

THE UNITED REPUBLIC OF TANZANIA



No. 9 OF 1996

Benjamin Mkandawire I ASSENT,
.....
President
17th June 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 Laws Revision (Miscellaneous Amendments) Act, 1996.

Short title

2. The Written Laws set out in the first and second columns of the Schedule to this Act are hereby amended in manner specified opposite those laws in the third column of that schedule.

Amend-
ment of
certain
written
laws

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
	SCHEDULE	THIRD COLUMN
Act No. 65 of 1966	The Tanzania—Zambia Pipeline Act	The Act is amended in subsection (3) of section 5 by deleting the references to "Post-Master General" wherever it appears in the Act and substituting for it the reference "Public Telecommunication license."
Act No. 2 of 1977	The Minimum Sentences Act	The Act is Amended by repealing subsection (1) of section 9.
Cap. 259	The Natural Resources Ordinance	The Ordinance is amended in section 2, by deleting the definition of the word "Minister" and substituting for it the following definition: "Minister" means the Minister responsible for natural resources."
Cap. 12	Notaries Public and Commissioners for Oaths Ordinance	The Ordinance is amended— (a) by deleting paragraph (c) of subsection (2) of section 3 and substituting for it the following: "(c) any person whose name is removed from the roll of notaries public and commissioners for oaths or who is suspended from practice as a notary public or commissioner for oaths in any reciprocating commonwealth country for professional misconduct, until his name is restored to the roll" (b) by deleting subsection (9) of section 5 and substituting for it the following.
Cap. 341	Advocates Ordinance	Cap. 341 "(9) In subsection (8), the expresion "reciprocating commonwealth country" has the same meaning as in section 25 of the advocates Ordinance; (c) in paragraph (c) of subsection (2) of section 10 by adding before the words "the Registrar of the High Court" the words "the Registrar of Court of Appeal". The Ordinance is amended— (i) by inserting in the definition section the following definition of the word Minister: "Minister means the Minister responsible for justice";

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		(ii) in section 25,
		(a) by deleting the "Expression East African Territory" wherever it appears in the section, and substituting for it the expression "reciprocating Commonwealth Country; and
		(b) by deleting subsection (5) and substituting for it the following provision:
		"(5) In this section, the expression "reciprocating commonwealth country" means any Commonwealth Country in respect of which the Minister declares, by order published in the <i>Gazette</i> , that he is satisfied that reciprocal effect will be given under the law of that country to order made under this Ordinance for the suspension of advocates from practice or the removal or their names from the Roll.
Cap. 366	The Employment Ordinance	The Ordinance is amended—
		(i) by deleting the semi colon which appears immediately before the proviso to section 60 and substituting for it the full stop; and
		(ii) by deleting the whole proviso to section 60.
Act No. 5 of 1971	Law of Marriage Act	The Act is amended—
		(a) in section 102, by repealing subsection (1) and replacing it with the following new provision:
		"(1) The ward Tribunal established in a ward under the Ward Tribunal Act shall be the Marriage Conciliation Board for that ward for the purposes of this Act and any reference therefore in this Act to "the Board" unless the context requires otherwise, shall be deemed to be reference to the Ward Tribunal".

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		(b) in section 103 and 104, by inserting after the word "Board" wherever it appears in these two provisions the words "established under subsection (2) of section 102".
Cap. 13	Children and Young Persons	Section 25 is amended in paragraph (c) of subsection (1) by deleting the words appearing after the word "destitute". Section 40 is hereby repealed.
Act No. 3	National Security Act	Subsection (1) of section 2 which relates to the definition of the word "specified authority" is amended by deleting paragraph (c).
Act No. 16	The Prevention of Corruption Act	Section 20 is amended by repealing subsections (2) and (3).
Act No. 9 of 1985	The Criminal Procedure Act	The Act is amended— (a) by repealing subsection (3) of section 69; (b) by making the provisions of section 356 as 356(1) and adding immediately after that the following provision: “(2) A public officer who, contrary to subsection (1), purchases or bids for any property, commits an offence and upon conviction is liable to a fine not exceeding five hundred thousand shillings or to a term of imprisonment for two years or to both the fine and imprisonment”.
Cap. 127	Gold Trading Ordinance	The Ordinance is amended— (a) by repealing subsection 5 of section 13; (b) by renumbering subsections (6), (7) and (8) of section 5 as (5), (6) and (7); (c) by making the contents in the Schedule to the Act as "First Schedule"; (d) by adding immediately after the First Schedule to the Act the following new Schedule:

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SECOND SCHEDULE

FEES PAYABLE BY A PERSON TO WHOM GOLD DEALER'S
LICENCE IS ISSUED

	Masters gold dealers' licence Shs.	Employee gold dealer's licence Shs.
For a licence for the period 1st January to 31st December	200,000	100,000
For a licence for the period 1st April to 31st December	150,000	75,000
For a licence for the period 1st July to 31st December	100,000	50,000
For a licence for the period 1st October to 31st December	50,000	25,000

Act No. 9 of
1995The Drugs and Prevention of Illicit Traffic in
Drugs Act

The Act is generally amended in section 2 by deleting and substituting the definitions or where there is no such definition adding that definition in appropriate alphabetical order as follows:

"drugs" means the narcotic drugs and psychotropic substances;
 "narcotic drugs" means any substance specified in the Schedule or anything that contains any substance specified in that Schedule;
 "psychotropic substances" means any substance specified in the Schedule or anything which contains any substance specified in that Schedule
 "trafficking" means the importation, exportation, manufacture, buying, sale, giving, supplying, storing, administering, conveyance, delivery or distribution, by any person of narcotic drug or psychotropic substance or any substance represented or held out by that person to be a narcotic drug or psychotropic substance or making of any offer but does not include—

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		(a) the importation or exportation of any narcotic drugs or psychotropic substance or the making of any offer by or on behalf of any person who holds a licence under this Act in accordance with the licence's; (b) the manufacture, buying, sale, giving, supplying, administering, conveying, delivery or distribution of any narcotic drug or psychotropic substance or the making of any offer by or on behalf of any person who has a licence under this Act; (c) the selling or supplying or administering for medical purposes, and in accordance with the provisions of this Act, or the making of any offer by a medical practitioner or veterinary surgeon or dentist or by any other person qualified to do so on the instructions of the medical practitioner, veterinary surgeon or dentist; (d) the selling or supplying in accordance with the provisions of this Act of any narcotic drugs or psychotropic substance by a registered pharmacist.
Cap. 409		"court" in respect of offences under section 12 the subordinate court and in respect of offences under sections 16, 17, 18, 20, 21, 22 and 23, the High Court; "Medical practitioner" means a physician or surgeon authorized and licenced to examine, diagnose, treat, and prescribe for patients under the Medical Practitioners and Dentists Ordinance;
Cap. 409		"Dentist" means a dentist authorized and licenced to examine, diagnose, treat and prescribe for patients under the Medical Practitioners and Dentists Ordinance; "place" includes any vacant land, premises vehicle, vessel or aircraft; "cultivate" includes planting, sowing, scattering the seed, graving, mortaring, lending or harvesting; "supply" includes consignment, dispatch, transport, delivery, distribution as well as offer to supply; "sell" includes offer or expose for sale; "prohibited plant" means cannabis, coca plant papaver semniferum (opium poppy) and papaver setigerum,

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- (b) in the definition of the word "cannabis plant" by deleting the word "genus" and substituting for it the word "genus";
- (c) in Part IV and Part V, by deleting the contents of those Parts except sections 24, 25, 26, 27, 28 and 29 and substituting for them the following provisions—

PART IV

PROHIBITION OF POSSESSION AND TRAFFICKING OF
NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES
AND CULTIVATION OF CERTAIN PLANTS

Prohibi-
tion of
cultiva-
tion of
certain
plants and
sub-
stances

12. Any person who—

- (a) cultivates any cannabis, coca plant or gathers any portion of coca plant;
- (b) cultivates *papaver somniferum* (opium poppy) or *papaver setigerum*;
- (c) being the owner, occupier or concerned in the management of any premises, permits the premises to be used for cultivation, gathering or production of any drugs referred to in paragraphs (a) and (b).

commits an offence and upon conviction is liable and upon conviction is liable to a fine of one million shillings or three times the market value of the prohibited plant, whichever is the greater or to imprisonment for a term not exceeding twenty years or to both the fine and imprisonment."

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	Power of Commission to permit, control and regulate cultivation, production, sale of opium, coca leaves	13.—(1) Subject to the provision of section 12, the Commission may by regulations— (a) permit and regulate— (i) the cultivation, or gathering of any portion (such cultivation or gathering only on account of the Government) of coca plant, or the production, possession, sale, purchase, transport, import into the United Republic, use or consumption of coca leaves; or (ii) the cultivation (such cultivation being only on account of the Government) of opium poppy; or (iii) the production and manufacture of opium and production of poppy straw; or (iv) the sale of opium and opium derivatives from Government factories for export from the United Republic or to manufacturing chemists; or (v) the manufacture of manufactured drugs (other than prepared opium) but not including manufacture of medicinal opium or any preparation containing any manufactured drugs from materials which the maker is lawfully entitled to possess; or (vi) the manufacture, possession, transport, sale, purchases, consumption or use of psychotropic substances; or (vii) the import into the United Republic and transshipment of narcotic drugs and psychotropic substances.

