be continued or commenced by or against it under its new name.

(2) An amalgamation or federation of two or more registered trade unions shall not prejudice any right of either or any of the trade unions of any right of a creditor of either or any of them,

Notice of
affiliation or
establishment of
dissolution of a

39-41) Notice in writing containing any particulars which may be prescribed shall be given to the Registrar by every registered trade union which has after the commencement of this Act become affiliated to any other trade union,
within three months of the affiliation.

(2) A notice in writing containing any particulars which may be prescribed shall be given to the registrar-

(a) of any the
establishment of
branch of a registered
trade union; or

(b) of the dissolution of
any branch of a
registered trade union,
within one month of the
establishment or the dissolution of
the branch as the case may be.

(3) If a registered trade union fails to
comply with the provision of this section,
the union and every officer of the union
who is in default shall be liable to a fine
not exceeding two hundred and fifty
thousand 'shillings.

40.-(I) Every trade union Registered
shall have a registered office and office and
registered postal address, to which all postal address
communications and notices may be
addressed and if any trade union has
more than one office the registered
office shall be the principal office of
that trade union.

(2) Notice of the situation of the registered office and registered postal address, and of any change in them, shall be given to the Registrar and shall be registered by him, and the trade union shall not be deemed to have complied with the provisions of this Act until that notice has been given.

(3) If any trade union-

- (a) operates without having a registered office and registered postal address, or without giving notice of the situation of its registered office as required by this Act or
- (b) operates at any place to which it registered office may have been removed, without having given notice of

the change in that
situation to the
registrar,

then that trade union and its every
officer shall be liable to a fine not
exceeding four thousand shillings for
every day during which that trade
union so operates.

(4) If any trade union fails to give
notice of any change of its postal
address to the Registrar within
fourteen days of the change, the union
and every officer of the union who is
in default shall be liable to a fine not
exceeding one hundred thousand
shillings.

41.-(1) The rules of every registered
trade union shall provide for all the
matters specified in the Schedule to this
Act, and shall not be so altered or
amended as to cease to contain provision
in respect of all those matters.

Rules

(2) A copy of every new rule and of every alteration made in the rules of a registered trade union shall be sent to the Registrar within fourteen days of the making of the rule or alteration and shall be registered by the Registrar upon

payment of the prescribed fee.

(3) Notwithstanding the provisions of Sub-section (2) the registrar may refuse to register, and may require the union to revoke any rule or alteration if he is satisfied that, by reason of the rule or alterations-

- (a) the principal objects of the trade union would no longer accord with those set out in the definition of "trade union" contained in section 2 of this Act, or

- (b) any of the objects of the trade union would be unlawful or would conflict with the provisions of this Act or any regulations made under it, or
- (c) any of the rules would be unlawful or conflict with the provisions of this Act or any regulations made under it, or
- (d) the rules would cease to contain provisions in respect of each of the matters specified in the Schedule to this Act.

(4) Every alteration of the rules of a registered trade union shall take effect from the date of their registration by the registrar unless some later date is specified in the rules.

(5) Any person aggrieved by the refusal of the Registrar to register any new rule or alteration of the rules of a registered trade union may appeal against the refusal in the manner provided by section 16 of this Act, and the provisions of that section shall apply *mutatis mutandis* to that appeal.

Copies of rules

42. A copy of the rules of a registered trade union shall be available on inspection free of charge by its members in the registered office of the trade union and in every branch office, and a copy of the rules shall be delivered to any person on demand on payment of a sum not exceeding one thousand shillings.

Notification of
officers, etc

43.-(I) A notice giving the names of all officers and trustees and their titles shall be prominently exhibited in the registered office of every registered trade union and in every branch office.

(2) Notice of all changes of officers and trustees of a registered trade union shall within fourteen days after that change be sent to the Registrar by the trade union, together with the prescribe fee and the Registrar shall correct the register accordingly.

(3) if any registered trade union fails to comply with any of the requirements of this section, the trade union and every officer of the union who is in default shall be liable to a fine not exceeding one hundred thousand shillings.

44. When a trade union is dissolved, **notice containing any** particulars which may be prescribed, of the dissolution, signed by at least six members and by the secretary of the trade union except where the trade union is a combination of employers, in which case the notice shall be signed by the secretary and at least two members, shall, within

**Notification of
dissolution**

fourteen days of the dissolution, be sent to the Registrar and shall be registered by the Registrar if he is satisfied that the dissolution has been effected in accordance with the rules of the trade union; and the dissolution shall have effect from the date of registration.

Trustees

45.-(I) The rules of a trade union shall provide for the appointment or election of trustees and for the filling of any vacancy in the office of a trustees so that, as far as may be, there shall always be at least three trustees of the union.

