

THE UNITED REPUBLIC OF TANZANIA



No. 64 OF 1966

In discharge of the functions  
of the office of the President

I ASSENT,

  
.....  
Second Vice-President

29TH DECEMBER, 1966

**An Act to amend the National Service Act, 1964**

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the National Service (Amendment) Act, 1966, shall be read as one with the National Service Act, 1964 (herein and after called the principal Act) and shall come into operation on such day as the Minister may, by notice published in the *Gazette*, appoint.

Short title  
and com-  
mencement

2. Section 2 of the principal Act is amended-

(a) by inserting the following new definitions in their appropriate alphabetical positions—

"enlistment notice" means the enlistment notice provided for in section 5F;

"national service register" means the register required to be kept by the Director under section 5c;

"postponement certificate" means the certificate which may be granted under section 5G;

"Registrar" means the person appointed in section 5c to keep the national service register;";

Section 2  
of Act No  
16 of 1964  
amended

(b) in the definition "member" by inserting after "section 5" the words "or section 5F"; and

(c) in the definition "serviceman" by inserting after "section 5" the words "or section 5F"

Amendment  
of section  
4 of Act 16  
of 1964

3. Section 4 of the principal Act is amended by deleting subsection (2) and substituting therefor the following: -

- "(2) The members of the National Service shall be-
- (a) persons who enlist voluntarily under section 5;
  - (b) persons who are enlisted under section 5F;
  - (c) persons who are appointed to the permanent staff under section 5A, and
  - (d) persons in the civil or military service of the United Republic who are seconded to the National Service under section 6."

Amendment  
of Section 5  
of Act 16  
of 1964

4. Section 5 of the principal Act is amended as follows:-

- (a) in subsection (1), by deleting "thirty" and substituting therefor "thirty-five;
- (b) by deleting subsection (2) and substituting therefor the following:-

"(2) Every serviceman, whether enlisted voluntarily under subsection (1) or in consequence of an enlistment notice under section 5F, shall be enlisted to serve in the National Service for a period of two years, and on the expiry of any such period of two years he may, if he so wishes and the appropriate authority so agrees, be re-engaged for a further period of two years:

Provided that in calculating the two-year period of enlistment provided for by this subsection no account shall be taken of any period during which the service of the Serviceman is suspended at his request and with the consent of the Director.

Addition of  
new  
sections 5B  
to 5K of  
Act 16 of  
1964

5. The principal Act is amended by adding immediately below section 5A the following new sections: -

5B.--(1) Subject to the provisions of this Act, every citizen male or female of the United Republic who has attained the age of eighteen years and has not attained the age of thirty-five years and is a member of the class specified in the Third Schedule to this Act shall be liable to have his name entered in the national service register and to be called upon to serve in the National Service in accordance with the provisions of this Act.

"liability  
to be called  
up for  
National  
service

(2) The Minister may by order - published, in the Gazette add to or otherwise amend any of the provisions of the Third Schedule to this Act.

Appoint-  
ment of  
Registrar  
of National  
Service

5c. The Director shall be Registrar and he shall keep a register, of persons who are liable under this Act to be called up for national service (in this Act referred to as "the national service register") and shall perform such other duties in connection with the said register and the enlistment Of members of the National Service as may be prescribed in this Act or in any rules made under this Act.

Rules  
relating  
to-registra-  
tion

5D-(1) The Minister -may make rules in relation to, the following matters: -

- (a) requiring the principals of secondary schools or other educational of professional institutions to furnish to the Registrar particulars about students attending such schools or institutions Who May be liable under this Act to be called up for national service;
- (b) requiring public, Officers to furnish to the Registrar particulars of 'students studying outside the United Republic who may be liable under this Act to, be called up for national service; and
- (c) requiring, persons whose names have been entered on the national, service register to furnish to the Registrar such particulars as may be prescribed.

(2) Rules made under subsection- (1) may make different Provisions M, relation, to different classes of persons subject to registration and may exclude provision for any class of persons subject to registration with respect to which the Minister is satisfied that sufficient particulars can be ascertained by him Otherwise than by virtue of those rules.

Registration

5E -(1) It shall be the duty of the, Registrar to ensure that the-names, and particulars of Persons liable under this Act to be called up for national ~Service received by him pursuant to rules made under Section 5D are entered in the national service register.

