



THE TRADE UNIONS ACT, 2001

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ACT NO. 4 OF 2001

I ASSENT

Amani Abeid Karume

{ AMANI ABEID KARUME }

PRESIDENT OF ZANZIBAR

AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

23rd APRIL

....., 2001

**AN ACT TO PROVIDE FOR THE REGISTRATION AND
REGULATION OF TRADE UNIONS AND MATTERS
RELATING THERETO**

ENACTED by the House of Representatives of Zanzibar

**PART I
PRELIMINARY**

Short title
and
Commencement.

1.-(1) This Act may be cited as the Trade Unions Act, 2001 and shall come into operation at such date as the Minister may, by notice published in the Gazette, appoint.

(2) This Act shall apply to Trade Unions and Employers Association.

(3) The Minister may exempt any trade union or employers association from any provisions of this Act.

Interpretation.

2. In this Act unless the context otherwise requires:-

"Association" means Employers Association as defined under this Act;

"Attorney-General" means the Attorney-General of Zanzibar and shall include any person authorised to act on his behalf;

"branch" means any number of the members of a registered trade union who have in accordance with the constitution of the registered trade union appointed their own management committee but who are under the control of the executive committee of such trade union and are bound under the constitution of such trade union to contribute to its general funds;



"constitution" means the constitution of a trade union or association;

"contract of employment" means any contract whether in writing or oral, whether express or implied, to employ or to serve as an employee for any period of time or number of days to be worked, or to execute any task or piece of work or to perform any journey and includes a foreign contract of service;

"Court" means the Industrial Court established under the laws of Zanzibar;

"employee" means any person who has entered into or works under a contract of service with an employer whether by way of manual labour, clerical work or otherwise and whether the contract is expressed or implied or is oral or in writing, and shall include any such person in the employment of the Government or of any local authority or private sector or any apprentice and learner who has entered into or works under any agreement whether expressed or implied or whether oral or in writing;

"employer" means any person, or any firm, corporation or company, public authority or body of persons who or which has entered into a contract of service to employ any person and includes the Government;

"employers' association" means any association of employers the principal purposes of which are the representation of employers' interests and the regulation of relations between employers and employees, and includes a federation of employers associations;

"enterprise or workplace council" means a council established under the provisions of this Act;

"essential service" means any service, whether rendered by the Government or any other body or person, the interruption of which is likely to endanger the life, health or personal safety of the whole or part of the population, and include prison and fire services;

"executive" means the body entrusted with the management of the affairs of the trade union or employers' association;



"federation" means any combination or association of two or more trade unions which have a separate legal existence from the trade unions of which they are comprised;

"labour dispute/trade dispute" means a dispute of the kinds specified under the provisions of Industrial Court Act No. 2 of 1994;

"local authority" means and includes a city council, a municipal council, township council, local council and sheha advisory council;

"lock-out" means any action taken by an employer in contemplation or furtherance of a labour dispute which consist in the exclusion of a group of employees from a place of employment, the suspension of employment or work of a group of employees or a refusal to continue to employ a group of employees;

"Minister" means the Minister responsible for labour;

"official" means when used with reference to a trade union, includes any member of the executive committee thereof and any official of a branch thereof, but does not include a trustee or an auditor;

"register" means the register of trade unions maintained by the Registrar under section 15 of this Act;

"registered office" means that office within of a trade union which is registered under the provisions of section 30 of this Act;

"Registrar" means the person for the time being appointed by the Minister under the provisions of section 3 of this Act by name or by office to be or to act as Registrar of trade unions, and includes any person appointed by the Minister under section 4 of this Act to be or to act as an Assistant Registrar of trade unions;

"strike" means the cessation of work by a body of persons employed, acting in combination, or a concerted refusal or a refusal under a common understanding of any number of persons employed to continue to work for an employer in consequence of a trade dispute, done as a means of compelling their employer or any person or body of persons employed, or to aid other employees in compelling their



employer, or any persons or body of persons employed, to accept or not to accept terms or conditions of or affecting employment;

"the Government" means the Government of Zanzibar, and includes all departments and all services, whether autonomous or semi-autonomous;

"trade union" means an association of employees, whether registered or not, having among its objects the representation and promotion of the interests of employees and the regulation of relations between employees and employers and includes a federation of trade unions unless it is clear from the context that only the first level association is meant, but does not include an association that is dominated by an employer and shall not include employers' association;

"Union" means a trade union as defined under this Act.

PART II

APPOINTMENT OF REGISTRAR AND OTHER OFFICIALS

Appointment of Registrar.

3. The Minister, shall appoint a Registrar of trade unions who shall be responsible for the due performance of the duties and functions assigned to him as Registrar under this Act.

Appointment of Assistant registrars and other officials.

4. The Minister may appoint one or more Assistant Registrars of trade unions and such other officials as may from time to time be required for the purpose of this Act.

Protection of officials.

5. No suit shall lie against any officer appointed under section 3 or section 4 of this Act for anything done or omitted to be done by him in good faith and without negligence and in intended exercise of any power or performance of any duty conferred or imposed by this Act.

PART III

FUNDAMENTAL RIGHTS

Basic workers' rights.

6. Every employee and person seeking employment shall have the right to -

- (a) take part in the formation of a trade union;
- (b) be a member of a trade union, subject to its constitution;
- (c) take part outside working hours, or with the consent of



the employer within working hours, in the lawful activities of a trade union of which he or she is a member;

- (d) seek and hold office in a trade union of which he or she is a member, subject to its constitution;
- (e) take part in the election of workplace representatives where provision is made for such election;
- (f) be elected or appointed and serve as a workplace representative where provision is made for this;
- (g) exercise any other right conferred by this Act.

Protection of
basic worker
in respect of
freedom of
association.

7.-(1) No employer, and no person acting on behalf of an employer, shall, with respect to any employee or person rights in seeking employment –

- (a) require that he or she shall not join or shall relinquish membership in a trade union or shall not participate in lawful trade union activities;
- (b) discriminate or take or threaten any prejudicial action, including disciplinary action or dismissal, against such employee or person by reason of -
 - (i) trade union membership or participation in lawful trade union activities;
 - (ii) his or her exercise of any other right conferred by this Act; or
 - (iii) his or her participation in any capacity in any proceeding under this Act.
- (c) benefit or advantage, or promise to benefit or advantage, such employee or person for not exercising any right conferred by this Act or for not participating in any capacity in a proceeding under this Act.

