

TANGANYIKA



No. 60 OF 1962

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

4TH OCTOBER, 1962

An Act to provide for Preventive Detention

[5TH OCTOBER, 1962]

ENACTED by the Parliament of Tanganyika.

1. This Act may be cited as the Preventive Detention Act, 1962.

Short title

2.-(1) Where-

Power to
make
detention
orders

- (a) it is shown to the satisfaction of the Minister for Home Affairs (hereinafter referred to as the Minister) that any person is conducting himself so as to be dangerous to peace and good order in any part of Tanganyika or is acting in a manner prejudicial to the defence of Tanganyika or the security of the State; or
- (b) the Minister is satisfied that an order under this section is necessary to prevent any person acting in a manner prejudicial to peace and good order in any part of Tanganyika, or to the defence of Tanganyika or the security of the State,

the Governor-General, acting on the advice of the Minister, may, by order under his hand and the Public Seal, direct the detention of that person.

(2) Unless the Minister is satisfied that it is not feasible or practicable to require that any particular item of information shall be given on oath, he shall require that any information on which he satisfies himself that a person is conducting himself or acting in any such manner aforesaid or that it is necessary that an order be made, as the case may be, shall be given on oath.

3. No order made under this Act shall be questioned in any court.

Order not
to be
questioned
Arrest and
detention

4.-(1) An order under this Act shall constitute an authority to any police officer to arrest the person in respect of whom it is made and for any police officer or prison officer to detain such person as a civil prisoner in custody or in prison; and such person shall, while detained in pursuance of the order, be in lawful custody.

- cap. 58
- (2) The Minister may make regulations-
- (a) applying to persons detained under orders made under this Act, any of the provisions of the Prisons Ordinance or of any rules made thereunder relating to convicted criminal prisoners and disapplying in relation to such persons any: of such provisions relating to civil prisoners; and,
- (b) prohibiting, regulating and controlling visits to, and correspondence to or from, such persons,
- and where the Minister makes any such regulations, the Prisons Ordinance and any rules made thereunder shall have effect in relation to such persons subject to the provisions of such, regulations.
- Rescission and suspension
- 5.** The Governor-General, acting on the advice of the Minister, may-
- (a) rescind any order made under this Act;
- (b) direct that the operation of an order made under this Act be suspended subject to such conditions, if any, as may be specified in such direction-
- (i) requiring the person in respect of whom the order is made to notify his movements in such manner, at such times and to such authority or person as may be so specified; and
- (ii) requiring him to enter into a bond with or without securities for the observance of any such. conditions aforesaid,
- and if that person fails to comply with a condition attached to such a direction, he shall, whether or not the direction is revoked, be detained under the original order.
- "Persons detained may make representations
- 6.** A person detained under this Act shall, not later than fifteen days from the beginning of his detention, be informed of the grounds on which he is being detained and shall be afforded an opportunity of making representations in writing to the Minister with respect to the order under which he is detained.
- advisory Committee
- 7.**(1) There shall be an Advisory Committee which shall consist of-
- (a) a chairman and two members appointed by the Governor-General on the advice of the Minister; and
- (b) two members appointed by the Chief Justice.
- (2) A member of the Advisory Committee may resign his membership by writing under his hand addressed to the person by whom he was appointed.
- (3) The quorum of the Advisory Committee shall be three, of whom one shall be the chairman, one shall be another member appointed by the Governor-General, and one shall be a member appointed by the Chief Justice.
- (4) The Minister shall refer to the Advisory Committee every order made under this Act-
- (a) where representations have been made in pursuance of section 6, as soon as, may be after the making of such representations;

(b) where no such representations have been made, within a year of the order being made,

and thereafter at intervals not exceeding a year (unless such order has previously been rescinded), and shall inform the Committee of the grounds on which the order was made and such other matters relating to the person detained as are relevant to his continued detention, and shall provide the Committee with a copy of all representations made by the person detained.

(5) The Committee shall be afforded an opportunity of interviewing any person detained under an order referred to them under this section, at the place where such person is detained,

(6) The Committee shall advise the Minister whether, in their opinion, an order made under this Act should be continued or rescinded or suspended, but the Minister shall not be required to act in accordance with the advice of the Committee.

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


Clerk of the National Assembly