
THE UNITED REPUBLIC OF TANZANIA

No. 4E

16th October, 2018

SPECIAL BILL SUPPLEMENT

to the Gazette of the United Republic of Tanzania No.4E. Vol.99 dated 16th October, 2018
Printed by the Government Printer, Dodoma by Order of Government

THE POLITICAL PARTIES (AMENDMENT) ACT, 2018

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NOTICE
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This Bill to be submitted to the National Assembly is published for general information to the public together with a statement of its objects and reasons.

Dodoma,
15th October, 2018

JOHN W. H. KIJAZI
Secretary to the Cabinet

A BILL

for

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, 2018 and shall be read as one with the Political Parties Act, hereinafter referred to as the “principal Act”.

PART II
GENERAL AMENDMENTS

Amendment 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 administrative 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) register political parties in accordance with this Act and any other written law;
- (b) supervise the administration and implementation of this Act;
- (c) monitor intra-party elections and nomination process;
- (d) disburse and monitor accountability of Government subvention to political parties which qualify under this Act;
- (e) monitor income and expenditures of political parties and accountability of party resources;
- (f) provide civic education regarding multiparty democracy, laws governed by the Registrar and related matters;

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- (g) regulate civic education provided to political parties;
 - (h) advise the Government on issues related to political parties and multiparty democracy;
 - (i) facilitate communication between political parties and the Government;
 - (j) undertake research on political parties, multiparty democracy and political parties financing;
 - (k) provide secretariat to the Political Parties Council; and
 - (l) undertake any other functions conferred by this Act or any other written law.
- (b) renumbering subsection (5) as subsection (6).

Amendment of section 5

4. The principal Act is amended in section 5 by deleting the words “assistant registrars” appearing in the marginal note and in the contents of section 5 and substituting for them the word “directors”.

Addition of new sections 5A and 5B

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

“Regulation of civic education”

5A.-(1) A person or institution registered within or outside the United Republic wishing 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 in writing stating the objective and kind of training, training programme, persons involved in such training, teaching aids 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 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.

(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, a leader or a member any information as may be required for implementation of this Act.

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

(3) Any person, being a person having the mandate of his political party, who contravenes this section or provides false information to the Registrar, commits an offence and is

liable, on conviction 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.

(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.

(5) The Registrar may, where a political party contravenes subsection (4), suspend or deregister such political party.”

Repeal and replacement of section 6

6. The principal Act is amended by repealing section 6 and replacing for it the following:-

“Protection of officers

6. No suit shall lie against the Registrar, Deputy Registrar, Director or other officers under the Registrar for anything done or omitted to be done in good faith in the performance of any function under this Act.”

Addition of new Part IIA

7. 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 the party constitution; and
- (b) in the case of the party national executive committee, be enactment and amendment of the party rules.

(5) A political party shall promote the union of the United Republic, the Zanzibar Revolution, democracy, good governance, anti-corruption, ethics, patriotism, uhuru torch national peace and tranquility, in the-

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

(6) A political party shall not function as a pressure or activist group.

(7) For purposes of subsection (6), a pressure group or activist group means a group of people that influences public opinion or Government action in the interest of a particular cause.

Qualification
of people
applying for
registration of
political party

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

- (a) both parents of that person are a citizen of the United Republic by birth;
- (b) that person is a person of sound mind;
- (c) that person has not been declared bankrupt by the court of competent jurisdiction;
- (d) that person has attained or is above the age of twenty-one years;
- (e) that person can read and write in kiswahili; 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 or evading tax.

Restrictions
in party
membership
and
participation

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

- (a) is a citizen of the United

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in political
parties
activities

Republic; and

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

(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 the provisions of this section, 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

8. 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 immediate 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) The Registrar may refuse an application for registration of a political party if the name of a political party, the abbreviation of the name or its symbol-

- (a) is obscene or offensive;
- (b) is used by another political party registered under this Act or any other legal entity registered under any other written law; or
- (c) has been used by a political party which has been deregistered or its certificate of registration has expired;

(c) renumbering subsection (5) as subsection (7).”

