

GOVERNMENT NOTICE No. 446 published on 26/10/62

HL.SC. 14/83

THE TRADE UNIONS ORDINANCE
(CAP. 381)

REGULATIONS

Made under section 52

THE TRADE UNIONS (COLLECTION OF UNION DUES) REGULATIONS, 1962

1. These Regulations may be cited as the Trade Unions (Collection of Union Dues) Regulations, 1962.

2. In these Regulations the expression "trade union dues" means any regular or periodic subscription required to be paid to a trade union by a member thereof as a condition of his membership, but does not include any levy or subscription for a particular object or purposes.

3.—(1) On application being made to him in that behalf by a registered trade union the Minister may, by order in writing and with effect from such date as may be specified in the order, apply these Regulations to that trade union.

(2) The Minister may at any time, in writing, suspend for such period as he may specify, or for an indefinite period, or cancel, the application of these Regulations to any trade union.

(3) Notification shall be given in the *Gazette* of the trade unions to which these Regulations have been applied and of the cancellation or suspension by the Minister of the application of these Regulations to any trade union.

4. The General Secretary of a trade union to which these Regulations apply may, subject to the provisions of regulation 7, issue to any employer who employs not less than ten employees who are members of the trade union a notice in the form set out in the First Schedule to these Regulations requiring the employer—

- (a) to deduct from the wages of his employees listed in the notice the sums specified in the notice at the periods so specified; and
- (b) to pay the sums so deducted to the trade union in the manner specified in the notice.

5.—(1) An employer to whom a notice is issued under regulation 4 shall comply with the provisions thereof:

Provided that an employer shall not be obliged to comply with any such notice on any occasion when the wages due from such employer to an employee listed in the notice do not exceed the sum which under the notice is required to be deducted from such wages.

(2) If an employer to whom a notice has been issued under regulation 4 fails to comply with the provisions thereof (other than in the circumstances set out in the proviso to paragraph (1)) the General Secretary of the trade union which issued the notice may report the fact of such non-compliance to the Registrar.

(3) On such report being made to him the Registrar may in writing require the employer within such period being not less than seven days as the Registrar may specify to comply with the provisions of the notice and if the employer fails so to comply within such specified period he shall, unless he satisfies the court that his failure resulted from reasons beyond his control, be guilty of an offence and liable on conviction to a fine not exceeding one thousand shillings.

(4) In any proceedings under this regulation a certificate purporting to be signed by the Registrar that he has required an employer to comply with a notice issued to him within a period specified therein and that such employer has or has not failed to comply therewith within such period shall be admissible in evidence without further proof and shall be conclusive evidence of the matters stated therein.

6.—(1) An employer to whom a notice has been issued under regulation 4 shall from time to time, in writing, inform the trade union on behalf of which the notice was issued of any person listed in the notice who has, since the notice was issued, ceased to be employed by him.

(2) A trade union on behalf of which a notice has been issued under regulation 4 shall from time to time, in writing, inform the employer to whom the notice was issued—

- (a) of any member of the trade union who, since the notice was issued, has become an employee of that employer and of any employee of that employer who, since the notice was issued, has become or has ceased to be a member of the trade union; and
- (b) of any alteration in the amount of union dues payable by a member of that trade union to the trade union.

(3) Where an employer is, pursuant to paragraph (2), informed in writing of any of the matters therein specified he shall, with effect from the date of payment of the wages payable by him to his employees in respect of their employment during the month next following the month in which such information is received by him, make deductions from the wages of his employees as if the information had been incorporated in the notice issued to him under regulation 4.

7.—(1) A notice issued under regulation 4 shall only require an employer to deduct from the wages of his employee sums which represent trade union dues payable by that employee to the trade union on behalf of which the notice was issued.

(2) The General Secretary of any trade union to which these Regulations apply and which has imposed upon its members any levy, or required from its members any subscription, for a particular object or purpose, may make application to the Minister for an order (hereinafter called an authorization order) authorizing the collection of such levy or subscription in the manner specified in paragraph (4).

(3) On application being made to him under paragraph (2) the Minister may, if he thinks fit, make and issue to the trade union on behalf of which the application was made an authorization order.

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(4) The General Secretary of a trade union to which an authorization order has been issued may issue to any employer to whom a notice under regulation 4 has been issued by that union a further notice in the form set out in the Second Schedule to these Regulations requiring the employer to deduct from the wages of his employees listed in the notice the sums, being the amounts due from such employees in respect of the levy or subscription aforesaid, specified in the notice and to pay the sums so deducted to the trade union in the manner so specified.

