

THE UNITED REPUBLIC OF TANZANIA

ACT SUPPLEMENT

No. 1

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THE POLITICAL PARTIES (AMENDMENT) ACT, 2019

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THE UNITED REPUBLIC OF TANZANIA



NO. 1 OF 2019

I ASSENT

JOHN POMBE JOSEPH MAGUFULI,
President[13th February, 2019]**An Act to amend the Political Parties Act.****ENACTED** by the Parliament of the United Republic of Tanzania.PART I
PRELIMINARY PROVISIONS

Short title

Cap.258

1. This Act may be cited as the Political Parties (Amendment) Act, 2019 and shall be read as one with the Political Parties Act, hereinafter referred to as the “principal Act”.

PART II
GENERAL AMENDMENTSAmendment of
section 3

2. The principal Act is amended in section 3 by inserting in its appropriate alphabetical order the following new definitions:

“political party general meeting” means the highest decision making organ of the party, made by delegates based on the party structure prescribed in the party constitution;

“National Executive Committee” means a party organ or any similar organ comprised of party national leaders and party representatives from each region where the party has administrative organ or representative elected in accordance with party constitution;

“founding member of a political party” means a person who participates in the formation of a political party and who is among the first members of the party.

Amendment of
section 4

3. The principal Act is amended in section 4, by-

(a) adding immediately after subsection (4) the following:

“(5) Without prejudice to subsection (4), the functions of the office of the Registrar shall be to-

- (a) supervise the administration and implementation of this Act;
- (b) monitor intra-party elections and nomination process;
- (c) disburse and monitor accountability of Government subvention to political parties which qualify under this Act;
- (d) provide guidelines and monitor income and expenditures of political parties and accountability of party resources;
- (e) provide civic education regarding multiparty democracy, laws administered by the Registrar and related matters;
- (f) regulate civic education provided to political parties;
- (g) advise the Government on issues related to political parties;

- (h) facilitate communication between political parties and the Government;
 - (i) undertake research on political parties, multiparty democracy and political parties financing; and
 - (j) undertake any other functions conferred by this Act or any other written law.”
- (b) renumbering subsection (5) as subsection (6).

Addition of new sections 5A and 5B

4. The principal Act is amended by adding immediately after section 5 the following new sections:

“Regulation of civic education and capacity building training

5A.-(1) A person or institution within or outside the United Republic wishing or requested to conduct civic education or any kind of capacity building training or initiative to a political party, shall prior to conducting such training, inform the Registrar by issuing a thirty days notice stating the objective and kind of training, training programme, persons involved in such training, teaching aid and expected results.

(2) Upon receipt of information under subsection (1), the Registrar may disapprove the training or capacity building programme and give reasons for such disapproval.

(3) Any person who contravenes this section, commits an offence and is liable, on conviction to a fine of not less than five hundred thousand shillings but not exceeding five million shillings or to imprisonment for a term of not less than three months but not exceeding twelve months or to both.

(4) Any institution which contravenes this section, commits an offence and is liable, on conviction to a fine of not less than five million shillings but not exceeding thirty million shillings.

(5) Any person or institution which contravenes this section shall, in addition to penalties under this section be ordered by the Registrar to submit the information on the training or training programme within such period as prescribed by the Registrar.

(6) A person or institution which fails to comply with an order under subsection (5) commits an offence.

Powers of Registrar to demand information from political parties

5B.-(1) The Registrar may, in the execution of functions and responsibilities under this Act, demand from a political party or a leader any information as may be required for implementation of this Act.

(2) A political party which contravenes subsection (1) shall be liable to a fine of not less than one million shillings but not exceeding ten million shillings.

(3) A leader of a political party who contravenes this section or provides false information to the Registrar, commits an offence.

(4) Any person or institution which contravenes this section shall, in addition to penalties under this section be ordered by the Registrar to submit the information within such period as prescribed by the Registrar.”

Addition of new
Part IIA

5. The principal Act is amended by adding immediately after Part II the following new Part:

“PART IIA

FORMATION OF POLITICAL PARTIES

Formation of political
party

6A.-(1) A political party may, subject to the Constitution of the United Republic and this Act, be formed to further objectives and purposes which are not contrary to the Constitution of the United Republic, the Constitution of Zanzibar or any other written law in the United Republic.

(2) A political party shall be

managed by adhering to the Constitution of the United Republic, the Constitution of Zanzibar, this Act, its constitution, principles of democracy and good-governance, non discrimination, gender and social inclusion.

(3) A political party general meeting and national executive committee or any similar organ shall not delegate their core functions prescribed in the party constitution.