(2) The Registrar, shall from time to time make any necessary alteration or correction m the national service register, in redation to any entry therein -and! shall remove from the said register the name of every Person who dies before, being-called- up for national service or who ceases to be liable to be called up for national service.

(3) If 'at any time before being called UP for national service a person whose name is entered in the national service register, changes his i name Or address he! shall forth-with notify the change to the Registrar and if he fails to do so he shall, be guilty f an Offence against this Act.

Obligation  
of persons  
liable to  
report to  
services of  
enlistment  
notices

5F-(I) Every person who, upon the commencement of this Act is or at any later date becomes, liable to be called upon to serve, in the National Service in accordance with the provisions of this' Act, shall within thirty days of the commencement of this Act or his so becoming liable, as the case may; be, present himself in person, I to an Area Commissioner.

(2) Any person who, being liable under this Act to be called, upon to serve in the National Service, fails without reasonable excuse to present himself in person to an Area Commissioner within the period specified in subsection (1) shall, be guilty of an offence against this Act and shall be liable on conviction to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(3) An Area Commissioner may cause to be served on any person who is liable under this Act to be called up for national service a written notice (in this Act referred to as "an enlistment notice") stating that he is called up for national service and requiring him to present himself at such place and time, and to such authority, as may be so specified; and subject to this section, the person upon whom the notice is served shall be deemed as from the day so specified to have been duly enlisted in the National Service and the period for which he is enlisted shall begin on the said day or such later day as he may in fact present himself for service.

(4) Where an enlistment notice has been served on any person, the Director may, at any time while that person remains liable under this Act to be called up for national service, cancel the notice or cause to be served on him a further enlistment notice varying the original notice by altering the place or time at which he is thereby required to present himself.

(5) Where, at the beginning of the day specified in an enlistment notice or the day on which the person to whom the notice relates is thereby required to present himself, any of the following conditions is fulfilled, that is to say-

- (a) a postponement certificate relating to him is in force;
- (b) that any application or appeal made by him under section 5G is pending,

the enlistment notice served on him shall be of no effect.

(6) An enlistment notice served on any person shall cease to have effect If before the day on which he is thereby required to present himself he ceases to liable under this Act to be called up, for national service.

(7) There shall be paid, to persons required to present themselves in accordance with enlistment notices served upon them, such travelling and other allowances as the Minister may prescribe.

(8) Any person upon whom an enlistment notice has been served who, being liable to be called up for national service, on the day when he is thereby required to present himself, fails without reasonable excuse to present himself in accordance with the provisions of such notice shall be guilty of an offence against this Act and shall be liable on conviction to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Postpone-  
ment  
certificates

5G. (1) Subject to this section, any person upon whom an enlistment notice has been served under section 5F may apply in the prescribed manner for a certificate of postponement of liability under this Act to be called up for national service (in this Act referred to as a "postponement certificate") on the ground that exceptional hardship would ensue if he were called up for service, and may, on that ground, apply in the prescribed manner for the renewal of any postponement certificate granted to him.

(2) Where application for a postponement certificate or for the renewal of a postponement certificate is made, that application shall be considered by a National Service (Hardship) Committee constituted under subsection (3).

(3) National Service (Hardship) Committees shall be appointed for such areas or regions as the Minister may determine and shall consist of a Chairman and two other members all of whom shall be appointed by the Minister.

(4) An application for the grant of a postponement certificate may be made at any time after an enlistment notice has been served on the applicant but before the day specified in the notice as the day on which he is thereby required to present himself.

(5) An application for the renewal of a postponement certificate shall be made at least fourteen days before the expiration of the period for which that certificate was granted or last renewed.

Appeals  
from  
determina-  
tion of  
National  
service  
(Hardship)  
Committees

5H. An applicant for a postponement certificate or the renewal of a postponement certificate who is aggrieved by the determination of a National Service (Hardship) Committee may, in the prescribed manner, appeal to the Minister whose decision shall be final.

