

THE UNITED REPUBLIC OF TANZANIA



No. 2 OF 1972

I ASSENT,

Julius K. Nyerere
President

8TH FEBRUARY, 1972

An Act to provide for the amendment of certain written laws consequential upon and incidental to the enactment of the Minimum Sentences Act, 1972

[1ST MARCH, 1972]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as Minimum Sentences (Consequential and Short title
Incidental Provisions) Act, 1972, and shall come into operation on the and com-
date on which the Minimum Sentences Act, 1972, comes into operation. mence-
ment
Acts 1972
No.

PART I

AMENDMENTS TO THE PENAL CODE

2. This Part shall be read as one with the Penal Code.

Construction
Cap. 16

3. The sections of the Penal Code specified in the first column to the
Schedule to this Act are hereby amended in the manner specified
opposite thereto in the second column.

Maximum
penalties
for certain
offences
increased

PART II

AMENDMENTS TO THE CRIMINAL PROCEDURE CODE

4. This Part shall be read as one with the Criminal Procedure Code
(hereinafter referred to as "the Code").

Construction
Cap. 20

5. Section 7 of the Code is repealed and replaced by the following
section:

Section 7
of Cap. 20
repealed
and
replaced

"Sentences
which a
subordinate
court may
pass

7.—(1) A subordinate court may, in cases in which such
sentences are authorized by law, pass the following
sentences—

(a) imprisonment for a term not exceeding five years:

Provided that where a court convicts a person for a scheduled offence, it may, if such sentence is authorized by law, pass a sentence of imprisonment for such offence for a term not exceeding eight years;

(b) a fine not exceeding ten thousand shillings;

(c) subject to the provisions of the Corporal Punishment Ordinance, corporal punishment.

Cap. 17

(2) Notwithstanding the provisions of subsection (1)—

(a) a sentence of imprisonment—

(i) for a scheduled offence, which exceeds the minimum term of imprisonment prescribed therefor by the Minimum Sentences Act, 1972;

(ii) for any other offence, which exceeds twelve months;

(b) a sentence of corporal punishment which exceeds twelve strokes;

(c) a sentence of a fine or for the payment of money (other than payment of compensation under the Minimum Sentences Act, 1972) which exceeds three thousand shillings,

shall not be carried into effect, executed or levied until the record of the case, or a certified copy thereof, has been transmitted to the High Court and the sentence or order has been confirmed by a Judge:

Provided that this section shall not apply in respect of any sentence passed by a Senior Resident Magistrate.

(3) The provisions of subsection (2) shall apply in relation to a sentence of imprisonment whether such sentence is a substantive sentence of imprisonment or a sentence of imprisonment in default of a payment of a fine or a combination of the two sentences.

(4) The provisions of subsection (1) shall be without prejudice to the provisions of any written law authorizing a subordinate court to impose, in relation to any offence specified in such written law, a sentence in excess of the sentences provided for in that subsection.

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(5) In this section "scheduled offence" shall have the meaning assigned to that expression by the Minimum Sentence Act, 1972."

Section 10
of Cap. 20
amended

6. Section 10 of the Code is amended in subsection (1) by deleting the proviso thereto and substituting therefor the following proviso:—

"Provided that where a subordinate court presided over by a magistrate other than a resident magistrate or a Senior Magistrate, imposes a sentence of corporal punishment in addition to a sentence of imprisonment, no such sentence of corporal punishment shall be carried into effect until confirmed by the High Court."

7. Section 11 of the Code is amended by deleting subsection (6) and substituting therefor the following subsection:— Section 11
of Cap. 20
amended

“(6) Where a person is convicted of an offence specified in any of the Schedules to the Minimum Sentences Act, 1972, the provisions of this section shall have effect subject to the provisions of section 8 of that Act.”

8. Section 12 of the Code is repealed and replaced by the following section:— Section 12
of Cap. 20
repealed
and
replaced

“Sentences in cases of conviction of two or more offences at one trial”

12.—(1) Where a person is convicted at one trial of two or more offences by the High Court, the High Court may sentence him for such offences to the several punishments prescribed therefor; such punishments, when consisting of imprisonment, to commence the one after the expiration of the other in such order as the High Court may direct unless the High Court directs that such punishments shall run concurrently.

