

CHAPTER 4

THE LAWS REVISION ACT

An Act to provide for the preparation and publication of a Revised Edition of the Laws of Tanzania, and for their continuous revision and maintenance up to date.

[.....]

Act No. 7 of 1994

[PCh4s1]1. Short title

This Act may be cited as the Laws Revision Act.

[PCh4s2]2. Omitted

[Omitted under Cap. 3 (R.E. 2002) s. 7.]

[PCh4s3]3. Interpretation

(1) In this Act, except where the context requires otherwise—

"Act" means a law other than subsidiary legislation;

"annual supplement" means the annual supplement of revised laws prepared pursuant to the provisions of subsection (4) of section 5;

"applied Laws" means the United Kingdom statutes, Orders in Council, Royal Proclamations, Letters Patent, Royal Instructions and other Instruments having legislative effect in Mainland Tanzania, and includes any law applied to Mainland Tanzania by such statutes, Orders in Council, Royal Proclamations, Letters Patent, Royal Instructions or other Instruments;

"effective date" means the date appointed under section 2 for the commencement of this Act;

"former revised laws" means the revised editions of the laws of Mainland Tanzania prepared in accordance with the provisions of the Revised Edition of Laws Ordinance, 1947, as amended by the Revised Edition of the Laws (Amendment) Ordinance, 1949, and the Revised Edition of the Laws (1947-1949) Ordinance, 1949, as amended by the Revised Edition of Laws (1947-1949) (Amendment) Ordinance, 1952, and the Revised Laws and Annual Revision Ordinance, 1955;

"laws to which this Act applies" means all laws of Tanzania in force on the 31st December, 1999 and thereafter and any laws in respect of which the Attorney-General may order a general revision under section 4(2);

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

"Revised Edition" or "the Revision" means the text of the laws of Tanzania prepared under the authority of this Act;

"subsidiary legislation" means all Instruments, Notices, Orders, Proclamations, Rules, Regulations, By-laws or other instruments made or enacted by virtue of the power granted by an Act of Parliament.

(2) Where in any part of the Revised Edition or in any annual supplement reference is made to any booklet by the letters "I.L." or "A.L." that reference shall be deemed to be a reference to the booklets containing Applied Laws, and shall be read and construed as such.

[PCh4s4]4. Preparation of Revised Edition

(1) As soon as possible after the commencement of this Act, the Chief Parliamentary Draftsman shall prepare, publish and maintain in accordance with the provisions of this Act a Revised Edition of the laws to which this Act applies, in a convenient form, and such revised laws shall be known as the Revised Edition.

(2) The Attorney-General may, at such intervals as he may determine and by notice published in the Gazette, require the Chief Parliamentary Draftsman to carry out a general revision of the laws in accordance with this Act.

(3) A Revised Edition shall be prepared and published as at a date fixed by the Attorney-General by notice published in the Gazette.

[PCh4s5]5. Method of compiling and binding the laws

(1) The Chief Parliamentary Draftsman shall cause every Act included in the Revised Edition, together with any subsidiary legislation made under that Act so included, to be published in separate booklets, bound or loose-leaf and each such booklet shall contain at the beginning thereof the title of the Act and its Chapter number.

(2) Notwithstanding subsection (1), the Chief Parliamentary Draftsman may cause subsidiary legislation to be published in an appropriate form separately from the Act under which the subsidiary legislation is made in any case where it appears to him to be convenient and appropriate to do so.

(3) The Chief Parliamentary Draftsman shall in like manner cause the Applied Laws included in the Revised Edition to be published in such number of booklets as he thinks fit.

(4) In each year subsequent to the commencement of this Act, and subject to such directions as the Attorney-General may give in that behalf, the Chief Parliamentary Draftsman may, as soon as possible after the first day of January of the year, prepare and cause to be published an annual supplement of revised laws of Tanzania in accordance with the provisions of this Act.

