



Tanzania Act 1969

1969 CHAPTER 29

An Act to make provision for modifying the law in consequence of the union of Tanganyika and Zanzibar to form the United Republic of Tanganyika and Zanzibar as a republic within the Commonwealth and the subsequent adoption by that republic of the name of Tanzania; to make provision as to the operation of the Colonial and Other Territories (Divorce Jurisdiction) Acts 1926 to 1950 in relation to the courts of Tanganyika and of the united republic; and for purposes connected therewith. [25th June 1969]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Modifications of British Nationality Acts

- (1) The British Nationality Acts shall have effect, and shall be deemed to have had effect as from 29th October 1964, as if in section 1(3) of the British Nationality Act 1948 (Commonwealth countries having separate citizenship)—
 - (a) the words " and Zanzibar " were omitted, and
 - (b) for the word " Tanganyika " there were substituted the word " Tanzania ".
- (2) In relation to the period beginning on 26th April 1964 and ending with 28th October 1964 those Acts shall be deemed to have had effect as if in the said section 1(3)—
 - (a) the words " and Zanzibar " were omitted, and
 - (b) for the word " Tanganyika " there were substituted the words " the United Republic of Tanganyika and Zanzibar ".
- (3) A person who, for the purposes of the British Nationality Acts 1948 and 1958 and of the British Protectorates, Protected States and Protected Persons Order in Council 1949, was immediately before 9th December 1961 a British protected person by virtue of his connection with Tanganyika, but never became a citizen of Tanganyika.—

- (a) if he became a citizen of the United Republic of Tanganyika and Zanzibar, shall be deemed, on becoming such a citizen, to have ceased to be a British protected person for the purposes of the British Nationality Acts and of that Order in Council;
 - (b) if he became, or after the passing of this Act becomes, a citizen of Tanzania, shall be deemed, on becoming such a citizen, to have ceased, or (as the case may be) to cease, to be a British protected person for the purposes of those Acts and for the purposes of that Order in Council or of the British Protectorates, Protected States and Protected Persons Order in Council 1965.
- (4) In accordance with section 3(3) of the West Indies Act 1967, it is hereby declared that this section extends to all associated states.

2 Divorce jurisdiction

- (1) Notwithstanding anything in section 3(4) of, and paragraph 15 of Schedule 2 to, the Tanganyika Independence Act 1961, and notwithstanding the union of Tanganyika with Zanzibar to form the united republic and the adoption by that republic of the name of Tanzania, all courts having jurisdiction under the laws of Tanganyika or of the united republic—
- (a) shall be deemed to have had during the period beginning on 9th December 1961 and ending with 17th May 1965, and
 - (b) in relation to proceedings instituted before 18th May 1965, shall be deemed to have had, and to continue to have,
- the same jurisdiction under the Divorce Jurisdiction Acts as courts having jurisdiction under the laws of Tanganyika would have had if the Tanganyika Independence Act 1961 had not been passed.
- (2) Where subsection (1) of this section has effect in relation to a decree or order made by any such court as is mentioned in that subsection, the production (whether before or after the passing of this Act) of a copy of the decree or order purporting to be certified and signed by the appropriate registrar shall have the like effect for the purposes of the Divorce Jurisdiction Acts as if that copy—
- (a) had been certified and transmitted, by the proper officer of the court by which the decree or order was made, for registration in the court of the domicile, and
 - (b) had been received on the date on which it is or was so produced.
- (3) For the avoidance of doubt it is hereby declared that—
- (a) except as provided by subsection (1) of this section, no court having jurisdiction under the laws of the united republic has any jurisdiction under the Divorce Jurisdiction Acts to make a decree for the dissolution of a marriage, or as incidental thereto to make any order as to any matter ; and
 - (b) nothing in this section shall be construed as extending to the united republic as part of its law.
- (4) In this section any reference to registration in the court of the domicile shall be construed in accordance with section 6(3) of the Colonial and Other Territories (Divorce Jurisdiction) Act 1950.
- (5) In this section " the appropriate registrar "—
- (a) in relation to a decree or order made by a court having jurisdiction under the laws of Tanganyika, means the registrar of that court or of any court having

(apart from the Divorce Jurisdiction Acts) the like general jurisdiction under the laws of the united republic, and

- (b) in relation to a decree or order made by a court having jurisdiction under the laws of the united republic, means the registrar of that court;

and in this subsection " registrar " includes any officer performing functions similar to those of a registrar.

