TANZANIA

PENAL CODE

CHAPTER 16 OF THE LAWS (REVISED)

(PRINCIPAL LEGISLATION)

[Issued Under Cap. 1, s. 18]

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Note.—Revised.
Supersedes Cap. 16 in R.L. Supplements

CHAPTER 16

PENAL CODE

An Ordinance to Establish a Code of Criminal Laws

[28 .September, 1945]

1930 No. 11
.1936 No. 10
J939 No. 24
1971 No. 26
Acts—
1943 No. 16
1945 No. 211976 No. 3

PARTI

General Provisions

CHAPTER I

Preliminary

Short title Ord. 1945 No. 21 s. 2

1. This Ordinance may be cited as the Penal Code, and hereinafter is referred to as "this Code".

Its operation in lieu of the Indian Penal Code

2. From and after the commencement of this Code, the Indian Penal Code shall cease to be applied to Tanganyika. Any reference to any provision in the Indian Penal Code in any Ordinance in force on the date of such commencement shall, so far as is consistent with its context, be deemed to be reference to the corresponding provision in this Code.

saving of certain laws Ord. 1955 No- 49 s- 2
Cap. 500 s. 36

3. Nothing in this Code shall affect—

(1) the liability, trial or punishment of a person for an offence against the Common Law or-against any other law in force in Tanganyika other than this Code; or

(2) the liability of a person to be tried or punished for an offence under the provisions of any law in force in Tanganyika relating to the jurisdiction of the local courts in respect of acts done beyond the ordinary jurisdiction of suck courts; or

(3) the power of any court to punish a person for contempt of such court; or

(4) the liability or trial of a person, or the punishment of a person under any sentence passed to be passed, in respect of any act done or commenced before the commencement of this Code; or

§ For subsequent amendments to this Code see Note after the last section of this Code on page 121.

(5) any power of the President to grant any pardon or to remit or commute in whole or in part or to respite the execution of any sentence passed or to be passed ; or

(6) any of the Statutes, Ordinances, Regulations or Articles for the time being in force for the Government of the Armed Forces of Tanzania or in any Police Force established by law:

Provided that if a person commits an offence which is punishable under this Code and is also punishable under another Ordinance or Statute of any of the kinds mentioned in this section, he shall not be punished for that offence both under that Ordinance or Statute and also under this Code.

CHAPTER II

4. Subject to the provisions of the Interpretation of Laws and General Clauses Act, 1972, and the expressions specifically defined in this Code, the Code shall be construed according to the principles of construction, which may be applied to any written law, with regard to Tanzania conditions and without applying any principle of strict construction relating to penal legislation,

Interpretation Cap. 500 ss. X and 36 Cap. 537 6th Sell. Cap. 553 2nd Sch. Act 1965 No. 2 Sell. 1966 No. 24 2nd Sch. l968 No. 50 1st Sch. Ac! 19X0 No. 14 s. 4

5. In this Code, unless the context otherwise requires—

"court" means a court of competent jurisdiction;

"dwelling house" include any building or structure or part of building or structure which is for the time being kept by the owner or occupier for the residence therein of himself, his family or servants or any of them, arid it is immaterial that it is from time to time uninhabited; a building or structure adjacent to or occupied with a dwelling house is deemed to be part of the dwelling house if there is a communication between such building or structure and the dwelling house, either immediate or by means of a covered and enclosed passage leading from the one "to the other, but not otherwise;

"harm" means any bodily hurt, disease or disorder whether permanent or temporary; _ "

"dangerous harm" means harm endangering life;

"grievous harm" means any harm which amounts to a main or dangerous harm, or seriously or permanently injures health or which is likely so to injure health, or which extends to permanent disfigurement, or to any permanent or serious injury to any external or internal organ, member or sense;

4. Subject to the provisions of the Interpretation of Laws and Gener

"judicial proceeding' includes any proceeding had or taken in or before any court, and any proceeding had or taken in or before any tribunal, commission or person in which or before whom evidence may be taken on oath;

"knowingly" used in connection with any term denoting uttering or using, implies knowledge of the character of the thing uttered or used;

"local authority" means a local authority established under any Ordinance;

"maim" means the destruction ,or permanent disabling of any external or internal organ, member or sense;

"money" includes bank notes, currency notes, bank drafts, cheques and other orders, warrants or requests for the payment of money;

"night" or "night-time" means the interval between seven o'clock in the evening and six o'clock in the morning;

"offence" is an act, attempt or omission punishable by law;

"person" and "owner" and other like terms when used with reference to property include corporations of all kinds and any other association of persons capable of owning property, and also when so used include the Republic;

"person employed in the public service" means any person holding any of the following offices or performing the duty thereof, whether as a deputy or otherwise-, namely—

(i) any civil office including the office of President and any office the power of appointing a person to which or of removing from which is vested in the President or in 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; or

(ii) any office to which a person? is appointed or nominated by Ordinance or Statute; or

(iii) any civil office, the power of appointing to which or removing from which is vested in, any person of persons holding an office of any kind included in either of the two last preceding paragraphs of this section; or

(iv) any office of arbitrator or umpire in any proceeding or matter submitted to arbitration by order or with the sanction of any court, pr in pursuance of any Ordinance;

and the said term further includes—

(i) a justice of the peace;

(ii) a member of a commission of inquiry appointed under or in pursuance of any Ordinance;

(iii) any person employed to execute any process of a court;

(iv) all members of the Regular Force of the Defence Forces, all members of the National Service, and all other members of the Defence Forces when on duty;

(v) all persons in the employment of any government department;

(vi) a person acting as a minister of religion of whatsoever denomination in so far as he performs functions in respect of the notification of intending marriage or in respect of the solemnization of marriage, or in respect of the making or keeping of any register or certificate of marriage, birth, baptism, death or burial, but not in any other respect;

(vii) a municipal councillor;

(via) a person in the employ of a local authority;

(ix) any person employed by or in the service of any public corporation established under, the Public Corporations Act, 1969, or a corporation established by or under any written law other than the Companies Ordinance or a company incorporated under the Companies Ordinance which is wholly owned by the Government or which is a subsidiary of any public corporation.

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"possession" (a) "be in possession of" or "have in possession" includes not only having in one's own personal possession, but also knowingly having anything in the actual possession or custody of any other person, or having anything in any place (whether belonging to, or occupied by oneself or not) for the use or benefit of oneself or of any other person; (b) if there are two or more persons and any one or more of them with the knowledge and consent of the rest has or have anything in his or their custody or possession, it shall be deemed and taken to be in the custody and possession of each and all of them;

"property" includes everything animate or inanimate capable of being the subject of, ownership;

"public" refers not only to all persons within Tanganyika, but also to the persons inhabiting or using any particular place, or any number of such persons, and also to such indeterminate persons as may happen to be affected by the conduct in respect to which such expression is used;

"public way" includes any highway or other way which is lawfully eludes any highway, market place, square, street, bridge which is lawfully used by the public;

"public place" or "public premises" includes any public way and any building, place or conveyance to which, for the time being, the public are entitled or permitted to have access either without any condition or upon condition of making any payment, and any building or place which is for the time being used for any public or religious meetings, or assembly or as an open court;

"publicly" when applied to acts done means either (a) that they are so done in any public place as to be seen by any person whether such person be or be not in a public place; or (b) that they are so done in any place not being a public place as to be likely to be seen by any person in a public place;

"Statute" means an Act of the Imperial Parliament or Act of the Indian Legislature, and includes any orders, rules, regulations, by-laws or other subsidiary legislation made or passed under the authority of any Statute;

"utter" includes using or dealing with and attempting to use or deal with and attempting to induce any person to use, deal with or act upon the thing in question;

"valuable security includes any document which is the property of any person, and which is evidence of the ownership of any property or of the right to recover or receive any property;

"vessel" includes a ship, a boat and every other kind of vessel used in navigation either on the sea or in inland waters, and includes aircraft;

"wound" means any incision or puncture which divides or pierces any exterior membrane of the body, and any membrane is exterior for the purpose of this definition which can be touched without dividing or piercing any other membrane.

CHAPTER III

Territorial Application of this Code

6. The jurisdiction of the Courts of Tanganyika for the purposes of this Code extends to—

(a) every place within Tanganyika and within the Territorial waters;

(b) any offence commited by a citizen of Tanganyika, in any place outside Tanganyika;

(c) any offence committed by any person on an aircraft registered in Tanganyika.

Extent of jurisdiction of Courts - Local [. Acts 1966 2nd

7. When an act which, if wholly done within the jurisdiction of the court would be an offence against this Code, is done partly within and partly beyond the jurisdiction, every person who within the jurisdiction does or makes any part of such act may be tried and punished under this Code in the same manner as if such act had been done wholly within the jurisdiction.

CHAPTER IV

General Rules as to Criminal Responsibility

Ignorance

8. Ignorance of the law does not afford any excuse for any act or omission which would otherwise constitute an offence unless knowledge of the law by the offender is expressly declared to be an element of the offence.

Bonn fide

A person

10. Subject to the express provisions of this Code relating to negligent acts and omissions, a person is not criminally responsible for an act or omission which occurs independently of the exercise of his will, or for an event which occurs by accident.

Unless the intention to cause a particular result is expressly declared to be an element of the offence constituted, in whole or part, by an act or omission, the result intended to be caused by an act or omission is immaterial.

Unless otherwise expressly declared, the motive by which a person is induced to-do or omit to do an act, or to form an intention, is immaterial so far as regards criminal responsibility.

Mistake of fact

11. A person who does or omits to do an act under an honest and reasonable, but mistaken, belief in the existence of any state of things is not criminally responsible for the act or omission to any greater extent than if the real state of things had been such as he believed to exist.

The operation of this rule may be excluded by the express or implied provisions of the law relating to the subject.

Presumption of sanity

12. Every person is presumed to be of sound mind, and to have been of sound mind at anytime which comes in question, until the contrary is proved.

insanity

13. A person is not criminally responsible for an act or omission if at the time of doing the act or making the omission he is through any desease affecting his mind incapable of understanding what he is doing, or of knowing that he ought not to do the act or make the omission.

But a person may be criminally responsible for an act or omission although his mind is affected by disease, if such disease does not in fact produce upon his mind one or other of the effects above mentioned in reference to that act or omission.

Intoxication

14.—(1) Save as provided in this section intoxication shall not constitute a defence to any criminal charge.

(2) Intoxication shall be a defence to any criminal charge if by reason thereof the person charged at the time of the act or omission complained of did not know what he was doing and—

(a) the state of intoxication was caused without his consent by the malicious or negligent act of another person; or

(b) the person charged was by reason of intoxication insane, temporarily or otherwise, at the time of such act or omission.

(3) Where the defence under the preceding subsection is established, then in a case falling under paragraph (a) thereof the accused shall be discharged and in a case falling under paragraph (b) the provisions of this Code and of the Criminal Procedure Code relating to insanity shall apply.

(4) Intoxication shall be taken into account for the purpose of determining whether the person charged ad formed any intention, specific or otherwise, in the absence of which he would not be guilty of the offence.

(5) For the purpose of this section "intoxication" shall be deemed to include a state produced by narcotics or drugs.

Immature age

15. A person under the age of seven years is not criminally responsible for any act or omission.

A person under the age of twelve years is not criminally responsible for an act or omission, unless it is proved that at the time of doing the act or making the omission he had capacity to know that he ought not to do the act or make the omission.

A male person under the age of twelve years is presumed to be incapable of having carnal knowledge.

Judicial officer

16. Save as is expressly provided by this Code, no act or thing judicial done or omitted to be done by a judicial officer shall, if the act or omission was done or omitted bona fide, in the exercise of his no. 2 judicial function, render such judicial officer criminally liable for Sch. such act or omission.

Compulsion

17. A person is not criminally responsible for an offence if it is committed by two or more offenders, and if the act is done or omitted only because during the whole of the time in which it is being done or omitted the person is compelled to do or omit to do the act by threats on the part of the other offender or offenders instantly to kill him or do him grievous bodily harm if he refuses but threats of future injury do not excuse any offence

18. Subject to the provisions of section 18a, a person is not criminally liable to an act done in the exercise of the right to self defence or the defence of another or the defence of property in accordance with the provisions of this Code.

18A —(1) Subject to the provisions of this Code even person has the right—

(a) to defend himself or any other person against any unlawful act of assault or violence to the body; or

(b) to defend his own property or any property in this lawful possession, custody or under his care or the property of any other person against any unlawful act of seizure or destruction or violence.

(2) in this section, the expression "property of any other person" includes any property belonging to the Government or a public corporation or an employer or any property communally owned by members of the public as a co-operative society or a village, whether or not that village is registered under the Villages and Ujamaa Villages (Registration, Designation and Adminisration Act, 1975.

18B. —(1) In exercising the right of self defence or in defence of another or defence of property, a person shall be entitled only (o use such reasonable force as may be necessary for that defence.

(2) Every person shall be criminally liable for any offence resulting from excessive force used in self defence or in defence of another or in defence of property.

(3) Any person who causes the death of another as the result of excessive force used in defence, shall be guilty of manslaughter.

When the right of defence extends to causing death Act

18C. —(1) The right of self defence or the defence of another or defence of property shall extend to a person who, in exercising that right, causes death or grievous harm to another and the person so acting, acts in good faith and With an honest belief based on reasonable grounds that his act is necessary for the preservation of his own life or limb or the life or limb of another or of property, in the circumstances where-

(a) the lawful act is of such a nature as may reasonably cause the apprehension that his own death or the death of another person could be the, consequence of that act; or

(b) the lawful act is of such a nature as may reasonably cause the apprehension that grievous harm to his own body or the body of another could be the consequence of that unlawful act; or

(c) the unlawful act is with the intention of committing rape or defilement or an unnatural offence; or

(d) the unlawful act is with the intention of kidnapping or abducting; or

(e) the lawful act is burglary or robbery or arson or any offence which endangers life or property.

(2) If, in the exercise of a right of defence in accordance with this Code, the person exercising that right is in such a situation that he cannot effectively exercise that right without risk of harm to an innocent person or property, his right of defence extends to the running of that risk

19. Where any person is charged with a criminal offence arising out of the arrest, or attempted arrest, by him of a person who ™^ct forcibly resists such arrest or attempts to evade being arrested, the court shall, in considering whether the means used were necessary or the degree of force used was reasonable for the apprehension of such person, have regard to the gravity of the offence which had been, or was being, committed by such person and the circumstances in which such offence had been, or was being, committed by such person. Use of force

20. A married woman is not free from criminal responsibility for doing or omitting to do an act merely because the act or omission takes place in the presence of her husband; but on a charge against a wife for any offence other than treason or murder., it shall be a good defence to prove that the offence was committed in the presence of, and under the coercion of the husband. compulsion

21. A person shall not be punished twice, either under the provisions of this Code or under the provisions of any other law to be

CHAPTER V
Parties to Offences

22. When an offence is committed, each of the following persons is deemed to have taken part in committing the offence and to be guilty of the offence, and may be charged with actually committing it, that is to say— Principal offenders

(a) every person who actually does the act or makes the omission which constitutes the offence;

(b) every person who does or omits to do any act for; the purpose of enabling or aiding another person, to commit the offence:

(c) every person who aids or abets another person in committing the offence;

(d) any person who counsels or procures any other person to commit the offence.

In the last mentioned case he may be charged either with committing the offence or with counselling or procuring its commission.

A conviction of counselling or procuring the commission of an offence entails the same consequences in all respects as a conviction of committing the offence.

Any person who procures another to do or omit to do any act of such a nature that, if he had himself done the act or made the omission, the act or omission would have constituted an offence on his part, is guilty of an offence of the same kind, and is liable to the same punishment, as if he had himself done the act or made the omission; and he may be charged with the act or making the omission.

23. When two or more persons form a common intention to prosecute an unlawful purpose in conjunction with one another, and in the prosecution of such purpose an offence is committed of such a nature that its commission was a probable consequence of the prosecution of such purpose each of them is deemed to have committed the offence.

24. When a person counsels another to commit an offence, and an offence is actually committed after such counsel by the person to whom it is given, it is immaterial whether the offence actually committed is the same as that counselled or a different one, or whether the offence is committed in the way counselled or in a different way, provided in either case that the facts constituting the offence actually committed are a probable consequence of carrying out the counsel.

In either case the person who gave the counsel is deemed to have counselled the other person to commit the offence actually committed by him.

CHAPTER VI
Punishments

Different kinds of punishments

25. The following punishments may be inflicted by a court:—

(1) Death.

(2) Imprisonment.

(3) Corporal punishment.

(4) Fine.
(5) Forfeiture.
(6) Payment of compensation.
(7) Finding security to keep the peace and be of good behaviour, or to come up for judgment.
(8) Any other punishment provided by this Code or by any other law or Ordinance.

26.—(1) When any person is sentenced to death, the sentence shall direct that he shall suffer death by hanging.

(2) Sentence of death shall not be pronounced on or recorded against any person who, in the opinion of the court, is under eighteen years of age, but in-lieu thereof the court shall sentence
such person to be detained during the President's pleasure, and if so sentenced he shall be liable to be detained in such place and under such conditions as the Minister for the time being responsible for legal affairs may direct, and whilst so detained shall be deemed to be in legal custody.

(3) When a person has been sentenced to be detained during the President's pleasure under the last preceding subsection, the presiding judge shall forward to the Minister for the time being responsible for legal affairs a copy of the notes of evidence taken at the trial, with a report in wiping- signed by him containing such recommendation or observations @n the case as he may think fit to make.

27.—(1) [Omitted by virtue of s.3 of Cap. .357].

(2) A person liable to imprisonment for life or any other period may be sentenced for any shorter term,

(3) A person liable to imprisonment may be sentenced to pay a fine in addition to, or instead of, imprisonment.

28. Subject to the provisions of the Minimum Sentences Act,1963, where in this Code it is provided that any person shall be
liable to undergo corporal punishment, such punishment shall, if awarded, be inflicted in accordance with the provisions of the Corporal Punishment Ordinance.

29. Where a fine is imposed under any law, then in the, absence of express provisions relating to such fine in such law the following, provisions shall apply:—

(i) Where no sum is expressed to which the fine may, extend the amount of the fine which may be imposed is unlimited, but shall not be excessive,

(ii) In the case of an offence punishable with a fine or term of imprisonment the imposition of a fine or a term of impri sonment shall be a matter for the discretion of the court.

(in) In the case of offence punishable with imprisonment as well as a fine in which the offender is sentenced to a fine with or without imprisonment and in every case of an offence punishable with fine only in which the offender is sentenced to a fine, the court passing sentence may, in its discretion—

(a) direct by its sentence that in default of payment of the fine the offender shall suffer imprisonment for a certain term, which imprisonment shall be in addition to any other imprisonment to which he may have been sentenced or to which . he may be liable under a commutation of sentence; and also

(b) issue a warrant for the levy of the amount on the immovable and movable property of the offender by distress and sale under warrant:

Provided that if the sentence directs that in default of payment of the fine the offender shall be imprisoned, and if such offender has undergone the whole of such imprisonment in default, no court shall issue a distress warrant unless for special reasons to be recorded in writing considers it necessary to do so.

(iv) The term of imprisonment ordered by a court in respect, of the non-payment of any sum of money adjudged to be paid by a conviction or in respect of the default of a sufficient distress to satisfy any such sum shall be such term in the opinion of the court will satisfy the justice of the case, but shall not exceed in any case the maximum fixed by the following scale:—

Not exceeding Shs. 50 ..... ,.....	14 days.
Exceeding Shs. SO/-but not exceeding Shs. 200/-	2 months.
Exceeding Shs, 200/- but not exceeding Shs. 2.000/-	6 months.
Exceeding Shs. 2,000/r but not exceeding Shs. 10.000/-	12 months.
Exceeding Shs. 10,000/-.....	24 months.

(v) The imprisonment which is imposed in default of payment of a fine shall terminate whenever the-fine is either paid or levied by process of law.

30. When any person is convicted of an offence under section 11J or 112, the court may, in addition to or in lieu of, any penalty which may be imposed, order the forfeiture to the Republic of any property which has passed in connection with the commission of the offence, or, if such property cannot be forfeited or cannot be found, of such sum as the court shall assess as the value of the property. Payment of any sum so ordered to be forfeited may be enforced in the same manner and subject to the same incidents as in the case of the payment of the fine.

31. In accordance with the provisions of section 176 of the Criminal Procedure Code, any person who is convicted of an sall0£l offence may be adjudged to make compensation to any person injured by his offence. Any such compensation may be either in addition to or in substitution for any other punishment.

32. Subject to the Limitations imposed by section 173 of the Costs Criminal Procedure Code, a court may order any person convicted of an offence to pay the costs of and incidental to the prosecution or any part thereof.

33. A person convicted of an offence not punishable with death may, instead of, or in addition to, any punishment to which he is liable, be ordered to enter into his own recognizance, with or. peace. without sureties, in such amount as the court thinks fit, conditioned, that he shall keep the peace and be of good behaviour for a time to be fixed by the court, and may be ordered to be imprisoned until such recognizance, with sureties, if so directed, is entered into; but so that the imprisonment for not entering into the recognizance shall not extend for a term longer than one year, and shall not, together with the fixed term of imprisonment, if any, extend for a term longer than the longest term for which he might be sentenced to be imprisoned without fine.

34. [Repealed: Ordinance 1961.No. 5, s. 2].

35. When in this Code no punishment is specially provided for General any misdemeanor, it shall be punishable with imprisonment for a term not exceeding two years or with a fine or with both.

36. Where a person after conviction for an offence is convicted of another offence, either before sentence is passed upon him under the first conviction or before the expiration of that sentence, any sentence, other than, a sentence of death or of corporal ordered punishment, which is passed upon him under the subsequent conviction shall be executed after the expiration of the former sentence, unless the court directs that it shall be executed concurrently with the former sentence or of any part thereof:

Provided that it shall not be lawful for court to direct that a sentence of imprisonment in default of payment of a fine shall be executed concurrently with a former sentence under section 29 (iii) (a) or with any part of such a sentence.

37.—(1) When sentence is passed under this Code on an Escaped escaped convict, such sentence, if of death, fine or corporal punishment, shall, subject to the provisions' of this Code take effect immediately, and if of imprisonment, shall take effect according to the following rules, that is to say—

(a) if the new sentence is severer than the sentence which sue? convict was undergoing when,he escaped, the new sentence shall take effect immediately and he shall serve any period of imprisonment in respect of his former sentence which remained unexpired at the time of his escape after he ha; completed serving his new sentence;

(b) when the new sentence is not severer than the sentence the convict was undergoing when he escaped, the new sentence shall take effect after he has suffered imprisonment for a further period equal to that part of his former sentence which remained unexpired at the time of his escape.

