

THE UNITED REPUBLIC OF TANZANIA



No. 27 OF 1973

ASSENT,

Julius K. Nyerere
President

6TH ... DECEMBER, 1973

An Act to make provision for Compensation for Death or Injuries to a member of Peoples Militia

[7 DEC 1973]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Peoples Militia (Compensation for Death or Injuries) Act, 1973. Short title

2. In this Act, unless the context otherwise requires- Interpretation
"accident" includes deliberate action on the part of any person but does not include gross negligence on the part of the person injured by whom, or in respect of whose death, compensation is claimed under this Act;

"Peoples Militia" means an organized group of the people of the United Republic operating with the authority of and under the aegis of the Government and which is receiving any military training or participating in any military, quasi military or law enforcement exercise for the protection of the sovereignty of the United Republic or for the protection of the people or the property of the United Republic, but does not include the Police Force, any arm or branch of the Defence Forces, the Prison Service or the National Service.

3-(1) Where any member of the Peoples Militia is injured, or dies of any injury sustained, by an accident arising out and in the course of his training or participation in any military, quasi military, law enforcement or other lawful exercise undertaken by him as such member and authorized by the Government, the compensation payable in respect of his injury or death shall be- Rules relating to compensation

- (a) where such person was, at the time of such accident, self-employed or unemployed, the amount which would have been payable had such person been a member of the Defence Forces as a man;
- (b) if such person was, at the time of the accident, in the employment of any other person, the amount which would have been payable by such person's employer had the injury or, as the case may be, the death been caused by an accident arising out of and in the course of such persons' employment with such employer:

Provided that where such person was, at the time of the accident, employed by an employer in circumstances or under terms-, and conditions which would not entitle him or his dependants or estate to any compensation for injury or death caused by an accident arising out of and in the course of his employment with his employer, the employer shall be liable to pay compensation of an amount equal to the amount of compensation payable by the Government in respect of the death., of or injuries to a member of the Defence Forces in the course of his employment in the Defence Forces and employed in the Defence Forces on a salary comparable to the salary to which such member of the Peoples Militia was in receipt of in respect of his employment with his employer.

- (2) The compensation payable under subsection (1) shall be paid-
 - (a) in the case where the person injured is, or the deceased was, a person to whom paragraph (a) of subsection (1) applies, by the Government;
 - (b) in any other case, by the person who was, at the time of the accident, the employer of the person injured,
 and such compensation shall be assessed and paid-

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- (a) in any case to which paragraph (a) of subsection (1) applies, in accordance with the relevant provisions of the National Defence Act, 1966 and the subsidiary legislation made thereunder as if the person injured or, as the case may be, the deceased were a man in the Defence Forces and the injury had been sustained in the course of his duties as such man;

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- (b) in any case to which paragraph (b) of subsection (1) applies-
 - (i) if the employment of the person injured or, as the case may be, of the deceased, at the time of the accident was an employment to which the Workmen's Compensation Ordinance applied, in accordance with the provisions of that Ordinance as if the injury had been caused by an accident arising out of and in the course of such employment;
 - (ii) if the employment of such person was not an employment to which the Workmen's Compensation applied, in accordance with the terms and conditions of the employment as regulated by the law applicable to the employment as if the injury had been caused by an accident arising out of and in the course of the employment;

(iii) if the employment of such person was an employment to which the proviso to paragraph (b) of subsection (1) applies, in accordance with the relevant provisions of the National Defence Act, 1966 and the subsidiary legislation made thereunder as if such person were a member of the Defence Forces of a rank determined in accordance with the provisions of that proviso and as if the employer were substituted to the authority liable to pay the compensation so payable.

(3) Save to the extent provided for in this Act the Government shall not be liable for compensation for any injury to or death of any members of Peoples Militia.

(4) Any term of condition in any contract of employment excluding or modifying or purporting to exclude or modify the provisions of this Act, or any term or condition preventing or purporting to prevent the employee from becoming a member of the Peoples Militia or restricting or purporting to restrict such employee from joining or volunteering for any activity of the Peoples Militia, shall be inoperative and in effective and such contract of employment shall take effect as if it did not include any such term or condition.

Passed in the National Assembly on the twenty-second day of November, 1973.

MMwindadi

Ag. Clerk of the National Assembly