

CHAPTER 244

THE TRADE UNIONS ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 244

THE TRADE UNIONS ACT

An Act to make provision for trade unions and related matters.

[1st July, 2000]

[G.N. No. 255 of 2000]

Act No. 10 of 1998

PART I

PRELIMINARY PROVISIONS (ss 1-2)

[PCh244s1]1. Short title

This Act may be cited as the Trade Unions Act.

[PCh244s2]2. Interpretation

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

"branch" means any number of the members of a registered trade union who have in accordance 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 office" means that office within 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, company, authority or body;

"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 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 mine settlement authority;

"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 5 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 3 of this Act;

"registered postal address" means the address of a trade union registered under the provisions of section 6 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 for the time being appointed by the Minister under the provisions of section 2 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 2 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 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 its 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—

(i) 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 II

APPOINTMENT OF REGISTRAR AND OTHER OFFICERS (ss 3-5)

[PCh244s3]3. Appointment of Registrar

(1) 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.

(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.

[PCh244s4]4. Appointment of other officers

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

[PCh244s5]5. Protection of officers

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 the intended exercise of any power or performance of any duty conferred or imposed by this Act.

PART III

REGISTRATION OF TRADE UNIONS (ss 6-21)

[PCh244s6]6. Register

(1) 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.

[PCh244s7]7. Trade unions to be registered

(1) Every trade union not 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.

(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 thinks fit, grant an extension of the period specified in subsections (1) and (2) for any further period or periods, not exceeding six months in the aggregate.

(4) If any trade union fails to apply for registration or fails to be dissolved in accordance with the provisions 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 not exceeding one hundred thousand shillings or six months' imprisonment or to both that fine and imprisonment.

[PCh244s8]8. Application for registration

(1) 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 employers 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 prescribed, the printed copies of the constitution and rules of the trade union signed by the members of the trade union making 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.

[PCh244s9]9. Date of establishment of trade union

(1) For the purpose of this Act, a trade union is established on the first day 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.

[PCh244s10]10. Registration

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

[PCh244s11]11. Power of Registrar to call for further particulars

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.

[PCh244s12]12. Power of Registrar to require alteration of name

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.

[PCh244s13]13. Certificate of registration

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 cancelled or withdrawn, shall be conclusive evidence for all purposes that the trade union has been duly registered under this Act.

[PCh244s14]14. Refusal of registration

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

(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

(c) 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) it is an organisation consisting of 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; or

(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—

(a) any proceedings brought by or against that union; or

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

[PCh244s15]15. Cancellation of registration

(1) A certificate of registration of a registered trade 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

- (b) if he is satisfied that—

- (i) the certificate was obtained or issued by fraud or mistake;

- (ii) the constitution of the trade union or of its executive is unlawful;

- (iii) the union has been or is being or is likely to be used for any unlawful purpose contrary to its objects or rules;

- (iv) 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 in 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) 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) the trade union has ceased to exist.

(2) Where two or more registered trade unions 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 of 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 those members from the membership register of the establishment, trade, occupation or industry, and the trade unions so ordered shall not enrol as members persons 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 unions concerned.

(4) Where the Registrar proposes 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 withdrawn.

(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 any 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 subsection, 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.

[PCh244s16]16. Appeals

(1) Any person aggrieved by the refusal of the Registrar to register a trade union or by an order made by the Registrar under sections 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.

[PCh244s17]17. Trade unions prohibited from carrying on business unless registered

(1) No trade union or any of its officers or members 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—

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

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

[PCh244s18]18. Consequences of cancellation of registration

(1) If the registration of any registered trade union is cancelled under the provisions of section 15 of this Act—

(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 of in accordance with the rules of the union;

(c) the trade union shall deliver to the Registrar its certificate of registration for 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 as 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 officers 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.

[PCh244s19]19. Prohibition of activities on intended cancellation of registration or determination of appeal

(1) The Registrar may, on or after the 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.

[PCh244s20]20. Suspension of a branch of a union

(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 (1)–

(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.

[PCh244s21]21. Power of the Registrar to suspend a trade union

(1) Notwithstanding anything in this Act, it shall be lawful for the Registrar in his absolute discretion and after consultation with the 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.

(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 (ss 22-26)

[PCh244s22]22. Formation of federation

(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 unions, 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), 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 in a popular local newspaper.

[PCh244s23]23. Registration of federation

(1) Every federation of trade unions established after the 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, a federation of trade unions—

(a) shall be deemed to have been established before the commencement of this part if resolutions 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.

[PCh244s24]24. Affiliation with registered federation

(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 filing of both the notices referred to in subsections (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 this 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.

[PCh244s25]25. Provisions and penalties applicable to federations

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

[PCh244s26]26. Decision by secret ballot

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 (ss 27-31)

[PCh244s27]27. Formation of or affiliation with consultative or similar bodies

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 or resolutions between employees and employers 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.

