

CHAPTER 258

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**THE POLITICAL PARTIES ACT**

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[PRINCIPAL LEGISLATION]

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CHAPTER 258

**THE POLITICAL PARTIES ACT**

**An Act to provide for terms, conditions and the procedure for the registration of political parties and for related matters.**

[1<sup>st</sup> July, 1992]  
[s. 1]

Acts Nos.  
5 of 1992  
10 of 1994  
32 of 1994  
18 of 1995  
11 of 1996  
9 of 2002  
6 of 2006

1. This Act may be cited as the Political Parties Act. Short title
2. This Act shall apply to Tanzania Zanzibar as well as to Mainland Tanzania. Application
3. In this Act, unless the context otherwise requires—  
“Minister” means the Minister for the time being responsible for matters relating to political parties; Interpretation  
Act no. 10  
Of 1994  
Sch.  
“party” means a political party;  
“political party” means any organised group formed for the purpose of forming a government or a local government authority within the United Republic through elections or for putting up or supporting candidates to such election;  
“Registrar” means the Registrar of Political Parties appointed under section 4 and includes a deputy and an assistant registrar.
4. ---(1) There shall be a Registrar of Political Parties in the office of the Prime Minister or in such other office as the President may determine who shall be appointed by the President. Appointment  
of Registrar  
  
(2) There shall be a Deputy Registrar who shall be appointed by the President.  
  
(3) The Registrar shall be responsible for the registration of political parties in accordance with the provisions of this Act and shall perform any other function conferred by this Act.  
  
(4) In the performance of his functions under this Act the Registrar shall from time to time consult the Minister.

Appointment of  
assistant  
registrars and  
other officers  
Protection of  
officers

5. The Minister may appoint assistant registrars and such other officers in such numbers as may from time to time be required to carry out the purpose of this Act.
6. No suit shall lie against the Registrar, Assistant Registrar or other officer appointed under this Act for anything done or omitted to be done in good faith and without negligence in the performance or any function under this Act.

Duty of political  
parties to  
register

7. ---(1) Subject to subsection (2) of this section, every political party formed in any part of the United Republic, shall apply to the Registrar in the prescribed manner to be registered as a political party.

(2) Notwithstanding the provisions of subsection (1) of this section Chama cha Mapinduzi, also known by the acronym CCM, which was, immediately before this Act, the sole political party for the whole of the United Republic shall, on the coming into effect of this Act, and without further requirement, be deemed to have been fully registered as a political party and shall be issued with a certificate of registration in accordance with this Act.

(3) No organization shall operate or function as a political party unless it has first been registered in accordance with the provisions of this Act.

Registration

8. --(1) Every political party other than the political party registrable pursuant to subsection (2) of section 7, shall apply and be registered in two stages, after fulfilling all the conditions prescribed for each stage.

(2) Every political party shall first, be provisionally registered and issued with a certificate of provisional registration upon fulfilling the conditions prescribed in section 9.

(3) Every political party which has been provisionally registered and which in addition to the conditions prescribed in section 9 has fulfilled the conditions prescribed in section 10 shall, not later than one hundred and eight days from the date of provisional registration, apply to the Registrar for full registration.

(4) The provisional registration of every party shall lapse and every provisional registration certificate shall cease to be of any effect at the expiry of one hundred and eight days from the date of such provisional registration.

(5) The Registrar shall register and issue a certificate of provisional registration or, as the case may be, a certificate of full registration to every party which fulfils all the conditions for such registration.

8. —(1) No political party shall qualify for provisional registration unless—
- a) the founding members have applied for registration of the party in the prescribed manner;
  - b) the application has been accompanied with a copy of the constitution of the proposed party;
  - c) its membership is voluntary and open to all the citizens of the United Republic without discrimination on account of gender, religious belief, race, tribe, ethnic origin, profession or occupation.
- Conditions for provisional registration

(2) Without prejudice to subsection (1) of this section no political party shall qualify for provisional registration if by its constitution or policy---

- a) aims to advocate or further the interests of –
  - (i) any religious belief or group;
  - (ii) any tribal, ethnic or racial group; or
  - (iii) only a specific area within any part of the United Republic;
- b) it advocates the breaking up of the union constituting the United Republic;
- c) it accepts or advocates the use of force or violence as a means of attaining its political objectives;
- d) it advocates or aims to carry on its political activities exclusively in one part of the United Republic; or
- e) it does not allow periodic and democratic election of its leadership.