(2) Any term in a contract of employment or collective agreement that seeks to restrain any employee from exercising any right conferred or recognised by this Act shall be null and void, whether agreed to before or after the coming into force of this Act.

(3) Nothing in this section shall be interpreted as preventing an employer from fairly dismissing, or disciplining by measures of dismissal, an employee for a valid reason, in accordance



with the Labour Act or Security of Employment Act No. 1 of 1988 or Civil Service Regulations.

Basic employer rights.

8. Every employer has the right to -

- (a) take part in the formation of an employer's association;
- (b) be a member of any such association, in accordance with its constitution;
- (c) take part in the lawful activities of any such association of which it is a member;
- (d) hold office in any such association of which it is a member, in accordance with its constitution;
- (e) exercise any right conferred by this Act.

Protection of employees and employers in respect of association.

9.-(1) Any person who is eligible under the constitution of an association has a right to be a member of that association on the payment of the required dues and to remain a member as long as he or she complies with the constitution of the association

(2) Any person who has the right to join has the right not to join such an association.

(3) Any term in an agreement which purports to -

- (i) preclude an employer from engaging an employee who is not a member of a trade union or who is not recommended or approved by a trade union;
- (ii) require that one of the terms and conditions of employment of an employee shall be that the employee must become a member of a trade union.

shall be null and void

(4) No association shall discriminate in its constitution or through its actions against any person on the grounds of race, colour, national extraction, social origin, religion, political opinion, sex, marital status, family responsibilities, sexual orientation, age or disability, or impose any condition, restriction or obligation which is discriminatory.

(5) Notwithstanding the provisions of subsection (4) of this section, any provision, programme or activity that has as an object of the improvement of the condition of persons who are economically, socially, educationally or physically disadvantaged shall be lawful.



(6) No person who refuses to take or participate in, or otherwise to act in furtherance of any unlawful action shall, by reason of such refusal be subject to any disadvantage or prejudice, such as cancellation of membership, removal from office or fine or other penalty, by the association of which he or she is a member.

Protection of trade unions against interference.

10. No employer or employers' (association), and no person acting on behalf of an employer or employers' association, shall promote the establishment of an employees' association under the domination of an employer or employers' association, or shall support an employees' association by financial or other means with the object of placing such association under the control of an employer or employers' association.

Federations.

11. Trade unions and employers' associations, respectively, may form and, in accordance with their constitution, be members of and take part in the activities of, federations of trade unions and employers' association.

Affiliation to international workers' and employers associations.

12. Any trade union or employers' association and any federation of trade unions or employers' association may affiliate with and participate in the activities of international ' workers' or international employers' associations, may make financial and other contributions to such associations, and may receive financial and other assistance from them.

Remedies in respect of the infringement of freedom of association.

13.-(1) Any complaint of infringement of the provisions of this Part may be presented to the Court.

(2) Where it is alleged that an employee or person seeking employment was discriminated against, dismissed, or otherwise prejudiced in violation of this Act it shall be for the employer to prove that the action taken was for a valid reason.

(3) Where the Court finds that the complaint is well founded, it shall make such order as it deems necessary in the circumstances to ensure compliance with the provisions of this Part, which shall include -

- (i) reinstatement if it is requested by the employee;
- (ii) the restoration to him or her of any benefit or advantage; and
- (iii) the payment of compensation for damages suffered and, where appropriate, of a punitive indemnity.



PART IV **REGISTRATION**

Application
for
registration.

14.(1) Any unregistered trade union composed of fifty (50) or more members, any employers' association composed of five or more members, and any federation of such trade unions or employers' association, may apply to the Registrar for registration.

(2) An application for registration in the prescribed form shall be accompanied by -

- (a) two copies of the constitution of a trade union or association;
- (b) a statement of the following particulars -
 - (i) the name of the trade union or association or federation of trade unions or association and its postal address;
 - (ii) the names and postal addresses of its chairperson, secretary and treasurer;
 - (iii) the names, address and at least signature of the minimum number of members.
- (c) the prescribed fee.

(3) The Minister shall have the powers to consider and grant the registration of any trade union, employers association or federation which has less number of members than provided in subsection (1) of this section if in his opinion deems fit to be registered.

Register of
trade unions.

15.-(1) The Registrar shall keep and maintain in such form as may be prescribed, a register of trade unions and association in which shall be contained the prescribed particulars relating to any registered trade union and association and any alteration or change which may from time to time be effected in the name, constitution, officials, executive committee, or registered postal address thereof, or in the situation of the registered office thereof, and all such other matters as may be required to be contained therein under this Act or any Regulations made thereunder.

(2) A copy of any entry in the register certified under the hand of the Registrar shall, until the contrary be shown, be proof of the facts specified therein, as on the date of such certified copy.



Trade unions
to be
registered.

16.-(1) Every trade union or association not registered after the commencement of this Act shall either apply to be registered or be dissolved, within a period of three months from the commencement of this Act or the date of its formation, whichever is the later.

(2) The Registrar may, upon application made by trade union, from time to time grant an extension of the period specified in subsection (1) of this section for any further period or periods not exceeding six months in the aggregate.

(3) If any trade union or employers association shall fail to apply for registration or fail to be dissolved in accordance with the provisions of this Act, the trade union or association and every official thereof, and every person acting as an official thereof or purporting so to act, shall be guilty of an offence and the trade union or association and each such person shall be liable on conviction to a fine of not more than two hundred thousand shillings.

Registration.

17. Subject to the provisions of this Act and subject to any Regulation made by the Minister in that respect the Registrar shall register the trade union or association in the prescribed manner.

Certificate of
registration.

18. The Registrar on registering a trade union or association shall issue to the trade union or association a certificate in the prescribed form and that certificate, unless proved to have been cancelled or withdrawn, shall be conclusive evidence for all purposes that the trade union or association has been duly registered under this Act.

