

GOVERNMENT NOTICE No. 243 published on 1/5/64

J. 1/11/012

THE ACTS OF UNION OF TANGANYIKA AND ZANZIBAR

NOTICE

It is hereby notified that the following law was made by the Revolutionary Council of Zanzibar in conjunction with the Cabinet of Ministers thereof, on twenty-fifth day of April, 1964.

Dar es Salaam,
27th April, 1964

P. R. NINNES FIFOOT,
Ag. Solicitor-General

A LAW TO RATIFY THE ARTICLES OF UNION BETWEEN THE PEOPLE'S REPUBLIC OF ZANZIBAR AND THE REPUBLIC OF TANGANYIKA, TO PROVIDE FOR THE GOVERNMENT OF THE UNITED REPUBLIC OF ZANZIBAR, TO MAKE PROVISION FOR THE MODIFICATION AND AMENDMENT OF THE LAW OF ZANZIBAR FOR THE PURPOSE OF GIVING EFFECT TO THE UNION, AND FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO

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

THEREFORE, in exercise of its Supreme Authority in the People's Republic of Zanzibar, the Revolutionary Council in conjunction with the Cabinet of Ministers hereby makes the following Law:—

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

2. In this Law, unless the context otherwise requires— Interpreta-
tion

“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 any declaration or law, 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;

*[Reproduced from the Gazette of the United Republic of Tanganyika and Zanzibar. A similar ratification act, entitled Union of Tanganyika and Zanzibar Act, 1964, was enacted by Tanganyika on April 25, 1964. The Union came into effect on April 26, 1964.]

[The Articles of Union appear on page 768; the Transitional Provisions Decree, 1964, appears on page 770; and the Interim Constitution Decree, 1964, appears on page 772.]

**[Should read "Republic and." Ed.]

G.N. No. 243 (contd.)

- “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 Government of the People’s Republic of Zanzibar and the Republic of Tanganyika (which Articles are set out in the Schedule to this Act) are hereby approved and ratified.
- Declaration of the United Republic 4. The People’s Republic of Zanzibar and the Republic of Tanganyika shall, upon Union Day and forever after, be united into one Sovereign Republic by the name of the United Republic of Tanganyika and Zanzibar.
- Interim Constitution of the United Republic
Tanganyika C.A. Act 1 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, shall 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 the Republic of Tanganyika provided for in subsection (1) of this section shall be made by Decree of the President of the United Republic and the powers 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 (Con-^{Tanganyika}sequential, Transitional and Temporary Provisions) Act, 1962, ^{C.A. Act 2} of Tanganyika;
- (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.

6.—(1) The first President of the United Republic shall be Mwalimu ^{The admini-}
JULIUS KAMBARAGE NYERERE. ^{stration of}

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

(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 People's Republic of Zanzibar or the Republic of Tanganyika) as he shall think necessary and expedient.

G.N. No. 243 (contd.)

The
Legislature
and
Executive of
Zanzibar

7.—(1) Subject to the provisions of this section, the provisions of the Constitutional laws of Zanzibar relating to the legislative and executive authorities of the People's Republic of Zanzibar shall apply, after the commencement of the interim Constitution, to the Legislature and Executive for Zanzibar provided for in paragraph (b) of subsection (1) of section 5:

Provided that nothing in any Constitutional or other law of Zanzibar shall be construed as conferring upon, or empowering the exercise by, the Legislature or Executive for Zanzibar of any authority which, under the interim Constitution, is vested exclusively in the Parliament or Executive of the United Republic.

(2) In this section, the expression "Constitutional laws of Zanzibar" means—

(a) the Declaration of the Supreme Authority in the People's Republic of Zanzibar which was notified by General Notice No. 69 published in the *Zanzibar Gazette* on the twenty-fifth day of January, 1964;

(b) the Legislative Powers Law, 1964; and

(c) the Cabinet Decree, 1964; and

Presidential
Decrees
Nos. 4 and
5 of 1964

(d) the Constitutional Government and Rule of Law Decree, 1964 and any law made in accordance with any of the foregoing which amend or replace the same.

The laws
of the
United
Republic

8.—(1) Subject to the provisions of section 7 and of this section, on and after Union Day the existing law of Zanzibar and of Tanganyika shall continue to be the law in the territories of Zanzibar and of Tanganyika 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 law; and in particular, but without prejudice to the generality of the foregoing, as if the references to the President or Vice-President of the People's Republic of Zanzibar in the laws of Zanzibar relating to the Legislature and Executive for Zanzibar, or to any matter that is not a matter reserved in accordance with the provisions of paragraph (a) of subsection (1) of section 5 to the Parliament or Executive of the United Republic, were references to the President of Zanzibar as head of the Executive for Zanzibar or his deputy respectively.