(4) For the purpose of subsection (3), core functions means-

- (a) in the case of the party national general meeting, be enactment and amendment of party constitution, election of party national chairman, deputy national chairman and nomination of presidential candidate; and
- (b) in the case of the party national executive committee, be enactment and amendment of the party rules, election of secretary general and party's national leaders.

(5) A political party shall promote the union of the United Republic, the Zanzibar Revolution, democracy, good governance, anti-

corruption, national ethics and core values, patriotism, secularism, uhuru torch, national peace and tranquility, gender, youth and social inclusion in the-

- (a) formulation and implementation of its policies;
- (b) nomination of candidates for elections; and
- (c) election of its leaders.

Qualification
of people
applying for
registration of
political party

6B. A person shall qualify to apply for registration of a political party if-

- (a) that person is a citizen of the United Republic by birth and both parents of that person are citizens of the United Republic;
- (b) that person is a person of sound mind;
- (c) that person is undischarged bankrupt having been declared by the court of competent jurisdiction;
- (d) that person has attained or is above the age of eighteen years;
- (e) that person can read and write in Kiswahili or English; and
- (f) that person is a person who, within five years prior to the date of submission of application has not been convicted or sentenced for

commission of an offence of dishonesty, economic crime, corruption, tax evasion or offences relating to gender based violence.

Restrictions in party membership and participation in political parties activities

6C.-(1) A person shall qualify to be a member of a political party if that person-

(a) is a citizen of the United Republic; and

(b) has attained or is above the age of eighteen years.

(2) A person shall not be a member of more than one political party.

(3) A person who possesses membership cards of more than one political party shall be deemed to have resigned from his previous party.

(4) A non citizen shall not participate in the decision making process of a political party with the aim of promoting the objectives of that party.

(5) A member of a political party shall not be expelled from the party unless due processes prescribed in the party constitution has been complied with.

(6) A person who contravenes subsection (4) commits an offence and on conviction, is liable to a fine of not less than one million shillings but not exceeding three

million shillings or to imprisonment for a term of not less than six months but not exceeding twelve months or to both.”

‡
Amendment of
section 8

- 6.** The principal Act is amended in section 8-
- (a) in subsection 4, by inserting the phrase “which has not applied for full registration” between words “of very party” and “shall lapse”
 - (b) by adding immediately after subsection (4) the following:
 - “(5) The provisional registration of the party which has applied for full registration shall be valid until the party is issued with a certificate of full registration or until its application for full registration is rejected.
 - (6) Where in an application for registration of a political party, it is apparent that the proposed name of a political party, the abbreviation of its name or symbol-
 - (a) is obscene or offensive;
 - (b) is used by another political party; or
 - (c) has been used by a political party whose certificate of registration has been cancelled or its certificate of provisional registration has lapsed in accordance with the provision of this Act;
 the Registrar shall, within 14 days from the date of receipt of the application, refuse the application and inform the applicant accordingly.”
 - (c) renumbering subsection (5) as subsection (7).

Amendment of
section 8A

- 7.** The principal Act is amended in section 8A by deleting subsection (1) and substituting for it the following:

“(1) There shall be kept and maintained by the Registrar registers in which matters and particulars of political parties shall be entered.

(2) The registers under subsection (1) shall include-

- (a) a register of political parties;
- (b) a register of national leaders;
- (c) a register of members of political parties national organs; and
- (d) a register of members of board of trustees of political parties.”

Amendment of section 8B

8. The principal Act is amended in section 8B by deleting subsection (3) and substituting for it the following:

“(3) A person who contravenes subsection (2), commits an offence and shall be liable on conviction to a fine of not less than five hundred thousand shillings but not exceeding two million shillings or to imprisonment for a term of not less three months but not exceeding twelve months or to both.”

Addition of sections 8C, 8D and 8E

9. The principal Act is amended by adding immediately after section 8B the following:

“Maintenance of registers

8C.-(1) Every political party shall maintain updated registers for-

- (a) members of the party;
- (b) leaders of the party at each party administrative level; and
- (c) members of party organ at each party administrative level.

(2) The Registrar may, by notice in writing, require a political party to submit any of registers mentioned in

subsection (1) or any particulars relating to such register, within a period stated in the notice.

(3) A political party which fails to comply with the requirement of this section may be suspended in accordance with provisions of this Act.

(4) Notwithstanding subsection (3), a leader of political party which contravenes subsection (1) commits an offence and shall on conviction be liable to a fine of not less than one million shillings and not exceeding three million shillings or to imprisonment for a term of not less than three months but not exceeding six months or to both.

Contents of
constitution of
political party

8D.-(1) The constitution of a political party shall provide for all matters specified in the First Schedule to this Act.

