

THE ARMS AND AMMUNITION ACT, 1991

ARRANGEMENT OF SECTIONS

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THE UNITED REPUBLIC OF TANZANIA



No.1 OF 1991

I ASSENT,

A handwritten signature in black ink, appearing to read 'Mwasa', is written over a horizontal line.

President

30/6/91

**An Act to consolidate and amend the law relating to the
control of civil arms and ammunition in the United
Republic**

I I

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY PROVISIONS

- | | |
|--|--|
| 1.-(1) This Act may be cited as the Arms and Ammunition Act, 1991. | short title
and com-
mence-
ment |
| (2) This Act shall come into operation on such date as the Minister may, by notice published in the <i>Gazette</i> , appoint. | |
| 2.-(1) This Act shall apply to Tanzania Zanzibar as well as to Main-
land Tanzania. | Applica-
tion

Acts, 1991.
No..... |
| (2) This Act shall apply in relation to all firearms other than arma-
ments to which the provisions of the Armaments Control Act, 1991,
apply. | |
| (3) The Minister may, by notice published in the <i>Gazette</i> , exempt
from the applications of this Act any particular arms or category of arms. | |

.Interpre-
tation

3.-(I) In this Act, unless the context requires otherwise—
"ammunition" includes—

- (a) every shell, cartridge case, bomb, hand grenade, or projectile, whether containing any explosive or gas or chemical or not, and whether intended to be discharged from or by any gun or other propelling or releasing instrument or mechanism or not, except hand grenades which can be used only for the purpose of extinguishing fires;
- (b) every part of any such shell, cartridge case, bomb, hand grenade or projectile, whether such shell, cartridge case, bomb, hand grenade or projectile may have been completely formed at any time or not;
- (c) every fuse, percussion cap, or priming cap, which could be used for the purpose of exploding any shell, bomb, hand grenade or other projectile;
- (d) every bullet or cartridge clip;
- (e) any explosive when enclosed in any case or contrivance, or otherwise adapted or prepared so as to form a cartridge, charge or complete round of small arms, cannon, or any other weapon, or to form any tube for firing, explosives, or to form a detonator, a projectile, or other contrivance than a firework, which can be used either singly or in suitable combinations, as, or in connexion with, a missile;
- (f) anything which may be declared by the Minister, by notice published in the *Gazette*, to be ammunition;

"armament" means any of the following arms of war, whether complete or in parts and ammunition for them, namely, firearms, artillery of all kinds, apparatus for discharge of all kinds of explosive or gas-diffusing projectiles, flame-throwers, bombs, grenades, machine guns, and rifles, small-fire, breech-loading weapons of all kinds;

"arms" shall, subject to subsection (2), include—

- (a) every firearm of any description;
- (b) every air gun and every other kind of gun from which any shot, bullet or other missile can be discharged;
- (c) every sword, cutlass, spear, pike, bayonet, dagger, fighting iron, flick-knife, gravity knife or other deadly weapon;
- (d) every gun, pistol or other propelling or releasing instrument or mechanism, from or by which any shell, cartridge, bomb, grenade, or projectile, containing any gas or chemical, could be discharged;

"Arms Authority" means the person, officer or department of Government declared to be the arms authority under section 5;

"authorised officer" means any administrative or other officer authorized for a particular purpose by the Government;

"to carry" means to carry on the person but does not include transport or conveyance from one place to another in the ordinary course of business for storage or other business purposes;

"the Convention" means the Convention for the control of the trade in arms and ammunition, and Protocol, signed at St. Germain-en-Laye on the 10th day of September, 1919;

"firearm" means any lethal barreled weapon of any description other than a harpoon gun, from which any shot, bullet or other missile can be discharged, and includes any component part of any firearm and any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon;

"flick-knife" means any knife which has a blade which opens automatically by hand pressure applied to a button, spring or other device in or attached to the handle of the knife;

"the Government" means the Government of the United Republic and the Revolutionary Government of Zanzibar;

