

THE UNITED REPUBLIC OF TANZANIA



NO. 2 OF 1985

I ASSENT,

Julius K. Nyerere

President

3rd April, 1985

An Act to amend the Preventive Detention Act, 1962

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Preventive Detention (Amendment) Act, 1985, shall be read as one with the Preventive Detention Act, 1962, and shall come into operation on such date as the President may, by notice in the *Gazette*, appoint. Short title
Cap. 490

2. Section 1 of the Preventive Detention Act, 1962, is hereby amended: Amendment
of section 1

(a) by renumbering the contents of section 1 as sub-section (1) of that section:

(b) by adding immediately after sub-section (1), the following sub-section—

“(2) This Act shall apply throughout the United Republic.”.

3. The Preventive Detention Act, 1962, is hereby amended by adding immediately after section 1, the following section: Addition of
new
section

“Interpretation 1A. In this Act, unless the context otherwise requires—
“the Committee” means the Advisory Committee established under section 7;
“Detention Order” means an order made under section 2;
“Person” includes a person who is not a citizen of the United Republic;
“The United Republic” means the United Republic of Tanzania.”.

4. Section 3 of the Preventive Detention Act, 1962, is hereby repealed and replaced by the following section:— Repeal and
replace-
ment of
section 3

"Right to challenge detention order

5. Any person who is detained under a detention order may, by petition before the High Court, challenge the legality of that order on any ground".

Addition of new section 3A

6. The Preventive Detention Act, 1962, is hereby amended by adding immediately after section 3, the following new section:—

"Execution of detention orders
Cap. 20

3A. A detention order may be executed at any place within the United Republic in the manner provided for the execution of warrants of arrest under the Criminal Procedure Code."

Amendment of section 6

7. Section 6 of the Preventive Detention Act, 1962, is hereby amended:—

(a) by adding immediately after sub-section (1) the following new sub-section.

"(2) Where, after fifteen days, a person detained under this Act is not informed in writing of the grounds on which he is being detained he shall be released immediately: and

(b) by renumbering the present sub-section (2) as sub-section (3)."

Addition of new section 6A

8. The preventive Detention Act, 1962, is hereby amended by adding immediately after section 6, the following new section:—

"Detention to be published in the Gazette

3A. Every person who is detained under this Act shall have his name published in the *Gazette*."

Amendment of section 7

9. The Preventive Detention Act, 1962, is hereby amended:—

(i) in paragraph (b) of sub-section (4) of section 7 by deleting the phrase "a year" and substituting for it the phrase "three months".

(ii) by adding immediately after sub-section (4) the following new sub-section—

"(5) Where no reference to the Committee is made within the time stipulated in sub-section (4) the person detained shall be entitled to be released."

(iii) by renumbering the rest of the sub-section as (6) and (7).

General amendment

9. The Preventive Detention Act, 1962, is hereby amended generally by deleting the word "Tanganyika" wherever it occurs in the Act and substituting for it in each case the phrase "the United Republic".

Passed in the National Assembly on the thirty first day of January, 1985.


Clerk of the National Assembly