

THE UNITED REPUBLIC OF TANZANIA



No. 8 OF 1969

I ASSENT,

Julius K. Nyerere
.....
President

6th FEBRUARY, 1969

An Act to provide for Resettlement of certain Offenders and Habitual Offenders and to make provision for matters connected therewith and incidental thereto

[7TH FEBRUARY, 1969]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Resettlement of Offenders Act, 1969. Short title

2. In this Act unless the context otherwise requires— Interpretation

“dependant” means the wife or husband of a settler or his child under the apparent age of 14 years or any other person in respect of whom the officer-in-charge is satisfied that such person is fully dependent upon the settler;

“Minister” means the Minister for the time being responsible for Home Affairs;

“officer-in-charge” means any person appointed by the Minister to be the officer-in-charge or an assistant officer-in-charge of a resettlement centre;

“resettlement centre” means any place or area designated by the Minister to be a resettlement centre under section 3;

“resettlement order” means an order made by the Minister under the provisions of sections 4, 5, 6 or 8;

“scheduled offence” means any offence specified in the Schedule to this Act;

“settler” means any person in respect of whom a resettlement order is made under sections 4, 5, 6 or 8.

Establish-
ment of
resettlement
centres
Resettlement
order

3. The Minister may, by notice in the *Gazette*, designate any place or area to be a resettlement centre for the purposes of this Act.

4.—(1) Where any person has been convicted by a court of competent jurisdiction of a schedule offence the Minister may make a resettlement order in respect of such person.

(2) No resettlement order under this section shall be made—

- (a) in respect of a person who has been convicted of a scheduled offence and sentenced to imprisonment for such offence, after the expiration of thirty days from the date on which the sentence of imprisonment is determined either by effluxion of time or otherwise;
- (b) in respect of a person who has been convicted of a scheduled offence and has not been sentenced to imprisonment, after the expiration of thirty days from the date of conviction.

Resettlement
order on
recommend-
ation of
Commissioner
for Social
Welfare

5.—(1) Notwithstanding the provisions of section 4 the Minister may make a resettlement order in respect of any person convicted of any offence whatsoever punishable with imprisonment for a term of two years or more, whether or not such offence is a scheduled offence, where the Commissioner for Social Welfare recommends that such order be made.

(2) No order under this section shall be made after the expiration of thirty days from the date of conviction of the person concerned, or, if such person has been sentenced to imprisonment, after thirty days from the date on which the sentence of imprisonment is determined either by effluxion of time or otherwise.

Resettlement
order where
person
ordered to
give security
for good
behaviour
Cap. 20

6.—(1) Where any person is ordered to give security for good behaviour under the provisions of section 45 and section 52 of the Criminal Procedure Code the Minister may make a resettlement order in respect of such person.

(2) No order under this section shall be made after the expiration of thirty days from the date of the order under section 52 of the Criminal Procedure Code.

Effect of
appeal

7. Where a resettlement order is made in respect of any person under section 4, section 5 or section 6 and the conviction or order pursuant to which the resettlement order is made is set aside on appeal, the resettlement order shall cease to have effect:

Provided that a resettlement order shall not cease to have effect by reason only of the conviction being set aside if the court determining the appeal substitutes for such conviction a conviction for some other scheduled offence or, in the case of an order made under section 5, an offence punishable with imprisonment for two years or more.

Resettlement
orders in
respect of
deportees
and persons
practising
witchcraft
Cap. 38
Cap. 18

8. Where a deportation order under the provisions of the Deportation Ordinance has been made in respect of any person, and such deportation order is subsisting, or, where an order has been made against any person under section 8 of the Witchcraft Ordinance requiring such person to reside within any specified area, and such order is subsisting, the Minister may make a resettlement order in respect of such person and upon a resettlement order being so made the deportation order or

the order made under section 8 of the Witchcraft Ordinance, as the case may be, shall cease to have effect and shall be deemed to have been rescinded.

9. Every resettlement order shall take effect—

Operation of
resettlement
orders

- (a) where the person in respect of whom it is made is serving a sentence of imprisonment for any offence whatsoever or is lawfully detained, upon the determination of such sentence, whether by effluxion of time or otherwise or upon his discharge from detention, as the case may be;
- (b) in any other case immediately upon service of a copy of the order on the person in respect of whom it is made, or if the order is expressed to take effect upon any date specified therein, upon such date, whichever is the later.

