

TANGANYIKA



No. 62 OF 1962

I ASSENT,

*Rh Tumbur*

*Governor-General*

4TH OCTOBER, 1962

**An Act to validate certain Judicial proceedings before Administrative Officers, to validate certain proceedings under the Fugitive Offenders Act and to amend the Judicature and Application of Laws Ordinance, 1961**

[5TH OCTOBER, 1962]

ENACTED by the Parliament of Tanganyika.

1. This Act may be cited as the Validation (Magisterial and Other Short title

2.(1) This section applies to administrative officers who were magistrates immediately before the first day of July, 1962, and who ceased to be magistrates on that date by reason of the revocation by the Subordinate Courts (Appointment of Magistrates) Notice, 1962 of their appointments to be magistrates.

Validation  
of certain  
proceedings  
by adminis-  
trative  
officers  
G.N 1962  
No. 295

(2) Where, before the day on which this Act comes into operation, any administrative officer to whom this section applies purported to perform any duty or to exercise any power or function imposed or conferred by law upon a magistrate of the class to which he was appointed before, and the powers of which were vested in him on, the thirtieth day of June, 1962, such duty, power and function shall be deemed to have been imposed on and vested in such administrative officer as if he had been a magistrate of that class on the date on which he performed such duty or exercised such power or function, and the performance of such duty or the exercise of such power or function shall not be called in question in any court by reason only of such administrative officer not being a magistrate of that class on that date:

Provided that nothing in this section shall in any way invalidate any order, judgment or decree of the High Court given or made before the day on which this Act comes into operation.

(3) For the avoidance of doubts it is hereby declared that the references in subsection (2) to a duty, power or function imposed or conferred by law upon a magistrate include any such duty, power or function imposed on or exercise able by a magistrate to preside in or over, or to constitute, a court, a duty, power or function imposed on or exercisable by a court when presided over or constituted by a magistrate, and any duty, power or function imposed on or exercisable by a magistrate otherwise than in, or in the course of proceedings in, a court.

Validation  
of certain  
proceedings  
under the  
Local Courts  
Ordinance  
Cap. 299  
Acts 1962  
No. 16

**3.** (1) Where, before the day on which this Act comes into operation, any District Commissioner purported to perform any duty or to exercise any power or function under the Local Courts Ordinance, being a duty, power or function vested in the Regional Local Courts Officer by the Local Courts (Minister for Justice and Regional Local Courts Officers) Act, 1962, such duty, power and function shall be deemed to have been imposed on and vested in such District Commissioner as if he had been a Regional Local Courts Officer on the date on which he performed such duty or exercised such power or function, and the performance of such duty or the exercise of such power or function shall not be called in question in any court or by any authority by reason only of such District Commissioner not being a Regional Local Courts Officer on that date:

Provided that nothing in this section shall in any way invalidate any order, judgment or decree of the High Court given or made before the day on which this Act comes into operation.

(2) In this section and in subsection (2) of section 6, the expressions "District Commissioner" and "authority" shall have the meanings ascribed to them respectively in the Local Courts Ordinance.

Validation  
of certain  
proceedings  
under the  
Fugitive  
Offenders  
Act.  
A.L. (40)  
P.<sup>3</sup>  
A.L. (41)

**4.** Notwithstanding the revocation of the East Africa Fugitive Offenders Order in Council, 1924, every Resident Magistrate and district officer having the powers of a first class magistrate shall be deemed to have had jurisdiction under the whole of the Fugitive Offenders Act, 1881, during the period between the ninth day of December, 1961, and the date on which this Act comes into operation, as if that Order had not been revoked and the appointments made thereunder by the Governor of Tanganyika had remained in force and no process or proceedings under the Fugitive Offenders Act, 1881, by or before a Resident Magistrate or such district officer shall be called in question in any court by reason only of such Resident Magistrate or district officer not having the powers of a magistrate under that Act during that period.

Ord 57  
of 1961  
amended

**5.** Part I of the Schedule to the Judicature and Application of Laws Ordinance, 1961, is hereby amended by deleting the full stop at the end of sub-paragraph (c) of paragraph I thereof, substituting therefor a colon, and by adding the following new proviso: -

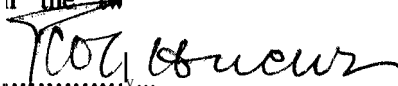
"Provided that in the case of the Fugitive Offenders Act, 1881, the references to a Magistrate or Justice of the Peace of a British Colony or Possession shall apply to Tanganyika as if they were references to a Resident Magistrate or other magistrate of the first class."

Application  
of section  
19 of the  
Subordinate  
Courts  
Ordinance  
and section  
41 of the  
Local Courts  
Ordinance.  
Cap 3

**6.**(1) The provisions of section 19 of the Subordinate Courts Ordinance shall apply to an administrative officer to whom section 2 of this Act applies in respect of any duty, power or function to which that section refers performed or exercised by such officer when presiding in a subordinate court in the purported exercise of a judicial duty and to Resident Magistrates and first class magistrates in the exercise of the jurisdiction deemed to have been conferred upon them under this Act.

(2) The provisions of section 41 of the Local Courts Ordinance shall apply to a District Commissioner to whom section 3 of this Act applies in respect of any duty, power or function to which that section refers performed or exercised by such District Commissioner.

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

  
Clerk of the National Assembly