THE UNITED REPUBLIC OF TANZANIA

CHAPTER 258

THE POLITICAL PARTIES ACT

[PRINCIPAL LEGISLATION]

REVISED EDITION 2019

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CHAPTER 258

THE POLITICAL PARTIES ACT

[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.

[1st July, 1992]
s.1]

Acts Nos.
5 of 1992
10 of 1994
32 of 1994
18 of 1995
11 of 1996
9 of 2002
7 of 2009
6 of 2010
1 of 2019

PART I
PRELIMINARY PROVISIONS

Short title
Cap.258

1. This Act may be cited as the Political Parties Act.

Application

2. This Act shall apply to Tanzania Zanzibar as well as to Mainland Tanzania.

Interpretation

cts Nos.
10 of 1994
Sch.
32 of 1994
Sch.
7 of 2009
s.2
1 of 2019
s.2

3. In this Act, unless the context otherwise requires—

"administrative meeting" means a meeting of an organ of a political party as stipulated in a political party's constitution;

"founding member of a political party" means a person who participates in the formation of a political party and who is among the first members of the party;

"Minister" means the Minister for the time being responsible for matters relating to political parties;

"National Executive Committee" means a party organ or any similar organ comprised of party national leaders and party representatives from each region where the party has administrative organ or representative elected in accordance with party constitution;

"national leader" means a national leader of a political party as prescribed in the constitution of political party;

"party" means a political party;

"political party" means any organized 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 elections;

"political party general meeting" means the highest decision making organ of the party, made by delegates based on the party structure prescribed in the party constitution;

"Registrar" means the Registrar of Political Parties appointed under section 4 and includes a deputy and an assistant registrar.

PART II
ESTABLISHMENT OF THE OFFICE OF THE REGISTRAR

Establishment of Office of Registrar Acts Nos. 7 of 2009 s.3 1 of 2019 s.3

4.-(1) There shall be an office of the Registrar of Political Parties which shall be an autonomos institution under the Ministry responsible for political parties.

(2) There shall be appointed by the President a Registrar of Political Parties who shall be a chief executive officer of the Office of the Registrar of Political Parties.

(3) There shall be a Deputy Registrar who shall be appointed by the President.

(4) The Registrar shall be responsible for the registration of political parties in accordance with the provisions of this Act and shall perform any other functions as conferred by this Act.

(5) Without prejudice to subsection (4), the functions of the office of the Registrar shall be to-

(a) supervise the administration and implementation of this Act;

(b) monitor intra-party elections and nomination process;

(c) disburse and monitor accountability of Government subvention to political parties which qualify under this Act;

(d) provide guidelines and monitor income and expenditures of political parties and accountability of party resources;

(e) provide civic education regarding multiparty democracy, laws administered by the Registrar and related matters;

(f) regulate civic education provided to political parties;

(g) advise the Government on issues related to political parties;

(h) facilitate communication between political parties and the Government;

(i) undertake research on political parties, multiparty democracy and political parties financing; and

(j) undertake any other functions conferred by this Act or any other written law.

(6) In the performance of functions under this Act, the Registrar shall from time to time consult the Minister.

Appointment of assistant registrars and other 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 purposes of this Act.

Regulation of civic education and capacity building training Act No. 1 of 2019 s.4

5A.-(1) A person or institution within or outside the United Republic wishing or requested to conduct civic education or any kind of capacity building training or initiative to a political party, shall prior to conducting such training, inform the Registrar by issuing a thirty days notice stating the objective and kind of training, training programme, persons involved in such training, teaching aid and expected results.

(2) Upon receipt of information under subsection (1), the Registrar may disapprove the training or capacity building programme and give reasons for such disapproval.

(3) Any person who contravenes this section, commits an offence and is liable, on conviction to a fine of not less than five hundred thousand shillings but not exceeding five million shillings or to imprisonment for a term of not less than three months but not exceeding twelve months or to both.

(4) Any institution which contravenes this section, commits an offence and is liable, on conviction to a fine of not less than five million shillings but not exceeding thirty million shillings.

(5) Any person or institution which contravenes this section shall, in addition to penalties under this section be ordered by the Registrar to submit the information on the training or training programme within such period as prescribed by the Registrar.

(6) A person or institution which fails to comply with an order under subsection (5) commits an offence.

