

THE UNITED REPUBLIC OF TANZANIA



No. 41 OF 1969

I ASSENT,


President

6TH NOVEMBER, 1969

An Act to amend certain Ordinances and Acts

[7TH NOVEMBER, 1969]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Written Laws (Miscellaneous Amendments) Act, 1969.
2. The laws set forth in the first and second columns of the Schedule hereto are amended in the manner specified opposite thereto in the third column.
3. The amendments to the National Provident Fund Act, 1964 shall be deemed to have come into operation on the date on which the said Act came into operation.

Short title

Amendments
to written
laws

Commence-
ment
of certain
amendments
Cap. 564

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Cap. 1	The Interpretation and General Clauses Ordinance	In section 25 in paragraph (b)— (i) delete the word “two” which occurs in the second line and substitute therefor the word “five”; (ii) delete the word “two” which occurs in the third line and substitute therefor the word “six”.
Cap. 24	The Inquests Ordinance	Repeal section 18 and substitute therefor the following section:— “Evidence how recorded 18.—(1) The Coroner shall take down in writing, or cause to be so taken down, the statement on oath, affirmation or as otherwise provided by section 152 of the Criminal Procedure Code, of every witness. (2) Statements of witnesses taken down in accordance with the provisions of subsection (1) shall hereinafter be referred to as “depositions”. (3) The deposition of each witness shall be read over to such witness and shall be signed by him and by the Coroner”.
Cap. 156	The Animal Diseases Ordinance	In section 2 in the definition “animals” insert immediately after the word “animal” in the fifth line the words “or birds”.
Cap. 212	The Companies Ordinance	1. In section 2, subsection (1), insert the following definitions in their appropriate alphabetical positions— “Minister’ means the Minister for the time being responsible for legal affairs; ‘statutory corporation’ means any body corporate established by or under any written law, other than a company;”. 2. In Part XIV under the heading “MISCELLANEOUS” insert the following sub-headings and sections:— “ <i>Special Provisions relating to Statutory Corporations</i> Interpreta- 331A. For the purposes of section 331A and section 331C “subsidiary tion of company” means a company (in this section referred to as “the first “subsidiary subsidiary”) all the shares of which are vested in a statutory corporation, company” and includes— (a) a company (in this section referred to as “the second subsidiary”) all the shares of which are vested in the first subsidiary; (b) a company (in this section referred to as “the subsequent subsidiary”) all the shares of which are vested in the second subsidiary or another subsequent subsidiary.

SCHEDULE—*contd.*

COLUMN 1
Cap. 212
(*contd.*)

COLUMN 2
The Companies Ordinance

COLUMN 3

Special provisions relating to statutory corporations and their subsidiaries

331b.—(1) A statutory corporation or a subsidiary company may acquire all the shares in any company.

(2) Where a statutory corporation or a subsidiary company acquires all the shares in a company every provision in this Ordinance or other written law, or in the articles or other charter or instrument of the company the shares of which are so acquired, providing for any consequence to follow, or requiring any act or thing to be done, or entitling any person to do any act or thing or to take any action whatsoever, as the result of the reduction in the number of members of such company below a certain number, shall be of no effect in relation to the company.

(3) The Minister may, by order in the *Gazette*, exempt a subsidiary company from any of the provisions of this Ordinance.

Dissolution of subsidiary companies

331c.—(1) The Minister may, by order published in the *Gazette*, dissolve a subsidiary company.

(2) Every order made under subsection (1) shall specify the date (herein in this section referred to as the "effective date") on which the same shall come into operation.

(3) Where an order is made under subsection (1) in respect of a subsidiary company (hereinafter referred to as the "specified company")—

(a) all the assets of the specified company subsisting upon the effective date shall, without further assurance, vest in the statutory corporation of which such company is a subsidiary, or any other company which is a subsidiary of such statutory corporation, as may be specified in such order (such statutory corporation or subsidiary company shall hereinafter be referred to as the "holding company");

(b) all the liabilities of the specified company subsisting on the effective date shall, without further assurance, be vested in the holding company and the specified company shall be discharged from its obligations in respect of those liabilities;

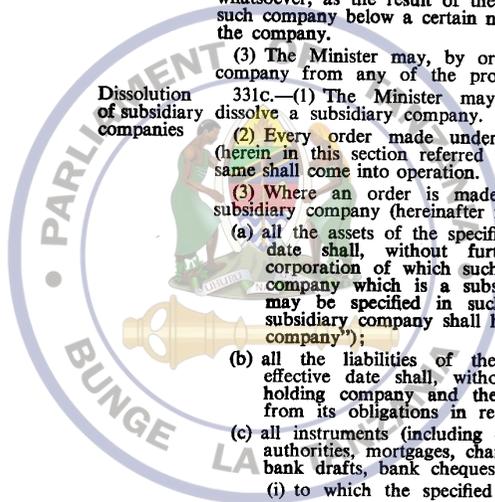
(c) all instruments (including contracts, guarantees, agreements, bonds, authorities, mortgages, charges, bills of exchange, promissory notes, bank drafts, bank cheques, letters of credit and securities)—