(2) Subject to the provisions of section 32 and of subsection (3) of this section, any officer or member of a trade union may be a trustee.

(3) A person who has been convicted of any crime involving fraud or dishonesty shall not be a trustee of a trade union..

PART VII**RIGHTS AND LIABILITIES**

46.-(I) No trade union shall
enjoy any of the rights, immunities of,
privileges of a registered trade union
until it is registered.

Rights,
immunities etc
of trade union
pending
registration

47. No suit or other legal
proceeding shall be maintainable in
any civil court against any registered
trade union or any officer or member
of a trade in respect of any act done in
contemplation or in furtherance of a
trade dispute to which a member of
the trade union is a party on the
grounds only that the act induces
some other person to break a contract
of employment, or that it is in
interference with the trade, business
or employment of some other person
or with the right of some other person
to -dispose of his capital or of his
labour as he wills.

Immunity from
civil suit

Liability in tort

48.-(I) A suit against a registered trade union or against any member or officer of a trade union on behalf of himself and all other members of that trade union in respect of any tortious act alleged to have been committed by or on behalf of that trade union shall not be entertained by any court.

(2) Nothing in this section shall affect the liability of a trade union or any member or officer of a trade union to be sued in any court touching or concerning the property or rights of a trade union except in respect of any tortious act committed by or on behalf of a registered trade union in contemplation or in furtherance of a trade dispute.

Liability in
contract

49.-(I) Every trade union shall be liable on any contract entered into by it or by an agent acting on its behalf.

(2) Notwithstanding subsection (1), a trade union shall not be so liable on any contract which is void or unenforceable in law.

(3) Nothing in this Act shall enable any court to entertain any legal proceedings instituted with the object of directly enforcing or recovering damages for the breach of any of the following agreements:

- (a) an agreement between members of a trade union as such, concerning the conditions on which any members for the time being of the union shall or shall not sell their goods, transact business, employ or be employed;
- (b) any agreement for the payment by any person of any

subscription or
penalty to a trade
union;

(c) any agreement for the
application of the
funds of a trade union-

(i) to provide
benefits to
members,

other than a
benefit under a
contributory
provident fund

or pensions
scheme- or,

(ii) to furnish
contributions

to any
employer or
employee not a
member of the
trade union, in

consideration
of the
employer or
employee

- acting in
conformity
with the rules
or resolutions
of the trade
union; or
- (iii) to discharge
any fine
imposed upon
any person by
sentence of a
court of law;
- (d) any agreement made
between one trade
union and another-
- (e) any bond to secure the
performance of any of
the above mentioned
agreements.

50. The objects of a Objects in
registered trade union shall not, by restraint of trade
reason only that they are in restraint not unlawful
of trade-

- (a) be deemed to be unlawful so as to render any member of any trade union liable to criminal prosecution for conspiracy or otherwise; or
- (b) be unlawful so as to render void or voidable any agreement or trust.

Proceedings by
and against
trade unions

51.-(I) A registered trade union may sue, be sued and be prosecuted under its registered name.

(2) An unregistered trade union may sue, be sued or prosecuted under the name by which it has been operating or is generally known'.

(3) A trade union whose registration has been cancelled may sue, be sued or prosecuted under the name by which it was registered.

(4) execution for any money recovered from a trade union in civil proceedings may issue against any

property belonging to or held in trust
for the trade union other than the
benevolent fund of -a registered trade
union.

(5) Any fine ordered to be
paid by a trade union may be
recovered by distress and sale of any
property belonging to or held in trust

'for that trade union in accordance
with the provision of the Criminal Act No - 9
Procedure Act 1985, of 1985

(6) Notwithstanding
subsection (5) no distress shall be levied
on any provident or benevolent fund
kept apart by the union unless the Court
so orders,

PART VIII

PROPERTY

52.-(1) All movable and Property of
immovable property belonging to any trade union to
trade union shall be vested in the vest in trustees
trustees for the time being of the
trade union for the use an benefit of
that trade union and the members and
be under the control of the trustees,

and upon the death or removal of any trustees the same shall vest in the succeeding trustees for the same estate and interest as the former trustees had and subject to the same trust without any conveyance or assignment.

(2) In all actions or suits or prosecutions before any court touching or concerning any property referred to in subsection (1), that property shall be stated to be the Property of the person -or persons for the time being holding the said office of trustee in their proper names a,, trustees of the trade union without any further description.

(3) The trustees shall deal with any property held by them for or on behalf of a trade union in any manner which the executive committee shall order.

(4) No disposal shall be made unless the trustees are satisfied that the committee has acted lawfully and in accordance with the rules of the trade union.

