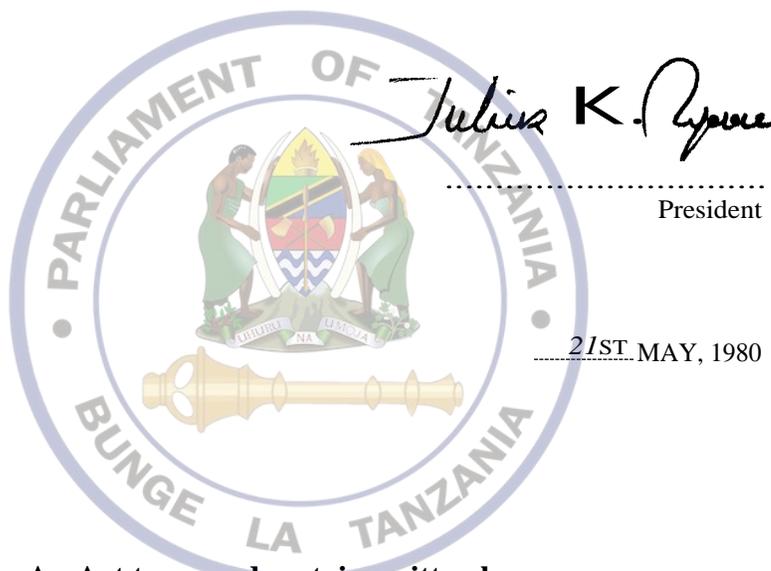


THE UNITED REPUBLIC OF TANZANIA



No. 15 OF 1980

I ASSENT,



An Act to amend certain written laws

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Written Laws (Miscellaneous Amendments) Act, 1980. short title
2. The laws set forth in first and second columns of the Schedule to this Act are amended in the manner specified in the third column. Amendment of certain laws

SCHEDULE

FIRST COLUMN

SECOND COLUMN

Cap. 13

The Children and Young Persons Ordinance

Section 3 is amended by deleting subsection (5) of that section
 Section 11 is repealed and replaced by the following section-
 "Attendance, 11.-41) No person shall, except with the leave of the court, Appearance attend in a juvenile court unless he is a member or officer of the court, and hearing in a parent, guardian or relative of the accused or one of the part to juvenile Court the proceeding or an advocate any of them or a person directly involved in the proceeding in other way,

(2) If the child or young person, does not admit the offence he is charged with, or if the court does not accept the statement of the accused a plea guilty to that charge, the court shall proceed to hear the evidence of the witness for the prosecution.

(3) In all, proceedings against children and young persons, where the parents, guardian or relatives attend in the juvenile court, any one of them may, with the prior consent of the court, assist the accused child or young person in the conduct of particular, in the examination and cross-examination of witnesses.

Cap. 247

The Probation of Offenders Ordinance

Section 3 of the Ordinance is amended by adding, immediately after (2), the following new subsection:

Acts, 1972 No. 1

"(3) No probation order shall -be made under respect of any person who is charged with or convicted of any offence under the Minimum Sentences Act, 1972.";

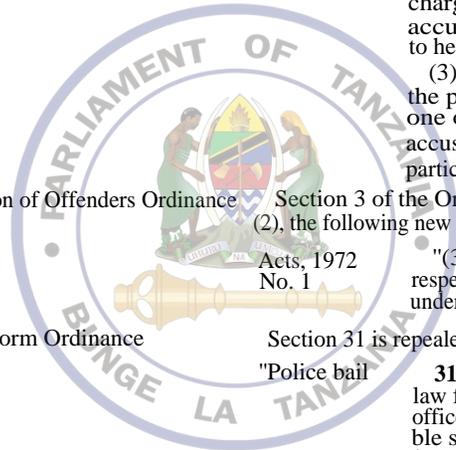
Cap. 322

The Police Form Ordinance

Section 31 is repealed and replaced by the following
 "Police bail

31.(1) Without prejudice to the provisions of any other written law for the time being in force relating to the grant of bail by police officers, a person brought under the custody-of the police on reasonable suspicion of having committed any offence shall be released immediately, where-

- (a) the police officer who arrested believes that person has in fact committed no offence, that police officer has no reasonable grounds on which to continue holding that person in custody;
- (b) the police officer who arrested him believes that he arrested the wrong person;



SCHEDULE--(contd.)

FIRST COLUMN

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(c) after twenty-four hours after the person was arrested, no formal charge has been laid against that person, unless the police officer in question reasonably believes that the offence suspected to have been committed is a serious one.

