

CHAPTER 296

THE PARLIAMENTARY IMMUNITIES, POWERS AND PRIVILEGES ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 296

THE PARLIAMENTARY IMMUNITIES, POWERS AND PRIVILEGES ACT

An Act to declare and define the immunities, powers and privileges of Parliament and of the members and committees of the National Assembly and to provide for related matters.

[1st December, 1988]

[GN. No. 413 of 1988]

Acts Nos.
3 of 1988
3 of 2004

PART I PRELIMINARY PROVISIONS

Short title **1.** This Act may be cited as the Parliamentary Immunities, Powers and Privileges Act.

Interpretation **2.** In this Act, unless the context otherwise requires-

Act No. “Assembly” means the National Assembly;

3 of 2004 s. 2 “Clerk” means the Clerk of the Assembly and includes any person acting as such on the authority of the Speaker;
“code of conduct” means the code of conduct for Members of Parliament established under section 14;

“Committee” means a Standing Committee or other committee of the Assembly established in accordance with Article 96 of the Constitution, and includes a Select Committee of the Assembly;

Cap. 2 “Constitution” means the Constitution of the United Republic of Tanzania of 1977;

“journals” means the minutes of the Assembly or the official record of the votes or proceedings of the Assembly;

“member” means any member of the Assembly and in any case where the Speaker is not a member of the Assembly, the Speaker;

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

“Officer of the Assembly” means the Clerk or any other officer or person acting within the precincts of the Assembly under the orders of the Speaker and includes any police officer on duty within the precincts of the Assembly;

“police officer” has the same meaning as in the Police Force and Auxiliary Service Act;

“precinct of the Assembly” means the chamber in which the Assembly sits in session for the transaction of business, together with the offices, rooms, lobbies, galleries, courtyards, gardens and other places provided for the use or accommodation of members, officers or strangers, and any passages connecting such places and any other places immediately contiguous thereto as may be declared by the Speaker as being within the precincts of the Assembly;

“Speaker” means the Speaker of the Assembly and includes a Deputy Speaker and any other member elected, in accordance with Article 93 of the Constitution, by the Assembly to act as such;

“Standing Orders” means the Standing Orders of the Assembly made in accordance with the provisions of Article 89 of the Constitution;

“stranger” means any person other than a member or an officer of the Assembly but does not include the Speaker where such Speaker is not a member.

PART II

PRIVILEGES AND IMMUNITIES OF THE ASSEMBLY AND ITS OFFICERS

Freedom of speech and debate

3. There shall be freedom of speech and debate in the Assembly and such freedom of speech and debate shall not be liable to be questioned in any court or place outside the Assembly.

Provisions in
relation to flag
of National
Assembly
Act No.
3 of 2004 s. 3

4.-(1) There shall be a flag of the 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 Assembly may be hoisted at any building which is designated for use as office of the Assembly within the United Republic.

(3) Subject to subsections (2) and (4), the flag of the 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; or

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

(4) The flag of the Assembly shall not be used by a member while travelling within the City of Dar es Salaam, the City of Dodoma, the Municipality of Zanzibar or in such other place 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 Assembly may make regulations for the better carrying out of the purposes of this Act.

[s. 3A]

Freedom of
members to
hold meetings in
constituencies

5.-(1) Subject to this Act and to any statutory or other provisions regulating the convening and organisation of such meetings, a member shall be free to hold public meetings in his constituency and all responsible authorities shall facilitate them in a manner as convenient to the member as is possible under the circumstances.

(2) A person who causes obstruction at such public meetings commits an offence and shall be liable to be proceeded against by the relevant authority in accordance with the relevant written law.

[s. 4]

Immunity from
legal proceedings
Act No.
3 of 2004 s. 5

6. Civil or criminal proceedings shall not be instituted against any member for words spoken before, or written in a report to the Assembly or a committee, or by reason of any matter or thing brought by him therein by petition, bill, or motion or otherwise or for words spoken or act done in *bona fide* pursuance of a decision or proceeding of the Assembly or a committee.

[s. 5]

Freedom from
arrest for civil
debt

7. A member shall not be liable for arrest for any civil debt except for a debt the contracting of which constitutes a criminal offence.

[s. 6]

Entry to
Assembly

8.—(1) A stranger shall not be entitled, as of right, to enter or to remain within the precincts of the Assembly.