Amendment of section 8A

9. 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

10. 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 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.”

Addition of sections 8C, 8D

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

and 8E

“Mainten-
ance 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 (4), 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 but not exceeding six months or to both.

Contents of
constitution
and rules of
political party

8D.-(1) The constitution of a political party shall provide for all the matters specified in the regulations made under 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.

(4) A political party which contravenes subsection (2) shall be deregistered.

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 year but not exceeding twenty years or to both.”

Amendment of section 9

12. 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)-
 - (i) in the opening phrase by deleting the word “constitution” and substituting for it the words “constitution, rules and”
 - (ii) by deleting paragraph (f) and substituting for it

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the following:

- “(f) it allows its leaders and members to utter or use obscene language, vindictive, defamatory or inciting words and symbols which are likely to cause or lead to disruption of peace and erosion of national unity;
- (g) it uses or accept the use of or advocates for the use of religion or religious organisations to further its objectives.”

Amendment of section 10

13. The principal Act is amended in section 10-

(a) 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-

- (i) half of regions of the United Republic out of which at least two regions are in Tanzania Zanzibar being one region from Unguja and Pemba; and
- (ii) one region is from each zone in Mainland Tanzania specified in the regulations made under this Act;”

Amendment of section 10A

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

- “(e) not declared bankrupt by a court of competent jurisdiction;
- (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.”

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Addition of section 10B

15. 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, at any time with adequate notice verify a political party to ensure compliance with the conditions for its registration.”

Amendment of
section 11

16. 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

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

“Merging of
political
parties

11A.-(1) A political party fully registered in accordance with this Act may, within twenty one days prior to nomination of candidates for general election, be entitled to merge with another fully registered political party.

(2) Where the parties decide to merge as provided for under subsection (1), the parties shall enter into an agreement to that effect in the manner as may be prescribed under this Act.

(3) The decision to merge shall be made by a national general meeting of each political party intending to merge, and shall be in writing and duly executed by persons authorized by the political parties to execute agreements on behalf of each political party intending to merge.

(4) The Registrar may, upon satisfaction with the contents of the agreement and that the parties have

complied with prescribed conditions for merger, provisional and full registration of a new political party, register a new party in the name as may be preferred in the agreement and issue a certificate of full registration thereof.

(5) Upon registration and issuance of a certificate of fully registration to a new party under subsection (4), the Registrar shall deregister merged political parties and publish in the *Gazette* deregistration of merged political parties and registration of a new party formed after the merger.

Cessation of merged parties

11B.-(1) The political parties merged in accordance with the provisions of this Act shall, with effect from the date of registration of the new party, cease to exist and all political leaders elected, appointed or nominated before the merger of such political parties shall be deemed to have vacated their positions.

(2) Members of a political party which has ceased to exist under the provisions of subsection (1) shall cease to be members of that political party and may be members of the new party after being issued with membership card of the new party.

(3) The properties and assets of a political party which has ceased to exist by virtue of this section shall be properties and assets of a new political party.

(4) The term “political leader” as used in subsection (1) means a person elected, nominated or appointed to hold a position in a political office including offices of the president, member of

parliament, member of house of representative, a councilor or other political office within a local government authority including a township, a mtaa, a village and kitongoji.

Coalition of political parties

11C.-(1) Political parties may form a coalition for the purpose of achieving a common political goal.

(2) The Minister may make regulations prescribing the manner of forming coalition of political parties.”

Amendment of section 11C

18. 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

19. 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 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

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

Addition of section 12C

21. 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

22. 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

23. 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

24. 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 or unspecified period where he believes 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 qualified or 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.

(9) The Minister may make regulations prescribing procedures for better carrying out the provisions of this section.”

Repeal and
replacement of
section 18A

25. 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

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received the report from the Controller and Auditor General.”