[PCh244s28]28. Notification of formation or affiliation with consultative or similar bodies

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.

[PCh244s29]29. Powers of Registrar to declare affiliation invalid

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 intend to pursue any of the objects specified in the definition of "trade union" in section 1 other than the resolution

of relations 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(1).

[PCh244s30]30. Duty to inform Registrar on appointment to an office or employment in consultative or similar bodies

(1) If any member, officer or employee of a trade union is appointed to any office in, or is employed by, any consultative or similar body, whether within or outside the United Republic of Tanzania, immediately before or after the commencement of this part, he shall, within sixty days of the commencement of this part, 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.

(2) A person who has been a member or the executive 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.

[PCh244s31]31. Interpretation of consultative or similar body

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 unions, 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 (ss 32-45)

[PCh244s32]32. Membership of minors

Any person of the apparent age of twenty-one but above the apparent age of sixteen, 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 a 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.

[PCh244s33]33. Members and officers of a trade union

(1) 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.

(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 of 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.

[PCh244s34]34. Voting members of a trade union

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

[PCh244s35]35. Change of name

A registered trade union 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.

[PCh244s36]36. Amalgamation

(1) 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.

[PCh244s37]37. Notice of change of name, amalgamation etc.

(1) 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 of a combination of 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 a 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.

[PCh244s38]38. Effect of change of name, amalgamation etc.

(1) 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 union, and any legal proceeding which might have been continued or commenced by or against it under its formed 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.

[PCh244s39]39. Notice of affiliation or establishment or dissolution of a branch

(1) 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 establishment or 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 provisions 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.

[PCh244s40]40. Registered office and postal address

(1) Every trade union shall have a registered office and registered postal address, to which all 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 its 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.

[PCh244s41]41. Rules

(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 provisions in respect of all those matters.

(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 subsection (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.

[PCh244s42]42. Copies of rules

A copy of the rules of a registered trade union shall be available for 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.

[PCh244s43]43. Notification of officers, etc.

(1) 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 prescribed 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.

[PCh244s44]44. Notification of dissolution

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 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.

[PCh244s45]45. Trustees

(1) 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 trustee 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 (ss 46-51)

[PCh244s46]46. Rights, immunities, etc. of trade union pending registration

No trade union shall enjoy any of the rights, immunities or privileges of a registered trade union until it is registered.

[PCh244s47]47. Immunity from civil suit

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 union 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.

[PCh244s48]48. Liability in tort

(1) 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 tortuous 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 tortuous act committed by or on behalf of a registered trade union in contemplation or in furtherance of a trade dispute.

[PCh244s49]49. Liability in contract

(1) Every trade union shall not be so 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.

[PCh244s50]50. Objects in restraint of trade not unlawful

The objects of a registered trade union shall not, by reason only that they are in restraint 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 violable any agreement or trust.

[PCh244s51]51. Proceedings by and against trade unions

(1) 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 Procedure Act *.

(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 (ss 52-61)

[PCh244s52]52. Property of trade union to vest in trustees

(1) All movable and immovable property belonging to any trade union shall be vested in the trustees for the time being of the trade union for the use and 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 as 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.

[PCh244s53]53. Power of trade union to hold land

Notwithstanding the provisions of the Trustees Incorporation Ordinance, any 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.

[PCh244s54]54. Dues

In this section the expression "trade union 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.

[PCh244s55]55. Deduction and payment

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) deduct 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 in 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 subsections (1) and (2), the employer shall comply with it.

(4) Where an employer to whom a notice has been issued under subsections (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 on 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 subsections (1) and (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 civil or criminal proceedings against any employer who fails or refuses to comply with the provisions of this section.

[PCh244s56]56. Union service charge

(1) There is hereby created a levy to be known as the 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 one per centum of the sum of money payable by trade union members as trade union dues under the preceding section.

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

(4) Where the Minister is satisfied that the conditions specified in subsection (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 per centum of the total number of employees 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.

[PCh244s57]57. Deduction and payment

(1) Where an employer is given notice in accordance with subsection (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 deducted in the manner specified in the notice.

(2) The provisions of subsections (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 who 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 to 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.

[PCh244s58]58. Levy and subscription

(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.

(2) The General Secretary of any trade union to which this part applies 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 subsection (4).

(3) The Registrar, on application being made to him under the provisions of subsection (2) may, if he thinks fit, make and issue to the trade union on behalf of which the application was made an authorisation order.

(4) The General Secretary of a trade union to which an authorisation 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 to 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).

[PCh244s59]59. Discharge of union members' liability

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 sum to that trade union and any sum so dedicated in pursuance of the notice issued under provisions of subsection (4) of section 58 shall discharge the liability of that member to pay to that trade union the levy or subscription represented by that sum.

[PCh244s60]60. Acknowledgement of union dues

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 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.