53. Notwithstanding the Power of trade provisions of the Trustees union to hold Incorporation Ordinance, any land registered trade union may purchase or take upon lease in the names of the trustees for the time being of that union any land and may sell, exchange, mortgage or let that land, and no purchaser, assignee, mortgagee, or tenant shall be bound to inquire whether the trustees have any authority for any sale, exchange, mortgage, or letting, and the receipt of the trustees shall be a discharge for the money arising from it.

54. in this section the Dues expression "trade unions dues" means any regular or periodical subscription required to be paid to the union by any member under the rules as a condition of his membership, but does not include any levy or subscription for a particular object or purpose.

Deduction and
payment

55. The General Secretary of the trade union or his representative with written consent of the employee may issue to every employer who employs a person who is a member of a registered trade union, a written notice requiring the employer to-

(a) deduction from the wages of his employee who is a member of the trade union any sums specified as union dues in the notice and those deductions shall be made at the period specified in the notice; and

(b) pay to the trade union the sums deducted in accordance with this section.

(2) The General Secretary may request the registrar to publish the notice referred to subsection (1) in the Government General Gazette,

and where this is done every employer who employs, a person who is member of the trade union shall be deemed to have been given notice.

(3) Where the notice is -given to an employer in accordance, with sub-section (1) and (2), the employer shall comply with it.

(4) Where an employer to whom a notice has been issued under sub-section (1) and (2), fails to comply with it, the General Secretary of the trade union or his representative who issued the notice may report the fact of non-compliance to a Labour Officer.

(5) A Labour Officer may, on a report being made, to him, require the employer to comply with the, notice.

(6) An employer who refuses, or fails to comply with the notice within the specified period commits

an offence and conviction is liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a period of one year or both the fine and imprisonment.

(7) In addition to the penalty payable under subsection (6), an employer to whom a notice has been given under sub-section (1) (2) and refused or failed to comply with the notice, he shall, be liable to pay to the trade union a sum equal to fifteen per centum of the total sum of the deduction for each month during which the sums deducted are not paid to the registered trade union.

(8) A Labour Officer may institute a civil or criminal proceedings against any employer who fails or refuses to comply with the provisions of this section.

56.-(I) There is hereby Union service
created a levy to be known as the charge
union service charge which shall, be
paid once in each calendar month by
every person who is not a member of
the trade union but who is employed
in a business to which this section
applies.

(2) The sum of money payable as a
union service charge shall be de-
termined by the trade union members
as will be approved by the Minister
upon application from -trade unions
under the preceding section.

(3) This section shall apply
to any business where fifty or more
percent of the total number of the
employees are member of the trade
union.

(4) Where the Minister is
satisfied that the conditions specified
in sub-section (3) are met in respect
of any business he shall give a notice
in writing to the employer notifying
him that his business is subject to the
provisions of this section.

(5) In computing the percentum of the total number of employee formed by the employees who are members of the Union, no account shall be taken of any persons who are, by any written law, prohibited or declared ineligible from being members of a trade union

Deduction and
Payment

57.-(I) Where an employer, is given notice in accordance with sub-section (3) of section 55 he shall, with effect from the date specified in the notice-

- (a) deduct from the wages, of his employees who are members of the trade union the sum specified in the notice, at the periods specified in the notice; and
- (b) pay to the trade union the sums so dedicated in the manner specified in the notice.

(2) The provisions of sub-section (3) and (7) of section 55 shall apply to the collection of registered trade union service charges in the same manner and to the extent to which these provisions apply for the purpose of collection of trade union dues.

(3) -An employer to whom a notice has been issued under section 57 shall from time to time submit a written report to the trade union on behalf of which the notice was issued of any person listed; in the, notice has, since the notice was issued, ceased to be employed by him.

(4) A trade union on behalf of which a notice has been issued under section 55 shall from time to time submit a written-report to the employer whom the notice was issued-

(a) of any member of the trade union; who since the notice was issued, has become an

- employee • of that
employer and of any
employee of that
employer who, since
the notice was issued,
has become or has
ceased to be a member
of the trade union, and
- (b) of any alteration in the
amount of trade union
dues payable by a
member of that trade
union to the trade
union.

(5) Where an employer is,
informed in writing of any of the
matters in the notice specified
pursuant to subsection (2), he shall,
with effect from the date of payment
of the wages payable by him to his
employees in respect of their
employment during the month next
following the month in which the
information is received by him, make
deductions from the wages of his

employees as if the information had been incorporated in the notice issued to him under Section 55.

58.-(1) A notice issued under section 55 shall only require an employer to deduct from the wages of his employees sums which represent trade union dues payable by that employee to the trade union on behalf of which the notice was issued.

Levy and
Subscription

(2) The General Secretary of any trade union to which this Part apply and which has imposed upon its members any levy or required from its members any subscription, for a particular object or purpose, may make application to the Registrar for an order (called an authorisation order in this Part) authorising the collection of any levy or subscription in the manner specified in sub-section (4).