Amendment of section 19

- 26.** The principal Act is amended in section 19, by-
- (a) designating the contents of section 19 as subsection (1);
 - (b) adding immediately after subsection (1) as designated the following:

“(2) Subject to subsection (1), the Registrar may cancel registration of political party which obtained its registration in a fraudulent manner.”
 - (c) renumbering subsections (2) and (3) as subsections (3) and (4) respectively.

Addition of section 19A

27. The principal Act is amended by adding immediately after section 19 the following new subsection:-

“Suspension of registration

19A.-(1) The Registrar may suspend registration of a political party for a specified number of days to enable the party to remedy the breach as specified in the notice issued by the Registrar.

(2) A political party that has been suspended under subsection (1) shall not be entitled to any of the rights and privileges specified in this Act.

(3) The Registrar shall deregister a political party which has not remedied the breach or complied with the Act as required by the Registrar under subsection (1).”

Amendment of section 21

28. 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.”

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Repeal of
section 21A

29. The principal Act is amended by repealing section 21A.

Amendment
section 21B

30. 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

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

“Offences
and penalties

21D.-(1) Any office bearer who
fails to comply with the directive or
request of the Registrar made under this
Act or submits a statement which is
false in any material or particulars
commits an offence.

(2) Without prejudice to any
other penalty provided in this Act, a
political party which makes a statement
which is false in material particulars,
commits an offence and is liable upon
conviction to a fine not less ten million
and not exceeding fifty million
shillings.

(3) 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.

(4) 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
of members
of political
party

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) The Minister may make regulations prescribing procedures for suspension of members of political parties.”

Amendment of
section 22

32. 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 inserting immediately after paragraph (j) the following:

“(k) prescribing matters to be contained in party constitution;

(d) by renaming paragraph (k) as paragraph (l).

—————
OBJECTS AND REASONS
—————

This Bill proposes to amend the Political Parties Act, Cap.258 with the aim of removing legal challenges under the Act for better implementation of the Act.

This Bill is divided into Two Parts.

Part I deals with preliminary provisions.

Part II proposes general amendments by amending various provisions of the Act.

Section 3 is proposed to be amended by adding the definition of the terms “political party general meeting”, “National Executive Committee” and “founding member of a political party” which have been used in various provisions of the Act.

Section 4 is proposed to be amended by adding a new provision which states the functions of the office of the Registrar which include registration of political parties, providing civic education, monitoring the conducts of political parties and supervising the administration and implementation of this Act.

Section 5 and 6 is proposed to be amended with a view of discontinuing the use of the term “assistant registrars” and instead introducing the term “directors”.

The Bill proposes to add new sections 5A and 5B to require any institution intending to give civil education to inform the Registrar and to enable the Registrar to request for information from any political party. The objective of the proposed amendment is to empower the Registrar to regulate the provision of civil education.

The Bill also proposes to introduce a new Part IIA which deals with formation of political parties, whereby the proposed section 6A

requires political parties to adhere to the Constitution of the United Republic, the Constitution of Zanzibar and the Political Parties Act and restricts political parties from functioning as activist groups. The proposed section 6B provides for qualifications of a person applying for registration of a political party and section 6C provides for qualifications of a person to be a member of a political party and also restricts participation of non citizens in the activities of a political party.

Section 8 is proposed to be amended to provide for validity of provisional registration to parties which have applied for full registration and those which have not applied for full registration and also grounds for which the Registrar may refuse an application for registration of a political party.

Section 8A is proposed to be amended to provide for registers which shall be kept and maintained by the Registrar. The registers include a register of political parties, a register of national leaders, a register of members of political parties national organs and a register of members of board of trustees of political parties.

Section 8B is proposed to be amended to increase the penalty for failure of national leaders of political parties to submit forms for registration to the Registrar and for engaging in political activities without being registered. Furthermore, the Bill proposes to introduce new sections 8C, 8D and 8E to provide for registers which shall be maintained by every political party, contents of the constitution of a political party and restriction of political parties to form security groups. The proposed provisions also provide for penalties for failure to comply with the respective provisions.