"gravity knife" means any knife which has a blade which is released from its handle or sheath by the force of gravity or the application of centrifugal force and which, when released, is locked in place by means of a button, spring, lever or other device;

"Minister" means the Minister for the time being responsible for home affairs;

"to move" or "to remove" includes every kind of movement, transport, or conveyance not included in the expression "to carry";

"prescribed" means prescribed by regulations;

"private warehouse" means a warehouse for arms and ammunition, not being a public warehouse, approved by an authorized officer and designated as such by notice published in the *Gazette*;

"prohibited area" means any area declared as such by the Minister for the purposes of this Act;

"public warehouse" means a warehouse under the exclusive custody and permanent control of the Government or of its servants or agents, or any other place which in the opinion of the Minister is suitable for the custody of arms or ammunition, designated as a public warehouse by the Minister by notice published in the *Gazette*.

(2) Nothing in the definition "arms" and in this Act generally shall be construed so as to bring under the application of this Act any arms, other than firearms, which are-

(a) designed to be used in domestic, agricultural, building, construction or other economic activities

(b) traditionally used as part of the cultural accoutrement of the people in any area of the United Republic; or

(c) designed for use in societal or ceremonial occasions.

(3) Arms or ammunition on the body, or in the custody or under the control, of any person shall be deemed to be in his possession.

PART II

RESTRICTION ON CARRYING OR POSSESSION OF ARMS AND AMMUNITION

Prohibition on carrying or possession of arms or ammunition without Licence

4.-(1) Subject to this section, and to the other provisions of this Act, no person shall possess, except in a public or private warehouse, or use, carry, have in his possession or under his control any firearms or ammunition, unless he is in possession of an arms licence issued under this Act in relation to such arms or ammunition.

(2) Subsection (1) shall not apply to any exempted person.

(3) An arms licence shall describe the firearm and ammunition to which it relates by reference to the marks and numbers stamped and registered in pursuance of this Act and shall be in the prescribed form.

(4) Without prejudice to any other penalty to which a person may be liable under the provisions of this Act, the fee for the renewal of an arms licence which any person fails to renew within three months after the date upon which it should have been renewed shall be increased by fifty per centum of the fee prescribed in relation to it.

Grant of licence to carry or arms or ammunition

5.-(1) The Minister shall, by order published in the *Gazette*, appoint a person, public officer or department of Government to be the Arms Authority for the purposes of this Act.

(2) The Arms Authority may-

(a) grant to any person a licence either-

(i) to carry arms and ammunition;

(ii) to have arms and ammunition in his possession; or

(iii) to do both, subject to such conditions as he may deem fit;

(b) renew any such licence and, in respect of it, grant days of grace not exceeding fifteen in number if he considers it necessary or expedient so to do; and

(c) cancel any such licence.

(3) Unless in any particular case the Arms Authority otherwise directs, such licence shall be issued or renewed for a limited period only, shall be made out in the name of the grantee, shall bear a number and the dates of issue; or renewal, and expiry, shall not be transferable, and shall specify the arms and ammunition which it covers.

(4) An appeal to the Minister shall lie from any refusal by the Arms Authority to grant or renew such licence or in respect of the cancellation by it of any such licence.

(5) The Minister may, by notice published in the *Gazette* determine the fee payable for the arms licence.

(6) The Arms Authority may in his discretion issue a written exemption to any person from the provisions of this section. Such exemption may be confined to any particular weapons or ammunition specified in it, may be subject to such conditions as such Arms Authority may deem fit, may be included if desirable in some other form of licence, authority or document issued by him, and shall be subject to cancellation in the discretion of the Arms Authority.

6.--(1) Notwithstanding section 5, the Commissioner of Police in charge of the affairs of the police force for Tanzania Zanzibar the Arms Authority for the purposes of this Act.

