

CHAPTER 385

THE PUBLIC ORDER ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

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THE PUBLIC ORDER ACT

An Act to provide for the preservation of good order at public meetings and to prohibit the maintenance of organisations capable of usurping the functions of the police, and for other purposes connected therewith.

[6th July, 1951]

Ord. No. 21 of 1951

[R.L. Cap. 304]

[PCh385s1]1. Short title

This Act may be cited as the Public Order Act.

[PCh385s2]2. Interpretation

In this Act, unless the context requires otherwise—

"local authority" means a local authority or authority established under any Act;

"meeting" means a meeting held for the purpose of the discussion of matters of public interest or for the purpose of the expression of views on such matters;

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

"private premises" means premises to which the public have access (whether on payment or otherwise) only by permission of the owner, occupier or lessee of the premises;

"public meeting" includes any meeting in a public place and any meeting which the public or any section thereof are permitted to attend, whether on payment or otherwise;

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

"public procession" means a procession in, to or from a public place.

[PCh385s3]3. Prohibition of organisations equipped to usurp functions of police, etc.

If the members or adherents of any association of persons, whether incorporated or not, are—

(a) organised or trained or equipped for the purpose of enabling them to be employed in usurping the functions of the police or of the armed forces of the United Republic; or

(b) organised and trained or organised and equipped either for the purpose of enabling them to be employed for the use or display of physical force in promoting any political object, or in such manner as to arouse reasonable apprehension that they are organised and either trained or equipped for that purpose,

then any member or adherent of such association shall be guilty of an offence and liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding six months or to both that fine and imprisonment, and any person who promotes or conspires with another to promote or who takes part in the control or management of the association, or in so organising or

training or equipping as aforesaid any member or adherent thereof, shall be guilty of an offence and liable to a fine of two thousand shillings or to imprisonment for a term not exceeding three years or to both that fine and that imprisonment:

Provided that in any proceeding against a person charged with the offence of taking part in the control or management of such an association as aforesaid it shall be a defence to that charge to prove that he neither consented to nor connived at the organisation, training or equipment of members or adherents of the association in contravention of the provisions of this section.

(2) No prosecution under this section shall be instituted without the consent of the Director of Public Prosecutions.

(3) If upon application being made by the Attorney-General it appears to the High Court that any association is an association of which members or adherents are organised, trained or equipped in contravention of the provisions of this section, the Court may make such order as appears necessary to prevent any disposition without the leave of the Court of property held by or for the association and may direct an inquiry and report to be made as to any such property as aforesaid and as to the affairs of the association and may make such further orders as appear to the Court to be just and equitable for the application of such property in or towards the discharge of the liabilities of the association lawfully incurred before the date of the application or since that date with the approval of the Court, in or towards repayment of moneys to persons who became subscribers or contributors to the association in good faith and without knowledge of any such contravention as aforesaid, and in or towards any costs incurred in connection with any such

inquiry and report as aforesaid or in winding up or dissolving the association, and may order that any property which is not directed by the Court to be so applied as aforesaid shall be forfeited to the Government.

(4) In any criminal or civil proceedings under this section proof of things done or of words written, spoken or published (whether or not in the presence of any party to the proceedings) by any person taking part in the control or management of an association or in organising, training or equipping members or adherents of an association shall be admissible as evidence of the purpose for which, or the manner in which, members or adherents of the association (whether those persons or others) were organised or trained or equipped.

(5) If a Judge of the High Court or Magistrate is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this section has been committed, and that evidence of the commission thereof is to be found at any premises or place specified in the information, he may, on an application made by a police officer of a rank not lower than that of Inspector grant a search warrant together with any other persons named in the warrant and any other police officers to enter the premises or place at any time within one month from date of the warrant, if necessary by force, and to search the premises or place and every person found therein, and seize anything found on the premises or place or on any such person which the officer has reasonable ground for suspecting to be evidence of the commission of such an offence as aforesaid:

Provided that no woman shall, in pursuance of a warrant issued under this subsection, be searched except by a woman.

(6) Nothing in this section shall be construed as prohibiting the employment of a reasonable number of persons as stewards to assist in the preservation of order at any public meeting held upon private premises, or the making of arrangements for that purpose or the instruction of the persons to be so employed in their lawful duties as such stewards, or their being furnished with badges or other distinguishing signs.

[PCh385s4]4. Prohibition of offensive weapons at public meetings and processions

(1) Any person who, while present at any public meeting or on the occasion of any public procession, has with him any offensive weapon, otherwise than in pursuance of lawful authority, shall be guilty of an offence.

(2) For the purposes of this section, a person shall not be deemed to be acting in pursuance of lawful authority unless he is acting in his capacity as a servant of the Government or of any local authority or as a police officer or as a member of a fire brigade.

[PCh385s5]5. Prohibition of offensive conduct conducive to breaches of the peace

Any person who in any public place or at any public meeting uses threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace is likely to be occasioned, shall be guilty of an offence.

[PCh385s6]6. Wearing of uniforms

(1) The President may from time to time by order prohibit the wearing in public places or at public meetings of—

(a) uniform or any distinctive dress which signifies association with any political organisation or with the promotion of any political object;

(b) any uniform, distinctive dress or emblem by members or adherents of any organisation or association specified or described in the order, whether incorporated or not—

(i) when, in the opinion of the President members of that organisation or association are organised or trained or equipped for the purpose of enabling them to be employed in usurping the functions of the police or of the armed forces of the United Republic; or

(ii) when, in the opinion of the President, members of that organisation or association are organised or trained or equipped for the purpose of enabling them to be employed for the use or display of physical force in promoting any political or other object or in such manner as to arouse reasonable apprehension that they are organised or trained or equipped for that purpose.

(2) Any person who contravenes any order under subsection (1) of this section shall be guilty of an offence.

(3) Where any person is charged before any court with an offence under this section, no further proceedings in respect thereof shall be taken against him without the consent of the Director of Public Prosecutions except such as the court may think necessary by remand (whether in custody or on bail) or otherwise to secure the due appearance of the person charged, so, however, that if that person is remanded in custody he shall, after the expiration of a period of eight days from the date on which he was so remanded, be entitled to be discharged from custody

on entering into a recognisance without sureties unless within that period the Director of Public Prosecutions has consented to such further proceedings as aforesaid.

[PCh385s7]7. Offences under this Act to be cognizable

Any police officer may arrest without warrant any person committing, or who he has reason to suspect has committed, an offence under section 4 or section 5 of this Act.

[PCh385s8]8. General penalty

Every person who is guilty of an offence against this Act in respect of which no special penalty is provided shall be liable on conviction to a fine not exceeding one thousand shillings, or to imprisonment for a term not exceeding six months or to both that fine and that imprisonment.