

CHAPTER 258

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A MODEL ACT

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
- Application
- Interpretation
1. This Act may be cited as the Political Parties Act.
 2. This Act shall apply to Tanzania Zanzibar as well as to Mainland Tanzania.
 3. In this Act, unless the context otherwise requires—
“**Administrative meeting**” means a meeting of an organ of a political party as stipulated in a political party’s constitution;
“**Council**” means the Political Parties Council
“**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.
“**Minister**” means the Minister for the time being responsible for matters relating to political parties;
“**National Executive Committee**” means a party organ or any similar organ comprised of party national leaders and party representatives from each particular party geographical structure where the party has administrative organ or representative elected in accordance with party constitution inclusive of special interest groups;
“**National leader**” means a national leader of a political party as prescribed in the constitution of political party;
“**Party**” means a political party;



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“**Political party**” means any organized group formed for the purpose of forming a government or a local government authority within the United Republic through elections or for putting up or supporting candidates to such elections;

“**Political party general meeting**” means the highest decision making organ of the party, made by delegates based on the party structure prescribed in the party constitution;

“**Registrar**” means the Registrar of Political Parties appointed under section 4 and includes a deputy and an assistant registrar;

“**Special interest groups**” includes —

- (a) women;
- (b) persons with disabilities;
- (c) youth;
- (d) ethnic minorities; and
- (e) marginalized communities

“**Tribunal**” means the Political Parties Disputes Tribunal established under section 23 of this Act.

PART II

ESTABLISHMENT OF THE OFFICE OF THE REGISTRAR

Establishment of
the Office of the
Registrar

4. (1) - There shall be an office of the Registrar of Political Parties which shall be an autonomous institution under the Ministry responsible for political parties.

(2) The Office of Registrar shall be independent and shall not be subject to direction or control of any person or authority.

(3) A person shall be qualified for appointment as Registrar or as a Deputy Registrar if the person—

(a) holds a degree from a university recognized in United Republic;

(b) has proven knowledge and experience in any of the following fields—

(i) finance;

(ii) management;

(iii) political science;



- (iv) law;
 - (v) governance; or
 - (vi) public administration;
- (c) has, in the case of the Registrar, at least ten years post qualification experience in the relevant areas of expertise and, in the case of a Deputy Registrar, has at least seven years post qualification experience in the relevant area of expertise; and
- (d) is a person of high moral character and integrity.
- (4) A person shall not be qualified for appointment as a Registrar or Deputy Registrar if the person has, at any time within the preceding five years, held office or stood for election as a Member of Parliament or a Ward Councilor or as a member of a governing body of a political party.
- (5) The Registrar and Deputy Registrars shall serve for a non-renewable term of seven years and shall not be eligible for re-appointment.
- (6) A person who serves as a Registrar or Deputy Registrar shall not be eligible to contest for election as a President of the United Republic, Member of Parliament, House of Representatives or as a member of a governing body of a political party within seven years of the person ceasing to be Registrar or Deputy Registrar.
- (7) The Registrar and Deputy Registrar shall be appointed in the manner specified in the Third Schedule to this Act,

Functions of the
Office of the
Registrar

5.- 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) register political parties' coalitions in accordance with this Act and any other written law;
- (c) supervise the administration and implementation of this Act;
- (d) monitor democracy and governance within and among political parties in accordance with the laws;
- (e) disburse and monitor accountability of Government subvention to political parties which qualify under this Act;
- (f) provide guidelines for party members to monitor income and expenditure of political parties and accountability of party resources in line with party constitutions and relevant laws of the country;



- (g) monitor civic education regarding multiparty democracy, laws administered by the Registrar and related matters;
- (h) advise the Government and other democracy stakeholders on issues related to political parties and multiparty democracy;
- (i) facilitate communication between political parties, Government or any other stakeholders upon request;
- (j) undertake research on political parties, multiparty democracy and political parties financing;
- (k) be secretariat to the Political Parties Council; and
- (l) undertake any other functions conferred by this Act or any other written law

Vacancy in the
Office of the
Registrar

6. - (1) Whenever a vacancy arises in the Office of the Registrar of Political Parties or the Deputy Registrar, the Council shall, with the suggestion of the Public Services Commission, appoint the Registrar of Political Parties or the Deputy Registrar from the names of nominees forwarded by the Public Services Commission in accordance with the Third Schedule to this Act.

(2) The Registrar or Deputy Registrar may be removed from office only on grounds of :-

- (a) serious violation of the Constitution of the United Republic or of this Act;
- (b) inability to perform the functions of office arising from mental or physical incapacity;
- (d) bankruptcy;
- (e) incompetence; or
- (f) gross misconduct.

(3) A person desiring the removal of the Registrar or Deputy Registrar shall present a petition to the Public Service Commission which shall be in writing, setting out the alleged facts constituting the grounds for the removal of the Registrar or of the Deputy Registrar.

(5) The Public Service Commission shall consider the petition and, if it is satisfied that it discloses the existence of a ground under subsection (1), it shall send the petition to the Council.

(6) On receipt and examination of the petition, the Council shall—



(a) suspend the Registrar or Deputy Registrar pending the outcome of the petition; and

(b) appoint a Tribunal in accordance with subsection (7).

