

THE NATIONAL LEADERS' FUNERALS ACT, 2006

ARRANGEMENT OF SECTIONS

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No. 1 OF 2006

I ASSENT,

President

26th March, 2006

An Act to make provisions for national leaders and specified leaders' funerals, and for other related matters.

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY PROVISIONS

1.- (1) This Act may be cited as the National Leaders' Funerals Act, 2006.

Short title and Commencement

(2) This Act shall come into operations on such date as the Minister may, by notice published in the *Gazette* appoint.

2. This Act shall apply in respect of a national leader or a specified leader provided for under this Act.

Application

3. In this Act unless the context otherwise requires –

Interpretation

“Chief Justice” means a Chief Justice appointed under Article 118 of the Constitution of the United Republic of Tanzania;

“Committee” means the National Funeral Committee established under section 11;

“death announcement” means death announcement issued under this Act;

“Executive Committee” means Executive Committee of the funeral established under section 13;

- “flag” means the flag of the Nation;
- “Government” means the Government of the United Republic of Tanzania;
- “Minister” means the Minister responsible for funeral matters of national leaders;
- “National Cemetery” means a piece of land or area designated or established as such in terms of section 16;
- “national leader” means the President, Vice President, President of Zanzibar and Prime Minister of the United Republic of Tanzania;
- “President, Vice-President, President of Zanzibar and Prime Minister of the United Republic” includes a retired President, a retired Vice-President, a retired President of Zanzibar and a retired Prime Minister of the United Republic”;
- “Speaker” means a Speaker to the National Assembly;
- “Speaker and Chief Justice” includes a retired Speaker and a retired Chief Justice;
- “specified leader” means the Speaker and Chief Justice.

PART II

FUNERAL ARRANGEMENTS

Persons entitled to funeral arrangements

4.- (1) Funeral arrangements under this Act shall be conducted in respect of a person who at the time of his death was—

- (a) in the office as a national leader or a specified leader;
- (b) a retired person as a national leader or a specified leader.

(2) Notwithstanding the provisions of subsection (1), a national leader or a specified leader who was removed from office due to gross misconduct or misbehaviour shall not be entitled to funeral arrangements under this Act.

Types of funerals

5.- (1) There shall be two types of funeral ceremonies, a state funeral and a government funeral which shall be conducted in respect of deceased national leaders or specified leaders depending on their respective status.

(2) The state funeral shall be conducted in the manner stipulated under Part IV of this Act in respect of a national leader who serves or has served as a President.

(3) The government funeral shall be conducted in the manner stipulated under section 24 in respect of a national leader who serves or has served as the Vice-President, Prime Minister or a specified leader.

Death announcement

6.- (1) The President shall, immediately after the occurrence of the death of a national leader or specified leader, announce that death in terms of the provisions of this Act.

(2) Where death occurs while the President is not in the United Republic or is not in office for any reason, the person discharging functions of the President shall announce the death.

7. The President shall, as soon as possible after receiving official information and confirmation from an authorized medical officer of the death of a national leader –

Death announcement of national leaders

- (a) deliver official announcement on the death of the national leader, date and time of death and cause of death;
- (b) convene a meeting of the Cabinet; and
- (c) announce –
 - (i) in the case of a retired President, a period of 7 days for state mourning and the flags to fly half mast;
 - ii) in the case of a serving Vice-President the period of 14 days for state mourning and the flags to fly half mast;
 - (iii) in the case of retired Vice-President a period of 7 days for state mourning and the flags to fly half mast; and
 - (iv) in the case of –
 - (aa) a serving Prime Minister, a period of 7 days;
 - (bb) a retired Prime Minister, a period of 5 days, for state mourning and the flag to fly half mast.

8. –(1) Where the President who is in office dies, the Vice President shall, after receiving official information and confirmation of the death, deliver death announcement in the manner stipulated under section 7.

Death announcement of the President

(2) The Vice President shall, in respect of the late President, announce a period of 21 days for mourning and the flag to fly half mast.

9. –(1) Where a specified leader dies, the President shall after receiving the death information from the family of the deceased, make an announcement thereof to the mass media.

Death announcement of specified leaders

(2) There shall be no period of mourning or the flag to fly half mast in respect of the death of a specified leader.

10. Where a national leader or specified leader dies outside the United Republic, the Embassy of Tanzania in the country in which the death of such national leader or specified leader has occurred, shall deliver information of the death of the leader to the President or the person discharging the functions of the President who shall act in terms of sections 7, 8 and 9.