(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;

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- (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 East African Common Services Organization, that Decree shall have effect so as to amend that law 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 provision of the Interpretation and General Clauses Ordinance of Tanganyika.
- 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.
- (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 President of Zanzibar as 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 of the United Republic, or the Legislature for Zanzibar, as such, of 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 and this Law shall expire.
- 10.—(1) Decrees of the President of the United Republic made in accordance with the provisions of this Law—
- (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 Law;

Tanganyika
Cap. 1Constituent
AssemblyDecrees
of the
President

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(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 of Tanganyika shall apply in relation to such Decrees.

THE SCHEDULE

ARTICLES OF UNION

between

THE REPUBLIC OF TANGANYIKA AND THE PEOPLE'S REPUBLIC OF ZANZIBAR

WHEREAS the Governments of the Republic of Tanganyika and of the People's 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 these ties and of furthering the unity of African peoples, have met and considered the union of the Republic of Tanganyika with the People's Republic of Zanzibar.

AND WHEREAS the Governments of the Republic of Tanganyika and of the People's 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 People's Republic of Zanzibar as follows:—

- (i) The Republic of Tanganyika and the People's 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 as 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.
- (vi) (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 (vii) shall be Sheikh ABUJID KARUME.
- (vii) 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.
- (viii) These Articles shall be subject to the enactment of laws by the Parliament of Tanganyika and by the Revolutionary Council of the People's 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 WHEREOF Julius K. Nyerere, the President of the Republic of Tanganyika, and Abeid Karume, the President of the People's Republic of Zanzibar, have signed these Articles, in duplicate, at Zanzibar, on this twenty-second day of April, 1964.

GOVERNMENT NOTICE No. 245 published on 1/5/64

J. 1/11/012'

THE ACTS OF UNION OF TANGANYIKA AND ZANZIBAR, 1964

DECREE

Under sections 6 (3) and 8 of the said Acts

THE TRANSITIONAL PROVISIONS DECREE, 1964

- | | |
|---|--|
| Title | 1. This Decree may be cited as the Transitional Provisions Decree, 1964, and shall come into operation on Union Day. |
| Interpreta-
tion | 2. This Decree shall be read as one with the interim Constitution. |
| Offices | <p>3.—(1) Every person who holds office in the service of the Republic of Tanganyika immediately before Union Day shall, on Union Day, be deemed to have been elected, appointed or otherwise selected to the corresponding office in the service of the United Republic.</p> <p>(2) The President may create additional offices in the service of the United Republic having responsibilities for Union matters and may, after consultation with the President of Zanzibar, appoint to such offices persons who immediately before Union Day held office in the service of the People's Republic of Zanzibar.</p> <p>(3) The existing laws of the Republic of Tanganyika relating to employment of persons holding office in the service of Tanganyika (including those laws relating to superannuation benefits) shall apply to employment in the service of the United Republic and, in relation to such service, shall extend to Zanzibar.</p> <p>(4) Nothing in this section shall apply to any office in the Armed Forces or the Police Forces of the Republic of Tanganyika or the People's Republic of Zanzibar.</p> |
| Existing
Vice-
President of
Tanganyika | 4. The Vice-President of the Republic of Tanganyika shall, on Union Day, be deemed to have been appointed a Vice-President of the United Republic and to have been appointed to be the principal assistant of the President in the discharge of his executive functions in relation to Tanganyika and the leader of Government business in the National Assembly. |
| Police Force | 5.—(1) The members of the Police Forces of the Republic of Tanganyika and the People's Republic of Zanzibar shall on Union Day be deemed to have been appointed to the Police Force of the United Republic. |

G.N. No. 245 (contd.)

(2) The Minister of the Government of the United Republic for the time being responsible for the Police Force shall make such provisions as shall be necessary or expedient for the amalgamation of the said Police Forces and, pending such provision, the several commanders of the said Police Forces shall exercise within the respective territories of Tanganyika and Zanzibar the powers appertaining to their commands.

(3) The provisions of the Police Force Ordinance of Tanganyika ^{Cap. 322} which relate to the establishment, composition and discipline of the Police Force and its members shall extend to Zanzibar.

