

THE UNITED REPUBLIC OF TANZANIA



No. 17 OF 1996

I ASSENT,

Benjamin Mkapa
President
20th January, 1996

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) No. 2 Act, 1996. | Short title |
| 2. The Written Laws set out in the first and second columns of the Schedule to this Act are each amended in the manner specified opposite to it in the third column of the Schedule. | Amendment of certain written laws |

FIRST COLUMN
Act of 1985 No. 9

SECOND COLUMN
The Criminal Procedure Act, 1985

SCHEDULE

THIRD COLUMN

The Criminal Procedure Act, 1985 is amended—

(a) by repealing section 173 and replacing it by the following—
“**Extended jurisdiction**
173.—(1) The Minister may after consultation with the Chief Justice and the Attorney General, by order published in the *Gazette*—

(a) invest any resident magistrate with power to try any category of offences which, but for the provisions of this section, would ordinarily be tried by the High Court and may specify the area within which he may exercise such extended powers; or

(b) invest any such magistrate with power to try any specified case or cases of such offences and such magistrate shall, by virtue of the order, have the power, in respect of the offences specified in the order to impose any sentence which could lawfully be imposed by the High Court.

(2) Nothing in this section shall affect the power of the High Court to order the transfer of cases.

(3) For the purposes of any appeal from or revision of his decision in the exercise of such jurisdiction, such the resident magistrate shall be deemed to be a judge of the High Court, and the court presided over by him while exercising such jurisdiction shall be deemed to be the High Court.”

(b) by repealing section 256A and replacing it by the following—

"Trial by a resident magistrate with extended jurisdiction

256A.—(1) The High Court may direct that the taking of a plea and the trial of an accused person committed for trial by the High Court, be transferred to, and be conducted by a resident magistrate upon whom extended jurisdiction has been granted under subsection (1) of section 173.

(2) For avoidance of doubt, any proceedings or decision conducted or made by a resident magistrate with extended jurisdiction, prior to the coming into effect of the provisions of this subsection, shall be deemed to have been conducted or made in accordance with the provisions of subsection (1) of this section."

(3) The provisions of this Act which governs the exercise by the High Court of its original jurisdiction shall *Mutatis mutandis*, and to the extent that they are relevant, govern proceedings before a resident magistrate under this section in the same manner as they govern like proceedings before the High Court."

Act of 1984 No. 2

The Magistrates' Courts Act 1984

The Magistrates' Courts Act, 1984 is amended in section 45 by adding immediately after subsection (3) the following—

"(4) For avoidance of doubt, any proceedings conducted by a resident magistrate with extended appellate jurisdiction, prior to the coming into effect of the provisions of this subsection, such proceedings shall be deemed to have been conducted under the provisions of subsection (2) of this section."

Act of 1984 No. 13

The Economic and Organised Crime Act, 1984

Section 35 is amended in subsection (3)—

- (a) by deleting paragraph (c), and
- (b) by renumbering paragraphs (d) and (e) as paragraphs (c) and (d) respectively.

Act of 1973 No. 1

The Transport Licensing Act, 1973

"The Transport Licensing Act, 1973 is amended

- (a) in section 10
- (i) in subsection (1) by inserting after the figure "(6)" the words "and section 10A",

- (ii) in subsection (1) in paragraph (b) by deleting the word "four" and substituting for it the word "seven";
- (iii) in subsection 6 in paragraph (f) by deleting the words "fifteen hundredweight" and substituting for it the word "one ton";
- (iv) in subsection (7) by deleting the words "ten" and "fifty" and substituting for them the words "fifty" and "one hundred" respectively;
- (b) by adding immediately after section 10 the following—
- "Identifi- 10A. A vehicle authorized either for carriage of pas-
cation . sengers or for the carriage of goods for or in connection
marks on with any trade or business shall be identified by regis-
vehicles tered black identification marks on a white plate."
used for
business
- Act No. 12 of 1985 The Pay-Roll Levy Act, 1985 The Pay-Roll Levy Act, 1985 is amended by repealing the whole of Part IV;
- Act No. 19 of 1984 The Tanzania Cotton Lint and Seed Board Act, 1984 The Tanzania Cotton Lint and Seed Board Act, 1984 is amended—
- (a) in subsection (1) of section 5—
- (i) by deleting paragraph (d); and
- (ii) by renumbering the present paragraph (e) as (d); and
- (b) by inserting immediately after section 5 the following—
- "Board 5A—Subject to the prior approval in writing by the
may per- Minister, the Board may perform any commercial func-
form com- tion for a specified period as the Minister may consider
mercial expedient"
function
- Act No. 20 of 1984 The Tanzania Tobacco Board Act, 1984 The Tanzania Tobacco Board Act, 1984 is amended—
- (a) in subsection (1) of section 5 by—
- (i) deleting paragraph (c);
- (ii) renumbering the present paragraphs (d) and (e) as (c) and (d) respectively; and

(iii) in paragraph (c) as renumbered by deleting the word "marketing" and substituting for it the words "tobacco industry";

(b) by inserting immediately after section 4 the following—

"Board 4A—Subject to the prior approval in writing by the
may per- Minister, the Board may perform any commercial func-
form com- tion for a specified period as the Minister may consider
mercial expedient"
function

Act No. 18
of 1984

The Coffee Marketing Board Act, 1984

The Coffee Marketing Board Act, 1984 is hereby amended—

(a) in subsection (1) of section 4 by—

(i) deleting paragraph (c);

(ii) renumbering the present paragraph (d) as (c); and

(iii) in paragraph (c) as renumbered by deleting the word "market-
ing" and substituting for it the words "coffee industry"

(b) by inserting immediately after section 4 the following—

"Board 4A—Subject to the prior approval in writing by the
may per- Minister, the Board may perform any commercial func-
form com- tion for a specified period as the Minister may consider
mercial expedient"
function

Act No. 21
of 1984

The Cashewnut Marketing Board Act, 1984

The Cashewnut Marketing Board Act, 1984 is amended—

(a) in subsection (1) of section 4 by—

(i) deleting paragraph (c);

(ii) renumbering the present paragraph (d) as (c); and

(iii) in paragraph (c) as renumbered by deleting the words "mar-
keting of raw and processed cashewnuts" and substituting for
them the words "cashewnut industry".