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		(b) prescribe any other matter requisite to render effective the control by the Government over any of the matters specified in paragraph (a) above. (2) Without prejudice to the generality of the power conferred by subsection (1), an order made by the Commission may provide for regulating by licensing, permits or otherwise the productions, manufacture, possession, transport, import into and export from the United Republic, sale, purchase, consumption, use, storage, distribution, disposal or acquisition of any narcotic drug or psychotropic substances.
	Narcotic drugs and psychotropic substances not to be subject to distress or attachment	14. Notwithstanding anything to the contrary contained in any law or contract, no narcotic drug, drug, psychotropic substances or prohibited plant, shall be liable to be distrained or attached by any person for the recovery of any money under any order of any court or authority or otherwise.
	Restriction in dealings in narcotic drugs and psychotropic substances	15. No person in the United Republic shall engage in or control any trade whereby narcotic drugs or psychotropic substances are obtained outside the United Republic or supplied to any person outside the United Republic except with the prior permission or authorization of the Commission and subject to such condition as may be imposed by the Commission.

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	Penalty for pos- session purchase of coca, narcotic drugs	16. Any person who— (a) has in possession or does any act or omits to do any act or thing in respect of narcotic drugs or any preparation containing any manufactured drugs commits an offence and upon conviction is liable to a fine of ten million shillings or three times the market value the narcotic drugs or any preparation containing such manufactured drug or whichever is greater or to an imprisonment for life or to both the fine and imprisonment; (b) traffics in any narcotic drugs or psychotropic substance or any substance represented or held out by him to be narcotic drug or psychotropic substance commits an offence and upon conviction is liable— (i) in respect of any narcotic drug or psychotropic substances to a fine of ten million shillings or three times the market value of the narcotic drug or psychotropic substance whichever is the greater and in addition to imprisonment for life but shall not in every case be less than twenty years; (ii) in respect of any other substances, other than a narcotic drug or psychotropic substances which he represents or holds to be narcotic drugs or psychotropic substances to a fine of not less than one million shillings and in addition to imprisonment for life but shall not in every case be less than twenty years. (c) smokes, inhales, sniffs or otherwise uses any narcotic drug or psychotropic substances; (d) without lawful and reasonable excuse, is found in any house, room or place to which person

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rents for the purposes of smoking, inhaling, sniffing or otherwise using any narcotic drug or psychotropic substances;

- (e) being the owner occupier or concerned in the management of any premises, enclosure or conveyance permit, it to be used for the purpose of—

(i) the preparation of opium for smoking or sale or the smoking, inhaling, sniffing or otherwise using any narcotic drug or psychotropic substances or

(ii) the manufacture, production, sale or distribution of a narcotic drug or psychotropic substance in contravention of this Act,

- (f) has in his possession any pipe or other utensil for use in connection with the smoking, inhaling, sniffing or otherwise using opium, cannabis, heroin or cocaine or any utensil for use in connection with the smoking, inhaling sniffing or otherwise using of opium, cannabis, heroin or cocaine or any utensil used in connection with the preparation of opium or any other narcotic drug or psychotropic substance for smoking.

commits an offence and upon conviction is liable to a fine of one million shillings or imprisonment for a term of ten years or to both the fine and imprisonment.

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Penalty in respect of possession, use of small quantity of narcotic drugs and psychotropic substances

17.—(1) Any person who in contravention of any provision of this Act, or any rule or order made or permit issued under this Act, possesses in a small quantity, any narcotic drug or psychotropic substance, which is proved to have been intended for his personal consumption and not for sale or distribution, or consumes any narcotic drug or psychotropic substance, shall notwithstanding anything contained in this Part, be liable—

(a) if the narcotic drug or psychotropic substance possessed or consumed is cocaine, morphine, diacetyl-morphine or any other narcotic drug or any psychotropic substance as may by notice published in the *Gazette* be specified by the Commission to a fine of three hundred thousand shillings, or to imprisonment for a term of ten years or to both the fine and imprisonment.

(b) if the narcotic drug or psychotropic substance possessed or consumed is other than those specified in or under paragraph (a), to a fine of two hundred thousand shillings or to imprisonment for a term of seven years or to both that fine and imprisonment.

(2) Subject to subsection (1), "small quantity" for the purpose of this section means any quantity which may by regulation published in the *Gazette* be specified by the Commission.