Powers of Registrar to demand information from political parties
Act No. 1 of 2019 s.4

5B.-(1) The Registrar may, in the execution of functions and responsibilities under this Act, demand from a political party or a leader any information as may be required for implementation of this Act.

(2) A political party which contravenes subsection (1) shall be liable to a fine of not less than one million shillings but not exceeding ten million shillings.

(3) A leader of a political party who contravenes this section or provides false information to the Registrar, commits an offence.

(4) Any person or institution which contravenes this section shall, in addition to penalties under this section be ordered by the Registrar to submit the information within such period as prescribed by the Registrar.

Protection of officers

6. No suit shall lie against the Registrar, Deputy Registrar, assistant registrar or other officers appointed under this Act for anything done or omitted to be done in good faith and without negligence in the performance of any function under this Act.

PART IIA
FORMATION OF POLITICAL PARTIES

Formation of political party Act No. 1 of 2019 s.5

6A.-(1) A political party may, subject to the Constitution of the United Republic and this Act, be formed to further objectives and purposes which are not contrary to the Constitution of the United Republic, the Constitution of Zanzibar or any other written law in the United Republic.

(2) A political party shall be managed by adhering to the Constitution of the United Republic, the Constitution of Zanzibar, this Act, its constitution, principles of democracy and good-governance, non discrimination, gender and social inclusion.

(3) A political party general meeting and national executive committee or any similar organ shall not delegate their core functions prescribed in the party constitution.

(4) For the purpose of subsection (3), core functions means-

(a) in the case of the party national general meeting, be enactment and amendment of party constitution, election of party national chairman, deputy national chairman and nomination of presidential candidate; and

(b) in the case of the party national executive committee, be enactment and amendment of the party rules, election of secretary general and party's national leaders.

(5) A political party shall promote the union of the United Republic, the Zanzibar Revolution, democracy, good governance, anti- corruption, national ethics and core values, patriotism, secularism, uhuru torch, national peace and tranquility, gender, youth and social inclusion in the-

(a) formulation and implementation of its policies;
(b) nomination of candidates for elections; and
(c) election of its leaders.

Qualification of people applying for registration of political party

6B. A person shall qualify to apply for registration of a political party if-

(a) that person is a citizen of the United Republic by birth and both parents of that person are citizens of the United Republic;
(b) that person is a person of sound mind;
(c) that person is undischarged bankrupt having been declared by the court of competent jurisdiction;

Act No. 1 of 2019 s.5

(d) that person has attained or is above the age of eighteen years;
(e) that person can read and write in Kiswahili or English; and
(f) that person is a person who, within five years prior to the date of submission of application has not been convicted or sentenced for commission of an offence of dishonesty, economic crime, corruption, tax evasion or offences relating to gender based violence.

Restrictions in party membership and participation in political parties activities

6C.-(1) A person shall qualify to be a member of a political party if that person-

(a) is a citizen of the United Republic; and
(b) has attained or is above the age of eighteen years.

(2) A person shall not be a member of more than one political party.

Act No. 1 of 2019 s.5

(3) A person who possesses membership cards of more than one political party shall be deemed to have resigned from his previous party.

(4) A non citizen shall not participate in the decision making process of a political party with the aim of promoting the objectives of that party.

(5) A member of a political party shall not be expelled from the party unless due processes prescribed in the party constitution has been complied with.

(6) A person who contravenes subsection (4) commits an offence and on conviction, is liable to a fine of not less than one million shillings but not exceeding three million shillings or to imprisonment for a term of not less than six months but not exceeding twelve months or to both.

PART III
REGISTRATION OF POLITICAL PARTIES

Duty of political parties to register

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

(2) Notwithstanding the provisions of subsection (1), Chama cha Mapinduzi, also known by the acronym CCM, which was, immediately before this Act, a 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 Act No. 1 of 2019 s.6

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 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 was provisionally registered and which in addition to the conditions prescribed in section 9, fulfilled the conditions prescribed in section 10 shall not later than one hundred and eighty days from the date of provisional registration apply to the Registrar for full registration.

(4) The provisional registration of every party which has not applied for full registration shall lapse and every provisional registration certificate shall cease to be of any effect upon expiry of one hundred and eighty days from the date of such provisional registration.

(5) The provisional registration of the party which has applied for full registration shall be valid until the party is issued with a certificate of full registration or until its application for full registration is rejected.

