

CHAPTER 322

THE POLICE FORCE AND AUXILIARY SERVICES ACT

[PRINCIPAL LEGISLATION]

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SCHEDULES

CHAPTER 322

THE POLICE FORCE AND AUXILIARY SERVICES ACT 1

An Act to provide for the organisation, discipline, powers and duties of the Police Force, a Police Reserve and an Auxiliary Police Force and for related matters.

[1st January, 1953]

[13th August, 1939]

[9th June, 1948]

Ords. Nos.

1 of 1939

14 of 1950

51 of 1952

27 of 1954

22 of 1955

1 of 1958

43 of 1958

[R.L. Cap. 56]

[R.L. Cap. 262]

64 of 1961

35 of 1962

19 of 1964

35 of 1965

73 of 1965

G.N. No. 73 of 1965

[R.L. Cap. 322]

Acts Nos.

2 of 1965

19 of 1965

11 of 1971

31 of 1972

15 of 1980

9 of 1985

5 of 1993

3 of 1995

PART I

PRELIMINARY PROVISIONS (ss 1-2)

[PCh322s1]1. Short title and application

(1) This Act may be cited as the Police Force and Auxiliary Services Act.

(2) The following sections shall apply to Mainland Tanzania as well as to Tanzania Zanzibar—

Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 16, 26, 63, 64, 66 (3) and (4), 67, 68, 69, 70, 71, 72, 73, 74, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 100 and 106.

[PCh322s2]2. Interpretation Ords. Nos. 22 of 1955 s. 2; 1 of 1958 s. 2; G.Ns. Nos. 73 of 1965; 11 of 1971; 31 of 1972; 73 of 1965; 15 of 1980; 9 of 1985; 5 of 1993

In this Act unless the context otherwise requires—

"arms" includes firearms;

"Assistant Commissioner" means an Assistant Commissioner of Police and the expression includes a Senior Assistant Commissioner, a superintendent or other police officer in command of the police in any region; and "Commissioner" means a Senior Commissioner or a Commissioner appointed under section 8;

"cognizable offence" has the meaning assigned to it in section 2 of the Criminal Procedure Act *;

"constable" includes all grades of the rank of constable;

"Deputy Commissioner" means the Deputy Commissioner of Police;

"Force" means the Police Force of the United Republic;

"gazetted officer" means a police officer of a rank of Assistant Superintendent or above;

"inspector" includes a chief inspector, a senior inspector, an inspector and a sub-inspector;

"Inspector-General" means the Inspector-General of Police;

"intoxicating liquor" has the meaning assigned to it in the Intoxicating Liquors Act *;

"Minister" means the Minister responsible for matters relating to the Police Force;

"non-commissioned officer" means a police officer of the rank of sergeant major, sergeant or corporal;

"officer in charge of police" means the police officer appointed by the Commissioner under section 8 to be in command of the police in any place or any police officer, his senior in rank, for the time being in such place; and where no police officer has been so appointed as aforesaid, includes the administrative officer for the time being in charge of such place;

"officer in charge of a police station" includes any officer superior in rank to an officer in charge of a police station and, when the officer in charge of the police station is absent from the

station house or unable from illness or other cause to perform his duties, the police officer present at the station house who is next in rank to such officer;

"pensionable officer" means a member of the Force whose service is pensionable under the Public Service Retirement Benefits Act *;

"police officer" means any member of the Force of or above the rank of constable;

"police post" means any place appointed by the Inspector-General to be a police post;

"Police Rewards Fund" means the Fund established under section 66 of this Act;

"police station" means any place appointed by the Inspector-General to be a police station, and includes any local area policed from such a station;

"prescribed" means prescribed by regulations made under this Act;

"property" includes any movable property, money or valuable security;

"public place" means any highway, public park, common or garden, any sea beach, or lake shore, and any public bridge, road, street, lane, footway, square, court, alley or passage, whether a thoroughfare or not; and includes any place, whether a building or not, to which for the time being the public have or are permitted to have access, whether on payment or otherwise;

"recruit" means a person undergoing training for a post in the Force who is a member of the Force but who is not a police officer;

"region" means a region of the United Republic in which the command of the police is vested in an Assistant Commissioner or superintendent or other police officer appointed by the Inspector-General to be in command thereof;

"sergeant" includes a station sergeant and all grades of the rank of sergeant;

"superintendent" includes senior superintendent;

"superintendent in charge of police" means the superintendent or other police officer appointed by the Inspector-General to be in command of any branch of the Force or of all police stationed in a Region.

PART II

CONSTITUTION, ADMINISTRATION AND DUTIES OF THE FORCE (ss 3-11)

[PCh322s3]3. Establishment of Police Force G.N. No. 73 of 1965

The Police Force of the United Republic shall be established and constituted in accordance with this Act.

[PCh322s4]4. Constitution of Force G.N. No. 73 of 1965 2nd Sch.; Act No. 11 of 1971 Sch.; G.Ns. Nos. 19 of 1966; 19 of 1996

The Force shall consist of such members of the following ranks as the President may direct, in the following order of seniority—

Gazetted Officers

Inspector-General

Commissioner

Deputy Commissioner

Assistant Commissioner

Senior Superintendent

Superintendent

Assistant Superintendent

Inspectors—

Inspector-General

Assistant Inspector

Non-Commissioned Officers—

Sergeant Major

Staff Sergeant

Sergeant

Corporal

Constables—

Constable

Recruit

Police Cadet

[PCh322s5]5. Duties of the Force G.N. No. 73 of 1965 2nd Sch.

(1) The Force shall be employed in and throughout the United Republic for the preservation of the peace, the maintenance of law and order, the prevention and detection of crime, the apprehension and guarding of offenders and the protection of property, and for the performance of all such duties and shall be entitled to carry arms.

(2) All members of the Force shall be bound to serve anywhere in the United Republic or on board any ship within the territorial waters of the United Republic, and to proceed to any neighbouring country as provided in Part XIII of this Act and to proceed to such other places as their duties under subsection (1) of this section may require.

[PCh322s6]6. Repealed

[Repealed by Act No. 2 of 1965 Sch.]

[PCh322s7]7. General powers of Inspector-General G.Ns. Nos. 148 of 1961; 73 of 1965 2nd Sch.

(1) The Inspector-General shall, subject to any orders or directions by the Minister as to the operational control of the Force have the command, superintendence and direction of the Force.

(2) The Inspector-General may, subject to the orders and directions of the Minister and to the provisions of this Act and any regulations made thereunder, from time to time make orders for the general government of the Force in relation to the enlistment, ranks, classification, duties, distribution, inspection, transfer (including expenses in connection therewith), discharge, training, arms and accoutrements, clothing and equipment, and places of residence of the members thereof, and such other orders as he may deem expedient for preventing neglect and for promoting efficiency and discipline on the part of the Force in the discharge of its duties.

[PCh322s8]8. Administration of the Force G.N. No. 73 of 1965 2nd Sch.; Act No. 11 of 1971 Sch.

(1) The administration of the force throughout the United Republic shall be vested in the Inspector-General and for this purpose the Force shall be organised in such branches and distributed according to such regions, and places as he may with the approval of the Minister, decide.

(2) A Commissioner may be appointed for any part of the United Republic, or for any function of the Force, and a Commissioner so appointed shall be the deputy of the Inspector-General and for that part or for the purposes of that function, as the case may be, and shall, subject to any direction of the Inspector-General have the powers functions and duties of the Inspector-General in that behalf; and where a Commissioner is appointed for any such part, the subordinate commanders for such part shall be responsible both to the Inspector-General and to the Commissioner for their respective commands and the following provisions of this section shall be construed accordingly. [ss. (1A)]

(3) Where a Senior Commissioner has been appointed for any part of the United Republic or for any function of the Force, the provisions of subsection (2) shall apply in relation to the Senior Commissioner as if references in that subsection to the Commissioner were references to the Senior Commissioner, and every Commissioner appointed for that part of the United Republic or for that function shall be responsible to the Senior Commissioner. [ss. (1B)]

(4) The command of the Police in any region or area shall be vested in an Assistant Commissioner or a Superintendent or any other police officer appointed by the Commissioner to be in command thereof. Subject to the orders and direction of the commissioner and, in the case of a police officer in command in a region, of the Assistant Commissioner or other police officer in command in the region in which such area is included, such police officer shall have the command, direction and management of the police in the region to which he is appointed, and shall be responsible to the Inspector-General and, in the case of a police officer in command in a region, to the police officer in command in the region in which such area is included, for all matters relating to the training, discipline and interior economy of the members of the Force under his command, and the performance of all police duties in his region or area as the case may be. [ss. (2)]

(5) The command of the police in any place in the United Republic shall be vested in such police officer as may be appointed by the Commissioner to be in command thereof. Such officer shall be subordinate to and carry out the orders of the police officer in command in the province in which such place is situated in all matters relating to the training, discipline and interior

economy of the members of the force under his command, and the performance of all police duties in the said place. [ss. (3)]

(6) In any place where there is no police officer appointed by the Inspector-General to be in command of the police in such place the administrative officer for the time being in charge of such place shall have such of the powers conferred by law upon an officer in charge of police as shall be necessary for the purpose of exercising, and, subject to the orders and directions of the police officer in command in the region in which such place is situated, shall exercise control over such police and their training, discipline and interior economy:

Provided that nothing in Parts I to XIV of this Act shall be deemed to render such administrative officer a police officer. [ss. (4)]

(7) Where an administrative officer is invested with the powers and duties of an officer in charge of police he shall keep such books and render such returns as the Inspector-General may from time to time direct. [ss. (5)]

[PCh322s9]9. Delegation by Inspector-General G.N. No. 73 of 1965 2nd Sch.

The Commissioner may with the consent of the Minister by writing under his hand, delegate any of his powers under Parts I to XIV of this Act so that the delegated powers may be exercised by the delegate with respect to the matters or class of matters specified or defined in the instrument of delegation.

[PCh322s10]10. Officers in charge of stations police to keep prescribed books and to render returns G.N. No. 73 of 1965

Every officer in charge of a police station shall keep a general diary or occurrence book in such form as the Inspector-General may from time to time direct, and shall record therein all complaints and charges preferred, the names of all persons arrested and the offences charged against such persons, and shall also keep such further books and records and shall render such returns to the Inspector-General as he may from time to time direct.

[PCh322s11]11. Officers in charge of police to be responsible for stores G.N. No. 73 of 1965

Every officer in charge of police shall be responsible for all public stores and public moneys issued and delivered for the use of the members of the Force under his command and shall account for the same to the Inspector-General.

PART III

APPOINTMENT, ENLISTMENT, SERVICE AND DISCHARGE (ss 12-26)

[PCh322s12]12. Appointment of police officers

(1) Gazetted officers shall be appointed by the Police Force and Prisons Service Commission established under the Police Force and Prisons Service Commission Act *.

(2) Inspectors and non-commissioned officers shall be appointed by the Inspector-General such manner as the Minister may direct and in accordance with such conditions (if any) as may be prescribed by this Act and any regulations or orders made hereunder.

[PCh322s13]13. Period of engagement of inspectors Ord. No. 1 of 1958 s. 4

Every inspector on appointment shall engage to serve in the Force for a probationary period of not less than two years continuous residential service and such additional period as may be fixed by the Inspector-General.

[PCh322s14]14. Enlistment constables, followers and police cadets Ord. No. 22 of 1955 s.

4

(1) Every constable and follower shall be enlisted to serve in the Force for a period of three years, or any such less period as may be fixed by the Minister.

(2) Every police cadet shall be enlisted to serve in the Force for a period of seven years, or any such less period as may be fixed by the Minister.

(3) No person who is under the age of eighteen years may be enlisted in the Force without the prior consent of his parent or guardian or, if his parent or guardian cannot be found, the prior approval of the District Commissioner of the district in which such person normally resides.

[PCh322s15]15. Declaration on joining the Force

(1) Every police officer appointed or enlisted under the provisions of this Part shall, on joining the Force, make and sign a declaration before a magistrate or gazetted officer in such manner as he may declare to be most binding on his conscience in form No. 1 of the First Scheduled to this Act.

(2) Every police officer shall on such appointment or enlistment as aforesaid and before making the declaration required by subsection (1), answer truly any questions which may be put

to him as to his previous service in the Force and as to whether he has at any time been convicted of an offence.

(3) Any person who wilfully makes a false statement in reply to a question put to him under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred shillings or to imprisonment for one month.

[PCh322s16]16. Leave conditions G.N. No. 73 of 1965

Members of the Force of or below the rank of inspector shall be eligible for leave in accordance with regulations to be made under this Act.

[PCh322s17]17. Re-engagement

(1) Every member of the Force of good character, other than a pensionable officer, who has completed his first period of enlistment may, with the approval of the Inspector-General, re-engage for a further period of not more than three years and may similarly re-engage for a third or any subsequent period until he has completed twelve years' service.

(2) Every such member of the Force referred to in subsection (1) may, with the approval of the Inspector-General, on completing such period of twelve years re-engage to serve for such further periods as may be fixed by the Inspector-General until he has completed a total period of twenty-one years' service.

(3) Every such member of the Force referred to in subsection (2) may, with the approval of the Inspector-General, on completing the period of twenty-one years continue in the Force in the same manner and in all respects as if his term of service were still unexpired, except that it

shall be lawful for him, subject to the provisions of section 22, to claim his discharge at the expiration of three months after he has given notice, to the officer in charge of police at the place where he is stationed, of his wish to be discharged.

[PCh322s18]18. Re-engagement after discharge

(1) Any member of the Force other than a pensionable officer may, with the approval of the Inspector-General, re-engage for service within six months after having received his discharge and, if the Inspector-General approves of his re-engagement, be entitled, subject to the existence of a vacancy, to the rank or grade which he held at the date of his discharge; and his service shall be deemed to be continuous for the purposes of pension or gratuity.

(2) If any such member of the Force is permitted to re-engage for service after the expiration of six months from the date of his discharge, the Inspector-General, may, subject to the approval of the Minister, allow his previous service or part thereof to count for the purposes of pension or gratuity, and the question of his reinstatement in the rank or grade which he held at the date of his discharge shall rest with the Inspector-General.