(7) The Council shall appoint a Tribunal consisting of—

(a) a Chairperson who shall be nominated by the Judicial Service Commission and who shall be a person who is qualified to hold office as a judge of a High Court;

(b) two other persons, a man and a woman, who shall be nominated by the Tanganyika Law Society and who shall be qualified to hold office as a judge of a High court;

(c) two persons, a man and a woman, who shall be nominated by the Association of Professional Societies in East Africa and who have knowledge and experience in public affairs and are competent to assess the facts in respect of the particular ground for removal.

(8) The Tribunal shall investigate the matter expeditiously, report on the facts and make a binding recommendation to the Council which shall act in accordance with the recommendation within thirty days.

(9) A person who is suspended under this section shall continue, while on suspension, to receive the remuneration only.

Appointment of
Directors and other
officers

7. The Minister may appoint directors and such other officers in such numbers as may from time to time be required to carry out the purposes of this Act.

Monitoring of
civic education

7A.-(1) A person or institution registered 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.

(2) Upon receipt of information under subsection (1), the Registrar may provide advice and guidelines for the training or capacity building. Any content that violates existing laws, can be disapproved by the Registrar through a court order.

(3) Any person or institution aggrieved by the decision of the Registrar made in subsection (2) of this section may appeal to the Political Parties Tribunal

(4) Any person or institution which contravenes this section, commits an Offence.



(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

7B.-(1) The Registrar may issue a written notice, in the prescribed form, to the Chairperson or Secretary-General of a political party to furnish for inspection by the Registrar within 21 days the records required to be maintained under section 8C(1), or such other information as is reasonably required by the Registrar to ensure compliance with the provisions of this Act.

(2) A political party or person who contravenes this section commits an offence.

(3) 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.

(4) A political party which contravenes the provisions of this section shall be dealt with in accordance with the provisions of section 24C (5) of this Act.

Protection of officers

8. 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 and without negligence in the performance of any function under this Act, without violating the Constitution and any other written laws of the country.”

“PART IIA

FORMATION OF POLITICAL PARTIES

Formation of political party

8A.-(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 general meeting and national executive committee or any similar organ shall not delegate their core functions prescribed in the party constitution.

(3) For the purpose of subsection (3), core functions means-



- (a) in the case of the party national general meeting, the enactment and amendment of the party constitution; and
 - (b) in the case of the party national executive committee, the enactment and amendment of the party rules.
- (4) A political party shall adhere to the Constitution of the United Republic, the Constitution of Zanzibar, this Act, its constitution, principles of democracy and good-governance, non-discrimination, promote gender equity and equality, human rights and fundamental freedoms and include special interest groups, in the-
- (a) formulation and implementation of its policies;
 - (b) nomination of candidates for elections; and
 - (c) election of its leaders.
- (5) A political party shall identify its ideology and influence the public on its ideology.

Qualification of people applying for registration of political party

8B. A person shall qualify to apply for registration of a political party if-

- (a) That person is a citizen of the United Republic;
- (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 eighteen years
- (e) that person can read and write in Kiswahili or English; 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, corruption or evading tax, gender-based violence or any discrimination towards or mistreatment of special interest groups.

Restrictions in party membership and participation in political parties' activities

8C.-(1) A person shall qualify to be a member of a political party if that person-

- (a) Is a citizen of the United Republic and
 - (b) has attained or is above the age of eighteen years.
- (2) A person shall not be a member of more than one political party.
- (3) 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.
- (4) A person who contravenes the provisions of this section, save for subsection (2) and (4) commits an offence.

PART III



REGISTRATION OF POLITICAL PARTIES

Duty of political parties to register

9. - (1) Subject to subsection (2), every political party formed in any part of the United Republic shall apply to the Registrar in the prescribed manner to be registered as political party.

(2) Notwithstanding the provisions of subsection (1), Chama cha Mapinduzi, also known by the acronym CCM, which was, immediately before this Act, a political party for the whole of the United Republic shall, on the coming into effect of this Act and without further requirement, be deemed to have been fully registered as a political party and shall be issued with a certificate of registration in accordance with this Act.

(3) No organization shall operate or function as a political party unless it has first been registered in accordance with the provisions of this Act.

Registration of a Political Party

10 - (1) Every political party other than the political party registrable pursuant to subsection (2) of section 7, shall apply and be registered in two stages, after fulfilling all conditions prescribed for each stage.

(2) Every political party shall first be provisionally registered and issued with a certificate of provisional registration upon fulfilling the conditions prescribed in section 9.

(3) Every political party which was provisionally registered and which in addition to the conditions prescribed in section 9, fulfilled the conditions prescribed in section 10 shall not later than one hundred and eighty days from the date of provisional registration apply to the Registrar for full registration.

(4) The provisional registration of every party which has not applied for full registration shall lapse and every provisional registration certificate shall cease to be of any effect upon expiry of one hundred and eighty days from the date of such provisional registration.

(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;



(7) The Registrar shall register and issue a certificate of provisional registration or, as the case may be, a certificate of full registration to every political party which fulfill all the conditions for such registration.

(8) Any person or institution aggrieved by the decision of the Registrar made under this section may appeal to the tribunal.

Political parties register

11. (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

(3) The Registers shall be kept and maintained by the Registrar and shall be accessible to members of public for inspection or perusal at such time and in such a manner as may be determined by the Registrar.