(2) The Speaker may issue such orders as he may, in his discretion, deem necessary or desirable for the regulation of the admittance of strangers to, and the conduct of strangers within, the precincts of the Assembly chamber.

(3) The copies of orders made under this section shall be duly authenticated by the Clerk and exhibited in a conspicuous position in the precincts of the Assembly, and such copies when so authenticated and exhibited shall be deemed to be sufficient notice to all persons affected thereby.

[s. 7]

Order of
withdrawal from
Assembly

9. The Speaker or any officer authorised by the Speaker may, at any time, order any stranger to withdraw from the precincts of the Assembly.

[s. 8]

Evidence of
proceedings in
Assembly or
Committee not to
be given without
leave

10.—(1) A member or officer and person employed to take or transcribe minutes of evidence before the Assembly or any Committee shall not give evidence elsewhere respecting the contents of such minutes or evidence, or of the contents of any document laid before the Assembly or Committee, as the case

may be, or respecting any proceedings or examination held before the Assembly or Committee, as the case may be, without the special leave of the Assembly first had and obtained.

(2) The special leave referred to in subsection (1) may be given during a recess or adjournment by the Speaker.

[s. 9]

Members to be
furnished with
information

11. Subject to this Act and to any statutory or other provisions regulating the disclosure of information by public officers, a member may, on request by himself, be furnished with information by the public officer concerned.

[s. 10]

Exercise of civil
process

12. Notwithstanding anything to the contrary, no summons issued by any court of the United Republic or outside the United Republic in the exercise of its civil jurisdiction shall be served or executed within the precinct of the Assembly while the Assembly is sitting, or through the Speaker or any officer of the Assembly, nor shall any member be arrested on civil process, save by leave of the Speaker first obtained, while he is within the precincts of the Assembly and while the Assembly is sitting.

[s. 11]

Jurisdiction
and procedure
in relation
to breaches,
contempts, etc.
Act No.
3 of 2004 s. 6

13.-(1) It is declared for the avoidance of doubt that, subject to the Constitution and the Standing Orders of the Assembly, the Assembly has all such powers and jurisdiction as may be necessary for inquiring into, judging and pronouncing upon the commission of any act, matter or thing, not amounting to an offence under this Act, which is a breach of parliamentary privileges.

(2) The Speaker shall have the power, subject to the Standing Orders of the Assembly, to determine whether or not any act, matter or thing is one into which the Assembly may inquire, judge and pronounce upon.

(3) The Assembly or, as the case may be, a Committee may, in relation to any act, matter or thing, recommend to the Speaker that he requests the Attorney General to take steps necessary

to bring to trial before a court of competent jurisdiction, any person connected with the commission of an offence under this Act.

(4) The Speaker shall, either of his own accord or upon a recommendation of a Committee, report to the Attorney General all acts, matters and things amounting to offences under this Act, committed by any person and the Attorney General shall proceed in relation to such report in accordance with law.

(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. [s. 12]

Code of conduct
Act No.
3 of 2004 s. 7

14. The Assembly may, by resolution, adopt a code of conduct for Members of Parliament.

[s. 12A]

PART III EVIDENCE

Power to order
attendance of
witnesses

15.—(1) The Assembly, any Standing Committee or any sessional committee may, subject to provisions of sections 20 and 22 of this Act, order any person to attend before the Assembly or before such committee and to give evidence or to produce any document in the possession or under the control of such person.

(2) The powers conferred by subsection (1) of this section on a sessional committee may be exercised by any other committee which is specially authorised by a resolution of the Assembly to exercise such powers in respect of any matter or question specified in the resolution.

[s. 13]

Attendant to
be notified by
summons

16.—(1) An order to attend to give evidence or to produce documents before the Assembly or a Committee shall be notified to the person required to attend or to produce the documents by a summons under the hand of the Clerk issued under the direction of the Speaker.

(2) In every summons under subsection (1) of this section, there shall be stated the time when and the place where the person summoned is required to attend and the particular documents which he is required to produce, and the summons shall be served on the person mentioned therein either by delivering to him a copy thereof or by leaving a copy thereof with some adult person at person summoned's usual or last known place of abode in the United Republic, and there shall be paid or tendered to the person summoned, where he does not reside within four miles of the place of attendance specified in the summons, such sum for his expenses as may be prescribed by the Standing Orders.

(3) A summons under this section may be served by an officer of the Assembly or by a police officer.