(2) Arms licences granted in Mainland Tanzania shall not be valid for the same purposes in relation to the same or other arms and ammunition 'in Tanzania Zanzibar; and arms licences granted in relation to any arms or ammunition in Tanzania Zanzibar shall not be valid in Mainland Tanzania in relation to arms or ammunition there unless endorsed by the Arms Authority or an authorized officer appointed for the purpose by the Arms Authority.

(3) No person may, in Tanzania Zanzibar, carry, possess or use any arms or ammunition except under and in accordance with the terms of an arms licence granted by the Arms Authority in accordance with the provisions of this Act,

(4) For the purposes of the exercise and application of the provisions of this Act to and within Tanzania Zanzibar, the Minister and the Arms Authority shall ever take into account the geographical location of the area and the need to safeguard the national, regional and international interest in regard to public security.

7. The Minister may, if he is satisfied that reciprocal provisions have been or will be made by the Governments of Kenya, Uganda, Rwanda, Burundi, Zaire, Zambia, Malawi, Zimbabwe or Mozambique for the recognition by or under the law in force in the said countries of arms licences granted under this Act, by order declare that an arms licence or firearm certificate corresponding to an arms licence under this Act and issued under such law shall, on being endorsed by an authorized officer, have the same effect and validity in the United Republic as if it were an arms licence granted under this Act.

in Provisions
shall be
to
Tanzania
Zanzibar

Recip-
rical rec-
ognition
of arms li-
cences is
neigh-
bouring
territories

PART III

RESTRICTION ON EXPORT AND IMPORT OF ARMS AND AMMUNITION

8.--(1) After the commencement of this Act, it shall be an offence for any person to export from the United Republic any arms or any ammunition except under a licence issued by an authorized officer, for such or other arms, subject to the other provisions of this section.

(2) An authorized officer may, subject to any regulations, grant licences for the export of arms and ammunition not intended for use for warlike purposes to any place specified in the licence; save that before

Restric-
tions on
the export
of arms
and am-
munition

granting the licence, the authorized officer shall satisfy himself that the arms and ammunition are not intended for disposal in any way contrary, to the provisions of the Convention.

(3) In granting the export licence, the authorized officer may attach to the licence any term and condition consistent with the provisions of this Ordinance and of the Convention which he may think advisable, and in particular may limit the licence to exportation to a named consignee.

(4) In the case of arms and ammunition adapted both to warlike and also to other purposes, the Arms Authority may determine from the size, destination and other circumstances of each consignment for what use they are intended, and decide in each case whether or not they are to be regarded as arms or armaments and ammunition.

9.-(1) Except as may be allowed by regulations or by licence granted by the Arms Authority, it shall be unlawful for any person to import into the United Republic or into Tanzania Zanzibar any arms or ammunition of any description.

(2) Any arms or ammunition allowed to be imported shall be landed only at the prescribed ports.

(3) This and the preceding section shall have effect as if they formed part of the East African Customs and Transfer Tax Management Act.

Restric-
tion on
the import
of arms
and am-
munition

Arrest
without
warrant of,
person
carrying
arms,
etc., or in-
possession
thereof

10. Any person carrying or having in his possession or moving, or reasonably suspected of carrying or having in his possession or moving, any firearms, ammunition or prohibited arms in contravention of this Act may be arrested without a warrant by any police officer, and shall be conveyed as soon as may be to a police station, to be dealt with according to law.

Travellers
may intro-
duce arms
on certain
conditions

11.-(1) Notwithstanding the preceding provisions regarding the importation of arms and ammunition, and subject to subsection (2), travellers may introduce arms and ammunition, but not armaments, by land or inland waters or by air, save that-

- (a) the travellers shall be subjects of the High Contracting Parties to the Convention;
- (b) the travellers are authorized to carry such arms and ammunition by the Government of the country of which they are subjects in accordance with the terms of the Convention;
- (c) the travellers shall carry documents of authorization specially confirmed by the declaration of an official of such Government duly authorized in that behalf;
- (d) the travellers shall immediately report to the nearest Government officer on the frontier, or if there be none at the actual frontier, then at the nearest station on or close to the route followed by them;

- (e) the travellers shall inform the Government officer of the exact quantity of arms and ammunition carried and produce the same for inspection if required;

(2) No traveller may introduce arms or ammunition into Tanzania Zanzibar under the provisions of this section except with and in accordance with the terms of an express authorization for that purpose given by or with the consent of the Arms Authority in Tanzania Zanzibar, or the written instructions of the Minister given in that behalf in relation to any particular traveller or category of travellers.

