

TANGANYIKA



No. 22 OF 1964

I ASSENT,

Jelani K. Nyerere
.....
President

25TH APRIL, 1964

An Act to ratify the Articles of Union between the Republic of Tanganyika and the People's Republic of Zanzibar, to provide for the government of the United Republic and of Zanzibar, to make provision for the Modification and Amendment of the Constitution and Laws of Tanganyika for the purpose of giving effect to the Union and the said Articles, and for matters connected therewith and incidental thereto

[.....]

WHEREAS by Articles of Union entered into between the Government of the Republic of Tanganyika and the Government of the People's Republic of Zanzibar on the twenty-second day of April, 1964, it was agreed that, subject to the enactment of laws by the Parliament of Tanganyika and by the Revolutionary Council of the People's Republic of Zanzibar acting in conjunction with the Cabinet Ministers thereof ratifying the said Articles and providing for the Government of the United Republic and of Zanzibar in accordance therewith, the said Republics shall be united in one Sovereign Republic:

NOW THEREFORE BE IT ENACTED by the Parliament of Tanganyika:

1. This Act may be cited as the Union of Tanganyika and Zanzibar Act, 1964, and this Act and the law of Zanzibar entitled the Union of Zanzibar and Tanganyika Law, 1964, may be together cited as the Acts of Union of Tanganyika and Zanzibar.

2. In this Act, unless the context otherwise requires-
"existing law" means the written and unwritten law as it exists immediately before Union Day (including a law enacted or made by any enactment or instrument passed or made before, and coming into operation after, that day), but does not include the Constitution of Tanganyika insofar as it provides for the government of the Republic of Tanganyika or any declaration or law,

Interpreta-
tion

or any provision thereof, which expires with effect from the commencement of the interim Constitution;

"the interim Constitution" means the constitution declared by section 5 to be the Constitution by which the United Republic is to be governed during the interim period, as from time to time modified or amended;

"the interim period" means the period commencing on Union Day and expiring immediately before the commencement of a Constitution adopted by a Constituent Assembly in accordance with section 9;

"Union Day" means the day following the day on which the Acts of Union of Tanganyika and Zanzibar are enacted or, if they are enacted on different days, the day following the day of the later enactment.

Ratification
of Articles
of Union

3. The Articles of Union between the Governments of the Republic of Tanganyika and the People's Republic of Zanzibar (which Articles are set out in the Schedule to this Act) are hereby approved and ratified.

Declaration
of the
United
Republic

4. The Republic of Tanganyika and the People's Republic of Zanzibar shall, upon Union Day and ever after, be united into one Sovereign Republic by the name of the United Republic of Tanganyika and Zanzibar.

interim
Constitu-
tion of
the United
Republic

5. (1) Subject to the provisions of this section and to any Act of the Parliament of the United Republic whereby the provisions of the interim Constitution of the United Republic may be altered, the United Republic shall be governed during the interim period in accordance with the provisions of the Constitution of the Republic of Tanganyika as so modified as to provide-

- (a) for the reservation to the Parliament and Executive of the United Republic of the following matters:-
- (i) the Constitution and government of the United Republic,
 - (ii) External Affairs;
 - (iii) Defence;
 - (iv) Police;
 - (v) Emergency Powers;
 - (vi) Citizenship;
 - (vii) Immigration;
 - (viii) External trade and borrowing;
 - (ix) the Public Service of the United Republic;
 - (x) Income tax, corporation tax, customs and excise duties;
 - (xi) Harbours, civil aviation, posts and telegraphs;
- and for the exclusive authority of the said Parliament and Executive in such matters throughout and for the United Republic and in all other matters in and for Tanganyika;

