GOVERNMENT NOTICE No. 245 published on 1/5/64 J. 1/11/012

THE ACTS OF UNION OF TANGANYIKA AND ZANZIBAR, 1964

DECREE

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

THE TRANSITIONAL PROVISIONS DECREE, 1964

Title

1. This Decree may be cited as the Transitional Provisions Decree, 1964, and shall come into operation on Union Day.

Interpretation

2. This Decree shall be read as one with the interim Constitution.

Offices

3.—(1) Every person who holds office in the service of the Republic of Tanganyika immediately before Union Day shall, on Union Day, be deemed to have been elected, appointed or otherwise selected to the corresponding office in the service of the United Republic.

(2) The President may create additional offices in the service of the United Republic having responsibilities for Union matters and may, after consultation with the President of Zanzibar, appoint to such offices persons who immediately before Union Day held office in the service of the People's Republic of Zanzibar.

(3) The existing laws of the Republic of Tanganyika relating to employment of persons holding office in the service of Tanganyika (including those laws relating to superannuation benefits) shall apply to employment in the service of the United Republic and, in relation to such service, shall extend to Zanzibar.

(4) Nothing in this section shall apply to any office in the Armed Forces or the Police Forces of the Republic of Tanganyika or the People's Republic of Zanzibar.

Existing Vice-President of Tanganyika

4. The Vice-President of the Republic of Tanganyika shall, on Union Day, be deemed to have been appointed a Vice-President of the United Republic and to have been appointed to be the principal assistant of the President in the discharge of his executive functions in relation to Tanganyika and the leader of Government business in the National Assembly.

Police Force

5.—(1) The members of the Police Forces of the Republic of Tanganyika and the People's Republic of Zanzibar shall on Union Day be deemed to have been appointed to the Police Force of the United Republic.

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

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

The High Court

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

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

Legal proceedings

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

Pending matters

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

Property and contracts

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

Public Seal

10. Until Parliament prescribes a public seal for the United Republic, the public seal of the Republic of Tanganyika may be used for the purposes of the United Republic.

Oath

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

Dar es Salaam,
26th April, 1964

J. K. NYERERE,
President