



**AN ACT TO REPEAL THE PENAL ACT NO. 6 OF 2004 AND TO ENACT
THE NEW PENAL ACT, TO PROVIDE FOR THE BETTER
PROVISIONS AND OTHER MATTERS
CONNECTED THEREWITH**

ARRANGEMENT OF SECTIONS

SECTIONS

TITLE

PART ONE

PRELIMINARY PROVISIONS

1. Short title and Commencement.
2. Saving of certain laws.
3. General rule of Construction and Interpretation.

PART TWO

TERRITORIAL APPLICATION

4. Extent of jurisdiction of courts.
5. Offences committed partly within and partly beyond the jurisdiction.

PART THREE

GENERAL RULES AS TO CRIMINAL RESPONSIBILITY

6. Ignorance of law.
7. Bona fide claim of right.
8. Intention or motive.
9. Mistake of fact.
10. Presumption of sanity.
11. Insanity.
12. Intoxication.
13. Immature age.
14. Judicial officers.
15. Compulsion.



16. Right of self defence.
17. Use of force in defence.
18. When right of defence extends to causing death.
19. Using of force in effecting arrest.
20. Compulsion by husband.
21. Persons not to be punished twice for same offence.

PART FOUR PARTIES TO OFFENCES

22. Principal offenders.
23. Offences committed by joint offenders in common purpose.
24. Counselling another to commit an offence.

PART FIVE PUNISHMENTS

25. Different kinds of punishment.
26. General punishment.

PART SIX TREASON AND OTHER OFFENCES AGAINST THE GOVERNMENT

27. Treason.
28. Entering Zanzibar with intent to organise a counter-Revolution.
29. Instigating invasion.
30. Misprision of treason.
31. Treasonable offences.
32. Limitations as to trial for treason.
33. Inciting to mutiny.
34. Aiding Military Officers or Police Officers in acts of mutiny.
35. Inducing Soldiers or Police Officers to desert.
36. Knowingly aiding prisoners of war to escape.
37. Negligently permitting prisoners of war to escape.
38. Definition of overt act.
39. Unlawful oaths to commit capital offences.
40. Other unlawful oaths to commit offences.



41. Compulsion how far a defence.
42. Unlawful drilling.
43. Publication of false news.
44. Incitement to violence.

**PART SEVEN
OFFENCES AFFECTING RELATIONS WITH FOREIGN
STATES AND EXTERNAL TRANQUILITY**

45. Defamation.
46. Foreign enlistment.
47. Piracy.

**PART EIGHT
UNLAWFUL ASSEMBLIES, RIOTS AND OTHER OFFENCES
AGAINST PUBLIC TRANQUILITY**

48. Definition of society and unlawful society.
49. Being a member or managing an unlawful society.
50. Provisions relating to prosecution of offences under section 49.
51. Powers of entry.
52. Declaration as to unlawful society.
53. Forfeiture.
54. Definition of unlawful assembly and riot.
55. Punishment of unlawful assembly.
56. Punishment of riot.
57. Making proclamation for rioters to disperse.
58. Dispersion of rioters after proclamation made.
59. Rioting after proclamation.
60. Preventing or obstructing the making of proclamation.
61. Rioters demolishing buildings.
62. Rioters damaging buildings.
63. Riotously interfering with vehicle or vessel.
64. Going armed in public and unlawful possession of firearm.
65. Forcible entry.
66. Forcible detainer.
67. Affray.



68. Challenge to fight a duel.
69. Threatening violence.
70. Watching and besetting.
71. Intimidation.
72. Assembly for the purpose of smuggling.
73. Offensive weapons at public meetings and conduct conducive to breach of peace.
74. Possession of offensive weapons without lawful authority.

**PART NINE
OFFENCES RELATING TO THE ADMINISTRATION OF JUSTICE**

75. Perjury and subornation of perjury.
76. False statement by interpreters.
77. Punishment of perjury and subornation of perjury.
78. Evidence on charge of perjury and subornation of perjury.
79. Fabricating evidence.
80. False swearing.
81. Deceiving witnesses.
82. Destroying evidence.
83. Conspiracy to defeat justice and interference with witnesses.
84. Compounding offences.
85. Compounding penal actions.
86. Advertisement for stolen property.
87. Contempt of Court.

**PART TEN
RESCUES, ESCAPES AND OBSTRUCTING OFFICERS OF
COURT OF LAW**

88. Rescue.
89. Escape from lawful custody.
90. Aiding prisoners to escape.
91. Escape from confinement or custody negligently suffered by public servant.
92. Removal of property under lawful seizure.
93. Obstructing court officers.



**PART ELEVEN
MISCELLANEOUS OFFENCES AGAINST PUBLIC AUTHORITY**

94. Frauds and breaches of trust by persons employed in the public service.
95. Neglect of official duty.
96. Causing loss to Government or Public Institutions.
97. False information to public servant.
98. Disobedience of statutory duty.
99. Disobedience of lawful order.

**PART TWELVE
OFFENCES RELATING TO RELIGION**

100. Insult to religion of any class.
101. Disturbing religious assemblies.
102. Trespassing on burial places.
103. Hindering burial of dead body.
104. Writing or uttering words with intent to wound religious feelings.
105. Abuse of religion.
106. Promoting enmity between different groups.

**PART THIRTEEN
OFFENCES AGAINST MORALITY**

107. Carnal knowledge defined.
108. Rape.
109. Punishment of rape.
110. Punishment for gang rape.
111. Attempted rape.
112. Abduction of a woman.
113. Abduction of girls and boys.
114. Indecent assault.
115. Defilement of boy.
116. Defilement of person with mental disability.
117. Procuration of prostitution.
118. Procuring illicit sexual intercourse.
119. Householder permitting defilement of a boy.



120. Householder permitting unlawful carnal knowledge of a girl.
121. Detention of a woman, girl or boy in brothel or elsewhere.
122. Power of search for person detained.
123. Offence of prostitution.
124. Male person living on the earnings of prostitution.
125. Woman living on earnings of prostitution or abetting prostitution.
126. Suspicious premises and power of search.
127. Brothel.
128. Conspiracy to rape.
129. Attempt to procure abortion.
130. Abortion by woman or girl.
131. Supplying drugs or instrument to procure abortion.
132. Knowledge of age of female immaterial.
133. Unnatural offences.
134. Attempt to commit unnatural offences.
135. Indecent assault on boy.
136. Acts of lesbianism.
137. Acts of gross indecency between persons.
138. Sexual exploitation of children.
139. Grave sexual abuse.
140. Union of persons of the same sex.
141. Sexual harassment.
142. Adultery.
143. Incest.
144. Consent of Director of Public Prosecutions.
145. Disclosure of identity of the victim.

**PART FOURTEEN
OFFENCES RELATING TO MARRIAGE AND
DOMESTIC RELATIONS**

146. Fraudulent pretence of marriage.
147. Unlawfully marrying.
148. Marriage ceremony fraudulently gone through without lawful marriage.
149. Cruelty to children.
150. Desertion of a child or a person with disability.
151. Neglecting to provide food for child or a person with disability.



- 152. Employer not providing for employee or apprentice.
- 153. Trafficking of person.
- 154. Child stealing.

**PART FIFTEEN
NUISANCES AND OFFENCES AGAINST HEALTH
AND CONVENIENCE**

- 155. Public nuisance.
- 156. Gaming premises.
- 157. Gaming machines.
- 158. Betting house.
- 159. Lotteries.
- 160. Keeper of premises defined.
- 161. Traffic in obscene publications.
- 162. Obscene acts.
- 163. Idle and disorderly persons.
- 164. Rogues and vagabonds.
- 165. Offences against military uniforms.
- 166. Negligent act likely to spread infection.
- 167. Fouling water
- 168. Fouling air.
- 169. Offensive trades.
- 170. Disobedience to quarantine rule.
- 171. Punishment for public nuisance.
- 172. Continuance of nuisance
- 173. Adulteration of food.
- 174. Sale of noxious food.
- 175. Adulteration of drugs.
- 176. Sale of adulterated drugs.

**PART SIXTEEN
MURDER, MANSLAUGHTER AND INFANTICIDE**

- 177. Manslaughter.
- 178. Punishment of manslaughter.
- 179. Murder.



- 180. Punishment of murder.
- 181. Malice aforethought.
- 182. Killing on provocation.
- 183. Provocation defined.
- 184. Causing death defined.
- 185. When child deemed to be person.
- 186. Limitation as to time of death.
- 187. Infanticide.

**PART SEVENTEEN
DUTIES RELATING TO THE PRESERVATION
OF LIFE AND HEALTH**

- 188. Responsibility of person who has charge of another.
- 189. Duty of head of family.
- 190. Duty of employer.
- 191. Duty of persons doing dangerous acts or in charge of dangerous things.
- 192. Punishment for failure to perform duties.

**PART EIGHTEEN
OFFENCES CONNECTED WITH MURDER AND SUICIDE**

- 193. Attempt unlawfully to cause death.
- 194. Accessory after the fact to murder.
- 195. Written threats to murder.
- 196. Conspiracy to murder.
- 197. Aiding suicide.
- 198. Attempting suicide.
- 199. Concealing birth of child.
- 200. Child destruction.
- 201. Concealing design to commit an offence.

**PART NINETEEN
OFFENCES ENDANGERING LIFE OR HEALTH**

- 202. Disabling for commission of an offence.
- 203. Stupefying in order to commit an offence.
- 204. Acts intended to cause grievous harm or to prevent arrest.



205. Preventing escape from wreck.
206. Intentionally endangering safety of persons travelling by railway.
207. Endangering safety of vessel.
208. Grievous harm.
209. Attempting to injure by explosive substances.
210. Maliciously administering poison with intent to harm.
211. Wounding and similar acts.
212. Failure to supply necessaries.
213. Responsibility as to surgical operation.
214. Criminal responsibility.
215. Consent does not affect criminal responsibility.

PART TWENTY
OFFENCES RELATING TO CRIMINAL GANG ACTIVITIES

216. Gang related offences.
217. Penalties.
218. Interpretation of member of criminal gang.

PART TWENTY ONE
CRIMINAL RECKLESSNESS AND NEGLIGENCE

219. Rash or negligent act causing death.
220. Rash and negligent acts.
221. Removal of tonsils.
222. Removal of human organs.
223. Other negligent acts causing harm.
224. Dealings in poisonous substances in a negligent manner.
225. Endangering safety of persons travelling by railway.
226. Exhibition of false lights, marks or buoy.
227. Conveying person by water for hire in unsafe or overloaded vessel.
228. Danger or obstruction in public way or line of navigation.



PART TWENTY TWO ASSAULTS

- 229. Common assault.
- 230. Assault causing actual bodily harm.
- 231. Assaults on persons protecting wrecks.
- 232. Assault punishable with five years imprisonment.

PART TWENTY THREE OFFENCES AGAINST LIBERTY

- 233. Definition of kidnapping from Zanzibar.
- 234. Definition of kidnapping from lawful guardian.
- 235. Punishment for kidnapping.
- 236. Definition of abduction.
- 237. Kidnapping or abducting in order to murder.
- 238. Kidnapping or abducting with intent to confine a person.
- 239. Kidnapping or abducting in order to subject person to grievous harm or slavery.
- 240. Wrongfully concealing, kidnapped or abducted person.
- 241. Kidnapping or abducting child with intent to steal from its person.
- 242. Kidnapping or abducting child with intent to demand money.
- 243. Wrongful restraint.
- 244. Wrongful confinement.
- 245. Punishment for wrongful restraint.
- 246. Punishment for wrongful confinement.
- 247. Buying or disposing of any person as slave.
- 248. Habitual dealing in slaves.
- 249. Forced labour.

PART TWENTY FOUR THEFT

- 250. Things capable of being stolen.
- 251. Definition of theft.
- 252. Special cases.
- 253. Funds held under direction.
- 254. Funds received by agents for sale.
- 255. Money received for another.



- 256. Theft by persons having an interest in the thing stolen.
- 257. Husband and wife.
- 258. General punishment for theft.
- 259. Stealing Wills, postal matter or animal.
- 260. Stealing from the person or stealing goods in transit.
- 261. Stealing from the Government.
- 262. Stealing by clerks or servants.
- 263. Stealing by directors or officers of companies.
- 264. Stealing by agents.
- 265. Stealing by tenants or lodgers.
- 266. Stealing after previous conviction.
- 267. Stealing of Cloves.
- 268. Stealing of Agricultural products.
- 269. Forfeiture of building where stolen teak and tree have been used in the construction.

PART TWENTY FIVE OFFENCES ALLIED TO STEALING

- 270. Concealing registers.
- 271. Concealing wills.
- 272. Concealing deeds.
- 273. Killing animal with intent to steal.
- 274. Severing with intent to steal.
- 275. Fraudulent disposition of mortgaged goods.
- 276. Fraudulent dealing with minerals in mines.
- 277. Fraudulent appropriation of power.
- 278. Conversion not amounting to theft.

PARTY TWENTY SIX ROBBERY AND EXTORTION

- 279. Definition and punishment of robbery.
- 280. Armed robbery.
- 281. Punishment of attempted robbery and attempted armed robbery.
- 282. Assault with intent to steal.
- 283. Demanding property by written threats.



284. Attempt at extortion by threats.
285. Procuring execution of deed by threats.
286. Demanding thing with menaces with intent to steal.
287. Dishonest misappropriation of property.
288. Dishonest misappropriation of property possessed by deceased person.
289. Criminal breach of trust.

PART TWENTY SEVEN BURGLARY, HOUSEBREAKING AND SIMILAR OFFENCES

290. Definition of breaking and entering.
291. House breaking and burglary.
292. Entering dwelling house with intent to commit an offence.
293. Breaking into building and committing an offence.
294. Breaking into building with intent to commit an offence.
295. Persons found armed, with intent to commit an offence.
296. Criminal trespass.
297. Forfeiture.

PART TWENTY EIGHT FALSE PRETENCES

298. Definition of false pretence.
299. Obtaining by false pretences.
300. Obtaining execution of security by false pretences.
301. Cheating.
302. Obtaining credit by false pretences.
303. Conspiracy to defraud.
304. Frauds on sale or mortgage of property.
305. Pretending to tell fortunes.
306. Obtaining registration by false pretence.
307. False declaration for passport.
308. Personating public officers.



**PART TWENTY NINE
RECEIVING PROPERTY STOLEN OR UNLAWFULLY
OBTAINED AND LIKE OFFENCES**

- 309. Receiving property stolen or unlawfully obtained.
- 310. Persons suspected of having, or conveying of stolen property.
- 311. Being in possession of stolen property.
- 312. Hoarding.
- 313. Being in possession of property stolen outside Zanzibar.

**PART THIRTY
FRAUD BY TRUSTEES AND PERSONS IN A POSITION OF
TRUST AND FALSE ACCOUNTING**

- 314. Trustees fraudulently disposing of trust property.
- 315. Misappropriation and fraud by directors and officers of corporations.
- 316. False statements by officials of companies.
- 317. False accounting.
- 318. False accounting by public officer.

