

Tanzania

## Official Oaths Act

### Chapter 266

Legislation as at 31 July 2002

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## Official Oaths Act

### Contents

1. Short title and construction .....	1
2. Forms of oaths .....	1
3. Affirmation .....	1
4. President's oaths .....	1
5. Minister's oaths .....	1
6. Deputy Minister's oaths .....	2
7. Judges's oaths .....	2
8. Speaker's oaths .....	2
9. Oath of allegiance .....	2
10. Judicial oath .....	2
11. Official oath .....	2
12. Oath of secrecy .....	2
13. Oath of justice of the peace .....	2
14. Unnecessary repetition of oaths .....	2
15. Omission to take oath not to invalidate acts .....	3
16. Oaths to be recorded and attested .....	3
17. Oaths by persons who are not citizens .....	3
18. Power to amend Second Schedule .....	3
19. *** .....	3
First Schedule (Section 2) .....	3
Second Schedule (Sections 10 and 11) .....	4

# Tanzania

## Official Oaths Act

### Chapter 266

Published in Tanzania Government Gazette

**Commenced on 9 December 1962**

*[This is the version of this document at 31 July 2002.]*

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

*[C. A. Act No. 8 of 1962; R.L. Cap. 506; Acts Nos. 55 of 1963; 10 of 1980; 17 of 1989]*

**An Act to prescribe the oath of allegiance and the oaths to be taken by the President and other persons in the service of the United Republic, and for other related matters.**

#### **1. Short title and construction**

- (1) This Act may be cited as the Official Oaths Act.
- (2) Except as otherwise provided in any other written law in relation to any oath to be taken in connection with any office, the form of the official oaths to be taken in connection with public office shall be as prescribed by this Act.

#### **2. Forms of oaths**

- (1) The oath of allegiance, the oath of the President, the oath of a Minister, the judicial oath, the speaker's oath, the official oath and the oath of secrecy shall be in the forms set out in the First Schedule.
- (2) A person may take any such oath, or an affirmation in lieu of it, in either the English or the Swahili form.

#### **3. Affirmation**

If a person expresses any objection to taking an oath or expresses a desire to make an affirmation in lieu of it, he may, without being further questioned as to the grounds of the objection or desire, make a solemn affirmation in the form of the oaths appointed in this Act, substituting the words "solemnly and sincerely declare and affirm" for the word "swear" and omitting the words "So help me God".

#### **4. President's oaths**

The oaths to be taken by the President on his assumption of office shall be tendered by and subscribed before the Chief Justice.

#### **5. Minister's oaths**

In addition to the oath of allegiance, every Minister shall take and subscribe the oaths of a Minister, and those oaths shall be tendered by and subscribed before the President.

## **6. Deputy Minister's oaths**

In addition to the oath of allegiance, every Deputy Minister shall subscribe to the official oath, and every oath, shall be tendered by and subscribed before the President.

## **7. Judges's oaths**

In addition to the oath of allegiance, every judge of the High Court shall take and subscribe the judicial oath, and those oaths shall be tendered by and subscribed before the President.

## **8. Speaker's oaths**

In addition to the oath of allegiance, the Speaker shall take and subscribe the oath of the Speaker of the National Assembly, and those oaths shall be tendered and subscribed before the National Assembly.

## **9. Oath of allegiance**

The President may require any person holding or acting in an office in the service of the Republic to take and subscribe the oath of allegiance before any person whom he may appoint.

## **10. Judicial oath**

The judicial oath shall be taken and subscribed by every person holding or acting in an office specified in Part I of the Second Schedule before entering upon the duties of his office, before the person specified in that Part in relation to that office.

## **11. Official oath**

The official oath shall be taken and subscribed by every person holding or acting in an office specified in Part II of the Second Schedule before entering upon the duties of his office, before the person specified in that Part in relation to that office.

## **12. Oath of secrecy**

The Secretary to, and any other officers of, the Cabinet, and any persons in attendance on the cabinet, as the President may direct, shall take and subscribed the oath of secrecy, and that oath shall be tendered by and subscribed before the President or a Minister presiding at a meeting of the Cabinet.

## **13. Oath of justice of the peace**

The oath of a justice of the peace shall be taken by every person who becomes or is appointed a justice of the peace, before he assumes the functions of that office:

Provided that nothing in this section shall apply to a magistrate who, by virtue of his office as such, is also a justice of the peace.