(i) to which the specified company is a party;

(ii) under which any money is or may become payable, or any other property is to be, or may become liable to be, transferred, conveyed or assigned to the specified company; or

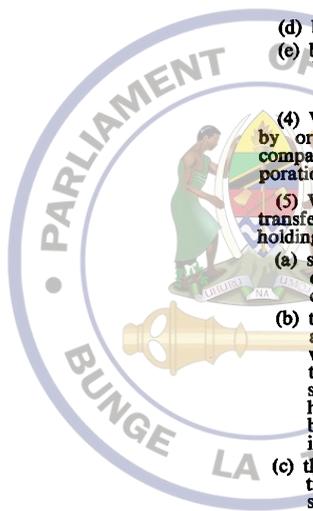
(iii) under which any money is or may become payable, or any other property is to be, or may become liable to be, transferred, conveyed or assigned by the specified company;

which are subsisting at the effective date shall continue in full force and effect and the holding company shall—



SCHEDULE—*contd.*

COLUMN 1	COLUMN 2	COLUMN 3
Cap. 212 (<i>contd.</i>)	The Companies Ordinance	<p>(a) be deemed to have been substituted for the specified company as a party thereto;</p> <p>(b) be entitled to receive and enforce payment of any money payable thereunder;</p> <p>(c) be entitled to obtain a transfer, conveyance or assignment of, and enforce possession of, any property which is to be transferred, conveyed or assigned thereunder;</p> <p>(d) be liable to make payment of any money payable thereunder;</p> <p>(e) be liable to transfer, convey or assign any property which is to be transferred, conveyed or assigned thereunder, as the case may be.</p> <p>(4) Where the Minister makes an order under subsection (1) he may, by order, transfer any person who is an employee of the specified company to the service of the holding company or the statutory corporation of which the specified company is a subsidiary.</p> <p>(5) Where, by an order made under subsection (4), the Minister transfers any employee of a specified company to the service of the holding company or the statutory corporation—</p> <p>(a) such employee shall, as from the date of such transfer, be deemed to be an employee of the holding company or, as the case may be, of the corporation, to which he is transferred;</p> <p>(b) the terms and conditions of service applicable to such employee after such transfer shall be not less favourable than those which were applicable to him immediately before the transfer, and for the purposes of determining any right to gratuity or any other superannuation benefit the service of such employee with the holding company or the corporation to which he is transferred shall be regarded as continuous with his service in the specified corporation immediately preceding such transfer; and</p> <p>(c) the employment of such employee immediately prior to his transfer and his employment by the holding company or the statutory corporation to which he is transferred, shall be deemed to be continuous employment by one employer within the meaning of section 8A of the Severance Allowance Act, 1962, and that Act shall apply to the parties in the same manner as it applies to the cases set out in subsection (1) of the said section 8A.</p> <p>(6) The powers conferred upon the Minister by this section shall be in addition to and without prejudice to the powers conferred upon any other authority in relation to any company by or under any written law.</p>



SCHEDULE—*contd.*

COLUMN 1	COLUMN 2	COLUMN 3
Cap. 212 (<i>contd.</i>)	The Companies Ordinance	<p style="text-align: center;"><i>Powers of the Minister</i></p> <p>Power of the Minister to require company to be wound up</p> <p>331D.—(1) The Minister may, where, in his opinion, it is in the public interest so to do, by order published in the <i>Gazette</i>, require any company registered under this Ordinance to be wound up.</p> <p>(2) Where an order is made under subsection (1) the registrar shall, as soon as may be practicable, cause a copy of such order to be filed in the High Court.</p> <p>(3) Where an order made under subsection (1) is filed in the High Court pursuant to the provisions of subsection (2), the High Court shall, within four weeks from the date on which such order is so filed, make a winding up order in respect of the company.</p> <p>(4) For the purpose of making an order for the winding up of a company pursuant to subsection (3), and of such winding up, the High Court shall have all the jurisdiction and powers conferred upon it by Part VI, and it is hereby declared that all the provisions of that Part shall apply with respect to such winding up with, and subject to, all necessary modifications, including any modifications thereof which, in the opinion of the High Court, are necessary or expedient to give effect to the order made under subsection (1):</p> <p>Provided that—</p> <p>(a) an order made under subsection (1) shall not be challenged or otherwise questioned in any court;</p> <p>(b) an order for the winding up or for dissolution of a company made pursuant to an order under subsection (1) shall not be stayed or set aside by any court.</p> <p>(5) The Minister may, at any time before the completion of the winding up of a company in respect of which an order under subsection (1) has been made, by order published in the <i>Gazette</i>, cancel such order made under subsection (1) and upon such cancellation the court shall rescind any winding up order made by it under this section.</p> <p>Minister may order foreign company to cease to carry on business</p> <p>331E.—(1) The Minister may, where, in his opinion, it is in the public interest so to do, order any company incorporated outside Tanganyika and carrying on business in Tanganyika to cease to carry on business in Tanganyika with effect from such date as may be specified in the order.</p> <p>(2) Any company which continues to carry on business in contravention of an order made under subsection (1) shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding twenty thousand shillings.</p>

