

THE UNITED REPUBLIC OF TANZANIA



No. 28 OF 1978

I ASSENT.

Julius K. Nyerere

President

4TH DECEMBER, 1978

An Act to amend the National Defence Act, 1966, and to make a consequential amendment to the National Service Act, 1964

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

Amendment of the National Defence Act, 1966

1. This Act, may be cited as the National Defence (Amendment) Act, 1978, and shall be read as one with the National Defence Act, 1966, (hereinafter referred to as "the principal Act"). Short title and construction Acts, 1966 No. 24

2. Section 3 (1) of the principal Act is amended by inserting, immediately after the definition "camp training", the following definition— Amendment of section 3

" "career soldier" means a person enrolled as officer, man or non-commissioned officer of or above the rank of corporal, in any of the supporting units, or in any unit of the Regular Forces engaged in military matters of a specialized or technical nature;"

3. Section 11 of the principal Act is amended by deleting subsection (1) and substituting for it the following— Amendment of section 11

"(1) The Regular Forces shall consist of those officers and men who are, subject to section 29, enrolled for continuing full-time military service."

4. Section 29 of the principal Act is repealed and replaced by the following:— Repeal and replacement of section 29

"Enrolment 29.—Subject to the following provisions of this section, persons shall be enrolled in the Defence Forces—

- (a) as commissioned officers for indefinite or fixed terms of service; or
 - (b) as subordinate officers on probationary terms of service;
 - (c) as non-commissioned officers,
- as may be prescribed in Defence Forces Regulations.

(2) Save in the case of a person enrolled or selected for enrollment as—

- (a) a commissioned officer; or
- (b) a subordinate officer; or
- (c) a career soldier,

every person enrolled as man shall serve in the Defence Forces for a period of three years, at the end of which he shall be transferred to the Regular Reserve.

(3) Every person enrolled as man in the Defence Forces in accordance with subsection (2) shall serve on terms similar to the terms of service prescribed under section 21 of the National Service Act, 1964, in respect of persons voluntarily registered as members of the Service under section 5 (1) of that Act.

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(4) No person shall be enrolled as a commissioned officer unless he has been recommended in that behalf by the Defence Forces Committee or by a board appointed by the Defence Forces Committee and that recommendation has been approved by the President.

(5) Every person enrolled as a commissioned officer shall be granted a commission which shall issue under the hand of the President.

(6) No person under the apparent age of eighteen years shall be enrolled without the consent in writing of one of his parents or guardian or, where the parents are dead or unknown, by the Area Commissioner of the District in which that person resides.”.

Addition of
new section
29A

5. The principal Act is amended by adding, immediately after section 29, the following new section—

“Enrolment
of career
soldiers

29A.—(1) The Minister shall, after consultation with the Chairman of Chama cha Mapinduzi, by an order published in the *Gazette*, establish a committee of not less than five, but not more than ten persons, for the selection and recommendation of persons for enrolment as career soldiers.

(2) The Minister shall, in the order made under subsection (1), provide for the tenure of office of members of the committee and the procedure for proceedings of the committee.

(3) In making its recommendations under this section, the committee shall have regard to any matters referred to it by the Defence Forces Committee in relation to any person under consideration for enrolment as a career soldier.

(4) No person shall be enrolled as a career soldier unless he has been selected and recommended for enrolment by the committee established under this section”.

6. Upon the commencement of this Act—

- (a) every officer, and every non-commissioned officer or man, who is serving in the Defence Forces in any of the supporting units or in any unit of the Regular Forces engaged in military matters of a specialized or technical nature shall be deemed to be a career soldier enrolled in accordance with section 29A;
- (b) every person who becomes a career soldier by virtue of paragraph (a) shall continue to serve in the Defence Forces upon the terms on which he was enrolled;
- (c) every person serving in the Defence Forces as man, other than man deemed to be a career soldier under paragraph (a), shall continue to serve in the Defence Forces upon the terms on which he was enrolled, and at the end of his service he shall be transferred to the Regular Reserve.

Savings and
transitional
provisions

Amendment of the National Service Act, 1964

7. Section 5 (2) of the National Service Act, 1964, is amended by deleting paragraph (a) and substituting for it the following paragraph—

Amendment
of section 5
of Cap. 553

“(a) in the case of a serviceman enlisted voluntarily under subsection (1), three years;”.

Passed in the National Assembly on the twenty-sixth day of October, 1978.


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Clerk of the National Assembly