- (b) for a separate Legislature and Executive for Zanzibar constituted in accordance with the existing law of Zanzibar (or as so varied or replaced from time to time in accordance with such existing law), and for the exclusive authority of the said Legislature and Executive in and for Zanzibar in matters other than those reserved, in accordance with paragraph (a) of this subsection, to the Parliament and Executive of the United Republic;
- (c) for the appointment of two Vice-Presidents of the United Republic, one of whom shall be a person normally resident in Zanzibar, and for such Vice-President to be the principal assistant of the President of the United Republic in the discharge of his executive functions in relation to Zanzibar and, under the style of President of Zanzibar, to be the head of the aforesaid Executive for Zanzibar;
- (d) for the representation of Zanzibar in the Parliament of the United Republic; and
- (e) for such other matters as may be expedient or desirable to, give effect, or enable effect to, be given, to the Union and to the Articles of Union.
- (2) The modifications to the Constitution of Tanganyika provided for in subsection (1) of this section shall be made by Decree of the President of the United Republic and the power of the said President in that behalf may be exercised from time to time; and such Decrees, and any amendments, variations or substitutions thereof made in the like manner, shall have effect for the modification of the Constitution of Tanganyika for the purposes of this section and for the alteration, of the interim Constitution of the United Republic, notwithstanding the provisions of section 35 of the said Constitutions.
- (3) In this section-
- (a) references to the Constitution of Tanganyika include references to sections 3, 19, 20, 21, 23 and 26 of, and Parts I, II and III of the Second Schedule to, the Republic of Tanganyika (Consequential, Transitional and Temporary Provisions) Act, 1962; CA, Act 2
- (b) references to an Act of the Parliament of the United Republic by which the provisions of the interim Constitution may be altered are references to an Act the Bill for which has been passed in the manner prescribed by section 35 of the said interim Constitution;
- (c) references to the exclusive authority of the Parliament of the United Republic or of the Legislature for Zanzibar shall not be construed as precluding that Parliament or Legislature from conferring on any person or authority the power to make provisions in relation to matters within their respective authorities which have the force of law or from conferring the force of law on any such provisions made by any person or authority, and references to the exclusive authority of the Executive of the United Republic or of Zanzibar shall not be construed as precluding a competent legislature from conferring or providing for the delegation of functions in relation to matters within its authority upon or to any other person or authority.

The
administra-
tion of the
government
of the
United
Republic

6.-(1) The first President of the United Republic shall be Mwalimu JULIUS KAMBARAGE NYERERE.

(2) The first Vice-President appointed from Zanzibar in accordance with the modifications provided for in paragraph (c) of subsection (1) of section 5 shall be Sheikh ABEID KARUME.

(3) On the commencement of the interim Constitution, the said President shall make such provision for the constitution of offices in the service of the United Republic, and for appointments to such offices (including appointments by way of transfer of persons who, immediately before Union Day held office in the service of the Republic of Tanganyika or the People's Republic of Zanzibar) as he shall think necessary or expedient.

No
separate
constitution
for
Tanganyika

7. On the commencement of the interim Constitution of the United Republic, the Constitution of Tanganyika shall cease to have effect for the government of Tanganyika as a separate part of the United Republic.

The laws
of the
United
Republic

8.-(1) Subject to the provisions of this section, on and after Union Day the existing law of Tanganyika and of Zanzibar shall continue to be the law in the territories of Tanganyika and of Zanzibar respectively, save in so far as it is thereafter amended, modified, repealed or revoked by competent authority or any provision thereof expires, but shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring it into conformity with the Union of the two Republics and with the provisions of the interim Constitution and of this Act; and for the avoidance of doubts it is hereby declared that the operation of the existing law on and after Union Day in accordance with the provisions of this subsection, shall not be affected by the cessation of the Constitution of Tanganyika for the government of Tanganyika as a separate part of the United Republic or by the amendment, modification, abrogation or revocation of any declaration or law of Zanzibar under which the existing law of Zanzibar was enacted or made.

