

TANGANYIKA



No. 50 OF 1963

I ASSENT,

Julius K. Nyerere
President

19TH SEPTEMBER, 1963

An Act to extend the provisions of the Official Secrets Ordinance to certain other matters and otherwise to amend the said Ordinance

[20TH SEPTEMBER, 1963]

ENACTED by the Parliament of Tanganyika.

1. This Act may be cited as the Official Secrets Ordinance (Amendment) Act, 1963, and shall be read as one with the Official Secrets Ordinance.

Short title and construction
Cap. 45

2. The long title of the Official Secrets Ordinance is hereby amended by inserting, immediately after the word "Official", the word "and other".

Long title of Cap. 45 amended

3. The Official Secrets Ordinance is hereby amended by adding, immediately below section 4, the following new section:—

New section 4A added to Cap. 45

"Spying on certain organizations and bodies
4A.—(1) The President may, by order published in the *Gazette*, declare—

- (a) any organization which he recognizes as representative of the people, or of any category of the people, of a territory in Africa which is not an independent State or of the Republic of South Africa, to be a designated organization for the purposes of this section;
- (b) any body or agency composed of or representing African States (or African and other States) whose objects include the establishment of independent States in territories of Africa which are not independent States, or the establishment of fully representative governments in States practising discrimination on grounds of colour or race, or any committee of such a body or agency, to be a designated agency for the purposes of this section.

The declaration of an organization or body or agency under this section as a designated organization or a designated agency, as the case may be, shall be conclusive evidence

that it is an organization, body or agency to which this subsection refers.

(2) Any person who—

- (a) for any purpose prejudicial to the safety or interests of a designated organization, obtains, collects, records, publishes or communicates to any other person any secret code word or pass word, or any sketch, plan, model, article, note or other document or information which is calculated to be or might be or is intended to be directly or indirectly useful to the Government of any territory in Africa which is not an independent State, or to the Government of the Republic of South Africa; or
- (b) for any purpose prejudicial to the safety or interests of a State which is a member of or represented on a designated agency, collects, records, publishes or communicates to any other person any secret code word or pass word, or any sketch, plan, model, article, note or other document or information which—
- (i) is prepared for the confidential use of, or in confidence by, such designated agency, or forms part of any record of its confidential proceedings; and
- (ii) is calculated to be or might be or is intended to be directly or indirectly useful to the Government of any territory in Africa which is not an independent State, or to the Government of the Republic of South Africa,

shall be guilty of a major offence under this Ordinance.

(3) Where, in any proceedings against a person for an offence under this section, or under section 12 and this section, it is proved that such person has communicated, or attempted to communicate, any such matter referred to in subsection (1) relating to a designated organization, or prepared for or by or forming part of the records of a designated agency, as the case may be, to any person employed by a government having responsibility for, or jurisdiction in, any territory in Africa which is not an independent State, or by the Government of South Africa, he shall be presumed to have communicated, or attempted to communicate, such matter for a purpose prejudicial to the safety or interests of such designated organization or of a State which is a member of or represented on such designated agency, as the case may be, unless the contrary is proved.

(4) For the avoidance of doubts it is hereby declared that a territory in Africa is not an independent State by reason of its forming an integral part of any other State other parts of which are situated outside Africa, unless prior to becoming such a part, it was itself an independent State.”

4. The Official Secrets Ordinance is hereby amended by adding, ^{New section 15A added to Cap. 45} immediately below section 15, the following new section:—

“Extra-territorial application

15A. This Ordinance shall apply to all acts which are offences under this Ordinance when committed in Tanganyika or, when committed by Tanganyika citizens or persons in the service of the Republic, elsewhere.”

Passed in the National Assembly on the twelfth day of September, 1963.