Death outside the country

PART III

ESTABLISHMENT OF FUNERAL COMMITTEES

National
Funeral
Com-
mittee

11.- (1) There shall be established a committee to be known as the National Funeral committee.

(2) The Committee under subsection (1) shall include the following members:

- (a) the Prime Minister who shall be the Chairman;
- (b) the Chief Minister who shall be a Deputy Chairman;
- (c) the Chief Secretary;
- (d) the Minister for Defence and National Service;
- (e) the Minister for Foreign Affairs and International Co-operation;
- (f) the Minister for Home Affairs;
- (g) the Minister for Finance;
- (h) the Minister responsible for Regional Administration and Local Government;
- (i) the Minister for Infrastructure Development;
- (j) the Minister for Communications and Transport of the Revolutionary Government of Zanzibar;
- (k) the Minister of State, President's Office Zanzibar;
- (l) the Minister for Finance of the Revolutionary Government of Zanzibar;
- (m) the Minister for Health and Social Welfare;
- (n) the Minister for Public Safety and Security;
- (o) the Attorney-General; and
- (p) the Chief of Defence Forces.

(3) The Permanent Secretary – Prime Minister's Office shall be the Secretary to the National Funeral Committee.

Functions of
the National
Funeral
Committee

12. Functions of the National Funeral Committee shall be—

- (a) to administer and co-ordinate all arrangements of the funeral;
- (b) to provide information from time to time relating to various incidences regarding the funeral;

- (c) to approve the budget for funeral activities;
- (d) to receive directions from higher level and deliver them to the Executive Committee;
- (e) to advice and direct the Executive Committee in the performance of funeral activities;
- (f) to receive and discuss information and recommendations from the Executive Committee;
- (g) to approve a funeral report as submitted by the Executive Committee; and
- (h) to do such other things as may be appropriate for the purposes of facilitating funeral activities.

13.- (1) There shall be established the Executive Committee of the funeral which shall include the following members:

Executive
Com-
mittee

- (a) the Chief Secretary who shall be the Chairman;
- (b) the Permanent Secretary – Ministry of Defence and National Service;
- (c) the Permanent Secretary – Ministry of Foreign Affairs and International Co-operation;
- (d) the Permanent Secretary – Ministry of Home Affairs;
- (e) the Permanent Secretary – Ministry of Finance;
- (f) the Permanent Secretary – Ministry of Communications and Transport of the Revolutionary Government of Zanzibar;
- (g) the Permanent Secretary – Ministry of Infrastructure Development;
- (h) the Permanent Secretary – Prime Minister's Office, Regional Administration and Local Government;
- (i) the Principal Secretary - Ministry of Finance of the Revolutionary Government of Zanzibar;
- (j) the Permanent Secretary - Ministry of Public Safety and Security; and
- (k) Principal Secretary - Revolutionary Government of Zanzibar.

(2) The Permanent Secretary - Prime Minister's Office shall be the Secretary to the Executive Committee.

(3) The functions of the Executive Committee shall be–

- (a) to prepare the budget for funeral and submit it to the National Funeral Committee for approval;

- (b) to co-ordinate funeral plans and to manage activities as may be directed by the National Funeral Committee;
- (c) to give directions on the performance of functions to executives of other committees as may be established by the Minister;
- (d) to synchronize the programs of the funeral activities;
- (e) to provide information to the National Funeral Committee regarding the funeral arrangements;
- (f) to prepare a funeral report to be submitted to the National Funeral Committee; and
- (g) to perform such other activities as may be directed by the National Funeral Committee.

PART IV

FUNERAL PROCEDURES

Funeral
rites
proce-
dures

14. –(1) The funeral rites of the national leader or specified leader shall be conducted according to the religion, custom and traditions of the deceased depending on the cause of death.

(2) Where the body of the deceased has not been found because of the nature of death, the mourning shall be done in accordance with religious or traditional activities or practice as may be appropriate.

Advice of
a medical
practioner

15. Where a leader dies of any disease for which funeral procedures require the advice of a medical practitioner, such advice shall be taken into account.

National
Cemetery

16. –(1) There shall be established under the Prime Minister's Office a National Cemetery in Dodoma for burial and for performance of other funeral activities for deceased national leaders or specified leaders under this Act.

(2) Procedures for the establishment, maintenance and management of the National Cemetery shall be as may be prescribed.

(3) The National Cemetery shall, at all times be guarded by the Defence Forces.

Place of
burial

17. –(1) A national leader or specified leader shall be buried in the specified area within the National Cemetery.

(2) Notwithstanding the Provisions of subsection (1), if the deceased has left a written will, regarding the place of his burial and how he should be buried, the will, shall be observed.