- (6) In this section " the united republic "—

- (a) in relation to any time on or after 26th April 1964 and before 29th October 1964, means the United Republic of Tanganyika and Zanzibar, and
(b) in relation to any time on or after 29th October 1964, means the United Republic of Tanzania.

3 Ships

- (1) The Ships and Aircraft (Transfer Restriction) Act 1939 shall not apply to any ship by reason only of its being registered in, or licensed under the law of, Tanzania; and the penal provisions of that Act shall not apply to persons in Tanzania (but without prejudice to the operation with respect to any ship to which that Act does apply of the provisions thereof relating to the forfeiture of ships).
- (2) In the Whaling Industry (Regulation) Act 1934, the expression " British ship to which this Act applies " shall not include a British ship registered in Tanzania.
- (3) This section shall be deemed to have come into operation on 26th April 1964; and, in relation to any time within the period beginning on that date and ending with 28th October 1964, any reference in this section to Tanzania shall be construed as a reference to the United Republic of Tanganyika and Zanzibar.

4 Power to apply other statutory provisions to Tanzania

- (1) Subject to the following provisions of this section, Her Majesty may by Order in Council specify any enactment of the Parliament of the United Kingdom for the time being in force, or any instrument for the time being in force and having effect by virtue of such an enactment, and make such provision as may appear to Her Majesty to be appropriate for securing that, to such extent and subject to such exceptions and modifications (if any) as Her Majesty thinks fit, that enactment or instrument has the like operation in relation to Tanzania, and persons and things belonging to or connected with Tanzania, as it has in relation to territories to which the enactment or instrument is applicable and in relation to persons and things belonging to or connected with such territories.
- (2) No Order in Council shall be made under this section in respect of an enactment or instrument unless it is an enactment or instrument which either—
- (a) specifies Tanganyika by name, or
(b) is an enactment or instrument which would have had effect in relation to Tanganyika, or to persons or things belonging to or connected with Tanganyika, if Tanganyika had continued to be a separate territory and had continued to be part of Her Majesty's dominions.
- (3) No Order in Council shall be made under this section in respect of the British Nationality Acts or the Divorce Jurisdiction Acts.

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- (4) An Order in Council under this section may make provision in accordance with subsection (1) of this section in such manner as appears to Her Majesty to be appropriate in relation to any enactment or instrument specified in the Order, and in particular (but without prejudice to the generality of this subsection)—
- (a) may amend the enactment or instrument by inserting in it one or more references to Tanzania by name, or
 - (b) if the enactment or instrument refers to Tanganyika by name, may amend it by substituting a reference to Tanzania for any such reference ;
- and, where any enactment or instrument specified in the Order refers to Zanzibar by name, the Order in Council may include provision amending it so as to omit any reference to Zanzibar.
- (5) Where an Order in Council under this section specifies an enactment which confers a power to make Orders in Council, any power which in consequence of the Order is exercisable by virtue of that enactment in relation to Tanzania, or persons or things belonging to or connected with Tanzania, may be so exercised either by the same Order in Council or by a subsequent Order in Council.
- (6) Any Order in Council made under this section, and any other Order in Council which exercises in relation to Tanzania, or persons or things belonging to or connected with Tanzania, a power which is so exercisable in the circumstances specified in subsection (5) of this section.—
- (a) may be made with retrospective effect as from 26th April 1964 or any later date, and
 - (b) in so far as it is made so as to have effect in respect of any time before 29th October 1964, may be made as if in this section any reference to Tanzania were a reference to the United Republic of Tanganyika and Zanzibar.
- (7) For the purpose of making an Order in Council under this section, any reference in subsection (1) of this section to any enactment or instrument for the time being in force shall be construed as a reference to any enactment or instrument in force immediately before the Order is made, whether the enactment or instrument was passed or made before or after the passing of this Act.
- (8) Any reference in this section to a territory to which an enactment or instrument is applicable shall be construed as a reference to a territory which either—
- (a) is specified by name in the enactment or instrument, or
 - (b) falls within a general description specified in a provision contained in the enactment or instrument whereby the enactment or instrument has effect in relation to territories falling within that description or in relation to persons or things of a class so specified which belong to or are connected with such territories.