[PCh322s19]19. Service in certain other police forces may count for service in the Force

If any member of the Force other than a pensionable officer who has previously served as a police officer in a similarly constituted police service of any British colony or protectorate or protected State, or any trust territory under British administration, is enlisted in the Force within six months after having received his discharge from such previous service he shall, subject to the

approval of the Minister, be allowed to count his period of previous service in such colony, protectorate, state or territory as if it had been service in the Force:

Provided that no member of the Force shall be permitted to count towards gratuity any period of service in respect of which a gratuity has been paid or a pension is being enjoyed from funds of such colony, protectorate or state.

[PCh322s20]20. Police officers not to resign without permission

No member of the Force below the rank of assistant superintendent shall be at liberty to resign from the Force while serving a period of engagement or re-engagement unless expressly permitted to do so by the Inspector-General or by some other officer authorised to grant such permission.

[PCh322s21]21. Members of the Force not to engage in other employment

No member of the Force shall, without the consent of the Inspector-General, engage in any employment or office whatsoever otherwise than in accordance with his duties under this Act.

[PCh322s22]22. Prolongation of service in case of war

Notwithstanding any other provision of Parts I to XIV of this Act, any police officer whose period of service expires during a state of war, insurrection or hostilities may be retained and his service prolonged for such further period, terminating not later than six months from the cessation of such state of war, insurrection or hostilities, as the Minister may direct.

[PCh322s23]23. Discharge Ord. No. 1 of 1958 s. 5

(1) Subject to the provisions of subsection (2) of this section, any member of the Force other than a gazetted officer may be discharged by the Inspector-General at any time—

(a) if the Inspector-General considers that he is unlikely to become or has ceased to be an efficient police officer;

(b) if he is certified by a Government medical officer to be mentally or physically unfit for further service in the Force;

(c) on purchase of his discharge, with the approval of the Inspector-General, at the rates set out in the Second Schedule to this Act:

Provided that if at the date of the purchase of discharge such officer or follower has not completed the period of service for which he was first enlisted he shall refund the whole or such portion of the cost (if any) as the Inspector-General may determine incurred by the Government in bringing him to the United Republic:

Provided further that the Inspector-General shall have power to waive the payment of the whole or a portion of the payment for purchase of discharge in such circumstances and upon such conditions as he shall deem fit;

(d) on reduction of establishment of the Force.

(2) No member of the Force of or above the rank of sub-inspector shall be discharged under this section without the approval of the Minister.

(3) The Minister may, at any time by order, amend the Second Schedule to this Act.

[PCh322s24]24. Rules for reckoning service for purposes of discharge

In reckoning the service of any member of the Force other than a pensionable officer for purposes of discharge there shall in all cases be excluded therefrom all periods during which such member of the Force has been absent from duty for any of the following reasons—

- (a) imprisonment for any cause save that of detention awaiting any trial which has resulted in his acquittal or discharge;
- (b) desertion;
- (c) absence without leave exceeding forty-eight hours.

[PCh322s25]25. Discharge on completion of service

(1) Subject to the provisions of sections 17, 18, 19 and 22, every member of the Force, other than a pensionable officer, who has completed his period or periods of service in accordance with the provisions of Parts I to XIV of this Act, shall be discharged by the officer in charge of police at the place where he is stationed, unless at the date of such completion of service he is undergoing punishment for or stands charged with the commission of any offence against discipline under section 50, in which case his service shall be prolonged and his discharge deferred until such punishment shall have terminated or until he has undergone his trial and has been acquitted or has suffered any punishment which may be imposed in respect of the offence charged.

(2) Every such member of the Force shall on discharge, be granted a certificate of discharge in the prescribed form and shall, until he has received such a certificate of discharge, remain subject to the provisions of this Act.

[PCh322s26]26. Arms and accoutrements to be delivered upon ceasing to belong to the Force Ord. No. 64 of 1961 s. 4; G.N. No. 73 of 1965 2nd Sch.

(1) When a member of the Force ceases to belong to the Force, all powers and authorities vested in him shall immediately cease and determine and he shall forthwith deliver up to the person appointed by the Inspector-General for that purpose or to the officer in charge of police at the place at which he was last stationed all arms, ammunition, accoutrements, clothing, uniform and other appointments which have been supplied to him or entrusted to his care and which are the property of the Government.

(2) Any member of the Force who, having ceased to belong to the Force, fails to deliver up any arms, ammunition, accoutrements, clothing, uniform or other appointments as required by this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding four hundred shillings or to imprisonment for three months or to both such fine and such imprisonment, and the court may issue a warrant to search for and seize all such arms, ammunition, accoutrements, clothing, uniform and other appointments which shall not have been delivered up.

PART IV

POWERS AND DUTIES OF POLICE OFFICERS (ss 27-46)

[PCh322s27]27. General powers and duties of police officers G.N. No. 73 of 1965 2nd Sch.

(1) Every police officer shall exercise such powers and perform such duties as are by law conferred or imposed upon a police officer, and shall obey all lawful directions in respect of the execution of his office which he may from time to time receive from his superiors in the Force.

(2) Every police officer shall be deemed to be on duty at all times and may at any time be detailed for duty in any part of the United Republic.

(3) Every police officer shall promptly obey and execute all orders and warrants lawfully issued to him, collect and communicate to his superior officers intelligence affecting the public peace, take all steps necessary to prevent the commission of offences and public nuisances and to detect and bring offenders to justice, and to apprehend all persons whom he is legally authorised to apprehend and for whose apprehension sufficient ground exists; and for any of the purposes mentioned in this subsection, without a warrant, may enter at any hour of the day or night any premises licensed under the Intoxicating Liquors Act * or any place in respect of which he has reasonable grounds to suspect that illegal drinking or gambling is taking place therein or dissolute or disorderly characters are resorting thereto.

[PCh322s28]28. Police officer to be deemed prison officer in certain circumstances

Where a police officer is carrying out the duties of a prison officer, such police officer, whilst engaged in any such duty, shall be deemed to be a prison officer and shall have the powers, protection and privileges attaching to such officer.

[PCh322s29]29. Police officers may use arms in certain cases

(1) Any police officer may use arms against—

(a) any person in lawful custody charged with or convicted of an offence when such person is escaping or attempting to escape where such police officer has reasonable ground to believe that he cannot otherwise prevent the escape and has given a warning to such person that he is about to use such arms against him and such warning is unheeded;

(b) any person who—

(i) by force, rescues or attempts to rescue any other person from lawful custody; or

(ii) by force, prevents attempts to prevent the lawful arrest of any other person,

where such police officer has reasonable ground to believe that he or any other person is in danger of grievous bodily harm and that he cannot otherwise effect such arrest or prevent such rescue.

(2) The powers conferred on a police officer by this section shall be in addition to and not in derogation of any other power conferred on such police officer by any other law.

[PCh322s30]30. Power to lay information or complaints

A police officer may lay a lawful complaint or information before a magistrate and apply for a summons, warrant, search warrant or such other legal process as may by law issue against any person.

[PCh322s31]31. Police bail Act No. 15 of 1980 Sch.

(1) Without prejudice to the provisions of any other written law for the time being in force relating to the grant of bail by police officers, a person brought under the custody of the police on reasonable suspicion of having committed any offence shall be released immediately, where—

(a) the police officer who arrested him believes that that person has in fact committed no offence, or that police officer has no reasonable grounds on which to continue holding that person in custody;

(b) the police officer who arrested him believes that he arrested the wrong person;

(c) after twenty-four hours after the person was arrested, no formal charge has been laid against that person, unless the police officer in question reasonably believes that the offence suspected to have been committed is a serious one.

(2) Where a formal charge has been laid against any person under the custody of the police, a police officer in charge of a police station may, upon that person executing a bond, with or without sureties, to appear before a court if so required, release the person, where—

(a) the person, though subject to prosecution, was arrested without warrant;

(b) after due enquiry, insufficient evidence is, in his opinion, disclosed upon which to proceed with the charge;

(c) the offence, though cognizable, is not of a serious nature; or

(d) it appears that further enquiries must be carried out, and they can not be completed within a reasonably short time.

(3) Where the person arrested is under the age of fifteen years, that person may be released after his parent, guardian, relative or any reliable person has entered into a recognisance on his behalf.

(4) Notwithstanding any other written law for the time being in force relating to the grant of bail by police officers, no fee or duty shall be chargeable upon bail bonds in criminal cases, recognisances to prosecute or to give evidence, or recognisances for personal appearance or otherwise issued or taken by a police officer.

(5) Every police officer arresting a person reasonably suspected of committing any offence shall inform that person of his right to bail under this section, and where any police officer refuses to grant bail to any person under his custody, he shall reduce into writing all the reasons for his refusal.

[PCh322s32]32. Attendance of witness Act No. 9 of 1985 s. 397

(1) Where a police officer suspects that a person may have committed a serious offence, or believes that information has been received by the police that may implicate a person in the commission of a serious offence, but that suspicion or belief is not such as could, under section 13 of the Criminal Procedure Act *, justify the arrest of the person without a warrant, the police officer shall not ask him questions, unless he has first informed him that he may refuse to answer any questions put to him by the police officer.

(2) A police officer who informs a person as provided under subsection (1) shall ask him to sign or thumb print an acknowledgement, in accordance with a prescribed form, of the fact that he has been so informed and of the date on which, and the time at which, he is so informed.

(3) Where it is necessary for the court in any proceedings, to determine whether a police officer has informed a person as required by subsection (1), and an acknowledgement referred to in subsection (2) and signed by the person is not produced in evidence, the court shall assume, unless the contrary is proved, that the person was not so informed.

(4) Notwithstanding the provisions of this section, where a police officer in the course of interrogating any person under this section believes that there is sufficient evidence to warrant that person being charged with an offence, he shall proceed to charge him accordingly and to caution him in writing or, if practicable, orally in the prescribed manner, and to inform him that an inference adverse to him may be drawn from his failure or refusal to answer any question or from his failure or refusal to disclose at that stage any matter which may be material to the charge.

[PCh322s33]33. Records of interview Act No. 9 of 1985 s. 397

(1) A police officer who interviews a person for the purpose of ascertaining whether the person has committed an offence shall, unless it is in all circumstances impracticable to do so, cause the interview to be recorded.

(2) Where a person who is being interviewed by a police officer for the purpose of ascertaining whether he has committed an offence makes, during the interview, either orally or in writing, a confession relating to an offence, the police officer shall make, or cause to be made,

while the interview is being held or as soon as practicable after the interview is completed, a record in writing, setting out—

(a) so far as it is practicable to do so, the questions asked of the person during the interview and the answers given by the person to those questions;

(b) particulars of any statements made by the person orally during the interview otherwise than in answer to a question;

(c) whether the person wrote out any statement during the interview and, if so, the times when he commenced to write out the statement;

(d) whether a caution was given to the person before he made the confession and, if so, the terms in which the caution was given, the time when it was given and any response made by the person to the caution;

(e) the times when the interview was commenced and completed;

(f) if the interview was interrupted, the time when it was interrupted and recommenced.

(3) A police officer who makes a record of an interview with a person in accordance with subsection (2) shall write, or cause to be written, at the end of the record a form of certificate in accordance with a prescribed form and shall then, unless the person is unable to read—

(a) show the record to the person and ask him—

(i) to read the record and make any alteration or correction to it he wishes to make and add to it any further statement that he wishes to make;

(ii) to sign the certificate set out at the end of the record; and

(iii) if the record extends over more than one page, to initial each page that is not signed by him;

and

(b) if the person refuses, fails or appears to fail to comply with that request, certify on the record under his hand what he has done and in respect of what matters the person refused, failed or appeared to fail to comply with the request.

(4) Where the person who is interviewed by a police officer is unable to read the record or the interview or refuses to read, or appears to the police officer not to read the record when it is shown to him in accordance with subsection (3), the police officer shall—

(a) read the record to him, or cause the record to be read to him;

(b) ask him whether he would like to correct or add anything to the record;

(c) permit him to correct, alter or add to the record or make any corrections, alterations or additions to the record that he requests the police officer to make;

(d) ask him to sign the certificate at the end of the record; and

(e) certify under his hand, at the end of the record what he was done in pursuance of this subsection.

[s. 32A]

[PCh322s34]34. Witness bonds

(1) Any police officer lawfully entitled to require the attendance of any person under the provisions of section 32 of this Act may require such person to execute a bond, in the form prescribed, to appear and give evidence before a magistrate if and when required so to do.

(2) Any person who contravenes or fails to comply with any requirements made under the provisions of subsection (1) of this section shall be guilty of an offence.

[s. 33]

[PCh322s35]35. Search by police officer Acts Nos. 9 of 1985 s. 397; 5 of 1993 Sch.

(1) If a police officer in charge of a police station is satisfied that there are reasonable grounds for suspecting that there is in any building, vessel, carriage box, receptacle or place—

- (a) anything with respect to which any offence has been committed;
- (b) anything in respect of which there are reasonable grounds to believe that it will afford evidence as to the commission of any offence;
- (c) anything in respect of which there are reasonable grounds to believe that it is intended to be used for the purposes of committing any offence,

and the officer is satisfied that any delay would result in the removal or destruction of that thing, or would endanger life or property, he may search or issue a written authority to any police

officer under him to search the building, vessel, carriage box, receptacle, or place, as the case may be.

(2) When any authority referred to in subsection (1) is issued, the police officer concerned shall, as soon as practicable report the issue of authority, the grounds on which it was issued, and the result of any search made under it to a magistrate.

(3) Where anything is seized in pursuance of the powers conferred by subsection (1), the officer seizing the thing shall issue a receipt acknowledging the seizure of that thing bearing the signature of the owner of the premises, and those of witnesses of the search if any.

(4) The provisions of section 38(4) of the Criminal Procedure Act * relating to search shall, so far as may be, apply to a search made under this section.