Registration of national leaders

11.B - (1) The national leaders of political parties registered under the provisions of section 7 or 9 shall be required to fill and submit a special form for national leaders to the Registrar for registration in the register of political parties kept and maintained by the Registrar.

(2) A person who is not a national leader registered pursuant to subsection (1), a leader registered under subsection (1) or a member of a political party shall not engage in any political activities in the name of a political party for which that person purports to be a leader or a member.

(3) A person who contravenes subsection (2), commits an offence.

Maintenance of registers

11C.-(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) A leader of political party which contravenes this subsection (1) commits an offence.

(3) A political party which does not comply with the provisions of subsection (1) shall be dealt with in accordance with the provisions of section 24C (5) of this Act.



Contents of constitution and rules of political party

11D.-(1) The constitution of a political party shall as provided in the First Schedule of 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 one year 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 dealt with in accordance with the provisions of section 24C (5) of this Act.

Political parties not to form security group

11E.-(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 organization intending to usurp the security organ.

(2) A political party shall not intentionally 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 dealt with in accordance with the provisions of section 24C(5) of this Act and every leader of the party concerned shall be liable on conviction to imprisonment for a term of not less than one year but not more than five years.

Conditions for provisional registration

12. - (1) No political party shall qualify for provisional registration unless-

(a) the founding members have applied for its registration in the prescribed manner;

(b) the application has been accompanied with a copy of the constitution of the proposed political party;

(c) its membership is voluntary and open to all the citizens of the United Republic without discrimination on account of gender, disability, religious belief, race, tribe, ethnic origin, profession or occupation;

(d) the election of its leaders at the General Elections is open to both genders

(e) it promotes the inclusion of special interest groups



(2) Without prejudice to subsection (1), no political party shall qualify for provisional registration if, by its constitution, rules and policies or activities -

(a) it aims to advocate or further the interests of -

(i) any religious belief or group;

(ii) any tribal, ethnic or racial group; or

(iii) only a specific area within any part of the United Republic;

(b) it advocates the breaking up of the union constituting the United Republic;

(c) it accepts or advocates the use of force or violence as means of attaining political objectives;

(d) it advocates or aims to carry on its political activities exclusively in one part of the United Republic; or

(e) it does not allow periodic and democratic election of its leadership;

(f) it intentionally allows its leaders and members to utter or use obscene language, vindictive, defamatory or inciting words and symbols which are proved to cause or lead to disruption of peace and erosion of national unity;

(g) it uses or accepts the use of or advocates for the use of religion or religious organizations to further its objectives.

Conditions for full registration

13. - No political party shall be qualified to be fully registered unless –

(a) it has first been provisionally registered;

(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.



(c) it has submitted to the Registrar for verification names of its members;

(d) it has submitted to the Registrar a location of its head office and subhead office on the basis that if the head office is established in Mainland Tanzania the subhead office shall be established in Tanzania Zanzibar;

(e) has through its constitution restricted its members from having dual membership;

(f) it has submitted the names of the national leadership of the party and such leadership draws its members from both Tanzania Zanzibar and Mainland Tanzania; and

(g) it has submitted to the Registrar location of its head office within the United Republic and a postal address to which notices and other communications may be sent.

Qualification for
leaders of a
Political Party

13A. A person shall be qualified to contest for election or nomination as a leader of a political party if that person is:-

(a) a citizen of the United Republic who has attained or is above the age of twenty one years and who can read and write in Kiswahili or English;

(b) a member of the relevant political party;

(c) a person who, within five years prior to the date of submission of the name for election or nomination, has not been convicted of or sentenced for commission of an offence of dishonesty, corruption or evading tax, gender-based violence or any violations of the rights or mistreatment of special interest groups; and

(d) a person of sound mind.

(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.

Verification of
political parties

13B.-(1) The political party registered under this Act, shall observe and maintain conditions for registration.

(2) The Registrar may, at any time with notice of not less than twenty one days verify a political party to ensure compliance with the conditions for its registration.



PART IV

PRIVILEGE OF REGISTERED POLITICAL PARTIES

Rights and
privileges of, and
meetings of
political parties

14.- (1) Every political party provisionally or fully registered shall be titled –

(a) to hold and address public meetings in any area in the United Republic after giving notification to the police officer in charge of the area concerned for purposes of publicizing itself and soliciting for membership;

(b) to the protection and assistance of the security agencies for the purposes of facilitating peaceful and orderly meetings;

(c) to the provision by the State, of fair opportunity to present the political party's programmes to the public by ensuring equitable access to the State owned media.

Provided that provisional registration shall not entitle any political party to put up a candidate or to campaign for any candidate in any parliamentary election, house of representative elections or presidential election or in a local authority election.

(2) Every party which has been fully registered shall be entitled to put up candidates and to campaign for any candidate in any parliamentary election, house of representative election, a presidential election or in a local government authority election.

(3) Where a political party is desirous of holding a meeting or procession in any open public place in any area it shall, not less than forty eight hours before the meeting or procession, submit a written notification of its impending meeting procession to the police officer in charge of the area in which the meeting or procession is to take place is situated.