(6) Where in an application for registration of a political party, it is apparent that the proposed name of a political party, the abbreviation of its name or symbol-

(a) is obscene or offensive;

(b) is used by another political party; or

(c) has been used by a political party whose certificate of registration has been cancelled or its certificate of provisional registration has lapsed in accordance with the provision of this Act;

the Registrar shall, within 14 days from the date of receipt of the application, refuse the application and inform the applicant accordingly.

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

Political Parties Register Acts Nos. 7 of 2009 s.4 1 of 2019 s.7

8A.-(1) There shall be kept and maintained by the Registrar registers in which matters and particulars of political parties shall be entered.

(2) The registers under subsection (1) shall include-

(a) a register of political parties;

(b) a register of national leaders;

(c) a register of members of political parties national organs; and

(d) a register of members of board of trustees of political parties.

Registration of national leaders
Acts Nos. 7 of 2009 s.4
1 of 2019 s.7

8B.-(1) The national leaders of political parties registered under the provisions of section 7 or 9 shall be required to fill and submit a special form for national leaders to the Registrar for registration in the register of political parties kept and maintained by the Registrar.

(2) A person who is not a national leader registered pursuant to subsection (1), a leader registered under subsection (1) or a member of a political party shall not engage in any political activities in the name of a political party for which that person purports to be a leader or a member.

(3) A person who contravenes subsection (2), commits an offence and shall be liable on conviction to a fine of not less than five hundred thousand shillings but not exceeding two million shillings or to imprisonment for a term of not less than three months but not exceeding twelve months or to both.

Maintenance of registers
Act No. 1 of 2019 s.9

8C.-(1) Every political party shall maintain updated registers for-

(a) members of the party;

(b) leaders of the party at each party administrative level; and

(c) members of party organ at each party administrative level.

(2) The Registrar may, by notice in writing, require a political party to submit any of registers mentioned in subsection (1) or any particulars relating to such register, within a period stated in the notice.

(3) A political party which fails to comply with the requirement of this section may be suspended in accordance with provisions of this Act.

(4) Notwithstanding subsection (3), a leader of political party which contravenes subsection (1) commits an offence and shall on conviction be liable to a fine of not less than one million shillings and not exceeding three million shillings or to imprisonment for a term of not less than three months but not exceeding six months or to both.

Contents of constitution of political party

Act No. 1 of 2019 s.9

8D.-(1) The constitution of a political party shall provide for all matters specified in the First Schedule to this Act.

(2) The Registrar may, where he is satisfied that the constitution of a party is not in compliance with the requirement of this Act, by notice in writing require such party to amend its constitution within six months from the date of notice to ensure compliance.

(3) The notice referred to in subsection (2) shall specify areas of non-compliance, nature of the amendment and the reason for such amendment.

Political parties not to form security group Act No. 1 of 2019 s.9

8E.-(1) A political party, a leader or a member shall not recruit, deploy or form a militia, paramilitary or security group of any kind or maintain an organisation intending to usurp the functions of the police force or any government security organ.

(2) A political party shall not conduct, finance, coordinate or order to be conducted or coordinated, military style training or any kind of training on the use of force or the use of any kind of weapon to its members or any other person.

(3) A political party which contravenes the requirement of this section, shall be deregistered and every leader or member of the party concerned shall be liable on conviction to imprisonment for a term of not less than five years but not exceeding twenty years or to both.

Conditions for provisional registration Acts Nos. 7 of 2009 s.5 1 of 2019 s.8

9.-(1) No political party shall qualify for provisional registration unless-

(a) the founding members have applied for its registration in the prescribed manner;

(b) the application has been accompanied with a copy of the constitution of the proposed political party;

(c) its membership is voluntary and open to all the citizens of the United Republic without discrimination on account of gender, disability

religious belief, race, tribe, ethnic origin, profession or occupation;

(d) the election of its leaders at the General Elections is open to both gender.

(2) Without prejudice to subsection (1), no political party shall qualify for provisional registration if, by its constitution, rules and policies or activities -

(a) it 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 means of attaining 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;

(f) allows its leaders and members to utter or use obscene language, vindictive, defamatory or inciting words which are likely to cause or lead to the disruption of peace.

