

THE UNITED REPUBLIC OF TANZANIA



No. 11 OF 1976

I ASSENT,

Julius K. Nyerere
.....
President

31ST.....AUGUST, 1976

An Act to amend certain Written Laws

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Written Laws (Miscellaneous Short title Amendments) Act, 1976.

2. The written laws specified in the first and second columns of the Schedule hereto are amended in the manner specified opposite thereto in the third column of the said Schedule.

Amendment
of certain
written
laws

SCHEDULE

FIRST COLUMN

CAP. 108

SECOND COLUMN

The Births and Deaths Registration Ordinance

"Registration of Birth after five years

The Ordinance is amended by adding immediately below section 20 the following new section:—

THIRD COLUMN

20A.—(1) No birth shall be registered after the expiry of five years from the date when the birth is alleged to have taken place unless the person seeking such registration (hereinafter referred to as "the applicant")—

(a) has first reported the prescribed particulars sought to be registered to the Branch Executive Committee of the Party having jurisdiction over the area within which the birth is alleged to have taken place and that Committee has certified in writing that the prescribed particulars reported to the Committee are correct; and

(b) has first applied to and obtained from a court of Resident Magistrate a declaration that the prescribed particulars sought to be tendered for registration are correct.

(2) The Branch Executive Committee, on receiving the report made to it by the applicant pursuant to subsection (1), may conduct such inquiries or investigations as it may consider necessary for the purpose of satisfying itself as to the correctness of the prescribed particulars contained in such report.

(3) An application under subsection (1) shall be made by way of a Chamber Summons to a court of Resident Magistrate having jurisdiction over the area within which the birth is alleged to have taken place.

(4) A copy of every application together with copies of all the supporting affidavits shall be served upon the Registrar-General who shall have a right to appear at the hearing of the application as a party and produce evidence, cross-examine the applicant's evidence and otherwise exercise all the rights of a defendant in a civil suit.

(5) The court to which application is made under this section shall refuse to grant the declaration applied for unless it is satisfied, on evidence adduced by the applicant, of the correctness of the prescribed particulars which the applicant seeks to tender for registration.

(6) Subject to the foregoing provisions of this section the Chief Justice may make rules providing for—

(a) the procedure on an application made under subsection (1);

(b) the form of such application and the court fee payable in respect thereof.



SCHEDULE—*contd.*

FIRST COLUMN

SECOND COLUMN

THIRD COLUMN

(7) The decision of the court on an application under subsection (1) shall be deemed to be a decree in a civil suit and may be appealed against accordingly either by the applicant or the Registrar-General.

(8) In this section "the Party" means the Party the constitution of which is for the time being set out in the First Schedule to the Cap. 596 Interim Constitution of Tanzania, 1965."

Cap. 451

The Appellate Jurisdiction Ordinance, Section 8 is amended—
1961

(i) by adding the following subsection immediately below subsection (1):

"(1A) Where the Director of Public Prosecutions is dissatisfied with any acquittal, sentence or order made or passed by the High Court or by a subordinate court exercising extended powers he may appeal to the Court of Appeal—

(a) on any ground of appeal which involves a question of law alone; or

(b) with the leave of the Court of Appeal or upon the certificate of the trial Judge or magistrate that it is a fit case for appeal, on any ground of appeal which involves a question of fact alone, or a question of mixed law and fact or on any ground which appears to the Court of Appeal, the trial Judge or the trial magistrate to be a sufficient ground of appeal";

(ii) in subsection (7), by deleting the words "conviction or sentence" which occur in the fourth line and substituting therefor the words "conviction, acquittal, sentence or order";

(iii) in subsection (8) by deleting the words "conviction or sentence" which occur in the sixth and seventh lines and substituting therefor the words "conviction, acquittal, sentence or order";

(iv) in subsection (9), by deleting the words "by such other person against conviction or sentence in respect of such other offence" and substituting therefor the words "against the conviction or acquittal of, or sentence or order passed or made against such other person in respect of such other offence."

Cap. 497

The Libraries (Deposit of Books) Act, The Act is amended—
1962

(i) in subsection (1) of section 3, by deleting the words "one copy of the book to the Librarian of the Deposit Section of the Library of the University College, Dar es Salaam, and one further copy to such person and at such place as the Minister may by order direct" which occur in the last three lines thereof and substituting therefor the words

SCHEDULE—*contd.*

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
Cap. 507	The Appellate Jurisdiction Act, 1962	<p>"a copy each of the book to such person or persons and at such place or places as the Minister may by order published in the <i>Gazette</i>, direct"; and</p> <p>(ii) in subsection (1) of section 4, by deleting the words "the Librarian of the Deposit Section of the Library of the University College, Dar es Salaam, or to the person mentioned in any order made by the Minister under subsection (1) of section 3 or to both, as the case may be, a copy of the book in respect of which the conviction is recorded" which occur in the last four lines thereof and substituting therefor the words "the person or persons mentioned in any order made by the Minister under subsection (1) of section 3 a copy of the book in respect of which the conviction is recorded".</p>
Acts, 1966 No. 49	The Civil Procedure Code, 1966	<p>Section 9A is amended by adding the following subsection immediately below subsection (1):</p> <p>"(1A) Where the Director of Public Prosecutions is dissatisfied with any acquittal, sentence or order made or passed by the High Court or by a subordinate court in the exercise of extended powers in any case to which the provisions of subsection (7), subsection (8) or subsection (9) of section 8 of the Appellate Jurisdiction Ordinance, 1961, apply, he may appeal to a full bench of the High Court against such acquittal, sentence or order on any ground of appeal."</p> <p>Section 48 is amended, in the proviso to subsection (1), by relettering paragraphs (d), (e), (f), (g), (h), (i) and (j) as paragraphs (f), (g), (h), (i), (j), (k) and (l) respectively and by adding the following paragraphs immediately below paragraph (c):</p> <p>(d) any land used for agricultural purposes by a village, an Ujamaa Village, a co-operative society, or an individual whose livelihood is wholly dependent upon the use of such land;</p> <p>(e) any residential house or building, or part of a house or building occupied by the judgement debtor, his wife and dependant children for residential purposes;"</p>

Passed in the National Assembly on the twenty-second day of July, 1976.

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Clerk of the National Assembly