(2) Where a person is convicted at one trial of two or more offences by a subordinate court the court may, subject to the provisions of subsection (3), sentence him for such offences to the several punishments prescribed therefor and which such court is competent to impose; such punishments, when consisting of imprisonment, to commence the one after the expiration of the other in such order as the court may direct, unless the court directs that such punishments shall run concurrently.

(3) Notwithstanding the provisions of subsection (2), a subordinate court shall not, in any case in which it has convicted a person at one trial of two or more offences, be competent—

(a) where the court imposes substantive sentences of imprisonment only, to impose consecutive sentences of imprisonment which exceed in aggregate—

(i) in any case in which any of the offences of which the offender has been convicted is an offence in respect of which a subordinate court may lawfully pass a sentence of imprisonment for a term exceeding five years, a term of imprisonment for ten years;

(ii) in any other case, a term of imprisonment for eight years;

(b) where the court imposes sentence of fines only, to impose sentences of fines which exceed in aggregate—

(i) in any case in which any of the offences of which the offender is convicted is an offence in respect of which a subordinate court may lawfully impose a fine exceeding ten thousand shillings, a sum equal to twice the amount of fine which the subordinate court may so lawfully impose;

service of a parastatal organization or taking up the duties of a specified office, rejoins the service of Tanganyika, and the provisions of subsection (1) and subsection (2) shall apply, subject to the conditions specified therein, regardless of the number of parastatal organizations the service of which an officer joins or the number of the specified offices the duties of which he takes up, or the number of times he is re-appointed in the service of Tanganyika after the termination of his service in any parastatal organization or after ceasing to hold a specified office.

(4) Where any person who holds a pensionable office in any parastatal organization and resigns therefrom and is, within a period of one month from the date when he ceases to hold such office in such parastatal organization, appointed to a pensionable or a non-pensionable office in the service of the Government of the United Republic, the appropriate authority, if he is satisfied that such officer resigned from the service of such parastatal organization in circumstances in which he is not eligible for a pension or gratuity after leaving such pensionable service and has not received any *ex-gratia* payment or award in respect of such office in such parastatal organization and further that his resignation from the service of the parastatal organization and his joining the service of Tanganyika are in the public interest, may, if he considers it reasonable so to do, direct that subject to such conditions, limitations and restrictions as he may specify, the period of service of such officer in such parastatal organization on pensionable terms shall be deemed to be a period of service in the service of Tanganyika for the purposes of this Ordinance.

(5) Where a direction under subsection (4) is given—

- (a) it shall be lawful for the Minister to require the parastatal organization to pay into the Consolidated Fund in such manner and by such instalments as the Minister may direct, such amount as in the opinion of the Minister, will meet the liability of the Government in respect of any pension, gratuity or other payment which may be payable to the officer under this Ordinance for the period referable to his service in the parastatal organization, and the parastatal organization shall comply with every such requirement;
- (b) subject to the conditions, limitations and restrictions specified in such directions and to the provisions of this Ordinance, the officer shall be entitled to a pension, gratuity or award under this Ordinance, as if his period of service in the pensionable office in the parastatal organization was a period of service in a pensionable office under this Ordinance.

(6) In this section—

“parastatal organization” means—

- (a) a Local Authority;

13. Section 6 of the Stock Theft Ordinance is amended by deleting the words "imprisonment for a term not exceeding twelve months or to a fine not exceeding two thousand shillings" which occur in the last three lines, and substituting therefor the words "imprisonment for a term not exceeding two years or to a fine not exceeding four thousand shillings."

Section 6
of Cap. 422
amended

14. Section 7 of the Stock Theft Ordinance is amended by deleting the words "imprisonment for a term not exceeding two years or to a fine not exceeding two thousand shillings" which occur in the last three lines, and substituting therefor the words "imprisonment for a term not exceeding three years or to a fine not exceeding five thousand shillings."

Section 7
of Cap. 422
amended

PART IV

AMENDMENTS TO THE MAGISTRATES' COURTS ACT, 1963

15. This Part shall be read as one with the Magistrates' Courts Act, 1963.

Construction
Cap. 537

16. The Third Schedule of the Magistrates' Courts Act, is Amended—

Amendments
to Third
Schedule of
Cap. 537

(a) in paragraph 2, in sub-paragraph (1), by deleting the proviso to that sub-paragraph and substituting therefor the following proviso:—

"Provided that where a court convicts a person of an offence specified in any of the Schedules to the Minimum Sentences Act, 1972, which it has jurisdiction to hear, it shall have jurisdiction to pass the minimum sentence of imprisonment prescribed for such offence in that Act."