Power of
Registrar
to call
further
particulars.

19. The Registrar may call for further information required under section 14 of this Act for the purpose of satisfying himself that any application made by a trade union or association for registration complies with the provisions of section 8 of this Act or that the trade union is entitled to registration under this Act.

Power of
Registrar
to require
alteration
of name.

20. If the name under which a trade union or association is proposed to be registered is identical with that by which any other existing trade union has been registered or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive or mislead the public or the members of either trade union or in his opinion is itself misleading, the Registrar shall require the persons applying for registration to alter the name of the trade union or association stated in the application, and shall refuse to register the trade union or association until such alteration has been made.

Refusal of
registration.

21.-(1) The Registrar may refuse to register any trade union or association if he is satisfied that -



- (a) it has not complied with the provisions of this Act or any Regulations made thereunder; or
- (b) it is used for unlawful purposes;
- (c) the objects of the combination seeking registration are not in accordance with those set out in the definition of "trade union" contained in section 2 of this Act; or
- (d) it is an association consisting of persons engaged in, or working at, more than one trade union or calling, and that its constitution does not contain suitable provisions for the protection and promotion of their respective trade union interests; or
- (e) it is a branch of a trade union or association other than a registered trade union or association.

(2) When the Registrar refuses to register a trade union or association, he shall notify the applicants in writing of the grounds of such refusal, and the trade union shall be deemed to be dissolved with effect from the date of such notification.

(3) When a trade union or association appeals against the decision of the Registrar under the provisions of section 23 of this Act and the appeal is dismissed the trade union or association shall be deemed to be dissolved with effect from the date of the dismissal of such appeal.

(4) Any person acting as an official of a trade union or association which has been deemed to be dissolved under the provisions of subsections (2) or (3) of this section or any person purporting so to act shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding five hundred thousand shillings and in the case of a continuing offence to a fine not exceeding ten thousand shillings for each day during which the offence continues:

(5) It shall be no offence for a person to act on behalf of such a dissolved trade union or association for the purpose of -

- (i) any proceedings brought by or against any such union or association; or
- (ii) dissolving such union or association and disposing of its funds in accordance with its constitution.

Cancellation
of

22.-(1) The registration and the certificate of registration of a registered trade union or association may be cancelled by the



registration.

Registrar -

- (a) at the request of the trade union or association upon its dissolution, to be verified in such manner as the Registrar may require; or
- (b) if he is satisfied that the trade union or association has ceased to exist; or
- (b) if the objects for which the trade union or association are actually carried on are such that, had they been declared as objects of the constitution of the union or association at the time of application for registration, the Registrar could have refused registration.

(2) The registration and the certificate of registration of a registered trade union or association may be cancelled by the Registrar if he is satisfied -

- (a) that any of the principal objects of the trade union or association is unlawful; or
- (b) that the constitution of the trade union or association or of its executive committee is unlawful; or
- (c) that the trade union or association is being used for any unlawful purpose; or
- (d) that the trade union or association has wilfully and after notice from the Registrar contravened any provision of this Act or allowed any rule to continue in force which is inconsistent with any provision of this Act, or has rescinded any rule providing for any matter, for which provision is required by the Act to be made; or
- (e) that the accounts of the union or association are not being kept in accordance with the provisions of this Act and of its constitution; or;
- (f) that the trade union or association was at the time of its registration, or has subsequently become, a branch of a trade union or association other than a registered trade union or association.

(3) Except in a case falling within subsection (1) of this section, not less than one month's previous notice in writing specifying the grounds on which it is proposed to cancel the registration shall be given by the Registrar to a trade union or association before such registration is cancelled.



(4) A trade union or association served with a notice under subsection (3) of this section may at any time within a period of one month show cause in writing against the proposal to cancel its registration, and if such cause is shown, the Registrar shall hold such inquiry as he may consider necessary in the circumstances.

(5) The Registrar may, after the expiration of the period of one month referred to in subsection (4) of this section, cancel the registration of any trade union or association which has failed to show cause under that subsection or which having so shown cause, has failed to satisfy him that its registration should not be cancelled.

(6) An order made by the Registrar under this section cancelling the registration of any trade union or association shall specify briefly the grounds for the cancellation of the registration and shall forthwith be served on the trade union or association affected thereby.

Appeal.

23.-(1) Any person aggrieved by the refusal of the Registrar to register a trade union or by an order made by the Registrar under section 22 of this Act may appeal against such refusal or order to the High Court and on such appeal the High Court may make such order as it thinks proper, including any directions as to the costs of the appeal.

(2) The Chief Justice may make rules governing such appeals, providing for the method of giving evidence, and prescribing the time within which such appeals shall be brought, the fees to be paid, the procedure to be followed and the manner of notifying the Registrar of the appeal.

(3) The Registrar and or the Attorney-General shall be entitled to be heard on any appeal.

Trade unions
or association
prohibited
carrying on
business
unless
registered.

24.-(1) Subject to the provisions of section 14 and 16 of this Act no trade union or association or any official or member thereof shall perform any act in furtherance of the purposes for which it has been formed unless such trade union or association has first been registered:

(2) The provision of subsection (1) shall not apply to a person taking paid in the affairs of a trade union for the purpose of formation of a trade union.

(3) Any trade union or association or any official or member thereof who contravenes the provisions of this section shall be guilty of an offence and on conviction shall be liable to a fine of not less than two hundred thousand shillings.



Consequences
of
cancellation of
registration.

25.-(1) If the registration of any registered trade union or association is cancelled under the provisions of section 22 of this Act:-

- (a) the trade union or association its officials and members shall cease to enjoy any of the rights, immunities, or privileges of a registered trade union, but without prejudice to any liabilities incurred or to be incurred by the trade union or association which may be enforced against the union and its assets;
- (b) the trade union or association shall be dissolved and its funds shall be disposed of in accordance with the constitution of the union or association or in the absence of such constitution under the direction of the Registrar;
- (c) the trade union or association deliver to the Registrar its certificate of registration for cancellation;
- (d) no person shall, except for the purpose of defending or bringing legal proceedings or dissolving the union or association and disposing of its funds in accordance with its constitution, take any part in its management or association, or act or purport to act on behalf of the union or as an officer of the union.