(2) [Omitted by virtue of s. 3 of Cap. 357].

38.—(1) Where a court by or before which a person is convicted o£ an offence is of opinion, having regard to the circumstances including the nature of the offence and the character of the offender, that it is inexpedient to inflict punishment and that a probation order is not appropriate, the court may make an order discharging him absolutely or, if the court thinks fit, discharging him subject to the condition that he commits no offence during such period, not exceeding twelve months from the date of the order, as may be specified therein.

(2) An order discharging a person subject to the condition referred to in subsection (1) is hereinafter referred to as "an order for conditional discharge" and the period specified in any such order as "the period of conditional discharge".

(3) Before making an order for conditional discharge the court shall explain to the offender in ordinary language that if he commits another offence during the period of conditional discharge he will be liable to be sentenced for the. original offence.

(4) Where an order discharging an offender is made under this section the court may order him to pay any compensation adjudged under section-^ 1 or any costs ordered under section 32 of the Code.

38A.—(1) If it appears to a Judge or any magistrate that a person in respect of whom an order for conditional discharge has been made has been convicted of an offence committed during the period of conditional discharge, he may issue a summons requiring that person to appear at the place and time specified therein or may issue a warrant for his arrest:

Provided that a magistrate shall not issue such a summons or such a warrant except on information in writing and on oath.

(2) A summons or warrant issued under this section shall direct the person so convicted to appear or to be brought before the court by which the order for conditional discharge was made.

(3) Where a person in respect of whom an order for conditional discharge has been made is convicted by a magistrate of an offence committed during the period of conditional discharge, the magistrate may commit him to custody or release him on bail, with or without sureties, until he can be brought or appear before the court by which the order for conditional discharge was made.

(4) Where it is proved to the satisfaction of the court by which the order for conditional discharge was made that the person in respect of whom the order was "made has been convicted of an offence committed during the period of conditional discharge, the court may pass any sentence upon him which it could pass if he had just been convicted by that court of the original offence.

(5) Where a person in respect of whom an order for conditional discharge has been made by a magistrate is convicted by the High Court of an offence committed during the period of conditional discharge, the High Court may pass any sentence upon him which the court which made the order for conditional discharge could pass if he had just been convicted by that court of the original offence.

(6) Where under the provisions of this section a person who has . been conditionally discharged is sentenced for the offence in respect of which the order for conditional discharge was made, that order shall cease to have effect.

38B.—(1) Subject to the provisions of subsection (2), where a person is convicted of an offence and discharged either absolutely or conditionally under the provisions of section 38, his conviction discharge for that offence shall be deemed not to be a conviction for any purpose other than the purposes of the proceedings in which the order is made and of any subsequent proceedings which may be taken against him under the provisions of section 38A:

Provided that where a person who has been conditionally discharged is subsequently sentenced under section 38A for the offence in respect of which the order for conditional discharge was made, this section shall cease to apply in respect of that offence and he shall be deemed to have been convicted on the date of such sentence.

(2) Nothing in this section shall affect—

(a) the right of any person who has. been convicted and discharged either absolutely or conditionally to appeal against his conviction or to rely thereon in bar of any subsequent proceedings for the same offence; Or

(b) the revesting or restoration, of any property in consequence of the conviction of any such person.

PART II

Crimes

Division I.~-Offences against Public Order

CHAPTER VII

Treason and Other Offences Against the Republic

Treason Act 1.970 No. 2 Seh-

39.—(1) Any person who, being under allegiance to the United Republic-

(a) in the United Republic or elsewhere, murders or attempts to murder the President; or

(b) in the United Republic, levies war against the United Republic, shall be guilty of treason and shall be liable on conviction to suffer death.

(2) Any person who, being under allegiance to the United Republic, in the United Republic or elsewhere, forms an intention to effect or to cause to be effected, or forms an intention to instigate, persuade, counsel or advise any person or group of persons to effect or to cause to be effected, any of the following acts, deeds or purposes, that is to say-r-

(a) the death, maiming or wounding, of the imprisonment or restraint, of the President; or

(b) the deposing by unlawful means of the President from his position as President or from the style, honour and name of Head of State and Commander-in-Chief of the Defence Forces of the United Republic; or

(c) the overthrow by' unlawful means of the Government of the United Republic; or

(d) the intimidation, of the Executive, the Legislature or the Judiciary of the United 'Republic,

and manifests such intention by publishing any writing or printing or by any overt act or deed whatsoever shall be guilty of treason and shall be liable on conviction to suffer death,

(3) Any person who, being under allegiance to the United Republic—

(a) adheres to the enemies of the United Republic or gives them aid or comfort, in the United Republic or elsewhere; or

(b) instigates, whether in the United Republic or elsewhere, any person to invade the United Republic with an armed force; or

(c) takes up arms within the United Republic in order, by force of constraint, to compel the Government of the United Republic to change its measures or counsels, or in order to put any force or constraint on, or in order to intimidate or overawe, the Government of the United Republic,

shall be guilty of treason and shall be liable on conviction to suffer death.

(4) Any person who, being under allegiance to the United Republic, in the United Republic or elsewhere, with intent to help any enemy of the United Republic does any act which is designed or likely to give assistance to such enemy, or to interfere with the maintenance of public order or the Government of the United Republic, or to impede the operation of the Defence Forces or the Police Force, or to endanger life, shall be guilty of treason and shall be liable on conviction to suffer death.

Treasonable felony Act 1970 No. 2 Sch.

40. Any person who, not being under allegiance to the United Republic, in the United Republic or elsewhere, commits any act or combination of acts which, if it were committed by a person who is under allegiance to the United Republic, would amount to the offence of treason under section 39, shall be guilty of a felony and shall be liable on conviction to be sentenced to death.

Misprision of treason Act 1970 No. 2 Sch.

41. Any person who—

(a) becomes an accessory after the fact to treason or treasonable felony; or

(b) knowing that any person intends to commit treason or treasonable felony does not give information thereof with all reasonable despatch to an administrative officer or a magistrate or a police officer, or use other reasonable endeavours to prevent the commission of the offence,

shall be guilty of the felony termed "misprision of treason" and shall be liable on conviction to imprisonment for life.

2 Sch.

42. A person may be prosecuted for, and convicted of, an offence under section 39, section 40 or section 41 .notwithstanding that any intention, act or omission constituting such offence was formed, done, omitted to be done or took place prior to .the coming into operation of the Written Laws (Miscellaneous Amendments) Act, 1970.

Promoting warlike undertaking Act 1970 No 2 Sch.

43. Any person who, without lawful authority, carries on or makes preparation for carrying on, or aids in or devises the carrying on of, or preparation for, any war or warlike undertaking with, for by or against any person or body or group of persons in the United Republic, shall be guilty of a felony and shall be liable on conviction to imprisonment for life.

44. [Repealed: C.A. Act 2 s. 36].

Inciting to mutiny Cap. 500 s. 8 Act 1966 No. 24 2nd Sch.

45. Any person who advisedly attempts to effect any of the following purposes, that is to say—

(a) to seduce any member of the Police force, the Prisons Service or the National Service from his duty and allegiance to the United Republic; or

(b) to incite any such persons to commit an act of mutiny or any traitorous or mutinous act; or

(c) to incite any such persons to make or endeavour to make a mutinous assembly is guilty of a felony and is liable to imprisonment for life.

Aiding soldiers or police officers in acts of mutiny Act 1966 No. 24 2nd Sch.

46. Any person who—

(a) aids, abets, or is accessor to, any act of mutiny by; or

(b) incites to sedition or to disobedience to any lawful order given by a superior officer;

any member of the Police Force, Prisons Service or National Service, is guilty of a misdemeanour.

Inducing soldiers or police officers to desert Act 1966 No. 24 2nd «chi;

47. Any person who, by any means whatever, directly or indirectly—

(a) procures or persuades or attempts to procure or persuade to desert; or

(b) aids, abets or is accessory to the desertion of; or

(c) having reason to believe he is deserter, harbours or aids in concealing,

any member of the Police Force ,Prison Service or National Service, is guilty of a misdeniean©irfia0d,iisjiairie to imprisonment for six months.

Aiding prisoners of war to escape Cap. 500 s. 36

48. Any person who-

(a) knowingly and advisedly aids in enemy of the Republic, being a prisoner of war in Tanganyika, whether such prisoner is confined in a prison or elsewhere, or is suffered to be at large on his parole, to escape from his prison or place of .confinement, or if he is at large on his parole, to escape from Tanganyika, is guilty of felony and is liable to imprisonment for life;

(b) negligently and unlawfully permits the escape .of any such person as is mentioned in the last preceding paragraph, is guilty of misdemeanour.

49. In the case of any of the offences defined in this chapter, when the manifestation by an overt act of the intention to effect any purpose is an element of the offence, every act of conspiring with any person to effect that purpose, and every at done in furtherance of .the purpose by any of the persons conspiring, is deemed to be an overt act manifesting the intention.

50. For the, purposes of this Chapter-

"publication", includes all written and printed matter, and any gramophone or other record, perforated roll, recording. tape, or wire, cinematograph film or other contrivance by means of which any words or ideas may be mechanically produced, represented, pr. conveyed, and everything whether of a nature similar to the foregoing or not, containing any visible representation or by its form, shape or other characteristic, or in any manner capable of producing, representing or Conveying words or ideas, and every copy or reproduction. of any publication;

"periodical publication" includes every publication issued periodically or in parts or numbers at intervals whether regular or irregular; .

"seditious publication" means a publication having a seditious intention.

51.—54. [Repealed: Act 1976 No. 3, s. 55.]

55.—-(I) A "seditious intention" is an intention—

(a) to bring into hatred or contempt or to excite disaffection against the lawful authority of the United Republic or the Government thereof; or

(b) to excite any of the inhabitants of the United Republic to attempt to procure the alteration, otherwise than by lawful means, of any other matter in the United Republic as by law established; or

(c) to bring into hatred or contempt or to excite disaffection against the administration of justice in the United Republic or

(d) to raise discontent or disaffection amongst any of the inhabitants of the United Republic; or

(e) to promote feelings of ill-will and hostility between difference classes of the population of the United Republic.

(2) An act, speech or publication is not seditious by reason only that is intends—

(a) to show that the government has been misled or mistaken in any of its measures; or

(b) to point out errors or defects in the government or constitution of the United Republic as by law established or in "legislation or in the administration of justice with a view to che remedying of such errors or defects; or

(c) to persuade any inhabitants of the United Republic to attempt to procure by lawful means the alteration of any matter in the United Republic as by law established; or

(d) to point out, with a view to their removal, any matters which are producing or have a tendency to produce feelings of ill-will and enmity between difference classes of the population of the United Republic.

(3) In determination whether the intention with which any act was done, any words were spoken or any document was published, was or was not seditious, every person shall be deemed to intend the consequences which would naturally follow from his conduct at the time and in the circumstances in which he so conducted himself.

56.-58. [Repealed: Act 1976 No. 3, s. 55].

59 Any person who—

(a) administers; or is present at and consents to the administering of any oath or engagement in the nature of an oath, purporting to bind the person who takes it to commit any offence punishable with death; or

(b) takes any such oath or engagement, not being compelled to do so, is guilty of a felony, and is liable to imprisonment for life.

60. Any person who—

(1) administers, or is present at and consents to the administering of, any oath or engagement in the nature of an oath, purporting to bind the person who takes it to act in any of the ways following, that is to say—

(a) to engage in any mutinous of .seditious enterprise;

(b) to commit any offence not punishable with death;

(c) to disturb the public peace;

(d) to be of any association, society or confederacy, formed for the purpose of doing any such act as aforesaid;

(e) to obey the orders or commands or any committee or body of men not lawfully constituted, or of any leader or commander or other person not having authority by law for that purpose;

(f) not to inform or give evidence against any associate, confederate or other person;

(g) not to reveal or discover any unlawful association, society or confederacy, or any illegal act done or to be done, or any illegal oath or engagement that may have been administered or tendered to or taken by himself or any other person, or the import of any such oath or engagement; or

(2) takes any such oath or engagement, not being compelled to do so, is guilty of a felony, and is liable to imprisonment for seven years,

61. A person who takes any such oath or engagement as is mentioned in the two last preceding-sections cannot set up as a defence that he was compelled to do so, unless within fourteen days after taking it, or, if he is prevented by actual force or sickness, within fourteen days after the termination of such prevention, he declares by information on oath before a magistrate, or, if he is on actual service in the military forces of the United Republic, or in the police forces, either by such information or by information to his commanding officer, the whole of what he knows concerning the matter, including the persons by whole of what he knows concerning the matter, including the persons by whom and in whose presence, and the place where, and the time when, the oath or engagement was administered or taken.

Unlawful drilling Cap. 455 s. 20

62.—(1) Any person who—

(a) without the permission of the Minister for the time being responsible for home affairs trains or drills any other person to the, use of arms or the practice of military exercises, movements or evolutions; or ,.

(b) is present at any meeting or assembly of persons, held without the permission of the Minister for the time being responsible for home affairs, for the purpose of training or drilling any other... persons to the use of arms or the practice of military exercise, movements or evolutions.

is guilty of a felony, and is liable to imprisonment for seven years,

(2) Any person who, at any meeting or assembly held without the permission of the Minister for the time being responsible for home affairs, is trained or drilled to the use of arms or the practice of military exercises, movements or evolutions, or who is present at any such meeting or assembly for the purpose of being so trained or drilled, is guilty of a misdemeanour.

63. and 63À. [Repealed; Act 1976 No. 3. s. 55]

63B.—(1) Any person who to any assembly makes any statement likely to raise discontent amongst any of the inhabitants of the United Republic or to promote feelings of ill-will between different classes or communities of persons of the United Republic, is guilty of a misdemeanour and is liable to a fine riot exceeding one thousand shillings or to imprisonment for a term not exceeding twelve months or to both such line and imprisonment.

Provided that no person shall be guilty of an offence under the provisions of this section if such statement was made solely for any one or more of the following purposes, tire proof whereof shall lie upon him, that is to say—

(a) to show that the Government has been misled or mistaken in any of its measures; or

(b) to point out errors or defects in the government or the policies thereof or constitution of the United Republic as by law established. or any legislation or in the administration of justice with a view to the remedying of such errors or defects; or

(c) to persuade any inhabitants of the United to attempt to procure by lawful means the alteration of any matter in the United Republie; or

(d) to point out. with a view to their removal, any matters which are producing or have a tendency to produce discontent, amongst any of the inhabitants of the United Republic or feelings of ill-will and enmity between different classes or communities of persons of the United Republic.

(2) .For the purposes of this section "an assembly" means a gathering of seven or more persons.

(3) A person shall not be prosecuted for an offence under this section without the written consent of the Director of Public Prosecutions.

CHAPTER VIII

Offences Affecting Relations. With Foreign States and External Tranquillity

64.—[Repealed; Act 1.976 No. 3, s. 55].

65.—Any 'person commits a misdemeanour who does any of the fol-Iowing acts without the licence of the President, that is to say—

(a): who-prepares or fits out any naval or military expedition to proceed against the dominions of any friendly state, or is engaged in such preparation or fitting-out, or assists therein, or is employed in any capacity in such expedition; or

(b) who, being a citizen of the United Republic, accepts or agrees to accept any commission or engagement in the military or naval service of any foreign state at war with any friendly state, or, whether a citizen of the United Republic or not, induces any other person to accept or agree to accept any commission or engagement in the military or naval service of any such foreign state as aforesaid; or

(c) who. being a citizen of the United Republic, quits or goes on board any vessel with a view of quitting the United Republic, with intent to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state, or, whether a citizen of the United Republic or not,induces any other person to quit or to go on board any vessel with a view of quitting Tanganyika with the like intent: or

(d) who. being the master or owner of any vessel knowingly either takes on board or engages to take on board, or has on board such vessel to be any illegally an enlisted persons: or

(c) who. with intent or knowledge, or having reasonable cause to believe that the same will be employed in the military or naval service of any foreign state at war with any friendly state, builds, agrees to build, causes to be built, equips, dispatches, or causes or allows to be dispatched, any vessel, or issues or delivers any commission for any vessel:

Provided that a person building, causing to be built, or equipping a vessel in any of the cases aforesaid, in pursuance of a contract made before the commencement of such war as aforesaid, is not liable to any of the penalties specified in this section in respect of such building or equipping if—

(i) upon proclamation of neutrality being issued by the President he forthwith gives notice to the Minister for the time being responsible for home affairs that he is so building, causing to be built, or equipping such vessel, and furnishes such particulars of the contract and of any matters relating to. or done, or to be done under the contract as may be required by the Minister for the time being responsible for home affairs; and

(ii) he gives such security, and takes and permits to be taken such other measures, if any, as the Minister for the time being responsible for home affairs may prescribe for ensuring that such vessel shall not be dispatched, delivered, or removed without the licence of the President until the termination of such war as aforesaid.

66.—(1) Any person who—

(a) does any unlawful act of violence against a ship or vessel registered in Tanganyika or against persons or property on board that ship or vessel; or

(b) being a citizen of Tanganyika does any unlawful act of violence against any ship or vessel or against any person or property on board that ship or vessel; or

(c) voluntarily participates in the operation of a ship, vessel or aircraft for the purpose of doing any act referred to in paragraph (a) or (b),

shall be guilty of the offence termed "piracy" and shall be liable on conviction to imprisonment for life.

(2) No prosecution under this section shall be commenced without the consent of the Director of Public Prosecutions.

CHAPTER IX

Unlawful Assemblies and Riots and Other Offences Against Public Tranquillity

67. to 73. [Repealed: Ord. 1954 No. 11. s. 33]

74. When three or more persons assemble with intent to commit an offence, or, being assembled with intent to carry out some common purpose, conduct themselves in such a manner as to cause persons in the neighborhood reasonably to fear that the persons so assembled will commit a breach of the peace, or will by such assembly needlessly and without any reasonable occasion provoke other persons to commit a breach of the peace, they are an unlawful assembly.

It is-immaterial that the original assembling was lawful if, being assembled, they conduct themselves with a common purpose in such manner as aforesaid.

When an unlawful assembly has begun to execute the purpose for which it assembled by a breach of the peace and to the terror of the public, the assembly is called a riot, and the persons assembled are said to be riotously assembled.

75. Any person who takes part in an unlawful assembly is guilty of a misdemeanour, and is liable to imprisonment for one year.

76. Any person who takes part in riot is guilty of a misdemeanour.

77. Any magistrate or, in his absence, any police officer of or above the rank of inspector» or any commissioned officer in the military forces of the United Republic, in whose view twelve or more persons are riotously assembled, or who apprehends that a riot is about to be committed by twelve or more persons assembled within his view, may make or cause to be made a proclamation in the president's name, in such form as he thinks fit, commanding the rioters or persons so assembled to disperse peaceably. Making rioters to disperse Gap. 500 s. 7 Cap-. 356 s. 11 (13)

78. If upon the expiration of a reasonable time after such proclamation made, or after the making of such proclamation has been prevented by force, twelve or more persons continue riotously assembled together, any person authorized to make proclamation, or any police officer, or any other person acting, in aid of such person or police officer, may do all things necessary for dispersing the persons so continuing assembled, or for apprehending them or any of them, and, if any person makes resistance, may use all such force as is reasonably necessary for overcoming such resistance, and shall not be liable in any criminal or civil proceeding for having, by the use of such force, caused harm or death to any person. Dispersion of rioters proclamation made

79. If proclamation is made, commanding the persons engaged in a riot, or assembled with the purpose of committing a riot, to disperse, every person who, at or after the expiration of a reasonable time from the making of such proclamation, takes or continues to take part in the riot or assembly, is guilty of a felony, and is liable to imprisonment for five years. Rioting after proclamation

80. Any person who forcibly, prevents or obstructs the making of such proclamation as is in section 77 mentioned, is guilty of a felony, and is liable to imprisonment for ten years; and if the making of the proclamation is so prevented, every person who, knowing that it has been so prevented, takes or continues to take part in the riot or assembly, is liable to imprisonment for five years. Preventing or obstructing the making of proclamation

81. Any persons who, being riotously assembled together, unlawfully pull down or destroy, or begin to pull down or destroy any building, railway, machinery or structures are guilty of a felony, and each of them is liable to imprisonment for life.

82. Any person who, being riotously assembled together, unlawfully damage any of the things in the last preceding section mentioned, are guilty of a felony, and each of them is liable to imprisonment for seven years. Rioters demolishing buildings, etc.

Rioters injuring buildings. etc. _

83. All persons are guilty of misdemeanour who, being riotously assembled, unlawfully and with force prevent, hinder or obstruct the loading or unloading of any railway, vehicle or vessel, or the starting or transit of any railway or vehicle, or the sailing or navigating of any vessel, or unlawfully and with force board any railway, vehicle or vessel with intent so to do.

84. Any person who goes armed in public without lawful accession in such a manner as to cause terror to any person is guilty of a misdemeanour, and his arms may be forfeited.

85. Any person who, in order to take possession thereof, enters on any land or tenements in a violent manner, whether such violence consists in actual force applied to any other person or in threats or in breaking open any house or in collecting an unusual number of people, is guilty of the misdemeanour termed "forcible entry".

It is immaterial whether he is entitled to enter on the land or not, provided that a person who enters upon lands or tenements of his own but which are in the custody of his servant or bailiff, does not commit the offence of forcible entry.

86. Any person who, being in actual possession of land without color of right, holds possession of it, in manner likely to cause a breach of the peace or reasonable apprehension of a breach of the peace, against a person entitled by law to the. possession of the land is guilty of the misdemeanour termed "forcible detainer'.

87. Any person who takes part in a fight in a public place in guilty of a misdemeanour, and is liable to imprisonment for six months or to a fine not exceeding five hundred shillings.

88. Any person who challenges another to fight a duel, or attempts to provoke another to fight a duel, or attempts to provoke any person to challenge another to fight a duel, is guilty of a misdemeanour.

89.—(1) Any person who—

(a) uses obscene, abusive or insulting language to any other person, in such a manner as is likely to cause a breach of the peace; or

(b) brawls or in any other manner creates, a disturbance in such a manner as is likely to cause a breach of the peace,

is guilty of a misdemeanour and on conviction therefore is liable impress-ointment for six months.

