

THE UNITED REPUBLIC OF TANZANIA



No. 28 OF 1971

I ASSENT,

Jubia K. Nyere
President

..28TH OCTOBER, 1971

An Act to provide for reduction in the Age of Retirement of Public Officers

[29TH OCTOBER, 1971]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Public Officers (Age of Retirement) Short title Act, 1971.

PART I

AMENDMENT TO THE PENSIONS ORDINANCE

2. This Part shall be read as one with the Pensions Ordinance.

Construction
Cap. 371

3. Section 8 of the Pensions Ordinance is amended by deleting paragraph (a) and substituting therefor the following:—

Section 8
amended

“(a) on or after attaining the age of forty-five years:

Provided that in respect of officers in the Police Force of the rank of Constables and officers in the Prisons Service in the rank of Prison Officer Grade III, this paragraph shall have effect as if “forty years” were substituted for “forty-five years”;

4. Section 10 of the Pensions Ordinance is repealed and replaced by the following sections:—

Section 10
repealed
and
replaced

“Voluntary retirement 10.—(1) An officer may elect to retire at any time after he has attained the age of forty-five years or, in the case of a female officer, upon her marriage:

Provided that an officer in the Police Force of the rank of constable or an officer in the Prison Service of the rank of Prison Officer, Grade III, may elect to retire at any time after attaining the age of forty years.

(2) The provisions of subsection (1) shall not apply in the case of any officer, other than a female officer electing to retire on marriage, if the President so directs, and in every such case, the officer in respect of whom the direction is given shall not be entitled to elect to retire under subsection (1) until after the expiration of such period as the President may specify.

“Compulsory retirement

10A.—(1) It shall be lawful for the appropriate authority to require an officer to retire from the service of the United Republic at any time after the officer attains the age of forty-five years:

Provided that, in respect of an officer in the Police Force of the rank of Constable or an officer in the Prisons Service of the rank of Prison Officer, Grade III, the appropriate authority may require the officer to retire under this section at any time after such officer has attained the age of forty years.

(2) Every officer who has not retired under the provisions of section 10 or been retired under the provisions of subsection (1), shall retire upon attaining the age of fifty-five years:

Provided that—

(a) this section shall have effect—

(i) in respect of an officer in the Police Force of the rank of Constable or an officer in the Prisons Service of the rank of Prison Officer, Grade III, as if there were substituted for the words “fifty-five years” the words “forty-five years”;

(ii) in respect of an officer in the Police Force of the rank of Corporal or Sergeant, or an officer in the Prisons Service of the rank of Prison Officer, Grade I or Grade II, as if there were substituted for the words “fifty-five years” the words “fifty years”;

(b) this section shall not apply where—

(i) the appropriate authority considers it to be in the public interest that the officer should continue to serve after he has attained the age of compulsory retirement prescribed by this section; and

(ii) the officer consents in writing to continue to serve as aforesaid.

“Age of retirement for Judges

10B. The age of retirement for Judges of the High Court shall be such as is prescribed by the Constitution.

“Age of retirement of Controller and Auditor-General

10C.—(1) This section shall be read as one with subsection (1) of section 79 of the Constitution.

(2) A person holding the office of the Controller and Auditor-General of the United Republic shall vacate the office on attaining the age of fifty-five years:

Provided that—

- (a) such person may elect to retire from the service of the United Republic at any time after he has attained the age of forty-five years unless the President otherwise directs, and where the President so directs, such person shall not be entitled to so elect until after the expiration of such further period as the President may, in such direction or any subsequent direction, specify;
- (b) the President may if—
 - (i) in his opinion it is in the public interest that the person holding the office of Controller and Auditor-General should continue in office after he has attained the age of fifty-five years; and
 - (ii) such person consents in writing to so continue in office,

direct that the Controller and Auditor-General shall continue in office for such further period as the President may, in such direction or in any subsequent direction, specify.”.

5. Section 12 of the Pensions Ordinance is amended in subsection (2) by inserting a full-stop after the words “otherwise directs” in the fifth line and deleting the remainder of the subsection. Section 12 amended

6. Sections 23 and 23A of the Pensions Ordinance are repealed. Sections 23 and 23A repealed

7. The Pensions Regulations, as set out in the Schedule to the Pensions Ordinance, are amended in regulation 24, sub-paragraph (b) of paragraph (1) by deleting the words “fifty years” where they occur in the third and fourth lines and substituting therefor the words “forty-five years”. Amendment of Pensions Regulations

PART II

AMENDMENTS TO THE INTERIM CONSTITUTION OF TANZANIA, 1965

8. This Part shall be read as one with the Interim Constitution of Tanzania, 1965. Construction Cap. 596

9. Section 58 of the Constitution is amended by deleting subsection (1) thereof and substituting therefor the following subsection:— Section 58 amended

“(1) Subject to the provisions of this section, a person holding the office of a judge of the High Court shall vacate that office on attaining the age of fifty-five years:

Provided that—

- (a) a judge of the High Court may elect to retire from the service of the United Republic at any time after he has attained the age of forty-five years unless the President otherwise directs, and where the President so directs, the judge in respect of whom the direction is given shall not be entitled to so elect until after the expiration of such further period as the President may, in such direction or any subsequent direction, specify;

(b) the President may, if—

(i) in his opinion, it is in the public interest that a judge should continue in office after he has attained the age of fifty-five years; and

(ii) the judge consents in writing to so continue in office,

direct that the judge shall continue in office for such further period as he may, in such direction or any subsequent direction, specify.”

PART III

TRANSITIONAL PROVISIONS

Interpreta-
tion

10. In this Part “public officer” means a public officer to whom the provisions of the Pensions Ordinance applies and includes a judge of the High Court.

Transitional
provisions

11. The amendments to the Pensions Ordinance and the Constitution introduced by this Act shall not take effect—

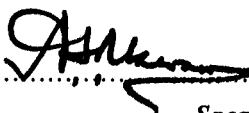
(a) in the case of a public officer employed on overseas leave terms and who is, on the date on which this Act comes into operation, serving a tour of service, until after the expiration of his minimum tour of service or where the minimum tour of service has expired or will expire on or before 31st March, 1972, until 1st April, 1972;

(b) in the case of a public officer employed on overseas leave terms and who is on leave on the date when this Act comes into operation and will commence a fresh tour of service at any time within six months following such date, until after the expiration of his minimum tour of service;

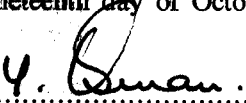
(c) in the case of any other public officer, until 1st April, 1972, and during such period as aforesaid the provisions of the Pensions Ordinance or, as the case may be, the Constitution, shall apply to such public officer as if this Act had not been enacted.

I hereby certify that the Bill for this Act was passed by the National Assembly in accordance with the provisions of section 51 of the Constitution.

Dar es Salaam,
28th October, 1971


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Speaker

Passed in the National Assembly on the nineteenth day of October, 1971.


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Clerk of the National Assembly