(5) Each annual supplement shall contain—

(a) all Acts enacted during the preceding calendar year, other than Acts omitted under the authority of this Act;

(b) such subsidiary legislation made during the preceding calendar year as appears to the Chief Parliamentary Draftsman to be of sufficient importance to be included;

(c) a new and revised edition of any booklet contained in the Revised Edition;

(d) a table of contents, a chronological table of Acts and an index in such form as the Chief Parliamentary Draftsman may think fit, and a table of Acts omitted under the authority of section 6.

(6) Where an annual supplement contains a new and revised version of any booklet contained in any earlier supplement of the Revised Edition, such new and revised version shall, on coming into force under the provisions of section 12, supersede the earlier booklet, and the Chief Parliamentary Draftsman shall then cause the earlier booklet to be appropriately replaced in the Revised Edition.

[PCh4s6]6. Omission of certain laws

(1) The Attorney-General may, by notice published in the Gazette, direct the omission from the Revised Edition of any Act which in his opinion it is undesirable or unnecessary to publish in the Revision.

(2) The Chief Parliamentary Draftsman may omit from the Revised Edition any subsidiary legislation that in his opinion it is undesirable or unnecessary to publish in the Revision because of its limited application or for another reason, but in that event a note of the omission shall, as far as is practicable be included in the Revision.

[PCh4s7]7. Editorial omission of certain laws or provisions

In the preparation of the Revised Edition and each annual supplement, the Chief Parliamentary Draftsman may omit—

(a) all laws or provisions which have been repealed, whether expressly or by necessary implication, or have become spent, have had their effect or have been superseded;

(b) all repealing provisions, and all tables, lists and schedules of repealed provisions;

(c) all provisions continuing in operation a law to which this Act applies made under a repealed provision where that law is itself included in the Revised Edition;

(d) all preambles to enactments, where the omission can conveniently be made;

(e) all enacting clauses;

(f) all provisions prescribing the date when a law or provision is to come into operation, or the manner in which that date is to be fixed, where the omission can conveniently be made;

(g) all amending laws or parts of them, where the amendments have been embodied in the law to which they relate;

(h) all provisions so far as they effect changes of titles or citations of laws;

(i) all provisions the whole of which, except provisions relating to titles and citations of laws, incorporation with other laws and other preliminary and formal matters, consist of amendments to other laws, where the amended laws are themselves included in the Revised Edition;

(j) all forms, where the omission can conveniently be made;

(k) all validating provisions; and

(l) all subsidiary legislation made under laws omitted from the Revised Edition by virtue of the preceding provisions of this section.

[PCh4s8]8. Editorial powers of revision

(1) Subject to section 9 in the preparation of the Revised Edition, the Chief Parliamentary Draftsman has and may exercise the following powers—

(a) consolidate into one law any two or more laws in pari materia, making the alterations thereby rendered necessary and affixing to it such date as may seem most convenient;

(b) alter the order of sections in any Act and in all cases where it may be necessary to do so, renumber the sections;

(c) alter the form or arrangement of any section by transferring words, by combining it in whole or in part with another section or other sections or by dividing it into two or more subsections;

- (d) divide enactments whether consolidated or not into parts or divisions;
- (e) transfer any provision contained in an enactment from that enactment to any other enactment to which it more properly belongs;
- (f) arrange the laws, whether consolidated or not, in any group or sequence that may be convenient irrespective of the date of enactment;
- (g) add a short title to any law which may require it or alter the short title of any enactment;
- (h) supply, delete, or alter marginal notes;
- (i) correct references and cross references;
- (j) shorten and simplify the phraseology of any legislation;
- (k) correct any grammatical, clerical or typographical errors or inconsistencies in the existing laws, and for that purpose may make additions, omissions or alterations in the wording but without affecting the meaning of any legislation;
- (l) make such formal alterations as to names, localities, offices and otherwise as may be necessary to bring any law into conformity with the circumstances of the United Republic;
- (m) make such adaptations or alterations in any law as may appear to be necessary or proper as a consequence of any change in the constitution of any country;
- (n) arrange the laws in such groups and sequence and in such chapters or other manner as seems convenient;

(o) do all things relating to form and method which may be necessary for the perfecting of the Revised Edition or any annual supplement.

