

TANGANYIKA



No. 60 OF 1963

I ASSENT,

Julius K. Nyerere
President

24TH DECEMBER, 1963

An Act to amend the Tanganyika Military Forces Ordinance and the Tanganyika Military Forces (Constitution and Miscellaneous Provisions) Ordinance, 1961

[.....]

ENACTED by the Parliament of Tanganyika.

1. This Act may be cited as the Tanganyika Military Forces Laws (Amendment) Act, 1963, and shall come into operation on such date as the Minister for the time being responsible for defence shall, by notice in the *Gazette*, appoint. Short title and commencement

PART I

AMENDMENTS TO THE TANGANYIKA MILITARY FORCES ORDINANCE

2. This Part of this Act shall be read as one with the Tanganyika Military Forces Ordinance (hereinafter referred to as the principal Ordinance). Construction of Part I Cap. 402

3. Section 2 of the principal Ordinance is hereby amended as follows:— Section 2 of Cap. 402 amended

- (a) by inserting, immediately after the words "non-commissioned officer" in the fourth and fifth lines of the definition "soldier" in subsection (1), the words "and an aircraftman";
- (b) by inserting, immediately below subsection (1), the following new subsection:—

"(1A) References in this Act to any rank of an officer or soldier of the Military Forces include references to the equivalent rank obtaining in the air units of the Military Forces, and for the avoidance of doubts it is hereby declared that references to military in relation to the Military Forces and persons, things or matters of and pertaining to the Military Forces include references to the air units of the Military Forces and persons, things or matters of and pertaining to such air units."

Section 17 of
Cap. 402
amended

4. Section 17 of the principal Ordinance is hereby amended as follows:—

(a) by adding the word "or" at the end of paragraphs (e) of both subsection (1) and subsection (2) and by inserting, immediately below paragraph (e) in each subsection, the following new paragraphs:—

"(f) gives any false air signal or alters or interferes with any air signal or any apparatus for giving an air signal; or

(g) causes the capture or destruction by the enemy of any of the aircraft of the Republic; or

(h) in the case of any such person who is a member of, or seconded or attached to, any air unit, when ordered by his superior officer, or otherwise under orders, to carry out any warlike operations in the air fails to use his utmost exertions to carry such orders into effect,"; and

(b) by adding, immediately below subsection (2), the following new subsection:—

"(3) Any person subject to this Ordinance who negligently causes the capture or destruction by the enemy of any of the aircraft of the Republic shall, on conviction by court-martial, be liable to suffer imprisonment or any less punishment provided by this Ordinance."

Section 19 of
Cap. 402
amended

5. Subsection (1) of section 19 of the principal Ordinance is hereby amended by adding the word "or" at the end of paragraph (b) and by inserting immediately below paragraph (b) the following new paragraph:—

"(c) does any of the acts specified in paragraphs (f) to (h) of subsection (1) of section 17,".

Section 36 of
Cap. 402
amended

6. Section 36 of the principal Ordinance is hereby amended by renumbering the same as subsection (1) and by adding, immediately below the said subsection (1), the following new subsections:—

"(2) Without prejudice to any of the foregoing provisions of this section, any person subject to this Ordinance who—

(a) by wilful neglect causes the damage or loss of any of the aircraft or aircraft material of the Republic; or

(b) without lawful authority disposes of any of the aircraft or aircraft material of the Republic,

shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Ordinance.

(3) Any person subject to this Ordinance who during a state of war wilfully and without proper occasion or negligently causes the sequestration by or under the authority of a neutral state or the destruction in a neutral state of any of the aircraft of the Republic shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Ordinance:

Provided that if he has not acted wilfully or with wilful neglect he shall not be liable to imprisonment for a term exceeding two years."

7. Section 162 of the principal Ordinance is hereby amended as follows:—

Section 162
of Cap. 402
amended

- (a) by inserting, immediately before the word "boats" in the fourth line of subsection (1) and in the first line of subsection (4), the word and comma "aircraft";
- (b) by inserting, immediately after the word "vehicle" in the second and fourth lines of subsection (2), in the third line of the proviso to subsection (2), and in the second line of subsection (5) and immediately after the word "vehicles" in paragraph (a) and (b) of subsection (5), the words "or aircraft".

8. Section 168 of the principal Ordinance is hereby amended by deleting the words "of Her Majesty's military, naval or air-forces" (which, by virtue of the Tanganyika Military Forces (Consequential Provisions) Act, 1962, are to be read as references to the military, naval or air forces of the Republic) and by substituting therefor the words "military, naval or air forces of a country to which subsection (3) of section 2 applies".

Section 168
of Cap. 402
amended
C.A. Act 12

PART II

AMENDMENTS TO THE TANGANYIKA MILITARY FORCES (CONSTITUTION AND MISCELLANEOUS PROVISIONS) ORDINANCE, 1961

9. This Part of this Act shall be read as one with the Tanganyika Military Forces (Constitution and Miscellaneous Provisions) Ordinance, 1961 (hereinafter referred to as the constitution Ordinance).

Construction
of Part II
Ord. 1961
No. 53

10. Subsection (2) of section 6 of the constitution Ordinance is hereby amended by deleting the full stop at the end thereof, substituting therefor a semi-colon, and by adding, immediately below paragraph (c), the following new paragraph:—

Section 6 of
Ord. 1961
No. 53
amended

"(d) if the President so directs, the senior air officer of the Tanganyika Military Forces."

11. Subsection (3) of section 10 of the constitution Ordinance is hereby amended by deleting therefrom the words "and with the approval signified by resolution of the National Assembly".

Section 10
of Ord. 1961
No. 53
amended

12. The constitution Ordinance is hereby amended by adding immediately below section 11 thereof the following new section:—

New section
11A added to
Ord. 1961
No. 53

"Extension
of section
11 to other
forces

11A.—(1) The President may, by order published in the *Gazette*, extend the provisions of subsection (1) of section 11 to officers, warrant officers, non-commissioned officers and aircraftmen who—

- (a) are subject to service discipline as members of the armed forces of any part of the Commonwealth or of any other forces to which section 10 applies under the military, naval or air force law thereof (hereinafter in this section referred to as military law); and
- (b) are members of the regular forces of such part of the Commonwealth or of some other forces to which section 10 applies; and

(c) are seconded or attached to the Tanganyika Military Forces,

and in any such case, the provisions of subsection (1) of section 11 shall apply to such officers, warrant officers, non-commissioned officers and aircraftmen as they apply to the officers, warrant officers and non-commissioned officers described in paragraphs (a), (b) and (c) of the said subsection (1) with the substitution of the appropriate military law for the words "that Act" in the ninth line thereof.

(2) The President—

(a) shall, in every order made under subsection (1) of this section, specify the appropriate military law; and

(b) may, in any such order, declare that—

(i) any provisions of the appropriate military law corresponding to the provisions of the Army Act set out in subsection (2) of section 11 shall apply in Tanganyika to and in respect of the persons to whom such order applies; and

(ii) the provisions of subsections (3) and (4) of section 11 shall apply to and in respect of the persons to whom such order applies with the substitution of references to the appropriate military law for references to the Army Act.

(3) Nothing in this section or section 11 shall confer upon any person to whom an order made under subsection (1) of this section applies any exemption from any civil law or from the jurisdiction of any civil court or authority in Tanganyika."

Passed in the National Assembly on the fifth day of December, 1963.


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Clerk of the National Assembly