(2) Any person who—

(a) with intent to intimidate or annoy any person, threatens to injure, assault, shoot at or kill any person or to burn, destroy or damage any property; or

(b) with intent to alarm any person discharges a firearm or commits another breach of the peace,

is guilty of a misdemeanour and is. liable to imprisonment for one year.

If the offence is committed at night the offender is liable to imprisonment for two years.

89.A—(1) Any person who watches or besets any premises or other place, or the approaches to any such premises or other place with a view to—

(a) preventing any other person from doing, any act which he may lawfully do; or

(b) compelling any other person to do any act which he may lawfully abstain from doing,

is guilty of a misdemeanour and is liable to imprisonment for six months.

Provided that the provisions of this section shall not apply to any watching or beseting which is lawful under the provisions of any law relating to trade unions or trade disputes.

(2) A person shall not be prosecuted for an offence under this section without the written consent of the Director of Public Prosecutions.

89B—(1) Any person who wrongfully and without legal authority-

intimidates any other person with a view to compelling such other person—

(a) to abstain from doing any act which he has a legal right to do; or

(b)to do any act which he has a legal right to abstain from doing.

is guilty of a misdemeanour and is liable on conviction to imprisonment for one year.

(2) In this section—

"to intimidate" means to cause in the mind of a person a reasonable apprehension of injury to him or to any member of his family or to any of his dependants or of violence or damage to any person or property;

"injury" includes injury to a person in respect of his business, occupation, employment, or other source of income and also includes any actionable wrong.

(3) A person shall note be prosecuted for an offence under this section without the written consent of the Director of Public Prosecutions.

89C—(1) Any person who with intent to impede, obstruct, prevent or defeat any self-help scheme approved by the Regional Commissioner or the Area Commissioner or any self-help scheme of a type approved by the Regional Commissioner or the Area Commissioner, dissuades or attempts to dissuade any person from offering his services, or from assisting, in connection therewith, shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand shillings, or to impress-ointment for a term not exceeding six months, or to both such fine and imprisonment.

(2) In any prosecution for an offence against this section, the certificate of the Regional Commissioner, or the Area Commissioner, as the case may be, that a self-help scheme named or described therein was approved by him on a specified date or that self-help schemes of the type described therein were approved by him on or before a specified date, shall be conclusive evidence of such facts.

90. Any persons who assemble- together, .to the number of two or more, for the purpose of unshipping, carrying, or concealing any goods subject to customs duty and liable to forfeiture under any law relating to the customs, are guilty of a misdemeanour, and each of them is liable to imprisonment for two years.

Division II.—Offences Against the Administration of Lawful Authority

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CHAPTER X

Abuse of Office

91 to 93. [Repealed: Ord. 1958 No. 19 s. 15]

Officers charged with administration of property of a special character or with special duties

94. Any person who, being employed in the public service, and being charged by virtue of his employment with any judicial or administrative duties respecting property of special character, or respecting the carrying on of any manufacture, trade or business or a special character, and having acquired or holding, directly or indirectly, a private interest in any such property, manufacture, trade or business, discharges any such duties with respect to the property, manufacture, trade, or business in which he has such interest or with respect to the conduct of any person in relation thereto, is guilty of a misdemeanour, and is liable to imprisonment for one year.

False claims by officials

95. Any person who, being employed in the public service in such a capacity as to require him or to enable him to furnish returns Or statements touching any sum payable or claimed to be payable to himself or to any other person, or touching any other matter required to be certified for the purpose of any payment of money or delivery of goods to be made to any person, makes a return or statement touching any such matter which is, to his knowledge, false in any material particular, is guilty of a misdemeanour.

Abuse of office G.N. 1961 No. 236

96. Any person who, being employed in the public service, does or directs to be done, in abuse of the authority of his office, any arbitrary act prejudicial to the rights of another is guilty of a misdemeanour.

If the act is done or directed to be done for purposes of gain he is guilty of a felony, and is liable to imprisonment for three years.

A prosecution for any offence under this or either of the two last preceding sections shall not be instituted except by or with the sanction of the Director of Public Prosecutions.

False certificates by public officers

97. Any person who, being authorized or required by law to give any certificate touching any matter by virtue whereof the rights of any person may be prejudicially affected, gives a certificate which is, to his knowledge, false in any material particular is guilty of a misdemeanour.

98. Any person who administers an oath, or takes a solemn declaration or affirmation or affidavit, touching any matter with respect to which he has not by law any authority to do so is guilty of a misdemeanour, and is liable to imprisonment for one year:

Unauthorized administration of extra judicial oath

Provided that this section shall not apply to an oath, declaration, affirmation or-affidavit administered by or taken before a magistrate, coroner or justice of the peace in any matter relating to the preservation of the peace or the punishment of offences or relating to inquiries respecting sudden deaths, nor to an oath, declaration, affirmation or affidavit administered or taken for some purpose which is lawful under the laws of another country, or for the purpose of giving validity to an instrument in writing which is intended to be used in another country.

False assumption of authority Cap. 537 6th Sch.

99. Any person who—

(1) not being a judicial officer, assumes to act as a judicial officer:

Provided that nothing in this paragraph shall be deemed to prohibit any customary arbitration or settlement by the tribal elders in any matter arising out of any common assault or other offence of a personal or private nature or any minor

civil dispute at customary law if such arbitration or settlement is conducted in the. manner recognized by customary law; or

(2) without authority assumes to act as a person having authority by law to administer an oath or take a solemn declaration or affirmation or affidavit or to do any other act of a public nature which can only be done by persons authorized by law to do so; or

(3) represents himself to be a person authorized by law to sign a document testifying to.the contents of any register or record kept i by lawful authority, or.,testifying to any fact or event, and signs such document as being so authorized, when he is not, and knows that he is not, in fact, so authorized,

is guilty of a misdemeanour.

100. Any parson who—

(1) personates any person employed in the public service on an co casion when the latter is required to do any act or attend in any place by virtue of his employment; or

(2) falsely represents himself to be a person employed in the public service, and assumes to do any act or to attend in any place for the purpose of doing any act by virtue of such employment,

is guilty of a misdemeanour.

101. Whoever holds out any threat of injury to any person employed the public service, or to any person in whom he believes that person to be interested, for the purpose of inducing that person to do any act, or to forbear or delay to do any act connected with the exercise of the public functions of such person is guilty of a misdemeanour:

CHAPTER XI

Offences Relating to the Administration of Justice

Perjury
Cap. '537
6th Sch.

102.—(1) Any person who, in any judicial proceeding, or for the purpose of instituting any judicial proceeding, knowingly gives false testimony touching any matter which is material to any question then depending in that proceeding or intended to be raised in that proceeding, is guilty of the misdemeanour termed "perjury".

It is immaterial whether the testimony is given on oath or otherwise.

The forms and ceremonies used in administering the oath or in otherwise binding the person giving the testimony to speak the truth are immaterial, if he assents to the forms and ceremonies actually used.

It is immaterial whether the false testimony is given orally or in writing.

It is immaterial whether the court or tribunal is properly constituted, or is held in the proper place, or not if it actually acts a court or tribunal in the proceeding in which the testimony is given.

It is immaterial whether the person who gives the testimony is a competent witness or not, or whether the testimony is admissible in the proceedings or not.

(2) Any person who aids, abets, counsels, procures, or suborns another person to commit perjury is guilty of the misdemeanour termed "subornation of perjury"

False Statements by interpreters

103. Any person who, having been lawfully sworn as an interpreter in a judicial proceeding, wilfully makes a statement material in that proceeding which he knows to be false, or does not believe to be true, is guilty of the misdemeanour termed "perjury".

Punishment of perjury

104. Any person who commits perjury or suborns perjury is liable to imprisonment for seven years.

Evidence on charge of perjury

105. A person cannot be convicted of committing perjury or of subornation of perjury solely upon the evidence of one witness as to the falsity of any statement alleged to be false.

fabricating evidence

106. Any person who, with intent to mislead any tribunal in any judicial proceeding—

(1) fabricates evidence by any means other than perjury or subornation of perjury; or

(2) knowingly makes use of such fabricated evidence, is guilty of a misdemeanour, and is liable to imprisonment for seven years.

False swearing

107. Any person who swears false or makes a false affirmation or declaration before any person authorized to administer an oath or take a declaration upon a matter of public concern under such circumstances that the false swearing or declaration if committed in a judicial proceeding would have amounted to perjury, is guilty of a misdemeanour.

Deceiving witnesses

108. Any person who practices any fraud or deceit, or knowingly makes or exhibits any false statement, representation, token, or writing, to any person called or to be called as a witness in any judicial proceeding, with intent to affect the testimony of such person as a witness, is guilty of a misdemeanour.

109. Any person who, knowing that any book, document, or thing of any kind whatsoever is or may be required in evidence in a judicial proceeding, wilfully removes or destroys it or renders it illegible or undecipherable or incapable of indentification, with intent thereby to prevent it from being used in evidence, is guilty of a misdemeanour.

110. Any person who—

Compounding felonies

(a) conspires with any other person to accuse any person falsely of any crime or to do anything to obstruct, prevent, pervert, or defeat the course of justice; or

(b) in order to obstruct the due course of justice, dissuades, hinders or prevents any person lawfully bound to appear and give evidence as a witness from so appearing and giving evidence, or endeavours to do so,

is guilty of a felony and is liable to imprisonment for five years.

Compounding penal actions

111. Any person who asks, receives, or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person upon any agreement or understanding that he will compound or conceal a felony, or will abstain from, discontinue, or delay a prosecution for a felony, or will withhold any evidence thereof, is guilty of a misdemeanour.

112. Any person who, having brought, or under pretence of bringing, an action against another person upon a penal Ordinance or Statute in order to obtain from him a penalty for any offence committed or alleged to have been committed by him, compounds the action without the order or consent of the court in which the action is brought or is to be brought, is guilty of a misdemeanour.

113. Any person who—

(1) publicly offers a reward for the return of any property which has been stolen or lost, and in the offer makes use of any words purporting that no questions will be asked, or that the person producing such property will not be seized "or molested; or

(2) publicly offers to return to any person who may have bought or advanced money by way of loan upon any stolen or lost property the money so paid or advanced, or any other sum of money or reward for the return of such property; or

(3) prints or publishes any such offer,

is guilty of a misdemeanour.

Contempt

114.—(1) Any person who—

(a) within the premises in which any judicial proceeding is being had or taken, or within the precincts of the same shows disrespect, in speech or manner, to or with reference to such proceeding, or any person before whom such proceeding is being had or taken; or

(b) having been called upon to give evidence in a judicial proceeding, fails to attend or, having attended, refuses to be sworn or to make an affirmation, or having been sworn or affirmed, refuses without lawful excuse to answer a question or to produce a document or other thing, or remains in the room in which such proceeding is being had or taken, after the witnesses have been ordered to leave such room1; or

(c) causes an obstruction or disturbance in the course of a judicial proceeding; or

(d) while a judicial proceeding is pending, publishes, prints or makes use of any speech or writing, misrepresenting such proceeding, or capable of prejudicing any person in favour of or against any parties to such proceeding, or calculated to lower the authority of any person before whom such proceeding is being had or taken; or

(e) publishes a report of the evidence taken in any judicial proceeding which has been directed to be held in private; or

(f) attempts wrongfully to interfere with or influence a witness in a judicial proceeding, either before or after he has given evidence, in connection with such evidence; or

(g) dismisses a servant because he has given evidence on behalf of a certain party to a judicial proceeding; or

(h) wrongfully retakes possession «of any land or other property from any person who has recently obtained judgment from a court for the recovery of possession of such land or property; or

(hh) wrongfully retakes possession of any child from any person who has obtained the custody of such child under an order of the court; or

(hhh) having the means to pay any sums by way of compensation or costs or otherwise-in civil or criminal proceedings awarded against him by a primary court, wrongfully refuses or neglects after due notice to make such payment in accordance with any order for payment whether by instalments or otherwise; or

(i) commits any other act of intentional disrespect to any judicial proceeding, or to any person before whom such proceeding is being had or taken.

is guilty of a misdemeanour, and is liable to imprisonment for six months or to a fine not exceeding five hundred shillings.

(2) When any offence against paragraphs (a)>,(b), (c), (d) or (i) of subsection (1) is committed in view of the court, the court may cause the offender to be detained in custody, and at any time before the rising of the court on the same day may take cognisance of the offence and. sentence, the offender to a fine of four hundred shillings or in default of payment to imprisonment for one month.

(3) The provisions of this section shall be deemed to be in addition to and not in derogation from the power of the High Court to punish for contempt of court.

(4) Paragraph (b) of subsection (1) shall have effect-in relation to proceedings in a primary court in which evidence is not given on oath or affirmation as if the references to a person baying been sworn or affirmed included a reference to a person having been required by the court to give evidence in those proceedings.

114A. Any person who--

(a) wilfully obstructs, or knowingly prevents or in any way interferes with or resists the service upon himself or any other person of any summons, notice, order, warrant or other process issued by a court for service on himself or such other person, as the case may be; or

(b) wilfuly obstructs of knowingly prevents or in any way interferes with or resists the execution of any summons, notice, order, warrant or other process issued by a court, or any person lawfully charged with the execution thereof; or

(c) absconds in order to avoid being served with any summons, notice, order warrant «or other, process issued fey a court,

is guilty of a misdemeanour and shall be liable on conviction to imprisonment for a term not exceeding one year.

CHAPTER XII

RESCUES, ESCAPES AND OBSTRUCTING- OFFCERS OF' COURT OF LAW

115. Any person, who By1 force rescues or attempts to rescue from lawful custody any other person—

(a) is, if such last-named person is under sentence of death or imprisonment for life or charged with an offence punishable with death or imprisonment for life, guilty of a felony, and is liable to imprisonment for life; and

(b) is, if such person is imprisoned on a charge or under sentence for any offence other than those specified above, guilty of a felony, and is liable to imprisonment for seven years; and

(c) is, in any other case, guilty of a misdemeanour.

If the person rescued is in the custody of a private person, the offender must have notice of the fact that the person rescued is in such custody.

116. Any person who, being in lawful custody, escapes from such custody is guilty of a misdemeanour.

116A—(1) If any person who has received permission to work outside a prison pursuant to the provisions of section 72 of the Prisons Act, 196^ fails to present himself at the appointed hour or absents himself from task, he is guilty of a misdemeanour unless he shall satisfy the court that he had a reasonable and lawful excuse for so doing.

(2) Any sentence of imprisonment imposed for a misdemeanour under subsection (1) hereof shall be in addition to any imprisonment to which the person sentenced is already liable and which he is ordered to suffer under the Prisons Act, 1967.

117. Any person who—

(1) aids a prisoner in escaping or attempting to escape from i<> escape lawful custody; or

(2) conveys anything or causes anything to be conveyed into a prison with intent to facilitate the escape of a prisoner,

is guilty of a felony, and is liable to imprisonment for seven years.

118. Any person who, when any property has been attached or Removal, taken under the process of authority of .any court, knowingly, and property with intent to hinder or defeat the attachment or process, receives, under lawful removes, retains, conceals, or disposes of such property, is guilty of seizure a felony, and is liable to imprisonment for three years..

119. [Repealed: Ord. 1961 No. 5 s. 7J.

CHAPTER XIII

Miscellaneous Offences Against Public Authority

Frauds and breaches of trust by public officers Act 1972 Sch.

120. Any person employed in the public service who, in the discharge of the duties of his office, commits any fraud or breach of trust affecting the public, whether such fraud or breach of trust would have been criminal or not if committed against a private person, is guilty of a misdemeanour and shall be liable to imprisonment for seven years.

Neglect of official duty

121. Every person employed in the public service who wilfully neglects to perform any duty which he is bound either by common law or by Statute or Ordinance to perform, provided that the discharge of such duty is not attended with greater danger than a man of ordinary courage and activity might be expected to encounter is guilty of a misdemeanour.

122. Whoever gives to any person employed in the public service any information which he knows or believes to be false, intending thereby to cause, or knowing, it to be likely that he will thereby cause such person—

(a) to do or omit anything which such person ought not to do or omit if the true state of facts respecting which such information is given were known to him; or

(b) to use the lawful power of such person to the injury or annoyance of any person1,

shall be guilty of a misdemeanour, and shall be liable to imprisonment for six months or to a fine of one thousand shillings or to both such fine and imprisonment.

123. Everyone who wilfully disobeys any Statute or Ordinance by doing any act which it forbids, or by omitting to do any act which it requires to be done, and which concerns the public or any part of the public, is guilty of a misdemeanour, and is liable, unless it appears from the Statute op Ordinance that it was the intention of the Legislature to provide some other penalty for such disrobedence, to imprisonment for two years..

124. Everyone who disobeys any order, warrant or command duly made, issued or given by any .courts, officer or person acting in public capacity and duly authorized in that behalf, is guilty of a misdemeanour, and is liable, unless any other penalty or mode of proceeding is expressly prescribed in respect of such disobedience, to imprisonment for two years.

124A. [Repealed: Act 1971 No. 15, s. 91].

Division III.—Offences Injurious to the Public in General

CHAPTER XIV
OFFENCES RELATING TO RELIGION

125. Any person who destroys, damages or defiles any place of insult to worship or any object which is held sacred by any class of persons with the intention of thereby insulting the religion of any class of any c ass persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, is guilty of a misdemeanour.

126. Any person who voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship or religious ceremony, is guilty of a misdemeanour.

127. Every person who with the intention of wounding the Trespassing feelings of any person or of insulting the religion of any person, or with the knowledge that the-feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or. in any place of sepulture or in any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the purpose of funeral ceremonies, is guilty of a misdemeanour.

128.—(1) Any person who unlawfully hinders the burial of the Hindering dead body of any person, or who, without lawful authority in that behalf or otherwise than in accordance with rules made by the Minister (which rules the Minister is hereby authorized to make) disinters, dissects or causes damage to the dead body of any person, or who, being under a duty to cause the dead body of any person to be buried, wilfully and without lawful authority in that behalf neglects to perform such duty, shall be guilty of a misdemeanour.

(2) In subsection (1), "Minister" means the Minister for the time being responsible for matters relating to health.

129. Any person who, with the deliberate intention of wound- uttering ing the religious feelings of any person, utters any word, or makes any sound in the hearing of that person, or makes any gesture in the i0 wound right of that person, or places any object in the sight of that person, is guilty of a misdemeanour, and is liable to imprisonment for one year.

CHAPTER XV

OFFENCES AGAINST MORALITY

130. Any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent, if the consent is obtained by force or by means of threats or intimidation of any kind, or by fear of bodily harm, or by means of false representations as to the nature of the act, or, in the case of a married woman, by personating her husband, is guilty of the felony termed "rape".

131. Any person who commits the offence of rape is liable to be punished with imprisonment for life with or without corporal punishment.

Attempt

132. Any person who attempts to commit rape is guilty of a felony, and is liable to imprisonment for life, with or without corporal punishment.

Abduction

133. Any person who with intent to marry or carnally know a woman of any age, or to cause her to be married of carnally known by any other person, takes her away, or detains her, against her will, is guilty of a felony, and is liable to imprisonment for seven years.

134. Any person who unlawfully takes an unmarried girl under the age of sixteen years out of the custody or protection of her father or mother or other person having the lawful care or charge of her, and against the will of such father or mother or other person, is guilty of a misdemeanour.

Indecent assaults on females Ord.

135.—(1) Any person who unlawfully and indecently assaults any woman or girl is guilty of a felony, and is liable to imprisonment for fourteen years.

(2) Where a charge for an indecent assault under this section relates to a girl under the age twelve years, it shall be no defence to such charge that she consented to the act of indecency:

Provided that it shall be a sufficient defence to any such charge if it shall brought that the person so charged had reasonable cause to believe arid did in fact believe that the girl was of or above the age of twelve years.

insulting the a woman

(3) Whoever intending to insult the modesty of any woman utters any word, makes any .sound, .or gesture, or exhibits any object, intending that such word or sound shall be heard,, or, that such gesture or object shall be seen by such woman, or intrudes upon the privacy of such woman , is guilty of a misdemeanour and is liable to imprisonment for one year.

136.—(1) Any person who carnally knows any girl under the age of fourteen years is guilty of a felony, and is liable to imprisonment for life, with or without corporal punishment.

(2) Any person who attempts to have carnal knowledge of any girl under the age of fourteen years is guilty of a felony, and is liable to imprisonment for fourteen years, with or without corporal punishment: Attempt

Provided that it shall be a sufficient defence to any charge under this section if it shall be made to appear to the court before whom the charge shall be brought that the person so charged had reasonable cause to believe and did in fact believe that the girl was of or above the age of fourteen years.

(3) This section shall not apply in a case in which the accused is married to the girl.

137. Any person who, knowing a woman or girl to be an idiot or imbecile, has or attempts to have unlawful carnal knowledge of her in circumstances not amounting to rape, but which prove that the offender knew at the time of the commission of the offence that the woman or girl was an idiot or imbecile, is guilty of a felony, and is liable to imprisonment for fourteen years, with or without corporal punishment.

138.—(1) Any person who, being married to a girl under the age of twelve years, has or attempts to have carnal knowledge of the girl, whether with or without her consent, before she has attained the age of twelve years, is guilty of a misdemeanour, and is liable to imprisonment for five years.

(2) Any person who being the father or mother of or having custody of a girl under the age of twelve years parts with the possession, or otherwise disposes, of the girl with the intention that the. girl shall, while still under the age of twelve years and whether with or without her consent, be carnally known by her husband or knowing it to be likely that the girl will, while still under the age of twelve years, be so carnally known, is guilty of a misdemeanour, and is liable to imprisonment for two years.

(3) Any person who procures or attempts to procure any married girl under the age of twelve years with intent that she shall be carnally known by her husband, whether with or without her consent, when she is under the age of twelve years, is guilty of a misdemeanour, and is liable to imprisonment for two years.

(4) It shall not be a defence to a charge under subsection (3) that the person procuring the girl is the husband of the girl.

(5) No person shall be convicted of an offence under this section—

(a) if the girl with respect to whom the offence was committed appears to the court to have attained the age of twelve years; or

(b) if the court is of the opinion that the person charged had reasonable cause to believe and did in fact believe that the girl was of or above the age of twelve years.

