

CHAPTER 61
THE NATIONAL SECURITY COUNCIL ACT
[PRINCIPAL LEGISLATION]
ARRANGEMENT OF SECTIONS

Section Title

PART I
PRELIMINARY PROVISIONS

1. Short title.
2. Application.
3. Interpretation.

PART II
THE NATIONAL SECURITY COUNCIL

4. Establishment and structure of Council.
5. Functions of Council.
6. Secretariat.
7. Functions of Secretariat.

PART III
SECURITY COMMITTEES

8. Composition of Regional Security Committees.
9. Functions of Regional Security Committees.
10. Composition of District Security Committees.
11. Functions of District Security Committees.

PART IV
GENERAL PROVISIONS

12. Offences and penalties.
13. Proceedings of Regional and District Security Committees.
14. Submission of periodic reports to Council.

15. Expenses of Council.
16. Regulations.

PART V
CONSEQUENTIAL AMENDMENTS

- 17-21. [Omitted].

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CHAPTER 61

THE NATIONAL SECURITY COUNCIL ACT

An Act to establish the National Security Council and the defence and security committees at various administrative hierarchies with a view to regulating and co-ordinating national security matters; to establish machinery for individual persons, public and private institutions to co-operate and participate effectively in matters of defence and national security and to provide for related matters.

[1st December, 2010]

[GN. No. 427 of 2010]

Acts Nos.
8 of 2010
12 of 2019

PART I

PRELIMINARY PROVISIONS

Short title **1.** This Act may be cited as the National Security Council Act.

Application **2.**—(1) This Act shall apply to Mainland Tanzania as well as Tanzania Zanzibar.

(2) This Act shall not apply to security matters at operational level except for exigency of public interest and where the defence and national security organs so advise.

Interpretation
Act No.
12 of 2019 s. 38

3. In this Act, unless the context otherwise requires—

“Chairman” means the Chairman of the Council;

“Council” means the National Security Council established under section 4;

“defence and security organs” means the Tanzania Peoples’ Defence Forces, National Service, Tanzania Police Force, Prevention and Combating of Corruption Bureau, Drugs Control and Enforcement Authority, Fire and Rescue Forces, Tanzania Prisons Service, Immigration Services and Tanzania Intelligence and Security Service;

- Cap. 47
- “Minister” means the Minister responsible for the national security;
- “President” means the President of the United Republic of Tanzania; and
- “security” has the meaning ascribed to it under the National Security Act.

PART II

THE NATIONAL SECURITY COUNCIL

Establishment
and structure of
Council
Act No.
12 of 2019 s. 39

4.–(1) There is hereby established a Council to be known as the National Security Council.

(2) The Council shall consist of the following members:

- (a) the President, who shall be the Chairman of the Council;
- (b) the Vice-President;
- (c) the President of Zanzibar;
- (d) the Prime Minister; and
- (e) the Second Vice-President of Zanzibar.

(3) The Chief Secretary shall be the Secretary to the Council.

(4) The Council may invite any person to its meetings for the purpose of giving advice on any matter which is the subject of consideration.

(5) The Council may, where circumstances require, form a Committee for the purpose of performing or undertaking a specific function or task on its behalf.

Functions of
Council

5.–(1) The Council shall be the principal advisory organ to the President on matters relating to the national security.

(2) Without prejudice to the generality of subsection (1), the functions of the Council shall be to-

- (a) formulate, establish and oversee core values of the national security for purposes of protecting and defending national interests;
- (b) review policies of defence, security, foreign affairs and other policies which relate to national security in view of prevailing national and international circumstances;

- (c) evaluate the state of national security on short and long terms and recommend the proper cause of action;
- (d) receive and analyse reports relating to the state of defence and security in the country from the defence and security organs, Government departments and institutions, Regional Security Committees and give directions as appropriate; and
- (e) perform any other function as may be assigned by the President.

Secretariat
Act No.
12 of 2019 s. 40

6. There shall be the Secretariat to the Council comprising of-

- (a) the Chief Secretary who shall be the head and the Co-ordinator;
- (b) two Assistant Co-ordinators from the Tanzania Peoples' Defence Forces;
- (c) two Assistant Co-ordinator from the Tanzania Intelligence and Security Service;
- (d) one Assistant Co-ordinator from the Police Force;
- (e) one Assistant Co-ordinator from the Immigration Department;
- (f) one Assistant Co-ordinator from the Tanzania Prisons Service; and
- (g) one Assistant Co-ordinator from the Special departments of the Government of Zanzibar.

Functions of
Secretariat

7.-(1) The Functions of the Secretariat shall be to-

- (a) prepare agenda and take minutes of Council meetings;
- (b) analyse and compile various reports from the defence and security organs and other Government departments and institutions for submission to the Council for its decision;
- (c) coordinate and serve as a focal point for the administration of activities between the Council, Government departments and institutions as well as defence and security organs;
- (d) keep and maintain records and control confidentiality of documents relating to the Council's activities;

- (e) make follow-up and prepare implementation reports of the Council's decisions; and
- (f) perform any other function as may be assigned to it by the Council.

(2) The Secretariat may co-opt any person during its meeting for the purposes of giving advice on any matter which is the subject of consideration.

