

THE UNITED REPUBLIC OF TANZANIA



No. 23 OF 1973

I ASSENT,

Julius K. Nyerere

President

6th DECEMBER, 1973

An Act to amend certain Written Laws

[.....7 DEC. 1973.....]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Written Laws (Miscellaneous Amendments) Act, 1973.
2. The laws specified in the first and second columns of the Schedule Amendment hereto are amended in the manner specified opposite thereto in the ^{of} certain laws third column.

SCHEDULE

| COLUMN 1 | COLUMN 2 | COLUMN 3 |
|---|-----------------------------|---|
| Cap. 16 | The Penal Code | Section 136 is amended by deleting the word "twelve" wheresoever it occurs therein (including where it occurs in the marginal note) and substituting therefor the word "fourteen". |
| Cap. 20 | The Criminal Procedure Code | <p>The Criminal Procedure Code is amended by adding, the following sections in their appropriate numerical order—</p> <p>"Accused 202A. Where in any case to which section 202 does not apply, an accused may be being tried by a subordinate court fails to appear on the date convicted fixed for the continuation of the hearing after the close of and the prosecution case or on the date fixed for the passing of a sentence, the court may, if it is satisfied that the accused's attendance can not be withstanding secured without undue delay or expense, proceed to dispose of the case his absence in accordance with the provisions of section 210 as if the accused, being present, has failed to make any statement or adduce any evidence, or as the case may be, make any further statement or adduce any further evidence, in relation to any sentence which the court may pass:</p> <p>Provided that—</p> <p>(a) where the accused so fails to appear but his advocate appears, the advocate shall subject to the provisions of this Code, be entitled to call any defence witness and to address the court as if the accused were present and where the accused has been or is convicted, the advocate shall be entitled to call any witness and to address the court on matters relevant to any sentence which the court may pass;</p> <p>(b) where the accused appears on any subsequent date to which the proceedings may have been adjourned, the proceedings under this section on the day or days on which the accused was absent shall not be invalid by reason only of his absence.</p> |
| Magistrate to report delays to Minister | | <p>328—(1) Where any proceedings before a magistrate are not concluded within sixty days of the date when the accused first appeared before the court in relation to such proceedings, the magistrate in charge of the proceedings or, where two or more magistrates have at various times dealt with the case, the most senior of them remaining posted to the court, shall, within two weeks of the expiry of such period of sixty days submit a report to the Minister stating—</p> <p>(a) the name of the accused;</p> <p>(b) the number of the case and the nature of the charge;</p> <p>(c) the date when the accused first appeared before the court in relation to the proceedings;</p> <p>(d) the various dates on which the accused appeared before the court in relation to the proceedings;</p> |

COLUMN 1

COLUMN 2

COLUMN

- (e) the number of adjournments and the reasons therefor;
- (f) the reasons for the delay in the disposal of the case;
- (g) if the proceedings have not been disposed of at the date of the report, the action being taken to expedite the disposal of the proceedings.

(2) The magistrate shall submit a copy of a report under subsection (1) to—

- (a) the Chief Justice; and
- (b) the Regional Commissioner for the region within which the court is situate.

(3) On receipt of a report under this section, or on failure by a magistrate to submit a report in compliance with the provisions of this section, the Minister may, after consultation with the Chief Justice take such action as he may consider desirable in the public interest against the public officer who appears to him to have been responsible for occasioning the delay or against the magistrate for such delay or for failure to submit the report as the case may be.”.

Cap. 294

The Exchange Control Ordinance

Section 2 is amended by adding immediately below subsection (6) the following new subsection:—

“(7) For the avoidance of doubts it is hereby declared that for the purposes of this section a person shall be deemed to be entitled to sell, or to procure the sale of, any gold, or any foreign currency if he is in possession of or has control over any gold or foreign currency.”.

Cap. 537

The Magistrates' Courts Act, 1963

(1) Section 8 is amended—

- (a) in subsection (2) by deleting the words “All matters before a primary court shall,” and substituting therefor “All matters before a primary court, including a finding on any issue, the question of adjourning the hearing, an application for bail, the question of guilt or innocence of any accused person, the determination of sentence, the assessment of any monetary award and all other issues and questions whatsoever shall,”;

(b) by adding the following new subsection:

(4) The Minister may make regulations for the better carrying out of the purposes and provisions of this section and without prejudice to the generality of the foregoing, may by such regulations—

- (a) prescribe qualifications of assessors;
- (b) prescribe fees or allowances for assessors.”.

COLUMN 1

COLUMN 2

COLUMN 3

(2) Section 15 is amended by adding the following new subsection:

“(5) The Minister may, after consultation with the Chief Justice, by order in the *Gazette*, amend, vary or replace the provisions of the Third Schedule, the Fourth Schedule and the Fifth Schedule to this Act.”

Acts 1970
No. 19

The Rent Tax Act, 1970

Section 8 is amended by renumbering it as subsection (1) of section 8 and adding the following subsection:

“(2) Where the Minister is satisfied that any premises have been let or are deemed, by the provisions of this Act, to have been let by any religious or charitable organization to any minister of religion or priest or to any person engaged in rendering religious, medical or other social services to any community on behalf of such organization, and that such minister of religion, priest or other person rendering such services does not receive any remuneration for the services rendered by him in addition to his remuneration from the organization, the Minister may, if in his opinion it is in the public interest so to do, by order under his hand, exempt, subject to such conditions as he may specify, the organization from payment of rent tax in respect of the premises so let or deemed to have been let.”

Acts 1970
No. 21

The Entertainment Tax Act, 1970

The First Schedule is amended in Part B by deleting the item appearing therein and substituting therefor the following item—

“A Scheduled entertainment or any ball or dance taking place in a night club.”

Acts 1971
No. 5

The Law of Marriage Act, 1971

Section 80 is amended in subsection (1) by deleting the words “a magistrate’s court” and substituting therefor “a court of a resident magistrate, a district court or a primary court”.

Acts 1971
No. 16

The Prevention of Corruption Act, 1971

Section 9 is amended by adding immediately below subsection (1) the following new section—

“(1A) Where in any proceedings under subsection (1) the court is satisfied that there were no reasonable grounds for suspecting that the accused corruptly acquired the property but that the circumstances were such as to give rise to a reasonable suspicion that the accused may have otherwise unlawfully acquired the property, the court may, if the accused fails to satisfy the court that he did not acquire the property unlawfully, convict the accused of an offence under section 312 of the Penal Code, and the fact that the accused was not found conveying the property or in possession of the property by any police officer or a police officer of any particular rank shall not affect such conviction of the accused was found to be or to have been in possession of the property upon any investigation or search carried out under this Act and where the court proceeds under this subsection, the court may order that the property so acquired be forfeited.”

No. 23 *Written Laws (Miscellaneous Amendments)* 1973

COLUMN 1
Acts 1972
No. 1

COLUMN 2
The Minimum Sentences
Act, 1972

COLUMN 3
Section 6 is amended in subsection (1) by deleting the words "Notwithstanding the provisions of section 4," which occur at the beginning and substituting therefor "Notwithstanding the provisions of section 4 or section 5,".

Passed in the National Assembly on the twenty-first day of November, 1973.

M. M. M. M. M.
Clerk of the National Assembly