(3) The Registrar, on application being made to him under the provisions of sub-section (2)

may, if he thinks fit, make and issue to the, trade union on behalf of which the application was made an authorization order.

(4) The General Secretary of a trade union to which an authorization order has been issued may issue to any employer to whom a notice under the provisions of section 55, has been issued by that union a further notice in the form set out in the Schedule to his Act requiring the employer to deduct from the wages of his employees listed in the notice the sums, being the 'amount due from those employees in respect of the levy or subscription Specified in the notice and pay the sums so deducted to the trade union in the manner so specified.

(5) Where pursuant to an authorisation order a notice has been issued under provisions of subsection (4), the provisions of section 56 shall apply as if that notice was a notice issued under provisions of Section 58(3).

59. Where any sums deducted from the wages of a trade union member in pursuance of a notice issued under the provisions of Section 55 that sum shall discharge the liability of that member to pay the trade union dues represented by that sums to that trade union and any sum so dedicated in pursuance of the notice issued under provisions of sub-section (4) of section 58 shall discharge the liability of that member to pay to that trade union the levy or subscription represented by that sums.

Discharge of
Union members -
liability

60. Every trade union to which the provisions of this Part apply, which receive from an employer sums deducted from the wages of his employees shall in writing acknowledge the receipt of the sums within seven days from the

Acknowledgem
ent of union
dues

date on which the sums were received by the trade union and failure by any trade union so to do shall be ground, without prejudice to any other ground for the suspension or cancellation by the Registrar of the application of the provisions of this Part to that trade union.

Void
Agreement

61. Where under provision of Section 55 a notice is issued to an employer requiring deductions to be made from the wages of his employees, any provisions of any agreement existing between that employer and the trade union on behalf of which the notice was issued which relates to the deduction from wages of sums in respect of trade union dues, levies and subscription and their payment to that trade union shall with effect from the date specified in the notice as the date on which the first deductions are to be made, be void and of no effect.

PART IX
FUNDS AND ACCOUNTS

62. The funds of a trade union, may, subject to the rules of the trade union and to the provisions of this Act, be expended only for the following objects

Application of funds

- (a) the payment of salaries, allowances and expenses to officers of the trade union;
- (b) the payment of expenses for the administration of the trade union, including audit of the accounts of the funds of the trade union;
- (c) the prosecution or defence of any legal proceeding to which the trade union or any member is a party, when that prosecution or defence is undertaken for the purpose of securing or

-
- protecting any rights of
the trade union as such
or any rights arising out
of the, relations, of any
member with his em-
ployer or with any
member;
- (d) legal advice for -the
purpose of securing or
protecting any rights
arising out of the
relations of any
member with his
employer or with a
person whom the
member employs, or
any rights of , any
member or his
dependant arising out
of a civil cause;
- (e) the conduct of trade
disputes on behalf of
the trade union or any
member;
- (f) the compensation of
members for loss
arising out of trade
disputes;

-
- (g) allowances to members, or their dependants on account of death, old age, sickness accidents or unemployment of the, members;
 - (h) allowances to members in distress through circumstances, beyond their control;
 - (i) social insurance, medical aid, and the supply of medicaments and. drugs to members or their dependants, and any incidental expenses;
 - (j) expenses incurred on trade union business by the elected representatives of employees;

- (k) the purchase of lease
of any building or
land required for the
purposes of the trade
union, and for the
rent, upkeep and its
furnishing,
- (l) federation or
affiliation fees or
contribution;
- (m) contributions to a
charitable, educational
or cultural institution
or society;
- (n) contributions to any
registered trade union
for the purpose of
assisting that trade
union in financial
difficulties;
- (o) the education, cultural
and vocational training
of members and any
incidental expenses;

- (P) the organisation of any theatrical performance, concert, reception, dance, sports meeting or excursion;
- (q) the purchase of books, newspapers and other literature and the upkeep of a reading room for the use of members;
- (r) the editing printing, publication and circulation of any book, newspaper or other printed literature for the advancement of the objects of a trade union as specified in this Act or the promotion of the interests of its members as such;

- (s) interest on loans,
income and other
legally imposed taxes;
- (t) any other object which
by notification in the
gazette the Registrar
may on the application
to any trade union
declare to be an object
for which those funds
may be expended, the
expenditure, to be
subject to any
conditions which, the
Registrar may by the
same or any other
notification direct.

Prohibition of
payment of
fines or
penalties

63.-(I) The funds of a trade union shall not be applied either directly or indirectly, in payment of the whole or any part of any fine or penalty imposed upon any person by sentence or order of a court of law, other than a fine or penalty imposed upon the union under this Act.

