

THE UNITED REPUBLIC OF TANZANIA



No. 1 OF 1969

I ASSENT,

Julius K. Nyerere
President

6th FEBRUARY, 1969

An Act to make provision for enabling the Police of certain contiguous countries to be authorized to pursue within the United Republic offenders fugitive from such countries

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Fugitive Offenders (Pursuit) Act, 1969 and shall come into operation on such date as the Minister may, by notice in the Gazette, appoint. Short title

2. In this Act unless the context otherwise requires-
"extradition crime" shall have the meaning ascribed to that term in the Extradition Act, 1965;

Interpreta-
tion
Acts 1965
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"magistrate" means a resident magistrate;

"Minister" means the Minister for the time being responsible for legal affairs;

"police" in relation to any contiguous country means a member of the Police Force established by or under any law of that country and includes any person having powers of arrest under any law of that country;

"fugitive offender" or "offender" means any person accused or convicted of an extradition crime committed within the jurisdiction of any contiguous country to which this Act applies who is, or is suspected of being, in Tanganyika.

Application of the Act	<p>3. Where the Minister is satisfied that reciprocal provision has been or will be made by or under the law of any contiguous country authorizing the police of the United Republic to enter such country in pursuit of a person who has committed or is reasonably suspected of having committed an extradition crime in the United Republic he may, by order published in the <i>Gazette</i>, declare that this Act shall apply in the case of that country subject to such conditions, exceptions and qualifications as may be specified in the order and this Act shall apply accordingly.</p>
Right of pursuit	<p>4. Where an order is made under section 3 in respect of any contiguous country the police of that country may enter such area of the United Republic as may be defined in the order in pursuit of any person who has committed, or is reasonably suspected of having committed, an extradition crime in that country and may arrest such person within such area.</p>
Arrested person to be delivered to local police	<p>5. Where the police of any contiguous country, acting under the powers conferred upon them by this Act, arrest any person, they shall forthwith deliver the person to a police officer in Tanganyika who shall, as soon as practicable after such delivery to him, bring such person before a magistrate having jurisdiction over the area within which such person was arrested.</p>
Return of offender	<p>6. (1) Where a fugitive offender is brought before a magistrate pursuant to the provisions of section 5, and the magistrate is satisfied that such offender is required by the contiguous country for the trial of an extradition crime, he may, subject to such provisions of the Extradition Act, 1965 as shall apply by virtue of the provisions of section 7, order the offender to be returned to the contiguous country from which he is a fugitive and, for that purpose, to be delivered into the custody of the police of that country and to be held in custody and conveyed into that country.</p> <p>(2) The magistrate shall, so far as is requisite for the exercise of the powers of this section, have the same power, including the power to remand and admit to bail an offender, as he has in the case of a person arrested under a warrant issued by him.</p>
Certain provisions of the Extradition Act, 1965 to apply	<p>7. (1) The provisions of Part III and Part IV of the Extradition Act, 1965 shall apply, <i>mutatis mutandis</i>:-</p> <p>(a) in relation to the return, restrictions on return, escape from custody and discharge of every fugitive offender brought before a magistrate under this Act, as if such offender were a criminal fugitive arrested pursuant to a warrant or a provisional warrant under sections 12 or 13 of the Extradition Act, 1965;</p> <p>(b) to all proceedings before a magistrate under this Act, as if such proceedings were proceedings under Part III of the Extradition Act, 1965,</p> <p>and a fugitive offender under this Act shall have the same right of appeal and the right to apply for directions in the nature of a writ of habeas corpus as has a fugitive criminal arrested pursuant to the provisions of Part III of the Extradition Act, 1965.</p>

(2) The provisions of section 18 and section 19 of the Extradition Act, 1965 shall apply in respect of proceedings under this Act to the same extent as they apply to proceedings under Part III of the Extradition Act, 1965.

(3) Rules made under section 22 of the Extradition Act, 1965 shall, in so far as they may be applicable, govern appeals to the High Court under this Act.

8.-(1) If, in any case which is brought to his attention, the Minister is of the opinion that the circumstances of the case so require, he may, at any time before the offender has been conveyed to the contiguous country concerned, order the offender to be discharged and upon such order being made the offender shall forthwith be discharged and any proceedings against such offender under this Act, pending at the time when such order is made, shall be discontinued.

Power
of the
Minister to
order
discharge

(2) An order made under this section shall be final and shall not be subject to review by any court.

9. The Fugitive Offenders (Pursuit) Ordinance is hereby repealed.

Repeal of
Cap. 57

Passed in the National Assembly on the ninth day of January, 1969.


Clerk of the National Assembly