(2) The Registrar may, where he is satisfied that the constitution of a party is not in compliance with the requirement of this Act, by notice in writing require such party to amend its constitution within six months from the date of notice to ensure compliance.

(3) The notice referred to in subsection (2) shall specify areas of non-compliance, nature of the amendment and the reason for such amendment.

Political parties
not to form
security group

8E.-(1) A political party, a leader or a member shall not recruit, deploy or form a militia, paramilitary or security group of any kind or maintain an organisation intending to usurp the functions of the police force or any government security organ.

(2) A political party shall not conduct, finance, coordinate or order to be conducted or coordinated, military style training or any kind of training on the use of force or the use of any kind of weapon to its members or any other person.

(3) A political party which contravenes the requirement of this section, shall be deregistered and every leader or member of the party concerned shall be liable on conviction to imprisonment for a term of not less than five years but not exceeding twenty years or to both.”

Amendment of
section 9

10. The principal Act is amended in section 9:

- (a) in subsection (1)(c), by inserting immediately after the word “gender” the word “disability”;
- (b) in subsection (2), in the opening phrase by deleting the word “constitution” and substituting for it the words “constitution, rules and;”

Amendment of
section 10

11. The principal Act is amended in section 10 by deleting paragraph (b) and substituting for it the following:

“(b) it has obtained not less than two hundred members who are qualified to be registered as voters for the purpose of parliamentary elections from at least half of regions of the United Republic out of which at least two regions are in Tanzania Zanzibar, one region being from Unguja and the other region from Pemba.”

Amendment of
section 10A

12. The Principal Act is amended in section 10A by adding immediately after paragraph (d) the following new paragraphs:

“(e) undischarged bankrupt having been declared by a court of competent jurisdiction; and

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(f) disqualified from holding public office under the Constitution of the United Republic or the Constitution of Zanzibar of 1984 or any other written law.”

Addition of
section 10B

13. The Principal Act is amended by adding immediately after section 10A the following:

“Verification of political
parties

10B.-(1) The political party registered under this Act, shall observe and maintain conditions for registration.

(2) The Registrar may, upon the issuance of a twenty one days notice, verify a political party to ensure compliance with the conditions for its registration.”

Amendment of
section 11

14. The principal Act is amended in section 11-
(a) in subsection (1), by inserting immediately after the words “parliamentary election” appearing in the proviso the words “house of representative election”

(b) in subsection (3), by inserting immediately after the words “parliamentary election,” the words “house of representative election,”

Repeal and
replacement of
sections 11A and
11B

15. The principal Act is amended by repealing sections 11A and 11B and replacing for them the following:

“Coalition of
political
parties

11A.-(1) Two or more political parties fully registered in accordance with the provisions of this Act may form a coalition before or after general election and shall submit to the Registrar an authentic copy of the coalition agreement entered into between or among such parties.

(2) The decision to form a coalition shall be made by a national general meeting of each political party intending to form coalition and shall be in writing and duly executed by persons authorized by political parties to execute such agreements on behalf of each political party intending to form a coalition.

(3) A coalition agreement entered into before a general election shall be submitted to the Registrar at least three months before that election.

(4) A coalition agreement entered into after the general election shall be submitted to the Registrar within fourteen days after the signing of the coalition agreement.

(5) A coalition agreement shall set out the matters specified in the

Second Schedule to this Act.

(6) Political parties to coalition under this section shall maintain their status as individual registered political parties, and shall continue to comply with all the requirements governing political parties under this Act and any other relevant laws.”

Amendment of
section 11C

- 16.** The principal Act is amended in section 11C-
- (a) by adding immediately after subsection (2) the following:

“(3) Party flag shall not be hoisted in areas restricted by section 12 of this Act.”
 - (b) by deleting subsection (4) and substituting for it the following:

(4) Any person who contravenes subsection (3), commits an offence and shall be liable on conviction to a fine of not less than one million shillings but not exceeding five million shillings or to imprisonment for a term of not less than six months but not exceeding twelve months or to both.”
 - (c) by renumbering subsections (3) and (4) as subsections (4) and (5) respectively.

Amendment of
section 12

- 17.** The principal Act is amended in section 12-
- (a) by deleting subsection (2) and substituting for it the following:

“(2) Subject to subsection (3) a political party or any person shall not undertake a party activity, form, establish or allow to be established or formed in any office, branch, unit, youth or women organization or other organ of any political party in any working place, school or other place of learning, places of worship, Government buildings, public

institutions.”