(5) No prosecution against any person for an offence under subsection (4) shall be instituted except with the written consent of the Director of Public Prosecutions.

[s. 34]

[PCh322s36]36. Power to take finger prints, photographs, etc. Act No. 9 of 1985 s. 397

(1) Any police officer in charge of a police station or any police officer investigating an offence may take or cause to be taken measurements or, prints of the hand, fingers, feet or toes of, or recordings of the voice or, photographs of, or samples of the handwriting, of any person who is charged with an offence, whether such person is in lawful custody of the police or otherwise where such measurements, prints, recordings, photographs or samples, as the case may

be, are reasonably believed to be necessary for the identification of the person with respect to, or for affording evidence as to the commission of an offence for which he is in custody or charged.

(2) Any police officer in charge of a police station or any police officer investigating an offence may take or cause to be taken measurements prints of the hands, fingers, feet or toes, recordings of the voice, photographs, or samples of the handwriting, of any person who is not charged with any offence where such measurements, prints, recordings, photographs or samples, as the case may be, are reasonably believed to be necessary for facilitating the investigation of any offence.

(3) No person who is in lawful custody or who is charged but not in lawful custody, shall be entitled to refuse or object to having his measurements, prints, recordings, photographs or samples of his handwriting taken, and where he so refuses or objects, the police officer concerned may take such reasonable steps, including the use of reasonable force, as may be necessary to secure that the measurements, prints, recordings, photographs or samples, as the case may be, are taken.

(4) Any person who refuses to have his measurements, prints, recordings photographs or samples taken as required under subsections (1) and (2) is guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding twenty-four months or to both such fine and imprisonment.

(5) Subject to the provisions of subsection (10), a person having the custody of measurements, prints, recordings, photographs or samples and each person having the custody of copies of measurements, prints, recordings, photographs or samples shall destroy them—

(a) in the case of a person who is in lawful custody upon a charge of committing an offence—

(i) if the prosecution of that person is not proceeded with; or

(ii) where the prosecution is proceeded with, but he is acquitted;

(b) in the case of a person referred to in subsection (2), if those measurements, prints, recordings, photograph or samples, as the case may be are no longer required for the purpose of facilitating the investigation.

(6) There shall be established at a place to be approved by the Minister responsible for criminal investigations, an office to be known as the Criminal Records Office for the preservation, comparison, and indexing of fingerprint forms.

(7) The Criminal Records Office shall, subject to the general supervision of the Inspector-General, be under the control of a senior police officer, expert in comparison of fingerprints, who shall be appointed from time to time by the Attorney-General by notice published in the Gazette.

(8) Completed fingerprints forms shall be seen to and preserved at the Criminal Records Office.

(9) All fingerprint forms shall be of the prescribed pattern.

(10) Notwithstanding the provisions of subsection (5), it shall be lawful to retain all records obtained pursuant to subsections (1) and (2) of this section in respect of any person with regard to whom a removal order under the Township (Removal of Undesirable Persons)

(Ordinance or an expulsion order under the Expulsion of Undesirable Persons Ordinance) has been made and has been cancelled or rescinded.

[s. 35]

[PCh322s37]37. Medical examination Act No. 9 of 1985 s. 397

(1) A magistrate may, on the application of a police officer, allow a medical officer to examine a person in lawful custody in respect of an offence or may allow a medical officer to take and analyse any specimen from such a person if he has reasonable grounds for believing that the examination or analysis would provide evidence relating to the offence.

(2) After the medical officer has made the examination and analysis as provided under subsection (1), he shall submit a written report of the same to the court.

(3) In any proceedings, a court may order that any person who is a party to or a witness in the proceedings submits himself for medical examination and that person shall so submit himself.

(4) The medical officer shall, after examining a person in respect of whom the court has ordered that he submits himself for medical examination in accordance with the provisions of subsection (3) transmit to the court ordering the examination a written report pertaining to the examination.

[s. 35A]

[PCh322s38]38. Identification parade

(1) Any police officer in-charge of a police station or any police officer investigating an offence may hold an identification parade for the purpose of ascertaining whether a witness can identify a person suspected of the commission of that an offence.

(2) Any police officer in-charge of a police station or any police officer investigating an offence may require any person whose participation is necessary for the investigation of an offence to attend and participate in an identification parade.

(3) No person who is required under subsection (2) to attend and participate in an identification parade shall be entitled to refuse or object to attend and participate in the identification parade.

(4) Any person who, without just cause, or who unreasonably refuses to attend and participate in an identification parade is guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

[s. 35B]

[PCh322s39]39. Power to inspect licences and search vehicles

(1) Any police officer may stop and detain any person—

- (a) whom he sees doing any act or thing; or
- (b) whom he sees in possession of any thing; or
- (c) whom he suspects of doing any act or thing or being in possession of any thing,

for which a licence is required under any law for the time being in force and may require such person to produce such licence, and may stop and search any vehicle which he has reasonable grounds for suspecting is being used in the commission of an offence against any law for the time being in force.

(2) Any such person who fails to produce such licence when called upon by a police officer so to do may be arrested without a warrant, unless he gives his name and address and otherwise satisfies the police officer that he will duly answer any summons or other proceedings which may be taken against him.

(3) Any person who fails to obey any reasonable signal of a police officer, requiring such person to stop any vehicle, under the provisions of subsection (1) of this section, or who obstructs any officer in the execution of his duty being exercised under the provisions of the said subsection, shall be guilty of an offence, and any police officer may arrest any such person without a warrant, and may cause any such vehicle found by him to have been used for the commission of an offence against any law in force to be moved to the nearest police station and there detained until released by the officer in charge of such police station:

Provided that no such arrest shall take place if such person gives his name and address and satisfies such police officer as provided in subsection (2) of this section.

[s. 36]

[PCh322s40]40. Force to keep order on public roads

(1) It shall be lawful for the Force to regulate and control traffic; to divert all or any on particular kind of traffic, when in the opinion of the officer in charge of police it is in the public interest to do so; to close any street for the purpose of preventing the interruption of any public proceedings by the noise or presence of street traffic; to keep order and prevent obstruction on public roads, streets, thoroughfares, landing places, or other places of public resort or to which the public have access, or on the occasion of assemblies and processions on public roads and streets, or in the neighbourhood of places of public worship during the time of worship therein, or in any case when any road, street, thoroughfare or landing place may be thronged or may be liable to be obstructed.

(2) Every person who opposes or disobeys any lawful order given by a police officer in the performance of his duty under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding four hundred shillings or to imprisonment for three months.

(3) Any person who opposes or disobeys any lawful order given by a police in the performance of his duty under this section may be arrested by any police officer without a warrant unless he gives his name and address and otherwise satisfies such police officer that he will duly answer any summons or other proceedings which may be taken against him.

[s. 37]

[PCh322s41]41. Road barriers

(1) Notwithstanding the provisions of any other law in force, a superintendent or any officer in charge of police may, if he considers it necessary so to do for the maintenance and

preservation of law and order or for the prevention and detection of crime, erect or place barriers in or across any road or street or in any public place in such manner as he may think fit.

(2) A police officer in uniform may take all reasonable steps to prevent any vehicle being driven past any such barrier and any driver of any vehicle who fails to comply with any reasonable signal of such police officer requiring him to stop such vehicle before reaching any such barrier, shall be guilty of an offence and shall, on conviction therefor, be liable to a fine not exceeding one thousand shillings or a term of imprisonment not exceeding twelve months or to both such fine and such imprisonment.

(3) Any person who fails to comply with any such signal as in subsection (2) aforesaid may be arrested by any police officer without a warrant.

(4) No police officer shall be liable for any loss or damage resulting to any vehicle or for any injury to the driver or any other occupant of such vehicle as a result of the driver of such vehicle failing to obey any police officer acting under the provisions of subsection (2) of this section.

[s. 38]

[PCh322s42]42. Power to regulate music and the conduct of assemblies, etc. Ord. No. 1 of 1958 s. 8

(1) A superintendent or any officer in charge of police may, in such manner as he may deem fit, issue orders for the purposes of—

(a) regulating the extent to which music may be played, or to which music or human speech, or any other sound may be amplified, broadcast, relayed or otherwise reproduced by artificial means in public places;

(b) directing the conduct of all assemblies and processions in public places, and specifying the route by which, and the time at which any such procession may pass,

and may, for any of the purposes aforesaid, give or issue such orders as he may consider necessary or expedient.

(2) Any person who neglects or refuses to obey any order given or issued under the provisions of subsection (1) shall be guilty of an offence and may be arrested without a warrant and shall be liable on conviction to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

[s. 39]

[PCh322s43]43. Assemblies and processions in public places Ord. No. 1 of 1958 s. 8; Acts Nos. 64 of 1961 s. 5; 3 of 1995 Sch.

(1) Any person who is desirous of convening, collecting, forming or organising any assembly or procession in any public place shall, not less than forty eight hours before the time when the assembly or procession is scheduled to take place, submit a written notification of his impending assembly or procession to the police officer in charge of the area specifying—

(a) the place and time at which the meeting is to take place;

(b) the purpose in general of the meeting; and

(c) such other particulars as the Minister may from time to time, by notice published in the Gazette, specify.

(2) Where a person submits a notification in accordance with subsection (1), he may proceed to convene, collect, form or organise the assembly or procession in question as scheduled unless and until he receives an order from the Police Officer in charge of the area directing that the assembly or procession shall not be held as notified.

(3) A Police Officer to whom a notification has been submitted pursuant to subsection (1), shall not give a stop order under subsection (2) in relation to the notification unless he is satisfied that the assembly or procession is likely to cause a breach of the peace or to prejudice the public safety or the maintenance of public order or to be used for any unlawful purpose.

(4) The officer in charge of Police may stop or prevent the holding or continuance of any assembly or procession in a public place which has been convened, collected, formed or organised otherwise than in accordance with the notification under subsection (1) or in regard to which any particular specified by the Minister under paragraph (c) of subsection (1) has been or is being contravened and may, for any of the purposes aforesaid, give or issue such orders as he may consider necessary or expedient, including orders for the dispersal of any such assembly or procession as aforesaid.

(5) The Minister may by order declare that the provisions of this section shall not apply to any assembly or procession convened, collected, formed or organised exclusively for one or more of or a combination of one or more such purposes as may be specified in such order.

(6) Any person who is aggrieved by the terms of a stop order issued under subsection (3) or, any order given by a police officer under subsection (4), may appeal to the Minister whose decision on the matter shall be final.

[s. 40]

[PCh322s44]44. Power to disperse assemblies and processions wherever held Act No. 3 of 1995 Sch.

The officer in charge of Police may stop or prevent the holding or continuance of any assembly or procession in any place whatsoever if, in the opinion of such officer the holding or continuance, as the case may be, of such assembly or procession breaches the peace or prejudices the public safety or the maintenance of peace and order and may, for any of the purposes aforesaid, give or issue such orders as he may consider necessary or expedient, including orders for the dispersal of any such assembly or procession as aforesaid.

[s. 41]

[PCh322s45]45. When assembly or procession unlawful Ord. No. 1 of 1958 s. 8; Act No. 3 of 1995 Sch.

Any assembly or procession in which three or more persons attending or taking part neglect or refuse to obey any order for dispersal given under the provisions of subsection (4) of

section 43 or section 44, shall be deemed to be an unlawful assembly, within the meaning of section 74 of the Penal Code *.

[s. 42]

[PCh322s46]46. Penalties Ord. No. 1 of 1958 s. 8; Act No. 3 of 1995

(1) Any person who—

(a) neglects or refuses to obey any order given or issued under the provisions of subsection (4) of section 43 or section 44; or

(b) contravenes any particular specified by the Minister in accordance with paragraph (c) of subsection (1) of section 43,

shall be guilty of an offence and may be arrested without a warrant and shall be liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(2) Subject to the provisions of any order made under subsection (5) of section 43, where any assembly or procession in a public place has been convened, collected, formed or organised otherwise than in accordance with subsection (1) of section 43—

(a) every person taking part in convening collecting, forming or organising such assembly or procession shall be guilty of an offence and may be arrested without a warrant and shall be liable on conviction to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding one year or to both such fine and imprisonment;

(b) every person attending such assembly or taking part in such procession, who knows or has reasons to believe that such assembly or procession has been convened, collected, formed or organised otherwise than in accordance with the provisions of subsection (1) of section 43, shall be guilty of an offence and may be arrested without a warrant and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

[s. 43]

PART V

UNCLAIMED PROPERTY (s 47)

[PCh322s47]47. Disposal of unclaimed property Ord. No. 1 of 1958

(1) It shall be the duty of every police officer to take charge of all unclaimed movable property and to furnish an inventory or description thereof to a magistrate.

(2) If such property is neither money nor property subject to speedy and natural decay nor property the immediate sale of which would, in his opinion, be for the benefit of the owner, the magistrate shall detain or give orders for the detention of any such property and shall cause a notice to be posted in a conspicuous place at his court and at the police stations within his jurisdiction specifying such property and calling upon any person who may have a claim thereto to appear and establish his claim within six months from the date of such notice. If the magistrate is of the opinion that the value of the property is clearly in excess of fifty shillings, he shall also cause a similar notice to be published in the Gazette, the date by which any person is to establish

his claim to such property being the same date as is prescribed by the magistrate in the notice which he causes to be published locally.

(3) Such property, if no person shall within six months from the date of the notice aforesaid establish his claim thereto, may be sold or, if the magistrate thinks it expedient, may be destroyed by order of the magistrate, and on the completion of the sale or destruction the right to take legal proceedings for their recovery of such property or the proceeds of such sale shall cease:

Provided that if such property is a firearm or ammunition the magistrate may order that it shall be disposed of in such manner as the Inspector-General may direct.

(4) The proceeds of the sale of such property shall be apportioned in the following manner—

- (a) one-half shall be paid to the credit of the Police Rewards Fund;
- (b) such proportion of the remaining one-half as the magistrate may direct shall be paid to the finder of the property; and
- (c) the Balance shall be paid to the general revenue of the United Republic.