**PART THIRTY ONE
OFFENCES CAUSING INJURY TO PROPERTY**

- 319. Arson.
- 320. Attempts to commit arson.
- 321. Setting fire to crops and growing plants.
- 322. Attempts to set fire to crops.
- 323. Casting away vessels.
- 324. Attempts to cast away vessels.
- 325. Injuring animals.
- 326. Punishment for malicious injuries.
- 327. Attempts to destroy property by explosives.
- 328. Communicating infectious diseases among animals.
- 329. Removing boundary marks with intent to defraud.
- 330. Wilful damage to survey and boundary marks.
- 331. Penalties for damage to railway works or road.
- 332. Threats to burn or destroy.



PART THIRTY TWO FORGERY, COINING, COUNTERFEITING AND SIMILAR OFFENCES

- 333. Definition of forgery.
- 334. Documents.
- 335. Making a false document.
- 336. Intent to defraud.
- 337. General punishment for forgery.
- 338. Forgeries punishable by imprisonment for life.
- 339. Forgery of judicial or official document.
- 340. Forgery of and other offences in relation to stamps.
- 341. Making or having in possession paper or implements of forgery.
- 342. Uttering false documents.
- 343. Uttering cancelled or exhausted documents.
- 344. Procuring execution of documents by false pretences.
- 345. Obliterating crossings on cheque.
- 346. Making documents without authority.
- 347. Demanding property upon forged testamentary instruments.
- 348. Purchasing forged notes.
- 349. Falsifying warrant for money payable under public authority.
- 350. Falsification of register.
- 351. Sending false certificate of marriage to registrar.
- 352. False statement for register of births, deaths or marriages.
- 353. Personation.

PART THIRTY THREE OFFENCES RELATING TO COIN AND NOTE

- 354. Definitions.
- 355. Counterfeiting coin.
- 356. Preparations for coining.
- 357. Clipping.
- 358. Possession of clippings.
- 359. Uttering counterfeit coin.
- 360. Repeated uttering.
- 361. Uttering metal or coin not current as coin.



- 362. Importing or Exporting counterfeit coin.
- 363. Forfeiture.
- 364. Defacing bank notes and melting down of coin.
- 365. Wrongful issue of notes.

PART THIRTY FOUR COUNTERFEIT STAMPS

- 366. Possession of die used for purpose of making stamps.
- 367. Paper and dies for postage stamps.

PART THIRTY FIVE OFFENCES CONNECTED WITH COMPUTERS

- 368. Application.
- 369. Offences against intellectual property.
- 370. Offences against computer equipment or supplies.
- 371. Destruction of computer equipment.
- 372. Interfering with data.
- 373. Interfering with computer system.
- 374. Illegal interception of data.
- 375. Illegal devices.
- 376. Offence against Computer users.
- 377. Fraud and related activity on Government computers.
- 378. Interpretation of words under this Part.

PART THIRTY SIX COUNTERFEITING TRADE MARKS

- 379. Trade marks defined.
- 380. Counterfeiting trade marks.

PART THIRTY SEVEN PERSONATION

- 381. Personation in general.
- 382. Falsely acknowledging liability.
- 383. Personation of person named in a certificate.



- 384. Lending document or certificate for personation.
- 385. Personation of person named in a testimonial of character.
- 386. Lending testimonial for personation.

PART THIRTY EIGHT ATTEMPTS

- 387. Attempt defined.
- 388. Attempts to commit offences.
- 389. Punishment for attempts to commit certain offences.
- 390. Soliciting or inciting others to commit offence in Zanzibar or elsewhere.
- 391. Neglect to prevent an offence.

PART THIRTY NINE CONSPIRACIES

- 392. Conspiracy to commit an offence.
- 393. Other conspiracies.

PART FORTY ACCESSORIES AFTER THE FACT

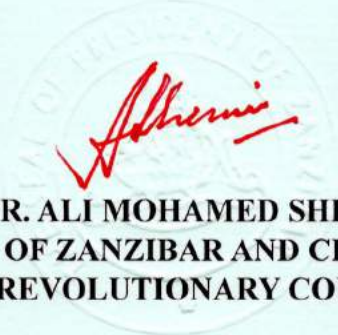
- 394. Definition of accessories after the fact.
- 395. Punishment of accessories after the fact to an offence.
- 396. Punishment of soliciting or inciting another to commit an offence.
- 397. Repeal and Transitional Provisions.

SCHEDULE



ACT NO. 6 OF 2018

I ASSENT



{ DR. ALI MOHAMED SHEIN }
PRESIDENT OF ZANZIBAR AND CHAIRMAN OF
THE REVOLUTIONARY COUNCIL

16th March, 2018

**AN ACT TO REPEAL THE PENAL ACT NO. 6 OF 2004 AND TO ENACT
THE NEW PENAL ACT, TO PROVIDE FOR THE BETTER
PROVISIONS AND OTHER MATTERS
CONNECTED THEREWITH**

ENACTED by the House of Representatives of Zanzibar.

**PART ONE
PRELIMINARY PROVISIONS**

Short title and
Commence-
ment.

1. This Act may be cited as the Penal Act, 2018 and shall come into operation upon being assented to by the President.

Saving of
certain laws.

2.-(1) Nothing in this Act shall affect:

- (a) the liability, trial or punishment of a person for an offence against any other law in force in Zanzibar other than under this Act;
- (b) the liability of a person to be tried or punished for an offence under the provisions of any law in force in Zanzibar relating to the jurisdiction of the local courts in respect of acts done beyond the ordinary jurisdiction of such courts;



- (c) the power of any court to punish a person for contempt of such court;
- (d) the liability or trial of a person, or the punishment of a person under any sentence passed or to be passed, in respect of any act done or commenced before the repeal of Act No. 6 of 2004;
- (e) power of the President of Zanzibar to grant 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
- (f) any written law for the time being in force for the Special Departments.

(2) When a person does an act which is punishable under this Act and is also punishable under any other written law, that person shall not be punished for that act under both, the written law and this Act simultaneously, instead, that person shall be punished under one of the Acts.

General
rule of
construction
and
interpretation.

3.-(1) This Act shall be interpreted in accordance with the principles of legal interpretation as propounded by the courts of common law, and expressions used in this Act shall be presumed, so far as is consistent with their context, and except as may be otherwise expressly provided, to be used with the meaning attaching to them in criminal law of Commonwealth countries and shall be construed in accordance therewith.

(2) In this Act, unless the context otherwise requires:

“actual bodily harm” means any hurt or injury calculated to interfere with the health or comfort of the victim;

“boy” means a male person below the age of eighteen years;

“dangerous harm” means harm endangering life;

“dwelling-house” includes any building or structure or part of a 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, and 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 one to the other;

“girl” means a female person below the age of eighteen years;



“grievous harm” means any harm which amounts to a maim or dangerous harm, or which 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;

“gross indecency” means any sexual act that falls short of actual intercourse and may include masturbation and physical contact or indecent behaviour without any physical contact;

“harm” means any bodily hurt, disease or disorder whether permanent or temporary;

“hospital” means the precincts of a hospital and includes the precincts of any institution for the reception and treatment of persons during convalescence or of persons requiring medical attention or rehabilitation;

“illicit sexual intercourse” means sexual intercourse between persons who are not spouses to each other;

“judicial proceeding” includes any proceeding had or taken in or before any court, tribunal, commission of inquiry, or person in which 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 written law;

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

“man” means any male person of the age of eighteen years or above;

“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 half past six o’clock in the evening and six o’clock in the morning;

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



“offensive weapon” means any article made or adapted for use for causing injury to the person, or intended by the person having it with him for such use by him, or by some other person;

“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 Government of Zanzibar;

“person employed in the public service” means a person holding any of the following offices or performing the duty thereof, whether as a deputy or otherwise, namely:

- (a) a public office including the office of the President of Zanzibar, the power of appointing a person to which or of removing from which is vested in the President of Zanzibar, the Public Service Commission or such other appointing authority;
- (b) an office to which a person is appointed or nominated by any written law;
- (c) a public office, the power of appointing to which or removing from which is vested in any person or persons holding an office of any kind included in either of the paragraphs (a) or (b) of this definition;
- (d) an office of arbitrator or umpire in any proceeding or matter submitted to arbitration by order or with the sanction of any court, or in pursuance of any Act; and the said term further includes:
 - (i) a member of a commission of inquiry appointed under or in pursuance of any written law;
 - (ii) a person employed to execute any process of a court;
 - (iii) persons belonging to the Special Departments;
 - (iv) persons in the employment of any Government department;
 - (v) a person acting as a minister of religion of whatsoever denomination in so far as he performs the 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;



(vi) a person in the employment of a local authority;

“possession”, “be in possession of” or “have in possession” includes:

- (a) 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 Zanzibar, 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, street, bridge or other way which is lawfully used by the public;

“public place” or “public premises” includes any public way, public building, market place, square, 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 not be 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;

“sexual abuse” means illegally sexually oriented acts done or words said in relation to any person for gratification or for any other illegal purpose;



- “sexual intercourse” whether natural or unnatural, shall for the purpose of proof of a sexual offence, be deemed to be complete upon proof of penetration only not by the completion of the intercourse by the emission of seeds;
- “sexual offence” means any of the offences created in Part Thirteen and sections 146, 147 and 148 of this Act;
- “Special Department” means special Department established under the Constitution of Zanzibar, 1984;
- “spouse” means one’s husband or wife;
- “stamp used for the purpose of public revenue” includes any label or stamp of device for denoting postage, provided under the Postal Legislation, and payable in respect of postal articles, and includes also adhesive postage stamps and stamps printed, embossed, or pressed or otherwise indicated on any envelope, wrapper, postcard or other article as provided under the Postal Legislation; and it also includes stamps affixed to deeds or other documents to indicate the payment of tax;
- “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 then property of any person, and which is evidence of the ownership of any property or of the right to recover or receive any property and also includes a money order or postal order issued under the provisions of the Postal Legislation;
- “vessel” includes ship, boat and every other kind of vessel used in navigation either on the sea, and includes aircraft;
- “woman” means any female person of the age of eighteen years or above;
- “women’s or children’s institution” means an institution for the reception and care of women or children, however described;
- “wound” means any incision or puncture which divided 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;



“written law” means an Act of the House of the Representatives of Zanzibar and includes any orders, rules, regulations, by-laws or other subsidiary legislation made or passed under the authority of any statute;

PART TWO TERRITORIAL APPLICATION

Extent of jurisdiction of courts.

4. The jurisdiction of the courts of Zanzibar for the purposes of this Act extends to every place within Zanzibar including its territorial waters and offences committed on the high seas on vessels registered in Zanzibar.

Offences committed partly within and partly beyond the jurisdiction.

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

PART THREE GENERAL RULES AS TO CRIMINAL RESPONSIBILITY

Ignorance of law.

6. 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.

Bona fide claim of right.

7. A person is not criminally responsible in respect of an offence relating to property if the act done or omitted to be done by him with respect to the property was done in the exercise of an honest claim of right and without intention to defraud.

Intention or motive.

8.-(1) Subject to the express provisions of this Act 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.

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

(3) 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.

9.-(1) 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.

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

Presumption
of sanity.

10. A person is presumed to be of sound mind, and to have been of sound mind at any time which comes in question, until the contrary is proved.

Insanity.

11.-(1) 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 disease affecting his mind:

- (a) incapable of understanding what he is doing;
- (b) incapable of appreciating that he ought not to do the act or omission;
or
- (c) does not have control of the act or omission.

(2) 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 referred to in sub section (1) **of this section** to that act or omission.

Intoxication.

12.-(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 that such act or omission was wrong or 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 subsection (2) of this section is established, then in a case falling under paragraph (a) thereof, the accused person shall be discharged, and in a case falling under paragraph (b) thereof, the provisions of the Criminal Procedure Act, relating to insanity shall apply.



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

(5) For the purposes of this section “intoxication” shall be deemed to include a state produced by narcotics or drugs or psychotropic substance.

Immature
age.

13.-(1) A person under the age of twelve years is not criminally responsible for any act or omission.

(2) A person under the age of fourteen 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.

(3) A male person under the age of fourteen years is presumed to be incapable of having carnal knowledge.

Judicial
officers.

14. Except as expressly provided by this Act, a judicial officer is not criminally responsible for anything done or omitted to be done by him in the exercise of his judicial functions, although the act done is in excess of his judicial authority or although he is bound to do the act omitted to be done.

Compulsion.

15. 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.

Right of self
defence.

16.-(1) Subject to the provision of this Act, a person has the right:

- (a) to defend himself or herself or any other person against any unlawful act or assault or violence to the body; or
- (b) to defend his or her own property or a property in his or her 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 a property belonging to the Government or a public corporation or an employer or a property communally owned by members of the public as a cooperative society or village.



Use of force
in defence.

17.-(1) In exercising the right of self defence or in defence of another or defence of property, a person shall be entitled only to use reasonable force as may be necessary for that defence.

(2) A 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) A person who causes the death of another as the result of excessive force used in defence is guilty of manslaughter.

When right
of defence
extends to
causing
death.

18.-(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 or her act is necessary for the preservation of his or her 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 or her own death or the death of another person could be the consequence of that act;
- (b) the lawful act is of such a nature as may be reasonably cause the apprehension that grievous harm to his or her own body or the body of another could be the consequence of the unlawful act;
- (c) the unlawful act is with the intention of committing rape or defilement or an unnatural offence;
- (d) the unlawful act is with the intention of kidnapping or abducting; or
- (e) the unlawful act is burglary, robbery, arson or any offence, which endangers life or property.

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

Using of
force in
effecting
arrest.

19. Where a person is charged with a criminal offence arising out of the arrest or attempted arrest, by him of a person who 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.

Compulsion by husband.

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.

Persons not to be punished twice for same offence.

21. A person cannot be punished twice either under the provisions of this Act or under the provisions of any other law for the same act or omission, except in the case where the act or omission is such that by means thereof he causes the death of another person, in which case he may be convicted of the offence of which he is guilty by reason of causing such death, notwithstanding that he has already been convicted of some other offence constituted by the act or omission.

PART FOUR PARTIES TO OFFENCES

Principal offenders.

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:

- (a) a person who actually does the act or makes the omission which constitutes the offence;
- (b) a person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence;
- (c) a person who aids or abets another person in committing the offence;
- (d) a person who counsels or procures any other person to commit the offence.

Offences committed by joint offenders in common purpose.

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.

Counselling another to commit an offence.

24.-(1) 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.

(2) In either case as prescribed under subsection (1) of this section, the person who gave the counsel is deemed to have counselled the other person to commit the offence actually committed by him

PART FIVE PUNISHMENTS

Different kinds of punishment.

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

- (a) death;
- (b) imprisonment;
- (c) working in the community;
- (d) fine;
- (e) forfeiture;
- (f) payment of costs;
- (g) payment of compensation;
- (h) finding security to keep the peace and be of good behaviour, or to come up for judgement;
- (i) police supervision;
- (j) conditional release under the law relating to Probation of Offenders;
- (k) cancellation or suspension of driving licence under the Road Transport Act;
- (l) an order provided under the Children's Act; and
- (m) any other sentence provided by this Act or any other written law.

General punishment.

26.-(1) When in this Act no punishment is specially provided for an offence, it shall be punishable with imprisonment for a term not exceeding two years or with a fine not exceeding Two Million Shillings or both.



(2) The Court may, instead of punishment prescribed under subsection (1) of this section, impose punishment of working in the Community for a term of Six months or any other term as the Court may determine.