(2) The President of the United Republic may, during the interim period, by Decree-

- (a) extend any existing law of Tanganyika which relates to any of the matters set out in paragraph (a) of subsection (1) of section 5 to Zanzibar as part of the law thereof and repeal or revoke any law of Zanzibar corresponding to, or inconsistent with, any law so extended;
- (b) make such amendments, adaptations and modifications (including provisions for the construction of laws) to the existing law of Tanganyika (including any such law extended to Zanzibar under paragraph (a) of this subsection) as may appear to him to be necessary or expedient for bringing the same into conformity with the provisions of the interim Constitution or for giving effect or enabling effect to be given to the Union;
- (c) make such transitional, consequential and temporary provision in respect of any of the matters set out in paragraph (a) of subsection (1) of section 5, or in relation to the existing law of Tanganyika, as may appear to him to be necessary or expedient for giving effect or enabling effect to be given to the Union.

(3) Where the President makes a Decree under this section in relation to an Act of the Common Services Organization, that Decree shall have effect so to amend that Act in and in relation to any person or matter connected with the United Republic, or to any part thereof to which the decree relates, notwithstanding any provisions of the Interpretation and General Clauses Ordinance. Cap. 1

9.-(1) A Constituent Assembly summoned in accordance with the Articles of Union shall have power to ratify and adopt a Constitution for the government of the United Republic, to make provision consequential on, and supplemental to, the new Constitution and to make such other provision as the Constituent Assembly think fit, and such powers may be exercised notwithstanding any power in that behalf vested in the Parliament of the United Republic or in the Legislature for Zanzibar. Constituent
Assembly

(2) The provisions of the Constituent Assembly shall be made in such form and manner as may be prescribed by decree of the President of the United Republic, acting with the agreement of the Vice-President who is the head of the Executive for Zanzibar, and when so made shall have the force of law throughout the United Republic, or such parts thereof as may be specified therein, and may be cited as Acts of the Constituent Assembly.

(3) Subject to any Act of the Constituent Assembly, nothing in this section shall be construed as affecting the exercise by the Parliament of the United Republic, or the National Assembly of the Parliament their respective functions under any law in force during the continuance of the interim Constitution.

(4) On the commencement of a Constitution adopted by the Constituent Assembly, the power to summon a Constituent Assembly and the powers of the Constituent Assembly to make any provision which it is empowered to make under the Articles of Union or this Act shall expire.

10.-(1) Decrees of the President of the United Republic made in accordance with the provisions of this Act- Decrees
of the
President

(a) shall be published in the *Gazette* of the United Republic and shall be laid before the National Assembly of the Parliament of the United Republic;

(b) shall have effect as if enacted in this Act;

(c) may provide for the making of rules, orders and schemes thereunder and for the delegation of powers.

(2) The provisions of paragraph (a) shall not affect the operation of any Decrees of the President of the United Republic prior to the date on which they are laid before the said National Assembly, but subject to the foregoing, the provisions of section 27 of the Interpretation and General Clauses ordinance shall apply in relation to such Decrees.

THE SCHEDULE

THE ARTICLES OF UNION

between

THE REPUBLIC OF TANGANYIKA AND THE PEOPLES' REPUBLIC OF
ZANZIBAR

WHEREAS the Governments of the Republic of Tanganyika and of the Peoples' Republic of Zanzibar being mindful of the long association of the peoples of these lands and of their ties of kinship and amity, and being desirous of furthering that association and strengthening of these ties and of furthering the unity of African peoples have met and considered the union of the Republic of Tanganyika with the Peoples Republic of Zanzibar:

AND WHEREAS the Governments of the Republic of Tanganyika and of the Peoples' Republic of Zanzibar are desirous that the two Republics shall be united in one Sovereign Republic in accordance with the Articles hereinafter contained:-

It is therefore AGREED between the Governments of the Republic of Tanganyika and of the Peoples' Republic of Zanzibar as follows: -

