

THE PARLIAMENTARY IMMUNITIES, POWERS AND
PRIVILEGES (AMENDMENT) ACT, 2004

ARRANGEMENT OF SECTIONS

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SCHEDULE

THE UNITED REPUBLIC OF TANZANIA



No. 3 OF 2004

Benjamin W. Mkapa I ASSENT

President

14th April, 2004.

An Act to amend the Parliamentary Immunities, Powers and Privileges Act, 1988 and for other related matters.

[.....]

Enacted by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Parliamentary Immunities, Powers and Privileges (Amendment) Act, 2004 and shall be read as one with the Parliamentary Immunities Powers and Privileges Act, 1988 hereinafter referred to as the "principal Act".

Short title
Act No. 3
of 1988

PART II

AMENDMENT OF PART I

2. The principal Act is amended in section 2 by -

(a) adding immediately after the definition of the word
"Assembly" the following definition -

"Code of conduct" means the code of conduct for
Members of Parliament established under section
12A.

Amend-
ment of
section 2

- (b) deleting the definition of the word “Committee” and substituting for it the following -

“Committee” means a Standing, Committee or other committee of the Assembly established in accordance with Article 89 of the Constitution, and includes a Select Committee of the Assembly.

- (c) by adding immediately after the definition of the word

“member” the following:

“Minister” means the minister responsible for the Parliamentary affairs;

PART III
AMENDMENT PART II

Addition
of section
3A

- 3.** The principal Act is amended in section 3 by adding immediately after this section the following new section.

Provi-
sion in
relation
to flag of
the
National
Assembly

3A (1) There shall be a Flag of the National Assembly which shall be of the description specified in the Schedule to this Act.

(2) Subject to the provisions of any written law regulating the use, flying or hoisting of the national flag, the flag of the National Assembly may be hoisted at any building which is designated for use as office of the National Assembly within the United Republic.

(3) Subject to subsections (2) and (4), the flag of the National Assembly may be used by a member while he-

(a) is in his office within a constituency to which he is elected or in another office designated for use by members of Parliament at the District or Regional Headquarters;

(b) is in his personal car while proceeding on a journey within the United Republic.

(4) The Flag of the National Assembly shall not be used by a member while traveling within the City of Dar es

Salaam, the Municipality of Dodoma, the Municipality of Zanzibar or in such other places where there are restrictions under the law or practice regarding the use of flags;

“(5) Without prejudice to the provisions of subsections (2), (3), and (4), the National Assembly may make regulations for the better carrying out of the purposes of this Act.”

5. The principal Act is amended in subsection 5, by deleting the word “may” appearing between the words “proceeding” and “be” and substituting for it the word “shall”.

Amend-
ment of
section 5

6. The principal Act is amended in section 12 by adding immediately after subsection (4) the following new subsections -

Amend-
ment of
section 12

(5) Where the Attorney General upon request from the Speaker made under subsection (3), takes any step necessary to bring to trial any person in connection with the commission of any offence under this Act, he may inform the Speaker on the step so taken under subsection (4).

(6) The court of competent jurisdiction for offences committed under this Act, shall be as so prescribed by the law”.

7. The principal Act is amended by adding immediately after section 12 the following new section -

Addition
of section
12A

“Code of
conduct

12A The Assembly may by resolution adopt a code of conduct for Members of Parliament.

PART IV

AMENDMENT OF PART III

8. The principal Act is amended in section 20 -

Amend-
ment of
section 20

“(3) A member or any other person may within thirty days from the date on issuance of the certificate, petition on the ground that the certificate was wrongly issued;”-

(4) On receiving the petition, the Speaker shall, if he is satisfied that-

(a) the certificate was issued to the witness after giving a false representation; or

(b) the evidence adduced by the witness was calculated at misleading the Assembly or Committee,

Cap.16 cancel the certificate and such witness shall be guilty of an offence and be punished as if he has committed an offence under section 122 of Penal Code,

Provided that, before the Speaker cancels the certificate, shall consult the Attorney General;"

(b) by renumbering subsection (3) as subsection (5);

(c) by adding immediately after subsection (5) as renumbered the following subsection-

"(6) Where the certificate is cancelled under subsection (3), the witness to whom the certificate was issued shall not be accorded with any protection provided for under subsection (4)."

PART V

AMENDMENT OF PART IV

Addition
of a
section
30A

9. The principal Act is amended by adding immediately after section 30 the following new section -

"Powers
of the
Assembly

30A.-(1) Where any member commits any contempt of the Assembly whether specified in section 24 or otherwise, the Assembly may, by resolution, either direct the Speaker to reprimand such member or suspend him from the service of the Assembly for such period as it may determine:

Provided that, such period shall not extend beyond the last day of the session next following that in of which the

resolution was passed or of the Session in which the resolution is passed, as the Assembly may so determine.

(2) Where a member is suspended from his service under the provisions of this section as such, he shall be paid a half salary in respect of any period during which he is suspended from the service of National Assembly.

(3) Where any person not being a member commits an offence of contempt, whether specified in section 24 or otherwise; the Assembly may by resolution, direct the Speaker to order such person to appear before the Assembly and shall, upon such attendance, reprimand him before the Assembly."

10. The principal Act is amended in section 31

Amend-
ment of
section 31

- (a) by deleting the words on "conviction be liable to a fine not exceeding ten thousand" appearing in the closing phrase and substituting for them the words "on conviction be liable to a fine not exceeding five hundred thousand."
- (b) by designating section 31 as subsection (1);
- (c) by adding the following subsection:-

"(2) Any person, who uses the Flag of the National Assembly contrary to section 3A or the regulation made in relation to the use of such flag, commits an offence and shall on conviction be liable to a fine not exceeding five hundred thousand shillings or to imprisonment to a term not exceeding three years or to both such fine and imprisonment."

11. The principal Act is amended by repealing section 32 and substituting for it the following -

Repeal
and
replace-
ment
section 32

Accepta-
nce of
bribes by
member

"32. Any member who accepts or agrees to accept or obtains or attempts to obtain for himself or for any other person any bribe, fee, compensation, reward or benefit of any kind for speaking, voting or acting as such member or for refraining from so speaking, voting or acting on account of his having so spoken, voted or acted or having so refrained, commits an offence and shall be liable on

conviction to a fine not exceeding three million shillings or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.”

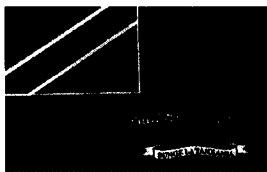
12. The principal Act is amended by adding the following Schedule

Addition
of the
Schedule

SCHEDULE

(Made under section 3A)

A rectangular blue-colour based flag containing a small-size inside flag design of the National Flag at the left hand upper corner, a golden Parliamentary Mace and a ribbon design reading "Bunge la Tanzania at the right hand lower corner. of the following design:



Passed in the National Assembly on the 11th February, 2004


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Clerk of the National Assembly