PART SIX TREASON AND OTHER OFFENCES AGAINST THE GOVERNMENT

Treason.

27. A person who compasses, invents, devises or intends any act, matter or theory, and expresses, utters, or declares such compassing, inventing, devising or intending by publishing any printing or writing or by any overt act, or does any act which, is intended to bring about or cause the removal or change of the Government of Zanzibar other than by the mode and manner provided under the Constitution of Zanzibar, is guilty of the offence termed treason and is liable to suffer death.

Entering Zanzibar with intent to organise a counter-Revolution.

28. A person who enters Zanzibar with the intention of organising counter-revolutionary activities against the Government or with the intention of inciting others to organise such activities, is guilty of an offence and is liable to suffer death.

Instigating invasion.

29. A person who instigates a foreigner to invade any part or the whole of the territory of Zanzibar with an armed force, is guilty of treason and is liable to suffer death.

Misprision of treason.

30. A person who:

- (a) becomes an accessory after the fact to treason; or
- (b) knowing that a person intends to commit treason, does not give information thereof with all reasonable despatch to the President of Zanzibar, Minister of the Government of Zanzibar, Heads of Special Departments or an administrative officer, Judge of the High Court of Zanzibar, Magistrate, or officer in charge of a police station, or use other reasonable endeavours to prevent the commission of the offence,

is guilty of an offence termed misprision of treason, and is liable to imprisonment for life.

Treasonable offences.

31. A person who forms an intention to effect any of the following purposes, that is to say:



- (a) to remove a person by force of arms from the Office of the President of Zanzibar and Chairman of the Revolutionary Council or take over by force of arms the Chambers of the House of Representatives of Zanzibar with the aim of depriving the members thereof of exercising their powers and functions or take over government mass media, or hold as hostage judicial officers or any public functionary with the aim of destabilising and rendering the discharge of governmental functions and duties under the Constitution of Zanzibar impossible;
- (b) to levy war against the Government of Zanzibar within any part of Zanzibar, or within any other country in order by force or constraint to compel the President of Zanzibar or any other arm or department of the Government of Zanzibar to change Government measures, policies, decisions or counsel, or in order to put any force or constraint upon, or in order to intimidate or overawe the legislature or legislative authority of Zanzibar;
- (c) to instigate any foreigner to make an armed invasion of any part of or the whole of Zanzibar;
- (d) to deprive the President of Zanzibar of the sovereignty of Zanzibar; or
- (e) to levy war against Zanzibar,

and manifests such intention by an overt act, or by publishing any printing or writing, is guilty of an offence, and is liable to imprisonment for life.

Limitations
as to trial for
treason.

32.- (1) A person cannot be tried for treason, or for any of the offences defined in sections 30 and 31, unless the prosecution is commenced within two years after the offence is committed.

(2) Nor can a person charged with treason, or with any of such offences, be convicted, except on his own plea of guilty, or on the evidence in open court of two witnesses at the least of one overt act of the kind of treason or offence alleged, or the evidence of one witness to one overt act, and one other witness to another overt act of the same kind of treason or offence.

(3) This section does not apply to cases in which the overt act of treason alleged is the killing of the President of Zanzibar, or a direct attempt to endanger the life or injure the person of the President of Zanzibar.

Inciting to
mutiny.

33. A person who advisedly attempts to effect any of the following purposes, that is to say:



- (a) to seduce a person serving in the Military Forces, Special Departments or any member of the Police Force from his duty and allegiance to the Revolutionary Government of Zanzibar;
- (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 an offence and is liable to imprisonment for life.

Aiding
military
officers or
police officers
in acts of
mutiny.

34. A person who:

- (a) aids, abets, or is accessory to, any act of mutiny by; or
- (b) incites to sedition or to disobedience to any lawful order given by a superior officer, a non-commissioned officer or Private of the Military Forces, Police or any Special Department,

is guilty of an offence, and is liable to imprisonment for a term of not exceeding five years.

Inducing
soldiers or
police officers
to desert.

35. A person who, by any means whatever, directly or indirectly:

- (a) procures or persuades or attempts to procure or persuade to desert;
- (b) aids, abets, or is accessory to the desertion of; or
- (c) having reason to believe he is a deserter, harbours or aids in concealing,

a non-commissioned officer or private of the said Military Forces or Police or any Special Department, is guilty of an offence, and is liable to imprisonment for a term of not less than five years but not exceeding ten years.

Knowingly
aiding
prisoners
of war to
escape.

36. A person who knowingly and advisedly aids an alien enemy of the People and Government of Zanzibar, being a prisoner of war in Zanzibar, 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 Zanzibar, is guilty of an offence and is liable to imprisonment for life.



Negligently permitting prisoners of war to escape.

37. A person who negligently and unlawfully permits the escape of such person as is mentioned in section 36 of this Act, is guilty of an offence, and is liable to imprisonment for a term not exceeding two years.

Definition of overt act.

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

Unlawful oaths to commit capital offences.

39. A 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 an offence punishable with death; or
- (b) takes any such oath or engagement, not being compelled to do so,

is guilty of an offence, and is liable to imprisonment for life.

Other unlawful oaths to commit offences.

40. A 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 act in any of the following ways:
 - (i) to engage in any mutinous or seditious enterprise;
 - (ii) to commit any offence not punishable with death;
 - (iii) to disturb the public peace;
 - (iv) to be a member of any association, society or confederacy, formed for the purpose of doing any such act as aforesaid in sub paragraph (i) to (iii) of this paragraph;
 - (v) to obey the orders or commands of any committee or body of men not lawfully constituted, or of any leader or commander or other person not having authority by law for the purpose;
 - (vi) not to inform or give evidence against any associate, confederate or other person; or
 - (vii) 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;

(b) takes any such oath or engagement, not being compelled to do so,

is guilty of an offence, and is liable to imprisonment for a term not exceeding seven years.

Compulsion
how far a
defence.

41. A person who takes any such oath or engagement as is mentioned in sections 39 and 40 of this Act, 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, Special Departments or in the Police Forces, either by such information or by information to his commanding officers, the whole of what he knows concerning the matter, including the person or 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.

42.-(1) A person who:

- (a) without the permission of the President of Zanzibar 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 President of Zanzibar, for the purpose of training or drilling any other persons to the use of arms or the practice of military exercises, movements, or evolutions,

is guilty of an offence, and is liable to imprisonment for a term not exceeding seven years.

(2) A person who, at any meeting or assembly held without the permission of the President of Zanzibar, 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 an offence, and is liable to imprisonment for a term not exceeding two years.

Publication
of false
news.

43.-(1) A person who publishes or reproduces any false statement, rumour or report which is likely to cause fear and alarm to the public or to disturb the public peace, is guilty of an offence, and is liable to imprisonment for a term of not less than six months but not exceeding two years.



(2) It shall be a defence to a charge under subsection (1) of this section, if the accused proves that, prior to publication, he took such measures to verify the accuracy of such statement, rumour or report as to lead him reasonably to believe that it was true.

Incitement to violence.

44.-(1) A person who, without lawful excuse, prints, publishes or at any assembly makes any statements indicating or implying that it would be incumbent or desirable:

(a) to do an act calculated to bring death or physically injury to a person or to any class or community of persons;

(b) to do an act calculated to lead to destruction or damage to a property,

is guilty of an offence and is liable to imprisonment for two years.

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

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

PART SEVEN OFFENCES AFFECTING RELATIONS WITH FOREIGN STATES AND EXTERNAL TRANQUILITY

Defamation.

45. A person who, without such justification or excuse as would be sufficient in the case of the defamation of a private person, publishes anything intended to be read, or any sign or visible representation, tending to degrade, revile or expose to hatred or contempt any potentate, ambassador or other foreign dignitary with intent to disturb peace and friendship between Zanzibar and the country to which such potentate, ambassador or dignitary belongs, is guilty of an offence, and is liable to imprisonment for a term not exceeding two years.

Foreign enlistment.

46.-(1) A person commits an offence who does any of the following acts without the licence of the President of Zanzibar under the Public Seal, or signified by regulations or appropriate administrative instructions, 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;



- (b) who, being a citizen of Tanzania, 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 Tanzania 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;
- (c) who, being a citizen of Tanzania, quits or goes on board any vessel with a view of quitting Zanzibar, 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 Tanzania or not, induces another person to quit or to go on board any vessel with a view to quitting Zanzibar with the like intent;
- (d) who, being the master or owner of a vessel, knowingly either takes on board, or engages to take on board, or has on board such vessel any illegally enlisted person; or
- (e) 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, despatches, or causes or allows to be despatched, any vessel or issues or delivers any commission for any vessel.

(2) Notwithstanding subsection (1) of this section, 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:

- (a) upon proclamation of neutrality being issued by the President of Zanzibar, he forthwith gives notice to the President of Zanzibar or the Chief Secretary to the Government of Zanzibar 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 President of Zanzibar or the Chief Secretary to the Government of Zanzibar; and
- (b) he gives such security, and takes and permits to be taken such other measures, if any, as the President of Zanzibar or the Chief Secretary to the Government of Zanzibar may prescribe for ensuring that such vessel shall not be despatched, delivered, or removed without the



licence of the President of Zanzibar until the termination of such war as aforesaid.

Piracy.

47.- (1) A person who:

- (a) does any unlawful act of violence against, or detention of a ship or vessel registered in Zanzibar or anywhere else or against a person or property on board that ship or vessel;
- (b) does an unlawful act of violence against, or detention of any ship or vessel or against any person or property on board that ship or vessel;
- (c) voluntarily participates in the operation of a ship, vessel or aircraft for the purpose of doing an act referred to in paragraph (a) or (b); or
- (d) incites or intentionally facilitates any act described in paragraph (a) or (b) or (c),

is guilty of the offence termed "piracy" and is liable to imprisonment for life.

(2) Prosecution under this section shall not be commenced without the consent of the Director of Public Prosecutions.

PART EIGHT UNLAWFUL ASSEMBLIES, RIOTS AND OTHER OFFENCES AGAINST PUBLIC TRANQUILITY

Definition
of society
and unlawful
society.

48.-(1) A society includes any combination of ten or more persons whether the society be known by name or not.

(2) A society is an unlawful society :

(a) if formed for any of the following purposes:

- (i) levying war or encouraging or assisting a person to levy war on the Government or inhabitants of any part of Zanzibar;
- (ii) killing or injuring or inciting to the killing or injuring of a person;
- (iii) destroying or injuring or inciting to the destruction or injuring of a property;
- (iv) subverting or promoting the subversion of the Government or of its officials;



- (v) committing or inciting to acts of violence or intimidation;
 - (vi) interfering with, or resisting, or inciting to interference with or resistance to the administration of the law; or
 - (vii) disturbing or inciting to the disturbance of peace and order in any part of Zanzibar.
- (b) if declared by an order of the President of Zanzibar to be a society dangerous to the Government.

Being a member or managing an unlawful society.

49.-(1) A person who manages or assists in the management of an unlawful society is guilty of an offence and is liable to imprisonment for a term not exceeding seven years.

(2) It shall be an offence for a person to be a member of an unlawful society, and is liable to a fine of One Million Shillings or to imprisonment for a term not exceeding three months.

Provisions relating to prosecution of offences under section 49.

50.-(1) Prosecution for an offence under section 49 shall not be instituted except with the written consent of the Director of Public Prosecutions.

(2) In any prosecution for an offence under section 49 it shall not be necessary to prove that the society consisted of ten or more members; but it shall be sufficient to prove the existence of a combination of persons, and the onus shall then rest with the accused to prove that the number of members of such combination did not amount to ten.

(3) A person who attends a meeting of an unlawful society shall be presumed, until and unless the contrary is proved, to be a member of the society.

(4) A person who has in possession or custody or under his control any of the insignia, banners, arms, books, papers, documents or other property belonging to an unlawful society, or wears any of the insignia, or is marked with any mark of the society, shall be presumed, unless the contrary is proved, to be a member of the society.

Powers of entry.

51.-(1) A peace officer, and a police officer authorised in writing by a peace officer, may enter with or without assistance any house or building or into any place in which he has reason to believe that a meeting of an unlawful society, or of persons who are members of an unlawful society is being held, and to arrest or cause to be arrested all persons found therein and to search such house, building, or place, and seize or cause to be seized all insignia, banners, arms, books, papers, documents and other property which he may have reasonable cause to believe to belong to any unlawful society, or to be in any way connected with the purpose of the meeting.



(2) For the purposes of this section the expression “peace officer” means any magistrate or a police officer not below the rank of Superintendent:

Declaration
as to
unlawful
society.

52.-(1) When a society is declared to be an unlawful society by an order of the President of Zanzibar, the following consequence shall ensue:

- (a) the property of the society within Zanzibar shall forthwith vest in an officer appointed by the President of Zanzibar;
- (b) the officer appointed by the President of Zanzibar shall proceed and wind up the affairs of the society and, after satisfying and providing for all debts and liabilities of the society and the cost of the winding up, if there shall then be any surplus assets, shall prepare and submit to the President of Zanzibar a scheme for the application of such surplus assets;
- (c) such scheme, when submitted for approval, may be amended by the President of Zanzibar in such way as he shall think proper in the circumstances of the case;
- (d) the approval of the President of Zanzibar to such scheme shall be denoted by the endorsement thereon of a memorandum of such approval signed by the President of Zanzibar and, upon this being done, the surplus assets, the subject of the scheme shall be held by such officer upon the terms and to the purposes thereby prescribed;
- (e) for the purpose of the winding up, the officer appointed by the President of Zanzibar shall have all the powers vested in the Official Assignee for the purpose of the discovering of the property of a debtor and the realisation thereof.

(2) The President of Zanzibar may, for the purpose of enabling a society to wind up its own affairs, suspend the operation of this section for such period as to him shall seem expedient.

(3) The provisions of subsection (1) of this section, shall not apply to a property seized at any time under section 51.

Forfeiture.

53. Subject to the provisions of section 52 the insignia, banners, arms, books, papers, documents and other property belonging to an unlawful society shall be forfeited to the Government.

Definition
of unlawful
assembly and
riot.

54.-(1) 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 neighbourhood 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.

(2) It is immaterial that the original assembling was lawful if, being assembled, they conduct themselves with a common purpose in such a manner as aforesaid under subsection (1) of this section.

(3) 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.

Punishment of unlawful assembly.

55. A person who takes part in an unlawful assembly is guilty of an offence, and is liable to imprisonment for a term not exceeding one year.

Punishment of riot.

56. A person who takes part in a riot is guilty of an offence, and is liable to imprisonment for a term of not less than three months but not exceeding two years.

Making proclamation for rioters to disperse.

57. Any superior police officer or any commissioned officer in the military forces in Zanzibar 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 name of the President of Zanzibar, in such form as he thinks fit, commanding the rioters or persons so assembled to disperse peaceably.

Dispersion of rioters after proclamation made.

58. If upon the expiration of a reasonable time after such proclamation has been made, or after the making of such proclamation has been prevented by force, twelve or more persons continue riotously assembled together, a person authorised to make proclamation, or a 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 a 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 a person.

Rioting after proclamation.