(2) An injunction restraining any unauthorized or unlawful expenditure of the funds of a trade union may be granted on the application of four or more persons having a sufficient interest in the relief sought and in granting any injunction the court, in the case of the dissolution of any trade union upon the cancellation of its registration may order that the funds of that trade union be paid over to the Public Trustee for disposal in accordance with the rules of that trade union.

64.-(I) The Federation may, with the approval of the Registrar, from time to time, by notice in writing addressed to the General Secretary of any registered trade union which is a member of the designated federation direct-

Payment of
dues to
federation

- (a) that any sum which may be specified in the notice, in each

- year and in any instalments which may be so specified, be paid to the federation from the funds of that trade union for the purposes of the federation; or
- (b) that any proportion which may be specified in the notice of the trade union dues collected by or paid to that trade union in each year, in any instalments, which may be so specified be paid to the federation for its purposes and the trade union shall comply with that direction.

(2) Where a registered trade union to which a direction had been issued under subsection (1) fails, without reasonable cause, to comply with the terms of that direction, the union and every officer of the trade union who is in default commits an offence and upon conviction are liable to a fine not exceeding twenty thousand shillings.

65.- (I) Where the Registrar is of the opinion that the fund of a trade union or federation are mismanaged or misused, he shall require the trade union or federation as the case may be to submit to him statement of income and expenditure for his approval and he may prohibit the trade union or federation in question from making any expenditure save in accordance with the statement approved by him or notwithstanding that he has approved any statement, he may prohibit any further expenditure on any matter provided for in the statement and the trade union or federation and its officers shall comply with that requirement or prohibition, and any officer of the trade

Control of
Finance

union or federation who, is a party to any breach thereof shall be personally liable to refund the expenditure to the Union or Federation.

(2) The Registrar may require any trade union or a federation to employ as accountant to the union or federation a person with qualifications and experience which the Registrar may specify and the union or federation shall comply with that requirement.

Books of
Accounts

66. The officers of every registered trade union or federation shall cause to be kept books of account which shall be sufficient to exhibit and explain the transactions and financial position of the union or federation, including a book or books containing entries made from day to day in sufficient detail of all cash received and cash paid by or to the union or federation.

Treasurer to
render accounts

67.-(1) Every treasurer of a trade union or federation and every other officer who is responsible for

the accounts of the union or federation or for the collection, disbursement, custody or control of the funds or moneys shall, upon resigning or vacating his office and at least once a year as at the thirty-first day of December and at any other times at which he may be required to do so by a resolution of the members of the union or by the rules of the union or by the Registrar, render to the union and its members or the Registrar, as the case may be, a just and true account of all moneys received and paid by him during the period which has elapsed since the date of his assuming office or, if he has previously rendered an account, since the last date on which he rendered those account, and of the balance remaining in his hands at the time, of rendering the account and of all bonds, securities or other property of the trade union or federation entrusted to his custody or under his control.

(2) The form of-account to be rendered under subsection (1) of this section shall be in a prescribed form.

(3) The union or federation shall cause the account to be audited by some fit and proper person approved by the Registrar, and the audit of the annual accounts as at, the thirty-first day of December shall be completed before the thirty-first day of March in the following year.

Annual returns

68.-(1) The -secretary of every registered trade union or federation shall furnish annually to the Registrar on or before the thirty-first day of march a general statement audited in the prescribed manner of all receipts and expenditure during the period of twelve months ending on the thirty-first day of December of the preceding year, and of the assets and liabilities of the trade union or federation as at such thirty -first day of December and that statement shall be accompanied by a copy of the

auditor's report and shall be prepared in any form and shall comprise any particulars which may be prescribed.

(2) The secretary of every registered trade union or federation shall furnish, annually to the registrar on or before the tenth day of January, a statement of membership showing the number of members of that trade union or federation on the thirty-first day of December of the preceding year, and the state of their contributions.

(3) Every member of a trade union or federation to which this section applies shall be entitled to receive free of charge a copy of the general statement referred to in subsection (1) of this section and the secretary of each trade union or federation shall deliver a copy of the statement to every member of his union or federation who makes application to him.

(4) The secretary of any trade union or federation to which this section applies who fails to comply with any of the requirements of this section commits an offence and upon conviction is liable to a fine not exceeding one hundred thousand shillings.

(5) Every person who wilfully and knowingly makes or orders or causes or procures to be made any false entry in or omission from any general statement, copy or list delivered to the Registrar under subsection (1) or (2) of this section shall be liable to Imprisonment for a period not exceeding one year.

Inspection of
accounts and
documents

69. The account books of a trade union or federation and a list of the members shall be open for inspection by any officer or member of the trade union or federation at any times as may be provided for in the rules of the trade union or federation, and by the registrar or any person authorized In that behalf in writing by the Registrar.