(5) Where pursuant to an authorization order a notice has been issued under paragraph (4), the provisions of regulation 5 shall apply as if such notice was a notice issued under regulation 4.

8. Any sums deducted from the wages of a trade union member in pursuance of a notice issued under regulation 4 shall discharge the liability of that member to pay the trade union dues represented by such sums to that trade union and any sums so deducted in pursuance of a notice issued under paragraph (4) of regulation 7 shall discharge the liability of that member to pay to that trade union the levy or subscription represented by such sums.

9. Every trade union which, pursuant to these Regulations, receives from an employer sums deducted from the wages of his employees shall, in writing, acknowledge the receipt of such sums within fourteen days from the date on which the sums were received by the trade union and failure by any such trade union so to do shall be a ground (without prejudice to any other ground) for the suspension or cancellation by the Minister of the application of these Regulations to that trade union.

10. Where under regulation 4 a notice is issued to an employer requiring deductions to be made from the wages of his employees, any provision of any agreement existing between such employer and the trade union on behalf of which the notice was issued which relates to the deduction from wages of sums in respect of trade union dues, levies and subscriptions and their payment to that trade union shall with effect from the date specified in the notice as the date on which the first deductions are to be made thereunder, be void and of no effect.

FIRST SCHEDULE

(Regulation 4)

FORM OF NOTICE TO EMPLOYER

To
.....
.....

1. On behalf of the Trade Union I hereby request you to deduct from the wages of the employees listed on the reverse of this notice, all of whom are members of the.....
Trade Union, the sum of Shs.monthly in discharge of their current trade union dues.

2. The total amount of deductions so made should be transmitted to the..... Trade Union each month in the following manner:—

*(a) the total amount of deductions made should be transmitted to the regional/ branch office of the.....Trade Union at the following address:—

.....
.....
.....

or

*(b) the total amount of deductions should be transmitted to the registered office of the Trade Union at its registered address, namely—

.....
.....
.....

The remittance should be made not later than the tenth day of the month next following the months in respect of which the deductions are made. A receipt will be issued not later than the twentieth day of the same month.

3. This notice applies to wages payable by you at the end of the month next following the month in which it is dated.

4. I have authority to make this request under an Order made by the Minister for Health and Labour on which applied the provisions of the Trade Unions (Collection of Union Dues) Regulations, 1962, to the..... Trade Union.

(Sgd.).....
General Secretary,

Date.....19..... Trade Union

Copy to: (i) The Registrar of Trade Unions,
P.O. Box 9014,
Dar es Salaam.

(ii) The Regional/Branch Secretaries at the offices designated in paragraph 2 (a) above.

*Delete where inapplicable.

[P.T.O.]

(Reverse)

LIST OF MEMBERS

Union Membership No.

Name of Member

SECOND SCHEDULE

(Regulation 6)

FORM OF FURTHER NOTICE TO EMPLOYER

To:

1. On behalf of Trade Union I hereby request you to deduct from the wages of the employees listed on the reverse of this notice, all of whom are members of the Trade Union, the sum of Shs..... in discharge of the levy/subscription imposed by the Trade Union upon its members for the purpose of

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2. The deductions so made should be transmitted—

(a) to the regional/branch office of the Trade Union at the following address:—

.....
.....

or

(b) to the registered office of the Trade Union at the following address:—

.....
.....

3. The deductions should be made from wages payable at the end of19..... and the sums deducted transmitted to the Union not later than the tenth day of the next following month; a receipt will be issued not later than the twentieth day of the same month.

4. I have authority to make this request under an authorization order made by the Minister for Health and Labour on

(Sgd.).....
General Secretary,

Date.....19..... Trade Union

Copy to (i) The Registrar of Trade Unions,
P.O. Box 9014,
Dar es Salaam.

(ii) The Regional/Branch Secretaries at the offices designated in paragraph 2 (a) above.

(Reverse)

LIST OF MEMBERS

Union Membership No.	Name of Member
Dar es Salaam, 17th October, 1962	M. M. KAMALIZA, Minister for Health and Labour

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THE FORESTS ORDINANCE

(CAP. 389)

ORDER

Under sections 5 (1) and 10 (1)

THE FORESTS (RUHOI RIVER LOCAL AUTHORITY FOREST RESERVE)
(DECLARATION) ORDER, 1962

1. This Order may be cited as the Forests (Ruhoi River Local Authority Forest Reserve) (Declaration) Order, 1962.

2. The area of unreserved land within the limits defined in the Schedule hereto is hereby declared to be a local authority forest reserve.