Conditions for full registration
Acts Nos. 7 of 2009 s.6
1 of 2019 s.11

10. 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 at least half of regions of the United Republic out of which at least two regions are in Tanzania Zanzibar, one region being from Unguja and the other region from Pemba;

(c) it has submitted to the Registrar for verification names of its members;
(d) it has submitted to the Registrar a location of its head office and subhead office on the basis that if the head office is established in Mainland Tanzania the subhead office shall be established in Tanzania Zanzibar;
(e) has through its constitution restricted its members from having dual membership;
(f) 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
(g) it has submitted to the Registrar location of its head office within the United Republic and a postal address to which notices and other communications may be sent.

Qualifications for leaders of political party Acts Nos. 7 of 2009 s.7

10A. A person shall be qualified to contest for election or nomination as a leader of a political party if that person is-

(a) a citizen of the United Republic who has attained or is above the age of twenty one years and who can read and write in Kiswahili or English;
(b) a member of the relevant political party;

1 of 2019 s.12

(c) a person who, within five years prior to the date of submission of the name for election or nomination, has not been convicted of or sentenced for commission of an offence of dishonest, corruption or evading tax;
(d) a person of sound mind;
(e) undischarged bankrupt having been declared by a court of competent jurisdiction; and
(f) disqualified from holding public office under the Constitution of the United Republic or the Constitution of Zanzibar of 1984 or any other written law.

Verification of political parties

10B.-(1) The political party registered under this Act, shall observe and maintain conditions for registration.

(2) The Registrar may, upon the issuance of a twenty one days notice, verify a political party to ensure compliance with the conditions for its registration.

PART IV
PRIVILEGE OF REGISTERED POLITICAL PARTIES

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

11.-(1) Every political party 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 publicising itself and soliciting for membership;

(b) to the protection and assistance of the security agencies for the purposes of facilitating peaceful and orderly meetings:

1 of 2019 s.14

Provided that, provisional registration shall not entitle any political party to put up a candidate or to campaign for any candidate in any parliamentary election, house of representatives election or presidential election or in a local authority election.

(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 meetings to be held in 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 candidate in any parliamentary election, house of representatives election a presidential election or in a local government authority election.

(4) Where 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 or procession, submit a written notification of its impending meeting procession to the police officer in charge of the area in which the meeting or procession 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 and time at which the meeting or procession 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 or conduct the procession in question as scheduled unless and until it receives an order from the police officer in charge of the area directing that the meeting or procession should not be held or conducted as notified.

(7) A police officer to whom a notification is submitted pursuant to subsection (4) shall not give a stop order 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;

(c) the meeting or procession is likely or intended to cause a breach of the peace or to prejudice the public safety in the area;

(d) the political party or a group of persons giving the notification is not a registered political party or body of persons or the person submitting the notification is not appropriately identified as an

authorized representative of the political party concerned.

(8) A stop order referred to 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 or procession at the venue or place at another time or date convenient to it in the same area.

Coalition of political parties Act No. 1 of 2019 s.15

11A.-(1) Two or more political parties fully registered in accordance with the provisions of this Act may form a coalition before or after general election and shall submit to the Registrar an authentic copy of the coalition agreement entered into between or among such parties.

(2) The decision to form a coalition shall be made by a national general meeting of each political party intending to form coalition and shall be in writing and duly executed by persons authorized by political parties to execute such agreements on behalf of each political party intending to form a coalition.

(3) A coalition agreement entered into before a general election shall be submitted to the Registrar at least three months before that election.

(4) A coalition agreement entered into after the general election shall be submitted to the Registrar within fourteen days after the signing of the coalition agreement.

(5) A coalition agreement shall set out the matters specified in the Second Schedule to this Act.

(6) Political parties to coalition under this section shall maintain their status as individual registered political parties, and shall continue to comply with all the requirements governing political parties under this Act and any other relevant laws.

Repealed

11B. [Repealed by Act No.1 of 2019 s.15].

Parties to hoist flags

11C.-(1) Every registered political party shall be entitled to own, use and hoist a flag of its party in areas or

Acts Nos. 7 of 2009 s.8 1 of 2019 s.16

places as may be prescribed in the regulations to be made under the provisions of this Act.

(2) A flag of a registered political party shall be of a design or type as prescribed in the respective political party, constitution or rules.

(3) Party flag shall not be hoisted in areas restricted by section 12 of this Act.