[s. 14]

Power to
issue warrant
to compel
attendance

17.—(1) Where a person to whom a summons under section 16 is directed does not attend before the Assembly or the Committee at the time and place mentioned therein, the Speaker may, upon being satisfied that the summons was duly served or that the person to whom the summons is directed willfully avoids service, issue a warrant to apprehend him and bring him, at the time and place to be stated in the warrant, before the Assembly or Committee.

(2) A warrant issued under this section shall be executed by a police officer.

(3) The Speaker, on the issue of a warrant under this section, may, if he thinks fit, by an appropriate endorsement on the warrant, direct that the person named in the warrant be released after arrest on his entering into such a recognisance before a court for his appearance before the Assembly or Committee as may be required in the endorsement.

[s. 15]

Witness may be
examined on oath
Cap. 16

18.—(1) The Assembly or an authorised Committee may require that any facts, matters and things relating to the subject matter of inquiry before the Assembly or such Committee be verified or otherwise ascertained by the oral examination of witnesses, and may cause any such witnesses to be examined upon oath.

(2) An oath required to be taken under the provisions of this section may be administered by the Clerk or by any other person appointed by the Assembly for that purpose or, in the case of a witness before a Committee, by the Chairman of the Committee or by the member presiding in the absence of the Chairman, or by the secretary to the Committee.

[s. 16]

Objection to
answer questions
or to produce
papers

19.—(1) Where a person ordered to attend to give evidence or to produce any document before the Assembly refuses to answer any question that may be put to him or to produce any such document on the ground that the same is of a private nature and does not affect the subject of inquiry, the Speaker may excuse the answering of such question or the production of such document, or may order the answering or the production thereof.

(2) Where any person ordered to attend or to give evidence or to produce any document before any Committee refuses to answer any question that may be put to him or to produce any such document on the ground that the same is of a private nature and does not affect the subject of inquiry, the Chairman of the Committee may report such refusal to the Speaker with the reasons thereof; and the Speaker may thereupon excuse the answering of such question or the production of such document.

[s. 17]

Privileges of
witnesses

20.—(1) Subject to the provisions of subsection (3), every person summoned to attend to give evidence or to produce any document before the Assembly or a Committee thereof shall be entitled, in respect of such evidence or the disclosure of any communication or the production of any such document, to the same rights and privileges as before a court of law.

(2) Without prejudice to the generality of the provisions of subsection (1), a public officer shall not, except with the consent of the President-

- (a) give, before the Assembly or a Committee thereof, any document;
- (b) produce before the Assembly or a Committee thereof, any document; or
- (c) furnish to the Secretariat of the Assembly any document or information,

relating to any naval, military or air force matter; nor shall secondary evidence be received by or produced before the Assembly or a Committee of the contents of any such document.

(3) Unless the President otherwise directs, a public officer shall not refuse to-

- (a) give, before the Assembly or a Committee thereof any evidence;
- (b) produce, before the Assembly or a Committee thereof, any document; or
- (c) furnish to the Secretariat of the Assembly any information,

relating to the correspondence of any civil department or any matter affecting the public service; and secondary evidence shall not be received by or produced before the Assembly or a Committee of the contents of any such document which the President has directed shall not be produced:

Provided that, such directions shall only be given when, in the opinion of the President, would be contrary to the public interest to give such evidence or to produce such document as aforesaid.

(4) Except in the case of criminal proceedings under section 102, 106, 108 or 109 of the Penal Code or an offence against this Act, an answer by a person to a question put by the Assembly or a Committee shall not, in any civil or criminal proceedings, be admissible in evidence.

[s. 18]

Evidence of proceedings in Assembly or Committee not to be given without leave

21.—(1) Notwithstanding the provisions of any other law, no member or officer of the Assembly and a person employed to take minutes of evidence before the Assembly or any Committee shall not, save as provided in this Act, give evidence elsewhere in respect of the contents of such minutes or evidence or of the contents of any document laid before the Assembly or such Committee, or in respect of any proceedings or examination held before the Assembly or such Committee, without the special leave of the Assembly first had and obtained.

(2) The special leave referred to in subsection (1) may be given during a recess or adjournment by the Speaker or, in his absence or other incapacity or during any dissolution of the Assembly, by the Clerk.

