THE TANZANIA POSTAL BANK (REPEAL AND TRANSITIONAL PROVISIONS) ACT, 2015

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TPB BANK LIMITED

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Part I
Preliminary Provisions

1. This Act may be cited as the Tanzania Postal Bank (Repeal and Transitional Provisions) Act, 2015.
Interpretation

2. In this Act, unless the context requires otherwise—
   “asset” means real and personal property of every kind, including—
   (a) rights under contract and agreement;
   (b) books, books of account and records;
   (c) all other rights, interest and claims in or to, real or personal property, whether liquidated or un liquidated, certain or contingent, accrued or accruing;
   “bank” means the Tanzania Postal Bank;
   “company” means the company incorporated in terms of section 3;
   “effective date” means the date appointed by the Minister to be the date on which all obligations under contract or agreement, including savings and deposits of all kinds of the Tanzania Postal Bank shall vest in the company;
   “transition” means the period of not more than six months commencing from the effective date.

PART II
TPB BANK LIMITED

3. The Minister shall, not later than the effective date, cause to be incorporated, subject to this Act, a company to be known as the TPB Bank Limited.

4. The objectives and functions of the company shall include—
   (a) to take over, continue and perpetuate the performance of the bank; and
   (b) to undertake such other activities as may be necessary or advantageous for the purpose of
furthering the objectives of the TPB Bank Limited.

5.- (1) The company shall, with effect from the effective date, take over all the assets, liabilities and business of the bank.

(2) All assets, rights and liabilities in respect of the banking services to which the bank was entitled shall, with effect from the effective date, vest in the company in accordance with this Act.

6.- (1) Subject to this Act, all employees of the bank shall, with effect from the effective date, be transferred to the company.

(2) Every employee transferred from the bank in terms of subsection (1) shall be an employee of the company on such terms and conditions which are not less favourable than those applicable to every such employee before transfer from employment of the bank.

(3) Until such time as new scheme and terms and conditions of service are drawn up by the company, the schemes and terms and conditions of service in the bank shall continue to apply to every person transferred under subsection (1) to the service of the company as if he were still in the service of the bank.

(4) Where any person who is transferred to the service of the company under subsection (1) is a member of any statutory or voluntary pension scheme or provident fund he shall, for the purposes of this Act, continue to be governed by the same regulations under those schemes or funds as if he has not been transferred to the service of the company and, for the purposes of the regulations governing those schemes, his service with the company shall be deemed to be service of the bank.
PART III
TRANSITIONAL PROVISIONS

7.- (1) There shall be a period of transition of not more than six months commencing from the effective date.

(2) Subject to this Act and not later than the expiration of the transition period, all legal and other necessary measures shall be taken to facilitate the effectual transfer and vesting in the company of its assets and liabilities.

8.- (1) The Tanzania Postal Bank Act, is hereby repealed.

(2) Notwithstanding the repeal of the Tanzania Postal Bank Act, the Tanzania Postal Bank shall remain in force until such time when the incorporation of the TPB Bank Limited under the Companies Act is complete.

(3) Upon expiration of the transition period, this Act shall have no legal effect.

Passed by the National Assembly on 29th June, 2015.

DR. THOMAS D. KASHILILAH
Clerk of the National Assembly
SHERIA YA BENKI YA POSTA TANZANIA (KUFUTA NA KUWEKA MASHARTI YA MPITO), 2015

MPANGILIO WA VIFUNGU

Kifungu Jina

SEHEMU YA KWANZA
MASHARTI YA UTANGULIZI

1. Jina fupi.
2. Tafsiri.

SEHEMU YA PILI
TPB BANK LIMITED

4. Malengo na majukumu ya Kampuni.
5. Mali na madeni ya benki kuhamishiwa kwenye Kampuni.

SEHEMU YA TATU
MASHARTI YA MPITO

NA. 18

Sheria ya Benki ya Posta
2015

JAMHURI YA MUUNGANO WA TANZANIA

NA. 18 YA 2015

NAKUBALI,

JAKAYA MRISHO KIKWETE,
Rais

Sheria ya kuifuta Sheria ya Benki ya Posta Tanzania na kuweka masharti ya mpito, na masuala mengine yanayohusiana na mambo ya kuisajili benki hiyo chini ya Sheria ya Makampuni, Kuweka utaratibu wa kuhamisha mali, madeni na wafanyakazi wa benki.

IMETUNGWA na Bunge la Jamhuri ya Muungano.

