

THE UNITED REPUBLIC OF TANZANIA



No. 3 OF 1991

I ASSENT,

Mwanga
.....
President
30/6/91

An Act to amend the Deportation Ordinance

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Deportation (Amendment) Act, 1991, and shall be read as one with the Deportation Ordinance, in this Act referred to as "the Ordinance".

Short title
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Cap.38

2. Section 1 of the Ordinance is hereby amended—

Amend-
ment of
Section 1

- (a) by renumbering the contents of section 1 as subsection (1) of that section; and
- (b) by adding immediately after subsection (1) the following new subsection—

“(2) This Act shall extend to Tanzania Zanzibar as well as to Mainland Tanzania”.

3. The Ordinance is hereby amended by adding immediately after section 1 the following section—

Addition
of section
1A

“Interpre-
tation

1A. In this Act, unless the context requires otherwise—
“the Committee” means the Advisory Committee established by section 11;
“deportation order” means an order made under section 2;
“deportee” means any person in relation to whom a deportation order is issued;

"High Court" means the High Court of the United Republic or the High Court of Zanzibar;
 "the Minister" means the Minister for the time being responsible for internal affairs;
 "person" includes a person who is not a citizen of the United Republic;
 "United Republic" means the United Republic of Tanzania."

"Amendment of section 2

4. Section 2 of the Ordinance is hereby deleted and substituted by the following—

2.—(1) Where it is shown by evidence on oath to the satisfaction of the President that any person is in any manner conducting himself so as to be dangerous to peace and good order in any part of the United Republic, the President may if he thinks fit by order under his hand and official seal order that person to be deported from any part of the United Republic to any other part of the United Republic.

(2) Where the person is to be deported from any area of Tanzania Zanzibar to another area of Tanzania Zanzibar or to any area of Mainland Tanzania, the President shall make the deportation order after consultation with the President of Tanzania Zanzibar".

Repeal and replacement of Section 3

5. Section 3 of the Ordinance is hereby repealed and replaced by the following section—

"Right to petition order

Any deportee may petition the High Court on any ground pertaining to compliance with the procedure prescribed or required by or under the Ordinance".

Addition of section 3A

6. The Ordinance is hereby amended by adding immediately after section 3 the following section—

"Right to make representations

3A.—(1) A deportee shall, not later than fifteen days from the date of commencement of execution of the deportation order, be informed by the Minister of the ground on which he is being deported and shall be afforded an opportunity of making representations in writing to the President with respect to the deportation order.

(2) Where, after fifteen days, a deportee is not informed in writing of the grounds on which he is being deported he shall be released.

Amendment of section 5

7. Section 5 is hereby amended:

(a) by renumbering the contents of section 5 as subsection (1) of that section; and

(b) by adding immediately after subsection (1) the following new subsection—

“(2) The President may make regulations—

(i) disapplying to deportees detained under this section, any provisions of the Prisons Ordinance relating to convicted criminal prisoners and applying in relation to deportees any of such provisions relating to civil prisoners as the President may determine; and

(ii) allowing visits to and correspondence to or from, such persons.”

8. The Ordinance is hereby amended by adding immediately after section 9 the following new sections—

Addition
of new
sections
10 and 11

“Deportation to be published in the Gazette

10. The President shall cause the name of every person deported under this Act to be published in the *Gazette*.

Advisory Committee

11.—(1) There is hereby established an Advisory Committee which shall consist of—

(a) a Chairman and two other members appointed by the President; and

(b) two members appointed by the Chief Justice.

(2) A member of the Advisory Committee may resign his membership by writing under his hand addressed to the authority by whom he was appointed.

(3) The quorum of the Committee shall be three, of whom one shall be the Chairman, one shall be another member appointed by the President, and one shall be a member appointed by the Chief Justice.

(4) The President shall refer to the Committee every deportation order made under this Act—

(a) where representations have been made in pursuance of section 3A(1), as soon as may be after the making of such representations;

(b) where no such representations have been made, within three months from the date the deportation order was issued,

and thereafter at intervals not exceeding a year (unless the deportation order has been rescinded) and shall inform the Committee of the grounds on which the deportation order was issued and of such other matters relating to the deporta-

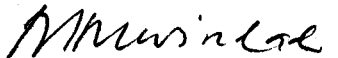
tion as are relevant to the continued deportation and provide the Committee with a copy of all representations made by the deportee.

(5) Where no reference to the Committee is made within the time stipulated in subsection (4) of this section, the deportee shall be entitled to be released.

(6) The Committee shall be afforded an opportunity of interviewing any deportee a deportation order in respect of whom is referred to them under this section.

(7) The Committee shall advise the President whether in their opinion a deportation order made under this Act should be continued, rescinded or suspended, but the President shall not be required to act in accordance with the advice of the Committee.”.

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


M. Mwindadi
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Clerk of the National Assembly