

TANGANYIKA



No. 67 OF 1962

I ASSENT,  
*R. J. M. M. M.*  
Governor-General

4TH OCTOBER, 1962

**An Act to amend the Mental Diseases Ordinance**

[5TH OCTOBER, 1962]

ENACTED by the Parliament of Tanganyika.

1. This Act may be cited as the Mental Diseases Ordinance (Amendment) Act, 1962, and shall be read as one with the Mental Diseases Ordinance.

Short  
title and  
construction  
Cap. 98

2. The Mental Diseases Ordinance is hereby amended by adding immediately below section 9 the following new section: --

New  
sections 9A  
added to  
Cap.98

"Power of  
certain  
magistrates  
and admini-  
strative  
officers

9A.- (1) Where an officer in charge of a police station is required by section 6 to make a report, or by section 7 to take a person, to the court and there is no magistrate available who has jurisdiction to hold a court having jurisdiction in lunacy under this Part, such officer shall make such report or take such person, as the case may be, to some other magistrate or to an administrative officer, and such other magistrate or administrative officer-

- (a) may, where a report is made under the provisions of section 6 and this section, by order in writing, cause the person in respect of whom the report is made to be brought before him; and
- (b) shall, where any person is taken or brought before him, examine such person and, if it appears to him that there are grounds for proceeding further under this Part, may make an order in writing authorizing such person's detention in suitable custody for such time, not exceeding fifteen days, as may be necessary to enable the medical officer to determine whether such person is of unsound mind and is a person in respect of whom a medical certificate may be properly given:

and where he authorizes such person's detention such magistrate or administrative officer shall report the matter as soon as may be to the court.

(2) Where a magistrate or administrative officer authorizes a person's detention under this section, the court may exercise the powers of detention conferred on a court by subsection (2) of section 9, and the proviso to that subsection shall have effect as if the period of sixty days were computed from the date of the authorization.

(3) A person detained under this section shall, at the end of the period of detention, be brought before the court, and any further proceedings in respect of such person shall be continued before the court as if the order for, detention had been made by the court under section 9.

(4) The provisions of section 37 shall apply to proceedings under this section as they apply to proceedings in the court.

(5) An order by a magistrate or an administrative officer under this section shall have effect as an order of the court and the provisions of section 4 shall apply in relation to such order as they apply in relation to an order of the court, and the magistrate or administrative officer shall be under the same duty as that section imposes on a court to inform any person aggrieved by his order of the right of appeal.

(6) For the purposes of this section, the expression 'suitable custody' shall have a corresponding meaning to that attributed to it in subsection (3) of section 9, and the expression 'administrative officer' includes an area secretary."

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Passed in the National Assembly on the twenty-fifth day of September, 1962.

  
Clerk of the National Assembly