Section 9 is proposed to be amended to ensure membership to political parties is also open to persons with disabilities and also ensure that a political party that allows erosion of national unity and uses religion to further its objectives does not qualify for provisional registration.

Section 10 is proposed to be amended to require a political party to obtain not less than two hundred members who are qualified to be

registered as voters from regions in both mainland Tanzania and Tanzania Zanzibar so as to qualify for full registration.

Section 10B is proposed to empower the Registrar to verify political parties so as to ensure compliance with the conditions of their registration.

The Bill proposes to amend section 10A to add grounds for qualifications of a person who contests for election as a leader of a political party. The objective is to exclude persons declared bankrupt and those disqualified from holding public offices from contesting for leadership in political parties.

Section 11 is amended to incorporate in its provisions the House of Representatives election and members of representatives of Zanzibar.

Section 11A and 11B are amended and section 11C is introduced to provide for merging of political parties, cessation of merged parties and coalition of political parties. According to the proposed amendment, the decision to merge shall be made at a national general meeting and the merged political parties shall be deregistered upon the registration of the new party formed. Further the manner of coalition of political parties shall be prescribed in the regulations.

The Bill proposes to repeal section 12 and to introduce section 12A and section 12C that requires political parties to submit to the Registrar a declaration of all assets and expenditure.

Section 13 is also proposed to be amended to include funds obtained from any source within the United Republic among funds which have to be disclosed to the Registrar and requiring every political party to appoint an accounting officer to manage party resources.

The Bill also proposed to amend section 15 to require a political party to maintain a separate bank account for deposit and expenditure of Government subvention.

Section 18 is proposed to be amended to empower the Registrar to suspend grant of subvention to a political party where there is reason to believe that the party is not able to account for such funds, and also request the CAG to carry out a special audit.

Section 18A is proposed to be amended to provide for the financial year of a political party and requiring submission of financial statements to the CAG and audited reports to the Registrar.

Section 19 is proposed to be amended to empower the Registrar to cancel the registration of a political party which obtained registration fraudulently. Further a new section 19A is proposed to be added to enable the Registrar to suspend registration of a political party which breaches or does not comply with the Act.

Section 21 is proposed to be amended with the view of restricting political party leaders from being members of the board of trustees of a political party. The Bill also proposes to repeal section 21A. Section 21B is proposed to be amended to provide for funding of the Council.

New sections 21D and 21E are proposed to be added so as to provide for offences and penalties and suspension of political parties or members of political parties that contravene the provisions of the Act.

Lastly, section 22 is proposed to be amended to enable the Minister to make regulations for preparation of financial accounts and matters to be contained in party constitutions.

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MADHUMUNI NA SABABU
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Muswada huu unapendekeza kufanya marekebisho katika Sheria ya Vyama vya Siasa, Sura ya 258 kwa lengo la kutatua changamoto mbalimbali zilizojitokeza katika utekelezaji wa sheria hii.

Muswada huu umegawanyika katika Sehemu Mbili.

Sehemu ya Kwanza ya Muswada inahusu masharti ya utangulizi ambayo yanajumuisha jina la Muswada na namna ambavyo masharti mbalimbali ya Sheria yanavyopendekezwa kurekebishwa.

Sehemu ya Pili inahusu marekebisho katika vifungu mbalimbali vya Sheria.

Kifungu cha 3 kinakusudiwa kurekebishwa kwa kuongeza tafsiri ya misamiati iliyotumika katika baadhi ya masharti ya Sheria.

Kifungu cha 4 kinapendekezwa kurekebishwa ili kubainisha majukumu ya Ofisi ya Msajili wa Vyama vya Siasa ambayo ni pamoja na usajili wa vyama vya siasa, kutoa elimu ya uraia, kusimamia mienendo ya vyama vya siasa na kusimamia utekelezaji wa Sheria.