(6) Nothing in this section shall render it an offence for any person of African or Asiatic descent to marry or permit the marriage of a girl under the age of twelve years in accordance with the custom of the tribe or religion where it is not intended that the marriage shall be consummated before the girl attains the age of twelve years or make it an offence to give or receive money or presents in consideration, or on the occasion, of such a marriage

139. Any person who-

(1) procures or attempts to procure any girl or woman under the age of twenty-one years to have unlawful carnal connection either in Tanganyika or elsewhere, with any other person or persons; or

(2) procures or attempts to procure any woman or girl to become, either in Tanganyika or elsewhere, a common prostitute; or

(3) procures or attempts to procure any woman or girl to leave Tanganyika, with intent that she may become an inmate of or frequent a brothel eke where; or

(4) procures or attempts to procure any woman or girl to leave her usual place of abode in Tanganyika (such place not being a brothel), with intent that she may, for the purposes of prostitution, become an inmate of or frequent a brothel either in Tanganyika or elsewhere,

is guilty of a misdemeanour:

Provided that no person shall be convicted of any offence under this section upon the evidence of one witness only, unless such witness be corroborated in some material particular by evidence implicating the accused.

40. Any person who—

(1) by threats or intimidation procures or attempts to procure any woman or girl to have any unlawful carnal connection, either in Tanganyika or elsewhere; or

(2) by false pretences or false representations procures any woman or girl to have any unlawful carnal connection, either in Tanganyika or elsewhere; or

(3) applies, administers to, or causes to be taken by any woman or girl any drug, matter or thing, with intent to stupefy or overpower so as thereby to enable any person to have unlawful carnal connection with such woman or girl,

is guilty of a misdemeanour:

Provided that no person shall be convicted of an offence under this section upon the evidence of one witness only, unless such witness be corroborated in some material particular by evidence implicating the accused.

141. Any person who, being the owner or occupier of premises Householder, or having or acting or assisting in the management or control etc- thereof, induces or knowingly suffers any girl under the age of twelve years to resort to or be upon such premises for the purpose under twelve of being unlawfully and carnally known by any man, whether such yea" of age carnal knowledge is intended to be with any particular man or premises generally, is guilty of a felony, and is liable to imprisonment for five years:

Provided that it shall be a sufficient defence to any charge under this section if it shall be made to appear to the court before whom the charge shall be brought that the person so charged had reasonable cause to believe and did in fact believe that the girl was of or above the age of twelve years.

142. Any person who, being the owner or occupier of premises or having or acting or assisting in the management or control defilement of thereof, induces or knowingly suffers, any girl above the age of twelve years and under the age of sixteen years to resort to or be upon such premises for the purpose, of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, is guilty of a misdemeanour:

Provided that it shall be a sufficient defence to any charge under this section if it shall be made to appear to the court before whom the charge shall be brought, that the person so charged had reasonable cause to believe and did in fact believe that the girl was of or above the age of sixteen years.

143. Any person who detains any woman or girl against her will-

(1) in or upon any premises with intent that she may be unlawfully and carnally known by any man, whether any particular man or generally; or

(2) in any brothel,

is guilty of a misdemeanour.

When a woman or girl is in or upon any premises for the purpose of having any unlawful carnal connection, or is in any brothel person shall be deemed to detain such woman or girl in or upon such premises or in such brothel, if, with intent to compel or induce her to remain in or upon such premises or in such brothel, such person withholds from such woman or girl any wearing apparel or other property belonging to her, or where wearing apparel has been lent or otherwise supplied to such woman or girl by or by the directions of such person, such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel so lent or supplied.

No legal proceedings, whether civil or criminal, shall be taken against any such woman or girl for taking away or being found in possession of any such wearing apparel as was necessary to enable her to leave such premises or brothel.

power of **144**. If it appears to any magistrate, on information made before him on oath by any parent, relative or guardian of any woman or 6th sen. girl or other person who, in the opinion of the magistrate, is acting bona fide in the interests of any woman or girl, that there is reasonable cause to suspect that such woman or girl is unlawfully detained for immoral purposes by any person in any place within the jurisdiction of such magistrate, such magistrate may issue a warrant authorizing the person named therein to search for, and, when found, to take to and detain in a place of safety such woman or girl until she can be brought before a magistrate; and the magistrate before whom such woman or girl is brought may cause her to be delivered up to her parents or guardians, or otherwise dealt with as circumstances may permit, and require.

A magistrate issuing such warrant may, by the same or any other warrant, cause any person accused of so unlawfully detaining such woman or girl to be apprehended and brought before a magistrate and proceedings to be taken for punishing such person according to law.

A woman or girl shall be deemed to be unlawfully detained for immoral purposes if she is so detained for the purpose of being unlawfully and carnally known by any man, whether any particular man or generally; and—

(a) either is under the age of sixteen years; or

(b) if she is of or over the age of sixteen years and under the age of eighteen years, is so detained against her will or against the will of her father or mother or of any person having the lawful care or charge of her; or

(c) if she is of or over the age of eighteen years and is so detained against her will.

Any person authorized by warrant under this section to search for any woman or girl so detained as aforesaid may enter (if need be by force) any house, building or other place mentioned in the warrant, and may remove such woman therefrom.

145.—(1) Every male person who—

(a) knowingly lives wholly or in part on the earnings of prostitution; or

(b) in any public place persistently solicits or importunes for immoral purposes,

is guilty of a misdemeanour. In the case of a second or subsequent conviction under this section the court may, in addition to any term of imprisonment awarded, sentence the offender to corporal punishment.

(2) Where a male person is proved to live with or to be habitually in the company of a prostitute/or is proved to have exercised control, direction or influence over the movements of a prostitute in such manner as to show that he is aiding, abetting or compelling her prostitution with any other person, or generally, he shall unless he shall satisfy the court to the contrary be deemed to be knowingly living on the earnings of prostitution.

146. Every woman who knowingly lives wholly or in part on the earnings of prostitution or who is proved to have, for the purpose of gain, exercised control, direction or, influence over the move- ments of a prostitute in such a manner as to show that she is aiding, abetting or compelling her prostitution, with any person, or gene- rally, is guilty of a misdemeanour. Woman for gain

147. If it is made to appeal to. a magistrate by information on oath that there is reason to suspect that any house or any part of a house is used by a woman of girl for purposes of prostitution, and that any person residing in or frequenting the house is knowingly living wholly or in part on the earnings of the prostitute, or is exercising control, direction or influence over the movements of the prostitute the magistrate may issue a warrant authorizing any police officer to enter and search the house and to arrest such person. Power of search

148. Any person who keeps a ho use, room, set of rooms or place of any kind whatsoever for the purposes of prostitution is guilty of a misdemeanour.

149. Any person who conspires with another to induce any woman or girl by means of any false pretence or other fraudulent means, to permit any man to have unlawful carnal knowledge of her is guilty of a felony, and is liable to imprisonment for three years.

150. Any person who with intent to procure miscarriage of a woman, whether she is or is not with child, unlawfully administers to her or causes her to take any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, is guilty of a felony, and is liable to imprisonment for fourteen years.

151. Every woman being with child who with intent to procure her own miscarriage unlawfully administers to herself any poison or other noxious thing, or uses any force of any kind, or uses any other means whatsoever, or permits any such thing or means to be administered or used to her, is guilty of a felony, and is liable to imprisonment for seven years.

152. Any person who unlawfully supplies to or procures for any person any thing whatsoever, knowing that it is intended to, be unlawfully used to procure the miscarriage of a woman, whether she is or is not with child, is guilty of a felony, and is liable to imprisonment for three years.

153. Except as otherwise expressly stated it is immaterial in the case of the offences committed with respect to a woman or girl under a specified age, that the accused person did not know that the woman or girl was under that age, or believed that she was not under that age.

Immaterial

154. Any person who—

(1) carnal knowledge of any person against the order of nature; or

(2) has carnal knowledge, an animal; or

(3) permits a male person to have carnal knowledge of him or her against the order of nature,

is guilty of a felony, and is liable to imprisonment for fourteen years.

155. Any person who attempts to commit any of the offences specified in the last preceding section is guilty of a felony, and is liable to imprisonment for seven years.

indecency males with him, or attempts to procure the commissi on of any such act by any male person, with himself or with another male person, whether in public or private, is guilty of a felony and is liable to imprison ment for five years.

156.—(1) Any person who unlawfully and indecently assaults a boy under the age of fourteen years is guilty of a felony, and is liable to imprisonment for seven years.

(2) Where a charge for an indecent assault under this section relates to a boy under the age of twelve years, it shall be no defence to such charge that he consented to the act of indecency.

158.—(1) Any male person who has carnal knowledge of a incest by female person, who is to his knowledge his granddaugh ter, daughter, sister or mother, is guilty of a felony, and is liable to imprison- ment for five years:

Provided that if it is alleged in

157. Any male person who, whether in public or private, com- indecent mits any act of gross indecency with another male person, or procures another male person to commit any act of gross

the information or charge and proved that the female person is under the age of twelve-years, the offender shall be liable to imprisonment for life.

(2) It is immaterial that the carnal knowledge was had with the consent of the female person.

(3) If any male person attempts to commit any such offence as aforesaid he is guilty of a misdemeanor.

Order for guardian- to remove the offender from such female, and it the offender is the guardians

159. On the conviction before any court of any person of an offence under section 158, or of an attempt to commit the same, against any female under the age of twenty-one years, it shall be in the power of the court to divest the offender of all authority over such fem ale, and, it the offe nder is the guar dian

hip, and in any such case to appoint any person or persons to be the guardian or guardians of such female during her minority or any less period:

Provided that the High Court may at any time vary, or rescind the order by the

appointment of any other person as such guardian or in any

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160. Any female person of or above the age of sixteen years who with consent permits her grandfather, father, brother or son to have carnal knowledge of her (knowing him to be her grandfather, father, brother or son as the case may be) is guilty of a felony,

Test of relationship

161. In sections 158 and 160 the expressions "brother" and "sister", respectively, include half-brother and half-sister, and the provisions of the said sections shall apply whether the relationship between the person charged with an offence and the person with whom the offence is alleged to have been committed is or is not traced through lawful wedlock.

Sanction

162. No prosecution for an offence under sections 158 or 160 of this Code shall be commenced without the sanction of the Director of Public Prosecutions.

CHAPTER XVI

Offences Relating to Marriage and Domestic Obliga-

tions

163. Any person who willfully and by fraud causes any woman who is not lawfully married to him to believe that she is lawfully married to him and to cohabit or have sexual intercourse with him in that belief is guilty of a felony, and is liable to imprisonment for ten years.

164. [Repealed: Act 1971 No, 5, s. 166(2)].

165. Any person who dishonestly or with a fraudulent intention goes through the ceremony of marriage, knowing that he is not thereby lawfully married, is guilty of a felony, and is liable to imprisonment for five years.

166. Any person who being the parent, guardian or other person having the lawful care, or charge, of a child under the age of fourteen years, and being able to maintain such child, willfully and without lawful or reasonable cause 4eserts the child and leaves it without means of support, is guilty of a misdemeanour.

167. Any person who, being the parent or guardian or other person having the lawful care or charge of any child of tender years and unable to provide for itself, refuses or neglects to provide (being able to do so) sufficient food, clothes, bedding and other necessaries for such child, so as thereby to injure the health of such child, is guilty of a misdemeanour.

168. Any person who, being legally liable either as a master or mistress, to provide for any apprentice or servant necessary food, clothing, or lodging, wilfully and without lawful excuse refuses or neglects to provide the same, or unlawfully and maliciously does or causes to be done any bodily harm to such apprentice or servant so that the life of such apprentice or servant is endangered or that his health has been or is likely to be permanently injured, is guilty of a misdemeanour.

169. Any person who. with intent to deprive any parent, guardian or other person who has the lawful care or charge of a child under the age of fourteen years, of the possession of such child—

(1) forcibly or fraudulently takes or entices away, or detains the child; or

(2) receives or harbors the child, knowing it to have been so taken or enticed away or detained,

is guilty of a felony, and is liable to imprisonment for seven years.

It is a defence to a charge of any of the offences defined in the section to prove that the accused person claimed in good faith a right to the possession of the child, or, in the case of an illegitimate child is its mother or claimed to be its father.

CHAPTER XVII

Nuisances and Offences Against Health and Conveniences

170. Any person who does an act not authorized by law or omits to discharge a legal duty and thereby causes any common injury or danger or annoyance, or obstructs or causes inconvenience to the public in the exercise of common rights, commits the misdemeanour termed a "common nuisance", and is liable to imprisonment for one year.

It is immaterial that the act or omission complained of is convenient to a larger number of the public than it inconveniences, but the fact that it facilitates the lawful exercise of their rights by a part of the public may show that it is not a nuisance to any of the public.

171. —(1) Any person being the owner or occupier, or having the use of, any house, room or place, who shall open, keep or use the same for the purpose of unlawful gaming being carried on therein, and any person who, being the ov room, or place, shall knowingly ar to be opened, kept or used by other person for the pu and any person having the care or management of or in

any manner assisting in conducting the business of any house, room or place opened, kept or used for the purpose aforesaid, is -Said to keep a common gaming house.

(2) In this section "unlawful gaming" means any game the chances of which are not alike favorable to all the players, including the banker or other person or persons by whom the game is managed or against whom the other players stake, play or bet.

(3) Any person who keeps a common gaming house is guilty of a misdemeanour.

(4.) Any person other than the persons mentioned in subsection (1) who is found in a common gaming house shall be deemed, unless the contrary is proved, to be there for the purpose of unlawful gaming, and is guilty of a misdemeanour, and is liable to a fine of one hundred shillings for the first offence, and for each subsequent offence to a fine of four hundred shillings or imprisonment for three months, or. to both such fine and imprisonment.

Betting houses

172. Any house, room or place which is used for any of the purposes following, that is to say—

(1) for the purpose of bets being made therein between persons resorting to the place and:

(a) the owner, occupier or keeper of the place, or any person using the plate; or

(b) any person procured or employed by or acting for or on behalf of any such owner, occupier or keeper, or person using the place; of

(c) any person having the care or management, or in any manner conducting the business, of the place; or

(2) for the purpose of any money or other property being paid or received therein by or on behalf of any such owner, occupier or keeper, or person using the place, as or for the consideration:

(a) for an assurance, undertaking, promise or agreement, express or implied, to pay or give thereafter any money or other property any event or contingency of or relating to any horse race or other race, fight, game, sport or exercise

(b) for securing the paying or giving by some other person of any money or other property on any such event or contingency,

is called a common betting house.

Any person who, being the owner or occupier of any house, room or place, knowingly and wilfully permits it to be opened, kept or used as a common betting house by-another person, or who has

the use or management. or assists in conducting I he business, of a common betting house, is guilty of a "misdemeanour, and is liable lo imprisonment for one year:

Provided always that nothing herein contained shall make illegal the use of a totalisator by a race club, gymkhana club or sports club rccognized by the Government a(any public meeting, with the approval in each case of the Inspector-General of Police. In this proviso "totalisator" means and includes the instrument, machine or contrivance, commonly known as the totalisator and any other instrument, machine or contrivance of a like nature, or any scheme for enabling any number of persons to make be bets with one another on the like principles.

173. [Repealed: Act 1967 No. 23 s. 25]

173A. [Repealed: Cap. 440, s. I6 (l)]

173B—(1) Any person who sends or causes to be sent any chain letter Old.
or who sends or receives any money or money s worth in connection with any chain letter is guilty of a misdemeanour and is liable to a fine of four thousand shillings or to imprisonment for term not exceeding six months or to both such fine and imprisonment.

(2) For the purposes of this section "chain letter" means a document addressed by one person to another person suggesting to (he person to whom it is addressed—

(a) that he should send a document having the same purport lo a number of other persons: and

(b) that he should remit lo a person or to an address specified in the first-mentioned document money or money's worth.

174. Any person who appears, acts or behaves as master or mistress, or as the person having the care of management of any such house, room, set of rooms or place as is mentioned in sections 171, 172 and 173. is to be taken to be the keeper thereof, whether he is or is not the real keeper.

175.—(1) Any person who—

(a) for the purpose of or by way of trade or for the purpose of distribution or public exhibition, makes, produces or has in his possession any one or more obscene writings, drawings, prints, paintings, printed matter, pictures» posters, emblems, photographs, cinematograph -films or any other objects or any other object tending to corrupt morals: or

(b) for any of the purposes above mentioned imports, conveys or exports, or causes to be imported, conveyed or exported any such matters or things, or in any manner whatsoever puts any of them in circulation; or

(c) carries on or takes part in any business, whether public or private, concerned with any such matters or things, or deals in any such matters or things in any manner whatsoever, or distributes any of them, or exhibits any of them publicly, or makes a business of lending any of them; or

(d) advertises or makes known by any means whatsoever with a view to assisting the circulation of, or traffic in, any such matters or things, that a person is engaged in any of the acts referred to in this section, or advertises or makes known how, or from whom, any such matters or things can be procured either directly or indirectly; or

(e) publicly exhibits any indecent show or performance or any show or performance tending to corrupt morals,

is guilty of a misdemeanour, and is liable, to imprisonment for two years or to a fine of two thousand shillings.

(2) If, in respect of any of the offences specified in paragraphs (a), (b), (c) or (d) of subsection (1), any constitutive element thereof is committed in Tanganyika such commission shall be sufficient to render the person accused of such offence triable therefore in Tanganyika.

(3) A court, on convicting any person of an offence against this section, may .order to be destroyed any matter or thing made, possessed or used for the purpose of such offence.

(4) A court may, on the application of a public prosecutor, order the destruction of any obscene matter or thing to which this section relates, whether any person may or may not have been convicted under the provisions of this section in respect of such obscene matter or thing.

Idle and disorderly persons

176. The following persons-

(1) every common prostitute behaving in a disorderly or indecent manner in any public place or loitering or, soliciting in any public place for the purpose of prostitution;

(2) every person wandering or placing himself in any-, public place to beg or gather alms or causing or procuring or encouraging any child or children so to do;

(3) every person playing at any game of chance for money or money's worth in any public place;

(4) every person wandering abroad and endeavoring by the exposure of wounds or deformation to obtain- or gather alms;

(5) every person who publicly conducts himself in a manner likely to cause a breach of the peace;

(6) every person who without lawful excuse publicly does any indecent act; and

(7) every person who in any public place solicits for immoral purposes,

shall, be deemed idle and disorderly persons, and shall be liable to a fine not exceeding five hundred shillings or to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

176A. Every person, being the keeper of any bar, hotel, house, shop, room or other place of public resort for the sale or consumption of refreshments of any kind, who knowingly permits or suffers common prostitutes to assemble at and remain on his premises for the purpose of prostitution, shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred shillings or, in the case of a second or subsequent offence, to a fine not exceeding one thousand shillings.

177. The following persons-

(1) every person convicted of an offence under section 176 after having been previously convicted as an idle and disorderly person; Act 1962

(2) every person going about as gatherer or collector of alms, or endeavoring to procure charitable contributions of any nature or kind, under any false or fraudulent pretence;

(3) every suspected person or reputed thief who has no visible means of subsistence and cannot give a good account of" himself; and

(4) every person found in or upon or near any premises or in any road or highway or any place adjacent thereto or in any public place at such time and under such circumstances as to lead to the conclusion that such person is therefore an illegal or disorderly purpose;

(5) every person who, without the prior consent in writing in that behalf of the Area Commissioner, or, in the case of any municipality or township; the police officer in charge of the police in such municipality or township, collects, or makes any appeal for subscriptions of money in any public place in such district, municipality or township, for any purpose,

shall be deemed to be a rogue and vagabond, and shall be guilty of a misdemeanour, and shall be liable for the first offence to imprisonment for three months, and for every subsequent offence to imprisonment for one year;

Provided that paragraph (5) of this section shall not apply to—

(a) any person who, or the duly authorized representative of any organization which, has received the written consent of the *Inspector-General of Police to collect, or make any appeal for, subscription of money for religious or charitable purposes; or

(b) any person authorized to collect, or make any appeal for, subscriptions of money under the provisions of any law, including any by-law, in force in Tanganyika:

Provided further that for the purposes of paragraph (5) of this section, the definition "public place" in section 5 of this Code shall not be deemed to include any recognized place of religions worship.

177A. Subject to the provisions of any other law, including any by-law, any person, whether or not he has received any written consent referred to in the first proviso to section 177, or has been authorized as in paragraph (a) or (b) of the said first proviso, who, having collected or procured to be collected money by subscription in Tanganyika or any part thereof, fails, if and when required so to an Area Commissioner, or, in the case of any municipality or township, by the police officer in charge of the police in such municipality or township, either to produce to such Area Commissioner or police officer, or to publish in a newspaper designated by such Area Commissioner or police officer, as he may be required, full and correct accounts of any money received by such subscriptions and of the disposal thereof, shall be guilty of a misdemeanour, and shall be liable for the first offence to imprisonment for two years and for every subsequent offence, to imprisonment for three years.

178.—(1) Any person who, not being a person serving in the Armed Forces of the United Republic or in any police force established by law, wears without the permission of the President the uniform of any of those forces or any dress having the appearance or bearing any of the regimental or other distinctive marks .of such uniform is guilty of misdemeanour, and is liable to imprisonment for one month or to a fine of two hundred shillings:

'Inspector-General of Police: G N. 19'^ No 73.

Provided that nothing in this section shall prevent any person from wearing any uniform or dress in the course of a stage play performed in any place in which stage plays may lawfully be publicly performed, or in the course of a music-hall or circus performance, or in the course of any *bona fide* military representation.

(2) Any person who unlawfully wears the uniform of any of the forces aforesaid, or any dress having the appearance or bearing any of the regimental or other distinctive marks of any such uniform, in such a manner or in such circumstances as to be likely to bring contempt on that uniform, or employs any other person so to wear such uniform or dress, is guilty of a misdemeanour, and is liable to imprisonment for three months or to a fine of four hundred shillings.

(3) Any person who, not being in the service of the United Republic of having previously received the written permission of the Inspector-General of Police so to do, imports or sells or has in his possession for sale any such uniform as aforesaid, or the buttons or badges appropriate thereto, is guilty of a misdemeanour, and is liable to imprisonment for six months or to a fine of two thousand shillings.

(4) When any person shall have been convicted of any offence under this section, the uniform, dress, button, badge or other thing in respect of which the offence has been committed shall be forfeited unless the President shall otherwise order.

179. Any person who unlawfully or negligently does any act which is, and which he knows or has reason to believe to be likely to spread the infection of any disease dangerous to life, is guilty of a misdemeanour.

180. Any person who adulterates any article of food or drink, so as to make such article noxious as food or drink, intending to sell or drink such article as food or drink, knowing it to be likely that the same intended for will be sold as food or drink, is, guilty of a misdemeanour. sale

181. Any person who sells, or offers or exposes for sale, as food or drink, any article which has been rendered or has become noxious, or is in a state unfit for food or drink', knowing or having reason to believe that the same is noxious as food or drink, is guilty of a misdemeanour.