## **14. Unnecessary repetition of oaths**

Where any person who has taken an oath by reason of the provisions of sections 9, 10, 11 or 12, is appointed to, or to act in, some other office whereby he is required to take the oath of allegiance, the judicial oath, the official oath or the oath of secrecy, or to be in attendance on the Cabinet, he shall not be required to take any oath by reason of that appointment unless the oath required to be taken is different from or in addition to any oath already taken by him and duly recorded in respect of any previous appointment:

Provided that nothing in this section shall apply to a person on assuming the office of President or to a person appointed a Minister, Deputy Minister or judge.

**15. Omission to take oath not to invalidate acts**

Nothing in this Act shall render invalid any act done by a person holding office in the service of the United Republic or in attendance on the cabinet, in the executions or purported executions of his official duties, by reason only of the omission of that person to take an oath which in accordance with the provisions of this Act that he should have taken:

Provided that if any person declines, neglects or omits to take or subscribe any oath required by this Act to be taken by him which is duly tendered, he shall, if he shall have already entered on his office, vacate the same, and, if he shall not have entered upon the duties of his office, be disqualified from entering the same.

**16. Oaths to be recorded and attested**

Every oath taken in pursuance of the provisions of this Act shall be recorded in a book kept for the purpose and the person tendering the oath shall attest the same in the book, and the book shall be conclusive evidence for all purposes that any oath recorded in it has been duly taken and recorded.

**17. Oaths by persons who are not citizens**

The taking or subscription of the oath allegiance by a person who is not and does not subsequent become a citizen of the United Republic shall not render that person liable, after he has ceased to hold office in the service of the Republic, to any duty of allegiance to the Republic:

Provided that nothing in this section shall be construed as releasing any such person from any allegiance to which a person is subject whether or not he takes any such oath.

**18. Power to amend Second Schedule**

The President may, by order published in the *Gazette*, remove from or add to either of the Parts of the Second Schedule, the name of any office in the service of the United Republic.

**19. \*\*\***

*[Repeal of [Cap. 266](#)]*

*[Repeals the Official Oaths Ordinance.]*

**First Schedule (Section 2)****Forms**

*[Editorial note: The forms have not been reproduced.]*

## Second Schedule (Sections 10 and 11)

### Part I

Deputy Registrar of the Court of Appeal	)	Before the Principal Judge or a High Court Judge.
	)	
Registrar of the High Court and Deputy Registrar of the High Court, District Registrar of the High Court	)	
	)	
	)	
	)	
Resident Magistrate;	)	Before the Chief Justice.
District Magistrate and all members other than the Chairman, of the Local Government Service Commission	)	
	)	
	)	
	)	
	)	
Primary Court Magistrate	–	Before a Resident Magistrate or a District Magistrate

## Part II

President	)	Before the Chief Justice
Vice President	)	
Prime Minister	)	Before the President
MinisterChief Secretary	)	
Member of the Planning Commission	)	
Deputy Minister	)	
Attorney-General	)	
Registrar of the Court of Appeal	)	
Deputy Attorney-GeneralDirector of Public Prosecutions	)	
Chief Parliamentary Draftsman	)	
Regional Commissioner	)	
High Commissioner and Ambassador	)	
Permanent Secretary	)	
Deputy Permanent Secretary	)	
Private Secretary to the President	)	
Registrar of Political Parties	)	
Deputy Registrar of Political Parties	)	
Regional Development Director	)	
Clerk of the National Assembly	)	
Chief of Defence Forces	)	
Inspector-General of Police	)	
Director-General of Intelligence and Security	)	
Director-General of the Prevention of Corruption Bureau	)	
Chief of Staff-Defence Forces	)	
Director of the National Service	)	
Principal Commissioner of Prisons	)	
Chairman of the Civil Service Commission	)	
	)	

Chairman of the Permanent Commission of Enquiry	)	
Chairman of the Local Government Service Commission;	)	
	)	
	)	
	)	
	)	
	)	
	)	
	)	
	)	
	)	
	)	
All Commissioners of the Permanent Commission of Enquiry;	)	Before the President
Chairman of the Teachers' Service Commission;	)	
Senior Commissioner of Police and Commissioner of Prisons.	)	
	)	
	)	
	)	
District Commissioner	–	Before a Regional Commissioner
Officer in the Foreign Service required by the President to take the oaths	–	Before a Permanent Secretary or a Head of Mission.
All Officers of the Police Force of or above the rank of Assistant Superintendent of Police	–	Before the Inspector-General of Police; the Senior Commissioner of Police; a Commissioner of Police; a Regional Police Commander or a Commanding Officer.
All Officers of the rank of Director in the Intelligence and Security Services	–	Before the Director-General of Intelligence and Security.



The Deputy Director and all Heads of Department of the Prevention of Corruption Bureau	–	Before the Director of the Prevention of Corruption Bureau.
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