10. —(1) No political party shall be qualified to be fully registered unless—
- a) it has first been provisionally registered;
  - b) it has obtained not less than two hundred members who are qualified to be registered as voters for the purpose of parliamentary elections from each of at least ten Regions of the United Republic out of which at least two Regions are in Tanzania Zanzibar being one Region each from Zanzibar and Pemba;
  - c) it has submitted the names of the national leadership of the party and such leadership draws its members from both Tanzania Zanzibar and Mainland Tanzania; and
  - d) it has submitted to the Registrar the location of its head office.
- Conditions for full registration

within the United Republic and a postal address to which notices and other communications may be sent.

Rights and  
privileges of,  
and meetings  
of, political  
parties Acts  
Nos. 1 of  
1993, 32 of  
1994  
Sch.

11. —(1) Every party which has been provisionally or fully registered shall be entitled-

- a) to hold and address public meetings in any area in the United Republic after giving notification to the police officer in-charge of the area concerned for purposes of publicizing itself and soliciting for membership;
- b) to the protection and assistance of the security agencies for the purposes of facilitating peaceful and orderly meetings:  
provided that provisional registration shall not entitle any party to put up a candidate or to campaign for any candidates in any parliamentary or presidential election or in a local authority election.

Cap. 322

(2) Notwithstanding any other written law to the contrary sections 43, 44, 45 and 46 of the Police Force and Auxiliary Services Act shall apply and have effect as to all meetings to be held on any part of the United Republic by any political party whether provisionally or fully registered.

(3) Every party which has been fully registered shall be entitled to put up candidates and to campaign for any candidates in any parliamentary or presidential election or in a local government authority election.

(4) When a political party is desirous of holding a meeting or procession in any open public place in any area it shall, not less than forty eight hours before the meeting, submit a written notification of its impending to the police officer in charge of the area in which the meeting is to take place is situated.

(5) The written notification referred to in subsection (4) shall specify—

- a) the name of the political party submitting the notification;
- b) the place in and time at which the meeting is to take place;
- c) the agenda or purpose in general of the meeting;
- d) such other particulars as the Minister may from time to time by notice published in the Gazette specify.

(6) Where a political party submits a notification in accordance with subsection (4) it may proceed to hold the meeting in question as scheduled unless and until it receives an order from the police officer in charge of the area directing that the meeting be not held as notified.

(7) A police officer to whom a notification is submitted pursuant

to subsection (4) shall not give a stop order under subsection (6) in relation to the notification unless he is satisfied that –

- a) a previous notification has been submitted by another political party or other persons for holding a meeting or other function or procession in the same place at the same time as is intended by the notifier;
- b) the meeting or procession is intended to execute, or to be used for, an unlawful purpose; the meeting is likely or intended to cause a breach of the peace or to prejudice the public safety in the area;
- c) the political party or group of persons giving the notification is not a registered political party or body of persons or the persons submitting the notification is not appropriately identified as an authorised representative of the political party concerned.

(8) A stop order given under subsection (6) shall be in writing and in such form as is able to easily disclose the reasons for its issuance and state whether or not the political party concerned may hold the meeting at the venue at another time or date convenient to it in the same area.

12. –(1) No party formed or existing in any part the United Republic prior to the Union of Tanganyika and Zanzibar or prior to 5<sup>th</sup> February, 1977, shall be revived nor shall the name or acronym of such party be used by any political party to be registered under this Act.

Prohibition of the revival of former parties; and establishment of branches, etc.