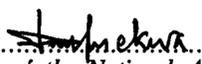
SCHEDULE—*contd.*

COLUMN 1	COLUMN 2	COLUMN 3
Cap. 212 (<i>contd.</i>)	The Companies Ordinance	<p>(3) If, after conviction for an offence under subsection (2), the company continues the contravention, it shall be guilty of a continuing offence and shall be liable upon conviction to a fine not exceeding one thousand shillings for every day on which the offence has been continued.</p> <p>(4) Where a company is, by reason of subsection (2) or (3), guilty of an offence or a continuing offence, each and every one of the following persons shall be deemed to have also committed the offence or, as the case may be, continuing offence, namely—</p> <p>(a) every officer and agent of the company; and</p> <p>(b) every person who, in Tanganyika, manages or acts or takes part in the management, administration or government of the business in Tanganyika of the company, and shall be liable to be proceeded against accordingly and shall upon conviction be liable to a fine not exceeding twenty thousand shillings (or, in the case of a continuing offence, one thousand shillings for every day on which the offence has been continued) or to imprisonment for a term not exceeding five years, or to both such fine and imprisonment.”.</p>
Cap. 263	The Workmen's Compensation Ordinance	<p>In section 44 delete the full-stop at the end and insert—</p> <p>“and may in any such Rules provide that in any such proceedings of a civil nature a workman may be represented in the Court or the High Court by the Commissioner for Labour or by any officer authorized in writing by the Commissioner, and where any such provision is made it shall be lawful for the Commissioner or for any person authorized by him in that behalf to represent a workman in any such proceedings notwithstanding any other written law to the contrary.”.</p>
Cap. 356	The Revised Laws and Annual Revision Ordinance	<p>Add immediately below section 8 the following section:—</p> <p>“Where annual revision delayed 8A. Where the preparation or publication of an annual supplement has been delayed it shall be lawful for the Attorney-General to prepare and cause to be published a supplement combining the annual supplements for such number of years as he may think fit, and in respect of any such supplement the Attorney-General may exercise all the powers conferred upon him by section 8 and section 11.”.</p>
Cap. 376	The Veterinary Surgeons Ordinance	<p>In subsection (1) of section 2 in the definition “animal” delete the word “captive”.</p>
Cap. 378	The Town and Country Planning Ordinance	<p>In section 78, in subsection (1), insert immediately below paragraph (m) the following new paragraph:—</p> <p>“(mm) prescribing matters which shall be included in any scheme prepared under section 23 or section 24;”.</p>

SCHEDULE—*contd.*

COLUMN 1	COLUMN 2	COLUMN 3
Cap. 549	The College of African Wildlife Management Act, 1964	In the Schedule, in sub-paragraph (1) of paragraph 1 <i>delete</i> the words "Commission for Technical Co-operation in Africa" and substitute therefor the words "Organization of African Unity".
Cap. 564	The National Provident Fund Act, 1964	In section 2 add immediately below subsection (4) the following new subsection:— “(5) Where, by an order made under subsection (3), the Second Schedule is amended and the effect of such amendment is that a person who, prior to such amendment was an exempt employee, ceases to be an exempt employee, any contribution made by or in respect of such person prior to the amendment shall be irrecoverable and such person shall be deemed not to have been on exempt employee with effect from the date when the first contribution was made by or in respect of him: Provided that nothing in this subsection shall be construed as imposing liability for contribution upon or in respect of any employee who, prior to such amendment of the Second Schedule, was an exempt employee in respect of any period preceding the date upon which such amendment takes effect.
Act 34 of 1966	The National Defence Act, 1966	In subsection (1) of section 7 <i>delete</i> the word "military" in paragraph (e).
Act 24 of 1967	The Prisons Act, 1967	In section 57 <i>delete</i> subsection (1) and substitute therefor the following subsection:— “(1) Whenever a medical officer is of the opinion that any prisoner, other than a remand prisoner, is of unsound mind, he shall prepare and transmit to the district court or to a court of resident magistrate having jurisdiction over the area in which the prison is situate a report and recommendation for the treatment of the prisoner in a mental hospital, and the court may, on receipt of such a report and recommendation, by order, direct that such prisoner be removed to any mental hospital in Tanganyika and be retained therein, and such order shall be sufficient authority for the reception of the prisoner and for his detention in such mental hospital until removed or discharged as hereinafter provided.”
Act 43 of 1967	The Merchant Shipping Act, 1967	In section 315— (a) in the marginal note <i>delete</i> the word "for a limited period", (b) <i>delete</i> the words "for a limited period" which occur in the second line.
Act 30 of 1969	The Sales Tax Act, 1969	In section 26, subsection (1), paragraph (b), insert immediately after the words "due date" in the second line the words "the rate of".

Passed in the National Assembly on the twenty-first day of October, 1969.


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Clerk of the National Assembly