(b) in subsection (4), by deleting the words “exceeding forty thousand shillings” and substituting them with the words “less than one million shillings” in between the words “a fine of not” and the words “or to imprisonment”;

(c) by adding immediately after subsection (4) the following new subsections:

“(5) Notwithstanding subsection (1), a political party may hold administrative meeting at places referred to in subsection (1) if such places offer facilities or services for hire or reward.

(6) A person shall not use religion or religious organisation to further the objectives of a political party.”

Repeal of
section 12A

18. The principal Act is amended by repealing section 12A.

Amendment of
section 12B

19. The principal Act is amended by deleting subsection (3).

Addition of
section 12C

20. The principal Act is amended by adding immediately after section 12B the following:

“Declaration by political
parties

12C.-(1) A political party shall, within thirty days after being issued with a certificate of full registration, submit to the Registrar a written declaration giving details of all assets and expenditure including all contributions, donations or pledges of contributions or donations, whether in cash or in kind, made or to be made to the initial assets of the

political party by its founding members in respect of the first year of its existence.

(2) A declaration submitted to the Registrar under subsection (1) shall-

- (a) state the sources of all funds and other assets of the political party; and
- (b) contain such other relevant particulars as the Registrar may prescribe.

(3) The Registrar shall, within thirty days after the receipt of the declaration required under subsection (2), cause the declaration to be published in the *Gazette*.

(4) Notwithstanding any other penalty prescribed by this Act, the Registrar shall deregister a political party which-

- (a) fails to comply with this section; or
- (b) submits a declaration which is false in any material particular.”

Amendment of
section 13

21. The principal Act is amended in section 13-

(a) in subsection (2) by adding immediately after paragraph (c) the following:

“(d) from any source within the United Republic as may be prescribed in the regulations made under this Act;”

(b) in subsection (3) by deleting the words “from sources outside the United Republic”;

(c) by adding immediately after subsection (3) the following new subsection:

“(4) Every political party shall appoint an accounting officer in accordance with its constitution to manage party resources.”

Amendment of
section 15

22. The principal Act is amended in section 15 by adding immediately after subsection (2) the following new subsection:

“(3) Without prejudice to subsection (1), every political party receiving Government subvention shall maintain a separate bank account to be used only for depositing and expenditure of Government subvention.”

Amendment of
section 18

23. The principal Act is amended in section 18 by adding immediately after subsection (5) the following new subsections:

“(6) The Registrar may suspend grant of subvention to a political party for specified period where he has evidence that management of the political party which includes its trustees is not able to account for or supervise accountability of such funds.

(7) A political party which receives a disclaimer audit report shall be denied subsequent subvention for six months.

(8) The Registrar may, at any time, where he is dissatisfied with management of the resources of a political party, request the Controller and Auditor-General to carry out a special audit.”

Repeal and
replacement of
section 18A

24. The principal Act is amended by repealing section 18A and replacing for it the following:

“Submission of
financial reports

18A.-(1) A financial year of a fully registered political party shall

conform to that of the Government;

(2) Notwithstanding any provisions of this Act, every political party shall-

- (a) submit to the Controller and Auditor general financial statements of its accounts not later than thirtieth September of each calendar year;
- (b) submit audited reports to the Registrar within one months after it has received the report from the Controller and Auditor General.”

Amendment of
section 19

- 25.** The principal Act is amended in section 19-
- (a) by deleting the marginal note and substituting for it the following:
“Power of Registrar to suspend or cancel registration”;
 - (b) in subsection (1) by inserting immediately after the word “may” the words “suspend or”;
 - (c) in subsection (2)-
 - (i) by inserting immediately after the word “not” appearing in the opening phrase the words “suspend or”;
 - (ii) in paragraph (c) by inserting immediately after the words “intention to” the words “suspend or”.

Amendment of
section 21

- 26.** The principal Act is amended in section 21 by adding immediately after subsection (2) the following:
“(3) A person shall not qualify to be a member of a Board of Trustees of a political party if that person is a party leader.”

Repeal of

- 27.** The principal Act is amended by repealing section

section 21A

Amendment
section 21B

21A.

28. The principal Act is amended in section 21B-

(a) in subsection (4) by deleting the word “provide” and substituting for it the word “be”

(b) by adding immediately after subsection (4) the following:-

(5) The Council shall be financed from the Government budget or donor funds through the Government.

Addition of
sections 21D and
21E

29. The principal Act is amended by adding immediately after section 21C the following new sections:

“Offences
and penalties

21D.-(1) Any person who contravenes any provision of this Act to which no specific penalty is prescribed, shall be liable on conviction to a fine of not less than three million shillings but not exceeding ten million shillings or to imprisonment for a term of not less than six months but not exceeding one year or to both.