(2) Subject to subsection (3) no person shall establish, form or allow to established or formed any branch, unit, youth or women organization or other organ of any political party in any working place, school or other place of learning.

(3) for the purposes of this section places of residence for employees provided by the employer shall not be regarded as places of work.

(4) Any person who contravenes the provisions of subsection (2) of this section commits an offence and shall be liable on conviction to a fine not exceeding forty thousand shillings or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment and the court shall order the closure or disbanding of the branch, unit, youth organization or other organ of the party relating to the offence.

13.—(1) The funds and other resources of political parties which have been fully registered shall derive from-

Funds and other resources of a party

- (a) membership fees;

- (b) voluntary contributions;
- (c) the proceeds of any investment, project or undertaking in which the party has an interest;
- (d) subvention from the Government;
- (e) donations, bequests and grants from any other source.

(2) Every party shall disclose to the Registrar information relating to any funds or other resources obtained by the party-

- a) from sources outside the United Republic, whether obtained directly or through sources within the United Republic;
- b) from foreign organizations stationed within the United Republic; or
- c) from any person resident in the United Republic who is not a citizen of the United Republic.

(3) Any official of any party or other person liable to disclose information to the Registrar on behalf of any party relating to the funds or other resources of the party who fails to disclose such information or gives false information in relation to such funds or resources obtained by a party from sources outside the United Republic, commits an offence and shall be liable on conviction to a fine equal to the amount of the value of the resources not disclosed or in relation to which false information was given or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

Submission of accounts and declaration of property

14. -(1) Every political party which has been fully registered shall—

- a) maintain proper accounts of the funds and property of the party;
- b) submit to the Registrar –
  - i) an annual statement of the accounts of the party audited by an auditor registered as an authorised auditor under the Accounts and Auditors (Registration) Act and the auditor’s report on those accounts;
  - ii) an annual declaration of all the property owned by the party.

Cap. 286

(2) The Registrar, after inspecting any accounts or report submitted pursuant to this section may, for the benefit of the members or the public, publish any matter relation to the funds, resources or property of any party or the use of such funds, resources or property.

(3) The Registrar shall publish in the official Gazette, an annual report on the audited accounts of every party.

15-(1) Every political party which has been fully registered shall, through its trustees, maintain a bank account of the party in which all the money received by the party in accordance with section 13, shall be deposited.

Party to maintain bank account  
Act NO. 18 of 1995 Sch.

(2) Any subvention from the Government which is payable to any political party under this Act shall not be paid to any political party which does not maintain a bank account in accordance with this section.

16-(1) The Government shall, subject to section 17 of this Act, disburse up to not more than two per centum of the annual recurrent budget, less the amount payable in defraying the national debt, in the grant of subventions to political parties in pursuance of the provisions of the Act.

Grant of and party qualification for, subvention  
Acts Nos. 18 of 1995 Sch; 11 of 1996 s. 2

(2) The Government shall, in addition to the subvention referred to in subsection (1), grant an annual subvention to every qualifying party in relation to its local government authority activities which shall be such an amount as the Minister may determine, and which shall be computed on the basis of the number of the members of a party who are members of a district or urban council.

(3) No party shall qualify for the grant to it of a subvention in accordance with this Act unless—

- a) it is a party which is fully registered under this Act;
- b) it has, in the immediately preceding general or local government election, had any of its candidates elected to be a Member of Parliament or member or a local government authority.

17-(1) Subventions granted under this Act shall be disbursed to a qualifying party once in every financial year and in such installments as the Minister may, considering the prevailing economic and financial conditions, determine.

When, how and amount of subvention to be granted  
Acts Nos. 18 of 1995 Sch; 11 of 1996 s. 2;9 of 2002 Sch.

(2) The fund disbursable pursuant to section 16(1) as subvention to qualifying parties shall be disbursed as follows-

- a) fifty per centum of the funds shall be disbursed amongst qualifying parties on basis of the ratio between the number of parliamentary constituencies in the United Republic;
- b) the other fifty per centum of the funds shall be disbursed amongst qualifying parties each of which won not less than five per centum of all the valid votes cast in all constituencies in the United Republic, and shall be disbursed amongst those parties on the basis of the ratio between the total number of valid votes cast for the parliamentary candidates of a party.

and the total number of all the valid votes cast in the parliamentary election for all the qualifying parties.