(2) If any trade union or association is not dissolved, or if its certificate of registration be not delivered to the Registrar within three months, or such extended time as the Registrar may in his discretion in any particular case allow, after the date of cancellation or the date of the dismissal of an appeal against such cancellation, then the trade union, any officer thereof, and any person acting as an official thereof, shall be guilty of an offence and on conviction shall be liable to a fine of not less than two hundred thousand shillings.

PART V **CONSTITUTION**

Legal status.

26.(1) Any trade union or association which is registered under this Act shall be a body corporate having perpetual succession and a common seal and all the rights including capacity to contract and to hold property, and to sue and be sued.

(2) For the purpose of this Act the legal status of a trade union or association shall come into existence on the date of registration thereof.

Membership.

27.-(1) No person shall be eligible to be a member of a trade union or association unless he or she resides or has lawful



permit to reside in Tanzania and -

- (a) is bonafide engaged in a trade or occupation which the trade union purports to represent, whether full time or part time or whether on a permanent or temporary basis; or
- (b) in the case of a person not so engaged -
 - (i) has been so engaged at any time for periods amounting in the aggregate to not less than eighteen (18) months; or
 - (ii) has been elected to office, subject to the provision of section 29 of this Act;
 - (iii) is actively seeking employment in such trade or occupation.

(2) No employer shall be eligible to be a member of an employer's association unless the employer is engaged in a trade, occupation or business in Zanzibar and engages employees for employment in Zanzibar, Tanzania or abroad for the purposes of such trade, occupation or business.

(3) Any person above the apparent age of sixteen may be a member of trade union unless the constitution thereof provides to the contrary or where under the provision of any law it is unlawful to engage a person of such age.

(4) Where under the provision of any law it is unlawful for any person to be engaged as employee or to engage as employer no such person may be member of respective trade union or employers' association.

Constitution.

28.-(1) The constitution of every trade union shall provide for all the matters specified in the Schedule, and shall not be so altered or amended as to cease to contain provision in respect of all such matters.

(2) A copy of every new constitution and of every alteration made in the constitution of a trade union shall be sent to the Registrar within one month of the making of such constitution or alteration and shall be registered by the Registrar upon payment of the prescribed fee.

(3) Every alteration of the constitution of a trade union or association shall take effect from the date of registration thereof by the Registrar unless some later date is specified in the constitution.

Officials of

29.-(1) All persons on first joining or forming a given



trade unions.

trade union shall be persons actually engaged in an industry or occupation with which that union is directly concerned, and all officials of a trade union shall be actually so engaged, and no official of any such union shall be an official of any other union.

(2) The office of secretary may be filled by a person not actually engaged or employed in an industry or occupation with which the union is directly concerned;

(3) The Registrar may, in his discretion, permit any other office to be filled by a person not actually engaged or employed in an industry or occupation with the union is directly concerned.

(4) No person shall hold the post of secretary or treasurer who in the opinion of the Registrar has not attained a standard of literary sufficiently high as to enable him to perform his duties effectively.

(5) No person who has been convicted of any crime involving fraud or dishonesty shall be an official of a trade union until a period of five years has elapsed from the date on which he discharged the punishment inflicted on him.

(6) For the purpose of satisfying himself that the provisions of this section are being complied with the Registrar may call for information from the executive committee or any other official of a trade union.

(7) Any officer of a trade who fails to comply with any request made by the Registrar under the provisions of subsection (6) of this section shall be guilty of an offence and shall be liable to a fine of not less than hundred thousand shillings.

Registered
office.

30.-(1) Every trade union or association shall have a registered office and registered postal address, to which all communications and notices may be addressed and if any trade union has more than one office the registered office shall be the principal office of such trade union or association.

(2) Notice of the situation of such registered office and registered postal address, and of any change therein, shall be given to the Registrar and shall be registered by him, and the trade union or association shall not be deemed to have complied with the provisions of this Act until such notice has been given.

(3) If any trade union or association -

(a) operates without having a registered office and registered postal address, or without giving notice of the situation of its registered office as hereinbefore required; or



- (b) operates at any place to which its registered office may have been removed, without having given notice of the change in the situation thereof to the Registrar; or
- (c) fails to give notice of any change of its postal address; then such trade union and every official thereof shall be guilty of an offence and shall be liable to a fine not exceeding twenty thousand shillings for every day during which such trade union so operates.

Branches and affiliation.

31.-(1) Notice in writing containing such particulars as may be prescribed shall be given to the Registrar by every registered trade union which has after the commencement of this Act become affiliated to any other trade union, within three months of such affiliation.

(2) Notice in writing containing such particulars as may be prescribed shall be given to the Registrar of the establishment after the commencement of this Act of any branch of a registered trade union within three months of the establishment of such branch.

(3) The secretary of any trade union or association which fails to comply with any of the requirements of this section shall be guilty of an offence and shall be liable to a fine of not less than two hundred thousand shillings.

Amalgamation.

32.-(1) Any two or more registered trade unions or association may become amalgamated together as one trade union or association with or without dissolution or division of the funds of such trade unions or association or either or any of them if in the case of each such trade union or association on a secret ballot being taken in the manner prescribed, the votes of at least fifty per centum of the members of the trade union who are not disqualified from voting by the operation of section 26 of this Act are recorded and the votes recorded in favour of the proposal exceed the votes recorded against the proposal by twenty per centum or more of the total votes recorded.

(2) No registered trade union and no association shall after the commencement of this Act amalgamate with any trade union or association other than a registered trade union or association as the case may be.

Federation of Tanzania trade union.

33.-(1) Notwithstanding any provision under this Act or under any other law a federation registered under this Act may join together with a federation, union, or association of the same nature registered under the law applicable in Tanzania Mainland and form a union in whatever name or designation.



(2) A union formed under subsection (1) of this section shall apply for registration under this Act and shall be subject to the provisions of this Act in all respect.

(3) Where such a union is also registered under the laws applicable in Tanzania Mainland it shall not be deemed to be a separate entity by reason of being registered under two separate laws.

