THE UNITED REPUBLIC OF TANZANIA



No. 5 OF 1992

I ASSENT,

.....
President

29/5/92

An Act to provide for the terms, conditions and the procedure for the registration of political parties and for incidental or connected matters

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

Short title and commencement

1. This Act may be cited as the Political Parties Act, 1992 and shall come into operation on 1st July, 1992.

Application

2. This Act shall apply to Tanzania Zanzibar as well as to Tanzania Mainland.

Interpretation

3. In this Act unless the context otherwise requires—

"Minister" means the Minister for the time being responsible for legal affairs;

"party" means a political party;

"political party" means any organized group formed for the purpose of forming a government or a local authority within the United Republic through elections or for putting up or supporting candidates to such elections;

"registrar" means the Registrar of political parties appointed under section 4 and includes deputy and an assistant registrar.

Appointment of Registrar

4.—(1) There shall be a Registrar of Political Parties in the office of the Prime Minister or in such other office as the President may determine who shall be appointed by the President.

(2) There shall be a Deputy Registrar who shall be appointed by the President;

(3) The Registrar shall be responsible for the registration of political parties in accordance with the provisions of this Act and to perform any other function conferred by the Act.

(4) In the performance of his functions under this Act the Registrar shall from time to time consult the Minister.

Appointment of Assistant Registrars and other officers

5. The Minister may appoint assistant registrars and such other officers and in such numbers as may from time to time be required to carry out the purposes of this Act.

Protection of officers

6. No suit shall lie against the Registrar, assistant registrar or other officer appointed under this Act for anything done or omitted to be done in good faith and without negligence in the performance of any function under this Act.

Duty of political parties to register

7.—(1) Subject to subsection (2) of this section, every political party formed in any part of the United Republic, shall apply to the Registrar in the prescribed manner to be registered as a political party.

(2) Notwithstanding the provisions of subsection (1) of this section Chama Cha Mapinduzi also known by the acronym CCM which was immediately before this Act, the sole political party for the whole of the United Republic shall, on the coming into effect of this Act, and without further requirement, be deemed to have been fully registered as a political party and shall be issued with a certificate of registration in accordance with this Act.

(3) No organization shall operate or function as a political party unless it has first been registered in accordance with the provisions of this Act.

Registration

8.—(1) Every political party other than the political party registrable pursuant to subsection (2) of section 7, shall apply and be registered in two stages, after fulfilling all the conditions prescribed for each stage.

(2) Every political party shall first be provisionally registered and issued with a certificate of provisional registration upon fulfilling the conditions prescribed in section 9.

(3) Every political party which has been provisionally registered and which in addition to the conditions prescribed in section 9, has fulfilled the conditions prescribed in section 10, shall, not later than one hundred and eighty days from the date of provisional registration, apply to the Registrar for full registration.

(4) The provisional registration of every party shall lapse and every provisional registration certificate shall cease to be of any effect at the expiry of one hundred and eighty days from the date of such provisional registration.

(5) The Registrar shall register and issue a certificate of provisional registration or as the case may be, a certificate of full registration to every party which fulfils all the conditions for such registration.

Conditions for provisional registration

9.—(1) No political party shall qualify for provisional registration unless—

(a) the founding members have applied for registration of the party in the prescribed manner;

(b) the application has been accompanied with a copy of the constitution of the proposed party;

(c) its membership is voluntary and open to all the citizens of the United Republic without discrimination on account of gender, religious belief, race, tribe ethnic origin, profession or occupation.

(2) Without prejudice to subsetion (1) of this section no political party shall qualify for provisional registration if by its constitution or policy—

(a) it aims to advocate or further the interests of—

(i) any religious belief or group;

(ii) any tribal, ethnic or racial group; or

(iii) only a specific area within any part of the United Republic;

(b) it advocates the breaking up of the union constituting the United Republic;

(c) it accepts or advocates the use of force or violence as a means of attaining its political objectives;

(d) it advocates or aims to carry on its political activities exclusively in one part of the United Republic; or

(e) it does not allow periodic and democratic election of its leadership.

Conditions for full registration

10.—(1) No political party shall be qualified to be fully registered unless—

(a) it has first been provisionally registered;

(b) it has obtained not less than two hundred members who are qualified to be registered as voters for the purposes of parliamentary elections from each of at least ten Regions of the United Republic out of which at least two Regions are in Tanzania Zanzibar being one Region each from Zanzibar and Pemba; and

(c) it has submitted the names of the national leadership of the party and such leadership draws its members from both Tanzania Zanzibar and Tanzania Mainland;

(d) it has submitted to the Registrar the location of its head office within the United Republic and a postal address to which notices and other communications ~~may~~ be sent.

The right and privileges of registered party

11-(1) Every part which had been provisionally registered shall be entitled-

(a) to hold address public meetings in any area in the United Republic after obtaining permit from the District Commissioner for the area concerned for the purpose of publicising their part and soliciting for membership ;

(b) to the protection and assistance of the security agencies of the purposes of facilitating peaceful and orderly meetings:

Provided that provisional registration shall not entitle any part To put up candidate or to campaign for any candidate in any parliamentary of presidential election or in a local authority election.