70. Any person who opposes, obstructs or impedes the Registrar or any person authorized by him under section 69 of this Act, in the carrying out an inspection under the provisions of that section shall be liable to a fine not exceeding fifty thousands shillings or to imprisonment for a term not exceeding six months or to both that fine and imprisonment.

Obstructing
inspection by
Registrar

71.-(I) In addition to any other provisions of this Act relating to the rendering of accounts, the Registrar may, at any time, call upon the trasurer, the committee or management or other proper officer or officers of a trade union or federation to render detailed accounts, vouched many manner which he may require, of the funds of the trade union or federation or any branch in respect of any particular period and those accounts shall show in particular any information which the Registrar may require.

Power to call
for detailed
accounts

(2) Any Officer of a trade union or federation who fails to comply with a request made by the registrar under the provisions of subsection (1) of this section shall be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year months or to both that fine and imprisonment.

Power to
suspend officers

72.-(I) Without prejudice to any Other Powers conferred-upon him by this Act, where the Registrar is satisfied-

- (a) that the funds of a trade union or federation have been or are being expended in an unlawful manner or on an unlawful object or on an object not authorised by this Act; or
- (b) that the accounts of a trade union or federation are not

being kept in
accordance with the
provisions of this Act,
he may, by order in writing, suspend
from office either indefinitely or for
such period as may be specified in
the order, the officers of the trade
union or federation or any of them
named in the order.

(2) An order made under
subsection (1) shall be delivered at
the registered office of the trade
union or federation and from the date
of that delivery and so long as the
order relates the officers of trade
union or federation or any of them
named in the order shall, not save
with the, permission or pursuant to a
direction of the Registrar.

(a) do or purport to do
any act or exercise any
powers as an officer of
the trade union or
federation; or

- (b) draw or receive or be credited with any salary allowance or expenses payable to him as an officer of the trade union or federation.

(3) Any officer of a trade union or federation who contravenes or fails to Comply With the Provisions of subsection (2) commits an offence and upon conviction to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding two years or to both that fine and imprisonment.

(4) In My proceedings under subsection (3) proof that an order under subsection (1) has been posted to the registered Postal address of a trade union or federation shall be deemed to be proof of the delivery of the order at the registered office of the trade union or federation.

(5) Any officer of a trade union or federation in respect of whom an order has been made under subsection (1) may within fourteen days from the date on which the order was made appeal against that order to the Minister and may further appeal to the court having jurisdiction.

73.-(I) Without prejudice to any other powers conferred upon him by this Act, where the Registrar is satisfied-

Power to apply
for appointment
of receiver

(a) that the funds of a trade union or federation have been or are being expended in an unlawful manner or on an I unlawful object or on an object not authorized by this Act, or

(b) that the accounts of a trade union or federation are not

being kept in accordance with the provisions of this Act, he may apply to the High Court for the appointment of a receiver of the assets of the trade union - or federation.

(2) On application being made to it under subsection (1), the High Court may appoint a receiver of the assets of the trade union or federation and a receiver so appointed shall be subject to all rules of court relating to receivers generally.

PART X
PICKETING AND INTIMIDATION AND
OTHER MATTERS RELATING TO DISPUTES

74. In this Part-

Definitions

"to intimidate" means to cause in the mind of a person a reasonable apprehension of injury to him or to any member of his family or to any of his dependants or of violence or damage to any person or property;

"injury" includes injury to a person in respect of his business, occupation, employment, or other source of income, and includes any actionable wrong

- 75.** Notwithstanding anything contained in this Act-
(a) it shall be lawful for once or more persons acting on their own behalf or on behalf of a trade union or of an individual employer or firm in contemplation or furtherance of a trade dispute to attend at or near place where a person works or carries on business or happens to be, unless that place is a house or place where a person resides, if they so
- Peaceful, picketing and prevention of intimidation,

attend merely for the
purpose of peacefully
obtaining or
communicating
information, or of
peacefully persuading
any person to work or
obtain from working;

- (b) it shall not be lawful
for one or more
persons whether
acting on their own
behalf or on behalf of
a trade union or of an
individual employer
or firm and
notwithstanding that
they may be acting in
contemplation or
furtherance of a trade
dispute to attend at or
near a place where a
person works or

carries on business or happens to be for the purpose of obtaining or communicating information or of persuading or inducing any person to work or to abstain from working if they so attend in any numbers or otherwise in any manner which is likely to intimidate any person in that place, or to obstruct the approach to it or agrees from, there or to lead to a breach of the peace;

- (c) it shall not be lawful for one or more persons acting on their own behalf or on behalf of a trade union or of an individual employer or firm, in

contemplation or
furtherance of a trade
dispute to attend at or
near a house or place
where a person resides
for the purpose of
obtaining or
communicating
infuriation, or of
persuading or
inducing any person
to work or abstain
from working;

- (d) any person who acts
in contravention of
paragraph (b) or (c) of
this section shall be
liable to a fine not
exceeding fifty
thousand shillings or
to imprisonment for a
period not exceeding
three months.