(4) Where a union so formed and registered is cancelled, dissolved or by any reason its registration ceases under this Act, it shall be unlawful for any federation or confederation registered under this Act to continue to be a member or participate in the affairs of such union whether registration of such a union continues to exist under the laws applicable in Tanzania Mainland or not.

(5) It shall not be unlawful to take part in any proceeding or activity of the said union for the purpose of claiming any due, right or entitlement from such union or for disposal of funds or property of the union.

(6) Any federation or officers of confederation thereof who contravenes the provisions of subsection (4) of this section shall be guilty of an offence and shall, upon conviction be liable to a fine not exceeding one hundred thousand shillings.

Notice of
change of
name,
amalgamation
or federation.

34.-(1) Notice in writing containing such particulars as may be prescribed shall be given to the Registrar of every change of name effected after the commencement of this Act signed by the secretary and at least two members of the trade union in the case of a combination of employees, and such notice shall be given within one month of the change of name.

(2) If the proposed name is identical with that by which any other existing trade union or association has been registered or, in the opinion of the Registrar so nearly resembles such name as to be likely to deceive the public or the members of either trade union or, in his opinion, is itself misleading, the Registrar shall refuse to register the change of name.

(3) Save as provided in subsection (2) of this section the Registrar shall, if he is satisfied that the provisions of this Act in respect of change of name have been complied with, register the change of name in the prescribed manner, and the change of name shall have effect from the date of such registration.

(4) Notice in writing containing such particulars as may be prescribed shall be given to the Registrar of every amalgamation and federation effected after the coming into force of the Act, signed by the secretary and at least six members of each registered trade



union which is a party thereto except where such trade union is a combination of employers in which case such notice shall be signed by the secretary and at least two members, and such notice shall be given within one month of such amalgamation or federation.

(5) If the Registrar is satisfied that the provisions of this Act in respect of amalgamation have been complied with and that the trade union formed thereby would be entitled to be registered under this Act he shall register the trade union in the prescribed manner and the amalgamation shall have effect from the date of such registration.

(6) If the Registrar is satisfied that the provisions of this Act in respect of federation have been complied with and that the combination formed thereby is a trade union within the meaning of this Act and that such trade union is entitled to be registered under this Act, he shall register the trade union in the prescribed manner and the federation shall have effect from the date of such registration.

(7) If the combination formed by such federation is not a trade union within the meaning of this Act it shall have effect from the time when such federation took place.

(8) Any person aggrieved by the refusal of the Registrar to register either a change of name of a registered trade union or the trade union formed by the amalgamation or federation of any two or more registered trade unions, may appeal against such refusal in the manner provided by section 23 of this Act.

Effect of
change of
name
amalgamation
or federation.

35.-(1) A change in the name of a trade union or association shall not affect any right or obligation of such trade union or association or render defective any legal proceeding by or against such trade union or association, and any legal proceeding which might have been continued or commenced by or against it under its former name may be continued or commenced by or against it under its new name.

(2) An amalgamation or federation of two or more registered trade unions or association shall not prejudice any right of either or any of such trade unions or association or any right of a creditor of either or any of them.

Meeting of
trade unions.

36. Every trade union or association shall in its Constitution provide for holding of annual general meeting.

Notification
of officials.

37. A notice giving the names of all officers and trustees and their titles shall be prominently exhibited in the registered office of every trade union.

Dissolution
and notification.

38.-(1) A trade union or association may be dissolved where a resolution for its dissolution in accordance with its



constitution is approved at a general meeting of the trade union or association.

(2) Notice of all changes of officials and trustees shall within one month after such change be sent to the Registrar by the trade union, together with the prescribed fee and the Registrar shall thereupon correct the register accordingly.

(3) Where on the dissolution of a trade union or association the Registrar is of the opinion that disposal of its funds and other property is not likely to be properly conducted he may apply to the High Court which may order to empower the Registrar to dispose of such funds or property and upon such order he shall have all the powers of a liquidator.

PART VI

PROPERTY, FUNDS AND ACCOUNTS

Property and liability.

39.-(1) The property of a trade union or association shall be managed in accordance with the constitution of a trade union or association and may be vested in the trustee for the use and benefit of the trade union or association.

(2) The liability of a trade union or association at the time of winding up or dissolution shall, unless otherwise agreed in writing by a trade union or association, not exceed the net value of its assets.

Liability of members.

40. Liability of member of a trade union or association shall not exceed:

- (a) the amount payable as subscription which are in arrears at the date of dissolution or winding up;
- (b) the amount payable as pledge, commitment, contribution, guarantee, grant or undertaking made in writing by a member.

Disposal of property.

41.-(1) Disposal, pledging or mortgaging of immovable property belonging to a trade union or association shall require the approval of a majority members present and voting at a meeting of the association.

(2) Disposal or pledging of movable property belonging to a trade union or association shall require the approval of the executive committee of the association.

(3) Without prejudice to section 42 of this Act investment of funds of a trade union shall be made in accordance with the constitution of a trade union.

Application
of funds.



42.-(1) This section and section 43 shall not apply to an association.

(2) The funds of a trade union, may, subject to the constitution thereof and to the provisions of this Act be expended only for the following objects -

- (a) the payment of salaries, allowances and expenses to officials of the trade union;
- (b) the payment of expenses for the administration of the trade union, including audit of the accounts of the funds of the trade union;
- (c) the prosecution or defence of any legal proceeding to which the trade union or any member thereof is a party, when such prosecution or defence is undertaken for the purpose of securing or protecting any rights of the trade union or any rights arising out of the relations of any member with his employer or with a person whom the member employs;
- (d) legal advice for the purpose of securing or protecting any rights of the trade union or any rights arising out of the relations of any member with his employer or with a person whom the member employs, or any rights of any member or his dependants arising out of a civil cause;
- (e) the conduct of trade disputes on behalf of the trade union or any member thereof;
- (f) the compensation of members for loss arising out of trade disputes;
- (g) allowances to members or their dependants on account of death, old age, sickness, accidents, or unemployment of such members;
- (h) allowances to members in distress through circumstances beyond their control;
- (i) social insurance, medical aid, and the supply of medicaments and drugs to members or their dependants, and any incidental expenses thereof;
- (j) expenses incurred on trade union business by the elected representatives of employees;
- (k) the purchase or lease of any building or land required for the purposes of the trade union, and for the rent, upkeep and furnishing thereof;



