

FACT SHEET NO. 1

THE LEGISLATIVE PROCESS IN TANZANIA

BILL DEFINED

A Bill in its ordinary meaning simply means a new law in the making. But in its Parliamentary meaning, it means a draft of a proposed Act of Parliament which, when passed by the National Assembly and assented to by the President, becomes the law of the land. It may be introduced in the House by a Government, Minister or by a Private Member.

This means that there are two types of Bills, namely Government Bills which are introduced into the Assembly by a Minister or Attorney-General, and

Private Member's Bills which are introduced into the Assembly by a Member of Parliament who is not a Minister or the Attorney-General.

Before a Government Bill is introduced into the Assembly, it goes through a lengthy process of consultation and decision-making at Ministerial level, Permanent Secretaries level and finally the Cabinet.

PUBLICATION OF BILLS

After the Bill has been approved by the Cabinet, (in the case of government bills) it is published in the official Gazette with a statement of its objects and reasons, signed by the Minister responsible for introducing the bill in the National Assembly. It must be published in at least two issues of the gazette at intervals of not less than seven clear days. The first publication of a Bill must contain its full text, and must be published at least twenty-one days before it is introduced in the National Assembly for first reading.

The second publication of the Bill is deemed to have been made by the insertion of a notice in the Gazette naming the title of the Bill, plus the number and date of the Gazette in which it was first published.

BILL UNDER CERTIFICATE OF URGENCY

The above mentioned procedure for publication may be dispensed with in respect of a government bill, if a certificate under the hand of the President is laid on the table of the Assembly by a Minister or Attorney-General stating that the relevant Bill is of such an unusually urgent nature that time does not permit compliance with the prescribed procedure.

PRIVATE MEMBER'S BILL

As already mentioned, any Member of Parliament who is not a Minister may introduce a Bill into the Assembly. Such bill is known as a private member's bill

A member desiring to do so notifies the Clerk of the National Assembly of his intention and submits the name of his Bill and describes fully the objects and reasons of the Bill. As far as printing and publication is concerned, the procedure is exactly the same as for government bills.

FIRST READING

The first reading stage of any bill is done by the Clerk at the Table reading the long title of the Bill before the Assembly. At this stage no discussion takes place, instead, the Speaker refers the Bill to the appropriate Standing Committee for consideration.

The appropriate Standing Committee has no power to amend a Bill referred to it but may request the Minister responsible for the Bill to introduce amendment to the Bill in the Assembly.

SECOND READING

After the Chairman of the appropriate Standing Committee has reported to the Speaker that his Committee has concluded its consideration of the Bill, the Speaker orders the Bill to be entered on the Order Paper ready for the Second Reading.

At this stage, the Minister in charge of the Bill moves a motion that the Bill be now read for the second time, gives detailed explanations to the Assembly before the Members start debating. The proposals contained therein.

The Minister's speech is followed by a statement of the Chairman of the appropriate Standing Committee, which considered the Bill who outlines the views of the Committee regarding that bill.

The official spokesman for the opposition then takes the floor to give the views of the official Opposition regarding the Bill. This is followed by a general debate by the Members regarding the merits or otherwise of the bill.

COMMITTEE OF THE WHOLE HOUSE

On completion of the general debate, the Assembly immediately resolves itself into a Committee of the whole House. The Clerk calls the number of each clause in succession together with any amendments which may have been made by the Minister in charge on the Bill. The Presiding Officer (who at

this stage is designated Chairman, not Speaker) puts the question “that the Clause (or the clause as amended) be approved.

THIRD READING AND PASSING OF THE BILL

When the clauses of the Bill have been dealt with, the Assembly resumes and the speaker returns to the Chair at the conclusion of the proceedings in the Committee of the whole House. The Minister in-charge of the Bill then reports to the Assembly that the Committee has considered the Bill, Clause by clause and approved the same. Thereafter he requests the Assembly to concur with the findings of the Committee. At this stage the Assembly votes, and if the majority of the MPs give their consent then the Bill has been passed by the House. If the majority of MPs say ‘No’ then the Bill has been rejected by the Assembly.

ASSENT TO BILLS

When a Bill has been passed by the Assembly, a printed copy of the Bill is submitted by the Clerk of the National Assembly to the President for his assent or other order if the bill is assented to then it becomes an Act of Parliament.

WITHHOLD OF ASSENT

In case the President withholds his assent to the Bill, he must return it to the Assembly together with a statement of his reasons for withholding his assent to the Bill. After the Bill is returned to the Assembly, it shall not be presented again to the President for his assent before the expiration of six months since it was so returned. In order for it to be presented again to the President, it must be supported by the votes of not less than two-thirds of all the Members of the Assembly..

If the Bill which was returned to the Assembly by the President, is passed again by the Assembly with the support of not less than two-thirds of all the Members of the Assembly, and is presented a second time to the President for his assent then the President is obliged to assent to the Bill within twenty one days of its being presented to him, otherwise he must dissolve Parliament and call for a new general election.