[PCh244s61]61. Void agreement

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 subscriptions 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 (ss 62-73)

[PCh244s62]62. Application of funds

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—

(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 employer or with a person whom the member employs;

(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 medication 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 or 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 contributions;

(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.

[PCh244s63]63. Prohibition of payment of fines or penalties

(1) 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 unauthorised 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.

[PCh244s64]64. Payment of dues to federation

(1) 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—

(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 has 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.

[PCh244s65]65. Control of finance

(1) Where the Registrar is of the opinion that the funds 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 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.

[PCh244s66]66. Books of accounts

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.

[PCh244s67]67. Treasurer to render accounts

(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 that 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 accounts to be rendered under subsection (1) of this section shall be in a prescribed form.

(3) The union or federation shall cause the accounts 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.

[PCh244s68]68. Annual returns

(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 subsections (1) or (2) of this section shall be liable to imprisonment for a period not exceeding one year.

[PCh244s69]69. Inspection of accounts and documents

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 authorised in that behalf in writing by the Registrar.

[PCh244s70]70. Obstructing inspection by Registrar

Any person who opposes, obstructs or impedes the Registrar or any person authorised 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 thousand shillings or to imprisonment for a term not exceeding six months or to both that fine and imprisonment.

[PCh244s71]71. Power to call for detailed accounts

(1) In addition to any other provisions of this Act relating to the rendering of accounts, the Registrar may, at any time, call upon the treasurer, the committee or management or other proper officer or officers of a trade union or federation to render detailed accounts, vouched in any 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.

(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 or to both that fine and imprisonment.

[PCh244s72]72. Power to suspend officers

(1) 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 any 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.

[PCh244s73]73. Power to apply for appointment of receiver

(1) 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 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 (ss 74-77)

[PCh244s74]74. Definitions

In this Part—

"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.

[PCh244s75]75. Peaceful picketing and prevention of intimidation

Notwithstanding anything contained in this Act—

(a) it shall 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 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 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 egress 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 information, or of persuading or including 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.

[PCh244s76]76. Intimidation or annoyance

(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—

(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 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 the 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.

[PCh244s77]77. Conspiracy in trade disputes

(1) An agreement or 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.

(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 (ss 78-83)

[PCh244s78]78. Nomination by a member under sixteen years

A member of a trade union or federation under the apparent age of sixteen 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.

[PCh244s79]79. Inapplicability of certain laws Cap. 212; Cap. 211; Cap 337

The Companies Act, the Co-operative Societies Act and the Societies Act shall not apply to any trade union or federation and the registration of any trade union or federation under any of those Acts shall be void.

[PCh244s80]80. Collection of subscriptions

Nothing in the Penal Code * shall prevent an officer or a member of a registered trade union or federation duly authorised 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 authorisation from collecting that subscriptions from the members in any public place.

[PCh244s81]81. Service of legal process

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 treasurer or

the secretary or on any officer of the trade union or federation provided that that service is otherwise in compliance with the requirements of any relevant law.

[PCh244s82]82. Prohibition on certain persons to join trade union or federation

(1) 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 be or become a member of any trade union or federation or any body or association affiliated to a trade union or federation.

(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.

[PCh244s83]83. Notification in the Gazette

The Registrar shall notify the following facts 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 XII

OFFENCES AND PENALTIES (ss 84-86)

[PCh244s84]84. Penalty for misuse of money, etc. of a trade union

(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 subsection (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.

[PCh244s85]85. Officer in default

(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.

(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.

[PCh244s86]86. Courts which may try offences

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

PART XIII

REGULATIONS AND REPEALS (ss 87-88)

[PCh244s87]87. Regulations

(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 federations 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 federations shall be audited;

(e) the conditions subject to which inspections of documents 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 federations 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.

[PCh244s88]88. Repeal of R.L. Cap. 381 and Act No. 20 of 1991

[Repeals the Trade Union Ordinance and the Organisation of Tanzania Trade Unions Act.]

SCHEDULE

MATTERS FOR WHICH PROVISION MUST BE MADE IN THE RULES OF EVERY TRADE UNION

(Section 41)

- (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.
- (2) The manner of making, altering, amending and rescinding rules.
- (3) 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.
- (4) The taking of decisions by secret ballot in respect of—

- (a) election of officers;
- (b) amendment of rules;
- (c) strikes or lockouts;
- (d) federation or dissolution;
- (e) amalgamation or dissolution.

(5) The keeping of full and accurate accounts by the treasurer.

(6) 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.

(7) The investment of the funds or their deposit in a bank and for the audit of accounts at intervals not greater than one year.

(8) 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.

(9) The manner of the dissolution of the trade union and the disposal of the funds available at the time of that dissolution.

(10) The right of any member to a reasonable opportunity to vote.

(11) The suspension of the normal voting rights of any member of the trade union whose subscriptions are more than three calendar months in arrears.