- (l) federation or affiliation fees or contributions;
- (m) contributions to a charitable, educational or cultural institution or society approved by the Registrar;
- (n) contributions to any registered trade union for the purpose of assisting such trade union in financial difficulties;
- (o) the educational, cultural and vocational training of members as approved by the Registrar and any incidental expenses thereof;
- (p) the association of any theatrical performance, concert, reception, dance, sports meeting or excursion;
- (q) the purchase of books, newspapers and other literature and the upkeep of a reading room for the use of members;
- (r) the editing, printing, publication and circulation of any book, newspaper or other periodical, bulletin, pamphlet or other printed literature for the advancement of the objects of a trade union as specified in this Act, and such of the interests of its members as are in conformity with the purposes of the trade union as specified in this Act;
- (s) interest on loans, income and other legally imposed taxes;
- (t) any other object which by notification in the Gazette the Registrar may on the application of any trade union declare to be an object for which such funds may be expended, such expenditure to be subject to such conditions as the Registrar may by the same or any such notification direct.

Prohibition of payment of fines or penalties.

43.-(1) The funds of a trade union shall not be applied either directly or indirectly in payment of the whole or any part of any fine or penalty imposed upon any person by sentence or order of a court of justice, other than a fine or penalty imposed upon the union under this Act.

(2) An injunction restraining any unauthorised or unlawful expenditure of the funds of a trade union may be granted on the application of not less than quarter of all members having a sufficient interest in the relief sought or of the Registrar, or of the Attorney-General, and in granting any such injunction the court, in the case of the dissolution of any trade union upon the cancellation of its registration, may order that the funds of that trade union be paid over to the Registrar for disposal in accordance with the constitution of that trade union.



Books to be kept.

44. The officials of every registered trade union or association shall cause to be kept such books of account as shall be sufficient to exhibit and explain the transactions and financial position of the union, including a book or books containing entries made from day to day in sufficient detail of all cash received and cash paid by or to the union.

Treasurer to render accounts.

45.-(1) Every treasurer of a trade union and every other official thereof who is responsible for the accounts of the union or for the collection, disbursement, custody or control of the funds or moneys thereof shall, upon resigning or vacating his office and at least once a year as at the 31st day of December and at any other times at which he may be required to do so by a resolution of the members of the union or by the constitution thereof or by the Registrar, render to the union and its members or the Registrar as the case may be, a just and true account of all moneys received and paid by him during the period which has elapsed since the date of his assuming office or, if he has previously rendered an account, since the last date on which he rendered such account, and of the balance remaining in his hands at the time of rendering such account and of all bonds, securities or other property of the trade union entrusted to his custody or under his control.

(2) The form of account to be rendered under subsection (1) of this section may be prescribed.

(3) The union or association shall cause the account to be audited by some fit and proper person approved by the Registrar, and the audit of the annual accounts as at the 31st day of December shall be completed before the 31st day of March in the following year.

Annual returns.

46.-(1) The treasurer of every registered trade union or association shall furnish annually to the Registrar on or before the 31st day of March a general statement audited in the prescribed manner of all receipts and expenditure during the period of twelve months ending on the 31st day of December of the preceding year, and of the assets and liabilities of the trade union as at such 31st day of December.

(2) The statement shall be accompanied by a copy of the auditor's report and shall be prepared in such form and shall comprise such particulars as may be prescribed.

(3) The treasurer of every registered trade union or association shall furnish annually to the Registrar on or before the 28th day of February a statement of membership showing the number of members of such trade union or association on the 31st day of December of the preceding year, and the state of their contributions.



(4) Every member of a trade union or association to which this section applies shall upon payment of prescribed fees be entitled to receive a copy of the general statement referred to in subsection (2) of this section and the secretary of each such trade union or association shall deliver a copy of such statement to every member of his union who makes application to him therefor.

(5) The treasurer of any trade union or association to which this section applies who fails to comply with any of the requirements of this section shall be liable to a fine of not less than fifty thousand shillings.

(6) Every person who wilfully and knowingly makes or orders or causes or procures to be made any false entry in or omission from any general statement, copy or list delivered to the Registrar under subsections (1), (2) or (3) shall be guilty of an offence and shall be liable to a fine of not less than fifty thousand shillings.

Power of Registrar.

47.-(1) The Registrar or any person authorised by a general or special order in writing by him shall upon receiving official complain from members of a trade union or upon hearing reasonable grounds to inspect financial records of a trade union at all reasonable times have access to all records of financial transactions of a trade union or association and shall be entitled to inspect the cash in hand held by it; and every officer or member of the trade union shall furnish such financial information in regard to the transactions and working of the trade union or association as the person making such inspection may require.

(2) Any person who opposes, obstructs or impedes the Registrar or any person authorised by him under section 45 of this Act in the carrying out of an inspection or an inquiry under the provisions of that section, shall be guilty of an offence and shall be liable to a fine of not less than two hundred thousand shillings.

Audit fees.

48. Every registered trade union or association shall, when called upon to do so by the Registrar, make such payments for audit and inspection as may be fixed by regulations made under this Act.

Injunction.

49. Not less than quarter of the members of a trade union or association or the Registrar may apply to a magistrate for an injunction prohibiting an official of such trade union or association from holding office or controlling trade union or association funds, and the magistrate if he is satisfied that there is a prima facie case against such official for the fraudulent misuse of the trade union's funds, or that such official is disqualified from holding office in a trade union, may make such injunction.



PART VII
ORGANISATIONAL RIGHTS

Application.

50. This part shall not apply to Employers Association.

Trade unions access to workplace.

51. Access to work place by a trade union and officials thereof shall be provided in accordance with the provisions of sections 16, 17 and 18 of the Labour Act, No. 3 of 1998 and under other relevant provisions of any law in force.