[s. 19]

Certificate issued to witness making full disclosure to be bar to civil or criminal proceedings
Act No.
3 of 2004 s. 8

22.—(1) A witness before the Assembly or an authorised Committee who shall answer fully and faithfully any questions put to him by the Assembly or such Committee to its satisfaction shall be entitled to receive a certificate stating that such witness was, upon his examination, so required to answer and did answer any such question.

(2) Every certificate under subsection (1) shall, in the case of a witness before the Assembly, be under the hand of the Speaker, and in the case of a witness before a Committee, be under the hand of the Chairman thereof.

(3) A member or any other person may, within thirty days from the date of 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 commits an offence and is punishable as if he has committed an offence under section 122 of the Penal Code:

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

(5) On production of the certificate to any court of law, the court shall stay any proceedings, civil or criminal, against the witness for any act or thing done by him before the time and revealed by the evidence of such witness, and may, in its discretion, award the witness expenses to which he may have been put.

(6) Where the certificate is cancelled under subsection (4), the witness to whom the certificate was issued shall not be accorded with any protection provided for under subsection (5).

[s. 20]

False evidence

23. A person who, before the Assembly or any authorised Committee, intentionally gives a false answer to any question material to the subject of inquiry which is put to him during the course of any examination, commits an offence and shall be punishable as if he has committed an offence under section 122 of the Penal Code.

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[s. 21]

Interference with witnesses

24. A person who-

- (a) tampers with, deters, threatens, molests, beguiles or in any way unduly influences any witness in regard to any evidence to be given by him before the Assembly or any Committee; or
- (b) threatens, molests or in any way punishes, damnifies or injures or attempts to punish, damnify or injure any person for having given evidence before the Assembly or any Committee or on account of any evidence which he has given before the Assembly or any Committee,

commits an offence and on conviction, shall be liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding twelve months or to both.

[s. 22]

False documents

25. A person who presents to the Assembly or to any Committee any false, untrue, fabricated or falsified document with intent to deceive the Assembly where such presentation does not constitute an offence under section 23, commits an offence and on conviction, shall be liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding twelve months or to both.

[s. 23]

Contempt

26. A person who-

- (a) having been called upon to give evidence before the Assembly or an authorised Committee thereof refuses to be sworn or make an affirmation;
- (b) being a witness, misconducts himself;
- (c) causes an obstruction or disturbance within the precincts of the Assembly chamber during a sitting of the Assembly or of a Committee thereof;
- (d) shows disrespect in speech or manner towards the Speaker; or
- (e) does any other act of intentional disrespect to or with reference to the proceedings of the Assembly or of a Committee of the Assembly or to any person presiding at such proceedings,

commits an offence.

[s. 24]

Questions relating to evidence and production of documents before the Assembly or Committee

27. Where at any time any question arises in the Assembly or in a Committee regarding-

- (a) the right or power of the Assembly or Committee to hear, admit or receive oral evidence;

- (b) the right or power of the Assembly or Committee to peruse or examine any paper, book, record or document or to summon, direct or call upon any person to produce any paper, book, record or document before the Assembly or Committee; or
- (c) the right or privilege of any person, including a member of the Assembly or Committee that question shall, subject to the preceding provisions of this Act, and except in so far as expressly provided in those provisions for the determination of that question, be determined in accordance with the usage and practice of Parliament.

[s. 25]

PART IV OFFENCES AND PENALTIES

Proceedings to be
deemed judicial
proceedings
Cap. 16

28. Any proceedings before the Assembly or a Committee thereof at which any person gives evidence or produces any document, shall be deemed to be judicial proceedings for the purposes of sections 102, 106, 108 and 109 of the Penal Code.

[s. 26]

Offences relating
to admittance to
Assembly

29. A person who-

- (a) being a stranger, enters or attempts to enter the precincts of the Assembly in contravention of any order of the Speaker;
- (b) being a stranger, fails or refuses to withdraw from the precincts of the Assembly when ordered to withdraw there from by the Speaker;
- (c) being a stranger, contravenes any order made under this Act by the Speaker regulating the admittance of strangers to the precincts of the Assembly or any rule made by the Speaker under the Standing Orders; or

- (d) attends any sitting of the Assembly as the representative of any news reporter after the general permission granted under any order made under this Act or under the Standing Orders to the representative of that news reporter has been revoked,

commits an offence and, on conviction shall be liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months or to both.