(4) The written notification referred to in subsection (3) shall specify-

(a) the name of the political party submitting the notification;

(b) the place and time at which the meeting or procession is to take place;

(c) the agenda or purpose in general of the meeting;

(5) Where a political party submits a notification in accordance with subsection (3) it may proceed to hold the meeting or conduct the procession in question as scheduled unless and until it receives an order from the police officer in charge of the area not less than twenty four hours before the meeting or procession began directing that the meeting or procession should not be held or conducted as notified.



(6) A police officer to whom a notification is submitted pursuant to subsection (3) shall not give a stop order in relation to the notification unless it is proved that:-

(a) a previous notification has been submitted by another political party or other persons for holding a meeting or other function or procession in the same place at the same time as is intended by the notifier;

(b) the meeting or procession is intended to execute or to be used for an unlawful purpose;

(c) the political party or a group of persons giving the notification is not a registered political party or body of persons or the person submitting the notification is not appropriately identified as an authorized representative of the political party concerned.

(7) A stop order referred to under subsection (5) shall be in writing and in such form as is able to easily disclose the reasons for its issuance and state when the political party concerned may hold the meeting or procession at the venue or place at another time or date convenient to it in the same area.

(8) A person or a political party who contravenes this section commits an offence.

Merger of
Political
Parties

14A.-(1) A political party fully registered in accordance with this Act may, at any time before commencement of campaign period, 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 shall, 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 full 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.



- (6) Any person or institution aggrieved by the decision of the Registrar made in this section may appeal to the tribunal.

Cessation of merged parties

14B.-(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

14C.-(1) Political parties may form a coalition for the purpose of achieving a common political goal.

(2) The coalition formed under subsection (1) shall comply substantially to the guidelines provided for under the Second Schedule to this Act.”

Parties to Hoist flags

15. - (1) Every registered political party shall be entitled to own, use and hoist a flag of its party in areas or places as may be prescribed in the regulations to be made under the provisions of this Act.

- (2) A flag of a registered political party shall be of a design or type as prescribed in the respective political party, constitution or rules.
- (3) Party flag shall not be hoisted in areas restricted by section 16 of this Act.
- (4) A member or a leader of a registered political party shall not do any act, utter any word or publish any writing with intent to insult or bring into contempt or ridicule a flag of another political party.



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Prohibition of the revival of former parties and establishment of branches.

(5) Any person who contravenes subsection (3), commits an offence.

16.- (1) No political party formed or existing in any part of the United Republic prior to the Union of Tanganyika and Zanzibar or prior to 5th February, 1977, shall be revived nor shall a name or acronym of such political party be used by any political party registerable under this Act.

(2) Subject to subsection (3) a political party or any person shall not form, establish or allow to be established or formed any office, branch, unit, youth or women organization or other organ of any political party in any school or other place of learning, places of worship, Government buildings, public institutions.

(3) Any person who contravenes the provisions of this section commits an offence.

(4) 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.

(5) A person shall not use religion or religious organizations to further the objectives of a political party.

Parties to hold General Meetings

16A. (1) Every fully registered political party shall be required to convene a general meeting for the purpose of electing national leaders within one year after being fully registered.

(2) The Registrar of Political Parties may strike off the register, a political party which fails to comply with the requirements of subsection (1).

(3) Any person who contravenes the provisions of sections 14, 16, 19 or any other sections to which no specific penalty is prescribed, shall be liable on conviction to a fine or not exceeding shillings one million or to imprisonment for a term of not exceeding six months.

16B.-(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, except for anonymous contributions, 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) A political party which fails to comply with this section or submits a declaration which is false in any material particulars shall be dealt with in accordance to the provisions of section 21C(5) of this Act.

PART V

FINANCIAL PROVISIONS

Funds and other
resources of a
party

17. - (1) The funds and other resources of political parties which have been fully registered shall derive from—

- (a) membership fees;
- (b) voluntary contributions;
- (c) the proceeds of any investment, project or undertaking in which the party has an interest;
- (d) subvention from the Government;
- (e) donations, bequests and grants from any other source.

(2) Subject to the provisions of Part III of the Election Expenses Act, every political party shall disclose to the Registrar information relating to any funds or other resources obtained by the party

- (a) from sources outside the United Republic, whether obtained directly or through sources within the United Republic;
- (b) from foreign organisations stationed within the United Republic; or
- (c) from any person resident in the United Republic who is not a citizen of the United Republic.

(3) Any official of any political party or other person liable to disclose information to the Registrar on behalf of any party relating to the funds or other resources of the party who fails to disclose such information or gives false information in relation to such funds or resources obtained by a party from sources outside the United Republic, commits an offence and shall be liable on conviction to a fine equal to the amount or the value of the resources not disclosed or in relation to which false information was given or to imprisonment for a term of not exceeding twelve months or to both.

(4) Every political party shall appoint an accounting officer in accordance with its constitution to manage party resources.



Protection of
informer and
witness

17A. - (1) Every person who is or becomes aware of the commission or the intention to commit by another person, whether that person is a voter, a candidate, a leader of a political party or not, to commit an offence of prohibited practice shall be required to give information to the Registrar.

(2) No information relating to commission of an offence under this Act shall be admitted in evidence in any civil or criminal proceedings and no witness in any civil or criminal proceedings shall be obliged to -

(a) disclose the name or address of any informer who has given information to the Registrar with respect to an offence under this Act or the name or address of any person who has assisted the Prevention and Combating of Corruption Bureau in any way in relation to such an offence; or

(b) answer any question if the answer to such question would lead or would tend to lead to discovery of the name or address of such informer or person.