(2) Without prejudice to the generality of the power conferred by subsection (1), in the exercise of the functions pursuant to those provisions—

(a) footnotes and other annotations may be added by way of amplification, reference or cross reference or may be deleted or altered;

(b) any words, expressions, nomenclature or provisions which have become obsolete may be omitted and replaced, where necessary, by appropriate words, expressions, nomenclature or provisions;

(c) references to amounts of money in a currency other than the present currency of Tanzania may, where appropriate, be altered to references to the equivalent amounts in the currency of Tanzania;

(d) where the meaning of any provision can be more conveniently expressed by reliance on any provision of the law applicable to the interpretation of laws, or where the meaning of any provision that relies on any provision of that law or that is expressed by reference to any other provision, can be more conveniently expressed without any such reliance or reference, the necessary alterations may be made (including the provision, alteration or deletion of a definition);

(e) Ordinances may be restyled "Acts"; and

(f) any other thing relating to form or method may be done that may be necessary or desirable for the perfecting of the Revised Edition, whether by analogy with the preceding provisions of this section or otherwise, and in particular any omission or

alteration may be made that is consequential on, or is made desirable by any omission or alteration made under this section or section 7.

(3) The powers conferred by this section are cumulative, each such power is additional to and not in derogation of any other such power and any two or more such powers may be exercised together.

(4) The Chief Parliamentary Draftsman may, from time to time, issue general directions, not inconsistent with the provisions of this section as to drafting style and concerning the manner and form of presentation of laws in the Revised Edition, the exercise of his functions and powers under those provisions and generally for implementing those provisions, and with a particular view to improving and standardising the form and drafting of laws.

(5) Directions issued under subsection (4) shall be published in the Gazette and then be tabled in the National Assembly.

[PCh4s9]9. Regarding alterations of substance

(1) Nothing in the provisions of section 5, 6, 7 or 8 shall be construed as implying any power in the Chief Parliamentary Draftsman to make any alteration in the matter, substance or effect of any law, but this provision is directory only.

(2) No law omitted under the authority of this Act from the Revised Edition or any annual supplement shall be deemed to be without force and validity by reason only of its omission.

(3) If it appears desirable that, in the preparation of the Revised Edition, alterations not otherwise authorised by this Act should be made, the Chief parliamentary Draftsman

may cause a Bill or other appropriate draft law to be prepared, setting out those alterations, which shall be submitted to the Minister and be dealt with in the ordinary way.

(4) If it appears desirable for the purposes of the preparation and perfecting of the Revised Edition, or for any purpose associated with it, that further or other legislative provision be made, the Chief Parliamentary Draftsman shall cause a Bill or other appropriate draft law to be prepared, which shall be submitted to the Minister and be dealt with in the ordinary way.

(5) A Bill or other draft law prepared pursuant to subsection (3) or (4) may provide for either or both of the following—

(a) that it shall apply to the Revised Edition as if it had come into force immediately before the effective date; or

(b) that it shall not be included in the Revised Edition.

[PCh4s10]10. Text of documents included in laws

(1) Where any law to which this Act applies sets out the text of any agreement, treaty or other document, nothing in this Act allows any alteration to the text of that agreement, treaty or other document.

(2) There may be included in the Revised Edition or in any annual Supplement, in a convenient form—

(a) any laws which were in force in or in relation to the country or a part of the country before Independence;

(b) any foreign laws;

(c) any other documents or materials, that are, in the opinion of the Chief Parliamentary Draftsman, of sufficient constitutional or other importance to warrant the inclusion, but they do not form part of the Revised Edition for the purposes of this Act.

(3) There may be included in the Revised Edition—

- (a) any laws made before, but not yet in force on the effective date; and
- (b) any laws made after the effective date,

in such manner and with such annotations as the Chief Parliamentary Draftsman thinks necessary or desirable in order to explain their actual or prospective effect, and to conform with the requirements of the Revised Edition.