6.—(1) The High Court of the Republic of Tanganyika shall, on ^{The High} Union Day, become the High Court of the United Republic and the ^{Court} judges and officers thereof the judges and officers of the High Court of the United Republic.

(2) The High Court of the United Republic shall, in addition to the jurisdiction conferred on it by the interim Constitution, have jurisdiction throughout Tanganyika in matters conferred on the High Court of Tanganyika by the existing laws of Tanganyika and throughout the United Republic in respect of Union matters.

7. All proceedings pending immediately before Union Day in any ^{Legal} court established in Tanganyika or Zanzibar may be continued on ^{proceedings} and after Union Day in the court having jurisdiction in such matter.

8. Where any matter or thing has been commenced or any step ^{Pending} has been taken before Union Day by any person or authority having ^{matters} power in that behalf under existing law such thing or matter may be carried on and completed and such further steps taken by the person or authority having power in that behalf on or after Union Day and, unless the President in any case otherwise directs, it shall not be necessary for the later person or authority to reconsider or commence such matter or thing or take any such step *de novo*.

9. All property and rights to property of every description of the ^{Property} Republic of Tanganyika, and all property and rights to property of ^{and} the People's Republic of Zanzibar owned or employed or principally ^{contracts} owned or employed in connection with Union matters, shall on Union Day vested in the United Republic.

10. Until Parliament prescribes a public seal for the United Republic, ^{Public} the public seal of the Republic of Tanganyika may be used for the ^{Seal} purposes of the United Republic.

11. Notwithstanding the provisions of any law (including the provi- ^{Oath} sions of a law to which the interim Constitution refers) no person shall be precluded from exercising the functions of his office in the service of the United Republic by reason of his not having taken an oath of allegiance, judicial oath or any oath of office in respect of the United Republic, if he has taken the corresponding oath in relation to the service of the Republic of Tanganyika.

Dar es Salaam,
26th April, 1964

J. K. NYERERE,
President

GOVERNMENT NOTICE No. 246 published on 1/5/64

J. 1/11/012

THE ACTS OF UNION OF TANGANYIKA AND ZANZIBAR, 1964

DECREE*Under the sections 5 of the said Acts*

THE INTERIM CONSTITUTION DECREE, 1964

- Title** 1. This Decree may be cited as the Interim Constitution Decree, 1964, and shall come into operation on Union Day.
- Construction of C.A. Act 1** 2. Subject to the provisions of this Decree, the Constitution of Tanganyika shall have effect from the commencement of the interim Constitution as if—
- (a) the references to Tanganyika, other than the references in section 25 (1) (c) (i), 32 and 68 (3), were references to the United Republic of Tanganyika and Zanzibar; and
- (b) the references to the Republic were references to the United Republic.
- The United Republic** 3. Section 1 of the Constitution of Tanganyika is hereby revoked and replaced by the following new section:—
- "Declara-
tion of
United
Republic
1. Tanganyika and Zanzibar are one united Sovereign Republic."
- The President of the United Republic** 4. Section 3 of the Constitution of Tanganyika is hereby amended by deleting subsection (2) and by substituting therefor the following new subsection:—
- “(2) Executive power with respect to all Union matters in and for the United Republic and with respect to all other matters in and for Tanganyika is vested in the President.”
- Election of President** 5. Section 4 of the Constitution of Tanganyika is hereby amended by adding, immediately below subsection (6), the following new subsection:—
- “(7) For the purposes of the provisions of this section relating to an election held otherwise than on the dissolution of Parliament, the members of the National Assembly appointed to represent Zanzibar shall be deemed to be elected members of the National Assembly.”
- First President** 6. Section 6 of the Constitution of Tanganyika is hereby revoked and replaced by the following new section:—
- "First
President
6. Notwithstanding the foregoing provisions of this Part, JULIUS KAMBARAGE NYERERE shall be the first President of the United Republic of Tanganyika and Zanzibar.”

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G.N. No. 246 (contd.)

7. Section 7 of the Constitution of Tanganyika is hereby amended as follows:—

- (a) by deleting paragraph (a) of subsection (1) and by substituting therefor the following new paragraph:—

“(a) the First Vice-President of the United Republic;”;

- (b) by deleting the words “Vice-President” and “the Vice-President” wheresoever they occur in subsections (1) (other than paragraph (a) thereof, (2), (3) and (4) and by substituting therefor the words “the First Vice-President”;

- (c) by deleting the words “the Vice-President” and “The Vice-President” in subsections (5) and (6) and by substituting therefor the words “a Vice-President” and “A Vice-President” respectively;

- (d) by adding, immediately below subsection (6), the following new subsection:—

“(7) Notwithstanding the provisions of subsection (1) or (3), where the said First Vice-President is unable to discharge the functions of the office of President in any of the circumstances specified therein, the other of the Vice-Presidents shall be appointed to discharge those functions if he is present and able to act.”.

