

THE NATIONAL SERVICE ACT, 1964
(No. 16 OF 1964)

RULES

Under section 15

THE NATIONAL SERVICE (DISCIPLINE) RULES, 1965

1. These Rules may be cited as the National Service (Discipline) Rules, 1965.

2. In these Rules unless the context otherwise requires—

Inter-
pretation

“appropriate tribunal” means a commanding officer or a board consisting of not less than two senior officers appointed by the Director;

“commanding officer” means a senior officer of the National Service in charge of any branch, unit, camp or settlement.

3. Any serviceman who—

Offences
against
discipline

- (i) is disrespectful in word, act or demeanour to his superior officer;
- (ii) renders himself unfit for duty by reason of intoxication;
- (iii) drinks intoxicating liquor when on duty;
- (iv) is drunk on duty, or in any camp or settlement or in uniform;
- (v) absents himself without leave;
- (vi) is asleep while on duty;
- (vii) leaves his post before he is regularly relieved except in the performance of duty;
- (viii) being under arrest or in confinement, leaves or escapes from his arrest or confinement before he is set at liberty by proper authority;
- (ix) neglects or refuses to assist in the apprehension of any member charged with any offence when lawfully ordered so to do;
- (x) is guilty of cowardice;
- (xi) discharges any firearms without orders or just cause;
- (xii) without reasonable cause fails to appear at any parade appointed by his superior officer;
- (xiii) pawns, sells, loses or damages by neglect, makes away with, wilfully damages or fails to report any damage to any arm, ammunition, accoutrement, uniform, vehicle or other article supplied to him or any property committed to his charge;

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G.N. No. 87 (contd.)

- (xiv) is in unlawful possession of any public property, or any property of any other member;
- (xv) commits any act of plunder, or wanton destruction of property;
- (xvi) accepts or solicits a bribe or gratuity;
- (xvii) is idle or negligent in the performance of his duty;
- (xviii) is slovenly, inattentive, uncivil or quarrelsome;
- (xix) parades for duty dirty or untidy in his person, arms, clothing or equipment;
- (xx) makes or signs any false statement in any official record or document;
- (xxi) makes or joins in making any anonymous complaint;
- (xxii) malingers, or feigns or wilfully causes any disease or infirmity;
- (xxiii) is guilty of wilful misconduct or wilfully disobeys, whether in hospital or elsewhere any orders and so causes or aggravates any disease or infirmity or delays its cure;
- (xxiv) has contracted venereal or other disease and fails to report without delay to a Government medical officer for treatment;
- (xxv) incurs debt in or out of the National Service which he is unable to discharge;
- (xxvi) resists an escort whose duty it is to apprehend him or to have him in charge;
- (xxvii) having been lawfully confined, breaks out of a camp or settlement;
- (xxviii) makes any false statement upon joining the National Service;
- (xxix) refuses or neglects to make or send any report or return which it is his duty to make or send;
- (xxx) knowingly makes a false accusation against any member;
- (xxxi) in making a complaint against any member knowingly makes a false statement affecting the character of such member or knowingly and wilfully suppresses any material facts;
- (xxxii) engages without authority in any employment or office other than his National Service duties;
- (xxxiii) if called upon by a senior officer to furnish a full and true statement of his financial position, fails to do so;
- (xxxiv) wilfully disobeys any regulation or order of the National Service;
- (xxxv) is guilty of any act, conduct, disorder or neglect to the prejudice of the good order or discipline of the National Service or in violation of duty, or any other misconduct as a member of a National Service not hereinbefore specified,

shall be guilty of an offence against discipline and shall suffer such punishment according to the degree and nature of the offence as may be imposed in accordance with these Rules.

4.—(1) Where it appears to a senior officer that there is a *prima facie* case against a serviceman (hereinafter in these Rules referred to as the defaulter) for an offence against discipline, he shall frame a charge or charges against the defaulter.

Procedure
as to
inquiries
into dis-
ciplinary
offences

(2) The senior officer aforesaid may—

(a) if he is not a commanding officer report the charge to his commanding officer, who may either proceed to hear the charge or charges himself or remit the case to another appropriate tribunal to hear the charge or charges; or

(b) if he is a commanding officer may proceed to hear the charge or charges himself or remit the case to another appropriate tribunal to hear the charge or charges.

(3) The defaulter shall be informed of the date and time at which he will be required to appear before the appropriate tribunal.

(4) The charge or charges shall first be read over to the defaulter who shall be required to plead guilty or not guilty to each charge separately.

(5) At the conclusion of the hearing the appropriate tribunal may—

(a) give its finding forthwith and, if it finds the defaulter guilty of any of the charges against him or, if the defaulter has pleaded guilty thereto, may impose a punishment; or

(b) reserve its findings until a later date, and if it finds the defaulter guilty of any of the charges against him may impose a punishment.

(6) The findings and punishment shall be communicated personally to the defaulter.

