

THE UNITED REPUBLIC OF TANZANIA



No. 10 OF 1989

I ASSENT,

W. M. K. M. M.

President

21st May 1989

An Act to amend certain 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, 1989. Short title

2. The 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. Amendment of certain laws

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| 10. Unlawful possession of munitions or arms of war | National Security Act, 1970, Section 8, or Arms and Ammunition Ordinance |
| 11. Mutiny or incitement to mutiny by a convict | Prisons Act |
| 12. Unlawful possession of, or unlawfully dealing in trophies or Government trophies; Unlawful capture, hunting or trapping of animals in a game reserve, game-controlled area of national park". | Wild-life Protection Act, 1974, or National Parks Ordinance |

(b) by adding after Part II the following:

"PART III

Acts, 1972

Minimum Sentences Act, 1972

- nd armed robbery.
 | robbery and attempted armed robbery.
 th intent to steal.
4. Unlawful possession of, unlawfully dealing in trophies or Government trophies; or unlawfully capturing, hunting or trapping animals in a game reserve, game-controlled area or national park".

Section 5 is amended—

- (i) by deleting paragraph (b) and substituting for it the following:—

SCHEDULE—(contd)

COLUMN 1

COLUMN 2

COLUMN 3

Cap. 16

Penal Code

“(b) where any person is convicted of robbery, the court shall sentence him to imprisonment for a term of not less than fifteen years”;

(ii) by adding immediately after paragraph (b) the following new paragraphs—

“(bb) where any person is convicted of armed robbery, the court shall sentence him to imprisonment for a term of not less than thirty years; if convicted of attempted armed robbery, a term of not less than fifteen years; and if convicted of assault with intent to steal, a term of not less than five years”;

(iii) by substituting a semi-colon for the full stop at the end of paragraph (e), and adding the following paragraphs:

“(f) where any person is convicted of possession of offensive weapons or materials contrary to section 8 of the National Security Act, 1970, the court shall sentence such person to imprisonment for a term of—

(i) if the weapons or materials are munitions of war, not less than fifteen years, with corporal punishment;

(ii) if the weapons or materials are civilian arms or ammunition, not less than seven years;

(g) Where any person is convicted of being in unauthorized possession of arms or ammunition contrary to the provisions of the Arms and Ammunition Ordinance, the court shall sentence such person to imprisonment for a term of—

(i) if the arms are or include arms of war, not less than fifteen years, with corporal punishment;

(ii) if the arms are civilian arms, not less than seven years.

The First Schedule is amended by deleting paragraph 4 which relates to robbery”.

Section 287 is repealed and replaced by the following section:

“Attempted robbery 287.—(1) Any person who assaults any person with intent to steal anything, and, at or immediately before or immediately after the time of assault, uses or threatens to use actual violence to any person or property in order to obtain the thing intended to be stolen, or to prevent or overcome resistance to its being stolen, is guilty of an offence, and is liable to imprisonment for a term not less than seven years and not exceeding twenty years, with corporal punishment.

(2) If the offender is armed with any dangerous or offensive weapon or instrument, or is in company with one or more other person or persons, or if, at or immediately before or immediately after the time of the assault, he uses any personal violence to any person, he is liable to imprisonment for a term of not less than fifteen years and a maximum of life imprisonment, with corporal punishment.”

is repealed and replaced by the following section:

“Assault with intent to steal 288. Any person who assaults any person with intent to steal anything is guilty of an offence, and is liable to imprisonment for a term of not less than five years and not exceeding fourteen years; with corporal punishment.”

Section 148 is hereby amended by deleting sub-section (4) and substituting for it the following:

Acts, 1985
No. 9

Criminal Procedure
Act, 1985

SCHEDULE—(contd)

COLUMN 1

COLUMN 2

COLUMN 3

Acts, 1985
No. 9

Criminal Procedure Act, 1985

“(4) Notwithstanding anything in this section contained, no police officer or court shall, after a person is arrested and while he is awaiting trial or appeal, admit that person to bail if the Director of Public Prosecutions certifies in writing that it is likely that the safety or interests of the Republic would thereby be prejudiced.

(4A) A certificate issued by the Director of Public Prosecutions under this section shall take effect from the date it is filed in court or notified to the officer in charge of a police station, and shall remain in effect until the proceedings concerned are concluded or the Director of Public Prosecutions withdraws it.”.

In section 235 —

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

(b) adding after sub-section (1) the following sub-section:

“(2) If the court acquits the accused, it shall require him to give his permanent address for service in case there is an appeal against his acquittal, and the court shall record or cause it to be recorded.”.

In Section 312, by adding after subsection (3) the following subsection”.

“(4) Where, at any stage of the trial, a court acquits an accused, it shall require him to give his permanent address for service in case there is an appeal against his acquittal, and the court shall record or cause it to be recorded”.

In section 365 —

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

(b) adding after sub-section (1) the following new sub-section:—

“(2) Where notice of time, place and hearing cannot be served on the respondent because he cannot be found through the address given to the court under section 235, the court may order that notices be brought to his attention through publication in a newspaper three times at intervals of ten days, and at the end of that service the court may proceed with the appeal in the absence of the respondent.”.