(3) Where any book, document or paper which is the subject of evidence or liable to inspection in any civil or criminal proceedings contain an entry in which that informer or person is named or described, or which might lead to the discovery of that informer or person by the public, the court shall cause all such passages to be concealed from view by the public or to be obligated so far as may be necessary to protect the informer or such other person from discovery by the public.

(4) Any informer who suffers reprisal, retaliation or victimization, injury or any harm from a person accused of corruption, perpetrators of offences of corruption, prohibited practices and their accessories shall be afforded reasonable protection, compensation and assistance by the Government upon ascertainment by Registrar the magnitude of victimization, injury or harm.

18. - (1) Every political party which has been fully registered shall-

(a) maintain proper accounts of the funds and property of such political party;

(b) submit to the Registrar -

(i) an annual statement of the account of the political party audited by the Controller and Auditor-General and the report of the account;

(ii) an annual declaration of all the property owned by the party.

(2) The Registrar, after inspecting any accounts or report submitted pursuant to this section may, for the benefit of the members or the public, publish any matter

Submission of
accounts and
declaration of
Property



relating to the funds, resources or property of any party or the use of such funds, resources or property.

(3) The Registrar shall publish in the official Gazette, an annual report on the audited accounts of every political party.

Party to maintain bank account

19. - (1) Every political party which has been fully registered shall, through its trustees, maintain a bank account of the party in which all the money received by the party in accordance with section 13, shall be deposited.

(2) Any subvention from the Government which is payable to political parties under this Act shall not be paid to a political party which does not maintain a bank account in accordance with this section.

(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.

Grant of, and party qualification for, subvention

20. - (1) The Government shall, subject to section 17, disburse up to not more than two per centum of the annual recurrent budget less the amount payable in defraying the national debt in the grant of subventions to political parties in pursuance of the provisions of this Act.

(2) The Government shall, in addition to the subvention referred to in subsection (1), grant an annual subvention to every qualifying political party in relation to its local government authority activities which shall be such an amount as the Minister may determine, and which shall be computed on the basis of the number of the members of the political party who are members of a district or urban council.

(3) No party shall qualify for the grant to it of a subvention in accordance with this Act unless-

(a) it is a party which is fully registered under this Act;

(b) it has, in the immediately preceding general or local government election, had any of its candidates elected to be a Member of Parliament or member of a local government authority.

When, how and amount of subvention to be granted

21. (1) Subventions granted under this Act shall be disbursed to a qualifying political party once in every financial year and in such instalments as the Minister may, considering the prevailing economic and financial conditions, determine.

(2) The fund disbursable pursuant to section 16(1) as subvention to qualifying political parties shall be distributed as follows-



(a) fifty per centum of the funds shall be disbursed amongst qualifying parties on basis of the ratio between the number of parliamentary constituencies in the United Republic;

(b) the other fifty per centum of the funds shall be disbursed amongst qualifying parties each of which won not less than five per centum of all the valid votes cast in all constituencies in the United Republic, and shall be disbursed amongst those parties on the basis of the ratio between the total number of valid votes cast for the parliamentary candidates of a party and the total number of all the valid votes cast in the parliamentary election for all the qualifying parties.

(3) For purposes of subsection (2) a parliamentary candidate declared by the National Electoral Commission as having been elected unopposed in the constituency shall be deemed to have been elected by fifty one percent of the total number of the registered voters in the respective constituency.

Application of
and accounting
for subvention

22. - (1) Subventions granted to a political party may be spent only on:—

- (a) the parliamentary activities of a political party;
- (b) the civil activities of a political party;
- (c) any lawful activity relating to an election in which a political party nominates a candidate;
- (d) any other necessary or reasonable requirement of a political party.

(2) Subventions granted to a political party shall be accounted for to the Registrar, separately from the accounting for other funds of the political party.

(3) Any party which fails or neglects to account for subventions in accordance with this Act, shall forfeit the right to any subsequent subvention due to the party in accordance with this Act, until such time when the subvention in question have been properly accounted for in the manner provided for under this Act.

(4) Where the Registrar is for any reasonable cause, dissatisfied with any account of subventions submitted by any party, so much of the subvention which has not been accounted for or has not been accounted for satisfactorily, shall be deducted from any subsequent subvention due to the party. Provided that, if prior to the second subsequent disbursement of the subvention, the political party has provided satisfactory account of the withheld portion of the subvention, that amount shall be added to the second subsequent disbursement.

(5) If by reason of failure to submit an account or for any other reason, the Registrar has reason to suspect that any offence under the Penal Code may have been committed in relation to the money which has not been accounted for, he



may make a report to a police station, and the officer in charge of that police station shall cause the matter to be investigated.

(6) The Registrar may, based on the advice received from the Controller and Auditor General, suspend grant of subvention to a political party for a specified period where he has evidence that management of the political party which includes its trustees is not able to account for or supervise accountability of such funds.

(7) Subject to the Controller and Auditor General's recommendation, a political party which receives a qualified or adverse audit report shall be denied subsequent subvention for six months.

(8) The Minister, together with the political parties' council, shall make regulations prescribing procedures for better carrying out the provisions of this section.