76.-(1) Every person who, with a view to compelling any other person to abstain from doing or to do any act which that other person has a legal right to do or abstain from doing, wrongfully and without legal authority-

intimidation or
annoyance

- (a) uses violence to or intimidates that other person or his wife or children or injures his property; or
- (b) persistently follows that other person about from place to place; or
- (c) hides any tools, clothes or other property owned or used by that other person or deprives him of or hinders him in the use of them; or

- (d) watches or besets the house or other place where that person resides or works or carries on business or happens to be the approach to that house or place; or
- (e) follows that other person in a disorderly manner in or through any street or road,

shall be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding three years.

(2) Attending at or near any house or place in any numbers or in any manner which is by paragraph (b) of section 53 of this Act declared to be unlawful shall be deemed to be a watching and besetting of that house or place within the meaning of this section.

77.-(I) An Agreement or to combination by two or more persons to do or to cause to be done- any act in contemplation or furtherance of a trade dispute shall not be punishable as a conspiracy if that act would not be punishable as a crime if Committed by one person.

Conspiracy in
trade disputes

(3) Nothing in this section shall exempt from punishment any person guilty of a conspiracy for which punishment is awarded by any law in force in Tanzania.

(4) Nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace, or sedition, or any offence against the Republic or the Government of Tanzania.

(5) A crime, for the Purposes of this section, means an offence for the commission of which the Offender is liable to be imprisoned either absolutely or at the discretion of the court as an alternative for some other punishment.

PART XI**MISCELLANEOUS PROVISIONS**

Nomination by a member under sixteen years	78. A member of a trade union or federation under the apparent age of fourteen years may, by writing under his hand, delivered at, or sent to the principal office of the trade union, nominate a person not being an officer or servant of the trade union or federation (unless that officer or servant is the husband, wife, father, mother, child, brother, sister, nephew or niece of the nominator) to whom any moneys, payable on the death of that member to be paid at his death and may from time to time revoke or vary that nomination by writing under his hand similarly delivered or sent; and on receiving satisfactory proof of the death of a nominator, the trade union or federation shall pay to the nominee any benefits under its constitution due to the deceased member.
In applicability of certain Laws Cap.212 Cap. 3 Cap	79. The Companies Ordinance, the Co-operative Societies Ordinance and the Societies Ordinance shall not apply to any trade union or federation and the

registration of any trade union or federation under any of those Ordinances shall be void.

80. Nothing in the Penal Code shall prevent an officer or a member of a registered trade union or federation duly authorized in writing by that trade union or federation to collect membership subscriptions due to that trade union or federation from members of the branch or branches specified in any authorization from collecting that subscription from that members in any public place.

Collection of
subscriptions
Cap. 16

81. Every summons, notice or other document required to be served on a trade union or federation in any civil or criminal proceeding shall be deemed to be duly served if it is delivered at the registered office of the trade union or federation or posted to its registered postal address, or if it is served personally on the president, chairman or the treasure or the secretary or on any officer of the trade union or

Service of legal
process

federation provided that that service is otherwise in compliance with the requirements of any relevant law.

Prohibition on
certain persons
to join trade
union or
federation

82 Any person who is a
member of the-

- (a) Military Forces of the
United Republic;
- (b) Police Force of the
United Republic; or
- (c) Prisons Service;
shall not become a
member of any trade
union or federation or
any body or associ-
ation affiliated to a
trade union or federa-
tion.

(2) This section shall; so far
as it relates to members of the
Military and Police Forces of the
United Republic and any person to,
whom paragraph (e) of subsection (1)
applies, extend to Tanzania Zanzibar
as well as Tanzania Mainland.

83. The Registrar shall notify
the following facts in the Gazette-

Notification in
the *Gazette*

- (a) the fact that any trade union or federation has been registered or that registration has been refused;
- (b) the fact that the registration of any trade union or federation has been cancelled;
- (c) the fact that a change of a name or amalgamation affecting any registered trade union or federation has been registered;
- (d) the fact that any registered trade union or federation has been dissolved.

PART X11**OFFENCES AND PENALTIES**

Penalty for
misuse of
money etc of a
trade union

84.-(1) Where on complaint made by a member of a trade union, 'federation or the Registrar, it is shown to the satisfaction of a court that any person has in his possession or control any property of the trade union otherwise than in accordance with the rules of the trade union or federation, or has unlawfully expended or withheld any money of the trade union, the court shall, if it considers the circumstances of the case so require, order that person to deliver all property to the trustees of the trade union or federation and to pay to them the money so unlawfully expended or withheld.