8. The title of Part III of the Constitution of Tanganyika is hereby deleted and there is substituted therefor the following:—

“THE EXECUTIVE OF THE UNITED REPUBLIC”.

9. Section 11 of the Constitution of Tanganyika is hereby amended as follows:—

- (a) by deleting subsection (1) and by substituting therefor the following new subsections:—

“(1) There shall be two Vice-Presidents of the United Republic one of whom shall be the principal assistant of the President in the discharge of his executive functions in relation to Zanzibar and, under the style of President of Zanzibar, the head of the Executive for Zanzibar, and the other shall be the principal assistant of the President in the discharge of his executive functions in relation to Tanganyika and the leader of Government business in the National Assembly.

(1A) Subject to the provisions of section 12A, the President shall appoint one of the Vice-Presidents to be the First Vice-President for the purposes of this Constitution.”;

- (b) by inserting, immediately after the word “Minister” in subsection (2), the words “in the Government of the United Republic”; and

- (c) by deleting the words “Vice-President” in subsection (3) and by substituting the words “Vice-Presidents”.

G.N. No. 246 (contd.)

Inaugural
First Vice-
President

10. The Constitution of Tanganyika is hereby amended by adding, immediately below section 12, the following new section:—

“Inaugural
First Vice-
President

12A.—(1) On the commencement of the interim Constitution, Sheikh ABEID KARUME shall assume office as a Vice-President of the United Republic and as the principal adviser of the President in the discharge of his executive functions in relation to Zanzibar and, under the style of President of Zanzibar, first head of the Executive for Zanzibar.

(2) So long as Sheikh ABEID KARUME holds such offices aforesaid, he shall be the First Vice-President of the United Republic.

(3) On the commencement of the interim Constitution, the President shall appoint Sheikh ABEID KARUME one of the members of the National Assembly of the United Republic to represent Zanzibar as provided for in section 33A of this Constitution.”.

Appoint-
ment of
Ministers
and
junior
ministers

11. Section 13 of the Constitution of Tanganyika is hereby amended by deleting subsection (1) and by substituting therefor the following new subsection:—

“(1) Subject to the provisions of section 12A, the President shall appoint the Vice-Presidents and the other Ministers, and the junior ministers, from among the members of the National Assembly:

Provided that—

- (a) the person appointed to be a Vice-President and the head of the Executive for Zanzibar shall, in addition, be a person who is normally resident in Zanzibar; and
- (b) the person appointed to be a Vice-President and the leader of Government business in the National Assembly shall be appointed from among the elected members of the National Assembly.”.

The
Cabinet

12. Section 15 of the Constitution of Tanganyika is hereby amended as follows:—

- (a) by deleting the words “Vice-President” in the first line of subsection (1) and by substituting therefor the words “Vice-Presidents”; and
- (b) by deleting the words “the Vice-President or some other Minister” in subsection (1) and by substituting therefor the words “a Minister”.

Oaths of
office

13. Section 16 of the Constitution of Tanganyika is hereby amended by deleting the words “The Vice-President” and by substituting therefor the words “A Vice-President”.

G.N. No. 246 (contd.)

14. Section 19 of the Constitution of Tanganyika is hereby amended by adding, immediately below subsection (2), the following new subsection:—

Prerogative
of Mercy

“(3) The provisions of this section shall apply to persons convicted and punished and punishments imposed in Zanzibar under a law of the Parliament of the United Republic or a law of Tanganyika which extends to Zanzibar and to persons convicted and punished and punishments imposed in Tanganyika.”

15. The title of Part IV of the Constitution of Tanganyika is hereby deleted and there is substituted therefor the following:—

The
Legislature
of the
United
Republic

“THE LEGISLATURE OF THE UNITED REPUBLIC”.

16. Section 20 of the Constitution of Tanganyika is hereby amended by deleting subsection (2) and by substituting therefor the following new subsection:—

Functions
of Parlia-
ment

“(2) Legislative power with respect to all Union matters in and for the United Republic and with respect to all other matters in and for Tanganyika is vested in Parliament.”.