5 Power to repeal certain enactments relating to Tanganyika and Zanzibar

- (1) Where it appears to Her Majesty in Council that an enactment to which this section applies has (whether in consequence of the exercise of any power conferred by section 4 of this Act or otherwise) become obsolete, spent or unnecessary, Her Majesty may by Order in Council provide that that enactment shall cease to have effect.

- (2) This section applies to all enactments contained in the Tanganyika Independence Act 1961, the Tanganyika Republic Act 1962 and the Zanzibar Act 1963, except section 1 of the Tanganyika Independence Act 1961.
- (3) Section 38(2) of the Interpretation Act 1889 (which relates to the effect of repeals) shall have effect in relation to any repeal effected by an Order in Council under this section as if the Order were an Act of Parliament.

6 Supplementary provisions

- (1) Any Order in Council under this Act—
 - (a) may contain such transitional or other incidental or supplemental provisions as appear to Her Majesty to be necessary or expedient;
 - (b) may be varied or revoked by a subsequent Order in Council; and
 - (c) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Subject to the next following subsection, any provision made by an Order in Council under this Act with respect to an enactment of the Parliament of the United Kingdom, or with respect to an instrument having effect by virtue of such an enactment, shall, except in so far as the Order otherwise provides, have effect as part of the law of every territory outside the United Kingdom to which the enactment or instrument in question extends, as well as having effect as part of the law of the United Kingdom.
- (3) Any provision made by an Order in Council as mentioned in subsection (2) of this section—
 - (a) shall not have effect as part of the law of any associated state unless either the Order in Council is made at the request and with the consent of that state or the provision so made is one which (in accordance with Schedule 1 to the West Indies Act 1967) the legislature of that state has no power to make at the date on which the Order is made, and
 - (b) shall not have effect as part of the law of any territory if it is a territory for whose government Her Majesty's Government in the United Kingdom have no responsibility at that date, and accordingly shall not have effect as part of the law of Tanzania.
- (4) In subsection (3)(a) of this section the reference to the request and consent of an associated state shall be construed in accordance with section 19(5) of the West Indies Act 1967.
- (5) Nothing in section 4 or section 5 of this Act shall affect the exercise (whether before or after the passing of this Act) of any power exercisable apart from those sections.

7 Interpretation

- (1) In this Act—
 - (a) subject to the next following subsection, " the British Nationality Acts " means the British Nationality Acts 1948 to 1965 ; and
 - (b) the Divorce Jurisdiction Acts mean the Colonial and Other Territories (Divorce Jurisdiction) Acts 1926 to 1950.
- (2) In so far as, by virtue of section 1 of this Act, the British Nationality Acts are deemed to have had effect as mentioned in that section in relation to a time before the

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commencement of the British Nationality Act 1965, " the British Nationality Acts " shall be taken to mean such of the British Nationality Acts 1948 to 1964 as were in force at that time.

- (3) References in this Act to any enactment are references to that enactment as amended or extended by or under any other enactment.

8 Short title

This Act may be cited as the Tanzania Act 1969.