(5) If the magistrate is of the opinion that such property is subject to speedy or natural decay or that its immediate sale would be for the benefit of the owner the magistrate shall detain or give orders for its detention and may at any time direct it to be sold without having caused the notice prescribed in subsection (2) to be given prior to the sale or, if he thinks it advisable to do so, he may order it to be destroyed. On completion of a sale or destruction under this subsection

the right to take legal proceedings for the recovery of the property sold or destroyed shall cease.

[ss. (5A)]

(6) The proceeds of such sale shall remain in such custody as the magistrate may direct and the magistrate shall immediately after such sale cause a notice of such sale to be posted in the manner prescribed in subsection (2) specifying the property sold and calling upon any person who may have any claim to the proceeds of such sale to appear and establish his claim within six months from the date of such notice. [ss. (5B)]

(7) The proceeds of such sale shall be paid to the person who establishes his claim thereto. On the expiration of six months from the date of such notice, if no person shall establish his claim thereto, the right to take legal proceedings from the recovery of such proceeds shall cease, and such proceeds shall be dealt with in accordance with the provisions of subsection (4). [ss. (5C)]

(8) When the unclaimed movable property consists of money the same shall be dealt with in all respects as if it were the proceeds of a sale ordered by virtue of the provisions of subsections (7) and (8). [ss. 6]

[s. 44]

PART VI

PROCEEDINGS AGAINST POLICE OFFICERS (ss 48-49)

[PCh322s48]48. Non-liability for act done under authority of a warrant

(1) Where the defence to any suit instituted against a police officer is that the act complained of was done in obedience to a warrant purporting to be issued by a judge, a magistrate or a justice of the peace, the court shall upon production of the warrant containing the signature of the magistrate or a justice of the peace the court shall, upon production of the warrant containing the signature of the magistrate or justice of the peace accept such warrant as prima facie evidence of the due making thereof, and upon proof that the act complained of was done in obedience to such warrant, enter judgment in favour of such police officer.

(2) No proof of the signature of such magistrate or justice of the peace shall be required unless the court has reason to doubt the genuineness thereof; and where it shall be proved that such signature is not genuine, judgment shall nevertheless be given in favour of such police officer if it is proved that, at the time when the act complained of was committed, he believed on reasonable grounds that such signature was genuine.

[s. 45]

[PCh322s49]49. Salary of certain police officers not to be attached for money borrowed or goods supplied

No salary or allowance paid to any member of the Force of or below the rank of inspector shall be liable to be attached, sequestered or levied upon for or in respect of any debt or claim for any money borrowed by him or any goods supplied to him or to any person on his behalf while he is a member of the Force.

[s. 46]

PART VII

DISCIPLINE (ss 50-65)

[PCh322s50]50. Offences against discipline

(1) Any member of the Force of or below the rank of inspector who—

(a) persuades or endeavours to persuade, procures or attempts to procure, or assists, any police officer to desert, or being cognizant of any such desertion or intended desertion does not, without delay, give information thereof to his superior officer;

(b) strikes or uses or offers violence against his superior officer;

(c) uses threatening or insubordinate language to his superior officer;

(d) is guilty of insubordinate conduct;

(e) causes a disturbance in any police lines, barracks or station;

(f) is disrespectful in word, act or demeanour to his superior officer;

(g) refuses to obey any lawful order of his superior officer;

(h) fails to comply with any lawful order given him by his superior officer;

(i) renders himself unfit for duty by reason of intoxication;

(j) drinks intoxicating liquor when on duty;

(k) is drunk on duty, or in any police lines, barracks or station, or in uniform;

- (l) absents himself without leave;
- (m) is asleep while on duty;
- (n) leaves his post before he is regularly relieved except in fresh pursuit of any offender whom it is his duty to apprehend;
- (o) being under arrest or in confinement leaves or escapes from his arrest or confinement before he is set at liberty by proper authority;
- (p) neglects or refuses to assist in the apprehension of any member of the Force charged with any offence when lawfully ordered so to do;
- (q) negligently allows to escape any prisoner who is committed to his charge or whom it is his duty to keep or guard;
- (r) offers or uses unwarrantable personal violence to or illtreats any person in his custody;
- (s) is guilty of cowardice;
- (t) discharges any firearms without orders or just cause;
- (u) without reasonable cause fails to appear at any parade appointed by his superior officer;
- (v) pawns, sells, loses by neglect, makes away with, wilfully damages or fails to report any damage to any arm, ammunition, accoutrement, uniform or other article supplied to him or any property committed to his charge;

(w) is in unlawful possession of any public property, or any property of any other member of the Force, or any property of any prisoner;

(x) commits any act of plunder or wanton destruction of property;

(y) accepts or solicits a bribe or gratuity;

(z) is idle or negligent in the performance of his duty;

(aa) is slovenly, inattentive, uncivil or quarrelsome;

(bb) parades for duty dirty or untidy in his person, arms, clothing or equipment;

(cc) without due authority discloses or conveys any information concerning any investigation or other police or departmental matter;

(dd) makes or signs any false statement in any official record or document;

(ee) makes or joins in making any anonymous complaint;

(ff) malingers, or feigns or wilfully causes any disease or infirmity;

(gg) is guilty of wilful misconduct, or wilfully disobeys, whether in hospital or elsewhere, any orders, and so causes or aggravates any disease or infirmity or delays its cure;

(hh) has contracted venereal or other disease and fails to report without delay to a Government medical officer for treatment;

(ii) incurs debt in or out of the Force which he is unable to discharge;

(jj) without proper authority exacts from any person, carriage, portage or provisions;

- (kk) resists an escort whose duty it is to apprehend him or to have him in charge;
- (ll) having been lawfully confined, breaks out of police lines, camp or quarters;
- (mm) makes any false statement upon joining the Force;
- (nn) refuses or neglects to make or send any report or return which it is his duty to make or send;
- (oo) knowingly makes a false accusation against any member of the Force;
- (pp) in making a complaint against any member of the Force, knowingly makes a false statement affecting the character of such member or knowingly and wilfully suppresses any material facts;
- (qq) [Omitted.]
- (rr) engages without authority in any employment or office other than his police duties;
- (ss) becomes security for any person or engages in any loan transaction with any police officer without the permission in writing of the Inspector-General;
- (tt) if called upon by a gazetted officer to furnish a full and true statement of his financial position fails to do so;
- (uu) wilfully disobeys any regulation or order of the Force;

(vvw) is guilty of any act, conduct, disorder or neglect to the prejudice of the good order or discipline of the Force, or in violation of duty in his office, or any other misconduct as a member of the Force not hereinbefore specified,

shall be deemed to have committed an offence against discipline, and shall suffer such punishment, according to the degree and nature of the offence, as may be imposed in accordance with the provisions of this Act.

(2) Any gazetted officer, inspector or non-commissioned officer may arrest or order the arrest without a warrant of any police officer (not being an officer of his own or superior rank) or follower who is accused of an offence under this section; and any police officer may, on receipt of any such order as aforesaid, apprehend such accused person without a warrant and shall forthwith bring him before the officer in charge of police, who shall cause the case to be heard without undue delay and may order the remand of the person accused in custody for so long as may reasonably be necessary.

[s. 47]

[PCh322s51]51. Powers of officer to hold an inquiry

Where any charge under section 50 is brought in any place, the officer in charge of police for such place, if a gazetted officer, or any other gazetted officer, or where no such officer is available, any administrative officer having the powers and jurisdiction of a district magistrate in such place, may make inquiry into the truth of such charge and may acquit the accused or impose

punishment in accordance with section 53 or refer the case to his superior officer as in section 52 provided.

[s. 48]

[PCh322s52]52. Procedure at inquiry Ord. No. 1 of 1958 s. 90

(1) In every case where the officer making inquiry into any charge under section 50—

(a) considers that the offence which the accused has committed, by reason of its gravity or by reason of previous offences or for any other reason cannot be adequately punished by any of the punishments such officer is empowered to impose; or

(b) has been directed by a superior officer to refer the case,

such officer shall defer imposing punishment and shall refer the case to the superintendent in charge of police.

(2) The superintendent in charge of police to whom any case is referred under subsection (1)—

(a) may return the case to the officer by whom it was referred for hearing and determination or the taking of further evidence; or

(b) may himself make inquiry into the case, either with or without the taking of further evidence by himself or the police officer by whom the case was referred, and impose punishment; or

(c) may refer the case to the appropriate Assistant Commissioner; or

(d) where such superintendent is not under the direct command of an Assistant Commissioner, may refer the case to the Inspector-General.

(3) The Assistant Commissioner to whom any case is referred under subsection (2)–

(a) may return the case to the superintendent in charge of police, or transmit it to any other police officer, for hearing and determination or the taking of further evidence; or

(b) may himself make inquiry into the case, either with or without the taking of further evidence by himself or any such police officer as is mentioned in paragraph (a), and impose punishment; or

(c) may refer the case to the Inspector-General; or

(d) may order the accused to be taken before a magistrate to be dealt with as provided in subsection (5) of this section.

(4) The Inspector-General to whom any case is referred under subsection (2) or (3)–

(a) may return the case to the Assistant Commissioner, or transmit it to any other police officer, for hearing and determination or the taking of further evidence; or

(b) may himself make inquiry into the case, either with or without the taking of further evidence by any such police officer as is mentioned in paragraph (a), and impose punishment; or

(c) order that the accused be taken before a magistrate to be dealt with as provided in subsection (5) of this section.

(5) Where an accused person is taken before a magistrate as hereinbefore in this section provided he shall be tried for an offence under this Act in the same manner as if he were charged with any other offence in a subordinate court and shall be liable on conviction for any offence mentioned in section 50 to a fine not exceeding three months' pay or to imprisonment for a term not exceeding six months:

Provided that no proceedings shall be taken against any police officer before a magistrate in respect of any offence for which he has already been punished under section 53 or 54 of this Act.

(6) Any order purporting to be an order of the Inspector-General or an Assistant Commissioner made under subsection (3) or (4) of this section shall be accepted as prima facie evidence of the lawful making thereof, and no proof of the signature of the Inspector-General or Assistant Commissioner on any such order shall be required unless the court has reason to doubt the genuineness of any such signature.

[s. 49]

[PCh322s53]53. Punishments for offences against discipline Ord. No. 1 of 1958 s. 11

(1) In respect of any conviction for an offence against discipline, any officer empowered to make inquiry under section 51 may impose any one or more of the following punishments—

- (a) in the case of an inspector, admonishment;
- (b) in the case of any non-commissioned officer—

- (i) admonishment;
 - (ii) reprimand;
 - (iii) a fine not exceeding ten shillings;
- (c) in the case of any constable—
 - (i) admonishment;
 - (ii) confinement to quarters for any period not exceeding fourteen days;
 - (iii) extra guards, fatigues or other duty;
 - (iv) a fine not exceeding ten shillings;
 - (v) disciplinary detention for any period not exceeding seven days;
- (d) in the case of followers—
 - (i) admonishment;
 - (ii) a fine not exceeding ten shillings;
 - (iii) stoppage of increment;
 - (iv) reduction to a lower rate of pay;
 - (v) dismissal.

At any time before it is carried out any punishment imposed under this subsection may be varied by the superintendent in charge of police to whom the officer imposing punishment is

subordinate, or by the Commissioner or an Assistant Commissioner to whom the Commissioner has in writing delegated his powers under this section:

Provided that no punishment shall be increased unless the accused has first had an opportunity of showing cause why the punishment should not be varied.

(2) An Assistant Commissioner or a superintendent in charge of police to whom there are referred any proceedings for an offence against discipline may impose any one or more of the punishments mentioned subsection (1) or any one or more of the following punishments—

(a) in the case of an inspector—

- (i) severe reprimand;
- (ii) a fine not exceeding one month's pay;
- (iii) reduction of rank;
- (iv) stoppage of an increment of pay;

(b) in the case of any member of the Force below the rank of sub-inspector—

- (i) a fine not exceeding one month's pay;
- (ii) dismissal;
- (iii) disciplinary detention for any period not exceeding fourteen days;
- (iv) reduction in rank;
- (v) stoppage of an increment of pay.

[s. 50]

[PCh322s54]54. Special powers of Inspector-General

(1) The Inspector-General may, in respect of any proceedings for an offence against discipline referred to him under section 51 make inquiry and impose one or more of the punishments mentioned in section 53 or any one or more of the following punishments—

- (a) in case of an inspector—
 - (i) severe reprimand;
 - (ii) a fine not exceeding one month's pay;
 - (iii) reduction of rank;
 - (iv) stoppage of an increment of pay;
- (b) in the case of any member of the Force below the rank of sub-inspector—
 - (i) a fine not exceeding one month's pay;
 - (ii) dismissal;
 - (iii) disciplinary detention for any period not exceeding fourteen days;
 - (iv) reduction in rank;
 - (v) stoppage of an increment of pay.

(2) In the case of an inspector, the Inspector-General may make recommendation to the Minister for the dismissal of any such officer and the Minister may on such recommendation dismiss the officer concerned.

(3) The Commissioner may in writing delegate his powers under subsection (1) of this section to an Assistant Commissioner:

Provided that any punishment of dismissal imposed by such Assistant Commissioner shall be subject to confirmation by the Commissioner.

[s. 51]

[PCh322s55]55. Powers of officer holding inquiry

(1) Every officer empowered under this Part to make inquiry into any charge or case shall have power to summon and examine witnesses on oath or affirmation and to require the production of all documents relevant to such inquiry and to adjourn any hearing from time to time upon such terms as he shall think fit, and to remand the person accused in custody until the adjourned hearing. All proceedings shall be recorded in such manner as may be required by regulations or orders made under this Act.

(2) Any person summoned as a witness under the provisions of subsection (1) of this section who fails to attend at the time and place mentioned in the summons or on any adjournment, or refuses to answer any question lawfully put to him, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred shillings or to imprisonment for one month:

Provided that no such witness shall be obliged to answer any question which may tend to incriminate him or render him liable to any forfeiture or penalty.