(2) Where a formal charge has been laid against any person under the custody of the police, a Police officer in charge of a police station may, upon that person executing a bond, with without sureties to appear before a court if so required, release the person, where-

(a) the person, though subject to prosecution, was arrested without warrant,

(b) after due enquiry, insufficient evidence is, in his opinion disclosed upon which to proceed with the charge

(c) the offence, though cognizable, is not of a serious nature; or

(d) it appears that further enquiries must be carried out, and they can not be completed within a reasonably short time.

(3) Where the person arrested is under the age of fifteen years, that person may be released after his parent, guardian relative or any reliable person has entered into a recognisance his behalf.

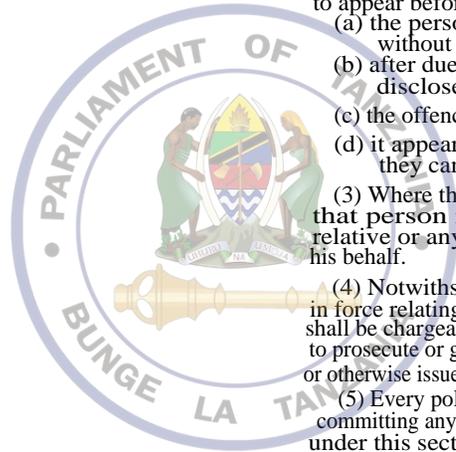
(4) Notwithstanding any other written law for the time being in force relating to the grant of bail by police officers, no fee or duty shall be chargeable upon bail bonds in criminal cases, recognisances to prosecute or give evidence, or recognisance for personal appearance or otherwise issued or taken by a police officer.

(5) Every police officer arresting a person reasonably respected of committing any offence shall inform that person reasonably suspected of under this section, and where any police officer refuses to grant bail to any person under his custody, he shall reduce into writing all the reason for his refuse

Section 32 repealed and replaced by the following section--,

"Summons of person to attend at police station

32.-(1) An officer in charge of a police station, or a police officer making an investigation into any offence may, in writing, and if the offence being investigate is not a cognizable offence, after obtaining a specific written authority in each case from a magistrate or justice of the peace, or from the Attorney-General or any person empowered by the Attorney-General to grant that authority, require any person who is within the limits of any place or police station of which he is in



SCHEDULE- (contd.)

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charge or to which he is attached or of any adjoining place or police station, to report at the police station either to that police officer or any other person named in the writing, if he believes that person has any knowledge which will assist or facilitate the successful continuation or completion of the investigation in question.

(2) Every person required to attend before a police officer in accordance with subsection (1) shall give his correct name and address, and shall answer all questions which may be lawfully asked of him, and no person may refuse to answer any question lawfully asked of him on the ground only that the answer to that question may tend to expose him to any criminal charge, penalty of forfeiture, but no answer to any of the questions shall be used against him in any subsequent proceedings.

(3) Any person who, having been required to attend before a police officer in accordance with subsection (1) refuses to attend as required or having attended refuses to answer any question lawfully asked of him or gives any information which is false or which he has reason to believe not to be true, shall be guilty of an offence.

(4) A police officer interrogating any person attending before him under this section may record any statement made to him by that person, whether or not that person is reasonably suspected of having committed any offence against any law for the time being in force in the United Republic, but as soon as the interrogating officer reasonably believes that there is sufficient evidence to warrant the person before him being charged with an offence, or if the person before him is already charged with an offence, he shall, in the first case proceed to charge him accordingly and then, in both the first and the second case, he shall warn that person that any statement which he makes from then onwards may be recorded and may be used in evidence and that an inference adverse to him may be drawn from his failure or refusal to answer any questions or from his failure or refusal to disclose at that stage any matter which may be material to the charge.

(5) Where the person being interrogated makes any statement after he has been warned in accordance with the terms of subsection (4), that statement shall be recorded in writing and signed by the person making it after it has been read over to him in a language which he understands and he has been invited to make any corrections which he may wish to make."



SCHEDULE- (contd.)

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The Ordinance is amended by inserting, immediately after section 34, the following new section-

"The identification of suspects

34A.-(1) The Minister shall make regulations, to be published in the *Gazette*, providing for the procedure to be complied with by all persons involved in the conduct of identification parades, the taking of fingerprints and photographs of suspects and accused persons, subject to the following provision of this section -

(2) No person who is suspected of having committed an offence against any law for the time being in force in the United Republic shall be entitled to object to being put on an identification parade.

(3) Any police officer investigating any offence may, after obtaining, leave in writing of a competent court, take photographs, prints and measurements of persons who are not in police custody or under supervision of the police, if the court is satisfied that such measures are necessary and reasonable for the purposes of facilitating the solution of any particular crime.