(4) Any person who contravenes subsection (3), commits an offence and shall be liable on conviction to a fine of not less than one million shillings but not exceeding five million shillings or to imprisonment for a term of not less than six months but not exceeding twelve months or to both.

(5) A member or a leader of a registered political party shall not do any act, utter any word or publish any writing with intent to insult or bring into contempt or ridicule a flag of another political party.

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

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

(2) Subject to subsection (3) a political or any person shall not undertake a party activity, form, establish or allow to be established or formed in any office, branch, unit, youth or women organization or other organ of any political party in any working place, school or other place of learning, places of worship, Government buildings, public institutions.

Act No. 1 of 2019 s.17

(3) For 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) commits an offence and shall be liable on conviction to a fine of not less than one million shillings or to imprisonment for a term of 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 organisation or other organ of the political party relating to the offence.

(5) Notwithstanding subsection (1), a political party may hold administrative meeting at places referred to in subsection (1) if such places offer facilities or services for hire or reward.

Repealed

12A. [Repealed by Act No.1 of 2019 s.18].

Parties to hold general meetings Acts Nos. 7 of 2009 s.9

12B.-(1) Every fully registered political party shall be required to convene a general meeting for the purpose of electing national leaders within one year after being fully registered.

(2) The Registrar of Political Parties may strike off the register, a political party which fails to comply with the requirements of subsection (1).

1 of 2019 s.19

Declaration by political parties Act No. 1 of 2019 s.20

12C.-(1) A political party shall, within thirty days after being issued with a certificate of full registration, submit to the Registrar a written declaration giving details of all assets and expenditure including all contributions, donations or pledges of contributions or donations, whether in cash or in kind, made or to be made to the initial assets of the political party by its founding members in respect of the first year of its existence.

(2) A declaration submitted to the Registrar under subsection (1) shall-

(a) state the sources of all funds and other assets of the political party; and

(b) contain such other relevant particulars as the Registrar may prescribe.

(3) The Registrar shall, within thirty days after the receipt of the declaration required under subsection (2), cause the declaration to be published in the *Gazette*.

(4) Notwithstanding any other penalty prescribed by this Act, the Registrar shall deregister a political party which-

(a) fails to comply with this section; or

(b) submits a declaration which is false in any material particular.

PART V
FINANCIAL PROVISIONS

Funds and other resources of party

Acts Nos.
6 of 2010 s.33
1 of 2019 s.21

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

(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.

Cap.278

(2) Subject to the provisions of Part III of the Election Expenses Act, every political 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 organisations stationed within the United Republic;

(c) from any person resident in the United Republic who is not a citizen of the United Republic; or

(d) from any source within the United Republic as may be prescribed in the regulations made under this Act.

(3) Any official of any political 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, commits an offence and shall be liable on conviction to a fine equal to the amount or the value of the resources not disclosed or in relation to which false information was given or to imprisonment for a term of not exceeding twelve months or to both.

(4) Every political party shall appoint an accounting officer in accordance with its constitution to manage party resources.

Protection of informer and witness Act No. 6 of 2010 s.33

13A.-(1) Every person who is or becomes aware of the commission or the intention to commit by another person, whether that person is a voter, a candidate, a leader of a political party or not, to commit an offence of prohibited practice shall be required to give information to the Registrar.

(2) No information relating to commission of an offence under this Act shall be admitted in evidence in any civil or criminal proceedings and no witness in any civil or criminal proceedings shall be obliged to -

(a) disclose the name or address of any informer who has given information to the Registrar with respect to an offence under this Act or the name or address of any person who has assisted the Prevention and Combating of Corruption Bureau in any way in relation to such an offence; or

(b) answer any question if the answer to such question would lead or would tend to lead to discovery of the name or address of such informer or person.

(3) Where any book, document or paper which is the subject of evidence or liable to inspection in any civil or criminal proceedings contain an entry in which that informer or person is named or described, or which might lead to the discovery of that informer or person by the public, the court shall cause all such passages to be concealed from view by the public or to be obligated so far as may be necessary to protect the informer or such other person from discovery by the public.

(4) Any informer who suffers reprisal, retaliation or victimization, injury or any harm from a person accused of corruption, perpetrators of offences of corruption, prohibited practices and their accessories shall be afforded reasonable protection, compensation and assistance by the Government

upon ascertainment by Registrar the magnitude of victimization, injury or harm.

