

CHAPTER 380

THE DEPORTATION ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

Section	Title
1.	Short title and application.
2.	Interpretation.
3.	Right to petition order.
4.	Right to make representations.
5.	Person ordered to be deported may be detained.
6.	President's warrant sufficient authority for removal and detention.
7.	President may direct how expenses shall be defrayed.
8.	Power to vary or revoke order or to grant permission to a person deported.
9.	Penalty.
10.	Deportation to be published in the Gazette.

11. Advisory committee.

CHAPTER 380

THE DEPORTATION ACT

An Act to make provision for the deportation of certain persons from one part of the United Republic to another.

[1st May, 1921]

Ord. No. 18 of 1921

Acts Nos.

3 of 1991

[R.L. Cap. 38]

12 of 1998

[PCh380s1]1. Short title and application

(1) This Act may be cited as the Deportation Act, and applies to Mainland Tanzania as well as Tanzania Zanzibar.

[PCh380s2]2. Interpretation Acts Nos. 3 of 1991 s. 3; 12 of 1998 Sch.

(1) In this Act, unless the context requires otherwise—

"Committee" means the Advisory Committee established by section 11;

"deportation order" means an order made under section 2;

"deportee" means any person in relation to whom a deportation order is issued;

"High Court" means the High Court of the United Republic or the High Court of Zanzibar;

"Minister" means the Minister responsible for home affairs;

"person" includes a person who is not a citizen of the United Republic;

"United Republic" means the United Republic of Tanzania.

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

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

(4) Notwithstanding the provisions of this Act, or any other law, it shall not be lawful for any person to whom a deportation order has been issued and which has not been renewed to be detained in any part specified in the deportation order after expiry of two years.

[PCh380s3]3. Right to petition order Act No. 3 of 1991 s. 3

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

[PCh380s4]4. Right to make representations Act No. 3 of 1991 s. 4

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

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

[s. 3A]

[PCh380s5]5. Person ordered to be deported may be detained Act No. 3 of 1991 s. 7

(1) Where, under this Act, a person is to be deported, he shall by warrant of the President under his hand and seal, be detained, if necessary, in custody or in prison, until a fit opportunity for his deportation occurs.

(2) The President may make regulations—

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

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

[PCh380s6]6. President's warrant sufficient authority for removal and detention

The warrant of the President shall be sufficient authority to the person to whom it is directed or delivered for execution to receive and detain the person therein prescribed, and to carry him to the place named according to the warrant.

[PCh380s7]7. President may direct how expenses shall be defrayed

The expenses of deportation, including expenses of maintenance, shall be defrayed in such manner as the President directs.

[PCh380s8]8. Power to vary or revoke order or to grant permission to a person deported

The President may by order under his hand and official seal, vary or rescind any order of deportation made under this Act, or, without varying or rescinding the order of deportation, may grant permission in writing to the person deported to leave for a temporary purpose the part of the country to which he has been deported for some other part named in such permission.

Such permission may be granted subject to such conditions as to the President may seem proper, and any person who shall fail to comply with the conditions attached to any permission granted to him as aforesaid, shall be liable to the penalties provided in the next section.

[PCh380s9]9. Penalty Act No. 12 of 1998 Sch.

If any person deported under this Act leave the part of Tanzania to which he has been deported, or returns to the part of the United Republic from which he has been deported without

the permission in writing of the President, he shall be liable to imprisonment for any period not exceeding three months, with or without a fine not exceeding fifty thousand shillings; and he shall also be liable to be forthwith again deported.

[PCh380s10]10. Deportation to be published in the Gazette Act No. 3 of 1991 s. 8

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

[PCh380s11]11. Advisory committee Act No. 3 of 1991 s. 8

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

- (a) a Chairman and two other members appointed by the President; and
- (b) two members appointed by the Chief Justice.

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

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

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

- (a) where representations have been made in pursuance of section 4(1), as soon as may be after the making of such representations;

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

and thereafter at intervals not exceeding a year (unless the deportation order has been rescinded) and shall inform the Committee of the grounds on which the deportation order was issued and of such other matters relating to the deportation as are relevant to the continued deportation and provide the Committee with a copy of all representations made by the deportee.

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

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

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