Submission of financial reports at the same time

22A.- (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 month after it has received the report from the Controller and Auditor General.
- (c) Make the audited reports publicly available

PART VI POLITICAL PARTIES DISPUTES TRIBUNAL

Establishment of Tribunal

26. - (1) There is established a Tribunal to be known as the Political Parties Disputes Tribunal.

(2) The Tribunal shall consist of the following members, appointed by the Judicial Service Commission—

- (a) a Chairperson who shall be a person qualified to be appointed a judge of the High Court; and
- (b) Six other members, three of whom shall be Advocates of the High Court of seven years standing and three other professionals with outstanding governance, administrative, social, political, economic and other record.

(3) The Chairperson and members of the Tribunal shall serve on part-time basis.

(4) The Chairperson and the members shall hold office for a non-renewable term of six years.



(5) A person shall not be qualified to be appointed as a member of the Tribunal if that person is a member of the public service or takes an active part in the activities of a political party.

(6) A person shall not qualify for appointment under this section unless the person has met the requirement of section 6B of this Act.

(7) The quorum of the Tribunal shall be three members one of whom shall be an advocate.

Jurisdiction of the Tribunal

27.- (1) The Tribunal shall determine—

- (a) disputes between the members of a political party;
- (b) disputes between a member of a political party and a political party;
- (c) disputes between political parties;
- (d) disputes between coalition partners; and
- (e) appeals from decisions of the Registrar under this Act;
- (f) a disputes arising out of party primaries.

(2) Notwithstanding subsection (1), the Tribunal shall not hear or determine a dispute under paragraphs (a), (b), (c) or (d) unless the dispute has been heard and determined by the internal political party dispute resolution mechanisms.

Determination of disputes

28. - (1) The Tribunal shall determine any dispute before it expeditiously, but in any case shall determine a dispute within a period of three months from the date the dispute is lodged.

(2) An Appeal shall lie from the decision of the Tribunal to the High Court on points of law and facts and on points of law to both the Court of Appeal.

(3) A decision of the Tribunal shall be enforced in the same manner as a decision of a Magistrates Court.

(3A) The Chief Justice may, in consultation with the Tribunal, prescribe regulations for determination of disputes under this section.

(4) The Tribunal shall apply the rules of evidence and procedure under the

Evidence Act (Cap. 6) and the Civil Procedure Code (Cap. 33), with the necessary modifications, while ensuring that its proceedings do not give undue regard to procedural technicalities.

Removal of members of the Tribunal

29. - The Judicial Service Commission may remove a member of the Tribunal if the member—

- (a) becomes an undischarged bankrupt;
- (b) is convicted of a criminal offence;
- (c) is incapacitated by reason of prolonged physical or mental illness from performing the duties of the office;
- (d) violates the Constitution of United Republic; or
- (e) is otherwise unable or unfit to discharge the functions of the office.



Staff of the
Tribunal

30. - The Judicial Service Commission shall appoint the Secretary and such other staff of the Tribunal necessary for the proper functioning of the Tribunal.

Expenses of the
Tribunal

31. - (1) The remuneration of the staff of the Tribunal and the expenses of the Tribunal shall be paid out of monies allocated by the National Assembly to the Judiciary Fund.

(2) The Chairperson and members of the Tribunal shall be paid such allowances and be reimbursed such expenses as shall be determined by the Judicial Service Commission,

(3) Pending the establishment of the Salaries and Remuneration Commission, the Chairperson and members of the Tribunal shall be paid such allowances and be reimbursed such expenses as shall be determined by the Judicial Service Commission in consultation with Treasury”

PART VII GENERAL PROVISIONS

Power of
Registrar to
cancel

29.- (1) Subject to subsection (2) the Registrar may cancel the registration of any political party which has contravened any of the provisions of this Act, which obtained its registration in a fraudulent manner or which has otherwise ceased to qualify for registration under this Act.

(2) The Registrar shall not cancel the registration of any party unless-

(a) he has, in writing, informed the party concerned of the contravention or the loss of qualification and of the intention to cancel the registration;

(b) he has received or failed to receive, within the period prescribed by him, any representations from the party concerned;

(c) he has submitted to the Minister the intention to cancel the registration of the party together with any representations made by the party.

(3) Notwithstanding powers of the Registrar to cancel registration of a political party, the Registrar shall not cancel registration of a political party if the period during which the General Elections would be held does not exceed twelve months.

Suspension of
Registration

29A.-(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) A political party which has not remedied the breach or complied with the Act as required by the Registrar under subsection (1) shall be dealt with in accordance to the provisions of section 24C (5) of this Act.

Parties to appoint trustees

30. - (1) Every political party which has obtained a certificate of full registration shall appoint a board of trustees to manage the properties and any business or investment of the party.

(2) Every board of trustees shall be duly incorporated under the Trustees Incorporation Act and every political party shall not later than sixty days from the date of full registration submit to the Registrar-

(a) the names and addresses of the members of the board of trustees; and

(b) a copy of the certificate of incorporation.

(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.

Establishment of the Political Parties Council

30A. - (1) There is established within the Office of the Registrar of Political Parties the Council of Political Parties.

(2) Members of the Council shall not be more than two national leaders of each fully registered political party.

(3) The Chairman and the Vice Chairman of the Council shall be elected by members of the Council from amongst themselves.