[s. 52]

[PCh322s56]56. Appeals against punishment for offences against discipline

(1) Any member of the Force on whom any punishment has been imposed under section 53 may appeal against the conviction to the superintendent in charge of police, and, as a first or second appeal, to the Assistant Commissioner, and, in the case of any punishment other than admonishment, extra guards, fatigues or other duty, thereafter to the Commissioner, and, subject as in subsection (2) provided, the decision of the most senior officer hereby empowered to entertain an appeal shall be final.

(2) Any member of the Force who has been punished by the Commissioner under section 54 with dismissal or upon whom the punishment of dismissal has been confirmed by the Commissioner under section 54 aforesaid may, within seven days after the decision or confirmation of the Commissioner has been communicated to him, appeal to the Minister whose decision shall be final.

(3) Upon any such appeal as in subsection (1) aforesaid, the Commissioner or other officer hearing the appeal shall have power to—

(a) return the proceedings for the taking of further evidence;

(b) whether further evidence is taken or not, quash the proceedings and rehear the case himself de novo or order the case to be reheard de novo by another officer in the same manner as if the case had been dealt with under subsection (4) of section 52;

(c) reverse or vary any finding;

(d) revoke, add to or vary any punishment.

(4) In exercising his powers under paragraph (d) of subsection (3) of this section the Commissioner or other officer hearing the appeal may impose any punishment or punishments which he might have imposed under section 54 if he had heard the case himself:

Provided that no punishment shall be increased nor shall any punishment be added on appeal unless the accused is first given a further opportunity of being heard.

[s. 53]

[PCh322s57]57. Interdiction pending inquiry and suspension Ord. No. 22 of 1955 s. 9

(1) The Commissioner or, in respect of any member of the Force under his command, an Assistant Commissioner, superintendent in charge of police, or an officer in charge of police, may interdict from duty any member of the Force other than a gazetted officer, against whom any inquiry is pending under the provisions of section 51 or section 52, or who is charged before any court in respect of any offence under this or any other Act:

Provided that an order of interdiction made by an Assistant Commissioner, superintendent in charge of police or an officer in charge of police shall be reported to the Commissioner without delay for his confirmation.

(2) The Commissioner may in his discretion suspend from office any member of the Force against whom an order of dismissal has been made and who has appealed against such order or any member of the Force who has been sentenced to imprisonment by any court in respect of any offence, whether under this Act or otherwise, and who has appealed against such sentence.

[s. 54]

[PCh322s58]58. Officer interdicted or suspended not to cease to be a police officer

(1) A member of the Force shall not by reason of his being interdicted from duty or suspended from office cease to be a member of the Force. During the term of such interdiction or suspension the powers, duties and privileges vested in him as a member of the Force shall be in abeyance, but he shall continue subject to the same responsibilities, discipline and penalties and to the same authorities as if he had not been interdicted or suspended.

(2) No pay shall accrue or become due to any member of the Force in respect of any period of suspension unless the Minister shall otherwise proportion.

(3) In the case of interdiction a member of the Force shall, unless and until he is suspended, receive one-half of his pay, unless the Minister in his discretion shall order that he receive any greater proportion.

(4) Notwithstanding anything contained in subsection (2) and (3) of this section, if the proceedings against any member of the Force do not result in his dismissal or the imposition of any other punishment he shall be entitled to the full amount of the emoluments which he would have received if he had not been interdicted or suspended.

[s. 55]

[PCh322s59]59. Dismissal and reduction in rank of police officers on conviction

The Commissioner may reduce in rank or grade or may dismiss from the Force any member of the Force other than a gazetted officer who has been convicted by any court of any offence, whether under this Act or otherwise, unless such member of the Force has successfully appealed against such conviction.

[s. 56]

[PCh322s60]60. Fines to be recovered by stoppage of pay

(1) All fines imposed on a member of the Force in respect of offences under this Act or any regulations made thereunder may be recovered by stoppage of the offender's pay due at the time of committing such offence and thereafter accruing due.

(2) The amount of stoppage in respect of any fine or for any other cause authorised by this Act or by regulations made thereunder shall be in the discretion of the officer by whom the fine was imposed, subject to the directions of the superintendent in charge of police or Assistant Commissioner to whom he is subordinate or the Commissioner, but shall in no case exceed one-half of the pay of the offender; and whenever more than one order of stoppage is in force

against the same person so much only of his pay shall be stopped as shall leave him a residue of at least one-half of his pay.

(3) Where more than one order of stoppage is made upon the same person, the orders later in date shall, if necessary, be postponed as to their enforcement until the earlier orders have been discharged.

[s. 57]

[PCh322s61]61. Loss of or damage to arms and accoutrements to be made good by stoppage of pay

If any member of the Force of or below the rank of inspector pawns, sells, loses by neglect, makes away with or wilfully or negligently damages any arm, ammunition, accoutrement, uniform or other article supplied to him, or any property committed to his charge, he may, in addition to or in lieu of any other punishment, be ordered to make good either wholly or partially the amount of such loss or damage and such amount may be recovered by stoppage from his pay.

[s. 58]

[PCh322s62]62. Pay not to accrue during absence without leave, imprisonment or detention
Ord. No. 1 of 1958 s. 13

No pay shall accrue to any member of the Force below the rank of sub-inspector in respect of any period during which he is absent from duty without leave or is undergoing any

sentence of imprisonment or disciplinary either for any offence against discipline or for any other offence of whatsoever nature:

Provided that in any case the Commissioner may detention in his discretion authorise the payment of such proportion of pay, not being more than one-half, as he may think fit.

[s. 59]

[PCh322s63]63. Place of confinement of offenders Act No. 64 of 1961 s. 6; G.N. No. 73 of 1965

Any member of the Force arrested for any offence under this Act and all police officers sentenced to disciplinary detention thereunder, may be confined in any building set apart as a guardroom or cell for such purpose.

[s. 60]

[PCh322s64]64. Mode of complaint by police officer G.N. No. 73 of 1965

(1) If any inspector, non-commissioned officer or constable thinks himself wronged in any matter other than a charge for any alleged offence under Part VII by any police officer of lower rank than the officer in charge of police in the place where he is stationed, he may complain thereof to the officer in charge of police, and if he thinks himself wronged by such officer in charge of police, or any officer of the same or higher rank, not being the Commissioner, either in respect of his complaint not being redressed or in respect of any other matter other than a charge for any alleged offence under Part VII, he may complain thereof to the Commissioner; and if he thinks himself wronged by the Commissioner either in respect of his

complaint not being redressed or in respect of any other matter, other than a charge for any alleged offence under Part VII, he may complain to the Minister; and the officer in charge of police, the Commissioner or the Minister, as the case may be, upon any complaint being so made, shall cause such complaint to be inquired into, and shall, if on inquiry he is satisfied of the justice of the complaint, take such steps as may be necessary for giving such redress to the complaint in respect of the matter complained of as the case requires.

(2) Every such complaint shall be made in the manner prescribed by regulations or orders made under this Act.

[s. 61]

[PCh322s65]65. Prohibition against police officer being member of trade union

(1) It shall not be lawful for any police officer to be or to become a member of—

(a) any trade union, or any body or being association affiliated to a trade union; or

(b) any body or association the object or of which is to control or influence the pay, pensions or conditions of service of the Force,

other than any body or association which may be constituted and regulated pursuant to regulations made under this Act.

(2) Any police officer who contravenes the provisions of this section shall be liable to be dismissed from the Force and to forfeit all rights to any pension or gratuity.

(3) If any question arises as to whether any body is a trade union or an association to which this section applies, the question shall be decided by the Member, whose decision shall be final and conclusive.

[s. 62]

PART VIII

POLICE REWARDS FUND (s 66)

[PCh322s66]66. Establishment of Police Rewards Fund G.Ns. Nos. 478 of 1962; 73 of 1965

(1) In addition to any other sums which under paragraph (a) of subsection (4) of section 47 or any other provision of this Act or any other law are directed to be so payable there shall be paid to the Accountant-General, to be placed to the credit of a fund to be called the Police Rewards Fund, the following sums—

(a) all moneys standing to the credit of the Police Rewards and Fines Fund under the Police Ordinance * repealed by this Act;

(b) all fines imposed under the provisions of this Act or any regulations made thereunder for any offence against discipline;

(c) all rewards, forfeitures and penalties which by law are payable to any informer, in case such informer a police officer; and

(d) all sums which under paragraph (b) of subsection (4) of section 47 are directed to be paid to the finder of unclaimed property, in case such finder is a police officer.

(2) In addition to the sums which are payable to the Police Rewards Fund under subsection (1) of this section the Permanent Secretary to the Treasury may order to be paid to the said Fund out of the revenues of the United Republic such sums of money as he shall think fit derived from any of the following sources—

(a) moneys accruing to the revenues of the United Republic in respect of fines levied in any court for assaults upon police officers under Chapter XXV of the Penal Code *;

(b) moneys or the proceeds of any property forfeited to the revenues of the United Republic by order of any court in respect of any offence under section 91, 92 or section 93 of the Penal Code in which a police officer as a member of the public service is concerned;

(c) moneys recovered and paid to the general revenue of the United Republic under section 80 of this Act.

(3) No payment shall be made from the Police Rewards Fund except upon the authority of the Inspector-General.

(4) The Inspector-General may, in his discretion, sanction payments from the Police Rewards Fund for any of the following purposes—

(a) assistance to the wives or families of deceased members of the Force of or below the rank of inspector or to any members discharged from the Force as medically unfit for further service;

(b) contributions towards prizes to be given at athletics meetings, assaults-at-arms and similar events organised by or for the benefit of the Force;

(c) payments to members of the Force of or below the rank of inspector as rewards for meritorious acts or service in the execution of duty, if such payments are not met from Colonial funds;

(d) expenditure for the benefit and advancement of authorised recreation and sport and other branches of police activity organised within the Force.

[s. 63]

PART IX

GRATUITIES AND BENEFITS WHICH MAY BE GRANTED TO CERTAIN MEMBERS OF THE FORCE OTHER THAN PENSIONABLE OFFICERS (ss 67-73)

[PCh322s67]67. Application of sections 68 to 72 Act No. 35 of 1965 s. 3

The provisions of sections 68 to 72 of this Act (other than those of paragraph (d) of section 69) shall apply only to non-pensionable officers below the rank of Sub-Inspector and the provisions of paragraph (d) of section 69 shall apply only to non-pensionable officers below the rank of station sergeant.

[s. 64]

[PCh322s68]68. Gratuities payable after twelve or more years' service Ord. No. 1 of 1958 s. 16; G.N. No. 73 of 1965

Every member of the Force to whom this section applies shall on discharge after continuous good service extending over a period of not less than twelve years be eligible to receive a gratuity calculated at the rate of two thirds of a month's pay of the rank or office in which he was serving at the date of his discharge for every completed year of service up to a maximum twenty-one years:

Provided that every member of the Force other than a pensionable officer who enlisted in the Force before the first day of January, 1936, may on discharge, in lieu of receiving the gratuity herein provided, elect to receive such service gratuity and such exemption from the payment of house or poll tax or such pension or additional gratuity in lieu thereof as he would have been eligible to receive under the provisions of the law in force prior to the 29th October, 1937.

[s. 65]

[PCh322s69]69. Proportional gratuities payable in certain circumstances Act No. 35 of 1965 s. 3; G.N. No. 73 of 1965

When any member of the Force to whom this section applies—

- (a) dies;
- (b) is discharged as medically unfit for further service (such unfitness not having been caused by his own misconduct or negligence);
- (c) is discharged on account of reduction of establishment; or

(d) having been enlisted in the Force before the eighth day of December, 1961, is required to retire from the Force or ceases to serve therein in accordance with the provisions of section 10 of the Public Service Retirement Benefits Act *,

before completing twelve years' continuous good service, the Permanent Secretary to the Treasury may, on the recommendation of the Inspector-General, authorise the payment to his estate or to him, as the case may be, of a proportional part of the gratuity which he would have earned under section 68 if he had completed the said period of service.

[s. 66]

[PCh322s70]70. Gratuities earned to be deemed part of the officer's estate Ord. No. 1 of 1958; G.N. No. 73 of 1965

Any gratuities which would have been due and payable to any member of the Force to whom this section applies had he taken his discharge under the provisions of this Act shall, in the event of his re-engaging for a further term be deemed to have belonged to him for the purpose of the distribution of his estate.

[s. 67]

[PCh322s71]71. Gratuities remaining unpaid at death: how disposed of Ord. No. 1 of 1958; G.N. No. 73 of 1965

Where any member of the Force to whom this section applies having been discharged, dies before the receipt by him of any gratuity for which he has become eligible under section 68

or section 69, such gratuity shall be paid to the person authorised to distribute his estate, as part thereof.

[s. 68]

[PCh322s72]72. Compensation in case of death, injury or damage incurred on duty Ord. No. 1 of 1958 s. 20; G.N. No. 73 of 1965

When in the discharge of his duties any member of the Force to whom this section applies is killed or injured so as to cause his discharge from the Force, or his property is damaged in the course of as a direct result of his discharge of such duties, the Minister, on the recommendation of the commissioner, may direct payment out of the public revenue of such compensation as he may deem fit; and such compensation shall be in addition to any gratuity for which he may be eligible under the provisions of this Act.

[s. 69]

[PCh322s73]73. Gratuity for holders of award G.N. No. 73 of 1965

Every member of the Force of or below the rank of sergeant major in possession of the African Police Medal or the King's Police Medal for Gallantry or Distinguished Service or the Colonial Police Medal for Gallantry or Meritorious Service earned by him in respect of service in the Tanganyika or Zanzibar Police Forces, or any medal or award conferred by the President for value, bravery or gallantry during service in the Force may, on the recommendation of the commissioner and with the sanction of the Minister irrespective of the amount of his service, be paid such gratuity as may be determined by the Minister.

[s. 70]

PART X

DISPOSAL OF DECEASED'S ESTATES (s 74)

[PCh322s74]74. Provisions for disposal of property of officers dying intestate G.N. No. 73 of 1965

(1) The Inspector-General shall keep or cause to be kept a personal record of every member of the Force of or below the rank of inspector.