Right to bargain collectively.

52.-(1) Every trade union constitution of which authorise it to negotiate on behalf of its members, or group of trade unions acting jointly for the purposes of collective bargaining, that is sufficiently representative of the employees in a bargaining unit, shall be entitled to bargain collectively with the employer or employers' association concerned on wages, terms and conditions of employment, relations between the parties and other matters of mutual interest.

(2) Two or more trade unions shall jointly have the rights provided in subsection (1) of this section if they have agreed in writing to bargain together as a joint negotiating panel.

Deduction of trade unions dues (check off).

53.-(1) On written request by an employee who is a member of a trade union an employer shall deduct periodically the employee's trade union dues from the employee's wages and shall pay such amount to the trade union of which the employee is a member.

(2) An employer shall cease to make such deductions from the beginning of the third month following that in which the employer received a written notice from an employee requesting the employer so to cease.

(3) The employer shall remit the amounts deducted to the trade union concerned and shall provide the trade union in writing, at the time of each remittance, with -

- (a) the names of the employees from whose wages deductions of dues have been made, the amounts deducted and remitted and the period to which they relate;
- (b) the names of any members of the trade union who have ceased to be employed or who have given notice of their intention to cease to have their dues deducted from wages.

(4) An employer and a trade union may agree to alternative but substantially equivalent arrangements for deduction



and remittance of trade unions dues, in which case such agreement shall prevail over this section.

(5) Upon application by an employee or the trade union concerned, the Court shall make such order as it deems necessary to ensure compliance with this section.

Application for certification as bargaining agent.

54.-(1) Where in respect of any work place there is a dispute as to which trade union is the right collective bargaining representatives the trade unions claiming such right may apply to the Minister stating the nature of their claim.

(2) On receipt of such application the Minister shall cause all interested parties including the employer to be informed of the dispute.

(3) The Minister shall decide on the dispute and his decision shall be final.

PART VIII
PICKETING AND INTIMIDATION AND OTHER MATTERS
RELATING TO DISPUTES

Definitions.

55. In this Part -

"to intimidate" means to cause in the mind of a person a reasonable apprehension of injury to himself or to any member of his family or to any of his dependants or of violence or damage to any person or property;

"injury" includes injury to a person in respect of his business, occupation, employment, or other source of income, and includes any actionable wrong.

Peaceful picketing and prevention of intimidation.

56.-(1) Notwithstanding anything contained in this Act -

(a) it shall be lawful for one or more persons acting on their own behalf or on behalf of a trade union or of an individual employer or firm in contemplation or furtherance of a trade dispute to attend at or near a place where a person works or carries on business or happens to be, unless such place is a house or place where a person resides, if they so attend merely for the purpose of peacefully obtaining or communicating information, or peacefully persuading any person to work or abstain from working;

(b) it shall not be lawful for one or more persons (whether



acting or their own behalf or on behalf of a trade union or of any individual employer or firm and notwithstanding that they may be acting in contemplation or furtherance of a trade dispute) to attend at or near a place where a person works or carries on business or happens to be for the purpose of obtaining or communicating information or of persuading or inducing any person to work or to abstain from working if they so attend in such numbers or otherwise in such manner as to be likely to intimidate any person in that place, or to obstruct the approach thereto or egress therefrom, or to lead to a breach of the peace;

- (c) it shall not be lawful for one or more persons acting on their own behalf or on behalf of a trade union or of an individual employer or firm, in contemplation or furtherance of a trade dispute to attend at or near a house or place where a person resides for the purpose of obtaining or communicating information, or of persuading or inducing any person to work or abstain from working. The provisions of this paragraph shall not have effect until such date as the Minister may by order published in the gazette appoint.

(2) Any person who acts in contravention of paragraph (b) or (c) of subsection (1) of this section shall be guilty of an offence and shall be liable to a fine not less than one hundred thousand shillings or to imprisonment for a term not less than three months.

Intimidation
or annoyance.

57.- (1) Every person who, with a view to compelling any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority -

- (a) uses violence to or intimidates such other person or his/her spouses or children or injures his property; or
- (b) persistently follows such other person about from place to place; or
- (c) hides any tools, clothes or other property owned or used by such other person or deprives him of or hinders him in the use thereof; or
- (d) watches or besets the house or other place where such person resides or works or carries on business or happens to be or the approach to such house or place; or
- (e) follows such other person in a disorderly manner in or through any street or road;

shall be guilty of an offence and shall be liable to a fine of



one hundred thousand shillings or to imprisonment for a term of not less than three months.

(2) Any group of persons attending at or near any house or place in such numbers or in such manner as is by paragraph (b) of subsection (1) of this section declared to be unlawful shall be deemed to be a watching and besetting of that house or place within the meaning of this section.

Conspiracy
in trade
dispute.

58.-(1) An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute shall not be punishable as a conspiracy if such act committed by one person would not be punishable as a crime.

(2) An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable.

(3) Nothing in this section shall exempt from punishment any person guilty of a conspiracy for which a punishment is awarded by any law in force in Zanzibar.

(4) A crime, for the purposes of this section means an offence for the commission of which the offender is liable to be imprisoned either absolutely or at the discretion of the court as an alternative to some other punishment.

PART IX **OFFENCES AND PENALTIES**

Penalty for
misuse of
money or
property of
a trade union.

59.-(1) Where on complaint made by a trade union or the Registrar, it is shown to the satisfaction of a court that any person has in his possession or control any property of the trade union otherwise than in accordance with the constitution of the trade union, or has unlawfully expended or withheld any money of the union or association the court shall, if it considers the circumstances of the case so require, order such property to the trade union or association the money so unlawfully expended or withheld.

(2) A complaint made under subsection (1) of this section shall not be entertained, when the complainant is some other person than the Registrar, unless the court is satisfied that the complainant is or was, on the date of the complaint, a member of the trade union or association in respect of whose property such complaint was made.

(3) Any person bound by an order made under subsection (1) of this section who fails to comply with the terms thereof and



the directions given therein within a time to be specified in such order shall be guilty of an offence and shall be liable to a fine of not less than one hundred thousand shillings.

