

THE UNITED REPUBLIC OF TANZANIA



No. 5 OF 1988

I, JOSEPH S. WARIOBA for the time being discharging the Functions of President, do hereby assent

*Joseph S. Warioba*

First Vice President

23 June, 1988

An Act to amend the Criminal Procedure Act, 1985

ENACTED by the Parliament of the United Republic of Tanzania.

[ ..... ]

1. This Act may be cited as the Criminal Procedure (Amendment) Act, 1988, and shall be read as one with the Criminal Procedure Act, 1985, in this Act referred to as "the principal Act". Short title and construction

2. Section 3 of the principal Act is hereby amended in subsection (2) by deleting paragraph (d) and substituting for it the following paragraph— Amendment of section 3

"(d) sections 137, 138, 139, 140 and 141 shall apply to, and the High Court may exercise jurisdiction under section 148(3), 149, 348 and 349 in respect of, primary courts."

3. Section 31 of the principal Act is hereby amended by deleting subsection (1) and substituting for it the following: Amendment of section 31

"(1) Any private person arresting any person without a warrant shall without unnecessary delay hand over the person so arrested to a police officer or nearest police station or, in the absence of either, to the Ward Secretary or the Village Secretary for the area where the arrest is made."

4. Section 38 of the Principal Act is hereby amended by deleting subsections (3) and (4) and substituting for them the following: Amendment of section 38

"(3) Where anything is seized in pursuance of the powers conferred by subsection (1), the officer seizing the thing shall issue a receipt acknowledging the seizure of that thing, being the signature of the owner or occupier of the premises or his near relative or other person for the time being in possession or control of the premises, and the signature of witnesses to the search, if any.

(4) Whoever, being empowered by law to order, authorize or conduct the search of any person, place, building, vessel, carriage or receptacle, vexatiously and without having a reasonable ground for so doing, orders, authorizes or conducts such search is guilty of an offence.

(5) No prosecution against any person for an offence under subsection (4) shall be instituted except with the written consent of the Director of Public Prosecutions".

Amendment of section 68

5. Section 68 of the principal Act is hereby amended by deleting the expression "a prescribed police officer" occurring before the word "believes" and substituting for it the expression "*a police officer in charge of a police station*".

Amendment of section 71

6. Section 71 of the principal Act is hereby amended by deleting paragraph (b) and substituting for it the following:

"(b) any matter concerning a judge or magistrate which amounts to libel under the Penal Code".

Amendment of section 93

7. Section 93 of the principal Act is hereby amended—

(a) by inserting a full stop immediately after the word "Tanzania", and

(b) by deleting the rest of the passages commencing at "has instituted" and ending with the words "the Court".

Amendment of section 197

8. Section 197 of the principal Act is hereby amended in paragraph (a) by deleting the words "examining justice" and substituting for them the words "examining judge or magistrate".

Amendment of section 214

9. Section 214 of the principal Act is hereby amended in subsection (2) (a) by deleting the expression "the second magistrate" and substituting for it the expression "the other magistrate".

Amendment of section 225

10. Section 225 of the principal Act is hereby amended—

(a) in subsection (1) by deleting the clause "Subject to subsection (3)," and substituting for it the clause "Subject to subsections (3) and (6),";

(b) by adding after subsection (5) the following subsection:

"(6) Nothing in this section shall be construed as providing for the application of this section to any proceedings in a subordinate court in relation to any offence triable only the High Court or triable under the Economic and Organised Crime Control Act, 1984."

Acts 1984  
No. 13

11. Section 379 of the principal Act is hereby amended in paragraph (b) by deleting sub-paragraph (i) and substituting for it the following:

"(i) in computing the said period of forty-five days the time requisite for obtaining a copy of the judgment or order appealed against or of the record of proceedings in the case, shall be excluded;"

Passed in the National Assembly on the thirteenth day of April, 1988.

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Clerk of the National Assembly