(2) In the event of any such member of the force dying while in the Force a report of the death together with the personal record shall be delivered to the administrative officer in charge of the district in which the deceased was stationed at the time of his death.

(3) Any police officer or officer of Government having in his charge or control any pay, gratuity, allowance or other money or personal property belonging to any such member of the Force referred to in subsection (1) who dies while in the service of the Force shall pay or deliver the same to the administrative officer in charge of the district in which he was stationed at the time of his death who shall dispose of the same according to law.

[s. 71]

PART XI

EMPLOYMENT OF POLICE OFFICERS ON SPECIAL DUTY AND THE MAINTENANCE OF ORDER IN DISTURBED AREAS (ss 75-80)

[PCh322s75]75. Employment of police officers on special duty at the expense of private persons

(1) The Inspector-General may, subject to the directions of the Minister, on the application of any person and on being satisfied as to the necessity therefor, detail any number of police officers for special duty at any place in the United Republic and for such period as may be considered necessary. Such police officers shall, subject to the provisions of this Act, be exclusively under the orders of the officer in charge of police in such place and shall, unless the Minister otherwise directs, be employed at the expense of the person making the application:

Provided that any person on whose application police officers have been detailed for special duty at any place may require that such police officers shall be withdrawn and at the expiration of one month from the date of such notice or such less period as the Inspector-General may determine such person shall be relieved of any further expense in connection with the employment of such police officers.

(2) Any amount recoverable as expenses from any person making such application under subsection (1) may be recovered by the Inspector-General as a debt, and when received shall be paid into the revenue of the United Republic.

[s. 72]

[PCh322s76]76. Employment of additional police in special circumstances

Where the Inspector-General considers that it is in the interests of any person that the employment of additional police in any place is necessary for the safety of any public or private

property, or that there is a reasonable apprehension of a breach of the peace, he may, subject to the directions of the Minister, station police officers for duty at any place for such period as he may consider necessary, and may require any person to pay all or part of the expenses incurred thereby, and such person shall thereupon cause payment to be made in such manner as the Inspector-General may direct:

Provided that any person who has been required to pay such expense as aforesaid may appeal against such requirement to the Minister whose decision thereon shall be final.

[s. 73]

[PCh322s77]77. Employment of additional police in disturbed areas

(1) The Minister may, by order declare, in respect of any are in the United Republic, that such area is a disturbed area in which an abnormal state of affairs exists and may in the same or a subsequent order declare that, by reason of the conduct of the inhabitants of such area or any class or section of such inhabitants, it is expedient to increase the number of police officers stationed in such area.

(2) Upon publication of an order under subsection (1) the Inspector-General shall, subject to the directions of the Minister, employ such number of police officers in addition to those already stationed in the area specified in such order as he may consider expedient, and, subject to the provisions of subsection (3), the cost of such additional police officers shall be borne by the inhabitants of such area.

(3) Where any additional police officers have been stationed in any area under the provisions of subsection (2) of this section, the Regional Commissioner of the region in which such area is situated shall, after such inquiry as he may consider necessary and subject to the directions of the Minister, apportion the cost of such additional police officers among the inhabitants of such area, and such apportionment shall be made according to the Regional Commissioner's judgment of the respective means of such inhabitants:

Provided that the Regional Commissioner may, subject to the directions of the Minister, exempt any person or persons or any class or section of such inhabitants from liability to bear any portion of such cost.

(4) Every order issued under subsection (1) shall state the period for which it is to remain in force, but such order may at any time be cancelled or may be extended from time to time for a further period or periods as the Minister may in each case direct.

(5) Notwithstanding any provision of the Interpretation Act any order made under this section may be published in such manner as the Minister shall deem fit.

[s. 74]

[PCh322s78]78. Award of compensation to sufferers from the misconduct of inhabitants of disturbed areas

(1) Where in any area in regard to which any order under subsection (1) of section 77 is in force, death or grievous hurt or loss of or damage to property has been caused by or has ensued from the misconduct of the inhabitants of such area or any class or section of such inhabitants,

any person who claims to have suffered loss, damage or injury by reason of such misconduct may, within one month after the date of the loss, damage or injury make application for compensation to the Regional Commissioner of the region within which such area is situated:

Provided that the Regional Commissioner may, in his discretion from time to time, by order, extend the period within which such applications for compensation may be made, but so that such extensions shall not in the aggregate exceed three months.

(2) Upon such claim being made the Regional Commissioner may, by order subject to the directions of the Minister and after such inquiry as he may consider necessary, and whether any additional police officers have or have not been stationed in such area under section 77–

(a) decide the person or persons to whom loss, damage or injury has been caused or has ensued from such misconduct;

(b) assess the amount of compensation to be paid to such person or persons and the manner and proportions in which it is to be distributed;

(c) assess the proportions in which compensation shall be paid by the inhabitants in such area; and

(d) order the payment of such compensation:

Provided that the Regional Commissioner shall not make any order under this subsection unless he is of the opinion that such loss, damage or injury has arisen from a riot or unlawful assembly within such area and that the person who suffered the loss, damage or injury was himself free from blame in respect of the occurrences which led to such loss, damage or injury:

Provided also that the Regional Commissioner may, subject to the directions of the Member, in or by any such order as aforesaid or any subsequent order exempt any person or persons or any class or section of such inhabitants from liability to pay any portion of such compensation.

(3) Every order made under subsection (2) shall be subject to revision by the Minister, but, save as aforesaid, shall be final.

(4) Any order made under the provisions of this section may be communicated to any person affected thereby in such manner as the Regional Commissioner shall think fit.

(5) No civil suit shall be maintainable in respect of any loss, damage or injury for which compensation has been accepted under this section.

[s. 75]

[PCh322s79]79. Definition of "inhabitants"

For the purposes of sections 77 and 78 the term "inhabitants" includes all persons who themselves or by their agents or servants occupy or have a lawful interest in land or in other immovable property within the area specified in any order made under section 81 and all landholders who themselves or by their agents or servants collect rents direct from lessees or occupiers in such area, notwithstanding that they do not actually reside in such area.

[s. 76]

[PCh322s80]80. Recovery and disposal of moneys paid under Part XI

(1) All moneys payable under this Part of this Act shall be recoverable in the manner provided by law for the recovery of fines imposed in criminal proceedings, or by suit in any competent court.

(2) All moneys recovered under section 75, 76 and 77 shall be paid to the general revenue of the United Republic.

(3) All moneys recovered under section 78 shall be paid by the Regional Commissioner to the persons to whom and in the proportions in which the same are payable.

[s. 77]

PART XII

SPECIAL POLICE OFFICERS (ss 81-90)

[PCh322s81]81. Power to appoint special police officers Ord. No. 22 of 1955 in s. 11; G.N. No. 73 of 1965

(1) Where it appears to him to be expedient in the interests of public order and safety so to do it shall be lawful for the Inspector-General or the Superintendent in charge of police, or the Regional Commissioner or District Commissioner having jurisdiction in any or region district, to appoint by writing under his hand Form 2 of the First Schedule to this Act any residents of the United Republic to be special police officers in such number, for such time, and within such area as he may deem necessary.

(2) Whenever any special police officers are appointed under the provisions of this section, the Inspector-General or other officer making the appointments shall forthwith transmit

to the Minister notice of such appointments and of the circumstances which rendered such appointments expedient.

[s. 78]

[PCh322s82]82. Power to suspend or determine services of special police officers Ord. No. 22 of 1955 s. 11

The Inspector-General or other officer by whom any special police officer is appointed under section 81, may suspend or determine the appointment of any such special police officer if he considers such appointment can be safely suspended or determined and shall forthwith transmit notice thereof in Form 3 of the First Schedule to this Act to the special police officer concerned.

[s. 79]

[PCh322s83]83. President may establish a force of special police officers C.A. Act No. 2 of 1962

Notwithstanding the provisions of section 81 the President may, if he thinks fit, establish a force of special police officers and appoint persons to be in command thereof and may authorise the Inspector-General to enrol in such force any persons who may offer their services and whose services he accepts and may assign ranks to such special police officers and provide for the duration and determination of their appointments or service subject to the conditions hereinafter appearing or as may be prescribed.

[s. 80]

[PCh322s84]84. Definition of "special police officer" G.N. No. 73 of 1965

Save where the context otherwise requires, in this Part of the Act "special police officer" includes any officer whether appointed under section 81 or enrolled under section 83.

[s. 81]

[PCh322s85]85. Refusal of person appointed to serve G.N. No. 73 of 1965

(1) The Inspector-General may in writing or by such other means as he may consider appropriate call upon any special police officer to carry out such duties or training as he may think fit.

(2) If a special police officer, on being called upon to carry out any duty or training under the provisions of this section, refuses or neglects to serve, he shall for every refusal or neglect be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred shillings, unless he satisfies the court that he was prevented by sickness or such other unavoidable cause as may in the opinion of the court be sufficient excuse.

[s. 82]

[PCh322s86]86. Powers and duties of special police officers G.N. No. 73 of 1965

Every special police officer—

- (a) when called upon to carry out any duty or training under section 85 of this Act; or
- (b) if ordered by any police officer not below the rank of inspector to assist the police in the performance of their duties,

shall have the same powers, privileges and protection as a police officer of equivalent rank and shall be liable to perform the same duties and shall be amenable to the same penalties and be subordinate to the same authorities as a police officer.

[s. 83]

[PCh322s87]87. Inspector-General to provide necessary equipment for special police officers

It shall be lawful for the Inspector-General to provide at the public expense for the use of special police officers uniforms, badges, equipment, arms and other necessary articles for the proper carrying out of the duties of their office.

[s. 84]

[PCh322s88]88. Uniform, etc., to be delivered upon termination of appointment G.N. No. 73 of 1965

Every special police officer shall, within one week after the termination of his appointment or service, deliver up in good order (fair wear and tear only excepted) to the nearest police station his form of appointment or documents of service and any uniform, badge, equipment, arms or other articles which may have been provided to him under the Act. Any such special police officer who refuses or neglects to make such delivery shall be guilty of an offence and shall be liable on conviction to a fine not exceeding forty shillings and the court may issue a warrant to search for and seize any such form of appointment, documents, uniform, badge, equipment, arms or other articles which shall not have been delivered up.

[s. 85]

[PCh322s89]89. Inspector-General to command G.N. No. 73 of 1965

The Inspector-General shall, subject to the general directions of the Minister, have the command, superintendence and direction of special police officers, and subject to the provisions of this Act and to any regulations made thereunder, may make such appointments, promotions and reductions in ranks as he may see fit.

[s. 86]

[PCh322s90]90. Compensation on death, injury or damage to property while on duty G.N. No. 73 of 1965

(1) If any special police officer suffers any permanent or temporary disablement, attributable to any wound or injury received or sickness contracted by him in the performance of any duty or training by him in the circumstances mentioned in paragraphs (a) and (b) of section 86 of this Act, or if the property of any special police officer is damaged during the performance of such duty or training, the Minister may award such special police officer such compensation, gratuity or pension as to him may seem just.

(2) If any special police officer is killed or dies as a result of any wound or injury received or sickness contracted by him in the circumstances referred to in subsection (1), the Minister may grant to the dependants of such special police officer such pension or allowance as to him may seem just.

(3) No pension, compensation, allowance or gratuity paid under the provisions of this section shall be assigned, transferred or be liable to be attached or levied upon by any process of law.

[s. 87]

PART XIII

SERVICE OUTSIDE THE UNITED REPUBLIC (ss 91-98)

[PCh322s91]91. Minister may send police officers to neighbouring countries G.N. No. 73 of 1965 Second Sch.

(1) The Minister may on the application of the government of any neighbouring country, if he is satisfied that reciprocal arrangements have been or will be made by such government in favour of the Government of the United Republic, order such number of police officers as he may think fit to proceed for service to such other country.

(2) For the purposes of this section and this Part of this Act "neighbouring country" means any country having a common boundary with the United Republic and any such other country as the Minister may, by notice published in the Gazette, declare to be a neighbouring country for the purposes of this Part of this Act.

[s. 88]

[PCh322s92]92. Despatch of police officers to neighbouring countries in temporary emergency Ord. No. 1 of 1958 s. 21; G.N. No. 73 of 1965 2nd Sch.

(1) In the case of a temporary emergency the Inspector-General, or an Assistant Commissioner, or a superintendent in charge of police in any province, having authority in any area of the United Republic which has a common boundary with a neighbouring country, may, on the application of any administrative officer or any commissioned or gazetted police officer of such country for the temporary assistance of specified number of police officers of the country, order any police officers under his control, not exceeding the number applied for, to proceed for service in such countries:

Provided that any Assistant Commissioner in charge of a region or any superintendent in charge of police in a region who is not subject to the orders of an Assistant Commissioner shall, wherever possible, obtain the prior authority of the Inspector-General for such action as aforesaid and in any case shall report such action to the Commissioner as soon as possible.

(2) All police officers of the United Republic who may be ordered under subsection (1) of this section to proceed to a neighbouring country for service shall comply with such order, and every such order shall be deemed to have been made by the Minister under the provisions of section 91.

[s. 89]

[PCh322s93]93. Police officers on service outside the United Republic to be under own officers and subject to their own laws and orders G.N. No. 73 of 1965 2nd Sch.

(1) All police officers serving outside the United Republic under the provisions of this Part shall be under the orders of their own superior officers, subject to the control of the senior officer present, whether he be a member of the Force or of the police force of a neighbouring

Country and shall, in so far as appertains to their terms and conditions of service and the maintenance of discipline, be subject to the provisions of this Act and any regulations and orders made hereunder, and, so far as possible, shall perform the same duties as when on service in the United Republic but so that, except as aforesaid, nothing in this Part of this Act shall operate contrary to the general law for the time being in force in any such United Republic, which shall apply to and be observed by such police officers in the same manner as if they were police officers engaged for service in the said country.

(2) The powers conferred by this Act upon any officer, not being the Inspector-General, to punish offences committed by police officers may be conferred by the Inspector-General upon any officer of the Force serving in such Country.