Limitations
of prosecutions.

60. No prosecution shall be instituted under this Act except by, or at the instance of, or with the written consent of, the Attorney General.

Courts which
may try
offences.

61. All offences under this Act may be tried by a Regional Magistrate Court.

PART X **MISCELLANEOUS**

Nomination.

62.(1) A member of trade union not being under the apparent age of eighteen years may, by writing under his hand delivered at, or sent to, the principal office of the trade union, nominate a person not being an official or servant of the trade union (unless such official or servant is the husband, wife, father, mother, child, brother, sister, nephew or niece of the nominator) to whom any moneys payable on the death of such member shall be paid at his nominee and may from time to time revoke or vary such nomination by writing under his hand similarly delivered or sent; and on receiving satisfactory proof of the death of a nominator, the trade union shall pay to the nominee any benefits under its constitution due to the deceased member.

(2) Any nomination in contravention of the personal law of inheritance of the nominator shall be null and void and no payment thereon shall be made to the nominee.

In applicability
of
certain laws.

63. The Companies Decree Cap. 153 the Societies Act No. 6 of 1995 and the Co-operative Societies Act No. 4 of 1986 shall not apply to any trade union and the registration of any trade union under either of those laws shall be void.

Service of
legal process.

64. Every summons, notice or other document required to be served on a trade union or association in any civil or criminal proceedings shall be served personally on the chairman or the treasurer or the secretary or any official of the trade union or association or in default of such personal service it shall be sufficient if it is delivered at the registered office of the trade union or association or posted to its registered postal address.

Notification
in the Gazette.

65. The Registrar shall notify in the following facts in the Gazette -



- (a) the fact that any trade union or association has been registered or that registration has been refused;
- (b) the fact that the registration of any trade union or association has been cancelled;
- (c) the fact that a change of name or amalgamation affecting any registered trade union or association has been registered;
- (d) the fact that any registered trade union or association has been dissolved.

Provided that registration, refusal of registration, cancellation of registration, change of name or amalgamation or dissolution shall be valid notwithstanding that notification has not been made by the Registrar as required under this section.

Regulations.

66.-(1) The Minister may make Regulations for the purposes of carrying out or giving effect to the principles and provisions of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1) of this section the Minister may make Regulations for or in respect of all or any of the following matters -

- (a) all matters stated or required in this Act to be prescribed;
- (b) the books and registers to be kept for the purposes of this Act and the forms thereof;
- (c) the manner in which trade unions and the constitution of trade unions shall be registered;
- (d) the manner in which, and the qualifications of persons by whom the accounts of registered trade unions shall be audited;
- (e) the conditions subject to which inspections of documents kept by the Registrar shall be allowed;
- (f) the due disposal and safe custody of the funds and moneys of a trade union;
- (g) the creation, administration, protection, control and disposal of the benevolent funds of registered trade unions and all matters connected therewith or incidental thereto;
- (h) the fees to be charged for registration and inspection and any other service or matter prescribed or permitted by this Act;



Repeal and
saving.

- (i) generally for all matters incidental to or connected with the matters or subjects specifically mentioned in this subsection.

67.-(1) The JUWATA Act No. 1 of 1982 as amended by The JUWATA Act No. 4 of 1992 is hereby repealed.

(2) Every trade union or association registered or operating under the provisions of the Act hereby repealed shall, within six months from the commencement of this Act, either apply to be registered as a trade union or association under the provisions of this Act or be dissolved.

(3) Such application shall be deemed to be an application for a first registration under the provisions of section 14 of this Act and shall apply accordingly, except that for the period of three months referred to in subsection (1) of section 16 of this Act there shall be substituted the period mentioned in subsection (2) of this section.

(4) The registration of such trade union or association may be ante-dated to the date of its registration under the Act hereby repealed or may be refused upon any ground upon which registration of a trade union or association may be refused or cancelled under the provisions of this Act or on the ground that since the date of its original registration it has not complied with the provisions of the Act hereby repealed.

(5) Any act done under the provision of the repealed law shall be lawful and deemed to be done under this Act.

(6) Any case or matter pending before the court shall be decided under the repealed law and where circumstances so require under the provisions of this Act.



SCHEDULE
MATTERS FOR WHICH PROVISION MUST BE MADE IN
THE CONSTITUTION OF EVERY TRADE UNION

1. The name of the trade union.
2.
 - (a) the principal purpose for which the trade union or association is to be established;
 - (b) all other purposes ancillary to the principal purposes which may be pursued by the trade union or association;
 - (c) the purposes for which the funds of the trade union or association shall be applicable;
 - (d) the rates of contribution, the date when such contribution becomes payable and the conditions under which any member of the trade union or association may become entitled to any benefits assured thereby;
 - (e) the fines forfeitures which may be imposed on any member of the trade union or association.
3. The manner of making, altering, amending and rescinding constitution.
4. The appointment or election and removal of a general committee of management and of trustees, treasurers and other officials of the trade union or association, and for the re-election of these officials at intervals of more than three years.
5. The taking of decisions by ballot in respect of -
 - i. election of officials;
 - ii. amendment of constitution;
 - iii. strikes or lockouts;
 - iv. federation or affiliation;
 - v. amalgamation or dissolution.
- 6(a) The keeping of full and accurate accounts by the treasurer.
- (b) Provision for audited accounts.
7. The keeping in a separate fund of all moneys received or paid by the trade union or association in respect of any contributory provident fund or pensions fund scheme.
8. The investment of the funds or their deposit in a bank and the audit of accounts at intervals not greater than one year.



9. The inspection of the books and names of members of the trade union or association by any person having an interest in the funds of the trade union or association.
10. The manner of the dissolution of the trade union or association and the disposal of the funds thereof available at the time of such dissolution.
11.
 - (1) The right of every member to a reasonable opportunity to vote.
 - (2) The prescription of the period for which a member's subscription may be in arrear before such member loses his voting rights in accordance with the provisions of subsection (2) of section 26 of this Act

Passed in the House of Representatives on the 4th day of April, 2001.

{ KHAMIS JUMA CHANDE }
CLERK OF THE HOUSE OF REPRESENTATIVES