

CHAPTER 400

THE PAROLE BOARDS ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

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CHAPTER 400

THE PAROLE BOARDS ACT

An Act to establish the Parole Boards, to provide for the procedure to release prisoners on parole and related matters.

[1st January, 1998]

[G.N. No. 783 of 1997]

Acts Nos.

25 of 1994

10 of 2001

5 of 2002

9 of 2002

PART I

PRELIMINARY PROVISIONS (ss 1-2)

[PCh400s1]1. Short title

This Act may be cited as the Parole Boards Act.

[PCh400s2]2. Interpretation

In this Act, unless the context requires otherwise—

"Minister" means the minister responsible for prisons;

"National Parole Board" means the National Parole Board established under section 3;

"Officer-in-Charge of prison" has the meaning assigned to it under the Prisons Act *;

"Parole Board" means the National Parole Board and the Regional Parole Board established under section 3.

PART II

PAROLE BOARDS (s 3)

[PCh400s3]3. Establishment of Parole Boards Act No. 5 of 2002 Sch.

(1) There is hereby established the National Parole Board for Mainland Tanzania and a Regional Parole Board for every region in Mainland Tanzania.

(2) The National Parole Board shall consist of—

(a) the Chairman who shall be a person vested with knowledge and experience in legal matters or in administration of criminal justice, and who shall be appointed by the President;

(b) the Director of Public Prosecutions or a representative from his office;

(c) the Chief Medical Officer from the Ministry of Health;

(d) the Commissioner for Social Welfare;

(e) a senior officer from the President's Office;

(f) two other members appointed by the Minister from amongst persons of good standing in the society.

(3) The Regional Parole Board shall consist of—

(a) the Chairman who shall be appointed by the Minister and who is vested with knowledge and experience in illegal matters or in administration of criminal justice;

(b) the State Attorney in charge of the Zone or his representative in which that region is situated;

(c) the Regional Medical Officer;

(d) a senior Social Welfare Officer from the Regional Office;

(e) a senior officer representing the office of the Regional Commissioner;

(f) four other members to be appointed by the Minister from amongst people of good standing in the society.

(4) The Inspector General of Police or his representative and the Principal Commissioner of Prisons or his representative shall attend the meetings of the National Parole Board and give advice where needed, but shall not be entitled to vote in making any decision in any of the meetings.

(5) The Regional Police Commander and the Regional Prisons Officer shall attend to the meetings of the Regional Parole Board and give advice where needed, but shall not be entitled to vote in making any decision in any of the meetings.

(6) The Secretariat of the National Parole Board shall be in the office of the Principal Commissioner of Prisons.

(7) The Secretariat of the Regional Parole Board shall be in the office of the Regional Prisons Officer.

(8) The tenure of office, quorum, meetings and proceedings of the Parole Board shall be as prescribed in the Schedule to this Act.

(9) The Minister may, by notice in the Gazette, alter, vary or amend the Schedule to this Act.

PART III

ELIGIBILITY AND CONDITIONS FOR PAROLE (ss 4-6)

[PCh400s4]4. Eligibility and conditions for parole Acts Nos. 5 of 2002 Sch.; 9 of 2002 Sch.

A prisoner who is serving a sentence of imprisonment for a period of four years or more, shall be eligible for parole, if—

- (a) he is not serving a life sentence;
- (b) he is not serving a sentence for the offence of armed robbery, dealing in dangerous drugs, rape or defilement;
- (c) his sentence has not otherwise been commuted or subjected to a community service order under the Community Service Act *;
- (d) he has served one third of his sentence for any other offence other than those stipulated in paragraph (b);
- (e) he has conducted himself with good behaviour for all of the time he has been serving the sentence before he is due for parole; and

(f) while on parole he complies with parole conditions laid down under section 7 of this Act;

(g) the sentencing court does not prohibit the grant of parole under section 167 of the Criminal Procedure Act.*

[PCh400s5]5. Consequences for failure to comply with conditions for parole

(1) A prisoner commits an offence where he—

(a) is released on parole; and

(b) fails to comply with conditions laid down under regulations made under section 7.

(2) A prisoner who commits an offence under this section or under any other written law shall, if he is convicted of the offence—

(a) be called upon to serve the remainder of the sentence for which he was released on parole and in accordance with the provisions of the Prisons Act *; and

(b) serve the sentence for the offence for which he is convicted pursuant to this section.

[PCh400s6]6. Procedure for parole and functions of Parole Boards

(1) The Officer-in-Charge of prison may, where he is satisfied that a certain prisoner meets the conditions stipulated under section 4 of this Act, propose to the Regional Parole Board that the prisoner be considered for release on parole.

(2) A prisoner who meets the conditions under section 4 of this Act, may make application for release on parole to the Regional Parole Board.