PART III SECURITY COMMITTEES

Composition of
Regional Security
Committees
Act No.
12 of 2019 s. 41

8.-(1) There is hereby established the following Security Committees:

- (a) the Regional Security Committees; and
 - (b) the District Security Committees.
- (2) The Regional Security Committee shall be composed of-
- (a) the Regional Commissioner, who shall be the Chairman;
 - (b) the Regional Administrative Secretary, who shall be the Secretary;
 - (c) the Regional Police Commander;
 - (d) the Commanding Officer of the Tanzania Peoples' Defence Forces Unit;
 - (e) the Regional Security Officer;
 - (f) the Regional Immigration Officer;
 - (g) the Regional Militia Advisor;
 - (h) the Regional Prisons Officer;
 - (i) the Regional Special Department from the Government of Zanzibar;
 - (j) the Regional Bureau Chief; and
 - (k) the Regional Fire and Rescue Officer.

(3) The Regional Security Committee may invite any person to its meeting for the purpose of giving advice on any matter which is the subject of its consideration except that, the person shall not have a right to vote.

(4) The Regional Security Committee may, where circumstances require, form a Committee for the purpose of performing or undertaking a specific function or task on its behalf.

Functions of
Regional Security
Committees

9. The functions of the Regional Security Committee shall be to-

- (a) receive and analyse security reports from the District Security Committees, defence and security organs and take appropriate action;
- (b) prepare evaluation reports on defence and security situation in the Regional for submission to the relevant authorities within the region;
- (c) plan, coordinate and give directions on the manner of dealing with emergencies such as disasters, famine, epidemics, floods and major accidents, incidents like serious crimes, cattle theft, land disputes, environmental degradation, robbery, sabotage, illegal immigrants, moral turpitude, illicit drugs including other occurrences which are likely to endanger peace and tranquility to the public in the respective Region;
- (d) specify and identify social and administrative problems within the Region which may endanger security and advise the relevant authority on appropriate measures or the proper course of action;
- (e) consider applications for citizenship and advise the Minister responsible for citizenship;
- (f) consider applications for ownership of arms and explosives and make decision in accordance with the existing laws;
- (g) evaluate and make follow-up on the status of strategic reserve levels of food, medicine and fuel and alert the relevant authorities for their action; and
- (h) perform any other function as may be assigned to it by the relevant authority.

Composition of
District Security
Committees
Act No.
12 of 2019 s. 42

10.—(1) The District Security Committee shall be composed of-

- (a) the District Commissioner, who shall be the Chairman;
- (b) the District Administrative Secretary, who shall be the Secretary;
- (c) the Commanding Officer of the Tanzania Peoples' Defence Forces Unit situated in the respective District;
- (d) the District Security Officer;
- (e) the District Police Commander;
- (f) the District Militia Advisor;
- (g) the District Immigration Officer;
- (h) the District Prisons Officer;
- (i) the District Fire and Rescue Officer;
- (j) the District Special Departments from the Government of Zanzibar; and
- (k) the District Bureau Chief.

(2) The District Security Committee may invite any person in its meeting for the purpose of giving advice on any matter which is the subject of its consideration except that, the person shall not have a right to vote.

(3) The District Security Committee may, where circumstances require, form a Committee for the purpose of performing or undertaking a specific function or task on its behalf.

Functions of
District Security
Committees

11. The functions of the District Security Committee shall be to-

- (a) prepare plans and strategies for defence and security and make follow-up for the implementation;
- (b) prepare evaluation reports on defence and security situation in the District for submission to the Secretary of the Regional Security Committee;
- (c) plan, coordinate and give directions on the manner of dealing with emergencies within the District such as disasters, epidemics, famine, floods and major accidents and occurrences like serious crimes, cattle theft, land disputes, environmental degradation, robbery, piracy,

looting, poaching, rape, sabotage, illegal immigrants, illicit drugs, moral turpitude, including other occurrences which are likely to endanger peace and tranquility within the respective District;

- (d) specify and identify social and administrative problems within the District which may endanger security and advise the relevant authority on the appropriate measures or course of action;
- (e) consider applications for citizenship and submit recommendations to the Regional Security Committee;
- (f) consider applications for ownership of arms and explosives and make decisions in accordance with the existing laws or advise the Regional Security Committee on the applications;
- (g) evaluate and make follow-up on the status of strategic reserve levels of food, medicine and fuel and inform the Regional Security Committee for its action; and
- (h) perform any other function as may be assigned by the relevant authority.

PART IV

GENERAL PROVISIONS

Offences and penalties

12. A person who, being a member of any Committee referred to under section 8, divulges any information obtained by virtue of his membership to the Committee, commits an offence and on conviction shall be liable to a penalty prescribed for offence under the relevant law.

Proceedings of Regional and District Security Committees

13. In the absence of the Chairman, the person presiding over at the meeting of the Regional Security Committee or the District Security Committee, shall be a person acting in that capacity of the Regional Commissioner or the District Commissioner.

Submission of
periodic reports
to Council

14.-(1) The defence and security committees specified under this Act shall, on the basis of geographical administrative hierarchical arrangements, be under the general obligation to submit to the relevant authorities, quarterly reports on defence and national security matters.

(2) Public and private institutions may be required to submit reports on any matter which the Council or defence and security committees considers necessary for defence and security, group of persons, the community or the general public.

(3) Without prejudice to subsection (2), the Council, the Regional Security Committees and the District Security Committees, shall work on a system which shall enable individual persons, public and private institutions to submit information and reports relating to matters of concerned to defence and national security.

Expenses of
Council

15. The expenses incurred by or in respect of the Council at all levels shall be charged on and paid out of the Consolidated Fund.

Regulations

16. The Minister may make regulations prescribing matters which are necessary or convenient to be prescribed for better carrying out or giving effect to the provisions of this Act.

PART V

CONSEQUENTIAL AMENDMENTS

Omitted

17-21. [Omitted]