(b) by inserting immediately after section 4 the following—

"Board 4A—Subject to the prior approval in writing by the
may per- Minister, the Board may perform any commercial func-
form Com- tion for a specified period as the Minister may consider
mercial expedient"
func-
tion

Act No. 4
of 1996

The Interpretation of Laws Act, 1996

The Interpretation of Laws Act, 1996 is amended in section 26—

- (a) in the marginal note by—
- (i) inserting a comma after the word “notes”;
 - (ii) deleting the word “and”;
 - (iii) adding immediately after the word “footnotes” the words “and rectification of errors”.
- (b) by adding immediately after subsection (2) the following—

“(3) Where there is any clerical or printing error in any Bill or Act published in the *Gazette*, the Chief Parliamentary Draftsman or any member of the Attorney-General's Chambers authorized in writing in that behalf by the Chief Parliamentary Draftsman, may, by order published in the *Gazette*, give directions as to the rectification of such error and every such direction shall be read as one with the Bill or Act to which it relates and such Bill or Act shall, with effect from the date of its first publication, take effect as so rectified.”

Act No. 9
of 1995

The Drugs and Prevention of Illicit Traffic in
Drugs Act, 1995

Section 26 of the Drugs and Prevention of Illicit Traffic in Drugs Act, 1995 is hereby repealed and replaced by the following—

“Unavail-
able of-
fences

26—(1) Notwithstanding anything contained in this section, no person shall be admitted to bail pending trial if he is accused of an offence other than the offence involving heroin, cocaine, prepared opium, opium poppy, (*papaver setigerum*), poppy straw, coca-plant, coca leaves and imported cannabis or cannabis resin (indian hemp).

(2) The condition on granting of bail specified in section 148 of the Criminal Procedure Act, 1985 shall apply to an offence involving narcotic drugs or psychotropic substances specified in subsection (1)

Act No. 1
of 1985

The Elections Act, 1985

“The Election Act, 1985 is amended—

by repealing section 46 and replacing it by the following—

“Nominated candidates and election day **46.—(1)** Where candidates are nominated for election other than a by-election in a constituency, the Commission shall, by notice published in the *Gazette*, appoint a day not less than sixty days and not more than ninety days after the day on which they have been nominated to stand as candidates for election in the constituency:

Provided that where there are two or more contested elections during a Parliamentary election, the Commission may appoint different election days for different constituencies;

(2) Where candidates are nominated for a by-election in a constituency, the Commission shall, by notice published in the *Gazette*, appoint a day not more than thirty days after the day on which they have been nominated to stand as candidates for election in the constituency.

(3) Notwithstanding the provisions of subsection (1) and (2), the Commission may for a reasonable cause or upon the occurrence of an event preventing an election to take place, revoke the election day previously appointed and appoint another election day, being a day within the period specified under subsection (1) or (2), as the case may be, after the revocation or after the occurrence of the event, to be an election day.

(b) in section 51 by adding immediately after subsection (5) the following—

“(6) Notwithstanding the preceding subsections of this section, no public meetings shall be held in a constituency for the purpose of furthering the candidate’s election campaigns on any election day or where a new election day has been appointed in accordance with subsection (2) of section 46, on any other day after the first appointed election day.”; and

(c) in section 104 by repealing subsection (1) and the marginal note to that section and replacing them by the following—

Act No. 17 of 1992

The Open University Act, 1992

Act No. 7 of 1982

The Local Government (District Authorities) Act, 1982

"Public meetings on election day and display of emblems in vicinity of polling station prohibited

104.—(1) No person shall—

- (a) hold a meeting on election day; or
- (b) within any building where voting in an election is in progress, or at any place within the radius of two hundred meters of any such building, wear or display any card, photograph, favour, or other emblem indicating support for a particular candidate in the election".

Section 11 is amended in paragraph (g) in subsection (1) by deleting the word "two" and substituting for it the word "three".

The Local Government (District Authorities) Act, 1982 is amended in section 57—

- (a) in subsection (3) in the third line after the word "assembly" and before the word "the" the words "or", subject to subsection (4), after such further period as the National Assembly may determine";
- (b) by inserting after subsection (3) the following new subsection (4)—
 "(4) Notwithstanding the provisions of subsection (3) and of section 59, where for a reasonable cause or upon the occurrence of an event preventing the holding of elections of village councils, the Minister considers it necessary to postpone the elections to some later date, he may, by notice published in the *Gazette*, extend the term of office of the members, and the notice shall become effective only upon its approval by resolution of the National Assembly at its meeting immediately following upon the making of the notice by the Minister";
- (c) by renumbering the present subparagraphs (4) and (5) as (6) and (7) respectively.

Passed in the National Assembly on the 1st day of November, 1996.

George Francis Mhwa

 Clerk of the National Assembly