(2) Any political party which contravenes any provision of this Act to which no specific penalty is prescribed, shall be liable to a fine of not less than ten million shillings and not exceeding fifty million shillings or to suspension or to deregistration.

Suspension
from
conducting
political
activities

21E.-(1) Without prejudice to the generality of the power conferred by this Act, the Registrar may suspend any member of a political party who has contravened any provision of this Act from conducting political

activities.

(2) Any party member who conducts party or political activities or participates in an election or causes any person to conduct party political activity or participate in an election during period of suspension of such party, commits an offence.

(3) Where the Registrar is satisfied that a member of a political party has contravened this Act, the Registrar shall, in writing require the political party to take such measures against the member as prescribed in the party constitution within fourteen days.

(4) Where the political party fails to comply with the requirements of the Registrar under subsection (3), or where the measures taken by a political party are not satisfactory, the Registrar may, in writing notify the member and the political party of his intention to suspend that member from conducting political activities.

(5) Upon receipt of notification from the Registrar under subsection (4), the member shall, within fourteen days, make representation to the Registrar on the matter.

(6) Where the member fails to make representation to the Registrar within the period specified under subsection (3), or if the

representation made is not satisfactory, the Registrar shall suspend that member from conducting political activities for a period not exceeding six months, and notify the relevant political party accordingly.”

Amendment of
section 22

- 30.** The principal Act is amended in section 22-
- (a) by deleting the word “for” appearing at the beginning of paragraph (d) and substituting for it the following:
“prescribing the manner of preparation of financial accounts and manner of”
 - (b) in paragraph (g), by inserting the words “disbursed and” before the word “accounted”
 - (c) by deleting paragraph (i);
 - (d) by renaming paragraphs (j) and (k) as paragraphs (i) and (j) respectively.

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FIRST SCHEDULE
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(Made under section 8D(1))

**BASIC MATTERS FOR WHICH PROVISION OF CONSTITUTION OF
THE PARTIES SHALL CONTAIN**

- (a) name of political party, abbreviation (if any), symbol (logo) and description of the party flag;
- (b) objective and ideology of the political party;
- (c) qualification and disqualification for membership of the party;
- (d) admission and cessation of members;
- (e) rights and duties of members;
- (f) disciplinary measures against members and leaders;
- (g) intra-party disputes resolution mechanism;
- (h) organization and structure of the party;
- (i) mandate to make and amend party constitution;
- (j) mandate to make and amend party rules;
- (k) powers and functions of each party organ and leader
- (l) delegations of powers of each party organ and leader;
- (m) procedure for election of party leaders;
- (n) mandate and procedure of filling vacant posts;
- (o) frequency and quorum for meetings;
- (p) structure for management of the party properties;
- (q) number, nomination procedure and cessation of members of board of trustees;
- (r) dissolution of the party and the disposal of its property;

SECOND SCHEDULE

BASIC REQUIREMENTS FOR COALITION AGREEMENT*(Made under section 11A(5))*

Coalition agreement shall-

- (a) adhere to the rules and procedures of the political parties relating to the formation of coalition;
- (b) be sanctioned by the general meeting of the political parties entering into the coalition and shall –
 - (i) be in writing and duly executed by authorized national party leaders; and
 - (ii) be commissioned by a commissioner of oaths and submitted to the Registrar.
- (c) state-
 - (i) parties which are members of the coalition;
 - (ii) policies and objectives of the coalition;
 - (iii) overall structure of the coalition;
 - (iv) organisation structure and management of the coalition;
 - (v) criteria or formula for sharing of positions in the coalition structure, roles and responsibilities within the coalition;
 - (vi) coalition nomination rules;
 - (vii) coalition election rules;
 - (viii) decision making structure, rules and procedures;
 - (ix) process and mechanisms upon which the coalition agreement may be amended;
 - (x) policy initiation, policy consultation and policy decision making structure, rules and procedures;
 - (xi) code of conduct of coalition including values and principles guiding the performance of individuals and the member parties within the coalition;
 - (xii) dispute resolution mechanisms and procedures;
 - (xiii) procedures for appeal;
 - (xiv) enforcement and sanction mechanisms and procedures for breach of any of the provisions of the agreement;
 - (xv) role of general meeting and political party organs of the individual member parties of the coalition in the running of the affairs of the coalition;
 - (xvi) formula and mechanism of sharing subvention from the government and other sources; and
 - (xvii) grounds and procedure upon which the coalition may be dissolved.

Passed by the National Assembly on the 29th January, 2019.

STEPHEN KAGAIGAI
Clerk of the National Assembly