

THE UNITED REPUBLIC OF TANZANIA



No. 13 of 1988

I ASSENT,

Mwinyi

President

22 January 1989

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, 1988.
2. The laws specified in the first and second columns of the Schedule to this Act are hereby amended in the manner specified opposite to each of them in the third column.

Short
title

Amend-
ment of
certain
laws.

SCHEDULE

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
Acts, 1975 No. 12	The Institute of Adult Education Act, 1975	Section 22 is amended by deleting the word "President" and substituting for it the word "Minister".
Acts, 1975 No. 13	The Institute of Curriculum Development Act, 1975	Section 25 is amended by deleting the word "President" and substituting for it the word "Minister".
Acts, 1982 No. 7	The Local Government (District Authorities) Act, 1982	Section 12 is amended— (a) by renumbering that section as "12(1)"; (b) by adding immediately after subsection (1) as renumbered the following new subsections:— "(2) The Minister shall, for the purposes of the proper administration of the affairs of local government categorise district authorities into grades based on the size of the area, the population and the level of social and economic development within the district authority in question. (3) Where the Minister grades a district authority he shall cause a notice to that effect to be published in the <i>Gazette</i>, but the Minister may, in the order made under section 5 establishing the authority, in addition to the particulars required to be incorporated in the order, designate the grade of the district authority being established. (4) The grading of any district authority shall not affect its status as a body corporate, and it shall discharge its functions and exercise its powers under this Act notwithstanding its grade."
Cap. 108	Births and Deaths Registration Ordinance	Section 7 is amended by adding immediately after the word "officer" the phrase "or any person who is in charge of a hospital institution".
Acts, 1968 No. 1	The Tanzania Audit Corporation Act, 1968	Section 4 is amended— (a) by deleting subsections (2), (3), (4) and (5), and substituting for them the following:— "(2) The Corporation shall be responsible for and shall perform, in accordance with the best professional standards and, except where otherwise provided in any written law, within fifteen months of the end of each financial year concerned, the audit of the accounts of any parastatal organisation established by any written law.

Acts, 1985
No. 9

The Criminal Procedure Act

(3) Notwithstanding any provisions to the contrary contained in the Articles of Association of any company concerned, the Corporation shall be responsible for and shall perform, in accordance with the best professional standards, the audit of the accounts of any parastatal organization established under the Companies Ordinance.

(4) The Corporation may, in addition to the organizations referred to in this section, provide its services to any other person or category of persons, and upon such terms and conditions as may be agreed."

(b) by renumbering the rest of the subsections as "(5) to (10)".

(c) by deleting the First and Second Schedules.

1. Section 148 is amended—

(a) in subsection 5, by adding immediately after paragraph (f) the following paragraphs:—

"(g) the offence for which the person is charged involves property whose value exceeds ten million shillings, unless that person pays cash deposit equivalent to half the value of the property, and the rest is secured by execution of a bond; provided that this shall not apply in the case of police bail.

Cap. 95 (h) if he is charged with an offence under the Dangerous Drugs Ordinance."

"(b) By deleting subsection (7) and substituting for it the following:—

(7) A court may, in addition to the mandatory conditions prescribed in subsection (6), impose any one or more of the following conditions, namely:—

(i) requiring the accused to report at specified intervals to a Police Station or other authority within the area of his residence;

(ii) requiring the accused to obtain from visiting a particular locality or premises, or association with certain specified persons;

(iii) any other condition which the court may deem proper and just to impose in addition to the preceding conditions;

which appear to the court to be likely to result in the appearance of the accused for the trial or resumption of the trial at the time and place required or as may be necessary in the interests of justice or for the prevention of crime".

2. Section 293 is amended—

(a) in subsection (1) by adding immediately after the word "shall" which appears in the seventh line the phrase "record a finding of not guilty." and by deleting the rest of the words.

SCHEDULE (contd.)

FIRST COLUMN

SECOND COLUMN

THIRD COLUMN

(b) by adding after subsection (1) the following subsection:—

“(2) When the evidence of the witnesses for the prosecution has been concluded, and the statement if any, of the accused person before the committing court has been given in evidence, the court, if it considers that there is evidence that the accused person committed the offence or any other offence of which, under the provisions of sections 309 to 312 he is liable to be convicted, shall inform the accused person of his right:—

(a) to give evidence on his own behalf, and

(b) to call witnesses in his defence, and shall then ask the accused person, or his advocate, if it is intended to exercise any of the above rights and shall record the answer. The court shall then call on the accused person to enter on his defence save where the accused person does not wish to exercise either of the above rights;

(c) by (i) by renumbering the present subsection (2) and (3) as “(3)” and “(4)” respectively.

(ii) by deleting reference to subsection (1) which appears in subsection (2) as renumbered and substituting for it reference to subsection (2)”. ”

Cap. 95

Dangerous Drugs Ordinance

Section 23 is amended by deleting the whole of paragraphs (a) and (b) of subsection (2) and the hyphen appearing immediately after the word “liable” which appears in the second line and by adding immediately after that word the phrase:

(a) to a fine of not less than one million shillings or to a term of imprisonment for a period not exceeding twenty years but shall not in every case be less than five years, or

(b) where the offence relates to dangerous drugs, to a fine equal to the value of those drugs but shall not in every case be less than ten million shillings, or to a term of imprisonment for a period not exceeding twenty years but shall not in every case be less than seven years, and shall forfeit to the United Republic any drugs or articles involved and the court may order any forfeited articles to be destroyed or otherwise disposed of as the court thinks fit,

or to both such fine and imprisonment.”