(2) A complaint made under sub-section (1) of this section shall not be entertained, when the complainant is some other person than the Registrar, unless the court is satisfied that the complainant is or

was on the date of the complaint, a member of the trade union or federation in respect of whose property the complaint was made.

(3) Any person bound by an order made under subsection (1) of this section who fails to comply with the terms and the directions given in that order within a time specified in that order shall be liable to a fine not exceeding fifty thousand shillings.

85.(1) For the purpose of the provisions this Act which provides that an officer of a trade union or federation who is in default shall be liable to a fine, the expression "officer of the trade union or federation who is in default" means any officer of the trade union or federation.

Officer in
default

(2) In any proceedings against a person alleged to be an officer of the trade union or federation who is in default, it shall

be a good defence to prove that he had reasonable grounds to believe and did believe that a competent and reliable person was responsible for complying with the particular requirement and was in a position to discharge that responsibility.

Courts which
may try
offences

86. All offences under this Act may be tried by a Court of Resident Magistrate.

PART XIII REGULATIONS AND REPEALS

Regulations

87.-(1) The Minister may make regulations for the purpose of carrying out or giving effect to the Principles and provisions of this Act.

(2) In particular and without Prejudice to the generality of the powers conferred by subsection (1) of this section, the Minister may make regulations for or in respect of all or any of the following matters:

- (a) all matters stated or required in this act to be prescribed;

- (b) the books and registers to be kept for the purpose of this Act and their forms;
- (c) the manner in which trade unions or federation and the rules of the trade unions shall be registered;
- (d) the Manner in which, and the qualifications of persons by whom the accounts of registered trade unions or federation shall be audited;
- (e) the conditions subject to which inspections of documents kept by the Registrar shall be allowed
- (f) the due disposal and safe custody of the funds and moneys of a trade union or federation;

- (g) the creation, administration, protection, control and disposal of the benevolent funds of registered trade unions or federation and all matters connected with them or incidental to them;
- (h) the fees to be charged for registration and inspection and any other service or matter prescribed or permitted by this Act;
- (i) the collection by employers of not less than ten employees who are members of a registered trade union or federation of union dues by means of deductions from the wages of those employees and the

payment of the dues so collected to that trade union or federation;

- (j) generally for all matters incidental to or connected with the matters or subjects specifically mentioned in this subsection.

(3) Regulations made under paragraph (i) of subsection (2) may prescribe penalties for the breach of any regulations not exceeding a fine of one hundred thousand shillings.

(4) An employer may make deductions from the wages of his employees in accordance with the provisions of regulations made under paragraph (i) of subsection (2) notwithstanding any other provisions under this Act.

88. The Trade Union Ordinance and the Organisation of Tanzania Trade Unions Act, 1991, are hereby repealed.

Repeals
Cap. 381
Act No. 20
of 1991

SCHEDULE**(Section 41)****MATTERS FOR WHICH PROVISION
MUST BE MADE IN THE RULES
OF EVERY TRADE UNION**

- (1) The name of the trade union.
 - (a) the principal purposes for which the trade union is to be established.
 - (b) all other purposes ancillary to the principal purposes which may be pursued by the trade union;
 - (c) the purposes for which the funds of the trade union shall be applicable-
 - (d) the rates of contribution and the conditions under which any member of the trade union may become

- entitled to any benefits
assured thereby;
- (e) the fines or forfeitures
which may be imposed
on any member of the
trade union.
- (3) The manner of making,
altering, amending and
rescinding rules.
- (4) The appointment or election
and removal of a general
committee of management and
of trustees, treasurers, and other
officers of the trade union, and
for the re-election of these
officers at intervals of not more
than three years.
- (5) The taking of decisions by
secret ballot in respect of-
 - (i) election of officers;
 - (ii) amendment of rules;
 - (iii) strikes or lockouts;
 - (iv) federation or
dissolution.

- (v) amalgamation or dissolution.
- (6) The keeping of full and accurate accounts by the treasurer.
- (7) the keeping in a separate fund all moneys received or paid, by the union in respect of any contributory provident fund or pensions fund scheme.
- (8) The investment of the funds or their deposit in a bank and for the audit of accounts at intervals not greater than one year.
- (9) The inspection of the books and names of members of the trade union by any person having an interest in the funds of the trade union.
- (10) The manner of the dissolution of the trade union and the disposal of the funds available at the time of that dissolution.

- (11) The right of any member to a reasonable opportunity to vote.
- (12) The suspension of the normal voting rights of any member of the trade union whose subscriptions are more than three calendar months in arrears.

Passed in the National Assembly on the 6th November, 1998



Clerk of the National Assembly