Vifungu vya 5 na 6 vinapendekezwa kurekebishwa kwa lengo la kuondoa matumizi ya maneno “wasajili wasaidizi” na badala yake kutumia neno “wakurugenzi”.

Muswada unakusudia kuongeza vifungu vipya vya 5A na 5B ili kuzitaka taasisi zenye nia ya kutoa elimu ya uraia kumtaarifu Msajili na pia kumwezesha Msajili kupata taarifa kutoka kwa chama chochote cha siasa. Lengo la marekebisho haya ni kumuwezesha Msajili kuratibu utoaji wa elimu ya uraia.

Muswada pia unakusudia kuongeza sehemu mpya ya IIA itakayohusu uundwaji wa vyama vya siasa, ambapo kifungu cha 6A kinachopendekezwa kinavitaka vyama vya siasa kufuata matakwa ya Katiba ya Jamhuri ya Muungano, Katiba ya Zanzibar na Sheria ya Vyama vya Siasa na pia kuviziua vyama vya siasa kufanya shughuli za kiuanaharakati. Kifungu cha 6B kinachopendekezwa kinaweka vigezo vya mtu anayeweza kuomba kusajili chama cha siasa na kifungu cha 6C kinaweka vigezo vya mtu kwa mwanachama wa chama cha siasa na pia kuzuia mtu asiye raia kushiriki katika shughuli za chama cha siasa.

Kifungu cha 8 kinapendekezwa kurekebisha ili kuweka masharti ya ukomo wa usajili wa muda kwa vyama vya siasa vilivyoomba usajili kamili na vile ambavyo havijaomba usajili kamili.

Kifungu cha 8A kinakusudiwa kurekebisha ili kutaja rejesta ambazo zitatunzwa na Msajili. Rejesta hizi zitajumuisha rejesta ya vyama vya siasa, rejesta ya viongozi wa kitaifa wa vyama na rejesta ya wajumbe wa bodi ya wadhamini ya chama cha siasa.

Aidha, Muswada unakusudia kuongeza vifungu vipya vya 8C, 8D na 8E kwa lengo la kutaja rejesta ambazo zinatunzwa na vyama vya siasa, mambo yatakayojumuishwa katika katiba za vyama vya siasa, kuweka katazo kwa vyama vya siasa kuanzisha vikundi vya ulinzi na usalama au kuendesha mafunzo ya kutumia nguvu au silaha vya aina yoyote kwa wanachama wake.

Kifungu cha 9 kinapendekezwa kurekebisha ili kuhakikisha kuwa uanachama katika vyama vya siasa uko wazi kwa watu wenye ulemavu na kuhakikisha chama chochote kinachoruhusu mmomonyoko wa umoja wa kitaifa na kutumia dini kutimiza malengo yake hakipati usajili wa muda.

Kifungu cha 10 kinapendekezwa kurekebisha ili kuvitaka vyama vya siasa kuwa na wanachama wasiopungua mia mbili wenye vigezo vya kusajiliwa kama wapiga kura kutoka mikoa ya Tanzania Bara na Tanzania Zanzibar ili viweze kukidhi vigezo vya kupata usajili kamili.

Kifungu cha 10B kinapendekezwa ili kumpa Msajili mamlaka ya kuhakiki vyama wakati wowote ili kuhakikisha utekelezaji na uzingatiaji wa masharti ya usajili.

Muswada unapendekeza kufanya marekebisho katika kifungu cha 10A ili kuongeza vigezo anavyopaswa kuwa navyo mtu anayegombea nafasi ya uongozi wa chama cha siasa. Lengo la marekebisho haya ni kuzuia watu waliofilisiwa na wale wasio na vigezo vya kushika nafasi katika ofisi za umma kugombea nafasi za uongozi wa chama cha siasa.

Kifungu cha 11 kinakusudiwa kurekebisha ili kujumuisha uchaguzi wa Baraza la Wawakilishi na wabunge wa Baraza la Wawakilisha katika masharti ya kifungu hicho.