SEHEMU YA KWANZA
MASHARTI YA UTANGULIZI

Jina fupi

1. Sheria hii itaitwa Sheria ya Benki ya Posta Tanzania (Kufuta na Kuweka Masharti ya Mpito), 2015.
2. Katika Sheria hii, isipokuwa kama muktadha utahitaji vinginevyo: “mali” maana yake ni mali halisi na mali binafsi ya aina yoyote ikijumuisha-
(a) haki iliyoko kwenyewe mkataba na makubaliano;
(b) vitabu, vitabu vya mahesabu na kumbukumbu;
(c) haki, mali, na madai yote yanayohusu Kampuni au mtu binafsi, yaliyolipwa au yanayodaiwa, yaliyokuwepo na yatakayokuwepo.
“benki” maana yake ni Benki ya Posta Tanzania; “kampuni” maana yake ni Kampuni iliyosajiliwa kwa masharti ya kifungu cha 3;
“kipindi cha mpito” maana yake ni kipindi kisichozidi miezi sita kuanzia tarehe maalum;
“tarehe maalum” maana yake ni tarehe itakayotangazwa na Waziri kuwa tarehe ambayo wajibu wa Benki ya Posta Tanzania unaotokana na masharti ya mkataba au makubaliano ikiwa ni pamoja na akiba na amana za aina yoyote vitahamishiwa kwenda kwenyewe Kampuni;
“wajibu” maana yake ni majukumu yote yaliyoko kwenyewe mkataba au makubaliano ikijumuisha akiba na amana ya aina zote.

SEHEMU YA PILI
TPB BANK LIMITED


4. Malengo na majukumu ya Kampuni yanajumuisha-
(a) kuchukua, kuendeleza na kudumisha shughuli za benki; na
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(b) kutekeleza shughuli nyingine yoyote ambayo ni
muhimu na yenye manufaa katika kuendeleza
malengo ya kuundwa kwa TPB Bank Limited.

5.- (1) Itakapofika tarehe maalum, Kampuni
itasimamia mali, madeni na biashara zote za benki.

(2) Itakapofika tarehe maalum mali, haki na madeni
yote yanayohusiana na huduma za kibenki zilizokuwa
zinapaswa kufanywa na benki kwa mujibu wa Sheria hii,
zitarithiwa na kusimamia na Kampuni.

6.- (1) Kwa mujibu wa Sheria hii, waajiriwa wote wa
benki watahamishiwa kwenye Kampuni itakapofika tarehe
maalum.

(2) Itakapofika tarehe maalum kila mwajiriwa
aliyehamishiwa kutoka benki atakuwa mwajiriwa wa
Kampuni kwa masharti ambayo hayatapungua ubora wake.

(3) Mpango na masharti ya utumishi wa benki
yataendelea kutumika kwa watumishi wafahamishiwa
kwenye Kampuni chini ya kifungu kidogo cha (1) hadi
mpaka hapo kampuni itakapoandaa mpango na masharti
mapya ya utumishi.

(4) Endapo mtumishi aliyehamishiwa kweny e
utumishi wa Kampuni chini ya kifungu kidogo cha (1)
alikuwa ni mwanachama katika mfuko au mpango wa
pensheni kwa mujibu wa sheria ama kwa hiari, kwa
madhumuni ya Sheria hii, ataendelea kusimamia na
taratibu za mfuko au mpango huo kama vile hajahamishiwa
kweny e utumishi wa Kampuni, na kwa madhumuni ya
taratibu zinazosimamia mfuko hiyo, utumishi wake katika
Kampuni utachukuliwa kuwa kama ni utumishi wake katika
benki.
SEHEMU YA TATU
MASHARTI YA MPITO

7.-(1) Kutakuwa na kipindi cha mpito kisichozidi miezi sita kitakachoanzia tarehe maalum.
(2) Kwa mujibu wa Sheria hii na kabla ya kumalizika kwa kipindi cha mpito, taratibu zote za kisheria na taratibu nyinge zitachukuliwa ili kuwezesha kufungwa kwa shughuli na biashara za benki na kuhamishia kwenye Kampuni mali na madeni ya benki.

8.-(1) Sheria ya Benki ya Posta Tanzania imefutwa.
(2) Bila kujali kufutwa kwa Sheria ya Benki ya Posta Tanzania, masharti ya Sheria ya Benki ya Posta Tanzania yataendelea kutumika hadi mchakato wa usajili, TPB Bank Limited chini ya Sheria ya Makampuni utakapokamilika.
(3) Baada ya kuisha kwa kipindi cha mpito, Sheria hii haitakuwa na nguvu za kisheria.

Imepitishwa na Bunge tarehe 29 June, 2015.

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Katibu wa Bunge