(4) The provisions of this Act, with such modifications as are necessary, apply to and in relation to laws to which subsection (3) of this section applies in the same manner as they apply to laws to which this Act applies.

[PCh4s11]11. Records of number, date, arrangement etc., of laws

In the preparation of a Revised Edition and each annual supplement, the following provisions shall apply, that is to say—

(a) the number and year of each Act shall be set out at the head thereof, and when another law is incorporated in it, the number and year of the principal Act and of each amending or incorporated law shall be set out in the margin at the beginning of the Act;

(b) the date on which an Act came into operation shall be set out immediately below the long title of the Act;

(c) each Act, other than an amending Act, shall form a separate Chapter, and the Chapters shall be numbered, and arranged under such titles as the Chief Parliamentary Draftsman thinks fit; and

(d) every booklet which supersedes an earlier booklet shall contain a reference to the booklet which it supersedes.

[PCh4s12]12. Bringing into force and validity and effect of Revised Edition

(1) The President may from time to time, by proclamation published in the Gazette, approve any part or section of the Revised Edition or any annual supplement published and order that it shall come into force from such date as may be specified in the proclamation.

(2) From the date specified in the proclamation, the part or section of the Revised Edition or annual supplement described in such proclamation shall, subject to the provisions of section 13, be deemed to be and shall be noted, in all courts of law, as the proper law of Tanzania in respect of the laws included therein.

(3) Except in so far as concerns any law omitted from the Revised Edition under section 6 on and after the date referred to in subsection (1), the Revised Edition is the authoritative text of the laws of Tanzania according to the respective tenors—

(a) in the case of a law to which this Act applies, or of a law included in accordance with paragraph (a) of subsection (3) of section 10 of this Act as at the effective date but subject to the effect of any law included under paragraph (b) of that subsection; and

(b) in the case of a law included in accordance with paragraph (b) of subsection (3) of section 10 of this Act as at the effective date.

(4) Nothing in this Act gives to subsidiary legislation included in the Revised Edition any validity other than that which it would have had if it had been made by the appropriate authority on the date referred to in section 12(1).

[PCh4s13]13. Rectification of errors

(1) For the purpose of rectifying any clerical, printing or other literary error appearing in the Revised Edition or in any annual supplement or for the purpose of rectifying, in a manner not inconsistent with his powers under this Act, any other error so appearing, the Chief Parliamentary Draftsman may from time to time, by notice published in the Gazette, give directions as to the rectification of any such error.

(2) Any notice issued under the authority of this section shall have effect from the date on which the law to which it relates had effect as part of the Revised Edition or as an annual supplement, as the case may be, under the provisions of section 12 and that law shall be read and construed accordingly.

[PCh4s14]14. Continuance in force of certain subsidiary enactments

On the date referred to in section 12, all subsidiary legislation—

- (a) made under a law to which this Act applies;
- (b) in force immediately before the effective date; or
- (c) omitted from the Revised Edition under section 6 or 7 of this Act,

shall be deemed to have been in force on the effective date as if it had been made under the corresponding provision in the Revised Edition.

[PCh4s15]15. Effect of annotations

Where any factual statement is made in relation to any law to which this Act applies in any annotation in the Revised Edition, that statement is, unless the contrary intention appears, prima facie evidence of the fact so stated.

[PCh4s16]16. Construction of reference to repealed, etc., laws

Where, in any law or in any document of whatever kind, reference is made to any law repealed or otherwise affected by or under the operation of this Act, such reference shall, where necessary and practicable, be deemed to extend and apply to the corresponding law in the Revised Edition or annual supplement, as the case may be and all cross-references in any laws shall, where such cross references are affected by the operation of this Act, be read and construed with such modifications as circumstances may require.

[PCh4s17]17. Sealed copies to be deposited

(1) Three bound copies of each volume of the Revised Edition shall be dated and signed by the President and shall be sealed with the Public Seal of the United Republic.