[s. 90]

[PCh322s94]94. Conditions precedent to be fulfilled by the law of the concerned

No police officers shall be sent to a neighbouring state unless and until the Minister is satisfied that satisfactory provisions have been or will be made in the law of such country—

(a) for the enforcing, in such country of country the engagement of service between police officers of the Force and the Government of that country;

(b) for giving police officers of the United Republic serving in such country under this Part the powers and duties of police officers within such country; and

(c) for enabling the courts and magistrates of such country serving in such country to hear and determine charges against police officers of the United Republic in respect of the

offences specified in this Act and to inflict punishments therefor, which shall be no greater than are prescribed in this Act in respect of such offences.

[s. 91]

[PCh322s95]95. Police officers from neighbouring countries serving in the United Republic to be under their own laws, orders and their own officers

Whenever—

(a) in response to an application made by the Minister any police officers from the police force of a neighbouring country are present in any part of the United Republic; or

(b) in response to an application made by any officer in the public service of the United Republic any police officers from a neighbouring country are present in the United Republic for the purpose of assisting the Force in any temporary emergency,

such police officers shall be under the orders of their own officers present with them, if any, subject to the control of the senior police officer present, whether he be a member of the Force or of the police of a neighbouring state, and, so far as is not inconsistent with the general law for the time being in force and so far as possible perform the same duties as when on service in their own United Republic.

[s. 92]

[PCh322s96]96. Enforcement of contract made with Government of neighbouring country
G.N. No. 73 of 1965

Whenever any police officer from any neighbouring country is present in the United Republic under the circumstances in section 95, any contract of service made of between any such police officer and the Government of such neighbouring country may be enforced in the United Republic in the same manner and with the like effect as if such contract had been made between such police officer and the Government of the United Republic.

[s. 93]

[PCh322s97]97. Powers of members of the police force of neighbouring country

Any member of the police force of a neighbouring country present in the United Republic under the circumstances referred to in section 95 shall have and may exercise the powers and shall be liable to perform the duties of a police officer of the United Republic.

[s. 94]

[PCh322s98]98. Powers of courts of the United Republic G.N. No. 73 of 1965

The High Court or any subordinate court of the United Republic may hear and determine the of the charges against the police officers neighbouring state present in the United Republic under the circumstances referred to in section 95 in the same manner as a court in any such country.

[s. 95]

PART XIV

GENERAL PROVISIONS (ss 99-107)

[PCh322s99]99. Power to prosecute under other law not to be affected

Nothing in this Act shall exempt any prosecute person from being proceeded against under any under other other law in respect of any offence made punishable by this Act, or from being liable under any other law to any other or higher penalty or punishment than is provided for by this Act:

Provided that no person shall be punished twice for the same offence.

[s. 96]

[PCh322s100]100. Mutiny Act No. 19 of 1964 s. 2; G.N. No. 73 of 1965

(1) Any member of the Force who—

(a) takes part in a mutiny involving the use of violence or the threat of violence; or

(b) incites any other member of the Force or any member of the Tanzania Peoples Defence Forces or the National Service or the Prisons Service to take part in any such mutiny, whether actual or intended,

shall be guilty of an offence and shall be liable on conviction by a Special Tribunal to suffer death or imprisonment for life or any lesser period.

(2) Any member of the Force who, in a case not falling within subsection (1) of this section, takes part in a mutiny or incites any such person as is referred to in paragraph (b) of subsection (1) to take part in a mutiny, whether actual or intended, commits an offence and shall be liable on conviction by a Special Tribunal to imprisonment for life or any lesser period.

(3) In this section—

'mutiny' means a combination between two or more members of the Forces or Services referred to in paragraph (b) of subsection (1) or between persons two at least of whom are members of any such Force or Service—

(a) to overthrow or resist lawful authority in any such Force or Service; or

(b) to disobey such authority in such circumstances as to make the disobedience subversive of discipline; and

'Special Tribunal' means a tribunal established under the Special Tribunals Act *.

[s. 97]

[PCh322s101]101. Police officers discharged between certain dates required to report Act No. 19 of 1964 s. 2

Where any person shall have been discharged from the Force between the twentieth day of January, 1964 and the first day of April, 1964, and at the time of his discharge he shall have been required by any superior officer to make a report, whether or not periodically, to any person holding office in the service of the Republic, any such first mentioned person who fails, without lawful or reasonable cause, to report in accordance with the terms of such requirement, until released from such requirement by the person to whom he is required to report, shall be guilty of an offence and shall be liable, on conviction before the court of a resident magistrate or a district court, to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand shillings or to both such imprisonment and fine.

[s. 98]

[PCh322s102]102. Desertion

(1) Any member of the Force who deserts from the Force shall be guilty of an offence and on conviction therefor shall be liable to imprisonment for a period of six months.

(2) No person shall be found guilty of the offence of desertion unless the court is satisfied that he intended not to return to the Force.

[s. 99]

[PCh322s103]103. Unlawful possession of articles supplied to a police officer and personation

(1) Any person, not being a police officer who—

(a) is found in possession of any article whatsoever which has been supplied to a police officer for use in the execution of his duty; or

(b) is found in possession of any medal or decoration granted to any police officer for gallantry, service or good conduct,

and fails to account satisfactorily for his possession thereof shall be guilty of an offence.

(2) Any person who, without lawful authority—

(a) purchases or receives any article whatsoever which has been supplied to a police officer for use in the execution of his duty or any medal or decoration granted to any police officer for gallantry, service or good conduct; or

(b) aids or abets any police officer in selling or disposing of any such article, medal or decoration,

shall be guilty of an offence.

[s. 100]

[PCh322s104]104. Harbours in public house police officers while on duty

Any keeper of a house, store or place in which intoxicating liquor is sold who, himself or by any person in his employment, knowingly harbours or entertains any member of the Force or permits such member of the Force to remain as a customer or guest in such house, store or place, during any part of the time in which such member of the Force has been detailed for duty, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding four hundred shillings or imprisonment for a term not exceeding three months.

[s. 101]

[PCh322s105]105. Persons causing disaffection, etc.

Any person who—

(a) causes or attempts to cause or does any act calculated to cause disaffection amongst police officers;

(b) induces, or attempts to induce, or does any act calculated to induce any police officer to commit any breach of discipline,

shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

[s. 102]

[PCh322s106]106. Disorderly conduct in a police station, office or lock-up

(1) Any person who, in any police station or police office or in any lock-up, behaves in a riotous, indecent, disorderly or insulting manner shall be guilty of an offence.

(2) Any police officer may arrest without warrant any person who, in his view, commits any offence under the provisions of subsection (1) of this section.

[s. 103]

[PCh322s107]107. General penalty

Any person who is guilty of an offence under any of the provisions of Parts I to XIV for which no other penalty is expressly provided, shall be liable on conviction therefor to a fine not exceeding five hundred shillings, or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

[s. 104]

[9th June, 1939]

PART XV

POLICE RESERVE (ss 108-124) Ords. Nos. 1 of 1939; 14 of 1950; 27 of 1954; 43 of 1958

[PCh322s108]108. Establishment of Police Reserve Ord. No. 43 of 1958 s. 3

There may be established and maintained a Police Reserve.

[s. 105]

[PCh322s109]109. Constitution of the Reserve Ord. No. 43 s. 4

If a Police Reserve is established under the provisions of section 108, it shall consist of native reservists enlisted or re-engaged in accordance with the provisions of this Act.

[s. 106]

[PCh322s110]110. Control of the Reserve Ord. No. 43 of 1958 s. 5

If a Police Reserve is established under the provisions of section 108, the administration and control thereof shall be vested in the Inspector-General.

[s. 107]

[PCh322s111]111. Declaration to be made upon enlistment

Every person who is accepted for enlistment in the Police Reserve shall make a declaration in the form set out in the Third Schedule to this Act before a magistrate or a gazetted officer and upon making such declaration he shall thereupon become a member of the Police Reserve.

[s. 108]

[PCh322s112]112. Period of service in the Reserve

Every reservist shall be enlisted for a definite period not exceeding three years; and may from time to time with the approval of the Inspector-General of Police be re-engaged for a similar period.

[s. 109]

[PCh322s113]113. Rank to be allotted to reservist

It shall be lawful for the Inspector General to allot to every reservist the rank for which he considers the reservist to be fit.

[s. 110]

[PCh322s114]114. Right to take discharge in certain circumstances

In the event of a reservist who has served in the Tanzania Police Force being allotted a lower rank than that held by him at the date of his discharge from the Force he shall be allowed to take his discharge from the Reserve if he so desires.

[s. 111]

[PCh322s115]115. Pay and allowances Ord. No. 14 of 1950 s. 2

(1) Except as provided by subsection (2) of this section, every reservist shall be paid quarterly at such uniform rate per month as may from time to time be determined by the Minister and may receive, in addition, such allowances as the Minister may determine.

(2) When called out under the provisions of section 117 or section 118 every reservist shall receive the pay and allowances of his rank.

[s. 112]

[PCh322s116]116. Duties of reservists

Every reservist shall—

(a) report himself at intervals of not more than three months to the officer in charge of police at the station nearest to his place of residence or to a District Officer;

(b) notify the said officer in charge of police or District Officer of any change of address;

(c) obtain the permission of a superintendent of police before leaving the United Republic;

(d) when called out for training or service under the provisions of section 117 or section 118, attend at the time and place notified.

[s. 113]

[PCh322s117]117. Calling out of Reserve for annual training Ord. No. 43 of 1958 s. 6

If a Police Reserve is established under the provisions of section 108 it shall be called out by the Inspector-General of Police for annual training at such places and for such periods not exceeding forty-two days in any year as he may deem fit:

Provided that the Minister may, by order, direct that the annual training of the whole or part of the Reserve be dispensed with or curtailed.

[s. 114]

[PCh322s118]118. Calling out of Reserve for service in case of emergency Ord. No. 14 of 1950 s. 3

(1) In the case of war, insurrection or other emergency the Inspector-General of Police may, with the approval of the Minister call out the Reserve or any part thereof for service with the Force.

(2) A reservist called out under the provisions of this section may be required to continue his service for any period not exceeding twelve months beyond his term of enlistment whilst so called up.

[s. 115]

[PCh322s119]119. When called up for training or service, notice to be served upon reservist

A reservist shall be called out by the service upon him of a notice issued by or upon the authority of the Inspector-General of Police calling upon him to attend for training or service, as the case may be at the time and place specified; such notice shall be sent to or delivered at the last

known place of residence of the reservist and shall thereupon, unless the contrary appears, be presumed to have been served upon him.

[s. 116]

[PCh322s120]120. When called reservists come under the provisions of this Act Ords. No. 43 of 1958 s. 7

Every reservist, upon being called out out under the provisions of section 117 or section 118, shall thereupon become subject in all to respects the provisions of this Act in so far as those provisions are not repugnant to or inconsistent with the provisions of this Act.

[s. 117]

[PCh322s121]121. Penalties Ords. Nos. 27 of 1954 s. 2; 43 of 1958 s. 8

(1) In the event of any reservist failing to comply with any of the provisions of paragraphs (a), (b) or (c) of section 116, a gazetted officer of police may, after due inquiry, and if the said reservist fails to show reasonable cause for such non-compliance, inflict upon the reservist a fine not exceeding ten shillings, which shall be deducted from his pay.

(2) Any reservist who is served with a notice under the provisions of section 117 or section 118 and who, without reasonable cause, fails to attend at the time and place notified is guilty of an offence and is liable to imprisonment for six months.

(3) A reservist who sells, pawns, destroys or otherwise makes away with any medal or other decoration awarded to him in respect of his services whilst in the Reserve is guilty of an

offence and is liable to a fine of ten shillings or, in default of payment thereof, to imprisonment for fourteen days.

(4) For the purposes of section 26 of this Act a reservist shall be deemed to have ceased to belong to the Force—

(a) when he ceases to be a reservist; or

(b) on the expiration of the period for which he was called out under the provisions of section 117 or section 118.

[s. 118]

[PCh322s122]122. Discharge of reservists

Every reservist who has completed his period or periods of service with the Reserve in accordance with the provisions of this Act and every reservist whose service is dispensed with under the provisions of section 123 shall be discharged and shall be granted a discharge certificate in such form as the Inspector-General may deem fit.

[s. 119]

[PCh322s123]123. Inspector-General may dispense with services reservist

At any time when not called out under the provisions of section 117 or section 118 the services of a reservist may be dispensed with by the Inspector-General giving one month's notice of a in writing:

Provided that, if the services of a reservist are dispensed with by the Inspector-General upon the application or request of the reservist himself, no such notice shall be necessary.

[s. 120]

[PCh322s124]124. Gratuities Ord. No. 27 of 1954 s. 3

(1) Every reservist to whom this section applies shall, on discharge after continuous good service extending over a period of not less than twelve years, be eligible to receive a gratuity calculated at the rate of two-thirds of a month's pay of the rank in which he was serving at the date of his discharge from the Force for every completed year of service up to a maximum of twenty-one years.

(2) When any reservist to whom this section applies dies or is discharged as medically unfit for further service with the Reserve (such unfitness not having been caused by his own misconduct or negligence) or on account of reduction of establishment, before completing twelve years' continuous good service, the Minister may on the recommendation of the Inspector-General authorise payment into his estate or to him, as the case may be, of a proportional part of the gratuity which he would have earned under subsection (1) if he had completed the said period of service.

(3) This section shall apply to any reservist who is discharged from the Force on completion of his period or periods of service in accordance with the provisions of this Act, and within one month after such discharge, or such longer period as the Inspector-General may allow in any particular case, enlists into the Reserve.

(4) For the purposes of subsection (1) and subsection (2), "service" means service with the Reserve together with any service with the Force in accordance with the provisions of this Act.