Vifungu vya 11A na 11B vinapendekezwa kurekebisha na kifungu cha 11C kinapendekezwa kuongezwa ili kuweka masharti yahasuyo kuungana kwa vyama vya siasa, ukomo wa vyama vilivyoungana na ushirika wa kisiasa baina ya vyama vya siasa. Kwa mujibu wa mapendekezo hayo uamuzi wa kuunganisha vyama utafanywa katika mkutano mkuu wa chama na vyama vilivyoungana vitafutiwa usajili na badala yake kitasajiliwa chama kipya kilichoundwa. Aidha mfumo wa ushirika wa kisiasa baina ya vyama vya siasa utainishwa kwenye kanuni.

Kifungu cha 12A kinapendekezwa kufutwa kwa kuwa masharti yake yamejumuishwa katika kifungu cha 12. Aidha, kifungu kipya cha 12C kinapendekezwa kuongezwa ili kuvitaka vyama vya siasa kuwasilishwa kwa Msajili tamko la mapato yote na matumizi.

Kifungu cha 13 kinakusudiwa kurekebisha ili kujumuisha chanzo chochote cha mapato kinachopatikani nchini katika vyanzo vinavyopaswa kuwekwa wazi kwa Msajili, na pia kuvitaka vyama vya siasa kuteua afisa masuhuli atakaesimamia mali za chama.

Muswada pia unapendekeza kurekebisha kifungu cha 15 kwa lengo la kuvitaka vyama vya siasa kuwa na akaunti ya benki tofauti kwa ajili ya fedha za ruzuku.

Kifungu cha 18 kinakusudiwa kurekebisha ili kumuwezesha Msajili kusitisha ruzuku kwa chama cha siasa pale ambapo anaamini kuwa chama husika kimeshindwa kusimamia fedha hizo na pia kuweza kumuomba Mkaguzi na Mdhhibiti Mkuu wa Hesabu za Serikali kufanya ukaguzi maalum.

Kifungu 18A kinapendekezwa kurekebisha ili kuweka masharti yanayohusu mwaka wa fedha wa chama cha siasa na kuvitaka vyama vya siasa kuwasilisha taarifa za hesabu zao kwa Mkaguzi na Mdhhibiti Mkuu wa Hesabu za Serikali kwa ajili ya ukaguzi na pia kuwasilisha taarifa ya hesabu zilizokaguliwa kwa Msajili.

Kifungu 19 kinapendekezwa kurekebisha ili kumuwezesha Msajili kufuta usajili wa chama cha siasa kitakachobainika kuwa kilipata usajili kwa njia zisizo halali. Aidha, kifungu kipya cha 19A kinapendekezwa kuongezwa ili kumuwezesha Msajili kusitisha usajili wa chama cha siasa kitakachovunja masharti ya Sheria.

Kifungu cha 21 kinakusudiwa kurekebisha kwa lengo la kuzuia viongozi wa vyama vya siasa kutokuwa wajumbe wa bodi ya wadhamini. Muswada pia unapendekeza kufuta kifungu cha 21A na kifungu cha 21B kinapendekezwa kufanyiwa marekebisha ili kuliwezesha Baraza la Vyama vya Siasa kupata fedha kutoka katika bajeti ya Serikali na wafadhili.

Vifungu vya 21D nad 21E vinapendekezwa kuongezwa ili kuainisha makosa na adhabu na kusitishwa kwa usajili wa vyama vya siasa vitakavyokiuka masharti ya Sheria. Mwisho, kifungu cha 22 kinapendekezwa kufanyiwa marekebisha ili kumpa Waziri mamlaka ya kutengeneza kanuni za uandaaji wa taarifa za hesabu za vyama vya siasa na mambo yatakayojumuishwa katika Katiba za vyama.

Dodoma,
12 October, 2018

KASSIM MAJALIWA MAJALIWA
Waziri Mkuu