182. Any person who adulterates any drug or medical prepara tion in such a manner as to lessen the efficacy or change the operation of such drug or medical preparation, or to make it noxious, intending that is' shall be sold or used for any medicinal purpose, as if it had not undergone such adulteration, is guilty of a misdemeanour.

183. Any person who, knowing any drug or medical preparation to have been adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, sells the same, or offers or exposes it for sale, or issues it from any dispensary for medicinal purposes as unadulterated, or causes it to be used for medicinal purposes by any person not knowing of the adulteration, is guilty of a misdemeanour

184. Any person who voluntarily corrupts of fouls the water of any public spring or reservoir, so as to render it less fit for the purpose for which it is ordinarily used, is guilty of a misdemeanour.

Fouling air

185. Any person who voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of persons in general dwelling or carrying on business in the neighbourhood or passing along a public way, is guilty of a misdemeanour:

Offensive trades

186. Any person who, for the purposes of trade or otherwise, makes loud noises or offensive unwholesome smells in such places and circumstances as to annoy any considerable number of persons in the exercise of their common rights, commits an offence and is liable to be punished as for a common nuisance.

CHAPTER XVIII

*Defamation

187.—194. [Repealed: Act 1976 No. 3, s. 55].

CHAPTER XIX

Hoarding and Allied Offences

194A.—194b. [Repealed; Acts 1984 No. 13, s. 63].

Division IV.—Offences Against the Person

CHAPTER XIXA

Murder and Manslaughter

Manslaughter-

195. Any person who by an unlawful act or omission causes the death of another person is guilty of the felony termed "manslaughter" An unlawful omission is an omission amounting to culpable negligence to discharge a duty tending to the preservation of life or health, whether such omission is or is not accompanied by an intention to cause death or bodily harm.

Murder

196. 'Any person who of malice aforethought causes the death of another person by an unlawful act or omission is guilty of murder.

Punishment of murder -

197. Any person convicted of murder shall be. sentenced to death:

*Note.—For offences relating to Defamation formerly under ss 187—194 see under the Newspapers Act No. 3 of 1976.

Provided that, if a woman convicted of an offence punishable with death is alleged to be pregnant, the court shall inquire into the fact and, if it is proved to the satisfaction of such court that she is pregnant the sentence to be passed on her shall be a sentence of imprisonment for life instead of a sentence of death.

Punishment of manslaughter

198. Any person who commits the felony of manslaughter is liable to imprisonment for life.

Conviction for infanticide in certain cases

199. Where a woman by any wilful act or omission causes the death of her child, being a child under the age of twelve months, but at the time of the act or omission she had not fully recovered from the effect of giving birth to such child, and by reason thereof or by reason of the effect of lactation consequent upon the birth of her child the balance of her mind was then disturbed, she shall, notwithstanding that the circumstances were such that but for this section-the offence would have amounted to murder, be guilty of the felony termed "infanticide", and may for such offence be dealt with and punished as if she had been guilty of the offence of manslaughter of such child.

Malice aforethought

200. Malice aforethought shall be deemed to be established by evidence proving any one or more of the following circumstances—

(a) an intention to cause the death of, or to do grievous harm to any person, whether such person is the person actually killed or not;

(b) knowledge that the act or omission causing death will probably cause the death of or grievous harm to some person, whether ' such person is the person actually killed or not, although such knowledge is accompanied by indifference whether death or grievous bodily harm is caused or not, or by a wish that it may not be caused;

(c) an intent to commit a felony;

(d) an intention by the act or omission to facilitate the flight or escape from custody of any person who has committed or attempted to commit a felony.

Killing on provocation

201. When a person who unlawfully kills another under circumstances which, but for the provisions of this section would constitute murder, does the act which causes death in the heat of passion caused by sudden provocation as hereinafter defined, and before there is time for his passion to cool, he is guilty of manslaughter only.

Provocation defined Ord. 1946 No. 16 s. 2

202. The term "provocation" means and includes, except as hereinafter stated, any wrongful act or insult of such a nature as to be likely, when done to an ordinary person, or in the presence of an ordinary person to another person who is under his immediate care, or to whom he stands in a conjugal, parental, filial or fraternal relation, or in the relation of master or servant, to deprive him of

the power of self-control and to induce him to commit an assault of the kind which the person charged committed upon the person by whom the act or insult is done or offered.

When such an act or insult is done or offered by one person to another, or in the presence of another to a person who is under the immediate care of that other, or to whom the latter stands in any such relation as aforesaid, the former is said to give the latter provocation for an assault.

A lawful act is not provocation to any person for an assault.

An act which a person does in consequence of incitement given by another person in order to induce him to do the act and thereby to furnish an excuse for committing an assault is not provocation that other person for an assault.

An arrest which is unlawful is not necessarily provocative for an assault, but it may be evidence of provocation to a person who knows of the illegality.

For the purposes of this section the expression "an ordinary person" shall mean an ordinary person of the community to which the accused belongs.

Causing death defined

203. A person is deemed to have caused the death of another person although his act is not the immediate or sole cause of death in any of the following cases—

(a) if he inflicts bodily injury on another person in consequence of which that other person undergoes, surgical or medical treatment which causes death. In this case it is immaterial whether the treatment was proper or mistaken, if it was employed in good faith and with common knowledge and skill; but the person inflicting the injury is not deemed to have caused the death if the treatment which was its immediate cause was not employed in good faith or was so employed without common knowledge or skill;

(b) if he inflicts bodily injury on another which would not have caused death if the injured person had submitted to proper surgical or medical treatment or had observed proper precautions as to his mode of living;

(c) if by actual or threatened violence he causes that other person to perform an act which causes the death of that person, such act being a means of avoiding such violence which in the circumstances would appear natural to the person whose death is so caused;

(d) if by any act or omission he hastens the death of a person suffering under any disease or injury which apart from such act or omission would have caused death;

(e) if his act omission would not have caused death unless it had been accompanied by an actor omission of the person killed or of other person.

204. A child becomes a person capable of being killed, when it has completely proceeded in a living state from the body of its mother, whether it has breathed or not, and whether it has an independent circulation or not, and whether the navel-string is severed or not.

205, A person is not deemed to have killed another if the death of that person does not take place within a year and a day of the cause of death.

Such period is reckoned inclusive of the day on which the last unlawful act contributing to the cause of death was done.

When the cause of death is an omission to observe or perform a duty, the period is reckoned inclusive of the day on which the omission, ceased.

When the cause of death is in part an unlawful act, and in part an omission to observe or perform a duty, the period is reckoned inclusive of the day on which the last unlawful act was done of the day on which che omission ceased, whichever is the later.

CHAPTER XX

Duties. Relating to the Preservation of Life and Health

206. It is the duty of every person having charge of another who is unable by reason of age, sickness, unsoundness of mind, deten tion or any other cause to withdraw himself from such charge, and who is unable to provide himself, with the necessaries of life, whether the charge is undertaken under a contract, or is imposed by law, or arises by reason of any act, whether lawful or unlawful, of the person who has such charge to provide for that other person the necessaries of life; and he shall be deemed to have caused any consequences which adversely affect the life or health of the other person by reason of any omission to perform that duty.

207. It is the duty of every person who, as head of a family, has charge of a child under the age of fourteen years, being a member of his household, to provide the necessaries of life for such child; and he shall be deemed to have caused any consequences which adversely affect the life or health of the child by reason of any omission to perform that duty, whether the child is helpless or not.

Duty masters

208. It is the duty of every person who as master or mistress has contracted to provide necessary food, clothing or lodging for any servant or apprentice under the age of sixteen years to provide the same; and he or she shall be deemed to have caused any consequences which adversely affect the life or health of the servant or apprentice by reason of any omission to perform that duty.

Duty of persons doing dangerous acts

209. It is the duty of every person who, except in a case of necessity, undertakes to administer surgical or medical treatment to any other person, or to do other lawful act which is or may be dangerous to human life or health, to have-reasonable skill and to use reasonable care in doing such act; and he shall be deemed to have caused any consequences which adversely affect the life or health of any person by of any omission to observe or perform that duty.

Duty of persons in charge of dangerous things

210. It is the duty of every person who has in his charge or under his control anything, whether living or inanimate, and whether moving or stationary, of such a nature that, in the absence of care or precaution in its use or management, the life, safety or health of any person may be endangered, to use reasonable care and take reasonable precautions to avoid such danger; and he shall be deemed to have caused any consequences which adversely affect the life or health of any person b} reason of any omission to perform that duty.

CHAPTER XXI

Offences Connected with Murder and Suicide

Attempt to murder

211. Any person who—

(1) attempts unlawfully to cause the death of another; or

(2) with intent unlawfully to cause the death of another does any act, or omits to do any which it is his duty to do, such act or omission being of such a nature as to be likely to endanger human life,

is guilty of a felony, and is liable to imprisonment for life.

Accessory after the fact to murder

212. [Repealed: Ord. 1954 No. 47, s. 3]

213. Any person who becomes an accessory after the fact to murder is guilty of a felony, and is liable to imprisonment for seven years.

214. Any person who, knowing the contents thereof, directly or indirectly causes any person to receive any writing threatening to kill any person is guilty of a felony, and is liable to imprisonment for seven years.

Conspiracy to murder

215. Any person who conspires with any other person to kill any person, whether such person is in Tanganyika or elsewhere, is guilty of a felony, and is liable to imprisonment for fourteen years.

Aiding suicide

216. Any person who—

(.1) procures another to kill himself; or

(2) counsels another to kill himself and thereby induces him to do so; or

(3) aids another in killing himself,

is guilty of a felony, and is liable to imprisonment for life.

Attempting suicide

217. Any person who attempts to kill himself is guilty a misdemeanour.

218. Any person who, when a woman is delivered of a children-devours, by any secret disposition of the dead body of the child, to conceal the birth, whether the child died before, at or after its birth, is' guilty of a misdemeanour.

Child destriation

219.—(1) Subject as hereinafter in this subsection provided, any person who with intent to destroy the life of a child capable of being born alive, by any wilful act causes a child to die before it has an existence independent of its mother, shall be guilty of the felony of child destruction, and shall be liable on conviction to imprisonment for life;

Provided that no person shall be guilty of an offence under this section unless it is proved that the act which caused the death of the child was not done in good faith for the purpose only of preserving the life of the mother.

(2) For the purpose of this section, evidence that a woman had at any material time been pregnant for a period of twenty-eight weeks or more shall be *prima facie* proof that she ,was at that time pregnant of a child capable of being born alive.

CHAPTER XXII

Offences Endangering Life of Health

220. Any person who by any means calculated to choke, suffocate or strangle, and with intent to commit or to facilitate the commission of a felony or misdemeanour, or to facilitate the flight of an offender after the commission or attempted commission of a felony incapable of 'resistance, is guilty of a felony, and is liable to imprisonment for life.

221 Any person who, with intent to commit or to facilitate the commission of a felony or misdemeanour, or to facilitate the flight an offender after commission or attempted commission of a felony of misdemeanour, administers or attempts to administer any stupefying or overpowering drug or thing to any person, is guilty of a felony, and is liable to imprisonment for life.

222. Any person who, with intent to maim, disfigure or disable any person, or to do some grievous harm to any person, or to resist or prevent the lawful arrest or detention of any person—

(1) unlawfully wounds or does any grievous harm to any person by any means whatever; or

(2) unlawfully attempts in any manner to strike any person with any kind of projectile or with a spear, sword, knife or other dangerous or offensive weapon; or

(3) unlawfully causes any explosive substance to explode; or

(4) sends or delivers any explosive substance or other dangerous or noxious thing to any person; or

(5) causes any such substance or thing to be taken or received by any person; or

(6) puts any corrosive fluid or any destructive or explosive-substance in any place; of

(7) unlawfully casts or throws any such fluid or substance at or upon any person, or otherwise applies any such fluid or substance to the person of any person,

is guilty of a felony, and is liable to imprisonment for life.

223. Any person who unlawfully—

(1) prevents or obstructs any person who is on board of, or is escaping from, a vessel which is in distress or wrecked, in his endeavours to save his life; or

(2) obstructs any person in his endeavours to save the life of any person so situated,

is guilty of a felony, and is liable 'to imprisonment for life.

224. Any person who, with intent to injure or to endanger the safety of any person traveling by any railway, whether a particular person or not—

(1) places anything on the railway- or

(2) deals with the railway, or Vv1ífetíH>/thing whatever upon or near the. railway, in such»a manner as to affect or endanger the free and safe use of the railway or the safety of any such person; or

(3) shoots or throws anything at, into or upon or causes anything to come into contact with any person or thing on the railway; or

(4) shows any light or signal, or in any way deals with any existing light or signal, upon or near the railway; or

(5) by any omission to do any act which it is his duty to do causes the safety of any such person to be endangered,

is guilty of a felony, and is liable to imprisonment for life.

225. Any person who unlawfully does grievous harm to another is guilty of a felony, and is liable to imprisonment for seven years.

226. Any person who unlawfully, and with intent to do any harm to another, puts any explosive substance in any place whatever, is guilty of a felony, and is liable to imprisonment for fourteen years.

227. Any person who unlawfully; and with intent to injure or annoy another, causes any poison or noxious thing to be administered to, or taken by, any person, and thereby endangers his life, or with intent does him some grievous harm, is guilty of a felony, and.is liable to t0 harm imprisonment for fourteen years.

228. Any person who—

(1) unlawfully wounds another, or

(2) unlawfully, and with intent to injure or annoy any person, causes any poison or other noxious thing to be administered to, or taken by any person,

is guilty of a misdemeanour, and is liable to imprisonment for three years.

229. Any person who, being charged with the duty of providing for another the necessaries of life, without lawful excuse fails to do so, whereby the life of that other person is or is likely to be endangered, or his health is or is likely to be permanently injured, is guilty of a felony, and is liable to imprisonment for three years.

230. A person is not criminally .responsible for performing in - good faith and with reasonable care and skill a surgical operation benefit, or upon an unborn child for the preservation of the mother's life, if the performance of the operation is reasonable, having regard to the patient's state at the time, and to all the circumstances of the case.

231. Any person authorized by law or by the consent of the person injured by him to use force is criminally responsible for any excess, according to the nature and quality of the act which constitutes the excess.

Exception **232**. Notwithstanding anything contained in section 231 consent by a person to the causing of his own death or his own maim does not affect the criminal responsibility of any person by whom such death or maim is caused.

CHAPTER XXIII

CRIMINAL RECKLESSNESS AND NEGLIGENCE

233. Any person who in a manner so rash or negligent as to endanger .human life or to be likely to cause harm to any other person—

(a) drives any vehicle or rides on any public way; or

(b) navigates, or takes part in the navigation or working of any vessel; or

(c) does any act with fire or any combustible matter, or omits to take precautions against any probable danger from any fire or any combustible matter in his possession; or

(d) omits to take precautions against any probable danger from any animal in his possession; or

(e) gives medical or surgical treatment to any person whom he. has undertaken to treat; or

(f) dispenses, supplies, sells, administers or gives away any medicine or poisonous or dangerous matter: or

(g) does any act with respect to or, omits to take proper precautions against any probable, danger from any machinery of which he is solely or partly in charge; or

(h) does any act with respect to, or omits to take proper precautions against any probable danger from any explosive in his possession,

is guilty of a misdemeanour.

234. Any person who unlawfully does any act, or omits to do any act which it is his duty to do not being an act or omission specified in the preceding section, by which act or omission harm is caused to any person, is guilty of a misdemeanour, and is liable to imprisonment for six months.

235. Whoever does, with any poisonous substance, any act in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such care with any poisonous substance in his possession as is necessary to guard against probable danger to human life from such poisonous substance, is guilty of a misdemeanour, and is liable to imprisonment for six months, or to a fine of two thousand shillings.

236. Any person who, by any unlawful act or omission but without the intent specified in section 224 of this Code, causes the safety of any person traveling by any railway to be endangered, is guilty of a misdemeanour.

237. Any person who exhibits any false light, mark or buoy, intending ox knowing it to be likely that such exhibition will mislead any navigator, is liable to imprisonment for seven years.

238. Any person who knowingly or negligently conveys, or causes to be conveyed for hire, any person by water in any vessel, when that vessel is in such a state or so loaded as to be unsafe, is guilty of a misdemeanour.

239. Any person who by doing any act, or by omitting to take reasonable care with any property in his possession or under his charge, causes danger, obstruction or injury to any person in any public way or public line of navigation, is liable to a fine.

CHAPTER XXIV

Assaults

240. Any person who unlawfully assaults another is guilty of a misdemeanour, and, if the assault is not committed in circumstances for which a greater punishment is provided in this Code, is liable to imprisonment for one year.

241. Any person who commits an assault occasioning actual bodily harm is guilty of a misdemeanour, and is liable to imprisonment for five.

242. Any person who assaults and strikes or wounds any magistrate, officer or other person lawfully authorized in or on account of the execution of his duty in or concerning the preservation of any vessel in distress, or of any vessel or goods or effects wrecked, stranded or cast on shore or lying under water, is guilty of a felony, and is liable to imprisonment for seven years.

Assaults punishable with live years imprisonment

243. Any person who—

(a) assaults any person with intent to commit a felony or to resist or prevent the lawful apprehension or detainer or himself or of any other person for any offence; or

(b) assaults, resists or wilfully obstructs any police officer in the due execution of this duty, or any person acting in aid of such officer; or

(c) assaults any person in pursuance of any awful combination or conspiracy to raise the rate of wages, or respecting any trade, business or manufacture or respecting any person concerned or employed therein; or

(d) assaults, resists or obstructs any person e aged in lawful execution or process, or in making a lawful distress, with intent to rescue any property lawfully taken under such process of distress; or

(e) assaults any person on account of any act done by him in the execution of any duty imposed on him by law.

is guilty of a misdemeanour and is liable to imprisonment for fivc years.

CHAPTER XXV

Offences Against Liberty

244. Any person who conveys any person beyond the limits of Tanganyika without the consent of that person, or of some person legally authorized to consent on behalf of that person, is said to kidnap that person from Tanganyika.

244. Any person who takes or entices any minor under fourteen years of age if a male, or under sixteen years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.

245. Any person who by force compels, or by deceitful means induces, any person to go from any place, is said to abduct that person.

246. Any person who kidnaps any person from Tanganyika or from lawful guardianship is guilty of a felony, and is liable to imprisonment for seven years.

247. Any person who kidnaps or abducts any person in order that such person may be murdered, or may be so disposed of as to be put in danger of being murdered, is guilty of a felony, and is liable to imprisonment for ten years.

248. Any person who kidnaps or abducts any person with intent to cause that person to be secretly and wrongfully confined is guilty of a felony, and is liable to imprisonment for seven years

250. Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous harm, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, is guilty of a felony and is liable to imprisonment for ten years.

251. Any person who, knowing that any person has been kidnapped or has been abducted, wrongfully conceals or confines such person, is guilty of a felony, and shall be punished in the same manner as if he had kidnapped or abducted such person with the same intention or knowledge, or for the same purpose, as that with or for which he conceals or detains such person in confinement.

252. Any person who kidnaps or abducts any child under the. age of fourteen years with the intention of taking dishonestly any movable property from, the person of such child is guilty of felony, and is liable to imprisonment for seven years.

253. Whoever wrongfully confines any person is guilty of a misdemeanour and is liable to imprisonment for one year or to a fine of three thousand shillings.

254. Any person who imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, is guilty of a felony, and is liable to imprisonment for seven years.

255. Any person who habitually imports, exports,' removes, buys, sells, traffics or deals in slaves is guilty of a felony, and is liable to imprisonment for ten years.

256. Any person who unlawfully compels any person to labour against the will of that person is guilty of a misdemeanour.

Division V.—Offences Relating to Property

CHAPTER XXVI
Theft

Thing capable of being stolen

257. Every inanimate thing whatever which is the property of any person, and which is movable, is capable of being stolen.

Every inanimate thing which is the property of any person, and which is capable of being made movable, is capable of being stolen as soon as it becomes movable, although it is made movable in order to steal it.

Every tame animal, whether tame by nature or wild by nature and tamed, which is the property of any person, is capable of being stolen.

Animals wild by nature, of a kind which is not ordinarily found in a condition of natural liberty in Tanganyika, which are the property of any person, and which are usually kept in a state of confinement, are capable of being stolen, whether they are actually in confinement or have escaped from confinement.

Animals wild by nature, of a kind which is not ordinarily found in a condition of natural liberty in Tanganyika, which are the property of any person, are capable of being stolen while they are in confinement and while they are being actually pursued after escaping from confinement, but not at any other time.

An animal wild by nature is deemed to be in a state of confinement so long as it is in a den, cage, sty, tank or other small enclosure, or is otherwise so placed that it cannot escape, and that its owner can take possession of it at pleasure.

Wild animals in the enjoyment of their natural liberty are not capable of being stolen, but their dead bodies are capable of being stolen.

Everything produced by or forming part of the body of an animal capable of being stolen is capable of being stolen.

258.—(1) A person who fraudulently and without claim of right takes anything capable of being stolen, or fraudulently converts to the use of any person other than the general or special owner thereof anything capable of being stolen, is said to steal that thing.

(2) A person who takes or converts anything capable of being stolen is deemed to do so fraudulently if he does so with airy of the following intents, that is to say—

(a) an intent permanently to deprive the general or special owner of the thing of it;

(b) an intent to use the thing as a pledge or security;

(c) an intent to part with it on a condition as to its return which the person taking or converting it may be unable to perform;

(d) an intent to deal with it in such a manner that it cannot be returned in the condition in which it was at the time of the taking or conversion;

(e) in the case of money, an intent to use it at the will of the person who takes or converts it, although he may intend afterwards to repay the amount to the owner.

The term "special owner" means any person who has lawful possession or custody of, or any proprietary interest in, the thing in question.

(3) When a thing stolen is converted, it is immaterial whether it is taken for the purpose of conversion, or whether it is at he time of the conversion in the possession of the person who converts it. It is also immaterial that the person who converts the thing in question is the holder of a power of attorney for the disposition of it, or is otherwise authorized to dispose of it.

(4) When a thing converted has been lost by the owner and found by the person who converts it, the conversion is not deemed to be fraudulent if at the time of the conversion the person taking or converting the thing does not know who is the owner, and believes on reasonable grounds that the owner cannot be discovered.

(5) A person shall not be deemed to take a thing unless he moves the thing or causes it to move.

