

THE UNITED REPUBLIC OF TANZANIA



No. 58 OF 1968

I ASSENT

Tulius K. Nyerere
President

10TH OCTOBER, 1968

An Act to amend the National Provident Fund Act, 1964

[11TH OCTOBER, 1968]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the National Provident Fund (Amendment) Act, 1968, and shall be read as one with the National Provident Fund Act, 1964 (hereinafter referred to as "the principal Act").

Short title
and
construction
Cap. 564

2. Section 2 of the principal Act is amended—

Amendment
of
section 2

(a) in subsection (1) thereof—

(i) by deleting the semi-colon at the end of paragraph (d) of the definition "contribution period", substituting therefor a colon and adding the following proviso:

"Provided that where wages are paid in advance to an employee the contribution period shall be deemed to be the appropriate period to which the wages relate and, if the wages relate to more than one such period, each such period shall be deemed to be a contribution period:"

(ii) by deleting the definition "temporary employee" and substituting therefor the following definition:

"'temporary employee' in relation to any employer means an employee employed under a contract of service whether by way of manual labour, clerical work or otherwise, and howsoever paid, not being an employee—

(a) who is employed by that employer for a continuous period of three months; and

(b) whose wages are calculated by reference to any period of one month or more:

(c) by deleting the words "two thousand" and "six months" which occur in the last two lines and substituting therefor respectively the words "ten thousand" and "two years".

6. Section 47 of the principal Act is amended in subsection (6) thereof by deleting the words "and failure to comply with the terms of such an order without lawful excuse shall constitute an offence against this Act" which occur in the seventh, eighth and ninth lines of that subsection. Amendment
of
section 47

7. The provisions of sub-paragraph (ii) of paragraph (a) of section 2 shall be deemed to have come into operation on 1st May, 1965. Certain
provisions
to be
retrospective

Passed in the National Assembly on the second day of October, 1968.



Provided that for the purpose of determining whether an employee has been employed for a continuous period of three months, the continuity of that period shall be deemed not to be broken by reason of the employee's not having been employed on Sundays or public holidays or on not more than fourteen other days during a period of three months;"

- (b) by inserting immediately after subsection (3) thereof the following new subsection:

"(4) For the avoidance of doubt it is hereby declared that the provisions of section 34 of the Employment Ordinance shall not apply to employees or to temporary employees under this Act."

Amendment
of
section 17

3. Section 17 of the principal Act is amended—

- (a) in subsection (2) thereof by deleting the words "after the end of the contribution period to which it relates" in the fourth and fifth lines and substituting therefor the following:

"after the end of the month in which the last day of the contribution period to which it relates falls";

- (b) by inserting immediately after subsection (4) the following new subsection:

"(5) Notwithstanding the provisions of subsection (2) and subsection (4), where the Director is satisfied that a contributing employer maintains an adequate system for the payment of wages to temporary employees and for recording such payment he may in writing—

- (a) permit that employer to pay special contributions into the Fund at such times and in such manner as may be approved by the Director;

- (b) direct that the amount of the special contribution which shall be paid into the Fund by that employer shall be five cents for every full shilling of the wages paid to each of the temporary employees to whom subsection (4) refers for the relevant contribution period."

Amendment
of
section 26

4. Section 26 of the principal Act is amended in subsection (2) thereof by inserting immediately after the word "Fund" in the last line the words "plus interest thereon".

Amendment
of
section 38

5. Section 38 of the principal Act is amended in subsection (1) thereof—

- (a) by deleting the comma at the end of paragraph (i) and substituting therefor a semi-colon and the word "or";

- (b) by inserting immediately after paragraph (i) the following new paragraph:

"(j) fails without lawful excuse to comply with the terms of an order made under subsection (6) of section 47,";
and