12. Notwithstanding anything in this Act contained, transit licences for the importation of arms or ammunition, whether complete or in parts, to contiguous States may be granted, suspended, or refused by the Minister in accordance with the provisions of article 10 of the Convention.

Transit licence for contiguous States

PART IV

STORAGE AND OTHER DEALINGS IN ARMS

13.-(1) Any person who imports arms and ammunition shall immediately deposit them in a public warehouse at his own expense, but before doing so shall obtain the permit of an authorized officer and shall conform to any directions which may be given by an authorized officer with regard to the transport of the arms and ammunition to the public warehouse; save that this section shall not apply to any arms or ammunition imported by or for the use of the Government.

Deposit in public warehouses

(2) Notwithstanding the provisions of subsection (1) regarding the places for the deposit of imported arms and ammunition, the Arms Authority may, in relation to Tanzania Zanzibar, after consultation with the Minister, prescribe any other place or places where arms and ammunition imported may be deposited and such places may include police stations.

14.-(1) As soon as possible after deposit in a public warehouse, police station or as the case may be, and before withdrawal, every complete arm and, where the arm is not complete, every part of an arm, and every package of ammunition, shall be registered in the prescribed manner according to any existing marks and numbers and, if so required, shall be stamped or marked in the prescribed manner.,

Registration of imported arms and ammunition

(2) The person depositing the arm or ammunition shall supply such information for the purposes of enabling the registration effected as may be required by the officer in charge of the warehouse, police station or as may be prescribed.

15. All arms and ammunition imported solely for the purpose of sale shall be registered as such when first deposited in a public warehouse or police station and on every transfer thereof to a public or private warehouse or to a police station.

Arms imported for sale to be registered as such

With-
drawal
from pub-
lic
wareho-
use,
police sta-
tion etc.

16.-(1) No arms or ammunition deposited in a public warehouse, police station or other place prescribed by the Arms Authority shall be withdrawn except in accordance with a permit signed by an authorized officer or the Arms Authority.

(2) No permit shall be granted for the withdrawal of any arms or ammunition except in accordance with the prescribed conditions and until the authorized officer or Arms Authority is satisfied that they are-

- (a) for dispatch to places designated by the Minister where the inhabitants are allowed to carry or possess arms under the control and responsibility of local government authorities for the purpose of defence against robbers, dangerous animals or rebels; or
- (b) for despatch to another public warehouse, police station or to a private warehouse; or
- (c) for individuals who can show that they require them for their legitimate personal use.

(3) The authorized officer or Arms Authority may specify in the permit the place to and the time within which the arms and ammunition are to be despatched after withdrawal and the place in which they are to be secured in the interval.

(4) The authorized officer or Arms Authority may in his discretion limit the quantity of arms and ammunition permitted to be withdrawn at any one time.

(5) Before permitting the withdrawal of arms and ammunition, the authorized officer or Arms Authority may require such security to be given as he thinks fit that the provisions of this Act and any regulations and of the permit for withdrawal shall be complied with.

Arms to
be de-
scribed in
permit for
with-
drawal

17. Every permit for the withdrawal of arms or ammunition shall specify the mark, number and description of the arms and ammunition authorized to be withdrawn.

With-
drawal for
killing
game

Acts, 1974
No.....

Powers of
Inspector
General
of Police
to store
arms

18. The Arms Authority or an authorized officer appointed for the purpose by the Arms Authority may require any person applying for a permit for the withdrawal of arms or ammunition to be used by him for the purpose of killing game or other animals to take out a licence under the Wildlife Conservation Act, 1974, and may refuse to issue a permit until such licence is taken out.

