

Act No.  
15 of  
1984  
s.8

## CHAPTER TWO THE EXECUTIVE OF THE UNITED REPUBLIC

### PART I THE PRESIDENT

*President of  
the United  
Republic  
Act No. 15  
of 1984 s.9*

33.- (1) There shall be a President of the United Republic.  
(2) The President shall be the Head of State, the Head of Government and the Commander- in Chief of the Armed Forces.

*The Government  
of the United  
Republic  
Authority Act No.  
15  
of 1984  
s.9*

34.-(1) There shall be a Government of the United Republic which shall have authority over all Union Matters in the United Republic and over all other matters concerning Mainland Tanzania.

(2) The authority of the Government of the United Republic shall concern the application and upholding of this Constitution and also other matters over which Parliament has power to legislate.

(3) All the authority of the Government of the United Republic over all Union Matters in the United Republic and also over all other matters concerning Mainland Tanzania shall vest in the President of the United Republic.

(4) Subject to the other provisions of this constitution, the authority of the Government of the United Republic shall be exercised by either the President himself directly or by delegation of such authority to other persons holding office in the service of the United Republic.

(5) It is hereby declared that the provisions of this Article shall not be construed as :-

- (a) transferring to the President any legal functions conferred by law on any person or authority other than the President; or
- (b) preventing Parliament from conferring any legal authority upon any person or persons or authority other than the President.

*Discharge of the  
business  
of the Government  
Act No. 15  
of 1984  
s.9*

35.-(1) All Executive functions of the Government of the United Republic shall be discharged by officers of the Government on behalf of the President.

(2) Orders and other directives issued for the purposes of this Article shall be signified in such manner as may be specified in regulations issued by the President in conformity with the provisions of this Constitution.

*Authority to  
constitute  
offices and to  
appoint officers  
Act No. 15  
of 1984  
s.9*

36.-(1) Subject to the other provisions of this Constitution and of any other law, the President shall have power to constitute and to abolish any office in the service of the Government of the United Republic.

(2) Subject to the other provisions contained in this Constitution and of any relevant law, the authority to appoint persons to offices in the service of the Government of the United Republic, and also the authority to promote, to remove, to dismiss, and to discipline such persons, shall be exercised by the President, the Service Commissions and any other authorities specified and empowered in respect of any office and vested with powers in relation to any office or category of offices in accordance with this Constitution or in accordance with any relevant law.

37.-(1) Apart from complying with the provisions contained in this Constitution, and the laws of the United Republic in the performance of his duties and functions, the President shall be free and shall not be obliged to take the advice given to him by any person, save where he is required by this Constitution or any other law to act in accordance with the advice given to him by any person or authority.

(2) Where the Cabinet finds that the President is unable to discharge the functions of his office by reason of physical or mental infirmity, it may submit to the Chief Justice a resolution requesting him to certify that the President by reason of physical or mental infirmity, is unable to discharge the functions of his office. Upon receiving such a resolution, the Chief Justice shall appoint a medical board of not less than three persons from amongst experts recognized as such by the law governing medical practitioners in Tanzania and such board shall inquire into that issue and advise the Chief Justice accordingly, and he may, after considering the medical evidence, present to the Speaker a certificate certifying that the President, due to physical or mental infirmity, is unable to discharge the functions of his office; and if the Chief Justice does not rescind that certificate within seven days for the reason that the President's conditions has improved and he has resumed work, then it shall be deemed that office of the President is vacant, and the provisions contained in subarticle (3) shall apply.

(3) Where the office of the President is vacant by reason of the operation of the provisions contained in subarticle (2), or where the office of the President is vacant for any other reason, or in the event that the President shall be absent from the United Republic, the duties and functions of the President shall be discharged by one of the following, in the order specified, that is to say :-

- (a) the Vice-President or, his office is vacant or if he also is absent or is ill; then
- (b) the Speaker of the National Assembly, or if his office is vacant or if he also is absent or is ill;
- (c) the Chief Justice of the Court of Appeal of the United Republic.

(4) Where any of the persons specified in paragraphs (b) and (c) of subarticle (3) discharges the duties and functions of the office of President by reason that person preceding him is absent, the such person shall cease to discharge those duties and functions immediately upon that other person preceding him returns and assumes the discharge of the duties and functions of the office of President.

(5) Where the office of President becomes vacant by reason of the death of the President, his resignation, loss of the electoral qualifications or inability to perform his functions due to physical infirmity, or failure to discharge the duties and functions of the office of President, then the Vice –President shall be sworn in and become the President for the unexpired period of the term of five years and in accordance with the conditions set out in Articles 40, then after consultation with the political party to which he belongs, the President shall propose the name of the person who shall be Vice-President and such appointment shall be confirmed by the National Assembly by votes of not less than fifty per centum of all Members of Parliament.

(6) It is hereby declared that the office of President shall not be deemed to be vacant and the President shall not be deemed to be absent from the United Republic if :-

- (a) he is absent from the town which is the seat of Government of the United Republic;
- (b) he is absent from the United Republic for a period of twenty four hours; or
- (c) he is ill but hopes to be better after a short period.

(7) Where any of the situations specified in subarticle (6) occurs and the President deems it appropriate to delegate his powers for the duration of any such situation, the he may give directions in writing for the appointment of any of the persons mentioned in paragraph (a) or (b) of subarticle (3) of this article for the purposes of discharging the functions of the office of President when he is absent of ill; and the person so appointed shall discharge those functions of the office of President in accordance with the terms specified by the President; the terms specified in this Article shall be understood not to derogate from or prejudice the power of the President under any other law to delegate his functions to any other person.

(8) The President may, if his opinion it is desirable to do so , direct in writing, any Minister to discharge such functions of the office of President as the President may specify, in those directions and the Minister so directed shall by virtue of the provisions of this subarticle have power to discharge those functions of President subject to any limitations or restrictions which the President may specify, notwithstanding the provisions of any other law :

Provided that -

- (a) the President shall not have authority to delegate to a Minister in accordance with the provisions of this subarticle any functions of the office of President conferred on him by any law arising from the terms of any treaty to which the United Republic is a party if by law the President is not authorized to delegate such function to any other person;
- (b) it is hereby declared that directions given by the President under the provisions of this subarticle directing any Minister to discharge any functions of the office of President shall not be deemed to prevent the President from discharging such function himself.

(9) For the purposes of clarity of the provisions of the Article :-

- (a) a Cabinet meeting held for the purpose of submitting to the Chief Justice a resolution concerning the state of health of the President shall be deemed to be valid notwithstanding that any member of the Cabinet is absent or that his position is vacant and it shall be deemed that the Cabinet has passed that resolution provided that is supported by the majority vote of members attending and voting;
- (b) the President shall not be deemed as being absent from the United Republic by reason only of the fact that he is in passage from one part of Tanzania to another through a foreign country, or for the reason that he has given directions in accordance with the provisions of subarticle (7) and those directions have not been rescinded.

(10) Notwithstanding the preceding provisions set out this Article, a person discharging the functions of the office of President under this Article shall not have power to dissolve Parliament, to remove any of the Ministers from office or to revoke any appointment made by the President.

(11) If any person discharging the functions of the office of President in accordance with the provisions of this Article is a Member of Parliament, he shall not forfeit his seat in the National Assembly or be disqualified for election as Member of Parliament by reason only of his discharging the functions of President by virtue of the provisions of this Article.