

Tanzania

Ministers (Discharge Ministerial Functions) Act, 1980

Chapter 299

Legislation as at 31 July 2002

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[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]

[s. 1; Act No. 10 of 1980]

An Act to provide for the discharge of ministerial functions.

1. Short title

This Act may be cited as the Ministers (Discharge of Ministerial Functions) Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"**enactment**" means any written law other than the Constitution.

3. Statutory references to Ministers

Where in any enactment or document reference is made (whether expressly or by implication or by operation of the provisions of any law providing for the transfer or delegation of statutory functions) to a particular Minister described as such, whether by definition, style, title, office, functions or otherwise (other than the Vice-President) such reference shall, unless the context otherwise requires and subject to any express reference to the contrary contained in any enactment passed or document executed after the commencement of this Act, be construed and have effect as if it were a reference to the Vice-President or the Deputy Minister for the time being performing the duties of that Minister or other Minister for the time being responsible under the direction of the President for the matter in question, or if the President has not for the time being assigned responsibility for the matter in question to any Minister, as if it were a reference to the President; and the enactment or document in which the reference occurs shall be read and construed accordingly.

4. Deputy Minister may execute or President may provide for execution of functions of Minister

- (1) Where the office of any Minister is vacant or any Minister is, owing to absence or inability to act by reason of illness or other cause, unable to perform the functions of his office those functions shall, during that absence or inability, be performed by the Deputy Minister for the time being in office of that Minister.
- (2) Notwithstanding the provisions of subsection (1) or where there is no Deputy Minister in the office of the Minister, the President may, by order under his hand, direct that the powers, duties or other functions conferred or imposed upon any Minister by an enactment shall be vested in himself or in a Minister or Deputy Minister designated in the Order, during the vacancy, absence or inability,

and during that period, the President or the Minister or Deputy Minister so designated, as the case may be, may exercise these powers and shall perform those duties and functions, subject to any conditions, qualifications or exceptions specified in the Order.

5. President may specify the departments, business and other matters

- (1) The President may, from time to time, by notice published in the *Gazette*, specify the departments, business and other matters the responsibility for which he has retained for himself or he has assigned under his direction to any Minister and may in that notice specify the effective date of the assumption of that responsibility, and where the President has issued such a notice, it shall, subject to any subsequent notice issued under this subsection or to any certificate issued under subsection (2) of this section, be conclusive evidence of the matters specified in it.
- (2) Where any question whether the responsibility for any department, business or matter has been assigned any particular Minister or has been retained by the President, or whether the President or a particular Minister or Deputy Minister is empowered under section 4 to have, exercise or perform the powers, duties or functions of some other Minister, is, or is likely, to be enquired into by a court, that question shall be referred to the Attorney-General for his decision, and if he shall certify by writing under his hand that he is satisfied that the President has himself retained, or that the particular Minister has been assigned, responsibility for the department, business or matter, or the President or the particular Minister or Deputy Minister is empowered under section 4 to exercise, perform the powers, duties and functions of that Minister at the relevant time; the court shall not enquire further into that question and the President or that particular Minister or Deputy Minister shall be deemed to be and always to have been at the relevant time, responsible for that department, business or matter or, as the case may be, to have been empowered to exercise or perform those powers, duties and functions.

6. Repeal of R.L. Cap 502

[Repeals the Ministers (Miscellaneous Provisions) Act with savings.]

7. Amendments

[Amends R.L. Caps 1, 502 and 506.]