

THE UNITED REPUBLIC OF TANZANIA



No. 4 OF 1991

I ASSENT,


.....
President
20/6/91
.....

An Act to amend certain various written laws

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Written Laws (Miscellaneous Amendments) Act, 1991.

2. The various laws set forth in the first and second columns of the Schedule to this Act are hereby amended in the manner specified in the third column.

Amend-
ment of
certain
written
laws

SCHEDULE

COLUMN 1

COLUMN 2

COLUMN 3

Acts, 1985
No. 9

Criminal Procedure Act, 1985

The Act is amended by deleting section 228 and substituting for it the following:—

“Accused to be called to plead **228.—**(6) After the accused has pleaded to the charge read to him in the court under this section the court shall obtain from him his permanent address and shall record and keep it”.

Pleading to information **275.—**(2) After the accused person has pleaded to the charge read to him in the court under this section the court shall obtain from him his permanent address and shall record and keep it”.

“Section 365 is amended by deleting subsection (2) and substituting for it the following:—

“(2) Where notice of time, place of hearing cannot be served on any person because he cannot be found through the address obtained from him by the court under section 228 or 275, the notice shall be brought to his attention in the manner prescribed by section 381 (2).

“Section 381 is amended—

(a) by renumbering the existing provisions of the section as subsection (1); and

(b) by adding after subsection (1), the following:—

“(2) Where notice of time, place and hearing cannot be served on the respondent because he cannot be found through the address obtained by the court under section 228 and 275 the notice shall be brought to his attention through publication in a newspaper three times, and at the end of that service the court shall proceed with the appeal in the absence of the respondent”.

Acts, 1984
No. 2 Magistrates' Courts
 Acts, 1984

Section 34 is amended by deleting subsection (4) and substituting for it the following:—

"(4) Where notice of time, place and hearing cannot be served on a party who is respondent by virtue of his having been previously acquitted and his acquittal is being appealed against, if he cannot be found through the address obtained by the trial court from him, the court shall order that notices be brought to his attention through publication in a newspaper three times, and at the end of that service the court may proceed with the appeal in the absence of the respondent."

Paragraph 31 of the Third Schedule to the Act is amended—

(a) by renumbering the existing provisions of the paragraph as subparagraph (1); and (b) by adding after sub paragraph (1) the following new subparagraph—

(2) After the accused has pleaded to the charge read over to him (in the court under this paragraph) the court shall obtain from the accused his permanent address and shall record and keep that address as part of the record of the proceedings.

Acts, 1984
No. 3 Economic and Organised
 Crime Control Act, 1984

The Act is hereby amended by adding after section 31 the following new section—

"31A. After the accused person has pleaded to the charge read to him in the court under this section the court shall obtain from him his permanent address and shall record and keep it

Cap. 134 Cultivation of Noxious Plants
 (Prohibition) Ordinance

By deleting section 2 and substituting for it the following:—

"specified plant" means any plant specified in the Schedule to this Ordinance.

(2) Any person who—

(a) plants, grows, or in any other manner cultivates any specified plant, or
(b) consumes, uses or has in his possession any specified plant, or any substance from the specified plant, or any compound or admixture of it,

is guilty of an offence and shall be liable to a fine equal to the market value of the specified plant or dangerous drug but shall not in every case be less than ten thousand shillings, or to a term of imprisonment not exceeding twenty

SCHEDULE—(contd)

COLUMN 1

COLUMN 2

COLUMN 3

years nor less than three years, and the court shall order that any such plant, dangerous drug or substance in respect of which an offence has been committed shall be destroyed."

"Interpretation and prohibition of planting, etc., specified plants

2.—(1) In this Ordinance, except where the context requires otherwise—

Acts, 1978
No. 10

Food (Control of Quality)
Act, 1978

Section 7 is amended in subsection (2) by deleting the words "ten thousand shillings" and substituting for them the words "one million shillings".

Section 17 is amended in subsection (3) by deleting the words "ten thousand shillings" and substituting for them the words "one million shillings".

Section 19 is amended in subsection (2) by deleting the words "ten thousand shillings" and substituting for them the words "to fine not exceeding one million shillings".

Section 32 is amended in subsection (5) by deleting the words "to a fine of not less than two thousand shillings" and substituting for them the words "to a fine of not less than fifty thousand shillings nor exceeding five hundred thousand shillings".

Section 36 is amended in subsection (2) by deleting the words "one thousand shillings" and substituting for them the words "one hundred thousand shillings".

Section 38 is amended in subsection (4) by deleting the words "three thousand" and substituting for them the words "three thousand shillings".

Section 46 is amended—

- (a) in subsection (1) by deleting the words "two thousand shillings" and substituting for them the words "two hundred thousand shillings; and
- (b) in subsection (2) by deleting the words "five thousand shillings" and "four months" and substituting for them the words "five hundred thousand shillings" and "twelve months" respectively;
- (c) in subsection (5) by deleting the words "three thousand shillings" and "two months" and substituting for them, respectively, the words "three hundred thousand shillings" and "twelve months"

Section 62 is amended by deleting subsection (1) and substituting for it the following:—

"(1) Any person who commits an offence under this Act in respect of which no specific penalty is provided, shall be liable, in the case of a first offence, to a fine not exceeding one hundred thousand shillings, and, in the case of a second offence, to a fine not exceeding three hundred thousand shillings, and, in the case of a subsequent offence, to a fine not exceeding five hundred thousand shillings; but if in any case the market value of the food or other articles involved in the offence committed is greater than five hundred thousand shillings, he shall be liable to a fine equal to the value of the food or other articles involved, and to imprisonment for a term not exceeding five years."

Acts, 1990
No. 10

National Investment
(Promotion and Protection)
Act, 1990

Section 2 is amended by inserting after the definition "Director" the following definition:—

"effective date" means the date of commencement of this Act;"

Section 23 is amended in subsection (1) by deleting the words "operative date" and substituting for them the words "effective date"

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

M. Mwindadi *M. Mwindadi*
Clerk of the National Assembly