An Act to amend the Retirement (Special Provisions) Act, 1962

ENACTED by the Parliament of the United Republic of Tanganyika and Zanzibar.

1. This Act may be cited as the Retirement (Special Provisions) (Amendment) Act, 1964, and shall be read as one with the Retirement (Special Provisions) Act, 1962 (hereinafter referred to as the principal Act).

2. Subsection (1) of section 2 of the principal Act is hereby amended as follows:

(a) by deleting the definition "African";

(b) by inserting, in the appropriate alphabetical position, the following new definition:

"citizen" means a citizen of Tanganyika or of the United Republic;",

(c) by deleting item (ii) in the definition "qualified officer" and by substituting therefor the following new item:

(ii) a citizen;"

3. Section 3 of the principal Act is hereby amended by deleting the substantive provisions (but not the proviso thereto) and by substituting therefor the following:

"If the President, or a Minister appointed in that behalf by the President, is satisfied that there are more candidates who are both citizens and qualified for appointment to, or promotion in, any particular branch or category of officers in the service of the United Republic than there are vacancies in that category or branch that could be appropriately filled by such candidates, he may select qualified officers in that branch or category whose retirement would, in his opinion, cause vacancies that could appropriately be filled by such of those candidates as are available and fit for appointment, and, by notice in writing,
call upon the officers so selected to retire from the service of the
United Republic; and any such officer who is so required to retire
shall retire accordingly: -

4. Section 4 of the principal Act is hereby amended as follows: -
(a) by deleting the words and figures "sections 6 and 7" and by
substituting therefor the word and figure "section 6"; and
(b) by deleting the words "an African", "such African" and
"Africanisation" and by substituting therefor the words "a
citizen,"such citizen" and "localization" respectively.

5. Section 5 of the principal Act is hereby amended by deleting the
words and figures "sections 6 and 7" and by substituting therefor the
word and figure "section 6".

6. Section 7 of the principal Act is hereby repealed.

7. Subsection (1) of section 13 of the principal Act is hereby amended
by deleting the words "African officer or candidate" and "African
officers or candidates" and by substituting therefor the words "officer
or candidate who is a citizen" and "officers and candidates who are
citizens" respectively.

8. (1) Notwithstanding the amendment of the principal Act by
this Act, any person who-
(a) was, before the commencement of this Act, entitled to retire
from the public service under section 4 of the principal Act on
the grounds that he had been superseded, before the fourteenth
day of February, 1964, by an African; and
(b) gives notice of his intention to retire in accordance with the
principal Act in sufficient time to enable him to retire or to
proceed on leave pending retirement on or before the fourteenth
day of February, 1965,

shall not cease to be entitled to retire under that section solely on the
ground that he is a citizen, but the principal Act (other than section 7
thereof) shall continue to apply to any such person as if this Act had
not been passed:

Provided that nothing in this subsection shall apply to any person
who is registered or naturalized as a citizen in consequence of an
application made after the commencement of this Act.

(2) The provisions of paragraph (b) of subsection (1) shall have
effect in relation to a person who is on overseas leave at any time
between the fourteenth day of February, 1964, and the date of the
commencement of this Act (both days inclusive), as if there were
substituted for the fourteenth day of February, 1965, the day following
the first anniversary of his return to duty from such leave.
(3) Notwithstanding the provisions of subsection (3) of section 6 of the principal Act, a citizen who, before the commencement of this Act, gave notice of his intention to retire under section 4 of the principal Act, shall not require the consent of the President to the withdrawal of such notice, if such withdrawal is made within one month after the commencement of this Act and before the notice expires.

Passed in the National Assembly on the first day of July, 1964.

Mseka

Clerk of the National Assembly

Printed by the Government Printer, Dar es Salaam.