[s. 27]

Corrupt or
improper
practices

30.—(1) A person who offers to any member or officer or to any person who is an employer, or a partner either directly or indirectly, any bribe, fee, compensation, gift or reward in order to influence such member or officer in his conduct as such member or officer or for, or in respect of the promotion of, or opposition to, any bill, resolution, matter, rule or thing submitted to, or intended to be submitted to the Assembly, commits an offence.

(2) A member, officer or any person who is an employer or, a partner, who demands, accepts or receives, directly or indirectly, any bribe, fee, compensation, gift or reward the offering of which is or would be an offence under this section, commits an offence.

(3) A person who commits an offence under this section on conviction, shall be liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding three years or to both.

(4) In any proceedings against any person for an offence under this section, the court may, if it finds the offence proved-

- (a) order that the value or the amount of any bribe, fee, compensation, gift or reward offered or accepted or received in contravention of this section shall be forfeited; or
- (b) order that the amount of the value of any bribe, fee, compensation, other gift or reward accepted or received in contravention of this section shall be repaid

by the person accepting or receiving the same, or by the person on whose behalf the same was accepted or received to the person from whom it was accepted or received, or to the person on whose behalf such latter person was acting.

[s. 28]

Other offences
against members
and officers

31. A person shall be guilty of an offence who-

- (a) assaults, obstructs or insults any member or officer going to or coming from the precincts of the Assembly chamber;
- (b) endeavors to compel, either directly or indirectly, any member by force, insult or menace to declare himself in favour of, or against, any bill, resolution, matter, rule or thing submitted to, or intended to be submitted to the Assembly;
- (c) assaults, interferes with, resists or obstructs any officer while in the execution of his duty as such officer; or
- (d) sends to any member of any threatening letter, or challenges any member to a fight, on account of his conduct as such member.

[s. 29]

Disobedience

32. A person who, willfully and without lawful cause, fails to comply with, or contravenes, any order made under section 9 or 17 or willfully fails to obey any other order of the Assembly whereby the Assembly is obstructed in the performance of its functions, commits an offence:

Provided that, no offence is committed under this section unless the Speaker or an officer has drawn to the attention of the person concerned the fact that such failure or contravention is contrary to such order, and the person thereafter continues in such failure or contravention as aforesaid.

[s. 30]

Powers of
Assembly
Act No.
3 of 2004 s. 9

33.—(1) Where any member commits any contempt of the Assembly whether specified in section 26 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 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, he shall be paid a half salary in respect of any period during which he is suspended from the service of Assembly.

(3) Where any person, not being a member, commits an offence of contempt, whether specified in section 26 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.

[s. 30A]

Other offences
Act No.
3 of 2004 s. 10

34.—(1) A person who-

- (a) disobeys an order made by the Assembly or a Committee for attendance or for production of documents unless such attendance or production be excused as herein before provided;
- (b) refuses to be examined before, or to answer any lawful and relevant question put by the Assembly or a Committee unless such refusal be excused as herein before provided;
- (c) creates or joins in any disturbance which interrupts or is likely to interrupt the proceedings of the Assembly or any Committee while the Assembly or such Committee is sitting;
- (d) presents to the Assembly or a Committee any false, untrue, fabricated or falsified document with intent to deceive the Assembly or such Committee;

- (e) publishes any false or scandalous libel on the Assembly, or any report which wilfully misrepresents in any way any proceedings of the Assembly or any Committee;
 - (f) publishes, save by the general or special leave of the Assembly, a report of any proceedings of the Assembly or any committee when proceedings have not been held in public;
 - (g) publishes, save by the general or special leave of the Assembly, any paper, report or other document prepared expressly for submission to the Assembly before the same has been laid on the table of the Assembly;
 - (h) prints or causes to be printed a copy of any Act now or hereinafter powers of arrest in force, or a copy of any report, paper or journals of the Assembly as purporting to have been printed by the Government Printer, or by or under the authority of the Assembly, or of the Speaker, while the same is not so printed;
 - (i) tenders in evidence any such copy as purporting to be so printed knowing that the same was not so printed; or
 - (j) publishes or prints any libels on any member concerning his character or conduct as a member and with regard to actions performed or words uttered by him in the course of the transaction of the business of the Assembly,
- commits an offence and on conviction, shall be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding three years or to both.

(2) A person who uses the flag of the National Assembly contrary to section 4 or the regulation made in relation to the use of such flag, commits an offence and on conviction shall be liable to a fine not exceeding five hundred thousand shilling or to imprisonment for a term not exceeding three years or to both.

