

THE UNITED REPUBLIC OF TANZANIA



No. 50 OF 1968

I ASSENT

Julius K. Nyerere
President

10. TH OCTOBER, 1968

An Act to amend various Ordinances and Acts

[11TH OCTOBER, 1968]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Written Laws (Miscellaneous Amendments) Act, 1968.
2. The laws set forth in the first and second columns of the First Amendments Schedule hereto are amended in the manner specified opposite thereto ^{to written} _{laws} in the third column.
3. The law set forth in the Second Schedule hereto is hereby repealed. ^{Repeal of} _{written laws}

FIRST SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Cap. 1	The Interpretation and General Clauses Ordinance	<p>(1) Insert in its appropriate alphabetical position in subsection (1) of section 2, the following new definition:—</p> <p>“ ‘local authority’ means—</p> <p>(a) where an area of Tanganyika is a city, the City Council established under the Municipalities Ordinance;</p> <p>(b) where an area of Tanganyika is a municipality the Municipal Council established under the Municipalities Ordinance;</p> <p>(c) where an area of Tanganyika is a township, the Town Council established under the Local Government Ordinance; and</p> <p>(d) where an area of Tanganyika is that of a district council established under the Local Government Ordinance, that Council.”</p>
		<p>(2) Add the following new section immediately below section 13:</p> <p>“Rectification of printing errors 13A.—(1) Where there is any clerical or printing error in any Bill or Act published in the <i>Gazette</i> the Attorney-General or any member of the Attorney-General's Chambers authorized in writing in that behalf by the Attorney-General, may, by order published in the <i>Gazette</i>, give directions as to the rectification of such error and all such directions shall be read as one with the Bill or Act to which they relate.</p> <p>(2) Every notice published in the <i>Gazette</i> by the Attorney-General or by any member of the Attorney-General's Chambers for the rectification of any clerical or printing error in any Bill or Act prior to the coming into operation of this section shall have effect as if such notice were an order made under subsection (1).”</p>
Cap. 16	The Penal Code	<p>(1) In section 5, in the definition “person employed in the public service”—</p> <p>(a) delete the words “any public Commission or Board” which occur in the last line of paragraph (i) and substitute therefor the words “a commission or board to which the President has delegated his function of, or which is established by written law for the purpose of, making appointments to any office”;</p> <p>(b) add, immediately below paragraph (viii), the following new paragraph:—</p> <p>“(ix) any person employed by or in the service of the Community, any corporation within the Community or any institution of the Community;”</p>

FIRST SCHEDULE—*contd.*

COLUMN 1	COLUMN 2	COLUMN 3
		(2) In section 296— (a) insert, immediately after the word "store" in paragraph (1), the words "workshop, garage"; and (b) insert, immediately after the word "store," in paragraph (2), the words "workshop, garage,".
		(3) In section 297 insert, immediately after the word "store," the words "workshop, garage,".
Cap. 223	The Arms and Ammunition Ordinance	In subsection (3) of section 13, delete the words "one month" which occur in the fourth line and substitute therefor the words "three months".
Cap. 332	The Excise Tariff Ordinance	Add the following new section immediately below section 7:— "Certain provisions of the Treaty shall have legislative effect 7A. Article 18 of the Treaty for East African Co-operation (which makes provision in relation to excise duty on goods produced in Tanzania, Uganda or Kenya and transferred to another of those countries), as from time to time amended under any provision thereof or otherwise modified shall have the force of law in Tanzania so long as the same is in force."
Cap. 356	The Revised Laws and Annual Revision Ordinance	Delete subsection (2) of section 17 and substitute therefor the following:— "(2) Any notice issued under the authority of this section shall have effect from the date on which the enactment to which it relates had effect as part of the Revised Laws or as an annual supplement, as the case may be, under the provisions of section 14 and that enactment shall be read and construed accordingly."
Cap. 362	The Cotton Ordinance	In section 2 delete the definition "Cotton Board" and delete all references to the Cotton Board wheresoever they occur in the Ordinance.
Cap. 412	The National Parks Ordinance	In section 2 delete the definition "Minister" and substitute therefor the following:— "Minister" means the Minister for the time being responsible for national parks;".
Cap. 438	The Coffee Industry Ordinance	(1) Add the following section immediately below section 4:— "Minister may amend or vary any of the provisions of the First Schedule to this Ordinance." 4A. The Minister may, by Order published in the <i>Gazette</i> , amend or vary any of the provisions of the First Schedule to this Ordinance." (2) In the First Schedule to the Ordinance delete paragraph 7.

FIRST SCHEDULE—contd.

COLUMN 1
Cap. 526

COLUMN 2
The Minimum Sentences Act, 1963

COLUMN 3

(1) In section 6 delete subsection (2) and substitute therefor the following:—

Acts 1966
No. 49

“(2) Where an order is made under subsection (1) the person in whose favour such order is made may file an authenticated copy thereof in the district court having jurisdiction over the area which the court which made the order has jurisdiction, and upon being so filed the order shall be deemed to be a decree passed by such district court and may be executed in the same manner as if it were a decree passed under the provisions of the Civil Procedure Code, 1966 and the district court shall have jurisdiction to execute such decree notwithstanding that the amount of the compensation awarded may exceed the pecuniary jurisdiction of the district court.”

(2) Section 7 is repealed and replaced by the following section:—

“Sentence
pending
appeal

7.—(1) Where any person is convicted of a scheduled offence and he is not released on bail, or the execution of his sentence is not suspended, pending appeal, the administration of the first instalment of corporal punishment upon such person shall, if such person intends to appeal against his conviction or against any part of his sentence which exceeds the minimum sentence provided by this Act in relation to the offence of which he has been convicted, be postponed pending the determination of his appeal.

(2) Where the administration of the first instalment of corporal punishment has been postponed under the provisions of subsection (1) such corporal punishment shall, unless the appeal is allowed or the sentence of corporal punishment is set aside, be administered as soon as practicable after the determination of the appeal.

Cap. 20

(3) Notwithstanding the provisions of section 11 of the Criminal Procedure Code, where any person is convicted of a scheduled offence and any part of the sentence imposed requires to be confirmed by the High Court, such person shall not have any right to elect to remain on remand pending such confirmation.”

(3) Section 8 is repealed.

(4) The following new section is added immediately below section 11:—

“Sentence
of corporal
punishment
not to be
awarded to
prisoners
serving
sentence
under
this Act

11A. Where a prisoner who is serving a sentence of imprisonment for a scheduled offence under this Act and who is required to undergo corporal punishment in accordance with section 5 is convicted of another scheduled offence he shall be sentenced to imprisonment in accordance with section 4 or, where appropriate, in accordance with subsection (2) of section 5, but he shall not be required to undergo any corporal punishment in respect of such subsequent conviction, and the provisions of section 5 relating to the infliction of corporal punishment shall not apply to the sentence passed in respect of the subsequent conviction.”

FIRST SCHEDULE—*contd.*

COLUMN 1

COLUMN 2

COLUMN 3

Cap. 537

The Magistrates' Court Act, 1963

(1) In section 14 in subsection (1) insert the word "or" at the end of sub-paragraph (ii) of paragraph (a) and add the following new sub-paragraph immediately below the said sub-paragraph (ii):—

"(iii) for the recovery of any civil debt arising out of contract, if the value of the subject matter of the suit does not exceed one thousand shillings, and any proceedings by way of counter-claim or set-off therein of the same nature and not exceeding such value;"

(2) In section 41 add the following new subsections immediately below subsection (2):

"(2A) Where any proceeding of a civil nature referred to in sub-paragraph (iii) of paragraph (a) of subsection (1) of section 14 has been instituted in a primary court, the primary court shall, on the application of either party to such proceeding and on being satisfied that the proceeding involves a question of law at issue between the parties, transfer the proceeding to the district court of the district for which the primary court is established:

Provided that no decision, judgment or order of the primary court in any proceeding of a civil nature to which this subsection applies shall be reversed or altered on appeal or revision on the ground only of failure by such primary court to transfer the proceeding in accordance with the provisions of this subsection unless such failure has in fact occasioned failure of justice.

(2B) Where any proceeding has been instituted in a primary court established for any district, the primary court may, if it is satisfied that it is reasonable in the circumstances so to do, and shall, if directed by the district court of that district or by a court of resident magistrate having jurisdiction over that district, transfer the proceeding to another primary court established for the same district.

(2C) The provisions of subsection (2B) shall be construed without prejudice to the provisions of subsection (1)."

Cap. 572

The College of Agriculture Act, 1964

(1) In section 4, add the following new subsection immediately below subsection (3):—

"(4) The Minister may, by order published in the *Gazette*, amend or vary any of the provisions of the Schedule to this Act."

(2) In section 15 delete subsection (1) and substitute therefor the following:—

"(1) The Governing Council may determine which period of twelve months shall constitute the financial year of the College:

Provided that in the event of any change in a financial year and for the purpose of the transition from one financial year to another, the transitional period, whether of more or less than twelve months, shall be regarded as if it were a financial year.

(1A) The Governing Council shall, prior to the commencement of each financial year, cause to be prepared estimates of the revenue and expenditure of the College for the ensuing financial year and shall submit such estimates to the Minister for his approval."

FIRST SCHEDULE—*contd.*

COLUMN 1

COLUMN 2

COLUMN 3

(3) In section 16 add the following new subsections immediately below subsection (2):

"(3) As soon as the accounts kept in accordance with subsection (1) have been audited the Governing Council shall cause to be sent to the Minister a copy of the statement of accounts together with a copy of any report made thereon by the auditors.

(4) As soon as the Governing Council receives the Principals' report in accordance with subsection (2) it shall cause a copy thereof to be submitted to the Minister."

SECOND SCHEDULE

Cap. 206

The Excise Duties Agreement Ordinance

Passed in the National Assembly on the second day of October, 1968.

Shahidul Karim
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Clerk of the National Assembly