59. If proclamation is made, commanding the persons engaged in a riot, or assembled with the purpose of committing a riot, to disperse, a 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 an offence, and is liable to imprisonment for a term of not less than one month but not exceeding five years.



Preventing or obstructing the making of proclamation.

60. A person who forcibly prevents or obstructs the making of such proclamation referred to in section 57 of this Act, is guilty of an offence, and is liable to imprisonment for ten years; and if the making of the proclamation is so prevented, a 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 a term not exceeding five years.

Rioters demolishing buildings.

61. 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 an offence, and each of them is liable to imprisonment for life.

Rioters damaging buildings.

62. Persons, who, being riotously assembled together unlawfully damage any of the things referred to in section 61 of this Act, are guilty of an offence, and each of them is liable to imprisonment for a term of not less than three months but not exceeding seven years.

Riotously interfering with vehicle or vessel.

63. Persons who, being riotously assembled, unlawfully and with force prevent, hinder or obstruct the loading or unloading of a vehicle or vessel, or the starting or transit of a vehicle, or the sailing or navigating of a vessel, or unlawfully and with force board a vehicle or vessel with intent so to do, are guilty of an offence and each of them is liable to imprisonment for a term not exceeding two years.

Going armed in public and unlawful possession of firearm.

64.-(1) A person who goes armed in public without lawful occasion in such a manner as to cause terror to a person is guilty of an offence, and is liable to imprisonment for a term not exceeding two years and such arms shall be forfeited.

(2) A person who, unlawfully possesses, purchases or acquires any firearm or ammunition for a firearm, is guilty of an offence, and is liable to imprisonment for a term of not less than five years but not exceeding fourteen years.

Forcible entry.

65.-(1) A 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 an offence termed "forcible entry" and is liable to imprisonment for a term not exceeding two years.

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

Forcible detainer.

66. A person who, being in actual possession of land without colour of right, holds possession of it, in a 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 an offence termed “forcible detainer” and is liable to imprisonment for a term not exceeding two years.

Affray.

67. A person who takes part in a fight in a public place is guilty of an offence, and is liable to imprisonment for a term not exceeding six months or to a fine not exceeding Five Hundred Thousand Shillings.

Challenge to fight a duel.

68. A person who challenges another to fight a duel, or attempts to provoke another to fight a duel, or attempts to provoke a person to challenge another to fight a duel, is guilty of an offence and is liable to imprisonment for a term not exceeding two years.

Threatening violence.

69.-(1) A person who:

- (a) with intent to intimidate or annoy a person threatens to break or damage a dwelling house; or
- (b) with intent to alarm a person in a dwelling house, discharges loaded firearms or commits any other breach of the peace,

is guilty of an offence, and is liable to imprisonment for a term not exceeding one year.

(2) If the offence is committed in the night, the offender is liable to imprisonment for a term not exceeding two years.

Watching and besetting.

70.-(1) A person who watches or besets:

- (a) any premises or the approaches to such premises with a view to preventing any other person from doing any act which such other person has a legal right to do thereat; or
- (b) the house or other place where any other person carried on business or happens to be, or the approaches to such house or place with a view to preventing such other person from doing or compelling him to do any act which such other person has a legal right to do or abstain from doing,

is guilty of an offence and is liable to imprisonment for six months or to a fine not exceeding five hundred thousand shillings or both.

(2) The provision of this section shall not apply to any watching or besetting which is lawful under the provisions of any other written laws relating to trade unions or trade disputes.



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

Intimidation.

71.-(1) A 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 or she has a legal right to do; or

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

is guilty of offence and is liable to imprisonment for one year or fine not exceeding One Million Shillings.

(2) In this section:

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

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

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

Assembly for the purpose of smuggling.

72. Two or more persons who assemble together, 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 an offence, and each of them is liable to a fine not exceeding Five Hundred Thousand Shillings, or to imprisonment for a term not exceeding six months.

Offensive weapons at public meetings and conduct conducive to breach of peace.

73.- (1) A person who :

(a) while present at any public meeting or on the occasion of a public procession has with him any offensive weapon, otherwise than in pursuance of lawful authority or with the permission of the Commissioner of Police; or

(b) in any public place or at any public meeting uses threatening, abusive or insulting words or behaviour with intent to provoke a breach of peace or whereby a breach of peace is likely to be occasioned,



is guilty of an offence and is liable to imprisonment for a term not exceeding three months or to a fine not exceeding Two Hundred and Fifty Thousand Shillings, or both.

(2) For the purposes of paragraph (a) of subsection (1) of this section, a person shall not be deemed to be acting in pursuance of lawful authority unless he is acting in his capacity as a police officer or under the directives of the Commissioner of Police.

(3) In this section:

(a) "public meeting" includes a meeting in a public place and any meeting which the public or a section thereof are permitted to attend, whether on payment or otherwise, and for the purpose of this definition a "meeting" means a meeting held for the purpose of the discussion of matters of public interest or for the purpose of the expression of views on such matters;

(b) "public procession" means a procession in a public place.

Possession
of offensive
weapons
without lawful
authority.

74.-(1) A person who imports, manufactures, sells, offers or exposes for sale or wears or carries any offensive weapon without lawful authority, the proof whereof shall lie upon him, is guilty of an offence.

(2) For the purposes of this section, "offensive weapon" means any article made or adapted for causing injury to the person or intended by the person having it with him for such use by him, and without prejudice to the generality of the foregoing includes the following articles and any part thereof namely any bayonet, sword, swordstick, dagger, knife, spear or axe, but does not include the following:

- (a) a clasp-knife having a blade not more than four inches in length where such clasp-knife is not so constructed as to be convertible by means of a spring or otherwise into a dagger or knife with a fixed blade; or
- (b) an article which is primarily designed for use in a profession, craft or business or for domestic use and which is imported, manufactured or sold for such use; or which is worn or carried by a person exercising or carrying on the profession, craft or business for which the article worn or carried by such person is primarily designed; or which is worn or carried for domestic use only; or
- (c) an article while it is worn or carried by a person within his house or the curtilage thereof or on any vessel.



(3) Where a person is convicted of an offence under the provisions of this section or having been charged with an offence thereunder such charge is dismissed under the provisions of section 327 of the Criminal Procedure Act, a court may make an order for the forfeiture of the offensive weapon in respect of which the offence was committed and for destruction or other disposal thereof.

PART NINE OFFENCES RELATING TO THE ADMINISTRATION OF JUSTICE

Perjury and
subornation
of perjury.

75.-(1) A 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 an offence termed "perjury".

(2) For the purposes of this section:

- (a) it is immaterial whether the testimony is given on oath or under any other sanction authorised by law;
- (b) 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;
- (c) it is immaterial whether the false testimony is given orally or in writing;
- (d) it is immaterial whether the court or tribunal is properly constituted, or is held in the proper place, or not, if it actually acts as a court or tribunal in the proceeding in which the testimony is given;
- (e) it is immaterial whether the person who gives the testimony is a competent witness or not, or whether the testimony is admissible in the proceeding or not.

(3) A person who aids, abets, counsels, procures, or suborns another person to commit perjury is guilty of an offence termed "subornation of perjury".

False
statement by
interpreters.

76. If an official interpreter of any court in any judicial proceeding, or a person, lawfully sworn as an interpreter in a judicial proceeding, wilfully makes a statement material in such proceeding which he knows to be false, or does not believe to be true, is guilty of perjury.



Punishment of perjury and subornation of perjury.

77. A person who commits perjury or suborns perjury is liable to imprisonment for a term of not less than three months but not exceeding seven years.

Evidence on charge of perjury and subornation of perjury.

78. A person cannot be convicted of committing perjury or subornation of perjury solely upon the evidence of one witness as to the falsity of any statement alleged to be false, unless supported by document.

Fabricating evidence.

79. A person who, with intent to mislead any court or tribunal in any judicial proceeding:

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

(b) knowingly makes use of such fabricated evidence,

is guilty of an offence, and is liable to imprisonment for a term of not less than six months but not exceeding seven years.

False swearing.

80. A person who swears falsely or makes a false affirmation or declaration before a person authorised to administer an oath or take a declaration upon a matter of public concern under such circumstances that the false swearing or declaration if falsely committed in a judicial proceeding would have amounted to perjury, is guilty of an offence.

Deceiving witnesses.

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

Destroying evidence.

82. A 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 identification, with intent thereby to prevent it from being used in evidence, is guilty of an offence.

Conspiracy to defeat justice and interference with witnesses.

83. A person who:

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



- (b) in order to obstruct the due course of justice, dissuades, hinders or prevents a person lawfully bound to appear and give evidence as a witness from so appearing and giving evidence, or endeavours to do so;
- (c) obstructs or in any way interferes with or knowingly prevents the execution of any legal process, civil or criminal,

is guilty of an offence and liable to imprisonment for a term not exceeding two years.

Compounding offences.

84.-(1) A person who asks, receives, or obtains, or agrees or attempts to receive or obtain a property or benefit of any kind for himself or any other person upon any agreement or understanding that he will compound or conceal of an offence, or will abstain from, discontinue, or delay a prosecution for an offence, or will withhold any evidence thereof, is guilty of an offence.

(2) When a person is convicted of an offence under this section, the court may, in addition to or in lieu of, any penalty which may be imposed, order the forfeiture to the Government, a 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 such property.

(3) Property or sum so forfeited shall be dealt with in such manner as the President of Zanzibar may direct.

(4) Payment of any sum so ordered to be forfeited may be enforced in the same manner and subject to the same incidents as a fine.

Compounding penal actions.

85.-(1) A person who, having brought, or under pretence of bringing, an action against another person upon this Act or any written law 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 an offence.

(2) When a person is convicted of an offence under this section, the court may, in addition to or in lieu of, any penalty which may be imposed, order the forfeiture to the Government, a 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 such property.

(3) Property or sum so forfeited shall be dealt with in such manner as the President of Zanzibar may direct.



(4) Payment of any sum so ordered to be forfeited may be enforced in the same manner and subject to the same incidents as a fine.

Advertisement for stolen property.

86. A person who:

- (a) 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;
- (b) publicly offers to return to a person who may have brought 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
- (c) prints or publishes any such offer,

is guilty of an offence and liable to imprisonment for a term not exceeding two years.

Contempt of Court.

87.-(1) A 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 a person before whom such proceeding is being had or taken;
- (b) having being 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 being sworn or affirmed, refuses without lawful excuse to answer a question or to produce a document, or remains in the room in which such proceeding is being had or taken, after the witnesses have been ordered to leave such room;
- (c) causes an obstruction or disturbance in the course of a judicial proceeding;
- (d) while a judicial proceeding is pending, makes use of any speech or writing, misrepresenting such proceeding, or capable of prejudicing a person in favour of or against any parties to such proceeding, or calculated to lower the authority of a person before whom such proceeding is being had or taken;



- (e) publishes a report of the evidence taken in any judicial proceeding which has been directed to be held in private;
- (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;
- (g) dismisses a servant because he has given evidence on behalf of a certain party to a judicial proceeding;
- (h) retakes possession of land from a person who has recently obtained possession by a writ of court;
- (i) wrongfully retakes possession of any child from a person who has obtained the custody of such child under an order of the court;
- (j) having the means to pay any sums by way of compensation or costs or otherwise in civil or criminal proceedings awarded against him or her by any 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
- (k) 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 an offence, and is liable to imprisonment for a term not exceeding three months.

(2) When any offence against paragraphs (a), (b), (c), (d) or (k) of subsection (1) of this section, 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 not exceeding one hundred thousand shillings or in default of payment to imprisonment for a term not exceeding 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.



PART TEN
RESCUES, ESCAPES AND OBSTRUCTING OFFICERS OF
COURT OF LAW

Rescue.

88.-(1) A person who, by force, rescues or attempts to rescue from lawful custody any other person :

- (a) who is under sentence of death or imprisonment for life or charged with an offence punishable with death or imprisonment for life, is guilty of an offence, and is liable to imprisonment for life;
- (b) who is imprisoned on a charge or under sentence for any offence other than those specified in paragraph (a), is guilty of an offence, and is liable to imprisonment for a term of not less than six months but not exceeding seven years; or
- (c) in any other case, is guilty of an offence.

(2) 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.

Escape from lawful custody.

89.-(1) A person who, being in lawful custody, escapes from such custody is guilty of an offence and shall on conviction be liable to imprisonment for a term equivalent to twice the length of period which the person was serving while in lawful custody.

(2) The sentence in respect of the offence of escaping from lawful custody shall commence after the person completes serving the original period for which he was sentenced before he escaped from lawful custody.

(3) A person who, being in lawful custody before conviction, escapes from such custody, is guilty of an offence, and is liable to imprisonment for a term not exceeding two years.

Aiding prisoners to escape.

90. A person who:

- (a) aids a prisoner in escaping or attempting to escape from lawful custody; or
- (b) conveys anything or causes anything to be conveyed into prison with intent to facilitate the escape of a prisoner,

is guilty of an offence, and is liable to imprisonment for a term of not less than six months but not exceeding seven years.



Escape from confinement or custody negligently suffered by public servant.

91. A person who, being a public servant legally bound as such public servant to keep in confinement a person charged with or convicted of any offence or lawfully committed to custody, negligently or wilfully suffers such person to escape from confinement, is liable to imprisonment for a term not exceeding two years or to a fine not exceeding two million shillings or both.

Removal of property under lawful seizure.

92. A person who, when a property has been attached or taken under the process or authority of any court, knowingly, and with intent to hinder or defeat the attachment or process, receives, removes, retains, conceals, or disposes of such property is guilty of an offence, and is liable to imprisonment for a term not exceeding three years.

Obstructing court officers.

93. A person who:

- (a) wilfully obstructs, or knowingly prevents or in any way interferes with or resists the service upon himself or herself or any other person of any summons, notice, order, warrant or other process issued by a court for service on himself or herself or such other person, as the case may be;
- (b) wilfully obstructs or 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;
- (c) wilfully delays the execution of any summons, notice, order, warrant or other process issued by a court; or
- (d) absconds in order to avoid being served with any summons, notice, order, warrant or other process issued by a court,

is guilty of an offence and is liable to imprisonment for a term not exceeding one year.

PART ELEVEN MISCELLANEOUS OFFENCES AGAINST PUBLIC AUTHORITY

Frauds and breaches of trust by persons employed in the public service.

94. A 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 an offence and is liable to imprisonment for a term not exceeding two years.



Neglect of
official duty.

95. A person employed in the public service who wilfully neglects to perform any duty which he is bound by any written law 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 an offence and is liable to imprisonment for a term not exceeding two years.

Causing loss
to
Government
or Public
Institutions.

96.-(1) A person who, being an employee, officer or member of a public institution, by any wilful act or omission, or by his negligence or misconduct or by any reason of his failure to take reasonable measures, causes the public institution concerned to suffer any pecuniary loss or damage to the property owned or in the possession of the public institution, is guilty of an offence and is liable to imprisonment for a term exceeding three years but not exceeding ten years or to a fine exceeding three million shillings but not exceeding ten million shillings or both.

(2) The court shall order the Government to forfeit a property which has passed in connection with the commission of the offence, or if such property can not be forfeited or can not be found, of such sum as the court shall assess as the value of the property.