Revocation of postponement certificates	<p>5I. (1) If at any time while a postponement certificate is in force, it appears to the Registrar that, by reason of any change in the circumstances of the person to whom the certificate was granted, the certificate ought to be revoked or the period for which it was granted or last renewed ought to be shortened, the Registrar may apply to a National Service (Hardship) Committee and that Committee may either refuse the application or cancel the certificate or vary it by shortening the said period.</p> <p>(2) Where an application is made under subsection (1), the person to whom the postponement certificate in question was granted shall be entitled to be heard on the application, and if he is aggrieved by the determination of the National Service (Hardship) Committee, he may, in the prescribed manner, appeal to the Minister whose decision shall be final.</p>
Provisions as to National Service (Hardship) Committees	<p>5J. (1) The Registrar or any person authorized by him shall be entitled to be heard on any application before a National Service (Hardship) Committee.</p> <p>(2) No determination of an appeal to the Minister or any application to a National Service (Hardship) Committee or the determination thereof shall be questioned in any court of law.</p>
Exemption from liability	<p>5K. (1) The Minister may, by notice published in the <i>Gazette</i>, exempt any person from liability under this Act to be called upon to serve in the National Service."</p>
Addition of new sections 20A and 20B	<p>6. The principal Act is amended by adding immediately below section 20 the following new sections: —</p> <p>"False statements and forgery</p> <p>20A. Any person who—</p> <p>(a), in giving any information for the purposes of this Act knowingly or recklessly makes a statement which is false in a material particular; or</p> <p>(b) with intent to deceive—</p> <p>(i) forges, or uses, or lends to or allows to be used by any other person, any certificate issued under this Act; or</p> <p>(ii) makes, or has in his possession any document so closely resembling any certificate so issued, as to be calculated to deceive,</p> <p>shall be guilty of an offence against this Act and shall be liable on conviction to a fine of one thousand shillings or to imprisonment for a term not exceeding four months or to both such fine and imprisonment. ,</p>
Penalty for other offences	<p>20B. A person guilty of an offence, under this Act, not being an offence for which a penalty is thereby expressly provided, by reason of non-compliance with any of the provisions of this Act shall be liable on conviction to a fine not exceeding five hundred shillings."</p>

7. Section 21 of the principal Act is amended in subsection (1) by substituting a semi-colon for the full stop at the end of paragraph (g) and adding immediately below that paragraph the following: -

Amendment  
of section  
21 of Act 16  
of 1964

- "(h) the issue in specified circumstances of fresh postponement certificates in place of certificates which have been lost, destroyed or defaced;
- (i) the principles to be applied and the circumstances to which regard is and is not to be had, on the hearing of any application for the grant, renewal, cancellation or variation of a postponement certificate."

8. The principal Act is amended by adding immediately below the Second Schedule the following: —

Addition  
of Third  
Schedule  
of Act 16  
of 1964

"THIRD SCHEDULE

(Section 5B)

CLASS OF PERSONS LIABLE TO BE CALLED UP FOR NATIONAL SERVICE

Every person who-

- (a) has on or after the 1st November, 1966, completed in the United Republic, or elsewhere, an academic year in Form VI; or
- (b) has enrolled or who enrolls as student either before or after the coming into operation of this Act at any University or University College in the United Republic or elsewhere and by reason of graduation or for any other reason ceases on or after the twenty-first day of October, 1966, to be a student at a University or University College; or
- (c) having completed an academic year in Form IV, has enrolled or enrolls as a student either before or after the coming into operation of this Act at any of the following institutions and ceases for any reason on or after the twenty-first day of October, 1966, to be a student at such institution:-

Dar es Salaam Technical College.	Almotonyi Forest School, Arushha.
Civil Service Training Centre, Dar es Salaam.	College of Wildlife Management, Mweka.
Shinyanga Commercial College.	Marangu Teachers' College.
Nyegezi Social Training Centre.	Morogoro Teachers' College.
Agricultural College, Morogoro.	Butimba Teachers' College.
Muhimbili Medical/Nurses Training Centre.	Mpwawa Teachers' College.
Dar es Salaam Business Administration School.	Dar es Salaam Teacher's College.
Tengeru Natural Resources School.	Korogwe Teachers' College.
Ukifuguru Agricultural Training Centre.	Peramiho Teachers' College.
Mzombe Local Government Training Centre.	Survey Training School, Dar es Salaam.
	Ubungo Drafting Assistants' School, Dar es Salaam.

other than-

- (i) a married woman;
- (ii) a person who is certified by a medical officer as blind;
- (iii) a person in respect of whom a reception order under the Mental Diseases Ordinance is subsisting or who is detained in custody as a criminal lunatic;
- (iv) a person who on the commencement of this Act is a public officer,
- shall be of the class of persons liable to be called up to serve in the National Service."

Passed in the National Assembly on the seventeenth day of December, 1966.



Acting Clerk of the National Assembly