5.—(1) Where the defaulter pleads or is found guilty but the appropriate tribunal considers that the offence warrants dismissal from the National Service, it shall not make an award but—

Disposition
of serious
offences

(a) if the appropriate tribunal is not a commanding officer, it shall send a report to the commanding officer of the defaulter together with a copy of the proceedings, its finding and the reasons therefor; or

(b) if the appropriate tribunal is a commanding officer, he shall send a report to the Director together with a copy of the proceedings, his finding and the reasons therefor.

(2) (a) On receipt of a report and the other documents referred to in paragraph (1) of this rule, a commanding officer may—

(i) confirm all or any of the findings or substitute for any finding of the appropriate tribunal any other finding at which the tribunal could have arrived upon the evidence and either himself impose a punishment in relation thereto (in which case he shall notify the appropriate tribunal) or refer the report and such other documents to the Director for the latter to impose a punishment; or

(ii) quash any finding and acquit the defaulter in respect thereto or order a re-trial on such charge or charges as he may specify.

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- (b) On receipt of the report and such other documents as aforesaid the Director may—
 - (i) confirm all or any of the findings or substitute for any finding of the appropriate tribunal or any finding substituted by the commanding officer any other finding at which the tribunal could have arrived upon the evidence and impose a punishment in relation thereto (in which case he shall notify the appropriate tribunal);
 - (ii) quash any finding of guilt and acquit the defaulter in respect thereof or order a re-trial on such charge or charges as he may specify.
- (c) The findings and punishment shall be personally communicated to the defaulter.

Delegation
of powers
in certain
cases

6. Notwithstanding the foregoing provisions of these Rules, a commanding officer may, where he is satisfied that no injustice would thereby be caused to the defaulter, depute or authorize a senior officer to depute a junior officer to record any plea or any evidence under these Rules and where a junior officer so records a plea or any evidence such plea or evidence shall be deemed to have been recorded by an appropriate tribunal.

Punishment

7.—(1) One or more of the following punishments may be imposed by any appropriate tribunal upon a defaulter who has pleaded guilty or who has been found guilty of an offence against discipline:—

- (a) reduction in rank;
- (b) confinement in a guardroom, or restriction to the confines of any camp or other area where a part of the National Service is stationed, for not more than fourteen days;
- (c) a fine not exceeding ten shillings;
- (d) stoppages of allowance;
- (e) extra drills or parades.

(2) The Director may impose any punishment which an appropriate tribunal is competent to impose and where a defaulter has pleaded guilty or has been found guilty of an offence against discipline may dismiss the defaulter from the National Service.

Appeals

8.—(1) Any serviceman aggrieved by any finding of an appropriate tribunal or any award of an appropriate tribunal, may, within seven days of the notification to him thereof, appeal to the Director in writing and the Director may confirm or vary any finding of the appropriate tribunal or substitute thereof any finding at which the appropriate tribunal could have arrived upon the evidence, including any additional evidence which the Director, in his discretion, admits at the hearing of the appeal and may confirm or remit any punishment imposed by the appropriate tribunal or may substitute therefor any punishment which the tribunal could have imposed, and in all such cases the decision of the Director shall be final.

(2) Where the Director hears any new evidence on appeal he shall give the appellant an opportunity of being present and putting questions to any witnesses so heard.

(3) In every case in which an appeal is lodged, the punishment shall be suspended during the hearing of the appeal.

(4) For the avoidance of doubt it is hereby declared that where any punishment has been imposed by the Director under the provisions of sub-paragraph (b) of paragraph (2) of Rule 5 no appeal in respect thereof shall lie under the provisions of paragraph (1) of this Rule.

9.—(1) All fines imposed on a defaulter in respect of offences against discipline under these Rules may be recovered by stoppage of the defaulter's allowance due at the time of committing such offence and thereafter accruing due. Fines to be recovered by stoppage of allowance

(2) The amount of stoppage in respect of any punishment authorized by these Rules shall be in the discretion of the appropriate tribunal by whom the punishment was imposed or subject to the directions of the Director but shall in no case exceed one-half of the monthly allowance of the defaulter and whenever more than one order of stoppage is in force against the same serviceman, so much only of his allowance shall be stopped as shall leave him a residue of at least one-half of his allowance.

(3) Where more than one order of stoppage is made upon the same serviceman, the orders later in date shall, if necessary, be postponed as to their enforcement until the earlier orders have been discharged.

10. The Director or a commanding officer, where a charge alleging an offence against discipline or an offence against the Act has been laid or is about to be laid against a serviceman, may suspend that serviceman from the performance of his duties with the National Service.

Dar es Salaam,
22nd January, 1965

R. M. KAWAWA,
Second Vice-President

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THE NATIONAL SERVICE ACT, 1964
(No. 16 of 1964)

RULES

Under section 21

THE NATIONAL SERVICE (GENERAL) RULES, 1965

1. These Rules may be cited as the National Service (General) Rules, 1965.