259.—(1) When a factor or agent pledges or gives a lien on any goods or document of title to goods entrusted to him for the purpose of sale or otherwise for any sum of money not greater than the amount due to him from his principal at the time of pledging or giving the lien, together with the amount of any bill of exchange or promissory note accepted or made by him for or on account of his principal, such dealing with the goods or document of title is not deemed to be theft.

(2) When a servant, contrary to his master's orders, takes from his possession any food in order that it may be given to an animal belonging to or in the possession of his master, such taking is no* deemed to be theft.

260. When a. person receives, either alone or jointly with another person, any money or valuable security or a power of attorney for the sale, mortgage, pledge or other disposition of any property, whether capable of being stolen or not, with a direction in either case that such money or any part thereof, or any other money received in exchange for it, é# any part thereof, or the proceeds or any part of the proceeds of such security, or of such mortgage, pledge or other* disposition, shall be applied to any purpose or paid to any person, specified in the direction, such money and proceeds are deemed to be the property of the person from whom the money, security, or power, of attorney was received until the direction has been complied with.

261. When a person receives, either alone or jointly with another person, any property from another on terms authorizing or requiring him to sell it or otherwise dispose of it, and requiring him to pay or account for the proceeds of the property, or any part of such proceeds, or to deliver anything received in exchange for

the property, to the person from whom it is received, or some other person, then the proceeds of the property, and anything so received in exchange for it, are deemed to be the property of the person from whom the property was so received, until they have been disposed of in accordance with the terms on which the property was received, unless it is a part of those terms that the proceeds, if any, shall form an item in a debtor and creditor account between him and the person to who he is to pay them or account for them and that the relation of debtor and creditor only shall exist between them in respect hereof.

Money received for another

262. When a person receives, either alone or jointly with another person, any money on behalf of another, the money is deemed to be the property of the person on whose behalf it is received, unless the money is received on the terms that it shall form an item in a debtor and creditor account, and that the relation of debtor and creditor only shall exist between the parties in respect of it.

Theft by persons having an interest in the thing stolen

263. When any person takes or converts anything capable of being stolen under such circumstances as would otherwise amount to theft, it is immaterial that he himself has a special property or interest therein, or that he himself is the owner of the thing taken or converted subject to some special property or interest of some other person therein, or that he is lessee of the thing, or that he himself is one of two or more joint owners of the thing, or that he is a director or officer ^)f a corporation or company or society who are the owners of it.

Husband

264. For the avoidance of doubt, it is hereby declared that a husband may be guilty of stealing from his wife or a wife from her husband.

No 5
2nd Sch.
General

265. Any person who steals anything capable of being stolen is guilty of the felony termed "theft", and is liable, unless owing to 1955 the circumstances of the theft or the nature of the thing stolen, some other, punishment is provided, to imprisonment for seven years.
Act 1972
No. 2
Sch.

Stealing wills

266. If the thing stolen is a testamentary instrument, whether the testator is living or dead, the offender Is liable to imprisonment for ten years.

267.-268. [Repealed: Acts 1984 No. 13, s.63].

269. If a theft is. committed under any of the circumstances stealing that Is to "say—-

(a) If the thing is stolen from the person of another;

(b) If the thing is stolen in a dwelling house, and its value exceeds one hundred shillings or the offender at or immedi- ord. i9S5 aiely before or after the time of stealing uses or threatens to use violence to any person in the dwelling house;

(c) If the thing is stolen from any kind of vessel or vehicle or place of deposit;

(d) If the thing stolen is attached to or forms part of a railway;

(e) [Repealed: Ord. 1955 No. 49,, s. 11].

(f) if the -thing is stolen from a public office in which It is deposited or kept;

(g) if the offender, in order to commit the offence, opens any locked room, box or other receptacle, by means of a key 01 other instrument j the offender is liable to imprisonment for ten years.

If the offender is a person employed in the public service and the thing stolen is the property of the Republic, or came into the possession of the offender by virtue of his employment, he is liable to imprisonment for fourteen years.

271. It the offender is a clerk or servant, and the thing stolen is the property of his employer, or came into the possesion of the offender on account of his employer, he is liable to imprisonment for ten years.

272. If the offender is a director of officer a corporation company, and the thing stolen is the property of the corporation or officers company, he is liable to imprisonment for fourteen years.

273. If the thing stolen in any of the things following, that is to say—

(a) property which has been received by the offender with a power of attorney for the disposition thereof;

(b) property which has been entrusted to the offender either alone or jointly with any other person for him to retain in safe custody or to apply, pay or deliver for any purpose or to any person the same or any part thereof or any proceeds thereof;

(c) property which has been received by -the offender either alone or jointly with any other person for or on account of any other person;

(d) the whole or part of the proceeds of any valuable security which has been received by the offender with a direction that the proceeds thereof should be applied to any purpose or paid to any person specified in the direction;

(e) the whole or part of the proceeds arising from any disposition of any property which have been received by the offender by virtue of a power of attorney for such disposition, such power of attorney having. been received by the offender with a direction that such proceeds should be applied to any purpose or paid to any person specified in the direction,

the offender is liable to imprisonment for ten years.

Stealing by tenants or lodgers

274. If the thing stolen in a fixture or chattle let to the offender to be used by him with a house of lodging, and its value exceeds one hundred shillings, he is liable to imprisonment for seven years.

275. If the offender, before committing the theft, had been convicted of a theft punishable under section 265, he is liable to imprisonment for fourteen years.

CHAPTER XXVII

Offence Allied to Stealing

Concealing registers

276. Any person who, with intent to defraud, conceals. or takes from its place of deposit any register which is authorized or required by law to be kept for authenticating or recording the title to any property, or for recording births, baptisms, marriages, deaths or burials, or a copy of any part of any such register which is required by law to be sent to any public office, is guilty of a felony, and is liable to imprisonment for ten years.

Concealing wills

277. Any person who, with intent to defraud, conceals any testamentary instrument, whether the tester is living or dead, is guilty of a felony, and is liable to imprisonment for ten years.

Concealing deeds

278. Any person who, with intent to defraud, conceals the whole or part of any document which is evidence of title to any land or estate in land, is guilty of a felony, and is liable to imprisonment for three years.

279. Any person who kills any animal capable of being stolen, other than an animal to fich section 268 applies, wit intent to steal its skin or carcass, or any part of its skin or carcass, shall be guilty of an offence and shall be liable on conviction to the same punishment as if he had stolen the animal.

280. Any person who makes anything movable with intent to steal it is guilty of an offence, and is liable to the same punishment as if he had stolen the thing after it had become movable.

281.—(1) Any person who being the mortgagor of mortgaged goods, removes or disposes of the goods without the consent of the mortgagee, and with intent to defraud, is guilty of a misdemeanour.

(2) In this section the term "mortgaged goods" includes any goods and chattels of any kind, and any animals, and any progeny of any animals, and any crops or produce of the soil, whether growing or severed, which are subject for the time being, by virtue of the provisions of any Ordinance or of any written instrument, to a valid charge or lien by way of security for any debt or obligation.

282. Any person who takes, conceals, or otherwise disposes of any ore or any metal or mineral in or about a mine, with intent to defraud any person, is guilty of a felony, and is liable to imprison ment for five years.

283. Any person who fraudulently abstracts or diverts to his own use or to the use of any other person any mechanical, illuminating or electrical power derived from any machine, power apparatus or substance, the property of another person, is guilty of a felony, and is liable to imprisonment for five years.

284. Any person who unlawfully and without color of right, but not so as to be guilty of theft, takes or converts to his use or to the use of any other person any draught or riding animal or any mechanically propelled cycle of any description or any vessel shall be guilty of a misdemeanour, and shall be liable to imprisonment for six months or to a fine not exceeding one thousand shillings or to both.

284A. [Repealed: Acts 1984 No. 13, s.63]

CHAPTER XXVIII

ROBBERY AND EXTORTION

285. Any person who steals anything, and, at or immediately Definition of before or immediately after the time of stealing it, uses or threatens robbery- to use actual violence to any person or property in order to-obtain or retain the thing stolen or to prevent or overcome resistance to its being stolen or retained, is guilty of the felony termed "robbery"

286. Any person who commits the felony of robbery is liable to imprisonment for twenty years.

If the offender is armed with any dangerous or offensive weapon or instrument, or is in company with one or more other person or persons, or if, at or immediately before or immediately after the time of the robbery, he wounds, beats, strikes or uses any other personal violence to any person, he is liable to imprisonment for life, with or without corporal punishment.

287. Any person who assaults any person with intent to steal anything, and, at or immediately before or immediately after the time of assault, uses or threatens to use actual violence to any person or property in order to obtain the thing intended to be stolen, or to prevent or overcome resistance to its being stolen, is guilty of a felony, and is liable to imprisonment for fourteen years.

If the offender is armed with any dangerous or offensive weapon or instrument, or is in company with one or more other person or persons, or if, at or immediately before or immediately after the time of the assault, he wounds, beats, strikes or uses any other personal violence to any person, he is liable to imprisonment for life, with or without corporal punishment.

288. Any person who assaults any person with intent to steal anything is guilty of a felony, and is liable to imprisonment for seven years.

289. Any person who, with intent to extort or gain anything by from any person, and knowing the contents of the writing, causes any person to receive any writing demanding anything from any person without reasonable or probable cause, and containing threats of any injury or detriment of any kind to be caused to any person, either by the offender or any other person, if the demand is not complied with, is guilty of a felony, and is liable to imprisonment for fourteen years.

290. Any person who, with intent to extort or gain anything by from any person-

(1) accuses or threatens to accuse any person of committing any felony or misdemeanour, or of offering or making any solicitation or threat to any person as an inducement to commit or permit the commission of any felony or misdemeanour; or

(2) threatens that any person shall be accused by any other person of any felony or misdemeanour, or of any such act; or

(3) knowing the contents of the writing, .causes any person to receive any writing containing any such accusation or threat as aforesaid,

is guilty of a felony, and if the accusation or threat of a accusation is of—

(a) an offence for which the punishment of death or imprisonment for life may be inflicted; or

(b) any of the offences defined in Chapter XV, or an attempt to commit any of such offences; or

(c) an assault with intent to have carnal knowledge of any person against the order of nature, or an unlawful and indecent assault upon a male person; or

(d) a solicitation or threat offered or made to any person as an inducement to commit or permit the commission of any of the offences aforesaid,

the offender is liable to imprisonment for fourteen years.

In any other case the offender is liable to imprisonment for three years.

It is immaterial whether the person accused or threatened to be accused has or has not committed the offence or act of which he is accused or threatened to be accused.

291. Any person who, with intent to defraud, and by means of procuring any unlawful violence to, or restraint of, the person of another, or execution of by means of any threat of Violence or restraint to be used to the ^ person of another, or by means of accusing or threatening to accuse any person of committing any felony or misdemeanour, or by offering or making any solicitation or threat to any person as an inducement to commit or permit the commission of any offence, compels or induces any person—

(a) to execute, make, accept, endorse, alter or destroy the whole or any part of any valuable security; or

(b) to write any name or impress or affix any seal upon or to any paper or parchment, in order that it may be afterwards made or converted into or used or dealt with as a valuable security,

is guilty of a felony and is liable to imprisonment for fourteen years.

292. Any person who, with intent to steal any valuable thing, demands it from any person with menaces or force, is guilty of a felony, and is liable to imprisonment for five years.

CHAPTER XXIX

Burglary Housebreaking and Similar Offences

Definitions

293. A person who breaks any part, whether external or internal, of a building, or opens by unlocking, pulling, pushing, lifting, or any other means whatever, any door, window, shutter, cellar flap pr other thing, intended to close or. cover an opening in a building, or an opening giving passage-from one part of a building to another, is deemed to break the building.

A person is deemed to enter a building as soon as any part of his body or any part of any instrument used by him is within the building.

A person who obtains entrance into a building by means of any threat or artifice used for that purpose, or by collusion with any person in the building, or who enters any chimney or other aperture of the building permanently left open for any necessary purpose, but not intended to be ordinarily used as a means of entrance, is deemed to have broken and entered the building.

294. Any person who—

Housebreaking and burglary Act 1972 No. 2 Sch.

(1) breaks and enters any building, tent or vessel used as a human dwelling with intent to commit a felony therein; or

(2) having entered any building», tent or vessel used as a human dwelling with intent to commit a felony therein? or having committed a felony in any such building, tent or vessel, breaks out thereof,

is guilty of the felony termed '"housebreaking" and is liable to imprisonment for fourteen years.

If the offence is committed in the night, it is termed "burglary" and the offender is liable to imprisonment for twenty years.

295. Any person who enters or is in any building, tent or vessel used as a human dwelling with intent to commit a felony therein, is guilty of a felony, and liable, to imprisonment for ten years.

Entering dwelling-house with intent to commit felony Act 1972 No. 2' Sch.

If the offence is committed in the night, the offender is liable to imprisonment for fourteen years.

296. Any person who—

Breaking into building and committing felony Act 1968 No-. 50 1st Sch. Act 1972 No. 2

(1) breaks and enters a school house, shop, warehouse, store, workshop, garage ,office or counting house, or a building which is adjacent to a dwelling house and occupied with it but is no part of it, or any building used as a place of worship, and commits a felony therein; or

(b) having lawfully entered into or upon such property unlawfully remains there with intent thereby to intimidate, insult or annoy any such person or with intent to commit any offence,

is guilty of the misdemeanour termed "criminal trespass" and is liable to imprisonment for three months: if the property upon which the offence is committed is any building, tent or vessel used as a human dwelling or any building used as a place of worship or as a place for the custody of property the offender is liable to imprisonment for one year.

When any person is convicted of an offence under this Chapter the court may order that any dangerous or offensive weapon or instrument of housebreaking carried or used in connection with any such offence shall be forfeited to the Republic.

CHAPTER XXX

False Pretences

301. Any representation made by words, writing or conduct of a matter of fact or of intention, which representation is false and. the person making it knows to be false or does not believe to be true, is false pretence.

302. Any person who by false pretence, and with intent to defraud, obtains from any other person anything capable of being stolen, or induces any other person to deliver to any person anything, capable.of being stolen, is guilty of a misdemeanour, and is liable to imprisonment for seven years.

303. Any person who by any false pretence, and with intent to defraud, induces any person to execute, make, accept, endorse, alter or destroy the whole or any part of any valuable security, or to write any name or impress or affix any seal upon or to any paper or parchment in order that it may be afterwards made or converted into or used or dealt with as a valuable security, is guilty of a misdemeanour, and is liable to imprisonment for seven years.

304. Any person who by means of any fraudulent trick or device obtains from any other person anything capable of being stolen or induces any other person to deliver to any person anything capable of being stolen or to pay or deliver to any person any money or goods or any greater sum of money or greater quantity of goods than he would have paid or delivered but for such trick or device, is guilty of a misdemeanour, and is liable to imprisonment for three years.

(2) having committed a felony in a schoolhouse, shop, warehouse, store, workshop, garage, office or counting house, or in any such other building as last mentioned, breaks out of the building,

is guilty of felony, and is liable to imprisonment for ten years.

297. Any person who breaks and enters a schoolhouse, shop, warehouse, store, workshop, garage, office or counting house, or a building which is adjacent to a dwelling house and occupied with it but is no part of it, or any building used as a place of worship, with intent to commit a felony therein, is guilty of a felony, and is liable to imprisonment for fourteen years.

298. Any person who is found under any of the circumstances following, that is to say

(a) being armed with any dangerous or offensive weapon or instrument, and being so armed with intent to break or enter a dwelling house, and commit a felony therein;

(b) being armed as aforesaid by night, and being so armed with intent to break or enter any building whatever, and to commit a felony therein;

(c) having in his possession by night without lawful excuse, the proof , of which lies on him any instrument of housebreaking;

(d) having in his possession by day any such instrument with intent to commit a felony;

(f) being in any building whatever by night with intent to commit a felony therein.

(e) having his. face masked or blackened or being otherwise disig-nised, with intent to commit a felon

(g) being in any building whatever by day with intent to commit a felony therein, and having taken precautions to conceal his pre-sence,

is guilty of a felony, and is liable to imprisonment for five years.

If the offender has been previously convicted of a felony relating to property, he is liable to imprisonment for fourteen years.

299. Any person who-

(a) un lawfully enters into or upon property in the possession of another with intent to commit an offence or to intimidate insult or annoy any person in possession of such property; or

305. Any person who-

(1) in incurring any debt or liability obtains credit by any false pre- pretences
tence or by means of any other fraud; or

(2) with intent to defraud his creditors or any of them makes or causes to be made any gift, delivery or transfer of or any charge on his property; or

(3) with intent to defraud his creditors or any of them, conceal, sells or removes any part of his property after or within two months before the date of any unsatisfied judgment or order for payment of money obtained against him,

is guilty of a misdemeanour, and is liable to imprisonment for five years.

305A. In any proceeding for an offence under section 302 or section 305 of this Code, the accused shall not be entitled to acquittal by reason only of the fact that the evidence adduced discloses that the person for 6 whose benefit the accused obtained, or attempted to obtain, the goods or, as the case may be, the credit was a person other than the accused or the person mentioned in the charge.

306. Any person who conspires with another by deceit or any fraudu- conspiracy
lent means to affect the market price of anything publicly sold, or to defraud
defraud the public, or any person, whether a particular person or not, or to extort any property from any person, is guilty of a misdemeanour, and is liable to imprisonment for five years.

307. Any person who, being a seller or mortgagor of any property, or being the advocate or agent of any such seller or mortgagor, with intent to induce the purchaser, or mortgagee to accept the title offered or produced to him, and with intent to defraud—

(1) conceals from the purchaser or mortgagee any instrument material to the title, or any encumbrances; or

(2) falsifies any pedigree on which the title depends or may depend: or

(3) makes any false statement as to the title offered or conceals any fact material thereto,

is guilty of a misdemeanour, and is liable to imprisonment for five years.

308. Any person who for gain or reward undertakes to tell fortunes or pretends from Ms skill or knowledge in any occult science to discover where or in what manner anything supposed to have been stolen or lost may. be found, is guilty of a misdemeanour.

Obtaining registration, etc., by false pretence Act 1972 No. 2 Sch.

309. Any person who -wilfully procures or attempts to procure for himself or any other person any registration, licence or certificate under any law by any false pretence, is guilty of a misdemeanour, and, is liable to imprisonment for two years.

False declaration for passport

310. Any person who makes a statement which is to his knowledge untrue for the purpose or procuring a passport, whether for himself or for any other person, is guilty of a misdemeanour.

CHAPTER XXXI

Receiving Property Stolen or Unlawfully Obtained and Like Offences

311.—(1) Any person who receives or retains any chattel, money, valuable security or other property whatsoever, knowing or having reason to believe the same to have been feloniously stolen, taken, extorted, obtained or disposed of, is guilty of a felony, and is liable to imprisonment for ten years.

(2) Any person who receives or retains any chattel, money, valuable security or other property whatsoever, knowing or having reason to believe the same to have been unlawfully taken, obtained, converted or disposed of in a manner which constitutes a misdemeanour, is guilty of a misdemeanour and is liable to the same punishment as the offender by whom the property was unlawfully obtained, converted or disposed of.

312.—(1) Any person who—

(a) has been detained» as a result of the exercise of the powers conferred by section 24 of the Criminal Procedure Code and is found in possession of, or conveying in any manner, anything which may be reasonably suspected of having been stolen or otherwise unlawfully acquired; or

(b) is found1 by any-police officer in possession of or having control over any property which may, having regard to all the circumstances, be reasonably suspected of having been stolen or otherwise unlawfully acquired

may be charged with being in possession of, or conveying, or having control over, as the case may be, the property which is suspected of having been stolen or otherwise unlawfully acquired and shall, if he fails to satisfy the Court that he did not steal or otherwise unlawfully acquire the property, be guilty of the offence ;with which he is charged and be liable, on conviction, to imprisonment for a term not exceeding three years.

(2) For the purposes of this section "unlawfully acquired" means acquired in circumstances which constitute a criminal offence under any written law and also' means acquired—

(a) as consideration of any sale, barter or other disposition of any property so unlawfully acquired; or

(b) by way of purchase with funds, the whole or any part of which was so unlawfully acquired.

(3) In proceedings for an offence under this section—

(a) the accused shall not be entitled to acquittal by reason only of the fact that, on the evidence before the court, he could have been charged with, or convicted of, theft or other like offence in respect of the property:

Provided that where an accused person is convicted of an offence under this section in respect of any property, he shall not be charged with or be convicted of an offence of stealing or other like offence in respect of the same property:

(b) where the court is satisfied that the accused was detained by a police officer in the exercise of the powers conferred upon him by section 24 of the Criminal Procedure Code the court may presume that the property found in his possession or being conveyed by him may reasonably be suspected of having been stolen or otherwise unlawfully acquired by him.

312A. —(1) The Minister for the time being responsible for legal affairs may by notice in the *Gazette* give directions as to the marks which may be applied in or any stores under the control of any branch or department of, and being the property of, the Government of the United Republic, the Community or a Corporation within the Community.

(2) Any person who is charged with conveying or having in his possession, or keeping in any building or place, whether open or enclosed, any stores so marked, which may be reasonably suspected of having been stolen or unlawfully obtained, and who shall not give an account to the satisfaction of the court of how he came by the same, is guilty of a misdemeanour.

(3) Any person conveying or having in his possession, or keeping in any building or place, whether open or enclosed, any stores being the property of Her Majesty's Army, Navy or Air Force, or

of the military forces of the United Republic, which may reasonably be suspected of having been stolen or unlawfully obtained, and who shall not give an account to the satisfaction of the, court of how he came by the same, shall be guilty of a misdemeanour.

(4) For the purposes of this section the term "stores" includes all goods and chattels and any single store or article or part thereof, and the word "marks" includes mark or any part of a mark.

313. Every person who, without lawful excuse, knowing the same to have been stolen or obtained in any way whatsoever under outside such Circumstances if the act had been committed in Tan- Tanganyika ganyika the person committing it would have been guilty of a felony or misdemeanour, receives or has in his possession any property so stolen or obtained outside Tanganyika, is guilty of an offence of the like degree (whether felony or misdemeanour) and is liable to imprisonment for seven years.

CHAPTER XXXII

FRAUDS BY TRUSTEES AND PERSONS IN A POSITION OF TRUST AND FALSE ACCOUNTING

314. Any person who, being a trustee of any property, destroys the property with intent to defraud, or, with intent to defraud, converts the property to any use not authorized by the trust, is guilty of a felony, and is liable to imprisonment for seven years.