(3) For purposes of subsection (2) a Parliamentary candidate declared by Electoral Commission as having been elected unopposed in the constituency, shall be deemed to have been elected by fifty one percent of the total number of the registered voters in the respective constituency.

Application of,  
And accounting  
for, subvention  
Acts Nos. 18 of  
1995 Sch.; 11 of  
1996 s. 2

18. -(1) Subventions granted to a party may be spent only on

- (a) the parliamentary activities of a party;
- (b) the civil activities of a party;
- (c) any lawful activity relating to an election in which a party nominates a candidate;
- (d) any other necessary or reasonable requirement of a party.

(2) Subventions granted to a political party shall be accounted for to the Registrar, separately from the accounting for other funds of the party.

(3) Any party which fails or neglects to account for subventions in accordance with this Act, shall forfeit the right to any subsequent subvention due to the party in accordance with this Act.

(4) Where the Registrar is for any reasonable cause, dissatisfied with any account of subventions submitted by any party, so much of the subvention which has not been accounted for or has not been accounted for satisfactorily, shall be deducted from any subsequent subvention due to the party.

(5) If by reason of failure to submit an account or for any other reason, the Registrar has reason to suspect that any offence under the Penal Code may have been committed in relation to the money which has not been accounted for, he may make a report to a police station, and the officer in charge of that police station shall cause the matter to be investigated.

Cap. 16

Power of  
Registration to  
cancel  
registration

19-(1) Subject to subsection (2) the Registrar may cancel the registration of any political party which has contravened any of the provisions of this Act or which has otherwise ceases to qualify for registration under this Act.

(2) The Registrar shall not cancel the registration of any party unless—

- a) he has, in writing, informed the party concerned of the contravention or the loss of qualification and of the intention to cancel the registration;
- b) he has received or failed to receive, within the period.

Prescribed by him, any representations from the party concerned;

(c) he has submitted to the Minister the intention to cancel the registration of the party together with any representations made by the party and the Minister has agreed to such cancellation.

20--(1) The decision of the Registrar on the registration of the cancellation of the registration of any party shall be final and shall not be the subject of appeal in any court.

Decision of the Registrar to be final

(2) Nothing in subsection (1) shall be construed to preclude judicial review of the decision of the Registrar.

21. —Every political party which has obtained a certificate of full registration shall appoint a board of trustees to manage the properties and any business or investment of the party.

Parties to appoint trustees

(2) Every board of trustees shall be duly incorporate under the Trustees Incorporation Act and every party shall, not later than sixty days from the date of full registration, submit to the Registrar—

Cap. 318

- a) the names and addresses of the members of ther board of trustees; and
- b) a copy of the certificate of incorporation.

22. – (1) The Minister may make regulations for the purpose of carrying out or giving effect to any provision of this Act.

Regulations Act No. 11 Of 1996

(2) In particular and without prejudice to the generality of ther power conferred by subsection (1), the Minister may make regulations---

- (a) prescribing the manner of registration of political parties under this Act
- (b) regulating or restricting the use or the changes of names of political parties;
- (c) prescribing the forms which may be used for carrying out the provisions of this Act;
- (d) for securing the submission to the Registrar of accounts relating to ther assets and liabilities, income and expenditure of political parties;
- (e) prescribing the fees in respect of anything to be done under this Act;
- (f) securing the submission to the Registrar of annual or other periodical returns relating to the constitution, objects and membership of political parties.
- (g) prescribing the manner in which subventions granted to a party may be accounted for;
- (h) in consultation with political parties prescribing ethical conduct of political parties
- (i) prescribing anything which is required or is necessary or desirable that it be prescribed for the better giving effect to this Act

23. [Amends the societies Act]