19.-(1) Subject to the provisions for forfeiture contained in sections 37 and 38, and subject to the other provisions of this section, the Inspector-General of Police may store arms or ammunition which come into the hand of the police and may charge fees for such storage.

(2) The Arms Authority shall by notice published in the *Gazette* determine the fees to be paid in respect of storage under this section.

(3) Where any arms or ammunition are stored under this section for eighteen months or the fees payable under this section remain unpaid for two months, application may be made to a Resident Magistrate for the forfeiture of the arms or ammunition.

(4) Where in relation to an application made under subsection (3) the Resident Magistrate is satisfied-

- (a) that reasonable steps have been taken to bring the application to the notice of the person who appears to be the owner of the arms or ammunition; and
- (b) that such person has had reasonable opportunity to pay the outstanding fees or to dispose lawfully of the arms or ammunition, as the case may be, the magistrate may order the arms or ammunition to be forfeited.

20. No arms or ammunition shall be manufactured by assembled except at Arsenals established or the Government in accordance with the provisions of the Convention.

Manufac-
ture of
arms

21. No arms other than smooth bore muzzle-loading arms shall be repaired except at Government arsenals or at arsenals or establishments licensed by the Arms Authority for the purpose. Before such a licence is granted guarantees shall be given for the observance of the rules of the Convention in such form as the Minister shall direct.

Repair of
arms

22.-(I) Every person who at the commencement of this Act has in his possession or control in the United Republic any armaments or any ammunition for them shall within one month from the commencement of this Act surrender them to an authorized officer or to an Arms Authority.

Surrender
of arma-
ments

(2) Every person who after the commencement of this Act acquires the possession or control of any armaments in the United Republic shall within fourteen days from the date on which he acquires such possession or control surrender them to an authorized officer or to an Arms Authority.

(3) All armaments or ammunition surrendered under this section shall be disposed of by an authorized officer or the Arms Authority in such manner as the Minister directs.

23. Every person having in his possession or control in the country any arms or ammunition other than the arms and ammunition referred to in the preceding section shall cause them to be registered within the prescribed period and in the prescribed manner, and, if so required, to be stamped or marked by the prescribed person in the prescribed manner.

Registra-
tion of
arms al-
ready in
the coun-
try

PART V**TRADING IN ARMS AND PRIVATE WAREHOUSES**

Restric-
tion on
sale and
transfer of
arms

24. No person shall sell or transfer or buy or accept any arms or ammunition, either by way of gift or for any consideration, except in accordance with a permit signed by an authorised office.

Private
wareho-
use not to
be kept
without li-
cence

25. No person shall keep a private warehouse for arms and ammunition without a licence from the Arms Authority.

Provisions
as to pri-
vate
wareho-
uses

26. A person licensed to keep a private warehouse shall-

- (a) reserve for the purpose enclosed premises having only one entry provided with two locks, one of which can be opened only by officers of the government;
- (b) be responsible for all arms and ammunition deposited in them and account for them on demand of any authorized officer, and shall for this purpose keep a register of deposits and withdrawals in the prescribed form. Every entry in such register shall-
 - (i) be made at the time of or immediately after the deposit or withdrawal;
 - (ii) be dated;
 - (iii) be numbered consecutively;
 - (iv) contain particulars of the arms and ammunition in respect of which they are made by reference to the marks and numbers stamped and registered in pursuance of the provisions of this Act;

Acts, 1984
No.

Deposit
and with-
drawal of
arms

27.-(1) No arms or ammunition shall be deposited in or withdrawn from a private warehouse except on written application in the prescribed form and in accordance with a permit. signed by an authorized officer.

(2) If at any time there is found in a private warehouse more arms and ammunition than the quantity for which permit to deposit have been granted, the licence shall be guilty of an offence against this Act.

(3) If at any time there is found in a private warehouse less arms and, ammunition than the quantity which has been deposited in it or than the quantity which according to the register of deposits appears to have been deposited in it, and the deficiency is not accounted for by withdrawals under permits to withdraw, the licensee shall be guilty of an offence against this Act.