(3) For the purposes of this section “public institution” means and includes:

- (a) the Revolutionary Government of Zanzibar;
- (b) Public Corporation established by any other law;
- (c) Company, the majority share capital of which is owned by the Government;
- (d) the Government of the United Republic of Tanzania and its parastatal organisations based in Zanzibar.

(4) Notwithstanding the fact that a public institution has received payment in respect of the loss under an insurance policy or has otherwise been compensated for such loss, such public institution would still be deemed to have incurred a pecuniary loss under the provisions of subsection (1) of this section.

(5) A person charged under this Act with stealing or any offence and is acquitted, may be subsequently charged and tried for an offence under this section on the basis of the same acts or omissions upon which the previous charge was based.

(6) Upon conviction for an offence under this section, the court shall in addition order such person to pay the public institution compensation of an amount equivalent to the actual loss incurred by the public institution concerned.



(7) Such an order of compensation issued by the court may be filed by the respective public institution in a court of competent jurisdiction for execution as a decree notwithstanding the amount involved.

(8) Prosecution under this section shall not be commenced without the written consent of the Director of Public Prosecutions.

False information to public servant.

97. Whoever gives to a 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 employed in the public service:

- (a) to do or omit anything which such person employed in the public service ought not to do or omit if the true state of fact respecting which such information is given were known to him; or
- (b) to use the lawful power of such person employed in the public service to the injury or annoyance of a person,

is guilty of an offence and shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred thousand shillings or both.

Disobedience of statutory duty.

98. A person who wilfully disobeys any written law 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 an offence, and is liable, unless it appears from any written law that it was the intention of the Legislature to provide some other penalty for such disobedience, to imprisonment for a term not exceeding one year or fine of not exceeding one million shillings or both.

Disobedience of lawful order.

99. A person who disobeys any order, warrant or command duly made, issued or given by any court, officer or person acting in any public capacity and duly authorised in that behalf, is guilty of an offence, and is liable, unless any other penalty or mode of proceeding is expressly prescribed in respect of such disobedience, to imprisonment for a term not exceeding two years or fine of not exceeding Two Million Shillings or both.

PART TWELVE OFFENCES RELATING TO RELIGION

Insult to religion of any class.

100. A person who destroys, damages or defiles any place of worship or any object, which is held sacred by any class of persons with the intention thereby insulting the religion of any class of 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 an offence.



Disturbing religious assemblies.

101. A person who voluntarily causes disturbance to an assembly lawfully engaged in the performance of religious worship or religious ceremony, is guilty of an offence.

Trespassing on burial places.

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

Hindering burial of dead body.

103. Whoever unlawfully hinders the burial of the dead body of a person, or without lawful authority in that behalf disinters, dissects, or harms the dead body of a person, or, being under a duty to cause the dead body of a person to be buried, fails to perform such duty, is guilty of an offence.

Writing or uttering words with intent to wound religious feelings.

104. A person who, with the deliberate intention of wounding the religious feelings of any other person, writes any word, or a person who, with the like intention, utters a word or makes a sound in the hearing of any other person or makes a gesture or places an object in the sight of any other person, is guilty of an offence and is liable to imprisonment for a term not exceeding two years.

Abuse of religion.

105.-(1) Where two or more persons assemble with intent to plot against the Government and so assemble under the pretext of being engaged in the performance of religious worship, those persons are guilty of an offence termed "abuse of religion".

(2) An intent to plot against the Government shall be presumed if the following facts are proved:

- (a) that the persons assembled in secret or in circumstances likely to arouse suspicion; and
- (b) that the place where the persons assembled is not a mosque, church, temple or other place of worship; and
- (c) that the effect of the words of any prayer recited by those assembled is likely to bring the Government into hatred, ridicule or contempt or to promote feelings of ill-will and hostility against the Government.

(3) A person who commits abuse of religion is liable to imprisonment for a term of not less than six months but not exceeding seven years.



Promoting
enmity
between
different
groups.

106.-(1) A person who:

- (a) by words, either spoken or written, or by signs or by visible representation or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or communities;
- (b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or communities and which disturbs or is likely to disturb the public tranquillity; or
- (c) organizes any exercise, movement, drill or other similar activity intending that the participation in such activity shall use or be trained to use criminal force or violence or knowing it to be that the participants in such activity will use or be trained to use criminal force or violence, or participates in such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, against any religious, racial, language or regional group or community and such activity, for any reason whatsoever caused or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or community,

is guilty of an offence and is liable to imprisonment for a term not exceeding three years.

(2) A person who commits an offence specified in subsection (1) of this section in a place of worship or in an assembly engaged in the performance of religious worship or religious ceremonies, is liable to imprisonment for a term of not less than three months but not exceeding five years.

PART THIRTEEN OFFENCES AGAINST MORALITY

Carnal
knowledge
defined.

107. Wherever upon the trial for an offence punishable under this Part it may be necessary to prove carnal knowledge, it shall not be necessary to prove the actual emission of seed in order to constitute a carnal knowledge, but the carnal knowledge shall be deemed complete upon the proof of penetration only.



Rape.

108.-(1) It is an offence for a male person to rape a girl or a woman.

(2) A male person commits the offence of rape if he has sexual intercourse with a girl or woman under circumstances falling under any of the following descriptions:

- (a) not being his wife, or being his wife who is lawfully separated from him without her consenting to it at the time of the sexual intercourse;
- (b) with her consent where the consent has been obtained by the use of force, threats or intimidation or by putting her in fear of death or of hurt or while she is in unlawful detention;
- (c) with her consent when such consent has been obtained at a time when she was of unsound mind or was in a state of intoxication induced by alcohol or any drugs, matter or thing, administered to her by the man or by some other person;
- (d) with her consent when the male person knows that he is not her husband, and that, such consent is given because she has been made to believe that he is another man to whom she is, or believes herself to be, lawfully married;
- (e) with or without her consent when she is under eighteen years of age, unless the woman is his wife who is not lawfully separated from the man.

(3) Who ever:

- (a) being a person in position of authority, takes advantage of his official position and commits rape on a girl or woman in his official relationship or wrongfully restrains and commits rape on a girl or woman;
- (b) being on the management or on the staff of a remand home or other place of custody, established by or under law, or of a women's or children's institution, takes advantage of his position and commits rape on a woman inmate of the remand home, place of custody or institution;
- (c) being on the management or on the staff of a hospital, takes advantage of his position and commits rape on a girl or woman;
- (d) being a traditional healer, takes advantage of his position and commits rape on girl or woman who is, for healing purposes, his client;



(e) being a religious leader takes advantage of his position and commits rape on a girl or woman.

(4) For the purposes of proving the offence of rape:

(a) penetration is sufficient to constitute the sexual intercourse necessary to the offence; and

(b) evidence of resistance such as physical injuries to the body is not necessary to prove that sexual intercourse took place without her consent.

Punishment
of rape.

109.-(1) A person who commits rape is, except in the cases provided for in subsection (2) of this section, liable to be punished with imprisonment for life and in any case for imprisonment of not less than thirty years and with fine, and shall in addition be ordered to pay compensation of an amount determined by the court, to the person in respect of whom the offence was committed for the injuries physical or psychological caused to such person.

(2) Where the offence is committed by a boy who is of the age under eighteen years, he shall:

(a) if a first time offender, be punished to one year in juvenile home, approved schools or working in the community;

(b) if a second time offender, be punished to imprisonment for a term of twelve months;

(c) if a third time and recidivist offender he may be punished pursuant to subsection (1) of this section.

Punishment
for gang
rape.

110.-(1) Where the offence of rape is committed by one or more persons in a group of persons, each person in the group committing or abetting the commission of the offence is deemed to have committed gang rape.

(2) A person who is convicted of gang rape, shall be liable to imprisonment for life, regardless of the actual role he played in the rape, and whether or not he is a man or woman.

Attempted
rape.

111.-(1) A person who attempts to commit rape is guilty of an offence and is liable to imprisonment for a term not less than twenty years.

(2) A person attempts to commit rape if, with intent to procure illicit sexual intercourse with a girl or woman, he manifest his intention by:



- (a) threatening the girl or woman for sexual purposes;
- (b) being a person of authority or influence in relation to the girl or woman, applying any act of intimidation over her for sexual purposes;
- (c) making any false representations to her for the purposes of obtaining her consent;
- (d) where the girl or woman is married, representing himself as a husband of the girl or woman; and the girl or woman is put in a position where, but for the occurrence of anything independent of that person's will, she would be involuntarily carnally known.

(3) Where the offence is committed by a boy who is of the age under eighteen years, is liable to be punished to six months in juvenile home, approved schools or working in the community.

Abduction
of a woman.

112. A person who with intent to marry or carnally know a woman of any age, or to cause her to be married or carnally known by any other person, takes her away, or detains her, against her will, is guilty of an offence, and is liable to imprisonment for a term of not less than six months but not exceeding seven years.

Abduction of
girls and
boys.

113.-(1) A person who, unlawfully takes:

- (a) an unmarried girl 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;
- (b) a boy out of the custody or protection of his father or mother or other person having the lawful care or charge of him, and against the will of such father or mother or other person,

is guilty of an offence and shall on conviction be liable to imprisonment for a term of ten years.

(2) It shall not be a 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 victim was of or above the age of 18 years.

Indecent
assault.

114.-(1) A person who unlawfully and indecently assaults a woman or a girl is guilty of an offence and shall on conviction be liable to imprisonment for a term not less than twenty five years and compensation to be determined by the court.



(2) It shall be no defence under this Act to a charge for an indecent assault on a girl, to prove that he or she consented to the act of indecency.

(3) A person who with intent to insult the modesty of a woman or girl, 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 girl or intrudes upon the privacy of such woman or girl is guilty of an offence and is liable to imprisonment for a term not less than three years and compensation to be determined by the court.

Defilement
of boy.

115.-(1) A person who carnally knows any boy is guilty of an offence and is liable to imprisonment for life.

(2) A person who attempts to have carnal knowledge of any boy is guilty of an offence and is liable to imprisonment for a term not less than thirty years.

Defilement
of person
with mental
disability.

116.-(1) A person who, knowing a woman, man, girl, or boy to be of mental disability, has unlawful carnal knowledge of her or him 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, man, girl or boy was of mental disability, is guilty of an offence and is liable to imprisonment for life.

(2) A person who, knowing a woman, man, girl, or boy to be of mental disability, attempts to have unlawful carnal knowledge of her or him 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, man, girl or boy was of mental disability, is guilty of an offence and is liable to imprisonment for a term of not less than thirty years.

Procurement
of
prostitution.

117. A person who:

- (a) procures, or attempts to procure, a person of whatever age, whether with or without the consent of that person, to become, within or outside Zanzibar, a prostitute;
- (b) procures, or attempts to procure, a person under eighteen years of age, to leave Zanzibar, whether with or without the consent of that person, with a view to the facilitation of illicit sexual intercourse with a person outside Zanzibar, or removes, or attempts to remove from Zanzibar that person, whether with or without the consent of that person, for that purpose;
- (c) procures, or attempts to procure, a person of whatever age, to leave Zanzibar, whether with or without the consent of that person, with



intent that, such person become the inmate of, or frequent a brothel elsewhere, or removes or attempts to remove, from Zanzibar any such person, whether with or without the consent of that person, for that purpose;

- (d) brings, or attempts to bring, into Zanzibar, a person of any age with a view to have illicit sexual intercourse with any other person, inside or outside Zanzibar;
- (e) procures, or attempts to procure, a person of whatever age, whether with or without the consent of that person, to leave that person's usual place of abode in Zanzibar, that place not being a brothel, with intent that, such person may for the purposes of prostitution become the inmate of, or frequent, a brothel within or outside Zanzibar; or
- (f) detains a person without the consent of that person in a brothel or elsewhere with a view to have illicit sexual intercourse or sexual abuse of the person,

commits the offence of procurement of prostitution and is liable to imprisonment for a term of not less than five years and not exceeding ten years or to a fine of not less than Five Million but not exceeding Ten Million Shillings or both.

Procuring
illicit sexual
intercourse.

118. A person who:

- (a) by threats or intimidation, procures or attempts to procure a girl, boy or woman to have any illicit sexual intercourse inside or outside Zanzibar;
- (b) by false pretences or false representations, procures a girl, boy or woman to have any illicit sexual intercourse anywhere inside or outside Zanzibar; or
- (c) applies, administers to, or causes to be taken by a girl, boy or woman any drug, matter, or thing, with intent to stupefy or overpower so as to thereby enable a man to have illicit sexual intercourse with such woman, girl or boy,

commits an offence and is liable to a fine of not less one million shillings but not exceeding ten million shillings or to imprisonment for a term of not less than one year but not exceeding ten years or both.

Householder
permitting
defilement of
a boy.

119. A person, who, being the owner or occupier of premises or having or acting or assisting in the management or control thereof, induces or knowingly suffers a boy



to resort to or be upon such premises for the purpose of being unlawfully and carnally known by a man, whether such carnal knowledge is intended to be with any particular man or generally, is guilty of an offence, and is liable to imprisonment for a term of ten years.

Householder permitting unlawful carnal knowledge of a girl.

120. A person who, being the owner or occupier of premises or having or acting or assisting in the management or control thereof, induces or knowingly suffers a girl 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 an offence and shall be liable to imprisonment for a term of ten years.

Detention of a woman, girl or boy in brothel or elsewhere.

121.-(1) A person who detains a woman or girl or boy against her or his will:

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

is guilty of an offence and is liable to imprisonment for a term of seven years.

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

(3) Legal proceedings, whether civil or criminal, shall not be taken against such woman, girl or boy for taking away or being found in possession of such wearing apparel as was necessary to enable her or him to leave such premises or brothel.

Power of search for person detained.

122.-(1) If it appears to a magistrate, on information made before him on oath by a parent, relative or guardian of a woman, boy or girl or other person who, in the opinion of the magistrate, is acting bona fide in the interests of a woman, boy or girl, that there is reasonable cause to suspect that such woman, boy or girl is unlawfully detained for immoral purposes by a person in any place within the jurisdiction of such magistrate, such magistrate may issue a warrant authorising the person named therein to search for, and, when found, to take to and detain in a place of safety such woman, boy or girl



until she or he can be brought before a magistrate; and the magistrate before whom such woman, boy or girl is brought may cause her or him to be delivered up to her or his parents or guardians, or otherwise dealt with as circumstances may permit and require.

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

(3) A woman, boy or girl shall be deemed to be unlawfully detained for immoral purposes if he or she is so detained for the purpose of being unlawfully and carnally known by a man, whether a particular man or generally.

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

Offence of prostitution.

123. A person who for consideration offers her or his body for sexual intercourse, commits an offence and is liable to imprisonment for a term of three years.

Male person living on the earnings of prostitution.

124.-(1) A male person who:

- (a) knowingly, lives wholly or in part on the earnings of prostitution; or
- (b) in a public place, persistently solicits or importunes immoral purposes,

is guilty of an offence.

(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 a manner as to show that he is aiding, abetting or compelling her prostitution with any other person, or generally, unless he shall satisfy the court to the contrary, otherwise he shall be deemed to be knowingly living on the earnings of prostitution.

Woman living on earnings of prostitution or abetting prostitution.

125. A 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 movements of a prostitute in such a manner as to show that she is aiding, abetting or compelling her prostitution with a person, or generally, is guilty of an offence.