(3) Where—

(a) the Officer-in-Charge of prison under subsection (1) of this section proposes a prisoner to be considered for release on parole; or

(b) where the prisoner makes an application under subsection (2) of this section, the Regional Parole Board may, after perusing, scrutinizing and considering the particulars and records of that prisoner and where the Regional Parole Board is satisfied that the prisoner is eligible for parole, forward that prisoner's name to the National Parole Board for further scrutiny, recommendation and advice to the Minister.

(4) The Minister may, after receiving the recommendations from the National Parole Board on particulars and record of a prisoner under subsection (3) of this section, consider and evaluate that recommendation and where he is satisfied, grant or refuse to grant to that prisoner, release on parole and any decision the Minister makes, shall be in writing.

PART IV

MISCELLANEOUS PROVISIONS (ss 7-9)

[PCh400s7]7. Regulations

(1) The Minister may make regulations—

(a) to regulate the procedure for releasing prisoners on parole and to stipulate for sanctions where there is breach of the procedure;

(b) to stipulate the award of allowances and benefits for Parole Board members;

(c) to provide for the procedure for monitoring and supervising of prisoners on parole;

(d) to regulate the procedure which the Commissioner shall use in recalling prisoners who are on parole but who misbehave or fail to meet parole conditions;

(e) to provide for special and standard conditions to be adhered to by the prisoner while on parole; and

(f) to provide for any other matter or thing related to and in furtherance of the provisions of this Act.

(2) The Regulations made under subsection (1) shall be published in the Gazette.

[PCh400s8]8. Liability of Parole Board members, etc.

No matter or thing done by any member of the Parole Board or any other person empowered to perform any function under this Act shall, if done in good faith in execution of his function under this Act, render the member or that other person personally liable for the matter or thing concerned.

[PCh400s9]9. Penalty

Any person who interferes with the administration of the parole system or who contravenes the provisions of this Act, commits an offence and shall upon conviction be liable to a fine not exceeding five hundred thousand shillings or to a term of imprisonment not exceeding two years or to both.

SCHEDULE

(Section 3(8))

1. Vice-Chairman

The members of the National Parole Board or the Regional Parole Board, as the case may be, shall elect one of their number to be the Vice-Chairman of the Parole Board and any member elected as Vice-Chairman of the Parole Board shall, subject to his continuing to be a member, hold office for a term of one year from the date of his election, but shall be eligible for re-election.

2.

A member appointed under paragraphs (a) or (f) of subsection (2) of section 3–

(a) shall, unless his appointment is sooner terminated by the President or Minister, as the case may be, or he ceases in any other way to be a member, hold office for a period of three years but shall be eligible for re-election;

(b) may at any time resign his office by giving notice in writing addressed to the Minister, and from the date specified in the notice or, if no date is so specified, from the date of the receipt of the notice by the Minister, he shall cease to be a member.

3. Meetings of Parole Boards

(1) The Parole Board shall ordinarily meet at times and places as it deems necessary for the transaction of its business, but shall meet at least once in every three months.

(2) The Chairman, or in his absence, the Vice-Chairman, may at any time call a special meeting of the Parole Board, and shall call a special meeting upon a written request by a majority of the members.

(3) The Chairman, or in his absence, the Vice-Chairman shall preside at every meeting of the Parole Board.

(4) In the absence of both the Chairman and the Vice-Chairman, members present shall elect a member from amongst themselves to preside over the meeting.

4. Quorum

The quorum at any meeting of the Parole Board shall be one third of the members amongst whom two shall be—

(a) in the case of the National Parole Board—

(i) the Director of Public Prosecutions or his representative; and

(ii) either of the two members appointed by the Minister under paragraph (f) of subsection (2) of section 3;

(b) in the case of the Regional Parole Board the State Attorney-in-charge of the zone in which that region is situated and two from amongst the four members appointed by the Minister under paragraph (1) of subsection (3) of section 3.

5. Decision of Parole Boards

(1) Subject to subparagraph (2), questions proposed at a meeting of the Parole Board shall be decided by a majority of the votes of members present and voting, and in the event of an equality of votes then the person presiding shall have a casting vote in addition to his deliberative vote.

(2) A decision may be made by the Parole Board without a meeting by circulation of the relevant papers among the members and the expression of the views of the members in writing, but any member may require that the decision be deferred and the subject matter be considered at a meeting of the Parole Board.

6. Minutes of meetings

(1) The Parole Board shall cause to be recorded and kept details of all business conducted or transacted at its meetings, and the minutes of each meeting of the Parole Board shall be read and confirmed, or amended and confirmed, at the next meeting of the Parole Board and signed by the person presiding at that meeting.

(2) Any minutes purporting to be signed by the person presiding at a meeting of the Parole Board shall in the absence of proof of error, be deemed to be a correct record of the meeting.

7. Vacancies, etc., not to invalidate proceedings

The validity of any act or proceeding of the Parole Board shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

8. Parole Board may regulate its own proceedings

Subject to the provisions of this Schedule, the Parole Board may regulate its own proceedings.