For the purposes of this section the term "trustee" includes the following persons and no others, that is to say—

(a) trustees upon express trusts created by a deed, will or instrument in writing, whether for a public or private or charitable purpose;

(b) trustees appointed by or under the authority of an Ordinance or Statute for any such purpose;

(c) persons upon whom the duties of any such trust as aforesaid devolve;

(d) executors and administrators.

315. Any person who—

(1) being a director or officer of a corporation or company, receives or possesses himself as such of any of the property of the corporation or company otherwise than in payment of a just debt -or demand, and with intent to defraud, omits either to make a full and true entry thereof in the books and accounts of the corporation or company, or to cause or direct such an entry to be made therein; or

False statement by official of Companies

(2) being a director, officer or member of a corporation or company, does any of the following acts with intent to defraud, that is to say—

(a) destroys, alters, mutilates or falsifies any book, document, valuable security or account, which belongs to the corporation or company, or any entry in any such book, document or account, or is privy to any such act; or

(b) makes, or is privy to making, any false entry in any such book, document or account; or

(c) omits, or is privy to omitting, any material particular from any such book, document or account,

is guilty of a felony, and is liable to imprisonment for fourteen years.

Fraudulent false accounting Act 1972 No. 2 Sen.

316. Any person who, being a promoter, director, officer or auditor of a corporation or company, either existing or intended to be formed, makes, circulates or publishes, or concurs in making, circulating or publishing, any written-statement or account which, in any material particular, is to his knowledge false, with intent thereby to effect any of the purposes following, that is to say—

(a) to deceive or to defraud any member, shareholder or creditor of the corporation or company, whether a particular person or not;

(b) to induce any person, whether a particular person or not, to become a member of, or to entrust or advance any property to, the corporation or company, or to enter into any security for the benefit thereof,

is guilty of a felony, and is liable to imprisonment for seven years.

317. Any person who, being a clerk or servant, or being employed or acting in the capacity or a clerk or servant, does any of the acts following with intent to defraud, that is to say—

(a) destroys, alters, mutilates or falsifies any book, document, valuable security or account which belong to or is in the possession of his employer, or has been received by him on account of his employer,, or any entry in any such book, document or account, or is privy to any such act; or

(b) makes, or is privy to making, any false entry in any such book, document or account; or

(c) omits, or is privy to omitting, any material particular from any such book, document or account,

is guilty of a felony, and is liable to imprisonment for fourteen years.

False accounting by public officer Act 1972 No. 2 Sch.

318. Any person who, being an officer charged with the receipt, custody or management of any part of the public revenue or property, knowingly furnishes any false statement or return of any money or property received by him or entrusted to his care, or of any balance of money or property in his possession or under his control, is guilty of a misdemeanour and shall be liable to imprisonment for seven years. .

CHAPTER XXXIIA

Offences Against the Safety Aviation

Endangering safety of aviation Act 1972 No. 31 Sen.

318A.—(1) Any person who—

(a) performs an act of violence against a person on board an aircraft in flight if that act is likely to endanger the safety of that aircraft; or

(b) destroys an aircraft in service or causes damage to such an aircraft which renders it incapable of flight or which is likely to endanger is safety in flight; or

(c) places or. causes to be placed on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft, or to cause damage to it which would render it-incapable of flight, or to cause damage to it which is likely to endanger its safety in flight; or

(d) destroys or damages air navigation facilities or interferes with their operation, if any such act is likely to endanger the safety of aircraft in flight; or

(e) communicates information which he knows to be false, thereby endangering the safety of an aircraft in flight,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding twenty years.

(2) For the purposes of this section—

(a) an aircraft shall be deemed to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation; in the case of forced landing, the flight shall be deemed to continue until the competent authorities. take over the responsibility for the aircraft and for persons and property on board;

(b) an aircraft shall be deemed to be in service from the beginning of the preflight preparation of the aircraft by ground personnel or by the crew for a specific flight until twenty-four hours after any landing; the period of service shall, in

any event, extend for the entire period during which the aircraft is in flight as defined in paragraph (a) of this section;

(c) an act of violence shall include any threat to use violence.

(3) A person may be prosecuted for an offence under this section notwithstanding that the offence was committed outside Tanganyika:

Provided that save where the offence was committed on or in relation to an aircraft registered in Tanganyika or owned by a citizen of the United Republic ordinarily resident in the United Republic or by a body corporate established by or under any written law, including a company incorporated under the Companies Ordinance, no person shall be tried and punished for an offence under this section if he has been prosecuted for and convicted or, as the case may be acquitted, for the same offence or for an offence involving the same facts, by any court or other judicial-authority outside Tanganyika. Cap.212

(4) No person, shall be prosecuted for an offence under this section save with the consent of the Attorney-General.

Division VI.—Malicious Injuries to Property

CHAPTER XXXIII

Offences Causing Injury to Property

319. Any person who wilfully and unlawfully sets fire to- Arson Act 1972 No. 2 -Sch.

(a) any building or structure whatever, whether completed or not; or

(b) any vessel, whether completed or not; or

(c) any stack of cultivated vegetable produce, or of mineral or vegetable fuel; or

(d)a mine, or the workings, fittings or appliances of a mine,

is guilty of a felony, and is liable to imprisonment for life.

320. Any person who—-

(1) attempts unlawfully to set fire to any such-thing as is mentioned in the last preceding section; or

(2) wilfully and lawfully sets fire to anything which is so. situated that any such thing as is mentioned in the last preceding section is likely to catch fire from it, Attempts 1972 No. 2 Sch.

is guilty of a felony, and is liable to imprisonment for fourteen years.

321. Any person who wilfully and unlawfully sets fire to—

(a) a crop of cultivated produce, whether standing, picked or cut; or

(b) a crop of hay or grass under cultivation, whether the natural or indigenous product of the soil or not, and whether standing or cut; or

(c) any standing trees, saplings or shrubs, whether indigenous or not, under cultivation,

is guilty of a felony, and is liable to imprisonment for fourteen years.

322. Any person who—

(1) attempts unlawfully to set fire to any such thing as is mentioned in the last preceding section; or

(2) wilfully and unlawfully sets-fire to anything which is so situated that any such thing as is mentioned in the last preceding section is likely to catch fire from it,

is guilty of a felony, and is liable to imprisonment for seven years.

323. Any person who—

(1) wilfully and unlawfully casts away or destroys any vessel, whether completed or not; or

(2) wilfully and unlawfully does any act which tends to the immediate loss or destruction of a vessel in distress; or

(3) with intent to bring a vessel into danger, interferes with any light, beacon, buoy, mark or signal used for purposes of navigation, or exhibits any false light or signal,

is guilty of a felony, and is liable to imprisonment for fourteen years.

324. Any person who attempts unlawfully to cast away or destroy a vessel, whether completed or not, or attempts unlawfully to do any act tending to the immediate loss or destruction of a vessel in distress is' guilty of a felony, and is liable to imprisonment for seven years.-

325. Any person who wilfully and unlawfully kills, maims or wounds any animal capable of being stolen is guilty of a misdemeanour.

326.—(1) Any person who wilfully and unlawfully destroys or damages any property is guilty of an offence, which, unless otherwise stated, is a misdemeanour, and he is liable, if no other punishment is provided, to imprisonment for seven years.

(2) If the property in question is a dwelling house or a vessel, and the injury is caused by the explosion of any explosive substance, and if—

(a) any person is in the dwelling house or vessel; or

(b) the destruction or damage actually endangers the life of any person,

the offenders is guilty of a felony, and is liable to imprisonment for life.

River bank or wall or navigation works, or bridges Act 1966 No. 65 s. 8

(3) (a) If the property in question is a bank or wall of a river, canal, aqueduct, reservoir or inland water or work which appertains to a dock, reservoir or inland water, and the injury causes actual danger of inundation or damage to any land or building; or

(b) if the property in question is a railway or is a bridge, viaduct or aqueduct which is constructed over a highway, railway or canal, or over which a railway, highway or canal passes, and the property is destroyed; or

(c) if the1 property in question, being a railway or being any such bridge, viaduct or aqueduct, is damaged, and the damage is done with intent to render the railway, bridge, viaduct or aqueduct, or the highway or canal passing over or-under the same or any part thereof, dangerous or impassable, and the same or any part thereof is thereby rendered dangerous or impassable; or

(d) if the property in question is the pipeline referred to in the Tanzania—Zambia Pipeline Act, 1966 and the damage is done with intent to prevent or obstruct the use of the pipeline,

the offender is guilty of a felony, and is liable to imprisonment for life.

(4) If the property is question is a testamentary instrument, whether the testator is living or dead, or a register which is authorized or required by law to be kept for authenticating or recording the title to any property, or for recording births, baptisms, marriages, deaths or burials, or a copy of any part of any such register which is required by. law to be sent to any public officer, the offender is guilty of a felony, and liable to imprisonment for fourteen years.

(5) If the property in question is a vessel in distress or wrecked or stranded, or anything which belongs to such vessel, the offender is guilty of a felony, and is liable to imprisonment for seven years.

Railways (6) If the property in question is any part of a railway, or any work connected with a railway, the offender is guilty of a felony, and is liable to imprisonment for fourteen years.

(6A) If the property in question is used for the purpose of generating, transmitting or distributing electricity, the offender is guilty of a felony and-

(a) if the offence is likely to result in danger to human life, is liable to imprisonment for fourteen years; and

(b) in any other case, is liable to imprisonment for seven years.

(7) (a) If the property in question, being a vessel, whether completed or not, is destroyed; or

(b) if the property in question, being a vessel whether completed or not, is damaged, and the damage is done with intent to destroy it or render it useless; or

(c) if the property in question is a light, beacon, buoy, mark or signal, used for the purposes of navigation, or for the guidance ,of persons engaged in navigation; or

(d) if the property in question is a bank or wall of a river, canal, aqueduct, reservoir or inland water, or a work which appertains to a dock, canal, aqueduct, reservoir, or inland water, or whish is used for the j purposes of lading or unlading goods or

(e) if the property in question, being a railway, or being a bridge, viaduct or aqueduct which is constructed over a highway, (railway or canal, or over which a highway, railway or canal passed, is damaged, and the damage is done with intent to render the railway, bridge, viaduct or aqueduct, or the highway, railway or canal passing over or under the same or any part thereof, dangerous or impassable; or

(f) if the-property in question, being anything in process of manufacture, or an agricultural or manufacturing machine, or a manufacturing, implement, or a machine or appliance used or intended to be used for performing any process connected with, the preparation of any agricultural or pastoral produce, is destroyed; or

(_g).if the property in question, being any such thing, .machine, implement or appliance, as last aforesaid, is damaged, and the damage is done with intent to destroy the thing in question or to render it useless; or

(h) if the property in question is a shaft or a passage of a mine, and the injury is done with intent to damage the mine or obstruct its working; or

(i) if the property in question is a machine, appliance, apparatus, building, erection, bridge or road, appertaining to or used with a mine, whether the thing in question is completed or not; or

(j) if the property in question, being a rope, chain or tackle, of whatever material, which is used in a mine, or upon any way or work appertaining to or used with a mine, is destroyed; or

(k) if the property in question, being any such rope, chain or tackle, as last aforesaid, is damaged, and the damage is done with intent to destroy the thing in question or to render it useless; or

(1) if the property in question is a well, or bore for water, or the dam, bank, wall or floodgate of a millpond or pool,

the offender is guilty of a felony, and is liable to imprisonment for seven years.

Deeds and records

(8) If the property in question is a document which is deposited or kept in a public office, or which is evidence of title to any land or estate in land, the offender is guilty of a felony, and is liable to imprisonment, for seven years.

327. Any person who, unlawfully and with intent to destroy or damage , any property, puts any explosive substance m any place whatever, is guilty of a felony, and is liable to imprisonment for fourteen years.

diseases to animals

328. Any person who wilfully and unlawfully causes, or is concerned in causing, or attempts to cause, any infectious disease to be communicated to or among any animal or animals capable of being stolen, is guilty of a felony, and is liable to imprisonment for seven years.

Removing boundary marks with intent to defraud

329. Any person who wilfully and unlawfully and with intent to defraud', removes or defaces any object or mark which has been lawfully erected or made as an indication of the boundary of any land, is guilty of a felony, and is liable to imprisonment for three years.

330. [Repealed: Cap. 390 s. 33]

Penalties for damage, etc., to railway works

331. Any person who—

(1) wilfully damages, injures or obstructs any work, way, road, building, turnstile, gate, toll bar, fence, weighing machine, engine, tender, carriage, wagon, truck, material or plant "acquired for or belonging to any railway works; or

(2) pulls up, removes, defaces or destroys, or in any way interferes with, any poles, stakes, flags, pegs, line, marks or anything driven or placed in or upon the ground, trees, stones or buildings or any other material, belonging to any railway works; or

(3) commits any nuisance or trespass in or upon any land, buildings or premises, acquired for or belonging to any railway works; or

(4) wilfully molests, hinders or obstructs the officer in charge of any railway or his assistants or workmen in the execution of any work done or to be done in reference to the construction or maintenance of any such railway,

is guilty of a misdemeanour, and is liable to imprisonment for three months or to a fine of four hundred shillings.

332. Any person who, knowing the contents thereof, sends, delivers, utters or directly or indirectly causes to be received any letter or writing threatening to burn or destroy any house, barn or other building, or any rick or stack of grain, hay or straw, or other agricultural produce, whether in or under any building or not, or any vessel, or to kill, maim or wound any cattle, is guilty of a felony, and is liable to imprisonment for seven years.

332A- Any person who, without authority, wilfully defaces, tears, cuts or otherwise mutilates any bank note or currency note which is legal tender, is guilty of an offence and is liable on conviction to a fine of one hundred shillings in respect of each note.

Division VII.—Forgery, Coining, Counterfeiting and Similar Offences

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CHAPTER XXXIV

Definitions

333. Forgery is the making of a false document with intent to defraud or to deceive.

Document **334**. 7he term "document" in this division of this Code does not include a trade mark or any other sign used in connection with articles of commerce though they may be written or printed.

335. Any person makes a false document who—

(a) makes a document which is false or which he has reason to believe is untrue;

(b) alters a document without authority in such a manner that if the alteration had been authorized it would have altered the effect of the document;

(c) introduces into a document without authority whilst it is being drawn up matter which if it had been authorized would have altered the effect of the document;

(d) signs a document—

(i) in the name of any person without his authority whether such name is or is not the same as that of the person signing;

(ii) in the name of any fictitious person alleged to exist whether the fictitious person is or is not alleged to be of the same name as the person signing;

(iii) in the name represented as being the name of a different person from that of the person signing it and intended to be mistaken for the name of that person;

(iv) in the name of a person personated by the person signing the document, provided that the effect of the instrument depends upon the identity between the person signing the document and the person whom he professes to be.

336. An intent to defraud k presumed to exist if it appears that at the time when the false document was made there was in defr9ud existence a specific person ascertained or unascertained capable of being defrauded thereby, and this presumption is not rebutted by proof that the offender took or intended to take measures to prevent such person from being defrauded in fact, nor by the fact that he had or thought he had a right to the thing to be obtained by the false document.

CHAPTER XXXV

Punishments for Forgery

337. Any person who forges any document is guilty of an offence which, unless otherwise stated, is a felony, and he is liable, unless owing to the circumstances of the forgery or the nature of the thing forged some other punishment is provided, to imprisonment for seven years.

Forgeries punishable by imprisonment for life Cap. 500 s. 12

338. Any person who forges any will, document of title to land, judicial record, power of attorney, bank note; currency note, bill of exchange, promissory note or other negotiable instrument, policy of insurance, cheque or other authority for the payment of money by a person carrying on business as a banker, is liable to imprisonment for life and the court may in addition order that any such document as aforesaid shall be forfeited to the Republic.

339. Any person who forges any judicial or official document is liable to imprisonment for seven years.

Forgeries punishable by imprisonment for seven years Forgery of judicial or official document

340. Any person who—

(1) forges any stamp whether impressed or adhesive used for the purposes of revenue or accounting by any government department; or

(2) without lawful excuse, the proof whereof shall lie upon him, makes or has knowingly in his possession any die or instrument capable of making the impression of any such stamp; or

(3) fraudulently cuts, tears in any way, or removes from any material any stamp used for purposes of revenue or accounting by the Government, with intent that another use shall be made of such stamp or any part thereof; or

(4) fraudulently mutilates any such stamp as last aforesaid, with intent that another use shall be made of such stamp; or

(5) fraudulently fixes or places upon any material or upon any such stamp as last aforesaid any stamp or part of a stamp which whether fraudulently or not has been cut, torn or in any way removed from any other material or out of or from any other stamp; or

(6) fraudulently erases or otherwise either really or apparently removes from any stamped material any name, sum, date or other matter or thing whatsoever written thereon with the intent that another use shall be made of the stamp upon such material; or

(7) knowingly and without lawful excuse, the proof whereof shall lie upon him, has in his possession any stamp or part of a stamp which has been fraudulently cut, torn or otherwise removed from any material, or any stamp which has been fraudulently mutilated, or any stamped material out of which any name, sum, date or other matter or thing has been fraudulently erased or otherwise really or apparently removed,

is liable to imprisonment for seven years.

341. Any person who without lawful authority or excuse, the Making or proof whereof lies upon him—

(a) makes, uses or knowingly has in his custody or. possession paper. or any paper intended to resemble and pass as special paper implements such as is provided and used for making any currency note or bank note;
(b) makes, uses or knowingly has in his custody or possession, any frame, mould or instrument for making such paper, or for producing in or on such paper any words, figures, letters, marks, lines or devices peculiar to and used in or on any such paper;
(c) engraves or anywise makes upon any plate, wood, stone or other material, any words, figures, letters, marks, lines or devices, the print whereof resembles in whole or in part any words, figures, letters, marks, lines or devices peculiar to and used in or on any currency note or bank note or in or on any document entitling or evidencing the title of any person to any share or interest in any public stock, annuity, fund or debt of any part of the Commonwealth or of any foreign state, or in any stock, annuity, fund or debt of any body corporate, company or society, whether within or without the Commonwealth;
(d) uses or knowingly has. in his custody or possession any plate, wood, stone or other material, upon which any such words, figures, letters, marks, lines or devices have been engraved or in anywise made as aforesaid; or
(e) uses or knowingly has in his custody or possession, any paper upon which any such words, figures, letters, marks, lines or devices have been printed or in anywise made as aforesaid,

is guilty of a felony and is liable to imprisonment for seven years.

342. Any person who knowingly and fraudulently titters a false document is guilty of aft offence of the-same kind, and is liable to the same punishment, as if he had forged the thing in question.

343. Any person who knowingly utters as and for a subsisting uttering and effectual document, any document which has by any lawful exhausted authority been ordered to be revoked, cancelled or suspended, or the operation of which has ceased by effluxion of time, or by death, or by the happening of any other event, is guilty of an offence of the same kind, and is liable to the same punishment, as if he had forged the document.

344. Any person who, by means of any false and fraudulent representations as to the nature, contents or operation of a document, procures another to sign or execute the document, is guilty by false of an offence of the same kind, and is liable to the same punishment, as if he had forged the document.

345. Any person who, with intent to defraud—

(1) Obliterates, adds to or alters the crossing on a cheque; or

(2) knowingly utters a crossed cheque, the crossing on which has been obliterated, added to or altered,

is guilty of a felony, and is liable to imprisonment for seven years.

346. Any person who, with intent to defraud or to deceive—

(1) without lawful authority or excuse, makes, signs or executes for or in the name or on account of another person, whether by procuration or otherwise, any document or writing; or

(2) knowingly utters any document or writing so made, signed or executed by another person,

is guilty of a felony, and is liable to imprisonment for seven years.

347. Any person who procures the delivery or payment to himself or any other person of any property or money by virtue of any probate or letters of administration granted upon a forged testamentary instrument, knowing the testamentary instrument to have been forged, or upon or by virtue of any probate or letters of administration obtained by false evidence, knowing the grant to have been so obtained, is guilty of an offence of the same kind, and is liable to the same punishment, as if he had forged the document or thing by virtue whereof he procures the delivery or payment.

348. Any person who, without lawful authority or excuse, the proof of which lies on him, purchases receives from any person, or has in his possession, a forged, hank note or currency note, whether filled up or in blank, knowing it to be forged, is guilty of a felony, and is liable to imprisonment for seven years.

349. Any person who, being employed in the public service, knowingly and with intent to defraud makes out or delivers to any person a warrant for the payment of any money payable by public authority for a greater or less amount that that to which the a person on whose behalf the warrant is made out is entitled, is guilty of a felony, and is liable to imprisonment for seven years.

350. Any person who, having the actual custody of any register or record kept by lawful authority knowingly permits any entry which in any material particular is to his knowledge false, to be made in the register or record, is guilty of a felony, and is liable to imprisonment for seven years.

351. Any person who signs or transmits to a person authorized by law to register marriages, a certificate of marriage, or any document purporting to be certificate of marriage, which in any material particular is to his knowledge false, is guilty of a felony, and is liable to imprisonment for seven years.

352. Any person who knowingly and with intent to procure the same to be inserted in a register of births, deaths or marriages, makes any false statement touching any matter required by law to births, be registered in any such register, is guilty of a felony, and is liable deaths and to imprisonment for three years.

352A. Any person who issues or is a party to issuing—

(a) any note purporting to be a currency not of Tanzania; or

(b) any bank note purporting to be currency in Tanzania,

otherwise than in accordance with the provisions of the Bank of Tanzania Act, 1965, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding five years.

CHAPTER XXXVI

Offences Relating to Coin

353. In this chapter—

the term "coin" includes any coin coined in a mint/or use in Tanganyika, lawfully-current in Tanganyika or in any part of the Commonwealth and any coin of a foreign Sovereign or state, and coin which was at any time legal tender in Tanzania or in any other country and which is convertible into coin of legal tender therein; Definitions Act 1966 Sch'

the term "counterfeit coin" means coin not genuine but resembling or apparently intended" to resemble or pass for genuine coin; and includes genuine coin prepared or altered so as to pass for coin of a higher denomination.

354. Any person who makes or begins to make any counterfeit coin is guilty of a felony arid, is liable to imprisonment for life.