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 such political party;

(b) submit to the Registrar -

(i) an annual statement of the account of the political party audited by the Controller and Auditor-General and the report of the account;

(ii) an annual declaration of all the property owned by the party.

(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 relating 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 political party.

Party to maintain bank account Acts Nos. 18 of 1995 Sch.

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.

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

1 of 2019 s.22

(3) Without prejudice to subsection (1), every political party receiving Government subvention shall maintain a separate bank account to be used only for depositing and expenditure of Government subvention.

Grant of, and party qualification

16.-(1) The Government shall, subject to section 17, disburse up to not more than two per centum of the annual

for, subvention Acts Nos. 18 of 1995 Sch. 11 of 1996 s. 2

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 this Act.

(2) The Government shall, in addition to the subvention referred to in subsection (1), grant an annual subvention to every qualifying political 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 the political 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 of a local government authority.

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

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

(2) The fund disbursable pursuant to section 16(1) as subvention to qualifying political parties shall be distributed 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 the National 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 s.2, 7 of 2009 s.11 1 of 2019 s.23

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

(a) the parliamentary activities of a political party;

(b) the civil activities of a political party;

(c) any lawful activity relating to an election in which a political party nominates a candidate;

(d) any other necessary or reasonable requirement of a political party.

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

(6) The Registrar may suspend grant of subvention to a political party for specified period where he has evidence that management of the political party which includes its trustees is not able to account for or supervise accountability of such funds.

(7) A political party which receives a disclaimer audit report shall be denied subsequent subvention for six months.

(8) The Registrar may, at any time, where he is dissatisfied with management of the resources of a political party, request the Controller and Auditor-General to carry out a special audit.

Submission of financial reports Act No. 1 of 2019 s.24

18A.-(1) A financial year of a fully registered political party shall conform to that of the Government;

(2) Notwithstanding any provisions of this Act, every political party shall-

(a) submit to the Controller and Auditor general financial statements of its accounts not later than thirtieth September of each calendar year;

(b) submit audited reports to the Registrar within one month after it has received the report from the Controller and Auditor General.

PART VI
GENERAL PROVISIONS

Power of Registrar to suspend or cancel registration Act No 7 of 2009 s.12

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

(2) The Registrar shall not suspend or 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 suspend or cancel the registration of the party together with any representations made by the party.

(3) Notwithstanding powers of the Registrar to cancel registration of a political party, the Registrar shall not cancel registration of a political party if the period during which the General Elections would be held does not exceed twelve months.

Decision of Registrar to be final

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

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

Parties to appoint trustees Act No. 1 of 2019 s.26 Cap.318

21.-(1) 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.

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

(a) the names and addresses of the members of the board of trustees; and

(b) a copy of the certificate of incorporation.

(3) A person shall not qualify to be a member of a Board of Trustees of a political party if that person is a party leader.

Repealed

21A. [Repealed by Act No.1 of 2019 s.27].

Establishment of Political Parties Council Acts No. 7 of 2009 s.13

21B.-(1) There is established within the Office of the Registrar of Political Parties the Council of Political Parties.

(2) Members of the Council shall not be more than two national leaders of each fully registered political party.

(3) The Chairman and the Vice Chairman of the Council shall be elected by members of the Council from amongst themselves.

1 of 2019 s.28

(4) The office of the Registrar of Parties shall be Secretariat to the Council.

(5) The Council shall be financed from the Government budget or donor funds through the Government.

Functions of Council Act No. 7 of 2009 s.13

21C -(1) Functions of the Council shall include to-

(a) advise the registrar on the disputes arising amongst political parties

(b) Advise the Registrar on matters of national interest with reference to Political Parties or political situation;

(c) advise the Government through the Registrar on the enactment, amendment and implementation of political parties Act and other laws relating to political parties;

(d) advise on the regulations prescribing matters regarding political parties;

(e) inform the Registrar on any matter regarding the operations of any political party.

(2) Procedure, term of office of members and other matters relating to the Council shall be as prescribed in the regulations.

Offences and penalties Act No. 1 of 2019 s.29

21D.-(1) Any person who contravenes any provision of this Act to which no specific penalty is prescribed, shall be liable on conviction to a fine of not less than three million shillings but not exceeding ten million shillings or to

imprisonment for a term of not less than six months but not exceeding one year or to both.