10. Every resettlement order shall specify—

Contents of
resettlement
orders

- (a) the name and address of the person in respect of whom it is made;
- (b) the reason for which the order is made;
- (c) the resettlement centre at which such person shall report;
- (d) the route by which such person shall travel to the resettlement centre;
- (e) any other matter which may be prescribed.

11. Where the Minister has made a resettlement order in respect of any person and he is of the opinion that such person may not comply with such order, he may apply to a resident magistrate within whose jurisdiction such person resides or is detained for a warrant of arrest and upon such application being made the resident magistrate shall issue a warrant for the arrest of such person and for his detention in custody pending his transportation to the resettlement centre specified in the order.

12. Every person in respect of whom a resettlement order is made shall be provided with free transport from his residence or the prison where he is detained, as the case may be, to the resettlement centre.

Settlers to
be given free
transport

13.—(1) Any person who, without reasonable excuse, fails to comply with any of the terms of a resettlement order, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 12 months.

Failure to
comply with
resettlement
order

(2) Conviction for an offence under subsection (1) shall not in any way affect the validity of the resettlement order and where the person convicted is sentenced to imprisonment the resettlement order shall take effect upon determination of his sentence either by effluxion of time or otherwise.

14.—(1) The Minister shall appoint an officer-in-charge for every resettlement centre and may appoint such number of assistant officers-in-charge as he may consider necessary.

Resettlement
centres

served with the summons and for his subsistence during the journeys and for the period of his stay at the place where the court issuing the summons is situate; or

- (b) such person is too ill to travel to the court issuing the summons, or that he suffers from a physical or mental disability which would cause him great hardship to travel to such court; or
- (c) the summons was not served upon him until it was too late for him to travel to the court issuing the same so as to arrive there by the date specified in the summons; or
- (d) having regard to all the circumstances it would be unreasonable to require such person to comply with the summons,

he may by order excuse such person from complying with the summons.

(5) Every order made under subsection (4) shall be in writing and contain reasons for the making thereof, and shall be signed by the magistrate who shall send a certified copy thereof to the Registrar and the Registrar shall forward a copy of such order to the court issuing the summons.

Cap. 537

(6) The provisions of Part III of the Magistrate's Courts Act, 1963 relating to the powers of the High Court to revise any order made by a magistrate's court shall apply to an order made under this section.

The Minister
may excuse
attendance

8.—(1) Where the Minister is satisfied that it is desirable so to do he may, at any time after a summons has been received by the Attorney-General in accordance with the provisions of subsection (1) of section 4, whether or not the summons has been served on the person named therein under the provisions of this Act, direct, by an order under his hand, that the person named in the summons shall be excused from complying therewith.

(2) Where an order under subsection (1) is made before the summons has been served on the person, no further step shall be taken to serve the summons.

(3) The Attorney-General shall forward a copy of an order made under this section to the court issuing the summons.

(4) An order under subsection (1) shall not be subject to review by any court.

Disobedience
of summons

9. Any person who has been served with a summons under this Act and has not been excused from complying therewith by an order made under section 7 or by an order made under section 8, shall, if he fails to obey the summons, be guilty of an offence and be liable on conviction to a fine not exceeding five hundred shillings.

Zanzibar

10. This Act shall extend to Zanzibar as well as to Tanganyika.

Passed in the National Assembly on the ninth day of January, 1969.


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Clerk of the National Assembly

19.—(1) An officer-in-charge of a resettlement centre may give such orders or directions either orally or in writing to any settler or his dependant residing with him at the resettlement centre, as may be necessary or expedient for the following purposes that is to say—

- (a) to ensure that the resettlement centre is administered in an orderly and efficient manner;
- (b) to ensure the performance of any work or duty by the settler;
- (c) to ensure that all proper precautions are taken to preserve the health and well-being of the settlers and their dependants residing at the resettlement centre;
- (d) to preserve orderly conduct and discipline in the resettlement centre.

(2) Any person who disobeys any order or direction given by the officer-in-charge shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding three months.

20. No act or thing done or omitted to be done by any person shall, if the act or omission was done or omitted *bona fide* while acting in the execution of duty under this Act, subject him personally to any liability, action, claim or demand whatsoever.

SCHEDULE

1. Any offence which is a Scheduled Offence under the provisions of the Minimum Sentences Act, 1962 (Cap. 526).
2. Any offence under the Witchcraft Ordinance (Cap. 18).

Passed in the National Assembly on the ninth day of January, 1969.


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Clerk of the National Assembly