28.-(1) Permits to withdraw arms or ammunition from a private warehouse shall only be granted in the following cases-

Permits
for with-
drawals
from private
warehouse

- (a) where the withdrawal is for the purposes of a sale or transfer in which case the permit for the sale or transfer and the arms licence of the purchaser or transferee must be produced by the applicant; save that where such sale or transfer is of gun power or caps to a local authority or to a person acting on its behalf, the production by such local authority or person acting on its behalf of the permit for the sale or transfer shall be sufficient;
- (b) for the purposes of export, in which case any licence or permit required must be produced;
- (c) for the removal from one private warehouse to another or to a public warehouse;
- (d) for the purposes of exhibition in such premises as may be specified in the permit.

(2) Every such permit shall describe the arms and ammunition to which it relates by reference to the marks and numbers stamped and registered in pursuance of the provisions of this Act.

(3) Where the permit is given for the purposes of exhibition, the owner shall be responsible for its safe custody, and if any such arms or ammunition are removed from the premises in which they are permitted to be deposited without the permit of an authorized officer, the owner shall be guilty of an offence against this Act.

29. It shall be lawful for the Arms Authority, with the prior consent of the Minister given in such manner as may in each case be practicable, for the purposes of the restoration of public order and tranquility or the preservation of public peace in any area, to order the removal to the public warehouse or a police station of all arms and ammunition in the possession of any importers of, or dealers in, or vendors of arms or ammunition, or of such arms and ammunition only as, in the opinion of the Arms Authority, are not in safe keeping or custody, or to order the closing of all shops or stores where arms or ammunition are sold, and the suspension of the sale of all arms and ammunition during the continuance of any situation of public disturbance.

Power to
order re-
moval to
public
warehouse of
all arms and
ammunition and
to close arms
shops ect.

30. Any person who fails or refuses, after due notification, to deliver up any arms or ammunition the removal of which to the said public warehouse or police station has been ordered under section 29, and every person who omits or refuses otherwise to comply with the order is guilty of an offence and shall be liable to imprisonment for six years.

Penalty
for failure
or refusal
to deliver
up arms or
ammuni-
tion

PART VI**ENFORCEMENT PROVISIONS**

Central
officers to
be estab-
lished at
Dar es
Salaam
and Zan-
zibar

31.--(1) A central office shall be established at Dar es Salaam and at Zanzibar under the control of the Inspector-General of Police or such other officers as the Minister may appoint for recording all permits and licences issued under this Act.

(2) It shall be the duty of every authorized officer to transmit to the central offices at the beginning of every month a record of all permits and licences issued by him during the preceding month.

Safe cus-
tody of
arms and
ammuni-
tion

32.--(1) Any person having in his possession, control or custody *any* arms or ammunition shall take all such precautions as may be reasonably necessary to prevent such arms or ammunition from falling into the possession, control or custody of any unauthorized person and shall comply with such security measures, both with regard to the safe custody of the same and the condition in which the same shall be kept, as may be prescribed.

(2) In any proceedings under the provisions of this section or any regulation concerning security measures-

- (a) the burden of proof that all such precautions as were reasonably necessary to prevent such arms or ammunition from falling into the possession, control or custody of an unauthorized person were taken or that such security measures as may be prescribed were complied with, shall lie on the person charged; and
- (b) where arms or ammunition are lost or stolen, it shall be presumed, until the contrary is proved, that they have fallen into the possession, control or custody of an unauthorized person.

(3) For the purposes of this section "unauthorized person" means, In relation to any arms or ammunition, any person other than the person lawfully entitled under the provisions of this Act to possess those particulars arms or ammunitions.