(2) One of the sealed copies shall be deposited with the Chief Justice of the Court of Appeal of Tanzania, one shall be held in the record of the National Assembly and one shall be held in such custody as the President directs.

[PCh4s18]18. Distribution of Revised Edition

(1) Copies of the Revised Edition and annual supplements of any booklet shall be distributed among such persons, officers, departments and institutions and upon such conditions as the Minister may direct.

(2) There shall be offered to the public such number of copies of the Revised Edition and each annual supplement and of any booklet at such prices as the Minister may direct.

(3) Any person may become a subscriber to the Revised Edition or the annual supplements, or both, on payment of such fee or annual fee, or both, as the Minister may direct.

(4) The Government Printer or other person authorised by the Minister shall, on the application of a subscriber, supply him with a copy of all booklets which have been published in the year of application.

[PCh4s19]19. Replacements and additional material

(1) The Chief Parliamentary Draftsman shall from time to time cause to be issued—

(a) replacement sheets incorporating any amendments to the text of laws included in the Revised Edition;

(b) directions for the removal of provisions that have been repealed or have expired, have had their effect or have been superseded, or that otherwise might have been omitted from the Revised Edition under section 7; and

(c) the text of new law to be incorporated in the Revised Edition.

(2) Each replacement sheet, and the text of each new law, shall—

(a) specify the date as at which it was prepared; and

(b) state the part of the Revised Edition that it replaces, or where it should be inserted in the Revised edition, and shall form part of the Revised Edition as if the date specified under paragraph (a) of this subsection were the effective date.

(3) In preparing a replacement sheet or the text of a new law to be incorporated into the Revised Edition, the Chief Parliamentary Draftsman may exercise, as appropriate, all or any of the powers conferred by section 7, 8 or 9 of this Act.

[PCh4s20]20. Judicial notice of Revised Edition

(1) All courts and persons acting judicially shall take judicial notice of the text of the laws to which this Act applies as included in the Revised Edition.

(2) Except where this Act specifically provides to the contrary, no footnotes or other annotations, and no explanatory matter, printed in the Revised Edition in relation to any provision shall be deemed to form part of that provision or be judicially noticed.

(3) The mere production of a volume purporting to be a volume of the Revised Edition and to have been printed by a Government Printer is, in all courts and before all persons acting judicially, prima facie evidence that the volume is a volume of the Revised Edition.

(4) The copies of the Revised Edition sealed under section 17, and copies of replacement sheets and new laws prepared under section 19 and certified by the Chief Parliamentary Draftsman to be such copies, as affected by any rectification under section 13, are for all purposes conclusive evidence of the texts of the laws to which they relate.

(5) A law that is not included in the Revised Edition may be proved in any way in which it might have been proved immediately before the effective date.

(6) The provisions of this section are in addition to and not in derogation of any other law relating to evidence or judicial notice.

[PCh4s21]21. Continuance of text of Revised Laws for certain purposes

The inclusion of a law in, or the exclusion of a law from, the Revised Edition does not affect any civil or criminal proceedings previously commenced under that law, but every such proceeding may be continued and everything in relation to it may be done in all respect as if the law had not been so included or excluded.

[PCh4s22]22. Place of this Act in the Revised Edition

(1) This Act and any Act made in accordance with section 9 shall be included at or about the beginning of the text of the Revised Edition.

(2) Section 7 of this Act does not apply to or in relation to the printing of an Act in accordance with the preceding provisions of this section.

(3) All notices under subsection (1) of section 6, shall be printed with the Acts referred to in subsection (1) of this section.

[PCh4s23]23. Repeal of R.L. Cap. 356

(1) [Repeals the Revised Laws and Annual Revision Ordinance.]

(2) Except as otherwise provided in this Act, with effect from the effective date, the text of the laws in the former Revised Laws shall be superseded by the respective texts of the laws contained in the Revised Edition and annual supplements prepared under this Act.