In section 379(b)(i), by inserting, immediately before the word “judgment”, the word “proceedings,”

Acts, 1984
No. 2

Magistrates' Courts Act, 1984

The third Schedule to the Act which enacts the Primary Courts Criminal Procedure Code, is amended in paragraph 31, by adding after sub-paragraph (1) the following:

“(2) Where, at any stage of the trial, the court acquits an accused, it shall require him to give his permanent address for service in case there is an appeal against his acquittal, and the court shall record or cause it to be recorded.”

Section 34 is amended by adding after subsection (3) the following subsection:

“(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 given by him to the trial court, the court may order that notice be brought to his attention through publication in a newspaper three times at intervals of ten days, and at the end of that service the court may proceed with the appeal in the absence of the respondent.”.

SCHEDULE—(contd)

COLUMN 1

COLUMN 2

COLUMN 3

Acts, 1984
No. 13

Economic and Organized Crime Control
Act, 1984

In paragraph 16 of the First Schedule, by adding after sub-paragraph (c) the following sub-paragraph:

"(d) is found in unlawful possession of a trophy;"

By adding after paragraph 20, the following paragraph:

"Unauthorised possession of arms and ammunition 21. A person is guilty of an offence under this paragraph who is found in unauthorized possession of arms or ammunition contrary to the provisions of the Arms and Ammunition Ordinance."

"Section 35 is amended—

(a) by adding after subsection (2) the following subsection:

"(2A) A certificate issued by the Director of Public Prosecutions under subsection (2) shall take effect from the date it is fixed in court or notified to the officer in charge of a police station, and shall remain in effect until the proceedings concerned are concluded or the Director of Public Prosecutions withdraws it".

(b) in subsection (3), by deleting paragraph (f) and substituting for it the following:

"(f) the offence for which the person is charged involves property whose value exceeds ten million shillings, unless that person pays cash deposit equivalent to half the value of the property, and the rest is secured by execution of a bond".

- (c) In subsectionj (4) by deleting the word "may" in the proviso to paragraph (a) and substituting for it the word "shall".

Section 42 is amended by the adding after subsection (3) the following:—

- "(4) If, at any stage of the proceeding's, the court acquits the accused, it shall require him to give his permanent address for service in case there is an appeal against his acquittal, and the court shall record or cause it to be recorded".

Act, 1974
No. 12

Wildlife Conservation Act, 1974

In section 67(2), by deleting paragraphs (a), (b) and (c) and substituting for them the following paragraphs —

- "(a) where the trophy which is the subject matter of the charge or any part of such trophy is part of an animal specified in Part I of the First Schedule to this Act and the value of the trophy does not exceed five thousand shillings, to imprisonment for a term of not less than ten years but not exceeding twenty years or to a fine of not less than an amount equal to ten times the value of the trophy but not exceeding twenty times the value of the trophy;
- (b) where the trophy which is the subject matter of the charge or any part of such trophy is part of an animal specified in Part I of the First Schedule to this Act and the value of the trophy exceeds five thousand shillings, to imprisonment for a term of not less than twenty years but not exceeding thirty years and in addition to it the court may impose a fine of an amount not exceeding one hundred thousand shillings or ten times the value of the trophy, whichever is the larger amount;
- (c) In any other case:—
- (i) where the value of the trophy which is the subject matter of the charge does not exceed five thousand shillings, to a fine of not less than an amount equal to five times the value of the trophy but not exceeding ten times the value of the trophy or to imprisonment for a term of not less than two years but not exceeding seven years.

SCHEDULE—(contd)

COLUMN 1

COLUMN 2

COLUMN 3

(ii) where the value of the trophy which is the subject matter of the charge exceeds five thousand shillings but does not exceed twenty thousand shillings, to a fine of not less than an amount equal to five times the value of the trophy but not exceeding an amount equal to ten times the value of the trophy or to imprisonment for a term of not less than five years but not more than fifteen years;

(iii) where the value of the trophy which is the subject matter of the charge exceeds twenty thousand shillings, to imprisonment for a term of not less than ten years but not exceeding twenty years and the court may in addition to that impose a fine not less than one hundred thousand shillings nor more than ten times the value of the trophy, whichever is the larger amount.

(2A) There shall be awarded, in addition to the sentence of imprisonment imposed in respect of an offence under subsection (2), corporal punishment in accordance with the Corporal Punishment Ordinance".

Acts, 1984
No. 17

Rent Restriction Act, 1984

Section 7 is amended by deleting subsection (2) and substituting for it the following —

"(2) Subject to subsection (3), the Deputy-Chairman may at any time exercise the judicial functions of the Chairman, concurrently with the Chairman.

(3) The Deputy-Chairman shall exercise the administrative functions of the Chairman where —

(i) the Chairman is by reason of illness or incapacity, or any other reason, unable to exercise those functions; or

(ii) the Chairman directs the Deputy-Chairman to exercise any of such functions; but no proceedings of the Tribunal shall be invalid by reason only of the Deputy-Chairman having exercised the functions of the Chairman otherwise than in the circumstances specified in this section.”.

Section 10 is amended by deleting paragraph (b) and substituting for it the following:

“(b) such number of Deputy-Chairman, not exceeding four, as the local situation may necessitate, and not more than seven other members to be appointed by the Minister after consultation with the Regional Commissioner.”

Section 11 is amended by deleting subsection (2) and substituting for it the following:

“(2) The jurisdiction of the Tribunal shall be exercised by the Chairman or Deputy-Chairman sitting with two other members of the Tribunal.”.

Passed in the National Assembly on the twenty-fifth day of April, 1989

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