

CHAPTER 9

THE PRESIDENTIAL AFFAIRS ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

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CHAPTER 9

THE PRESIDENTIAL AFFAIRS ACT

An Act to provide for certain matters relating to the functions and offices of the President, Vice-President and the Prime Minister.¹

[9th December, 1962]

C.A. Act No.	26 of 1980
4 of 1962	10 of 2001
R.L. Cap. 502	6 of 2020
Acts Nos.	
31 of 1969	
25 of 1974	
4 of 1977	
10 of 1980	

PART I

PRELIMINARY PROVISIONS

Short title **1.** This Act may be cited as the Presidential Affairs Act.

Interpretation **2.** In this Act, unless the context otherwise requires-
Act No. “President” means the President of the United Republic;
10 of 2001 Sch. “Vice-President” means the Vice-President of the United Republic;
“Prime Minister” means the Prime Minister of the United Republic; and
“household” means a fully furnished house, outbuildings and surrounding land that is used as a dwelling house and includes bedding, cooking, laundry and other domestic equipment necessary for the day to day use.

[s. 1A]

¹ This long title of the Act was introduced by Act No. 10 of 2001 Sch.

PART II

PRESIDENTIAL FUNCTIONS AND AFFAIRS

Signification of
orders

3. Whereby or under any written law, other than the Constitution, any power, duty or function is conferred or imposed on, or is vested in the President, the exercise of such power or the performance of such duty or function by the President may, unless a contrary intention appears, be signified under the hand of a Minister, a Deputy Minister or a Permanent Secretary:

Provided that, nothing in this section shall apply to the power of the President to make proclamations or shall restrict the manner in which the power of the President in relation to the executive functions of the Republic, other than any such function which is conferred by any written law, may be exercised through officers in the service of the Republic subordinate to him.

[s. 2]

Advisory
Committee on
Prerogative of
Mercy
Act No.
10 of 1980 Sch.

4.-(1) There shall be an Advisory Committee on the Prerogative of Mercy which shall consist of-

- (a) a Minister appointed by the President;
- (b) the Attorney General; and
- (c) not less than three and not more than five other members appointed by the President,

and the President shall preside at the meetings of the Committee.

(2) The President may appoint different Ministers to be members of the Advisory Committee in relation to persons convicted by a civil court and persons convicted by a court-martial.

(3) Where any person has been sentenced to death (otherwise than by a court-martial) for any offence, the President shall cause a written report of the case from the trial judge or magistrate, together with such other information derived from the record of the case or elsewhere as he may require, to be

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considered at a meeting of the Advisory Committee; and after obtaining the advice of the Committee, the President shall decide in his own deliberate judgement whether to exercise any of his powers under Article 45 of the Constitution.

(4) The President may consult with the Advisory Committee before exercising any of his powers under Article 45 of the Constitution in any case not falling within subsection (3) of this section.

(5) Subject to any directions of the President, the Advisory Committee may regulate its own procedure.

[s. 3]

Honours and awards

5. The President may institute and confer honours, dignities and awards.

[s. 4]

PART III

LEGAL PROCEEDINGS

Civil proceedings in High Court only

6. A civil proceedings which may be instituted against the President shall not be instituted in any court other than the High Court.

[s. 5]

Civil proceedings in personal capacity
Act Nos.
10 of 1980 Sch.
6 of 2020 s. 48

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7.-(1) Where any person proposes to institute any proceedings against the President as are referred to in subarticle (2) of Article 46 of the Constitution, the notice of proceedings referred to therein shall be accompanied by the plaint.

(2) Civil proceedings instituted pursuant to this section shall be instituted after the President ceases to hold Office of the President.

(3) The provisions of the Civil Procedure Code shall apply in respect to the civil proceedings against the retired President under this section.

(4) In computing the time limit within which civil proceedings may be instituted against the retired President, the period which a person held the office of the President shall be excluded.

[s. 6]

Other civil
proceedings
Acts Nos.
10 of 1980 Sch.
6 of 2020 s. 49

8.-(1) Notwithstanding any provisions to the contrary, proceedings against an act or omission by the President other than those referred to in section 7 shall be brought against the Attorney General.

(2) Where, in any proceedings to which this section refers, the Court is satisfied that the plaintiff would, but for this subsection, be entitled to any order, judgement, decree or other relief, other than by way of a declaratory order, judgement or decree, shall be awarded against the Attorney General.

[s. 7]

Immunity
from arrest and
from process
to compel
appearance of
President

9.-(1) The President shall be immune from arrest.

(2) Subject to the provisions of subsection (3), a process shall not be issued by any court, other person or authority empowered to issue process in that behalf-

- (a) requiring or compelling the personal appearance or attendance of the President in any capacity; or
- (b) requiring or compelling the President to produce any person or thing.

(3) Where a party to any proceedings in any court or before some other person or authority empowered to issue process in that behalf, applies for any process requiring or compelling the appearance of the President as a witness or requiring or compelling the President to produce any person or thing, the court, other person or authority may if, but for this section, it would have issued such process, notify the President of the application, but shall not make any other order or issue any other process on such application.

[s. 8]

Service of process generally in State House and other official residences

10.—(1) A legal process shall not be served or executed within the State House, its lodges or grounds or, while he is resident therein, within other official residences of the President except by or under the directions of the Chief Secretary, a Permanent or Private Secretary to the President; and the Chief Secretary, Permanent or Private Secretary shall, when requested by a court to assist in the service or execution of any such process, give all reasonable and necessary assistance.

(2) A local government authority or public utility shall not have any jurisdiction or power in regard to any matter or thing relating to the State House, its lodges or grounds or other official residences of the President.

[s. 9]

PART IV

THE HOUSEHOLD OF THE PRESIDENT, VICE PRESIDENT AND THE PRIME MINISTER²

Expenses of President's household
Act Nos;
31 of 1969 s. 2;
25 of 1974 s.2
4 of 1977 s. 2
26 of 1980 s. 2

11. There shall, in respect of each financial year, be charged on and paid out of the Consolidated Fund such sum of money as may be certified by the Treasury as being the sum required for and in respect of the salaries, allowances and expenses of the President's household and the upkeep of the State House and other official residences of the President.

[s. 10]

Expenses for Vice-President's Household
Act No.
10 of 2001 Sch.

12. There shall, in respect of each financial year, be charged on and paid out of the Consolidated Fund such sum of money as may be certified by the Paymaster-General as being the sum required for and in respect of expenses of the Vice-President's household and the upkeep of the Vice-President's house, lodges and grounds and other official residences of the Vice-President.

[s. 10A]

² Heading of Part IV was amended by Act No. 10 of 2001 Sch.

Expenses for
Prime Minister's
House-hold
Act No.
10 of 2001 Sch.

13. There shall, in respect of each financial year, be charged on and paid out of the Consolidated Fund such sum of money as may be certified by the Paymaster-General as being the sum required for and in respect of expenses of the Prime Minister's household and the upkeep of the Prime Minister's house, lodges and grounds and other official residences of the Prime Minister.

[s. 10B]

Omitted

14. [Omitted.]

[s. 11]

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