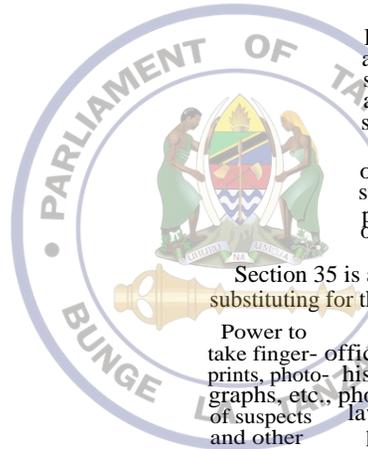
(4) The police officer in charge of a police station, or a police officer investigating an offence, may, in writing under his hand, summon to attend an identification parade any person whose participation is necessary for the proper or successful investigation of the offence in question.

Section 35 is amended by deleting subsections (1) and (2) of that section and substituting for them the following subsections:—

Power to take fingerprints, photographs, etc., of suspects and other persons

35.-(1) Any officer in charge of a police station, or any police officer investigating an offence, may take or cause to be taken in his presence, for the purposes of investigation, the measurements, photographs, footprints and finger-prints, of any person who is in lawful custody of the police or who is under supervision by the police.

(2) Notwithstanding the provisions of subsection (1), where any officer in charge of a police station, or a police officer investigating any offence, believes that the fingerprints or photographs of any person charged with an offence but is not under the custody of the



SCHEDULE- (contd.)

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Cap. 508	The Judicial Service Art, 1962	<p>police, or who is not charged with any offense but may assist in solving any crime, or the grime in question, he may take, or cause to be taken, the fingerprints or photographs of that person; but any fingerprints and photographs taken in pursuance -of the power conferred by this section shall each be destroyed after it has served, or failed, or proved impossible of serving, the purpose for which it was taken.</p> <p>... (3) Where any person required to have his fingerprints, measurements photographs, footprints- or other identification, marks taken in pursuance of the provisions of subsections (1) and (2) of this section, the police officer concerned may take such reasonable steps, including the use of reasonable force, as may be necessary to secure that the fingerprints, measurements, photographs, footprints, measurements, photographs footprints or other identification marks are taken to his satisfaction.</p> <p>Section 35 is amended by renumbering subsections (3), (4), (5), (6) and (7) as subsections (4), (5), (6), (7) and (8), respectively."</p> <p>Section 21A is amended by inserting, after the <i>definition "Minister"</i>, the following definition:-</p> <p>“(1) the Principal Judge" means the Judge of the High Court of the United Republic, designated "Jaji Kiongozi" in Kiswahili, appointed under section 61 of the Constitution of the United Republic;"</p> <p>Section 21B is amended by deleting the whole of subsection (1) and substituting for it the following subsection:-</p> <p>“(1) There is established a Commission for matters relating to primary court magistrates, which shall consist of-</p> <p>(a) the Chief Justice, who shall be the Chairman;</p> <p>(b) the Judge of the Court of Appeal of the United Republic for the time being serving as a member of the Judicial Service Commission;</p> <p>(c) the Principal Judge; and</p> <p>(d) two other members appointed by the President.".</p>
Acts, 1971 No. I	The Law of Marriage Act, 1971	<p>Section 75 is amended by-</p> <p>(a) deleting the whole of subsection (2); and</p> <p>(b) deleting the term "(I)" which denotes subsection (1), which occurs immediately after the figure "1175", so that the substance of subsection (1) becomes the only provisions of section 75.</p>

SCHEDULE--(contd.)

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Section 80 is amended by deleting subsections (1) and (2) and substituting for them the following subsections:-

"Appeals **80.**-(1) Any person aggrieved by any decision or order of a primary court, or by any decision or order of a district court, may appeal from that court, respectively, to the district court or to the High Court.
(2) An appeal to the district court or to the High Court shall be filed, respectively, in the primary court or in the district court within forty-five days of the decision or order against which the appeal is brought."

References in section 80 to the Court of Appeal for East Africa shall be deemed to be references to the Court of Appeal of the United Republic.

Acts 1973
No. 30

The Road Traffic, Act, 1973

The Act is amended by adding, immediately after section 62, the following new section:-

"Use of **62A.**-(1) No person shall knowingly or wilfully, cause to be used; or permit the use of, his vehicle in the commission of any offence against any law for - the time being in force in the United Republic.

(2) Where any person-

(a) uses a vehicle, or

(b) knowingly or wilfully causes to, be used, or permits the use of, his vehicle,

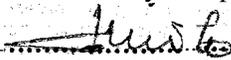
in or in connection with, the commission of an offence, shall be guilty of an offence and the court shall upon conviction order that-

(i) he be disqualified from driving for a period of ten years; And

(ii) the vehicle be forfeited to the United Republic:

Provided that this section shall not apply to traffic offences."

Passed in the National Assembly on the fifteenth day of April, 1980


Clerk of the National Assembly