Suspicious premises and power of search.

126. If it is made to appear to a magistrate by information on oath that there is reason to suspect that a house, a part of a house or premises is used by a woman or girl for purposes of prostitution, and that a 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 authorising a police officer to enter and search the house and to arrest such person.

Brothel.

127. A person who:

- (a) keeps or manages or assists in the management of a brothel;
- (b) being the tenant, lessee or occupier, or person in charge of a premises, knowingly permits such premises or a part thereof to be used as a brothel; or
- (c) being the lessor or landlord of a premises or the agent of such lessor or landlord, lets the same or a part thereof with the knowledge that such premises or some part thereof are or is to be used as a brothel or is wilfully a party to the continued use of such premises as a brothel,

is guilty of an offence.

Conspiracy to rape.

128. A person who conspires with another to induce a 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 an offence, and is liable to imprisonment for a term of three years.

Attempt to procure abortion.

129. A person who with intent to procure miscarriage of a woman or a girl, 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 an offence, and is liable to imprisonment for a term of not less than one year but not exceeding fourteen years.

Abortion by woman or girl.

130. A woman or girl who with intent to procure her own miscarriage unlawfully administers to herself any poison or other noxious thing, or uses force of any kind, or uses any other means whatever, or permits any such thing or means to be administered or used to her, is guilty of an offence, and is liable to imprisonment for a term of not less than six months but not exceeding seven years.

Supplying drugs or instrument to procure abortion.

131. A person who unlawfully supplies to or procures for a person anything whatever, knowing that it is intended to be unlawfully used to procure the miscarriage of a woman or girl, whether she is or is not with child, is guilty of an offence, and is liable to imprisonment for a term not exceeding three years.



Knowledge of age of female immaterial.

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

Unnatural offences.

133. A person who:

- (a) has carnal knowledge of a person against the order of nature;
- (b) has carnal knowledge of an animal or has carnal knowledge by animal; or
- (c) permits a male person to have carnal knowledge of him or her against the order of nature,

is guilty of an offence, and is liable to imprisonment for a term of thirty years.

Attempt to commit unnatural offences.

134. A person who attempts to commit unnatural offences is guilty of an offence, and is liable to imprisonment for a term of not exceeding ten years.

Indecent assault on boy.

135. A person who unlawfully and indecently assaults a boy is guilty of an offence, and is liable to imprisonment for a term not less than twenty five years.

Acts of lesbianism.

136. A woman or a girl who commits an act of lesbianism with another woman or girl, whether taking an active or passive role, is guilty of an offence and is liable on conviction to imprisonment for a term of not less than five years but not exceeding ten years.

Acts of gross indecency between persons.

137.-(1) A person who, in public or private, commits, or is a party to the commission of, or procures or attempts to procure the commission by a person of, any act of gross indecency with another person, is guilty of an offence and is liable to imprisonment for a term of not less than three years but not exceeding five years or to a fine of not less than Three Million Shillings but not exceeding Five Million Shillings.

(2) Where the offence is committed by a person of eighteen years of age or more in respect of a person under eighteen years of age, the offender is liable to imprisonment for a term not less than five years but not exceeding ten years, and shall also be ordered to pay compensation of an amount determined by the court to the person in respect of whom the offence was committed for any injuries physical or psychological caused to that person.



Sexual
exploitation of
children.

138.-(1) A person who:

- (a) knowingly permits a child to remain in any premises, for the purposes of causing such child to be sexually abused or to participate in any form of sexual activity or in any obscene or indecent exhibition or show;
- (b) acts as procurer of a child for the purposes of sexual intercourse or for a form of sexual abuse or indecent exhibition or show;
- (c) induces a person to be a client of a child for sexual intercourse or for a form of sexual abuse, or indecent exhibition or show, by means of print or other media, oral advertisements or other similar means;
- (d) takes advantage of his influence over, or his relationship to a child, to procure the child for sexual intercourse or a form of sexual abuse or indecent exhibition or show;
- (e) threatens, or uses violence towards, a child to procure the child for sexual intercourse or a form of sexual abuse or indecent exhibition or show; or
- (f) gives or promises to give monetary consideration, goods or other benefits to a child or his parents with intent to procure the child for sexual intercourse or any form of sexual abuse or indecent exhibition or show,

is guilty of an offence of sexual exploitation of children and is liable to imprisonment for a term not less than five years but not exceeding twenty years.

Grave sexual
abuse.

139.-(1) A person who, for sexual gratification, does an act, by the use of his or her private parts or any other part of the human body or an instrument on an orifice or part of the body of any other person, being an act which does not amount to rape, commits the offence of grave sexual abuse if he does so in the circumstances falling under any of the following situations:

- (a) without the consent of the other person;
- (b) with the consent of the other person where the consent has been obtained by use of force, threat or intimidation or putting that other person in fear of death or inflicting of hurt or while that other person was in unlawful detention; or



- (c) with the consent of the other person where such consent has been obtained at a time the other person was of unsound mind or was in a state of intoxication induced by alcohol or any drugs, matter or thing.

(2) A person who:

- (a) commits the offence of grave sexual abuse is liable to imprisonment for a term not less than fifteen years but not exceeding thirty years, and shall also pay compensation of an amount determined by the court to the person in respect of whom the offence was committed for the injuries caused to that person;
- (b) commits the offence of grave sexual abuse on a person of below eighteen years of age, is liable to imprisonment for a term not less than twenty five years but not exceeding thirty years, and shall also pay compensation of an amount determined by the court to the person in respect of whom the offence was committed for the injuries caused to that person.

Union of persons of the same sex.

140. A person who:

- (a) enters or arranges a union whether amounting to marriage or not of the person of the same sex;
- (b) celebrates a union with another person of the same sex whether amounting to marriage or not; or
- (c) lives as husband and wife with another person of the same sex,

is guilty of an offence and is liable to imprisonment for a term of not exceeding seven years.

Sexual harassment.

141.-(1) A person who:

- (a) with intention, assaults or by use of criminal force, sexually harasses another person, or by the use of words or actions, causes sexual annoyance or harassment to such other person, commits the offence of sexual harassment; or
- (b) intending to insult the modesty of a person utters any word, makes any sound or gesture, or exhibits any object including any organ whether male or female, intending that such word or sound shall be heard, or that the gesture or object shall be seen, by the person, or intrudes upon the privacy of the person, commits the offence of sexual harassment,



and is liable to imprisonment for a term not exceeding five years or to a fine not exceeding Five Million Shillings or both, and may also be ordered to pay compensation of an amount determined by the court to the person in respect of whom the offence was committed for any injuries caused to that person.

(2) For the avoidance of doubt, unwelcome sexual advances by words or action used by a person in authority, in a working place or any other place, shall constitute offence of sexual harassment.

(3) For the purpose of this section, an assault may include any act, which does not amount to rape.

(4) Prosecution for an offence under this section shall not be instituted or continued where the complaint is made by the alleged victim at any time more than one hundred and eighty days after the occurrence of the event constituting the offence.

Adultery.

142.-(1) A male person who has carnal knowledge of a woman who is and whom he knows or has reason to believe to be the wife of another person, without the consent or connivance of her husband, such carnal knowledge not amounting to the offence of rape, is guilty of an offence.

(2) A female person who permits a male person, who is and whom she knows or has reason to believe to be the husband of another person, to have carnal knowledge of her without the consent or connivance of his wife, is guilty of an offence.

Incest.

143.-(1) A person who has sexual intercourse with another person with whom, and to his or her knowledge, has any of the relationships listed under the Schedule to this Act, is guilty of an offence.

(2) If the offender is a male person, that offender is liable to imprisonment for a term not less than twenty five years.

(3) If the offender is a female person, that offender is liable to imprisonment for a term not exceeding five years.

(4) If it is alleged in the information or charge and proved that the female person is below eighteen years of age, the male offender is liable to imprisonment for life.

(5) If it is alleged in the information or charge and proved that the male person is below twelve years of age, the female offender is liable to imprisonment not less than twenty years.



(6) If a male person attempts to commit any such offence as aforesaid, is guilty of an offence and is liable to imprisonment for a term not less than ten years.

(7) If a female person attempts to commit any such offence as aforesaid, is guilty of an offence and is liable to imprisonment for a term not exceeding three years.

(8) On the conviction of, before any court, any male or female person of an offence or of an attempt to commit the same under this section, against a boy or girl under the age of eighteen years, it shall be in the power of the court to divest the offender of all authority over such boy or girl, and, if the offender is the guardian of such boy or girl, to remove the offender from such guardianship, and in any other such case, to appoint any person or persons to be the guardian or guardians of such boy or girl during his or her minority or any less period.

(9) 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 other respect.

Consent of
Director
of Public
Prosecutions.

144. A prosecution for an offence under section 142 or 143 shall not be commenced without the written consent of the Director of Public Prosecutions.

Disclosure of
identity of
the victim.

145.-(1) A person who prints or publishes the name or any matter which may make known the identity of any person against whom an offence against morality under this Act, is alleged or found to have been committed, is guilty of an offence and liable to imprisonment for a term of not exceeding two years and compensation of an amount determined by the Court.

(2) Nothing in subsection (1) of this section, extends to any printing or publication of the name or any matter, which may make known the identity of the victim if such printing or publication is:

- (a) by, or under the order in writing of the officer in charge of the police station or the police officer making the investigation into such offence, and who is acting in good faith for the purposes of such investigation;
- (b) by, or with the authorization in writing of the victim; or
- (c) where the victim is dead or minor or of unsound mind, by or with the authorization in writing of the next of kin of the victim,

such authorisation shall not be given by the next of kin to anybody without the permission of the officer in charge of a police station and in case of a minor, magistrate of the Children Court.



(3) A person who prints or publishes any matter in relation to any proceeding before a court with respect to an offence referred to in subsection (1) of this section, without the previous permission of such court shall be liable on conviction to imprisonment for a term of not exceeding two years and compensation of an amount determined by the Court.

PART FOURTEEN OFFENCES RELATING TO MARRIAGE AND DOMESTIC RELATIONS

Fraudulent
pretence of
marriage.

146. A person who wilfully and by fraud causes any woman or girl 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 an offence, and is liable to imprisonment for a term of not less than one year but not exceeding ten years.

Unlawfully
marrying.

147.-(1) A person who, having a husband or wife living, goes through a ceremony of marriage which is void by reason of it taking place during the life of such husband or wife, is guilty of an offence and is liable to imprisonment for a term of not less than three months but not exceeding five years.

(2) Subsection (1) of this section, shall not extend to a person whose marriage with such husband or wife has been declared void by a court of competent jurisdiction, nor to any person who contracts a marriage during the life of a former husband or wife.

(3) Subsection (1) of this section, shall not extend to a person whose marriage if such husband or wife, at the time of the subsequent marriage, shall have been continually absent from such person for the space of seven years, and shall not have been heard of by such person as being alive within that time.

(4) Subsection (1) and (3) of this section shall not apply to a male person who contracts marriage in accordance with Islamic faith.

Marriage
ceremony
fraudulently
gone through
without lawful
marriage.

148. A person who dishonestly or with fraudulent intention goes through the ceremony of marriage, knowing that he is not thereby lawfully married, is guilty of an offence and is liable to imprisonment for a term of not less than three months but not exceeding five years.

Cruelty to
children.

149.-(1) A person who, having the custody, charge or care of any person under eighteen years of age, ill-treats, neglects or abandons that person or causes female circumcision or procures that person to be assaulted, ill-treated, neglected or abandoned in a manner likely to cause him suffering or injury to health, including injury to, or



loss of, sight or hearing, or limb or organ of the body or any mental dearrangement, commits the offence of cruelty to children.

(2) A person who commits the offence of cruelty to children is liable to imprisonment for a term of not less than five years but not exceeding fifteen years or to a fine not exceeding Fifteen Million Shillings or both, and shall pay compensation of an amount determined by the court to the person in respect of whom the offence was committed for the injuries caused to that person.

Desertion of a child or a person with disability.

150. A person who, being the parent or guardian or other person having the lawful care or charge of a child or person with disability, and being able to maintain such child or person with disability, wilfully and without lawful or reasonable cause, deserts the child or the person with disability, and leaves him or her without means of support, is guilty of an offence.

Neglecting to provide food for child or a person with disability.

151. A person who, being the parent or guardian or other person having the lawful care or charge of any child or person with disability that unable to provide for himself or herself, refuses or neglects to provide having being able to do so, sufficient food, clothes, bedding and other necessaries for such child or such person, so as thereby to injure the health of such child or such person, is guilty of an offence.

Employer not providing for employee or apprentice.

152. A person who, being legally liable either as employer, to provide for any apprentice or employee 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 employee so that the life of such apprentice or employee is endangered or that his health has been or is likely to be permanently injured, is guilty of an offence.

Trafficking of person.

153.-(1) A person who:

- (a) engages in the act of buying, selling or bartering of a person for money or for any other consideration;
- (b) for the purpose of promoting, facilitating or inducing the buying or selling or bartering of the placement in adoption of a person for money or for any other consideration:
 - (i) arranges for, or assists, a child to travel to a foreign country without the consent of his parent or lawful guardian;
 - (ii) obtains an affidavit of consent from a pregnant woman for money or for any other consideration, for the adoption of the unborn child of that woman;



- (iii) recruits women, girl or couples to bear children;
- (iv) being a person concerned with the registration of births, knowingly permits the falsification of any birth record or register;
- (v) engages in procuring children from hospitals, shelters for women, clinics, nurseries, day care centres, or other child care institutions or welfare centres for money or other consideration or procures a child for adoption from any such institution or centre, by intimidation of the mother or any other person, or child for adoption from any such institution or centres; or
- (vi) impersonates the mother or assists in the impersonation,

commits the offence of trafficking of person and is liable to imprisonment for a term not less than five years but not exceeding twenty years or a fine of not less than Five Million Shillings but not exceeding Twenty Million Shillings or both.

Child
stealing.

154.-(1) A person who, with intent to deprive a parent, guardian or other person who has lawful care or charge of a child under the age of eighteen years, of the possession of such child:

- (a) forcibly or fraudulently takes or entices away, or detains the child; or
- (b) receives or harbours the child, knowing it to have been so taken or enticed away or detained,

is guilty of an offence, and is liable to imprisonment for a term not less than five years but not exceeding ten years.

(2) It is a defence to a charge of any of the offences in this 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.

PART FIFTEEN NUISANCES AND OFFENCES AGAINST HEALTH AND CONVENIENCE

Public
nuisance.

155.-(1) A person who does an act not authorised by law or omits to discharge a legal duty and thereby causes any public injury or danger or annoyance, or obstructs or causes inconvenience to the public in the exercise of public rights, commits an offence termed a "public nuisance" and is liable to imprisonment for a term of not exceeding one year.



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

Gaming
premises.

156.-(1) A person who:

- (a) being the owner or occupier, or having the use of, a house, room or place and open, keep or use the same for the purpose of unlawful gaming being carried on therein; or
- (b) being the owner or occupier of a house, room or place and knowingly and wilfully permit the same to be opened, kept or used by any other person for the purpose aforesaid in paragraph (a);
- (c) having the care or management of or in any manner assisting in conducting the business in the house, room or place opened, kept or used for the purpose aforesaid in paragraph (a),

is said to keep a common gaming house.