[s. 31]

Acceptance of
bribes by member
Act No.
3 of 2004 S. 11

35. A 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 on conviction, shall be liable to a fine not exceeding three million shillings or to imprisonment for a term not exceeding five years or to both.

[s. 32]

Protection
of persons
responsible for
publications
authorised by
Assembly

36. A person, being a defendant in any civil or criminal proceedings instituted for or on account or in respect of the publication by such person or by his servant, by order or under the authority of the Assembly, of any reports, papers, minutes, votes and proceedings, may, on giving to the plaintiff or prosecutor, as the case may be, twenty-four hours written notice of his intention, bring before the court in which such civil or criminal proceedings are being held, a certificate under the hand of the Speaker that the reports, papers, minutes, votes and proceedings in respect whereof such civil or criminal proceedings have been instituted were published by such person or by his servants by order or under the authority of the Assembly together with an affidavit verifying such certificate, and the court shall thereupon immediately stay such civil or criminal proceedings and the same and every process issued therein shall be deemed to be finally determined.

[s. 33]

Publication of
proceedings
without malice

37. In any civil proceedings instituted for publishing any report or summary of or any extract from or abstract of any report, paper, minutes, votes and proceedings of the Assembly, where the court is satisfied that such report, summary, extract or abstract was published *bona fide* and without malice, judgment shall be entered for the defendant.

[s. 34]

Powers of Speaker
and officers
not subject to
jurisdiction of
courts

38. Neither the Speaker, nor any officer of the Assembly shall be subject to the jurisdiction of any court in respect of the exercise of any power conferred on or vested to the Speaker or such officers under this Act.

[s. 35]

Powers of officers

39. An officer of the Assembly shall, for the purposes of this Act and of the application of the provisions of the criminal law have all the powers and enjoy all the privileges of a police officer.

[s. 36]

Powers of arrest

40. An officer of the Assembly may arrest without warrant-

- (a) any person who commits any offence contrary to section 34 or 35 in his presence; or
- (b) any person within the precincts of the Assembly who he reasonably suspects of having committed, or being about to commit an offence contrary to any of the said section.

[s. 37]

Sanction for
prosecutions

41. Prosecution of an offence under this Act shall not be instituted except with the written sanction of the Director of Public Prosecutions.

[s. 38]

Journals printed
by order of
Assembly to
be admitted as
evidence

42. Upon any inquiry touching the privileges, immunities and powers by the Assembly or of any member, any copy of the journals or Standing Orders printed or purporting to be printed by the Government Printer, or any copy of the journals or Standing Order dully authenticated as such under the hand of the Clerk shall be admitted as evidence of such journals or standing orders in all courts and places without any further proof being given.

[s. 39]

Powers to be
supplementary
to powers under
Constitution.

43. The Powers of the Assembly and of the Speaker under this Act shall be supplementary to any powers conferred by the Constitution or Standing Orders.

[s. 40]

Absence of
Speaker

44.—(1) For the purposes of this section, “absent” in relation to the Speaker or the Deputy Speaker, means—

- (a) that the office of Speaker or the office of Deputy Speaker is vacant;
- (b) that the Speaker or the Deputy Speaker is incapable of or is from any cause prevented from, performing the duties of the office of Speaker; or
- (c) that the Speaker or the Deputy Speaker is absent from the sit of Parliament.

(2) For the duration of any period during which the Speaker is absent, the powers and privileges vested in the Speaker by this Act shall be vested in the Deputy Speaker.

(3) For the duration of any period during which both the Speaker and the Deputy Speaker are absent—

- (a) the powers and privileges vested in the Speaker by the provisions, other than sections 22 and 36 of this Act shall—
 - (i) in so far as they relate to any matter arising at a sitting of the Assembly for the transaction of business, be vested in such member of the Assembly as may be elected by the Assembly by virtue of the provisions of Article 93 of the Constitution to preside at the sitting of the Assembly when such matters arises; and
 - (ii) in so far as they relate to any other matter, be vested in such member of the Assembly as may be appointed for this purpose by the Assembly; and
- (b) the powers vested in the Speaker by sections 22 and 36 shall be vested in the Clerk.

[s. 41]

Repeal
Ord. No.
21 of 1955

45. [Repeals the Legislative Council (Powers and Privileges)
Ordinance.]

[s. 42]

SCHEDULE

(Made under section 4(1))

Act No.
3 of 2004 s. 12

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:



