

TANGANYIKA



No. 49 OF 1963

I ASSENT,

Julius K. Nyerere
President

19TH SEPTEMBER, 1963

An Act to amend the Regions and Regional Commissioners Act, 1962, and the Area Commissioners Act, 1962

[20TH SEPTEMBER, 1963]

ENACTED by the Parliament of Tanganyika.

1. This Act may be cited as the Regional and Area Commissioners Short title Acts (Amendment) Act, 1963.

2. The Regions and Regional Commissioners Act, 1962 is hereby Amendment amended by adding, immediately below section 6, the following new of Act 2 of 1962 section:—

“Powers of Regional Commissioner” 7.—(1) When the Regional Commissioner has reason to believe that any person is likely to commit a breach of the peace or disturb the public tranquility, or to do any act that may probably occasion a breach of the peace or disturb the public tranquility, and that such breach cannot be prevented otherwise than by detaining such person in custody, the Commissioner may arrest or order a police officer verbally or in writing to arrest such person.

Cap. 20 (2) A person arrested under the powers conferred by this section shall be taken as soon as is practicable before a magistrate empowered under section 41 of the Criminal Procedure Code to deal with the case and, if such person is not brought before such a magistrate within forty-eight hours after he was taken into custody, he shall be released and shall not be again arrested for the same cause in pursuance of the powers conferred by this section.

(3) Where a Regional Commissioner arrests or orders the arrest of any person under the powers conferred by this section, he shall, at the time of making or ordering the arrest or forthwith thereafter, record his reasons therefor in writing. The Commissioner shall deliver a copy of his recorded reasons, or cause a copy thereof to be delivered, to the magistrate at the time the person arrested is brought

before the magistrate or, if such person has been released before he is brought before the magistrate, as soon as is practicable after such release:

Provided that the production of a copy of recorded reasons under this section shall not authorize the magistrate to dispense with any provision requiring information to be given on oath.

(4) A magistrate before whom a person is brought under this section may, in his discretion, detain such person in custody until the completion of the inquiry prescribed by section 51 of the Criminal Procedure Code.

Cap. 3

(5) The provisions of section 19 of the Subordinate Courts Ordinance shall apply to, and in relation to, Regional Commissioners in the exercise of their powers under this section and to police officers who carry out the orders of a Regional Commissioner hereunder as they apply respectively to magistrates presiding in a subordinate court and to persons required to execute the lawful orders of a magistrate.”

3. The Area Commissioners Act, 1962 is hereby amended by adding, immediately below section 6, the following new section:—

“Powers of
Area Com-
missioner

7.—(1) When the Area Commissioner has reason to believe that any person is likely to commit a breach of the peace or disturb the public tranquility, or to do any act that may probably occasion a breach of the peace or disturb the public tranquility, and that such breach cannot be prevented otherwise than by detaining such person in custody, the Commissioner may arrest or order a police officer verbally or in writing to arrest such person.

Cap. 20

(2) A person arrested under the powers conferred by this section shall be taken as soon as is practicable before a magistrate empowered under section 41 of the Criminal Procedure Code to deal with the case and, if such person is not brought before such a magistrate within forty-eight hours after he was taken into custody, he shall be released and shall not be again arrested for the same cause in pursuance of the powers conferred by this section.

(3) Where an Area Commissioner arrests or orders the arrest of any person under the powers conferred by this section, he shall, at the time of making or ordering the arrest or forthwith thereafter, record his reasons therefor in writing. The Commissioner shall deliver a copy of his recorded reasons, or cause a copy thereof to be delivered, to the magistrate at the time the person arrested is brought before the magistrate or, if such person has been released before he is brought before the magistrate, as soon as is practicable after such release:

Provided that the production of a copy of recorded reasons under this section shall not authorize the magistrate to dispense with any provision requiring information to be given on oath.

(4) A magistrate before whom a person is brought under this section may, in his discretion, detain such person in custody until the completion of the inquiry prescribed by section 51 of the Criminal Procedure Code.

Cap. 3

(5) The provisions of section 19 of the Subordinate Courts Ordinance shall apply to, and in relation to, Area Commissioners in the exercise of their powers under this section and to police officers who carry out the orders of an Area Commissioner hereunder as they apply respectively to magistrates presiding in a subordinate court and to persons required to execute the lawful orders of a magistrate.”

Passed in the National Assembly on the twelfth day of September, 1963.


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Clerk of the National Assembly