355. Any person when

(1) gilds or silvers any piece of metal of a fit size or figure to be for coining coined, with intent that it shall be coined into counterfeit coin; or

(2) makes any piece of metal into a fit size or figure to facilitate the coining from it of any counterfeit coin, with intent that such counterfeit "coin SJ34II be made from it; or

(3) without lawful authority or excuse, the proof of which lies on him—

(a) buys, sells, receives , pays or disposes of any counterfeit coin at a lower rate than it imports or is apparently intended to import, or offers to do any such thing; or

(b) brings or receives into Tanganyika any counterfeit coin, knowing it to be counterfeit; or

(c) makes or mends, or begins or prepares .to make or mend, or has in his possession, or disposes of any stamp or mould which is adapted to make the resemblance of both or either of the sides of any coin, or any part of either side thereof, knowing the same to be a stamp or mould of to be so adapted; or

(d) makes or mends, or begins or prepares to make or mend, or has in his possession, or disposes of any tool, instrument or machine which is adapted and intended to be used for making coin round the edges with marks or figures apparently resembling those on the edges of any coin, knowing the same to be so adapted and intended; or

(e) makes or mends, or begins or prepares to make or mend, or has in his possession, or disposes of any press for coinage, or any tool, instrument or machine which is adapted for cutting round blanks out of gold, silver or other metal, know-, ing such press, tool, instrument or machine to have been used or to be intended to be used for making any counterfeit coin,

is guilty of a felony and is liable to imprisonment for life.

Clipping

356. Any person who deals with any coin in such a manner as to diminish its weight with intent that when so dealt with it may pass as coin, is guilty of a felony, and is liable to imprisonment for seven years.

Molting down of currency

357. Any person v/ho melts down, breaks up or defaces by stamping thereon any name, word or mark any coin current for the time being in Tanganyika is guilty of a misdemeanour and is liable to imprisonment for six months or to a fine of two thousand shillings or to both such penalties.

Impound-ing and de-struction of counterfeit coin Act 1966 No. 12, Sch.

358. Any officer of the Government or the manager of any bank who receives, during the performance of his duties, any coin which he has reasonable ground for believing to be counterfeit coin shall impound such coin and transmit it to an officer of the Bank of Tanzania appointed by the Bank for the purpose who may cut, deface or destroy it with or without compensation, as he thinks fit, if in his opinion it is counterfeit. The decision of an officer of the Bank of Tanzania appointed by the Bank for the purpose that a coin is counterfeit and that compensation should be granted or withheld shall be final, and no person shall be entitled to claim, and no proceedings or action shall be brought, against the Bank of

Tanzania or the Government in respect of any loss or damage suffered by reason of such impounding and cutting, defacing or destruction.

359. Any person who unlawfully has in his possession, or disposes of any filings, or clippings of gold or silver, or any gold or silver in bullion, dust, solution or any other state, obtained by dealing with gold or silver coin in such a manner as to diminish its weight, knowing the same to have been so obtained, is guilty of a felony, and is liable to imprisonment for seven years.

360. Any person who utters any counterfeit coin, knowing it to be counterfeit, is guilty or a misdemeanour.

361. Any person who—

(1) utters any counterfeit coin, knowing it to be counterfeit, and at the time of such uttering has in his possession any other counterfeit coin; or

(2) utters any counterfeit coin, knowing it to be counterfeit, and either on the same day or on any of the ten days next ensuing, utters any other counterfeit coin, knowing it to be counterfeit; or

(3) has in his possession three or more pieces of counterfeit coin, knowing them to be counterfeit, and with intent to utter any of them,

is guilty of a felony, and is liable to imprisonment for three years.

362. Any person who, with intent to defraud, utters as and for coin any medal or piece of metal, whether a coin or not, which is of less value than the coin as and for which it, is uttered, is guilty of a misdemeanour and is liable to imprisonment for one year.

Exporting counterfeit coin

363. Any person who, without lawful authority or excuse, the proof of which lies on him, exports or puts on board of a vessel or vehicle of any kind for the purposes of being exported from Tanganyika, any counterfeit coin whatever, knowing it to be counterfeit, is guilty of a misdemeanour.

Forfeiture Cap. 500 S. 12

364. When any person, is convicted of an offence under this chapter, or the preceding chapter, the court shall order the forfeiture to the Republic of any forged bank note or currency note or of any counterfeit coin, or any stamp, mould, tool, instrument, machine, press or any coin, bullion or metal used or employed in the commission of any such offence.

Chapter XXXVII

Counterfeit Stamp

365. Any person who, without lawful authority or excuse, the proof of which lies on him—

(1) make or mends, or begins or prepares to make or mend or uses. or knowingly has in his possession, or disposes of any die, plate or instrument capable of making an impression resembling that made by any die, plate or instrument used for the purpose of making any stamp, whether impressed or adhesive, which is used for the purposes of the public revenue or of the East African Posts and Telecommunications Corporation in Tanzania or in any part of the Commonwealth, or any foreign country, or capable of producing in or on paper any words, figures, letters, marks or lines resembling any words, figures, letters, marks or lines used in or on any paper specially provided by the proper authority for any such purpose; or

(2) Knowingly has in his possession or disposes of any paper or other material which has on it the impression of any such die, plate or instrument, or any paper which has on it or in it any such words, figures, letters, marks or lines as aforesaid; or

(3) fraudulently, and with intent that use may be made of any such stamp as aforesaid, or of any part of it, removes the stamp from any material in any way whatever; or

(4) fraudulently, and with intent that use may be made of any part of such stamp, mutilates the stamp; or

(5) fraudulently, fixes, or places upon any material or upon any such stamp, any stamp or part of a stamp which has been in any way remove from .any other material, or cut off or from any other stamp; or

(6) fraudulently, and with intent that use may be made of any such stamp-which has been already impressed upon or attached to any material, erases or otherwise removes, either really or apparently, from such material anything whatever written on it; or

(7) knowingly has in his possession or disposes of anything obtained or prepared by any such unlawful act as aforesaid; or.

(8) Fraudulently or with intent to cause loss to the public revenue, uses for any purpose any such stamp as aforesaid which he knows to have been previously used,

is guilty of a felony, and is liable to imprisonment for seven years and any die, plate, instrument, paper or other thing as aforesaid which is found in his possession shall be forfeited to the United Republic.

366. Any person who, without lawful authority or excuse, the proof of which lies on him—

(1) makes, or beings or prepares to make, or uses for any postal purpose, or has in his possession, or disposes of any imitation or representation on paper or any other material of any stamp used for denoting any rate of postage ,of Tanzania or of any part of the Commonwealth, or of any foreign country, or

(2) makes or mends, or begins or prepares to make or mend, or uses, or has in his possession or disposes of any die; plate, instrument or material for making any such imitation or representation,

is guilty of a misdemeanour, and is liable to imprisonment for one year, or to a fine of one thousand shillings. And any stamps and any other such things as aforesaid, which are found in his possession, shall be forfeited to the United Republic.

For the purposes of this section a stamp purporting to denote a rate of postage of any country is to be taken to be a stamp used for postal purposes in that country until the contrary is shown.

CHAPTER XXXVIH [Repealed]*

Counterfeiting Trade Marks

367. A trade mark is—

(a) a mark lawfully used by any person to denote any chattel to be an article or thing of the manufacture, workmanship, production or merchandise of such person or to be an article or thing of any peculiar or particular description made or sold by such person;

(b) any mark or sign which in pursuance of any law in force for the - time being relating to registered designs is to be put or placed upon or attached to any chattle or article during the existence or continuance of any copyright or other sole right acquired under the provision of such law.

*Chapter"XXXVIII repealed by the Merchandise Marks Act, 1963 (No. 20 of 1963: Cap. 519,'S. 19) which had not come into force on 31.12,74.

368. Any person who does any of the following thing? with intent to defraud or to enable another to defraud any person, that. is to say—

(a) forges or counterfeits any trade mark;

(b) applies any trade mark, or any forged or counterfeited trade mark to any chattel or article not being the merchandise of any person whose trade mark is so forged or counterfeited;

(c) applies any trade mark or any forged or counterfeited trade mark to any chattel or article not being the particular or peculiar description of merchandise denoted or intended to be denoted by such trade mark or by such forged or counterfeited trade mark;

(d) applies any trade mark or any forged or counterfeited trade mark to anything intended for any purpose of trade or manufacture, or in, on or with which any chattel or article is intended to be sold, or is sold or offered or exposed for sale;

(e) encloses or places any chattel or article in, upon, under or with anything to which any trade mark has been falsely applied, or to which any forged or counterfeit trade mark has been applied;

(f) applies or attaches any chattel or article to any case, cover, reel, tickets label or other thing to which any trade mark has Befell falsely applied, or to which any false or counterfeit trade mark has been applied; :

(g) encloses, places or attaches any chattel or article in, Upon, under, with or to anything having thereon any trade mark of any other person,

is guilty of a misdemeanour.

Every person committing any such misdemeanour as aforesaid shall forfeited to the United Republic—

all chattels and articles to which any such trade mark or counterfeit trade mark is applied or caused or procured to be applied;

every instrument for applying any such trade mark or counterfeit trademark in his possession or power;

the chattels and articles and things mentioned in paragraphs (d), (e) and (g), and all similar things made to be used in like manner in his profession or power.

CHAPTER XXXIX

Personation

Personation in general

369. Any person who, with intent to defraud any person, falsely represents himself to be some other person, living or dead, is guilty of a misdemeanour.

If the representation is that the offender is a person entitled by will or operation of law to any specific property and he commits the offence to obtain" such property or possession- thereof, he is liable to imprisonment for seven years.

Falsely acknowledging deeds, recognisances, etc.

370. Any person who, without lawful authority or excuse, the proof of which lies on him, makes, in the name of any other person, before any court or person lawfully authorized to take such an acknowledgment, an acknowledgement of liability of any kind, or an acknowledgment of a deed or other instrument, is guilty of a misdemeanour.

371. Any person who utters any document which has been issued by lawful .authority to another person, and whereby that other person is certified to be a person possessed of any qualification recognized by law for any purpose, or to be the holder of any office, or to be entitled to exercise any profession, trade or business, or to be entitled to any right or privilege, or to enjoy any rank or status, and falsely represents himself to be the person named in the document, is guilty of an offence of the same kind and is liable to the same punishment as if he had forged the document.

Lending, etc., certificate for personation

372. Any person who, being a person to whom any document has been issued by lawful authority whereby he is-certified to be a person possessed of any qualification recognized by law for any purpose, or to be the holder of any office, or to be entitled to exercise any professions, trade or business, or to be entitled to any right or privilege, or to enjoy any rank or status, sells, gives or lends the document to another person with intent that that other may represent himself to be the person named therein, is .guilty of a misdemeanour.

Personation of a person named in a testimonial of character

373. Any person who, for the purpose of obtaining any employment, utters any document of the nature of a testimonial of character given to another person, is guilty of a misdemeanour, and is liable to imprisonment for one year.

374. Any person who, being a person to whom any such document as is mentioned in the last proceeding section has been given, gives, sells or lends such document to another person with the. intent that that other person may utter such document for the purpose of obtaining any employment, is guilty of a misdemeanour.

375. to 379. [Repealed: Cap 400, s. 15 itself repealed by Prevention of Corruption Act, 1971 (Act 16 of 1971, s. 20)].

Lending etc, testimonial for persona-

tion

VIII.—Attempts, Conspiracies to Commit Crimes, Accessories After]the Fact, and Solicitation and Incitement

CHAPTER XLI

Attempts

380. When a person, intending to. commit an offence, begins to put his intention into execution by means adapted, to its fulfillment, and manifests his intention by some overt act, but does not fulfill his intention to such extent as to commit the offence, he is deemed to attempt to commit the offence.

It is immaterial, except so far as regards punishment, whether the offender does all that is necessary on his part for completing the commission of the offence, or whether the complete fulfillment of his intention is prevented by circumstances independent of his will, or whether he desists of his own motion from the further prosecution of his intention.

It is immaterial that by reason of circumstances not known to the offender it is impossible in fact to commit the offence.

381. Any person who attempts to commit a felony or misdemeanour is guilty of an offence, which, unless otherwise stated, is a misdemeanour.

382. Any person who attempts to commit a felony of such a kind that a person convicted of it is liable to the punishment of death or imprisonment for a term of fourteen years or upwards, with or without other punishment, is guilty of a felony, and is liable, if no - other punishment is provided, to imprisonment for seven years.

383. Every person who, knowing that a person designs to commit or is committing a felony, fails to use all reasonable means to prevent the commission or completion thereof, is guilty of a1 misderneanour.

CHAPTER XLII

Conspiracies

384. Any person who conspires,. with another to commit any felony to do any act in any part of the world which if dope in Tanganyika would; be a felony, and which is an offence under the laws in force in-the place where it is proposed to be done, is guilty of a felony, and is liable, if no other punishment is provided, to imprisonment for seven years, or, if the greatest punishment to which a person convicted of the felony in question is liable is less than imprisonment for seven years, then to such lesser punishment.

385. Any person who conspires with another to commit a misdemeanour, or to do any act in any part of the world which if done in Tanganyika Would be a misdemeanor, and which is an offence under the laws in force in the place where it is proposed to be done, is guilty of a misdemeanour.

386. Any person who conspires with another to effect any of the other purposes following, that is to say—

(1) to prevent or defeat the execution or enforcement of any Ordinance, Statute or Order in Council; or

(2) to cause any injury to the person or reputation of any person, or to depreciate the value of any property of any person; or

(3) to prevent or obstruct the free and lawful disposition of any property by the owner thereof for its fair value; or

(4) to, injure any person in his trade or profession; or

(5) to prevent or obstruct, by means of any act or acts which if done by an individual person would constitute an offence on his part, the free and lawful exercise by any person of his trade, profession or occupation; or

(6) to effect any unlawful purpose; or

(7) to effect any lawful purpose by any unlawful means, is guilty of a misdemeanour.

386A. For the avoidance of doubt, it is hereby declared that a husband and wife may be guilty of conspiring together, whether their marriage is a monogamous marriage or a polygamous marriage.

CHAPTER XLIIl

Accessories After the Fact

387. A person who receives or assists another who is, to his Definition of knowledge, guilty of an offence, in order to enable him to escape a punishment; is said to become an accessory after the fact to the fact offence.

A wife does not become an, accessory after the fact to an offence of which her husband is guilty by receiving or assisting him in order to enable him to escape punishment; or by receiving or assisting, in her husband's presence and by his authority, another person who is guilty of an offence in the commission of which her husband has taken part, in order to enable that other person to escape punishment; nor does a husband become' accessory after the fact to an offence of which his wife is guilty by receiving or assisting her in order to enable her to-escape punishment.

Punishment of, accessories after the fact to felonies Act 1972 No. 2Sch.

388. Any person who becomes an accessory after the fact to felony is guilty of felony, and is liable, if no other punishment is provide, to imprisonment for seven years.

389. Any person who becomes an accessory after the fact to a misdemeanour is guilty of a misdemeanour.

Punishment of accessories after the fact to misdemeanour

CHAPTER XLIV

Solicitation and Incitement

Soliciting or inciting the commission of an offence Ord. 1954 No. 47 s. 2

390. Any person who solicits or incites another to commit an offence is guilty of a misdemeanour notwithstanding that the solicitation or incitement has no effect.

Mote:—1. The-following laws contained, in this list under this paragraph amend
the Penal Code.(Gap. :16) from 1S46 onward up to the period covered by this
Supplement which list would continue to be added upon every time the Penal

Code is revised: upon revision, every such amendment is incorporated into this Code.

Ords. 1946 No. 16, 1948 No. 46, 1949 No. 5, 1950 Nos. 3 and 18, 1951 No.
.32, 1952 No. 32, 1954 No. 47, 1955 No, 49, 1959 No. 10, 1961 Nos. 5 and 44.

Acts. 1962 Nos. 12, 49, and 61, 1963 No. 15, 1965 No. 2, 1966 Nos. 12,24,31
and 65, 1967 No. 23, 1968 No. 50, 1970 No. 2, 1971 Nos. 5,15,and 26, 1972 Nos. 2,13 and 31, 1-973 No. 23, 1976 No. 3.

Caps. 337, 357, 390, 400, 440, 455, 500, 519, 537, 553 and 576.

G.Ns. 1961 Nos. 236 and 433, 1962 No. 478, 1966 Nos. 48 and 266,1967 No.
349, 1968 No. 391, 1971 No. 36.

2. Cap. 526 ss. 4 and 5 provide for minimum term of imprisonment and corporal punishment for offences and attempts to commit offences contrary to ss. 265, 268, 270, 271, 286, 294, 296 and 311 of Cap. 16.

3. For jurisdiction of primary courts to try offences contrary to provisions of the Penal Code see First Schedule to Cap. 537.

Section 15(4) of Cap. 537 provides that nothing in sections 29, 31, 32, 36, 38, 38a or 28b of the Penal Code shall apply to or to any punishment by a primary court.

TANZANIA

PENAL CODE CHAPTER 16 OF THE LAWS (REVISED) (SUBSIDIARY LEGISLATION)

[Subsidiary]

Note.—Revised.

Supersedes Cap. 16 in R.L. Supplements.

CHAPTER 16

~~PENA~~L CODE

RULES

Under section 128

THE PENAL CODE (ANATOMY) RULES, 1963

1. These Rules may be cited as the Penal Code (Anatomy) No. 192 Rules, 1963.

2. In these Rules, unless the context otherwise requires—

"coroner" has the meaning ascribed thereto in the Inquests Ordi- Cap. 24.
nance;

"interment" includes any method of disposal of dead bodies which is customary in any community;

"medical officer" in relation to a hospital means the medical officer in charge of that hospital;

"Minister" means the Minister for the time being responsible for matters relating" to health.

3. Where a person has died in a hospital, the medical officer, if he is of opinion that it is necessary to ascertain the cause of death or that it will assist the advancement of medical science, may authorize a postmortem examination of the body of such person:

Provided that no such examination shall be authorized in any ease where the surviving wife or husband or any other relative of the deceased requires the body of the deceased to be interred without such examination.

4. Where a person has died in hospital and his body has not been claimed by a relative or a *bona fide* friend within twenty-four hours of his death, the medical officer may cause the body of such

[Subsidiary]

person to be delivered to a medical school, but shall forth with inform a coroner of the date of the person's death, of such particulars as are known of his identity and of the date on which the body was delivered to a named medical, school.

5. Where a medical officer has. caused a body to be delivered to a medical school under rule 4, such body shall thereupon be preserved but nothing further shall be done to it for a period of not less than fourteen days, or in the event of a claim being made by any person for the body, until such time as there has been final adjudication on the claim.

6.—(1) If within fourteen days of the delivery of a body to a medical school it is claimed by any person who satisfies a coroner or the medical officer that he is a relative, a *bona fide* friend, or an authorized representative of the community to which the deceased person belonged, the coroner or medical officer shall cause such body to be delivered to the person claiming it.

(2) As soon as it comes to the notice of a medical officer or of a coroner that a body which has been delivered to a medical school has been claimed by any person he shall immediately inform the medical school to which the body has been delivered.

7. If at the expiration of the period of fourteen days no person has claimed the body of the deceased person under the provisions of rule 6, any professor or teacher of anatomy, pathology, medicine or surgery or any student working under the supervision of any such professor or teacher may dissect such body.

8. Where a professor or teacher of anatomy, pathology, medicine or surgery considers it necessary for the instruction of student or for research at a medical school, he may authorize the retention of any part of a body removed to such school under these Rules.

9. Subject to the provisions of rule 8, every body removed to a medical school shall after dissection be decently interred and a certificate of the interment of such body shall be sent to a coroner.

10.—(1) The Medical Officer in charge of any hospital may, if satisfied the tissue is required in the treatment of any other person, remove or authorize the removal of any cadaveric tissue from a body lying in the hospital:

Provided that if a spouse, a parent or a guardian of the deceased is readily available no such removal shall take place without the consent of that spouse, parent or guardian.

[**Subsidiary]**

(2) For the purpose of this Rule the words "readily available" shall mean available within such time as would enable the removal of the tissue to take place whilst it is still in a condition to be utilized for the purpose for which it is required.

11. Any person authorized in writing by the Minister may visit and inspect at any reasonable time any medical school and may require the production of full and correct records relating to the removal, disection and interment of bodies which have been removed to such medical school in accordance with the provisions of these Rules.

ORDERS

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under section 51 (1)

THE IMPORTATION OF PUBLICATIONS (PROHIBITION) ORDER 1962

1. This Order may cited as the Importation of Publications (Prohibition) Order, 1962.

2. The importation of the publications known by the following names as set out in the Schedule hereto is hereby prohibited.

3. Where any of the publications set out in the Schedule hereto is a periodical publication the prohibition on the importation thereof shall extend to the current issue and all past and future issues thereof.

[Subsidiary]

"Jando na Unyágo".
Ujana.
Mtu Mzima.
My Dear Bottle.
After 4.30.
Unfit for Human Consumption.
Troubles.
One by One.
Son of Woman.
Tail in the Mouth.
The Flesh.
The Common man,

NOTICE

.1953 **Under section 312A**

APPLIED MARKS. FOR PUBLIC STORES

1. The marks set out in the First Schedule hereto or any of them may be applied in or any stores under the control of any branch or department of, being the property of, the East African Community.

2. the mark set out in the Second Schedule hereto may be applied or any stores under the control of any branch or depart^ ment of, and being the property of, the Government of the United Republic:—

FIRST SCHEDULE

1.U.R.
2.K.U.
3. k.u.r; & h.
4. Kenya and Uganda Railways and Harbours.
5. T.R.
6. Tanganyika Railways.
7. T.R. &P.S.
8. Tanganyika Railways and Port Services.

[Subsidiary]

9. E.A.R.
10. East African Railways.
11. E.A.R. &H.
12. East African Railways and Harbours.
13. T.T.
14. Tuft.
15. TfR.
16. E.A.R.H.

17.

18.

19. E.A.R.C.
20. East African Railways Corporation.
21. E.A.R.C. Crest.

SECOND SCHEDULE

T|G

C|A

M.D.

Under section 67

THE PENAL CODE (DECLARATION OF UNLAWFUL SOCIETIES) ORDER

1. This, Order may be cited as the Penal Code (Declaration of Unlawful Societies) Order.

G. No.s. 1952 Nos. 22, 338 and 355

2. The following societies are hereby .declared to be societies dangerous to the good government of the United Republic:—

Kikuyu Central Association.
Ukamba Member's Association.
Teita Hills' Association.
The Mau Mau Society.
Kikuyu Independent Schools Association.
Kikuyu Karing'a Education Association.
Dini ya Ycsu Kristo.

Note.—Although section 67 of the Penal Code has been repeated' by the Societies Ordinance (Cap. 337), section 6(2) of Cap. 337 provides that any society declare unlawful under the repealed section shall be deemed to have been declared to be unlawful under provisions of Cap. 337.