(2) Any political party which contravenes any provision of this Act to which no specific penalty is prescribed, shall be liable to a fine of not less than ten million shillings and not exceeding fifty million shillings or to suspension or to deregistration.

Suspension from conducting political activities

Act No. 1 of 2019 s.29

21E.-(1) Without prejudice to the generality of the power conferred by this Act, the Registrar may suspend any member of a political party who has contravened any provision of this Act from conducting political activities.

(2) Any party member who conducts party or political activities or participates in an election or causes any person to conduct party political activity or participate in an election during period of suspension of such party, commits an offence.

(3) Where the Registrar is satisfied that a member of a political party has contravened this Act, the Registrar shall, in writing require the political party to take such measures against the member as prescribed in the party constitution within fourteen days.

(4) Where the political party fails to comply with the requirements of the Registrar under subsection (3), or where the measures taken by a political party are not satisfactory, the Registrar may, in writing notify the member and the political party of his intention to suspend that member from conducting political activities.

(5) Upon receipt of notification from the Registrar under subsection (4), the member shall, within fourteen days, make representation to the Registrar on the matter.

(6) Where the member fails to make representation to the Registrar within the period specified under subsection (3), or if the representation made is not satisfactory, the Registrar shall suspend that member from conducting political activities for a period not exceeding six months, and notify the relevant political party accordingly.

Regulations
Acts Nos.
11 of 1996

7 of 2009
s.14

1 of 2019
s.30

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

(2) In particular and without prejudice to the generality of the 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) prescribing the manner of preparation of financial accounts and manner of securing the submission to the Registrar of accounts relating to the 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 political party may be disbursed and accounted for;

(h) prescribing and regulating the use of flags by political parties;

(i) upon consultation with political parties prescribing the ethical conduct of the political parties;

(j) prescribing anything which is required, necessary or desirable to be prescribed for the better giving effect to this Act.

FIRST SCHEDULE

(Made under section 8D(1)

Act No. 1 of 2019

BASIC MATTERS FOR WHICH PROVISIONS OF CONSTITUTION OF THE PARTIES SHALL CONTAIN

(a) name of political party, abbreviation (if any), symbol (logo) and description of the party flag;
(b) objective and ideology of the political party;
(c) qualification and disqualification for membership of the party;
(d) admission and cessation of members;
(e) rights and duties of members;
(f) disciplinary measures against members and leaders;
(g) intra-party disputes resolution mechanism;
(h) organization and structure of the party;
(i) mandate to make and amend party constitution;
(j) mandate to make and amend party rules;
(k) powers and functions of each party organ and leader
(l) delegations of powers of each party organ and leader;
(m) procedure for election of party leaders;
(n) mandate and procedure of filling vacant posts;
(o) frequency and quorum for meetings;
(p) structure for management of the party properties;
(q) number, nomination procedure and cessation of members of board of trustees;
(r) dissolution of the party and the disposal of its property;

SECOND SCHEDULE

BASIC REQUIREMENTS FOR COALITION AGREEMENT

(Made under section 11A(5))

Coalition agreement shall-

(a) adhere to the rules and procedures of the political parties relating to the formation of coalition;
(b) be sanctioned by the general meeting of the political parties entering into the coalition and shall –
    (i) be in writing and duly executed by authorized national party leaders; and

(ii) be commissioned by a commissioner of oaths and submitted to the Registrar.

(c) state-

(i) parties which are members of the coalition;
(ii) policies and objectives of the coalition;
(iii) overall structure of the coalition;
(iv) organisation structure and management of the coalition;
(v) criteria or formula for sharing of positions in the coalition structure, roles and responsibilities within the coalition;
(vi) coalition nomination rules;
(vii) coalition election rules;
(viii) decision making structure, rules and procedures;
(ix) process and mechanisms upon which the coalition agreement may be amended;
(x) policy initiation, policy consultation and policy decision making structure, rules and procedures;
(xi) code of conduct of coalition including values and principles guiding the performance of individuals and the member parties within the coalition;
(xii) dispute resolution mechanisms and procedures;
(xiii) procedures for appeal;
(xiv) enforcement and sanction mechanisms and procedures for breach of any of the provisions of the agreement;
(xv) role of general meeting and political party organs of the individual member parties of the coalition in the running of the affairs of the coalition;
(xvi) formula and mechanism of sharing subvention from the government and other sources; and
(xvii) grounds and procedure upon which the coalition may be dissolved.