17. Section 21 of the Constitution of Tanganyika is hereby amended by deleting the full stop at the end of subsection (1), substituting therefor a semi-colon and the word “and”, and by adding the following new paragraph:—

National
Assembly

“(c) members appointed in accordance with section 33A to represent Zanzibar.”.

18. Section 32 of the Constitution of Tanganyika is hereby amended by inserting, immediately after the word “members” in paragraph (a) of subsection (1), the following:—

Constitu-
encies

“or members appointed in accordance with section 33A”.

19. The Constitution of Tanganyika is hereby amended by adding, immediately below section 33, the following new section:—

Members
appointed to
represent
Zanzibar“Members
appointed
to represent
Zanzibar

33A.—(1) Notwithstanding the foregoing provisions of this Part, the President of the United Republic may appoint persons who are normally resident in Zanzibar to represent Zanzibar in the National Assembly.

(2) A member appointed under this section shall vacate his seat in the National Assembly—

- (a) if he is under a declaration of allegiance to some country other than the United Republic;
- (b) if he is elected President of the United Republic;
- (c) if his appointment is revoked by the President of the United Republic.

G.N. No. 246 (contd.)

(3) Subject to the provisions of subsection (3) of section 12A, the power of the President of the United Republic to make and revoke appointments under this section shall be exercised, at all times when there is a President of Zanzibar in office, with the agreement of the President of Zanzibar."

Legislature
and
Executive for
Zanzibar

20. The Constitution of Tanganyika is hereby amended by adding, immediately below section 45, the following new Part:—

"PART IVA.—THE LEGISLATURE AND EXECUTIVE FOR ZANZIBAR

The
Legislature
and
Executive for
Zanzibar

45A.—(1) There shall be a Legislature and an Executive for Zanzibar.

(2) The head of the Executive for Zanzibar shall be the Vice-President of the United Republic appointed for that purpose, and he shall be styled the President of Zanzibar.

(3) Subject to the provisions of this section, the Legislature and the Executive for Zanzibar shall be respectively constituted in accordance with the provisions of the law in force in Zanzibar immediately before Union Day relating to the legislative and executive authorities of the People's Republic of Zanzibar, as modified by section 7 and 8 of the Union of Zanzibar and Tanganyika Law, 1964, of Zanzibar; and the constitution of the said Legislature and Executive may be varied from time to time in accordance with the provisions of any such law.

Legislative
and
executive
powers

45B.—(1) Legislative power with respect to all matters in and for Zanzibar other than Union matters is vested in the Legislature for Zanzibar.

(2) Executive power with respect to all matters in and for Zanzibar other than Union matters is vested in the Executive for Zanzibar."

Judicial
offices

21. Section 53 of the Constitution of Tanganyika is hereby amended by deleting the full stop at the end of the proviso to subsection (2), substituting therefor a colon and by adding the following new proviso:—

"Provided further that this section shall not apply to any such office or magistrate of a court in Zanzibar."

Taxation

22. Section 54 of the Constitution of Tanganyika is hereby amended by deleting the full stop at the end thereof, substituting a colon therefor, and by adding the following proviso:—

"Provided that nothing in this section shall be construed as restricting any power of the Legislature for Zanzibar to impose any tax within the limits of its competence."

Interpreta-
tion

23. Section 68 of the Constitution of Tanganyika is hereby amended by inserting, in their appropriate alphabetical positions in subsection (1), the following new definitions:—

"'President' means the President of the United Republic;

"'Tanganyika' means that part of the United Republic which formerly comprised the Republic of Tanganyika;

'Union matters' means matters relating to—

- (i) This Constitution and the 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;

'Zanzibar' means that part of the United Republic which formerly comprised the People's Republic of Zanzibar."

24. Section 69 of the Constitution of Tanganyika is hereby repealed and replaced by the following new section:—

"Title 69. This Act may be cited as the Interim Constitution of the United Republic of Tanganyika and Zanzibar, 1964."

25.—(1) The first National Assembly of the United Republic shall comprise the National Assembly of the Republic of Tanganyika as constituted immediately before Union Day augmented by members appointed, in accordance with section 33A of the interim Constitution, to represent Zanzibar; and the Speaker, Deputy Speaker and members of the National Assembly shall hold their respective offices and seats in accordance with the provisions of the interim Constitution.

(2) This section shall have effect in continuation of sections 19 (1), 20 and 21 of the Republic of Tanganyika (Consequential, Transitional and Temporary Provisions) Act, 1962.

Dar es Salaam,
26th April, 1964

J. K. NYERERE,
President