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(b) in paragraph 7 by deleting the proviso to sub-paragraph (1) and substituting therefor the following proviso:—

"Provided that nothing in this sub-paragraph shall apply in any case where a person is convicted of an offence specified in any of the Schedules to the Minimum Sentences Act, 1972, and sentenced to the minimum term of imprisonment provided for by that Act."

SCHEDULE

Section	Amendment
90.	Delete the words "six months or to a fine not exceeding two thousand shillings" which occur at the end and substitute therefor the words "two years".
110.	(a) Delete the words "commits a misdemeanour" which occur in the first line; (b) delete the full-stop at the end of paragraph (b) and substitute therefor a comma; and (c) add immediately below paragraph (b) the words "is guilty of a felony and is liable to imprisonment for five years".
120.	Delete the full-stop at the end and insert "and shall be liable to imprisonment for seven years".
177A.	Delete the words "for three months and for every subsequent offence, to imprisonment for one year." and substitute therefor "for two years and for every subsequent offence, to imprisonment for three years.
265.	Delete the word "five" which occurs in the last line and substitute therefor the word "seven".
268.	Delete the word "ten" which occurs in the last line and substitute therefor the word "fourteen".

SCHEDULE—(contd.)

Section	Amendment
269.	Delete the word "seven" which occurs in the last line and substitute therefor the word "ten".
270.	Delete the word "seven" which occurs in the last line and substitute therefor the word "fourteen".
271.	Delete the word "seven" which occurs in the third line and substitute therefor the word "ten".
272.	Delete the word "seven" which occurs in the last line and substitute therefor the word "fourteen".
273.	Delete the word "seven" which occurs in the last line and substitute therefor the word "ten".
275.	Delete the word "seven" which occurs in the last line and substitute therefor the word "fourteen".
286.	Delete the word "fourteen" which occurs in the last line of the first paragraph and substitute therefor the word "twenty".
287.	Delete the word "seven" which occurs in the last line of the first paragraph and substitute therefor the word "fourteen".
288.	Delete the word "three" which occurs in the last line and substitute therefor the word "seven".
294.	(a) Delete the word "seven" which occurs in the last line of the first paragraph and substitute therefor the word "fourteen"; (b) delete the word "ten" which occurs in the second paragraph and substitute therefor the word "twenty".
295.	(a) Delete the word "five" which occurs in the last sentence of the first paragraph and substitute therefor the word "ten"; (b) delete the word "seven" which occurs in the second paragraph and substitute therefor the word "fourteen".
296.	Delete the word "seven" which occurs in the last line and substitute therefor the word "ten".
297.	Delete the word "five" which occurs in the last line and substitute therefor the word "fourteen".
298.	(a) Delete the word "three" which occurs in the last line of the first paragraph and substitute therefor the word "five"; (b) delete the word "seven" which occurs in the last line of the second paragraph and substitute therefor the word "fourteen".
302.	Delete the word "three" which occurs in the last line and substitute therefor the word "seven".
303.	Delete the word "three" which occurs in the last line and substitute therefor the word "seven".
305.	Delete the words "one year" which occur in the last line and substitute therefor the words "five years".
306.	Delete the word "three" which occurs in the last line and substitute therefor the word "five".
307.	Delete the word "two" which occurs in the last line and substitute therefor the word "five".
309.	Delete the words "one year" which occur in the last line and substitute therefor the words "two years".
311.	Delete the word "seven" which occurs in the last line of subsection (1) and substitute therefor the word "ten".
315.	Delete the word "seven" which occurs in the last line and substitute therefor the word "fourteen".
317.	Delete the word "seven" which occurs in the last line and substitute therefor the word "fourteen".
318.	Delete the full-stop at the end and insert "and shall be liable to imprisonment for seven years".
319.	Delete the words "fourteen years" which occur at the end and substitute therefor the word "life".

SCHEDULE—(contd.)

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320. Delete the word "seven" which occurs in the last line and substitute therefor the word "fourteen".
326. Delete the word "two" which occurs in the last line of subsection (1) and substitute therefor the word "seven".
337. Delete the word "three" which occurs in the fourth line and substitute therefor the word "seven".
388. Delete the word "three" which occurs in the last line and substitute therefor the word "seven".
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Passed in the National Assembly on the twenty-fifth day of January, 1972.


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Clerk of the National Assembly