(3) Where a national leader is buried outside the National Cemetery by virtue of observance of a will under subsection (2), a monument or pillar for his commemoration shall be erected at a specified area within the National Cemetery.

18.—(1) The *bier* of the deceased national leader shall, for the purpose of paying last respects, be kept at the National Stadium at Dar es Salaam or at such other place as the National Funeral Committee may determine.

Last respects for national leaders

(2) The duration for paying last respects shall be determined by the National Funeral Committee with the consultation of the family of the deceased or a leader of the religion of the deceased.

(3) The bier of the deceased shall, after the last respects be taken from the National Stadium to the mosque, or church or to such other places as may be determined by the National Funeral Committee, for prayers or for other funeral rites and thereafter to the National Cemetery for burial or as the case may be for cremation.

19. Last respects for specified leaders shall be conducted at such place as may be determined by the National Funeral Committee.

Last respects for specified leaders

20.—(1) There shall be a special parade of the Tanzania Peoples' Defence Forces on the day and at the place of burial which shall be organized by the Defence Forces with the assistance of the National Funeral Committee.

Special parade

(2) The parade shall, in respect of the serving President or a retired President, be of full guard and with all the verses of the National Anthem.

(3) The Tanzania Peoples' Defence Forces shall fire 21 heavy guns at the time of burial of the late President and near the place of burial.

(4) Procedural matters regarding the conduct of parade shall, following consultation with the Minister, be prescribed by the Minister responsible for Defence.

21.—(1) The bier of a national leader or a specified leader shall be covered with a flag.

Flag

(2) The flag used for the Serving President or for a retired President shall, after the burial, be Presented to the deceased's family for custody.

The
government
funeral

22.—(1) The procedure for a government funeral shall be conducted in the manner stipulated under this Part, except that the late Vice - President or Prime Minister shall be entitled to the parade of half guard by the Tanzania Peoples' Defence Forces.

(2) The Parade in respect of the late Speaker and Chief Justice shall be arranged by the Police Force.

(3) Procedural matter regarding the conduct of parade shall, "following consultation with the Minister" be prescribed by the Minister for Public Safety and Security.

PART V

MISCELLANEOUS PROVISIONS

Funds for
funerals

23.—(1) The Monies for conducting funeral ceremonies under this Act shall be drawn from the Consolidated Fund.

(2) The funds under subsection (1) shall be used in particular for:—

- (a) printing records of the deceased leader;
- (b) requirements of the funeral of the national leader or specified leader;
- (c) transporting the body of the deceased and other related persons;
- (d) covering the expenses as may be incurred by the National Funeral Committee, and the Executive Committee in the performance of funeral activities; and
- (e) any other expenses as may be advised by the National Funeral Committee.

Invitation
of other
persons

24. The National Funeral Committee may advise on the invitation and participation of any person or institution for the purpose of facilitating any activity mentioned in this Act.

25.—(1) Subject to the Provisions of subsection (2), members of the National Funeral Committee and the Executive Committee shall keep secret all matters pertaining to the announcement and the conduct of funeral.

Secrecy

(2) The Chairman of the National Funeral Committee may permit any member to give information to the public or a specified group of persons where exigency requires so to do or if the procedural matters respecting the conduct of the deceased funeral requires the public or such group of persons to be informed.

(3) Any person who contravenes the preceding provisions of this section may be liable under the National Security Act.

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26. A person who—

- (a) reveals the secret on the deceased national leader or specified leader; or
- (b) deliberately hinders the performance of activities under this Act, commits an offence and on conviction is liable to a fine not exceeding 500,000/= shillings or to imprisonment for a period of six months or to both, such fine and imprisonment.

Offences
and
penalty

27.—(1) The Minister shall have powers to make regulations for the better carrying into effect of the provisions of this Act.


Power to
make
Regula-
tions

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations—

- (a) prescribing procedures for managing and maintenance of the National Cemetery;
- (b) prescribing procedures for performance of functions of National Funeral Committee and Executive Committee;
- (c) specifying persons who shall present the deceased's will and the manner in which wills shall be presented;
- (d) prescribing procedures for visiting and for using the National Cemetery;
- (e) specifying types or classes of monument or pillar to be erected within the National Cemetery for commemoration of national leaders and specified leaders;

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- (f) prescribing procedures for the performance of funeral activities by the National Funeral Committee and the Executive Committee;
 - (g) prescribing funeral procedures and processes; and
 - (h) prescribing such other matters which need to be prescribed under this Act.

Passed in the National Assembly on the 14th February, 2006.


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Clerk of the National Assembly