(2) Every part which has been fully registered shall be entitled to put up Candidates and to campaign for any candidates in any parliamentary or presidential election in a local authority election.

Prohibit of the revival of parties and establishement of branch etc,

12.- (1) No party formed of existing in any part the United Republic prior to the Union of Tanganyika and Zanzibar or prior to 5th February 1977, shall be revived or the name or acronym of such party be used by any political part to be registered under this Act.

(2) Subject to subsection (3) no person shall establish, form or allow to be established or formed any branch , unit youth or women organization or other organ or any political party in any working place, school or other place of leaning

(3) For the purpose of this section places of residence for employees Provided by the employer shall not be regarded as places of work.

(4) Any person who contravenes the provision of subsection (2) of this section is guilty of nay offence and shall be liable on conviction to a fine not exceeding forty thousand shillings or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment and the court shall order the closure of disbanding of the branch, unit youth organization or other organ or the party relating to the offence.

Funds and other resources of apart

13.-(1) The funds and other resources of political parties which have been fully registered shall derive from-

(a) membership fees;

(b) voluntary contributions;

(c) the proceeds of any investment, project or undertaking in which the party has an party has interest;

(d) Subventions from the government;

(e) donations, bequests and grants from any other source.

(2) Every party shall disclose to the Registrar any funds or other resources obtained by the party—

(a) from sources outside the United Republic, whether obtained directly or through sources within the United Republic;

(b) from foreign organizations stationed within the United Republic; or

(c) from any person resident in the United Republic who is not a citizen of the United Republic.

(3) Any official of any party or other person liable to disclose to the Registrar on behalf of any party the funds or other resources of the party who fails to disclose or gives false information in relation to such funds or resources obtained by a party from sources outside the United Republic, shall be guilty of an offence and shall be liable on conviction to a fine equal to the amount or the value of the resources not disclosed or in relation to which false information was given or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

Submission of accounts and declaration of property

14.—(1) Every political party which has been fully registered shall—

(a) maintain proper accounts of the funds and property of the party;

(b) submit to the registrar—

(i) an annual statement of the accounts of the party audited by an auditor registered as an authorized auditor under the Auditors and Accounts (Registration) Act, 1972 and the auditors report on those accounts;

Acts 1972 No. 33

(ii) an annual declaration of all the property owned by the party.

(2) The Registrar after inspecting any accounts or report submitted pursuant to this section may, for the benefit of the members or the public, publish any matter relating to the funds, resources or property of any party or the use of such funds, resources or property.

(3) The Registrar shall publish in the official *Gazette*, an annual report on the audited accounts of every party.

Power of Registrar to cancel the registration

15.—(1) Subject to subsection (2) the Registrar may cancel the registration of any political party which has contravened any of the provisions of this Act or which has otherwise ceased to qualify for registration under this Act.

(2) The Registrar shall not cancel the registration of any party unless—

(a) he has in writing informed the party concerned of the contravention or the loss of qualification and of the intention to cancel the registration;

(b) he has received or failed to receive, within the period prescribed by him, any representations from the party concerned;

(c) he has submitted to the Minister the intention to cancel the registration of the party together with any representations made by the party and the Minister has agreed to such cancellation.

Decision of the Registrar to be final

16.—(1) The decision of the Registrar on the registration or the cancellation of the registration of any party shall be final and shall not be the subject of appeal in any court.

(2) Nothing in subsection (1) shall be construed to preclude judicial review of the decision of the Registrar.

Parties to appoint trustees

17.—(1) Every political party which has obtained a certificate of full registration shall appoint a board of trustees to manage the properties and any business or investment of the party.

Cap. 375

(2) Every board of trustees shall be duly incorporated under the Trustees Incorporation Ordinance and every party shall not later than sixty days from the date of full registration submit to the Registrar—

(a) the names and addresses of the members of the board of trustees; and

(b) a copy of the certificate of incorporation.

Regulations

18.—(1) The Minister may make regulations for the purpose of carrying out or giving effect to any provision of this Act.

(2) In particular and without prejudice to the generality of the power conferred by subsection (1) the Minister may make regulations—

(a) prescribing the manner of registration of political parties under this Act;

(b) regulating or restricting the use or the changes of names of political parties;

(c) prescribing the forms which may be used for carrying out the provisions of this Act;

(d) for securing the submission to the Registrar of accounts relating to the assets and liabilities, income and expenditure of political parties;

(e) prescribing the fees in respect of anything to be done under this Act;

(f) securing the submission to the Registrar of annual or other periodical returns relating to the constitution, objects and membership of political parties;

(g) prescribing the rate and the manner in which subventions may be granted to political parties;

(h) prescribing anything which is required, or it is necessary or desirable that it be prescribed for the better giving effect to this Act.

19. The Societies Ordinance is hereby amended in subsection (2) in the definition "society" by deleting paragraph "(h)" and substituting for it the following new paragraph— Amendment of the Societies Ordinance. Cap. 337

"(h) a political party registrable under the Political Parties Act, 1992." Acts 1992 No. 5

Passed in the National Assembly on 8th Mav, 1992.

Clerk of the National Assembly

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