(4) The office of the Registrar of Parties shall be Secretariat to the Council.

(5) The Council shall be financed from the Government budget or donor funds.

Functions of the Council

30B. - (1) Functions of the Council shall include to-

(a) advise the registrar on the disputes arising amongst political parties

(b) Advise the Registrar on matters of national interest with reference to Political Parties or political situation;

(c) advise the Government through the Registrar on the enactment, amendment and implementation of Political Parties Act and other laws relating to political parties;

(d) together with the Registrar make the regulations prescribing matters regarding political parties;



Offences and Penalties

(e) inform the Registrar on any matter regarding the operations of any political party.

(2) Procedure, term of office of members and other matters relating to the Council shall be as prescribed in the regulations.

30C.-(1) Any office bearer who fails to comply with the directive or request of the Registrar made under this Act or submits a statement to the Registrar in regards to the provisions of this Act that 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 to the Registrar which is false in material particulars, commits an offence and is liable upon conviction to a fine not less one million and not exceeding five million shillings.

(3) Any person who contravenes any provision of this Act shall be liable on conviction to a fine of not more than one million shillings or to imprisonment for a term of not more than six months or to both.

(4) Any political party which contravenes any provision of this Act shall be liable to a fine of not less than one million shillings and not exceeding five million shillings.

(5) Any person or political party which breaches the provisions of sections 7B(4), 11C(1), 11D(4), 11E(3), 16B(4), 23A(3), shall be dealt with in the following manner:-

- (a) The Registrar shall write a reprimand letter calling upon the persons or political party to remedy the breach within at least 21 days from the date of notice or any other longer time as the Registrar may allocate depending on the circumstances of each particular case.
- (b) Where a person or political party fails to remedy within the time specified by the law or allocated by the Registrar as the case may be, the Registrar shall call upon the person or political party to show cause why it should not be suspended or de-registered as the case may be.
- (c) Where the Registrar is not satisfied with the defense advanced by a person or political party, may proceed to suspend or deregister the political party, as the case may be.



- (d) Any person or political party aggrieved by the decision of the Registrar in this section shall appeal to the tribunal.

Regulations

31. - (1) In consultation with the Council, The Minister may make regulations for the purpose of carrying out or giving effect to any provision of this Act.

(2) In particular and without prejudice to the generality of the power conferred by subsection (1), the Minister may, in consultation with the Council may make regulations-

- (a) prescribing the manner of registration of political parties under this Act;
- (b) regulating or restricting the use or the changes of names of political parties;
- (c) prescribing the forms which may be used for carrying out the provisions of this Act;
- (d) prescribing the manner of preparation of financial accounts and manner of securing the submission to the Registrar of accounts relating to the assets and liabilities, income and expenditure of political parties;
- (e) prescribing the fees in respect of anything to be done under this Act;
- (f) securing the submission to the Registrar of annual or other periodical returns relating to the constitution, objects and membership of political parties;
- (g) prescribing the manner in which subventions granted to a political party may be disbursed and accounted for;
- (h) prescribing and regulating the use of flags by political parties;
- (i) prescribing procedure and process for merging of political parties;
- (j) upon consultation with political parties prescribing the ethical conduct of the political parties;
- (k) prescribing anything which is required, necessary or desirable to be prescribed for the better giving effect to this Act.

FIRST SCHEDULE

(Made under Section 11D)

CONTENTS OF THE CONSTITUTION OR RULES OF A POLITICAL PARTY

1. The name of the political party and any abbreviation.
2. The logo and symbol of the political party and party colours.
3. The physical and postal address of the registered office
4. The Party Ideology and objects of the political party.
5. Clearly defined vision, mission, guiding principles and values.
6. Membership requirements including—
 - (a) the eligibility criteria;
 - (b) subscription fees for joining the party and for being a member of the party;
 - (c) the criteria for resignation from party membership or ceasing to be a member; and
 - (d) the rights and duties of members of the party;
 - (e) the membership details to be contained in the register including identification details, region, ethnicity, disability, gender; and
 - (f) the procedure for conducting the annual general meeting or the other general meetings of the political party, including matters which may only be decided upon by a meeting of the party members or, as the case may be representatives of the party;
 - (g) the requirement for continuous updating of the membership register.
7. Governing body requirements—
 - (a) the name of the governing body;
 - (b) the eligibility criteria for election to the governing body;
 - (c) the positions, titles and term of office;
 - (d) the rights and duties of members of the governing body;
 - (e) the procedure for the election of members of the governing body and
 - (f) other political party organs, including committees;
 - (g) guidelines for the operations of the governing body and its committees;
 - (h) quorum;
 - (i) frequency of meetings;
 - (j) decision making powers; and
 - (k) Guidelines for meetings; procedures of convening meetings; procedure of meetings and the official recording of resolutions passed at meetings.
8. A list of political party management structure of the political party and systems to be documented at the political party offices including—