[s. 121]

PART XVI

AUXILIARY POLICE FORCE (ss 125-147)

[13th August, 1948]

[PCh322s125]125. Interpretation

In this Part, unless the context otherwise requires—

"Auxiliary Police Force" means the Auxiliary Police Force established under the provisions of section 126;

"auxiliary police officer" means any member of the Auxiliary Police Force;

"commissioned officer" includes a Superintendent, Assistant Super-intendent and Police Cadet of the Force;

"magistrate" means A magistrate appointed under the provisions of the Magistrates Courts Act *;

"senior police officer" means a member of the Auxiliary Police Force of equivalent rank to a commissioned officer;

"special area" means an area of Tanzania declared to be a special area under the provisions of section 129;

"undertaking" means a company, corporation or statutory body.

[s. 122]

[PCh322s126]126. Establishment of Auxiliary Police Force

There shall be established a Police Force which shall be supplementary to the Force.

[s. 123]

[PCh322s127]127. Functions of the Auxiliary Police Force

The Auxiliary Police Force shall assist the Force in maintaining order and protecting property in special areas.

[s. 124]

[PCh322s128]128. General powers of Inspector-General

The Inspector-General shall, subject to the general directions of the President, have the command and supervision of the Auxiliary Police Force, and shall be responsible to the President for the proper carrying out of the provisions of this Act.

[s. 125]

[PCh322s129]129. Declaration of special areas Act No. 19 of 1969 s. 6

Where the President is satisfied that an undertaking is engaged in any activity for commercial, industrial, agricultural, pastoral, building or mining development of the United Republic, or any area of the United Republic, or any other development whatsoever of the United Republic or any area of the United Republic, and that special provisions should be made for policing the area where such development is taking place, the President may, on the request of such undertaking, by notice in the Gazette, declare such area or part thereof to be a special area for the purposes of this Act.

[s. 126]

[PCh322s130]130. Auxiliary police to be stationed in special areas

On the declaration of a special area, the Inspector-General shall appoint to the special area such number of auxiliary police officers and of such rank as the undertaking may require.

[s. 127]

[PCh322s131]131. Establishment and maintenance of police stations in special areas

The Inspector-General shall ensure that a sufficient number of police stations are established and maintained in every special area so that persons arrested by auxiliary police officers may be brought before a member of the Force without delay.

[s. 128]

[PCh322s132]132. Special areas to be deemed to be one in certain circumstances

Where more than one special area is an area declared at the request of the same undertaking, all such special areas shall be deemed to be one special area for the purposes of administration and control.

[s. 129]

[PCh322s133]133. Administration and control of auxiliary police in special areas

Subject to the general directions of the Inspector-General, the administration and control of auxiliary police in a special area shall be vested in a senior police officer appointed by the Inspector-General on the recommendation of the undertaking which requested the declaration of that area.

[s. 130]

[PCh322s134]134. Appointment of auxiliary police officers

(1) The Inspector-General may appoint any suitable person to be an auxiliary police officer.

(2) On his appointment, an auxiliary police officer shall before a magistrate make the police following declaration:—

"I, of do most solemnly and sincerely declare and promise that I will be faithful and bear true allegiance to the United Republic, and will obey all orders of the officers placed over me and subject myself to all relating to the

Auxiliary Police Force now in force and which may from time to time be in force, during my service in the said Auxiliary Police Force."

(3) There shall be delivered to every auxiliary police officer after he has made the above declaration a precept in the following form—

THE POLICE FORCE AND AUXILIARY SERVICES ACT

No.

To of
.....

I,, Commissioner of Police, under and by virtue of the power and authority in me vested by the Auxiliary Police Act, do hereby appoint you to be an Auxiliary Police Officer for the Special Area of with a rank equivalent to the rank of in the Police Force and I do issue to you this precept authorising you to act as an Auxiliary Police Officer.

Date
.....

Commissioner of Police

(4) On making the declaration and on receiving the precept, the person so appointed shall be an auxiliary police officer under the provisions of this Act.

[PCh322s135]135. Resignation

(1) No auxiliary police officer may resign without the permission first had and obtained of the senior police officer in charge of the special area to which he is appointed.

(2) The senior police officer in charge of the special area may withhold permission for a period not exceeding two months.

[s. 132]

[PCh322s136]136. Withdrawal of precept

(1) The Inspector-General may withdraw from any auxiliary police officer the precept delivered under section 134 if he is satisfied that—

(a) the auxiliary police officer is unlikely to become or has ceased to be an efficient police officer; or

(b) the auxiliary police officer is found by a registered medical practitioner to be mentally or physically unfit for further service; or

(c) the auxiliary police officer has been ordered to be dismissed from the Auxiliary Police Force under section 142; or

(d) the auxiliary police officer has resigned under section 135;

(e) the undertaking which pays the auxiliary police officer no longer requires his service as an auxiliary police officer.

(2) On the withdrawal of his precept, an auxiliary police officer shall cease to be an auxiliary police officer.

[s. 133]

[PCh322s137]137. Payment of auxiliary police

(1) Every auxiliary police officer appointed to any special area shall be paid by the undertaking which requested the declaration of the special area. Rates of pay for auxiliary police officers other than senior police officers shall be fixed in agreement with the Inspector-General.

(2) The undertaking shall deduct from the pay due to an auxiliary police officer the amount of any fine imposed on such auxiliary police officer under section 142 and shall apply the same in such manner as may be prescribed.

[s. 134]

[PCh322s138]138. Equipment

(1) Every auxiliary police officer shall on appointment be furnished with a badge and assigned a number. Such badge shall be evidence of the office of such auxiliary police officer and shall in all cases be displayed by him when exercising the duties of his office.

(2) Every auxiliary police officer shall be furnished by the undertaking which pays him with a uniform of a design approved by the Inspector-General. The uniform shall be furnished at the expense of such undertaking.

[s. 135]

[PCh322s139]139. Powers, duties and immunities of auxiliary police

(1) Subject to the provisions of this Part every auxiliary police officer shall, within the limits of the special area for which he is appointed, exercise such powers of arrest and search as are conferred upon members of the Force of equivalent rank by any law for the time being in force and shall obey all lawful orders of his their superior officers and of magistrates.

(2) Every auxiliary police officer shall be entitled, in respect of the exercise of his powers under this Act, to all the immunities conferred upon a member of the Force by any Act or law for the time being in force.

(3) Every auxiliary police officer who, in the exercise of his powers under this Part, arrests any person shall take him without delay to the nearest police station in the special area in which he is arrested and shall surrender him to a member of the Force to be dealt with according to law.

[s. 136]

[PCh322s140]140. Offences against discipline

Any auxiliary police officer below the rank of senior police officer who—

- (a) wilfully disobeys lawful orders; or
- (b) refuses or neglects to serve or execute any warrant lawfully directed to be by him served or executed; or
- (c) is drunk while on duty; or

(d) is absent from duty without leave; or

(e) is guilty of any act, conduct, disorder or neglect to the prejudice of good order and discipline,

shall be deemed to have committed an offence against discipline and such offence may be inquired into, tried and determined and the offender shall be liable to suffer punishment in accordance with the provisions of this Part.

[s. 137]

[PCh322s141]141. Powers of arrest for offences

An auxiliary police officer may arrest or order the arrest of any auxiliary police officer (not being an officer of his own or of a superior rank) who is accused of an offence under section 140; and any auxiliary police officer may, on receipt of any such order as aforesaid, apprehend such accused person without a warrant and shall forthwith bring him before the auxiliary police officer who ordered the arrest.

[s. 138]

[PCh322s142]142. Punishments which may be awarded

A senior police officer may inquire into the truth of any charge under section 140 and if his decision is against the person charged, may impose on him any one or more of the following punishments—

(a) reprimand;

- (b) a fine not exceeding 10 days' pay;
- (c) reduction in rank or grade;
- (d) dismissal:

Provided that no order of dismissal shall be effective until confirmed by the senior police officer in charge of the special area.

[s. 139]

[PCh322s143]143. Delivery up of badge, precept and uniform on resignation, etc.

(1) When an auxiliary police officer has resigned or has ceased to hold and exercise his office, he shall forthwith deliver to the senior police officer in charge of the special area his badge, precept and all articles of his uniform.

(2) When an auxiliary police officer dies, any person in possession of the badge, precept or article of uniform issued to him under this Act shall, within fourteen days after such death deliver the same to the senior police officer in charge of the special area in which such auxiliary police officer was stationed.

(3) For the purposes of this section an auxiliary police officer shall be deemed to have resigned on the day on which his resignation from the Auxiliary Police Force becomes effective under this Part and he shall be deemed to have contravened subsection (1) of this section unless he complies with the provisions thereof within one day after his resignation has become effective as aforesaid.

[s. 140]

[PCh322s144]144. Return of badge, precept and uniform delivered up

A senior police officer shall, without delay forward every badge and precept received by him under section 143 to the Inspector-General.

[s. 141]

[PCh322s145]145. Offences

Every person who—

(a) contravenes any provision of section 143; or

(b) has in his possession any badge, precept, or article of uniform furnished for the use of an auxiliary police officer and cannot satisfactorily account for the possession thereof, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding one month or to both such fine and imprisonment.

[s. 142]

[PCh322s146]146. Police officer for purposes of section 243 of the Penal Code

An auxiliary police officer shall be deemed to be a police officer for the purposes of section 243 of the Penal Code *.

[s. 143]

[PCh322s147]147. Powers of Police Force under this Part to be additional

All powers given by this Part to the Inspector-General and other members of the Force shall be in addition to and not in derogation of any other powers conferred by or under the Police or any other Act and such other powers may be exercised in the same manner as if this Part had not been enacted.

[s. 144]

PART XVII

MISCELLANEOUS PROVISIONS (ss 148-149)

[PCh322s148]148. Regulations G.N. No. 73 of 1965

(1) The Minister may make regulations relating to all or any of the following matters—

(a) the establishment, organisation and distribution of the Force, the conditions of appointment and service, and the various grades, ranks and appointments therein;

(b) the duties to be performed by members of the Force, and their guidance in the discharge of such duties;

(c) the pay, allowances and gratuities of members of the Force;

(d) the discipline and punishment of members of the Force;

(e) the description and issue of arms, ammunition, accoutrements, uniforms and necessities to be supplied to members of the Force;

(f) the conditions governing retirement, resignation, dismissal, discharge, reduction in rank or reversion of members of the Force;

(g) the leave conditions of the Force;

(h) the application or administration of the Police Rewards Fund;

(i) the granting of good conduct badges and pay, and the forfeiture thereof;

(j) all matters which are required by this Act to be prescribed or to be provided for by regulations;

(k) generally for the good order and government of the Force.

(2) The Minister may make regulations for the general governance of special constables and, without prejudice to the generality of such power, may make regulations regarding—

(a) their appointment, retirement, discharge and dismissal;

(b) their rank and remuneration;

(c) their terms of service and discipline;

(d) their training;

(e) their duties and responsibilities when on duty;

(f) the uniform and equipment to be worn and the arms to be carried by them;

(g) the application of Parts I to XIV of this Act.

(3) The President may make regulations under Part XVI–

- (a) prescribing anything which is to be or may be prescribed;
- (b) prescribing the training of auxiliary police;
- (c) generally for the better carrying out of the purposes and provisions of that Part.

[s. 145]

[PCh322s149]149. Repeal of R.L. Caps. 55 and 59 Ord No. 22 of 1955 s. 14

[Repeals the Police Force Ordinance * and the Finger-prints Ordinance *.]

[s. 146]

FIRST SCHEDULE

FORM 1

FORM OF DECLARATION ON ENLISTMENT

TANZANIA

THE POLICE FORCE AND AUXILIARY SERVICES ACT

(Section 15)

I,, do solemnly and sincerely declare that I will be faithful and bear true allegiance to the United Republic, and that I will faithfully serve during my service in

the Police Force of the United Republic and will obey all orders of the President and of the officers placed over me, and will subject myself to all relating to the Force now in force or which may from time to time be in force.

.....

(Signature or mark of Police Officer)

Declared at, this day of, 20.....

Before me

(Signature of Magistrate or Officer)

FORM 2

APPOINTMENT OF SPECIAL POLICE OFFICER

TANZANIA

THE POLICE FORCE AND AUXILIARY SERVICES ACT

(Section 78)

To, of I, the undersigned, do under the the powers vested in me by Part XII of the Police Force and Auxiliary Services Act hereby appoint you to be a special police officer from until further notice.

Dated this day of, 20.....

Signed

FORM 3

NOTICE TO SUSPEND OR DETERMINE APPOINTMENT OF SPECIAL POLICE OFFICER

TANZANIA

THE POLICE FORCE AND AUXILIARY SERVICES ACT

(Section 79)

To, of I, the undersigned do
under the powers vested in me by Part XII of the Police Force and Auxiliary Services Act, hereby
give you notice that your appointment as a special police officer for the 1
District, Region, as the case may be, made on the, day of 20....., is suspended (or
determined, as the case may be) with effect from the date hereof.

Dated this day of, 20.....

Signed

SECOND SCHEDULE

FORM 4

RATES FOR PURCHASE OF DISCHARGE

THE POLICE FORCE AND AUXILIARY SERVICES ACT

(Section 23)

(I) Two hundred shillings during the first year of service; one hundred and fifty shillings during the second year of service; one hundred shillings during the third or any subsequent year of service.

(II) In the case of a police cadet enlisted under section 14(2) of the Act, forty shillings during the first year of service; seventy shillings during the second year of service and one hundred shillings during the third or any subsequent year of service as a police cadet.

THIRD SCHEDULE

FORM OF DECLARATION ON ENLISTMENT

(Section 108)

I,, do solemnly and sincerely declare that I will be faithful and bear true allegiance to the United Republic, that I will faithfully serve during my service in the

Tanzania Police Reserve and will obey all orders of the President and of the officers placed over me, and will subject myself to all laws relating to the Tanzania Police Reserve now in force or which may from time to time be in force.

Signature or mark

of Reservist

Declared at, before me this day of, 20....., by the said after I had fully explained to him the terms and conditions of his engagement in the Tanzania Police Reserve, and he appeared fully to understand the same.

Signature of Attesting

Police Officer or Magistrate.....