Power to
make reg-
ulations

33.--(1) The Minister may, after consultation with the Arms Authority for Tanzania Zanzibar, make regulations-

- (a) prescribing persons to whom any licence or permit shall be issuable and the officers by whom the form in which, and the terms and conditions on and subject to which any licence or permit, or its duplicate, under this Act shall be issued, including the payment of fees in respect of them, and providing for the revocation of any licence or permit or its duplicate;
- (b) providing for the issue of general or special directions to authorized officers by any specified person and the compliance by authorized officers with any directions so issued;

- (c) regulating the stamping, numbering, and registering of arms and ammunition;
- (d) prescribing for the establishment and regulation of public and private warehouses;
- (e) prohibiting or regulating the possession, sale, purchase and transfer of gunpowder and caps by or from local authorities and persons acting on behalf of local authorities;
- (f) prescribing the form and manner in which any registers or records required by this Act or any regulations under it shall be kept and their inspection;
- (g) restricting and regulating the transport of arms and ammunition;
- (h) prescribing fees, rent, and charges for the use of public warehouses or for anything to be done under the Act or any regulation made under it and the manner in which they may be recovered;
- (i) prescribing the security measures, both with regard to the safe custody of arms and ammunition and the condition in which they shall be kept, to be taken by any person having in his possession, control or custody any arms or ammunition;
- 6) generally for the carrying out of the provisions of this Act,

(2) All regulations made under this section shall be published in the *Gazette*.

(3) In making regulations under this section, the Minister may make regulations specifically relating to Tanzania Zanzibar or making provisions in relation to situations pertaining to arms or ammunition in Tanzania Zanzibar which are different from those made in respect of situations and arms and ammunition in Mainland Tanzania.

34.-(1) Any person who contravenes any provision of this Act, or any regulation, notice, or order under it, or the conditions of any licence or permit, shall be guilty of an offence against this Act.

Penalties

(2) Any person guilty of an offence against this Act shall on conviction, except where any other penalty is provided, be liable to imprisonment for a term not exceeding fifteen years or to a fine not exceeding three million shillings or to both the fine and imprisonment.

(3) Any person so convicted who holds a licence or **permit under this Act** shall be further liable to forfeiture of his licence or permit or to its suspension for such period as the court thinks fit.

35. Any person who abets or attempts to commit any offence against this Act shall himself be guilty of an offence against this Act.

Attempts
and abet-
ment

Penalty
for use
and POS
session of
firearms
and imita-
tion
firearms
in certain
cases

36.-(1) If any person makes or attempts to make any use at all of a firearm or imitation firearm with intent to resist or prevent the lawful apprehension or detention of himself or any other person he shall be guilty of an offence, and conviction liable to imprisonment for six years.

Where any person commits an offence under this subsection in respect of the lawful apprehension or detention of himself for any other offence committed by him, he shall be liable to the penalty provided by this subsection in addition to any penalty to which he may be sentenced for that other offence.

(2) If any person, at the time of his committing, or at the time of his apprehension for, any offence specified in the Schedule to this Act, has in his possession a firearm or imitation firearm, he shall, unless he shows that he had it in his possession for a lawful object, be guilty of an offence under this subsection, and on conviction liable to imprisonment for three years in addition to any penalty to which he may be sentenced for the first-mentioned offence.

(3) If on the trial of any person for an offence under subsection (1) the court is not satisfied that that person is guilty of that offence but is satisfied that he is guilty of an offence under subsection (2), it may find him guilty of the offence under subsection (2), and he shall thereupon be liable to be punished accordingly.

(4) An imitation firearm shall, notwithstanding that it is not loaded or is otherwise incapable of discharging any shot, bullet or other missile, be deemed to be an offensive weapon or instrument for the purposes of section 286 of the Penal Code.

(5) In this section, the expression "imitation firearm" means anything, other than an arm within the meaning of section 3, which if observed in daylight has the appearance of being a lethal barreled weapon of any description.

Forfeiture
of arms,
etc., con-
nected
with of-
fence

37. Any arms or ammunition and any vessel in respect of or in connexion with which an offence has been committed under this Act may, if the court thinks fit, be forfeited to the Government.