(3) Where a person possesses a small quantity of narcotic drug or psychotropic substance, the burden of proving that it was intended for the personal consumption of such person and not for sale or distribution shall be to that person.

Penalty in contravention of section 17

18. Any person who—

(a) administers a narcotic drug or psychotropic substance or causes or permits it to be administered, except where an authorized person or a medical

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		practitioner or dentist acting in his professional capacity and in accordance with the prevailing norms and standard or professional practice, authorized, or (b) adds a narcotic drug or psychotropic substance to a food or drink without the knowledge of the consumer, or (c) Sells, supplies or acquires a narcotic drug or psychotropic substance on presentation of prescription knowing or having reason to believe that the prescription is forged, unlawfully obtained or acquired or was issued more than six months before presentation, commits an offence and upon conviction is liable to a fine of five million shillings or to imprisonment for a term of thirty years or to both the fine and imprisonment.
Penalty for embezzlement by authorized cultivators		19. Any person licenced to cultivate opium poppy on the account of the Government, who embezzles or otherwise illegally disposes of the opium produced or any part thereof, commits an offence and upon conviction is liable to a fine of five million shillings or to imprisonment for a term not exceeding thirty years or to both such fine and imprisonment and the court may, for reasons to be recorded in the judgement impose a fine exceeding five million shillings.
Penalty in respect of breach of terms, licence, permit		20. Where a holder of a licence permit or authorization granted in accordance with the provisions of this Act and rules or orders made under this Act— (a) omits, without any reasonable cause, to maintain accounts or to submit return in accordance with this Act or rule made hereunder; or (b) fails to produce without any reasonable cause such licence, permit or authorization on demand of any officer authorized by the Commission; or

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		(c) keeps any accounts or makes any statement which is false or which he knows or has reason to believe to be incorrect; or (d) wilfully and knowingly does any act in breach of any of the condition of licence, permit or authorization for which a penalty is prescribed elsewhere in this Act. Commits an offence and upon conviction is liable to a fine of five million shillings or to imprisonment for a term of thirty years or to both the fine and imprisonment.
Penalty in respect of finance illegal activities		"21. Any person who knowingly directly or indirectly finances any of the activities specified in paragraph (a)— (f) of section 16, or harbours any person engaged in the aforementioned activities commits an offence and upon conviction is liable to a fine of ten million shillings or to imprisonment for life.
Penalty in respect of aiding to commit offences under this Act		22. Notwithstanding anything contained in any other written laws, any person who— (a) conspires with any other person to commit; or (b) solicits, incites, aids or counsels or attempt to solicit, incite, aid, abets or counsel any other person to, commit; or (c) causes or procures, or attempts to cause or procure the commission of, or (d) is otherwise directly or indirectly knowingly concerned in the commission of an offence under this Act. may be charged with, tried, convicted or punished in all respect as if he were the principal offender.

Prepara-
tion or at-
tempt to
commit
offence

23. If a person makes preparation to do or omits to do anything which constitutes an offence under this Part and from the circumstances of the case it may be reasonably inferred that he was determined to carry out his intention to commit the offence but had been prevented by circumstances independent of his will, he shall be liable to imprisonment for a term which shall not be less than the half of the maximum term (if any) of imprisonment with which he would have been punishable in the event of his having committed such offence, and also with fine which shall not be less than half of the maximum amount of fine with which he would have been punishable, had he committed the offence.

Penalty
for com-
mission of
offences
after pre-
vious con-
viction

24.—(1) Any person who is convicted of the offences under section 16, 17, 20, 21 and 22 upon conviction is liable for the second and every subsequent offence to fine of ten million shilling or to a term of imprisonment or life.

(2) Where a person is convicted by a competent court outside the United Republic under any law corresponding to the provisions of section 16, 17, 20, 21 and 22, that person shall in respect of the conviction be dealt with for the purpose of subsection (1) of this section as if he had been convicted by a court in the United Republic”;

(e) by renumbering sections 24, to 67 as 25 to 68 respectively.

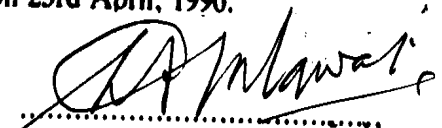
(f) by renumbering “PART VI” to PART IX as “PART V” to “PART VIII” respectively.

Act No. 34 of
1967

The Prisons Act

The Act is amended in subsection (1) of section 72 by deleting the words "six months" and substituting for them the words "twelve months".

Passed in the National Assembly on 23rd April, 1996.


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Clerk of the National Assembly