- (i) The Republic of Tanganyika and the Peoples' Republic of Zanzibar shall be united in one Sovereign Republic.
- (ii) During the period from the commencement of the union until the Constituent Assembly provided for in Article (vii) shall have met and adopted a Constitution for the united Republic (hereinafter referred to as the interim period) the united Republic shall be governed in accordance with the provisions of Articles (iii) to (vi).
- (iii) During the interim period the Constitution of the united Republic shall be the Constitution of Tanganyika so modified as to provide for-
 - (a) a separate legislature and executive in and for Zanzibar from time to time constituted in accordance with the existing law of Zanzibar and having exclusive authority within Zanzibar for matters other than those reserved to the Parliament and Executive of the united Republic;
 - (b) the offices of two Vice-Presidents one of whom (being a person normally resident in Zanzibar) shall be the head of the aforesaid executive in and for Zanzibar and shall be the principal assistant of the President of the United Republic in the discharge of his executive functions in relation to Zanzibar;
 - (c) the representation of Zanzibar in the Parliament of the United Republic;
 - (d) such other matters as may be expedient or desirable to give effect to the united Republic and to these Articles.
- (iv) There shall be reserved to the Parliament and Executive of the united Republic the following matters-
 - (a) The Constitution and Government of the united Republic.
 - (b) External Affairs.
 - (c) Defence.
 - (d) Police.
 - (e) Emergency Powers.
 - (f) Citizenship.
 - (g) Immigration.
 - (h) External Trade and Borrowing.
 - (i) The Public Service of the united Republic.
 - (j) Income Tax, Corporation Tax, Customs and Excise.
 - (k) Harbours, Civil Aviation, Posts and Telegraphs.

And the said Parliament and Executive shall have exclusive authority in such matters throughout and for the purposes of the united Republic and in addition exclusive authority in respect of all other matters in and for Tanganyika.

- (v) The existing laws of Tanganyika and of Zanzibar shall remain in force in their respective territories subject-
 - (a) to any provision made hereafter by a competent legislature;
 - (b) to such provision as may be made by order of the President of the united Republic for the extension to Zanzibar of any law relating to any of the matters set out in Article (iv), and the revocation of any corresponding law of Zanzibar;
 - (c) to such amendments as may be expedient or desirable to give effect to the union and to these Articles.

- (v) (a) The first President of the united Republic shall be Mwalimu Julius K. Nyerere and he shall carry on the Government of the united Republic in accordance with the provisions of these Articles and with the assistance of the Vice-Presidents aforesaid and of such other ministers and officers as he may appoint from Tanganyika and Zanzibar and their respective public services.
- (b) The first Vice-President from Zanzibar to be appointed in accordance with the modifications provided for in Article (iii) shall be Sheikh Abeid Karume.
- (vi) The President of the united Republic; in agreement with the Vice-President who is head of the Executive in Zanzibar shall-
- (a) Appoint a Commission to make proposals for a Constitution for the united Republic.
- (b) Summon a Constituent Assembly composed of Representatives from Tanganyika and from Zanzibar in such numbers as they may determine to meet within one year of the commencement of the union for the purpose of considering the proposals of the Commission aforesaid and to adopt a Constitution for the united Republic.
- (vii) These Articles shall be subject to the enactment of laws by the Parliament of Tanganyika and by the Revolutionary Council of the Peoples' Republic of Zanzibar in conjunction with the Cabinet of Ministers thereof, ratifying the same and providing for the Government of the united Republic and of Zanzibar in accordance therewith.


IN WITNESS WHERE Julius K. Nyerere, the President of the Republic of Tanganyika, and Abeid Karume the President of the Peoples' Republic of Zanzibar have signed these Articles, in duplicate, at Zanzibar, on this twenty-second day of April, 1964.

Passed in the National Assembly on the twenty-fifth day of April, 1964.


 Clerk of the National Assembly

I hereby certify that the Bill for this Act was passed by the National Assembly in accordance with the provisions of section 35 of the Constitution.

25th April, 1964


 Speaker