Forfeiture
of arms or
ammuni-
tion with-
out appa-
rent
owner

38. Any arms or ammunition which are found in any building, vessel, aircraft, or place without any apparent owner may whether or not any person is charged with or convicted of any offence in connexion with them, be ordered by the court to be forfeited to the Government.

39. It shall be lawful for any police officer to stop, and to search for arms—

- (a) any person whom he may find in any street or other public place between the hours of p.m. and 6 a.m., and
- (b) any person whom he may find in any street or other public place, at any hour of the day or night, who acts in a suspicious manner, or whom he may suspect of having any arms in his possession.

Power to stop and search for arms in the street

40. When any officer or other person executing a search warrant has, reasonable cause to believe that any arms or ammunition found by him in any place, ship or vehicle are being kept, conveyed, landed or sold in contravention of this Act or any regulation, he may seize and detain the same until a magistrate has decided whether or not they are liable to be forfeited

Seizure of arms

41. A person acting under such warrant shall not be liable to any suit for seizing or detaining any arms or ammunition subject or appearing, to be subject to the provisions of this Act.

Persons seizing arms indemnified

PART VII

MISCELLANEOUS PROVISIONS

42. Every person who is proved to have had in his possession or under his control anything whatever containing any arms or ammunition, shall until the contrary is proved, be deemed to have been in possession of such arms or ammunition.

Presumptions

43. The powers and duties which may be exercised by the Inspector-General of Police under this Act may be exercised by any police officer of or above the rank of senior superintendent authorized in writing in that behalf by the Inspector-General of Police.

Power of other police officers

44. The Firearms Decree, Cap. 162 of the Laws of Zanzibar is hereby repealed.

Repeal of Cap. 162 of Zanzibar

45. The Arms and Ammunition Ordinance is hereby repealed.

Repeal of Arms and Ammunition Ordinance

Saving,
transi-
tional and
consequen-
tial provi-
sions

46.-(1) Notwithstanding the repeal of the Firearms Decree and of the Arms and Ammunition Ordinance-

- (a) all subsidiary legislation made under the Firearms Decree in relation to arms and ammunition in Tanzania Zanzibar, and all subsidiary Legislation made under the Arms and Ammunition Ordinance in relation to arms and ammunition in Mainland Tanzania, which is in force on the appointed day shall be deemed to be subsidiary legislation made under this Act, and shall remain in force until revoked by regulations or rules made under this Act;
- (b) all officers appointed under the Firearms Decree or the Arms and Ammunition Ordinance to perform functions in relation to the control of the manufacture, importation, sale storage, carriage, export or other dealings in arms and ammunition, shall continue to perform those functions in so far as this Act relates to them unless their tenure of office expires or their appointments are sooner terminated or as the case may be, they are re-appointed and shall, for that purpose, be deemed to have been appointed under this Act.

(2) Notwithstanding any provision in this Act to the contrary, the Minister may, on the recommendation of the Arms Authority and upon being satisfied that special circumstances exist which make it just and equitable to do so, permit any person who was licensed, registered or permitted in any other way under the Firearms Decree or the Arms and Ammunition Ordinance to deal in any manner with or in connection with arms or ammunition continue doing so, after the appointed day, upon conditions determined by the Minister.

(3) The Minister may, after consultation with the Arms Authority for Tanzania Zanzibar, by notice published in the *Gazette*, at any time before the expiry of twelve months from the appointed day, make such consequential, transitional or supplementary provision as he may consider necessary consequent upon the repeal of the Firearms Decree, and the Arms and Ammunition, or for facilitating the assumption by the Arms Authority of its functions under this Act.

SCHEDULE

Section 36(2)

Offences

1. Theft contrary to section 258 of the Penal Code.
2. Causing injury to property contrary to section 319, 321, 323, 325, 326, 327 and 331 of the Penal Code.
3. Offences against morality under Chapter XV of the Penal Code.

Passed in the National Assembly on the eighth day of February, 1991.

M. Mwindadi *MMwindad*

Clerk of the National Assembly