

Tanzania

National Emblems Act

Chapter 10

Legislation as at 31 July 2002

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National Emblems Act

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Tanzania

National Emblems Act

Chapter 10

Commenced on 7 May 1971

[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.]

[R.L. Cap. 504; Act No. 15 of 1971]

An Act to prescribe the national flag, the coat of arms and the public seal and to control and regulate their use.

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Part I – Preliminary provisions

1. Short title

This Act may be cited as the National Emblems Act.

2. Interpretation

In this Act unless the context otherwise requires—

"Coat of Arms" means the Coat of Arms of the United Republic of Tanzania of the likeness specified in the Second Schedule to this Act and includes any emblem, seal, insignia or ensign of the United Republic;

"likeness" includes a photographic or pictorial reproduction, a sketch, a painting or any other form of reproduction or representation and of any size or shape;

"Minister" means the Minister for the time being responsible for Home Affairs;

"National Flag" means a flag of the description specified in the First Schedule to this Act;

"public seal" means a seal of the description specified in the Third Schedule to this Act.

Part II – The National Flag and the Coat of Arms

3. National Flag

With effect from the 26th April 1964, the National Flag of the United Republic of Tanzania shall be of the description specified in the first Schedule.

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Note: This Act is a consolidation of the National Flag and Coat of Arms Act No. 15 of 1971 and the Public Seal Act (R.L. Cap. 504). Parts I and II relate to the national flag and coat of arms and came into force on the 7th May 1971. Part III relates to the Public Seal and came into force on the 9th December, 1962.

4. Coat of Arms

With effect from the 26th April 1964, the Coat of Arms of the United Republic of Tanzania shall be of the description specified in the Second Schedule.

5. Power of President to modify National Flag or Coat of Arms

The President may, by Proclamation, amend the First or the Second Schedule to this Act to modify the National Flag or, as the case may be, the Coat of Arms.

6. Unlawful use of National Flag, Coat of Arms or any likeness thereof

- (1) No person shall use the National Flag, the Coat of Arms or any likeness of the National Flag or of the Coat of Arms—
 - (a) as a trade mark for any article sold or offered for sale;
 - (b) in furtherance of or as an advertisement for any trade, business, industry, calling or profession;
 - (c) on any article which is sold, offered for sale or intended to be sold or offered for sale;
 - (d) on any article which is used by any person otherwise than for a purpose approved by the Minister.
- (2) The Minister may, by writing under his hand, exempt any person or class of persons or any article or category of articles from any or all of the provisions of subsection (1), subject to such terms and conditions as the Minister may think fit to impose.
- (3) Any person who contravenes the provisions of subsection (1) or, being a person to whom the provisions of subsection (2) apply, contravenes any of the terms or conditions imposed by the Minister commits an offence and shall be liable on conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or both.

7. Insulting the National Flag or Coat of Arms

Any person who does any act or utters any word or publishes any writing with intent to insult or bring into contempt or ridicule the National Flag or Coat of Arms of the United Republic of Tanzania or of any likeness thereof commits an offence and shall be liable on conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or both.

8. Consent of D.P.P. to prosecute

No person shall be prosecuted for an offence under this Act without the consent in writing of the Director of Public Prosecutions.

9. Amendment of Cap. 16

[Repeals section 124A of the Penal Code.]

Part III – The public seal

10. Proclamation of public seal

- (1) The public seal shall be in of the description specified in the Third Schedule to this Act.
- (2) The President may, by Proclamation, prescribe any other form of the public seal.

11. Custody of the public seal

- (1) The President may appoint a person holding office in the service of the United Republic to be the Custodian of the public seal and may give directions as to the manner in which it shall be kept and used.
- (2) In default of any appointment under subsection (1), the President shall be the Custodian of the Public Seal.

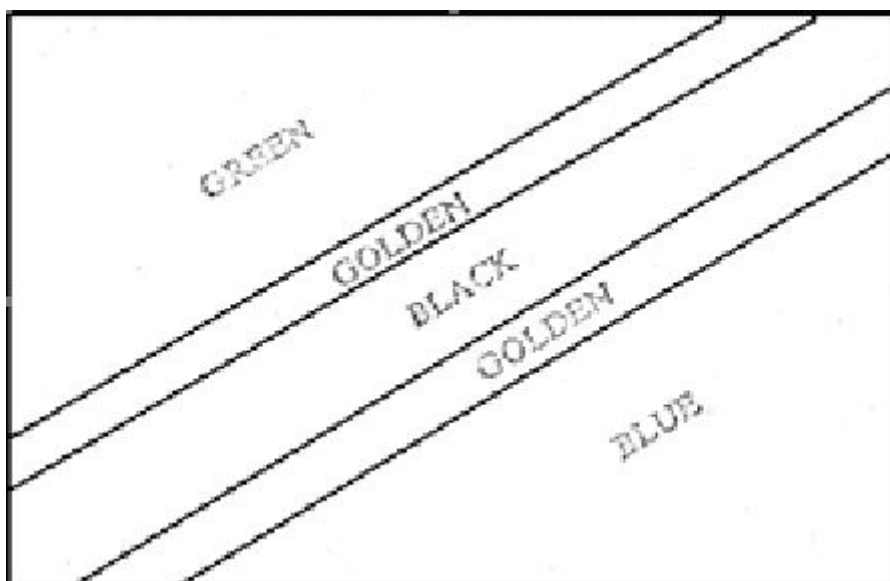
12. Authentication

Whenever the public seal is affixed to any document or other thing, the affixing of the seal shall be authenticated by the signature of the custodian of the seal.

First Schedule (Section 12)

Design of National Flag

A rectangular flag divided into two equal portions diagonally from the right-hand upper corner to the left-hand lower corner; the upper portion of green colour and the lower portion of blue colour; the dividing bands being of golden, black and golden collars; the two golden bands of equal size and smaller than the central black band; of the following design:



Second Schedule
Design of Coat of Arms



Third Schedule
Design of public seal