(2) In this section “unlawful gaming” includes roulette, every game of dice except backgammon, every game of cards which is not a game of mere skill, and any game the chances of which are not alike favourable 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) A person who keeps a common gaming house is guilty of an offence and is liable to imprisonment for a term not less than three years.

(4) A person other than the persons mentioned in subsection (1) of this section, 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 is guilty of an offence and is liable to a fine not less than Five Hundred Thousand Shillings for the first offence, and for each subsequent offence to a fine not less than Seven Hundred Thousand Shillings or imprisonment for a term not less than two years, or both.

Gaming
machines.

157. A person who imports or has in his or her possession any machine or other contrivance for the purpose of gaming, commits an offence and is liable to a fine not less than Four Million Shillings or to imprisonment for a term not less than four years or both.



Betting
house.

158.-(1) A house, room or place which is used for any of the following purposes:

- (a) for the purpose of bets being made therein between persons resorting to the place, and
 - (i) the owner, occupier, or keeper of the place, or a person using the place;
 - (ii) a person procured or employed by or acting for or on behalf of such owner, occupier or keeper, or person using the place; or
 - (iii) a person having the care or management, or in any manner conducting the business, of the place; or
- (b) 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:
 - (i) for an assurance, undertaking, promise, or agreement, express or implied, to pay or give thereafter any money or other property on any event or contingency of or relating to any horse race, or other race, fight, game, sport or exercise; or
 - (ii) 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.

(2) A 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 the business, of a common betting house, is guilty of an offence, and is liable to imprisonment for a term not exceeding four years or a fine not exceeding four million shillings or both.

(3) Nothing herein contained shall make illegal the use of totalisator by a club legally recognised by the Government at any public meeting, with the approval of the Commissioner of Police.

(4) In subsection (3) of this section, "totalisator" means and includes the instrument, machine or contrivance, commonly known as totalisator and any other instrument, machine or contrivance of like nature, or any scheme enabling any number of persons to make bets with one another on the like principles.



Lotteries.

159.-(1) A person who opens, keeps or uses any place for carrying on a lottery not authorised by the Commissioner of Police or by a police officer not below the rank of Superintendent to whom power has been delegated by the Commissioner of Police to give such authority, is guilty of an offence, and a person who in any way infringes or fails to comply with any conditions laid down when such authorisation as above mentioned is given is guilty of an offence.

(2) A person who prints or publishes, or causes to be printed or published, advertisement or other notice of or relating to lottery not so authorised or of or relating to the sale of any ticket or chance or of any share in any ticket or chance in any lottery not so authorised, is liable to a fine not exceeding Five Hundred Thousand Shillings.

(3) The provisions of subsection (2) of this section, shall not apply to any advertisement or notice which is printed or published solely for the purpose of notifying to the public the results of any unauthorised lottery.

(4) In this section "lottery" includes any scheme or device for the sale, gift, disposal or distribution of any property depending upon or determined by lot or chance, whether by the throwing or casting of dice, or by the drawing of tickets, cards, lots, numbers or figures, or by means of a wheel or trained animal, or otherwise.

(5) When a person is convicted of an offence under this section, the court may, in addition to or in lieu of any penalty which may be imposed, order the forfeiture to the Government any instrument or thing used in connection with the lottery concerning which the conviction has taken place.

Keeper of premises defined.

160. A person who appears, acts or behaves as master or mistress, or as the person having the care or management of any such house, room, set of rooms, or place as is mentioned in sections 157, 158 and 159 is to be taken to be the keeper thereof, whether he is or is not the real keeper.

Traffic in obscene publications.

161.-(1) A 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 obscene objects, or any other object tending to corrupt morals;
- (b) for any of the purposes mentioned in paragraph (a) 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 circulations;



- (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;
- (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;
- (f) in any internet center opened to the public, being the owner allows any person to display any obscene materials from the internet, or being the user displays obscene materials from the internet,

is guilty of an offence and is liable to imprisonment for a term of not less than three years but not exceeding six years or to a fine of not less than Three Million Shillings but not exceeding Six Million Shillings.

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

(3) A court may, on the application of the Director of Public Prosecutions, 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.

Obscene acts.

162. A person who, to the annoyance of others, does any obscene act in any public place shall be liable on conviction to imprisonment for a term not exceeding three months or with fine not exceeding Two Hundred and Fifty Thousand Shillings, or both.

Idle and disorderly persons.

163. Any of the following persons who:

- (a) is a common prostitute behaving in a disorderly or indecent manner in any public place;
- (b) wanders or places himself in any public place to beg or gather alms, or causes or procures or encourages any child or children so to do;



- (c) plays at, any game of chance for money or money's worth, in any public place;
- (d) in any public place conducts himself in a manner likely to cause a breach of the peace;
- (e) in any public place, is found drunk and behaving in a riotous or disorderly manner or incapable of taking care of himself;
- (f) without lawful excuse, publicly does any indecent act;
- (g) in any public place, solicits for immoral purposes;
- (h) wanders about and endeavours by the exposure of wounds or deformation to obtain or gather alms; and
- (i) is dissolute or behaving in a manner which would likely lead to indecent act or any of these,

shall be deemed to be an idle and disorderly person, and is guilty of an offence and is liable to imprisonment for a term of not less than one year and not exceeding two years or to a fine of not less than One Million Shillings but not exceeding Two Million Shillings.

Rogues and
vagabonds.

164. Any of the following persons who:

- (a) goes about as a gatherer or collector of alms, or endeavours to procure charitable contributions of any nature or kind, under any false or fraudulent pretence;
- (b) is a suspected person or reputed thief who has no visible means of subsistence and cannot give a good account of himself;
- (c) is 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 there for an illegal or disorderly purpose;
- (d) is seen to be in any restricted area which may from time to time be declared so by a local authority or any other authority, whether such person is asleep or otherwise, and who fails to give reasonable reasons as to why he is there at the material time,

shall be deemed to be a rogue and vagabond, and is guilty of an offence and is liable to imprisonment for a term of not less than three months but not exceeding two years or a fine not exceeding Two Million Shillings.



Offences
against
military
uniforms.

165.-(1) A person who, not being a person serving in the military or other forces of the United Republic of Tanzania or the Special Departments wears, without the permission of the lawful authority, the uniform of any of those forces or Departments or any dress having the appearance or bearing any of the regimental or other distinctive marks of such uniform, is guilty of an offence, and is liable to imprisonment for a term not exceeding one month or to a fine not exceeding One Hundred Thousand Shillings.

(2) Nothing in subsection (1) of this section, shall prevent a 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.

(3) A person who unlawfully wears the uniform of any of the forces and special departments 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 to wear such uniform or dress, is guilty of an offence, and is liable to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred and Fifty Thousand Shillings.

(4) A person who, not being in the service of the United Republic of Tanzania or the Government or having previously received the written permission of the lawful authority so to do, imports or sells or has in his possession for sale any such uniform or dress as is mentioned in this section, or the buttons or badges appropriate thereto, is guilty of an offence, and is liable to imprisonment for a term not exceeding six months or to a fine not exceeding Five Hundred Thousand Shillings.

(5) Nothing in subsection (4) of this section, shall be deemed to prohibit the possession of any such uniform or dress by a person who, having served in the forces of the United Republic of Tanzania or the Government's Special Departments.

(6) When a person is convicted of an 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 Court shall otherwise order.

Negligent
act likely
to spread
infection.

166. A 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 an offence.

Fouling water.

167. A person who voluntarily corrupts or fouls the water of any public spring or reservoir, so as to render it less fit for the purpose of which it is ordinarily used, is guilty of an offence.



- Fouling air.** **168.** A person who voluntarily vitiates the atmosphere in a 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 an offence.
- Offensive trades.** **169.** A person who, for the purposes of trade or otherwise, makes loud noises or offensive or 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 imprisonment for a term not exceeding one year.
- Disobedience to quarantine rule.** **170.** A person who knowingly disobeys any rule made and promulgated by the Government for putting any vessel into a state of quarantine, or for regulating the intercourse of vessels in a state of quarantine with the shore or with other vessels, or for regulating the intercourse between places where an infectious disease prevails and other places, is guilty of an offence and liable to imprisonment for a term not exceeding six months or fine not exceeding Five Hundred Thousand Shillings or both.
- Punishment for public nuisance.** **171.** A person who commits a public nuisance in any case not otherwise punishable under this Act, is liable to imprisonment for a term not exceeding one year.
- Continuance of nuisance.** **172.** A person who repeats or continues a public nuisance, having been enjoined by any public servant who has lawful authority to issue such injunction not to repeat or continue such nuisance, is liable to imprisonment for a term of not less than one year but not exceeding two years, or with fine not exceeding Two Million Shillings or both.
- Adulteration of food.** **173.** A person who adulterates any article of food or drink, so as to make such article noxious as food or drink, intending to sell such article as food or drink, knowing it to be likely that the same will be sold as food or drink, is guilty of an offence.
- Sale of noxious food.** **174.** A 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 has reason to believe that the same is noxious as food or drink, is guilty of an offence.
- Adulteration of drugs.** **175.** A person who adulterates any drug or medical preparation 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 it shall be sold or used for any medicinal purpose, as if it had not undergone such adulteration, is guilty of an offence.
- Sale of adulterated drugs.** **176.** A person who adulterates any drug or medical preparation in such a manner as to lessen the efficacy or change its operation, or renders 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 an offence.



PART SIXTEEN MURDER, MANSLAUGHTER AND INFANTICIDE

Manslaughter. **177.**-(1) A person who by an unlawful act or omission, causes the death of another person, is guilty of an offence, termed “manslaughter”.

(2) For the purpose of this section an “unlawful omission” is an omission amounting to culpable negligence to discharge a duty tending to the preservation of life and health, whether such omission is or is not accompanied by an intention to cause death or bodily harm.

Punishment of manslaughter. **178.** A person who commits an offence of manslaughter is liable to imprisonment for life.

Murder. **179.** A person who of malice aforethought causes the death of another person by an unlawful act or omission, is guilty of murder.

Punishment of murder. **180.** A person convicted of murder shall be sentenced to death.

Malice aforethought. **181.** 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 an offence; or
- (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 an offence.

Killing on provocation. **182.** 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.



Provocation defined.

183.-(1) 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 employer or employee, 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.

(2) 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.

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

(4) 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 to that other person for an assault.

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

(6) For the purposes of this section the expression “an ordinary person” means an ordinary person of the community to which the accused belongs.

Causing death defined.

184. A person is deemed to have caused the death of another person although his act is not the immediate or the 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 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 has 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; or
- (e) if his act or omission would not have caused death unless it had been accompanied by an act or omission of the person killed or of other persons.

When child deemed to be person.

185. 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.

Limitation as to time of death.

186.-(1) 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.

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

(3) 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.

(4) 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 or the day on which the omission ceased, whichever is the later.

Infanticide.

187. Where a woman or a girl, 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 the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child, or by reason of the effect of lactation consequent upon the birth of the child, then, notwithstanding that the circumstances were that but for this section the offence would have amounted to murder, she is guilty of an offence, to wit of infanticide, and is liable to imprisonment for a term of not less than six months but not exceeding seven years.



PART SEVENTEEN DUTIES RELATING TO THE PRESERVATION OF LIFE AND HEALTH

Responsibility of person who has charge of another.

188. It is the duty of a person having charge of another who is unable by reason of age, sickness, unsoundness of mind, detention 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.

Duty of head of family.

189. It is the duty of a person who, as head of a family, has charge of a child under the age of eighteen 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 of employer.

190. It is the duty of a person who as employer has contracted to provide necessary food, clothing, or lodging for any employee or apprentice under the age of eighteen 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 employee or apprentice by reason of any omission to perform that duty.

Duty of persons doing dangerous acts or in charge of dangerous things.

191.-(1) It is the duty of a person who, except in a case of necessity, undertakes to administer surgical or medical treatment to any other person, or to do any 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 a person by reason of any omission to observe or perform that duty.

(2) It is the duty of a 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 by reason of any omission to perform that duty.

Punishment for failure to perform duties.

192. A person who fails to perform his duty under provisions of this Part, is guilty of an offence and is liable to imprisonment for a term of not exceeding one year or fine of not exceeding One Million Shillings or both.



PART EIGHTEEN OFFENCES CONNECTED WITH MURDER AND SUICIDE

Attempt
unlawfully to
cause death.

193. A person who:

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

is guilty of an offence, and is liable to imprisonment for life.

Accessory
after the fact
to murder.

194. A person who becomes accessory after the fact to murder, is guilty of an offence, and is liable to imprisonment for a term not exceeding seven years.

Written
threats to
murder.

195. A person who, knowing the contents thereof, directly or indirectly causes any person to receive any writing threatening to kill any person, is guilty of an offence, and is liable to imprisonment for a term not exceeding seven years.

Conspiracy
to murder.

196. A person who conspires with any other person to kill a person, whether such person to be killed is in Zanzibar or elsewhere, is guilty of an offence, and is liable to imprisonment for a term not exceeding fourteen years.

Aiding
suicide.

197. A person who:

- (a) procures another to kill himself;
- (b) counsels another to kill himself and thereby induces him to do so; or
- (c) aids another in killing himself,

is guilty of an offence, and is liable to imprisonment for life.

Attempting
suicide.

198. A person who attempts to kill himself is guilty of an offence.

Concealing
birth of
child.

199. A person who, when a woman or girl is delivered of a child, endeavours, 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 an offence.

Child
destruction.

200.-(1) Subject as hereinafter in this subsection provided, a 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, is guilty of the offence of child destruction, and shall be liable on conviction to imprisonment for life.



(2) It shall not be an offence under this section if it is proved that the act which caused the death of the child was done in good faith by a doctor in a Government hospital for the purpose only of preserving the life of the mother and the fact that the act was so done is supported by a certificate signed by a team of at least two other doctors in a Government hospital or a hospital registered under the Private Hospitals (Regulation) Act.

(3) For the purposes of this section evidence that a woman or girl had at any material time being pregnant for a period of twenty eight weeks or more is a prima facie proof that she was at that time pregnant of a child capable of being born alive.

Concealing design to commit an offence.

201.-(1) A person intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence punishable with death or imprisonment for life, voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence or makes any representation which he knows to be false respecting such design shall, if that offence is committed, be liable to imprisonment for a term not exceeding seven years, or, if the offence is not committed, he is liable to imprisonment for a term not exceeding three years.

(2) A person intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence punishable by imprisonment, voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence or makes any representation which he knows to be false respecting such design shall, if that offence is committed, be liable to imprisonment for one year or, if the offence is not committed, he is liable to imprisonment for six months.

PART NINETEEN OFFENCES ENDANGERING LIFE OR HEALTH

Disabling for commission of an offence.

202. A person who, by any means calculated to choke, suffocate or strangle, and with intent to commit or facilitate the commission of an offence, or to facilitate the escape of an offender after the commission or attempted commission of an offence, renders or attempts to render any person incapable of resistance, is guilty of an offence, and is liable to imprisonment for life.

Stupefying in order to commit an offence.

203. A person who, with intent to commit or to facilitate the commission of an offence, or to facilitate the escape of an offender after the commission or attempted commission of an offence, administers or attempts to administer any stupefying or overpowering drug or thing to a person, is guilty of an offence, and is liable to imprisonment for life.



