

CHAPTER 66

THE TANZANIA RED CROSS SOCIETY ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

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CHAPTER 66

THE TANZANIA RED CROSS SOCIETY ACT

An Act to provide for establishment of Tanzania Red Cross Society and to provide statutory protection for the emblems and for matters connected therewith.¹

[7th December, 1962]

Acts Nos.

71 of 1962

11 of 2019

Short title
Act No.
11 of 2019 s. 47

1. This Act may be cited as the Tanzania Red Cross Society Act.

Application
Act No.
11 of 2019 s 48

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

[s 1A]

Interpretation
Act No.
11 of 2019 s. 47,
49

3. In this Act, unless the context otherwise requires—
“Conventions” means the four Geneva Conventions and the additional Protocols made there under;
“emblem” means the red cross or the red crescent;
“International Red Cross and Red Crescent Movement” means the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies and the various national Red Cross or Red Crescent societies;
“Minister” means the Minister responsible for legal affairs;
“red cross” when used to signify a heraldic emblem, means an emblem depicting a red cross on white ground;
“the Society” means the Tanzania Red Cross Society established by section 4.

[s. 2]

¹ Amended by Act No. 11 of 2019 s. 46

Re-establishment of Society Act No. 11 of 2019 s. 50

4.-(1) There shall continue to be established and constituted the Tanzania Red Cross Society which shall be a member of the International Federation of the Red Cross and Red Crescent Society, and is recognised as the sole national Red Cross Society for the United Republic.

(2) The society shall be a voluntary aid Society and auxiliary to the public authorities in accordance with the 1949 Geneva Conventions and their additional protocols.

(3) The Society shall be a body corporate having perpetual succession and a common seal capable of suing and being sued and have the power of holding, purchasing and otherwise acquiring, and disposing of property both movable and immovable.

[s. 3]

Purposes of Society

5.-(1) The purposes of the Society shall be-

- (a) in time of war, to furnish aid to the sick and wounded both of armies and among non-belligerents, and to prisoners of war and civilian sufferers from the effects of war;
- (b) in time of peace or war, to carry on and assist in work for the improvement of health, the prevention of disease and the mitigation of suffering throughout the world;
- (c) to do things necessary, advantageous or convenient to or in connection with the better carrying out of the purposes of the Society.

(2) In carrying out the purposes for which it is established, the Society shall make no distinction between persons which is based on any ground relating to race, nationality, sex, religion or political opinion.

[s. 4]

Governing body of Society

6.-(1) The governing body of the Society shall be an Executive Committee consisting of not more than thirty members of the Society appointed or elected in a manner as may be determined by the Executive Committee.

(2) The Executive Committee may provide for the organisation of divisions and branches of the Society in Tanzania as may seem expedient for the more effectual carrying out of the purposes of the Society.

[s. 5]

Power to make rules

7.-(1) The Executive Committee may make rules as it appears to be necessary or expedient for the government and conduct of the Society and in particular, but without prejudice to the generality, may make rules providing for-

- (a) the organisation and functions of branches and divisions of the Society;
- (b) the appointment and duties of officers of the Society;
- (c) the custody of the property of the Society and the keeping and auditing of accounts;
- (d) the use of the Red Cross emblem and badge by officers and members of the Society;
- (e) the qualifications and functions of the members of the Society and their organisation into groups.

Cap. 1

(2) Notwithstanding the provisions of section 37 of the Interpretation of Laws Act, it shall not be necessary for rules made under this section to be published in the *Gazette*.

Cap. 1

(3) The provisions of paragraph (e) of section 32 of the Interpretation of Laws Act shall not apply in respect of rules made under this section.

[s. 6]

Offences
Act No.
11 of 2019 s. 51

8.-(1) A person who, falsely and with intent to deceive or defraud-

- (a) holds himself out to be a member of or an agent for the Society for the purpose of soliciting, collecting or receiving money or other property; or
- (b) wears or displays the emblem or any colourable imitation thereof for the purpose of inducing the belief that he is a member of or an agent for the Society or that he has been recognised by the Society as possessing

any qualification for administering first-aid or other treatment for injury or sickness, commits an offence and on conviction shall be liable to a fine of not less than one million but not exceeding two million shillings or to imprisonment for a term of not less than three years but not exceeding five years or to both.

(2) Where an offence contemplated in this section has been committed for which any corporate body is or was liable to prosecution, a person who was, at the time of the commission of the offence, a director or a member of the management of the corporate body and who knew of or could have prevented the commission of the offence, commits an offence, either jointly with the corporate body or part there from, and on conviction shall be liable to the punishment provided for in this section.

[s. 7]

Emblem and
compliance of
usage
Act No.
11 of 2019 s. 52

9.-(1) The emblem of the Red Cross and Red Crescent are protected in the manner provided for in this Act and in the Conventions.

(2) The emblem may only be used-

- (a) as a sign that persons and equipment fall under protection of the Conventions;
- (b) to show that persons or equipment are connected to the International Red Cross and Red Crescent movement;
- (c) with the authorisation of the Minister responsible for defense in respect of personnel and equipment of Tanzania Peoples Defense Forces; or
- (d) in the manner as otherwise authorised by regulations made by the Minister in that regard.

(3) Subject to subsection (2), the Minister shall ensure compliance and take appropriate measures to prevent any misuse of the emblem.

(4) The Society, in the performance of its functions shall-

- (a) cooperate with the Minister responsible for defense;
- (b) inform that Minister of any misuse of the emblem which has come to its knowledge: and

(c) cooperate with the Government and other authorities in proceedings relating to the use or misuse of the emblem.

[s. 7A]

Power to make regulations
Act No.
11 of 2019 s. 52

10. The Minister may make regulations or rules for better carrying out of the provisions of this Act.

[s. 7B]

Transitional Provisions

11.—(1) Upon the date of coming into operation of this Act, the former Branch shall be dissolved and—

- (a) assets and liabilities of the former Branch shall be transferred to and vest in the Society without further assurance and the Society shall have powers necessary to take possession of recover and deal with such assets and discharge such liabilities;
- (b) an agreement, whether in writing or not, and a deed, bond or other instrument to which the former Branch was a party or which affected the former Branch, and whether or not of such a nature that the rights, liabilities and obligations under the agreement could be assigned, shall have effect as if the Society were a party to or affected by that agreement instead of the former Branch and as if, for a reference, however worded and whether express or implied, in the agreement to the former Branch there were substituted in respect of anything to be done on or after the date of coming into operation, a reference to the Society;
- (c) proceedings pending immediately before the date of coming into operation to which the former Branch was a party shall be continued as if the Society was a party to the proceedings thereto in lieu of the former Branch;
- (d) the Executive Committee of the former Branch shall become the Executive Committee of the Society and continue until further provision in that behalf is made under section 6;

(e) officers of the former Branch shall become the corresponding officers of the Society and, subject to the provisions of any rules made under section 7, shall continue in office for the period for which they were appointed or elected as officer of the former Branch.

(2) In this section “the former Branch” means the Tanganyika Branch of the British Red Cross Society.

[s. 8]

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