

THE UNITED REPUBLIC OF TANZANIA



No. 1 OF 1970

I ASSENT,

Julius K. Nyerere
President

30TH MARCH, 1970

An Act to amend the Prevention of Corruption Ordinance

[30TH MARCH, 1970]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Prevention of Corruption Ordinance Short title
(Amendment) Act, 1970 and shall be read as one with the Prevention Cap. 400
of Corruption Ordinance (hereinafter referred to as "the Ordinance").

2. Section 2 of the Ordinance is amended by inserting in their Section 2
appropriate alphabetical positions the following definitions— of the

"property" for the purposes of section 7A and section 7B means any Ordinance
property, whether movable or immovable, and includes any chose amended
in action;

"public officer" for the purposes of section 7A, section 7B and section 7C
means—

- (a) a member of the National Assembly; or
- (b) a member of a local authority; or
- (c) an employee or other officer (whether or not he is an employee)
of a specified authority,

and "public office" shall be construed accordingly;

"specified authority" means—

- (a) the Government;
- (b) a local authority;
- (c) a body corporate established by or under any written law other
than the Companies Ordinance; Cap. 212
- (d) the Tanganyika African National Union, any organ of the
Tanganyika African National Union and every body of persons,
whether corporate or unincorporate, which is affiliated to the
Tanganyika African National Union;

Cap. 381

Cap. 212

- (e) a trade union registered under the Trade Union Ordinance;
- (f) any company registered under the Companies Ordinance not less than fifty-one per centum of the issued share capital of which is owned by a specified authority or, where the company is limited by guarantee, a company in respect of which the amount that the specified authority which is a member of such company has undertaken to contribute in the event of the company being wound up is not less than fifty per centum of the aggregate amount which all the members have undertaken to contribute; and references in this paragraph to a specified authority include references to any such company;

“to be in, or to have, possession of any property” for the purposes of section 7A and section 7B includes having any right, title or interest in a property;”.

New
sections
added

3. The Ordinance is amended by adding immediately below section 7 the following new sections:—

“Public
officers
may be
required
to give
account
of their
properties

7A.—(1) Any police officer of or above the rank of superintendent may, if he is authorized in writing in that behalf by the President or by the Attorney-General, by notice in writing addressed to any public officer require such public officer to give, within such time and in such manner as may be specified in the notice, a full and true account of all or any class of properties which such public officer or his agent has in his possession or which he or his agent had in his possession at any time during which the public officer held any public office, and may also by the same or subsequent notice, require such public officer to give a true account of how he acquired such property.

(2) Any public officer who fails to comply with any of the provisions of a notice addressed to him pursuant to this section, or knowingly gives a false account in relation to any property, shall be guilty of an offence and shall on conviction be liable to imprisonment for a term not exceeding two years.

(3) For the purposes of this section—

“agent” means the husband, wife or child of the public officer, or any other person acting on behalf of the public officer;

“public officer” includes any person who held a public office at any time during the five years immediately preceding the date on which a notice under subsection (1) is sent to him.

(4) In a prosecution for an offence under subsection (2) evidence of the fact that a notice under subsection (1) was given by a police officer of or above the rank of superintendent shall be conclusive evidence that such police officer was authorized to give such notice by the President or the Attorney-General.

(5) No prosecution under this section shall be commenced without the consent of the Director of Public Prosecutions.

"Being in possession of property corruptly acquired"

7B.—(1) Where, in consequence of any investigation made pursuant to section 7A, or of a search conducted pursuant to section 7D or of an investigation of a bank account in accordance with section 10 or of any investigation carried out by or under the directions of the Director of Public Prosecutions, any public officer is found to be or to have been in possession of any property or is found to have received the benefit of any services which he may reasonably be suspected of having corruptly acquired or received when he held a public office, such public officer may be charged with having or having had in his possession property reasonably suspected of having been corruptly acquired or, as the case may be, with having received the benefit of services reasonably suspected of having been corruptly received, and if such public officer fails to satisfy the court that he did not corruptly acquire the property or, as the case may be, that he did not corruptly receive the benefit of services, he shall be liable on conviction to imprisonment for a term not exceeding five years.

(2) For the purposes of this section—

(a) "corruptly acquired or received" means received, accepted or obtained in circumstances in which it is an offence under section 3 or section 6 to receive, accept or obtain or would be an offence under section 6 to receive, accept or obtain if the references in that section to a public servant had been references to a public officer;

"public officer" includes any person who held a public office at any time during the period of five years immediately preceding the date on which any prosecution under subsection (1) is commenced;

(b) A public officer shall be deemed to be or to have been in possession of property where such property is or was in possession of any other person and the court is satisfied, having regard to his relationship to the accused person or to any other circumstances, that such other person is holding or held such property on behalf of the accused person or, in the case of such other person being the husband, wife, child, father, mother, sister or brother of the accused person, the property was acquired as a gift from the accused person or with the knowledge, consent or connivance of the accused person;

(c) a public officer shall be deemed to have received the benefit of any services where such services were received by any other person and the court is satisfied, having regard to his relationship to the accused person or to any other circumstances, that such other person received such benefit for or on behalf of such accused person or that such services

were rendered to such person at the request of the accused person or by reason of his relationship to the accused person.

(3) No prosecution under this section shall be commenced without the consent of the Director of Public Prosecutions.

"Evidence

7C. In any prosecution under section 7A or section 7B any statement or account in writing given by any public officer pursuant to a notice given to him under subsection (1) of section 7A shall be admissible in evidence notwithstanding any provision to the contrary in the Evidence Act, 1967 (including section 27 and section 28 of that Act) or any other written law.

"D.P.P.
may
authorize
search

7D.—(1) The Director of Public Prosecutions may, by writing, authorize any police officer of or above the rank of assistant superintendent to search any person if it is reasonably suspected that such person is in possession of property corruptly acquired or to search any premises, vessel, boat, aircraft or other vehicle whatsoever in or upon which there is reason to suspect that any property corruptly acquired has been placed, deposited or concealed.

(2) A police officer authorized to make any search under this section may make such search and, for the purpose of so doing, may enter, using any necessary force and accompanied by such other persons as he deems necessary to assist him, into or upon any premises, vessel, boat, aircraft or other vehicle whatsoever."

Passed in the National Assembly on the nineteenth day of March, 1970.


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Clerk of the National Assembly