- (a) the employee details and terms of employment;
 - (b) the party human resource (including diversity and inclusion policies), financial and audit and administration and management policies and procedures; and
 - (c) The forming of political party branches, including in the diaspora, and their roles and responsibilities.
9. The financial structure and system including—
- (a) the roles and responsibilities of individual political party officials, organs and governing bodies with regard to the finances of the political party;
 - (b) the annual statutory and other audits of accounts of the political party; and
 - (c) the purposes for which the funds may be used, and in particular the
 - (d) prohibition against the distribution of funds among members.
10. The general organisation structure and management of the political party,
11. The disciplinary measures against a member or official of a political party including—
- (a) the methods and procedure of disciplinary action in accordance with the laws and the Constitution of the United Republic of Tanzania;
 - (b) possible disciplinary actions and reasons;
 - (c) criteria for various disciplinary actions; and
 - (d) consequences of each action.
12. The right to inspect the books or list of members of the political party by a member of the party or a member of the public.
13. The authorized officials of a political party shall sign on behalf of the political party—
- (a) documents presented to the Registrar including membership register, mergers, and other reports to the Registrar;
 - (b) the accounts and bank accounts of the political party;
 - (c) the audited annual accounts and financial statements of the political party;
 - (d) any report or document of the political party required under this Act or any other written law; and
 - (e) the nomination certificates for any nomination or election of a member of the political party.

14. The policy documents which the political party will develop and on which the political party will perform including the manner and procedures in which they will be developed, approved and implemented.
15. The policy reporting documents and their regularity which the political party will produce including the manner and the procedures in which they will be developed, approved and publicized.
16. Asset management policies and procedures, the custody and investment of the funds and property of the political party, and the designation of the persons responsible for them.
17. The political party rules and regulations with respect elections and nomination of candidates for elections
18. Provisions for the amendment of the name, symbol, party colours, Constitution, and rules of the political party.
19. Rules for mergers including—
 - (a) the circumstances and criteria for mergers; and
 - (b) the procedure and guidelines for such mergers as approved by an annual general meeting of the political party.
20. Rules for entering into coalitions.
21. Provisions on dissolution of the political party, including—
 - (a) provisions on the disposal of the property of the political party; and
22. the manner of and procedures to be followed for the dissolution of the political party
23. Internal party dispute resolution mechanism in accordance with this Act.
24. Reflect democratic practices covering human rights, gender and affirmative action for protection of minorities and special interest groups.
25. The manner of implementing national and party values, and principles of governance as provided in the Constitution of the United Republic of Tanzania.

SECOND SCHEDULE

(Section 14C)

BASIC REQUIREMENTS FOR COALITION AGREEMENT

1. A Coalition agreement shall adhere to the rules and procedures of the political parties relating to the formation of coalitions.
2. A coalition agreement shall be sanctioned by the governing body of the political parties entering into the coalition and shall—
 - (a) be in writing and duly executed by authorized national party officials; and
 - (b) be commissioned by a Commissioner of Oaths.
3. Coalition agreement shall state—
 - (a) the parties which are members of the coalition;
 - (b) the policies and objectives of the coalition;
 - (c) the overall structure of the coalition;
 - (d) the general organisation structure and management of the coalition,
 - (e) the criteria or formula for sharing of positions in the coalition structure, roles and responsibilities within the coalition;
 - (f) the coalition election rules;
 - (g) the coalition nomination rules;
 - (h) the decision making structure, rules and procedures;
 - (i) the process and mechanisms upon which the coalition agreement may be amended;
 - (j) the policy initiation, policy consultation and policy decision making structure, rules and procedures;
 - (k) the Code of Conduct of the coalition including the values and the principles guiding the performance of the individuals and the members parties within the coalition;
 - (l) the dispute resolution mechanisms and procedures;
 - (m) the enforcement and sanction mechanisms and procedures for breach of any of the provisions of the agreement;
 - (n) procedures for appeal to the Tribunal;
 - (o) the role of the governing body and political party organs of the individual member parties of the coalition in the running of the affairs of the coalition including the links and the mechanisms and procedures accordingly;
 - (p) the formula and the mechanisms for sharing of costs and funds for the coalition; and the grounds upon which the coalition may be dissolved including the mechanisms and procedures to be followed.

THIRD SCHEDULE

(Section 6(2))

PROCEDURES FOR APPOINTMENT OF THE

REGISTRAR AND DEPUTY REGISTRAR

1. The Public Service Commission shall, within seven days of its appointment or whenever a vacancy arises, by notice in the Gazette, in at least two newspapers of national circulation and in at least two radio and television stations with national coverage, invite applications for the positions of the Registrar and the Assistant Registrar.
2. The Public Service Commission shall, within ten days of the end of the period prescribed for receipt of applications under paragraph 1, consider the applications, shortlist qualified applicants and interview the shortlisted applicants.
3. The Public Service Commission shall conduct the interviews under paragraph 2 in public.
4. The Public Service Commission shall, following the conclusion of the interviews under paragraph 2, nominate and forward to the President the names of three nominees for appointment to the Office of Registrar of Political Parties and the names of three nominees for appointment to the office of Deputy Registrar.
5. The Council shall, within fourteen days of receipt of the names of the nominees under paragraph 4, by notice in a gazette appoint one of the three persons for appointment to the Office of Registrar of Political Parties and one for appointment as Deputy Registrar of Political Parties.
6. In shortlisting, nominating, approving or appointing the Registrar or the Deputy Registrar, the Public Service Commission and the President shall ensure that the appointments reflect the regional and ethnic diversity of the people of Tanzania and that not more than two-thirds of the appointees are of the same gender.