Acts intended to cause grievous harm or to prevent arrest.

204. A person who, with intent to maim, disfigure or disable a person, or to do some grievous harm to a person, or to resist or prevent the lawful arrest or detention of any person:

- (a) unlawfully wounds or does any grievous harm to any person by any means whatever;
- (b) unlawfully attempts in any manner to strike a person with any kind of projectile or with a spear, sword, knife, or other dangerous or offensive weapon;
- (c) unlawfully causes any explosive substance to explode;
- (d) sends or delivers any explosive substance or other dangerous or noxious thing to a person;
- (e) causes any such substance or thing to be taken or received by a person;
- (f) puts any corrosive fluid or any destructive or explosive substance in any place; or
- (g) 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 an offence, and is liable to imprisonment for life.

Preventing escape from wreck.

205. A person who unlawfully:

- (a) prevents or obstructs a 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
- (b) obstructs any person in his endeavours to save the life of any person so situated,

is guilty of an offence, and is liable to imprisonment for life.

Intentionally endangering safety of persons travelling by railway.

206. A person who, with intent to injure or to endanger the safety of any person travelling by any railway, whether a particular person or not:

- (a) places anything on the railway;



- (b) deals with the railway, or anything whatever upon or near the railway, in such manner as to affect or endanger the free and safe use of the railway or the safety of any such person;
- (c) shoots or throws anything at, into, or upon or causes anything to come into contact with any person or thing on the railway;
- (d) shows any light or signal, or in any way deals with any existing light or signal, upon or near the railway; or
- (e) 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 an offence, and is liable to imprisonment for life.

Endangering
safety of
vessel.

207.-(1) A person who:

- (a) performs an act of violence against a person on board a vessel or aircraft in flight if that act is likely to endanger the safety of that vessel or aircraft;
- (b) destroys a vessel or an aircraft in service or causes damage to such a vessel or aircraft which renders it incapable of moving or flight or which is likely to endanger its safety in flight;
- (c) places or causes to be placed on a vessel or aircraft in service, by any means whatsoever a device or substance which is likely to destroy that vessel or aircraft, or to cause damage to it which is likely to endanger its safety;
- (d) destroys or damages navigation facilities or interferes with their operation, if any such act is likely to endanger the safety of vessel or aircraft in flight; or
- (e) communicates information which he knows to be false, thereby endangering the safety of vessel or an aircraft in flight,

is guilty of an offence and is liable to imprisonment for life.

(2) In 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 pre-flight 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 subsection;
- (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 Zanzibar.

(4) Where the offence was committed on or in relation to an aircraft registered in Zanzibar or owned by a citizen of Tanzania resident in Tanzania or by a body corporate established under any written law of Zanzibar, no person shall be tried and punished for an offence under this section if he or she 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 Zanzibar.

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

Grievous harm.

208. A person who unlawfully does grievous harm to another is guilty of an offence, and is liable to imprisonment for a term not exceeding seven years.

Attempting to injure by explosive substances.

209. A person who unlawfully, and with intent to do any harm to another, puts any explosive substance in any place whatever, is guilty of an offence, and is liable to imprisonment for a term not exceeding fourteen years.

Maliciously administering poison with intent to harm.

210. A person who unlawfully, and with intent to injure or annoy another, causes any poison or noxious thing to be administered to, or taken by, a person, and thereby endangers his life, or does him some grievous harm, is guilty of an offence, and is liable to imprisonment for a term not exceeding fourteen years.

Wounding and similar acts.

211. A person who:

- (a) unlawfully wounds another; or
- (b) unlawfully, and with intent to injure or annoy a person, causes any poison or other noxious thing to be administered to, or taken by a person,

is guilty of an offence, and is liable to imprisonment for a term not exceeding three years.



Failure to supply necessities.

212. A person who, being charged with the duty of providing for another necessities 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 an offence, and is liable to imprisonment for a term not exceeding three years.

Responsibility as to surgical operation.

213. A person is not criminally responsible for performing in good faith and with reasonable care and skill a surgical operation upon any person for his 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.

Criminal responsibility.

214. A person authorised 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.

Consent does not affect criminal responsibility.

215. Notwithstanding anything contained in section 214, consent by a person to the causing of his own death or his own maim does not affect the criminal responsibility of a person by whom such death or maim is caused.

PART TWENTY OFFENCES RELATING TO CRIMINAL GANG ACTIVITIES

Gang related offences.

216.-(1) A person who actively participates in or is a member of a criminal gang and who:

- (a) wilfully aids and abets any criminal activity committed for the benefit of, at the direction of, or in association with, any criminal gang;
- (b) threatens to commit, bring about or perform any act of violence or any criminal activity by a criminal gang or with the assistance of a criminal gang; or
- (c) threatens any specific persons in general, with retaliation in any manner or by any means whatsoever, in response to any act or alleged act of violence,

is guilty of an offence.

(2) A person who:

- (a) performs any act which is aimed at causing, bringing about, promoting or contributing towards a pattern of criminal gang activity;



- (b) incites, instigates, commands, aids, advise, encourages or procures any other person to commit, bring about, perform or participate in a pattern of criminal gang activity; or
- (c) instigate, commands, aids or advises another person to join a criminal gang,

is guilty an offence.

Penalties.

217.(1) A person convicted of an offence provided in:

- (a) section 216(1) or (2)(a) is liable to a fine not exceeding Six Million Shillings or to imprisonment for a period not exceeding six years;
- (b) section 216(2)(b) or (c), is liable to a fine not exceeding Three Million Shillings or to imprisonment for a period not exceeding three years.

(2) If the offence contemplated in section 216 is committed on the premises or grounds of, or within 500 metres of a public or private school, or any other educational institution, during hours in which facility is open for classes or school related programmes or when minors are using the facility, such fact shall be regarded as an aggravating circumstance.

(3) If a court, after having convicted an accused of any offence, other than an offence contemplated in this Part, finds that the accused was a member of a criminal gang at the time of the commission of the offence, such finding shall be regarded as an aggravating circumstance for sentencing purposes.

Interpretation
of member
of criminal
gang.

218. In considering whether a person is a member of a criminal gang for purposes of this Part, the court may have regard to the following factors, namely that such person:

- (a) admits to criminal gang membership;
- (b) is identified as a member of a criminal gang by a parent, guardian or any other person;
- (c) resides in or frequents a particular criminal gang's area and adopts their style of dress, their use of hand signs, language or their tattoos, and associates with known members of a criminal gang;
- (d) has been arrested more than once in the company of identified members of a criminal gang for offences which are consistent with usual criminal gang activities;



(e) is identified as a member of a criminal gang by physical evidence such as photographs or other documentation.

PART TWENTY ONE CRIMINAL RECKLESSNESS AND NEGLIGENCE

Rush or negligent act causing death.

219. A person who, by rash or negligent act, not amounting to manslaughter, causes the death of another person is guilty of an offence, and is liable to imprisonment for a term not exceeding ten years or to a fine of not exceeding Ten Million Shillings or both.

Rush and negligent acts.

220. A 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;
- (b) navigates, or takes part in the navigation or working of any vessel;
- (c) does any act with fire or combustible matter, or omits to take precautions against any probable danger from any fire or any combustible matter in his possession;
- (d) omits to take precautions against any probable danger from any animal in his possession;
- (e) omits to fence in or take other proper precautions against any probable danger from any well, tank or excavation in his possession or under his control;
- (f) gives medical or surgical treatment to a person whom he has undertaken to treat;
- (g) dispenses, supplies, sells, administers, or gives away any medicine or poisonous or dangerous matter;
- (h) 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
- (i) does any act with respect to, or omits to take precaution against any probable danger from any explosive in his possession,

is guilty of an offence.

Removal of human organs.

221.-(1) A person who, not being a qualified medical practitioner, removes the tonsils of another person is guilty of an offence and is liable to imprisonment for a minimum term of five years.



(2) Where such removal of a person's tonsils directly causes his death, the person removing the tonsils is guilty of manslaughter.

Removal of tonsils.

222.-(1) A person, whether qualified medical practitioner or not who:

- (a) removes a human organ in the body of a person whether living or dead, without a consent of that person or a consent of the next of kin of the deceased person;
- (b) removes a human organ in the body of a child with or without the consent of a parent, guardian or next of kin of that child,

is guilty of an offence and is liable to imprisonment for a term of twenty years.

(2) Where such removal of a person's human organ directly causes his death, the person removing the organ be guilty of murder.

Other negligent acts causing harm.

223. A 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 section 220, by which act or omission harm is caused to any person, is guilty of an offence, and is liable to imprisonment for a term not exceeding six months or to a fine of not exceeding five hundred thousand shillings.

Dealings in poisonous substances in a negligent manner.

224. 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 sufficient to guard against probable danger to human life, is guilty of an offence, and is liable to imprisonment for a term not exceeding six months, or to a fine of not exceeding five hundred thousand shillings.

Endangering safety of persons travelling by railway.

225. A person who, by an unlawful act or omission not specified in section 206, causes the safety of any person travelling by any railway to be endangered, is guilty of an offence.

Exhibition of false lights, marks or buoy.

226. A person who exhibits any false light, mark or buoy intending or knowing it to be likely that such exhibition will mislead any navigator, is guilty of an offence and is liable to imprisonment for a term not exceeding seven years.

Conveying person by water for hire in unsafe or overloaded vessel.

227. A 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 an offence.



Danger or obstruction in public way or line of navigation.

228. A 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 guilty of an offence and is liable to imprisonment for a term not exceeding one year or to a fine of not exceeding one million shillings or both.

PART TWENTY TWO ASSAULTS

Common assault.

229. A person who unlawfully assaults another, is guilty of an offence, and, if the assault is not committed in circumstances for which a greater punishment is provided in this Act, is liable to imprisonment for a term not exceeding one year.

Assault causing actual bodily harm.

230. A person who commits an assault occasioning actual bodily harm, is guilty of an offence, and is liable to imprisonment for a term not exceeding five years.

Assaults on person protecting wrecks.

231. A person who assaults, strikes or wounds a magistrate, officer, or other person lawfully authorised in or on account of the execution of his duty in or concerning the preservation of a vessel in distress, or of a vessel or goods or effects wrecked, stranded, or cast on shore, or lying under water, is guilty of an offence, and is liable to imprisonment for a term of not less than six months but not exceeding seven years.

Assault punishable with five years imprisonment.

232. A person who:

- (a) assaults a person with intent to commit an offence, or to resist or prevent the lawful apprehension or detainer of himself or of any other person for any offence;
- (b) assaults, resists, or wilfully obstructs any police officer in the due execution of his duty, or a person in aid of such officer;
- (c) assaults a person in pursuance of any unlawful combination or conspiracy to raise the rate of wages, or respecting any trade, business, or manufacture or respecting a person concerned or employed therein;
- (d) assaults, resists, or obstructs a person engaged in lawful execution of process, or in making a lawful distress, with intent to rescue a property lawfully taken under such process or distress; or
- (e) assaults a person on account of any act done by him in the execution of any duty imposed on him by law,

is guilty of an offence and is liable to imprisonment for a term not exceeding five years.



PART TWENTY THREE OFFENCES AGAINST LIBERTY

- Definition of kidnapping from Zanzibar. **233.** A person who conveys a person beyond the limits of Zanzibar without the consent of that person, or of some person legally authorised to consent on behalf of that person, is said to kidnap that person from Zanzibar.
- Definition of kidnapping from lawful guardian. **234.** A person who takes or entices a child, or a person of unsound mind, out of the keeping of the lawful guardian of that child or person of unsound mind, without the consent of that guardian, is said to kidnap such child or person from lawful guardianship.
- Punishment for kidnapping. **235.** A person who kidnaps a person from Zanzibar, or from lawful guardianship, is guilty of an offence, and is liable to imprisonment for a term not exceeding ten years.
- Definition of abduction. **236.** A person who by force compels, or by any deceitful means induces, another person to go from any place, is said to abduct that person.
- Kidnapping or abducting in order to murder. **237.** A 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 an offence, and is liable to imprisonment for life.
- Kidnapping or abducting with intent to confine person. **238.** A person who kidnaps or abducts any person with intent to cause that person to be secretly and wrongfully confined, is guilty of an offence, and is liable to imprisonment for a term not exceeding fourteen years.
- Kidnapping or abducting in order to subject person to grievous harm or slavery. **239.** A 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 subjected or disposed of, is guilty of an offence and is liable to imprisonment for a term of ten years.
- Wrongfully concealing, kidnapped or abducted person. **240.** A person who, knowing that any person has been kidnapped or has been abducted, wrongfully conceals or confines such person, is guilty of an offence, 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.
- Kidnapping or abducting child with intent to steal from its person. **241.** A person who kidnaps or abducts any child with intention of taking dishonestly any movable property from the person of such child, is guilty of an offence, and is liable to imprisonment for a term not exceeding seven years.



Kidnapping or abducting child with intent to demand money.

242. A person who unlawfully:

- (a) either by force or fraud or any other unlawful means takes away, or decoys or entices away, or detains any child with intent to deprive any parent, guardian or other person having the lawful care or charge of such child, of the possession of such child; or
- (b) with intent to demand any article, money or anything from his or her parent, guardian or any other person having lawful care of such child,

is guilty of an offence, and is liable to imprisonment for a term not exceeding fifteen years.

Wrongful restraint.

243. A person who voluntarily obstructs a person so as to prevent that person from proceeding in a direction in which that person has a right to proceed, is said wrongfully to restrain that person.

Wrongful confinement.

244. A person who wrongfully restrains a person in such a manner as to prevent that person from proceeding beyond certain circumscribing limits, is said wrongfully to confine that person.

Punishment for wrongful restraint.

245. A person who wrongfully restrains a person is guilty of an offence, and is liable to imprisonment for a term not exceeding one month or to a fine not exceeding One Hundred Thousand Shillings.

Punishment for wrongful confinement.

246. A person who wrongfully confines a person is guilty of an offence, and is liable to imprisonment for a term not exceeding one year or to a fine not exceeding one million shillings.

Buying or disposing of any person as slave.

247. A person who imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains any person as a slave, is guilty of an offence, and is liable to imprisonment for a term of seven years.

Habitual dealing in slaves.

248. A person who habitually imports, exports, removes, buys, sells, traffics or deals in slaves is guilty of an offence, and is liable to imprisonment for a term of ten years.

Forced labour.

249. A person who unlawfully compels a person to labour against the will of that person is guilty of an offence and is liable to imprisonment for a term not less than three years but not exceeding five years.



PART TWENTY FOUR THEFT

Things
capable of
being stolen.

250.-(1) An inanimate thing whatever which is the property of a person, and which is movable, is capable of being stolen.

(2) An inanimate thing which is the property of a 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.

(3) Wild animals whether tame by nature or wild by nature and subsequently tamed, which is the property of a person, is capable of being stolen.

(4) Wild animals by nature, of a kind which is not ordinarily found in condition of natural liberty in Zanzibar, which are the property of a 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.

(5) Wild animals by nature, of a kind which is ordinarily found in a condition of natural liberty in Zanzibar, which are the property of a 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.

(6) 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.

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

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

Definition
of theft.

251.-(1) A person who fraudulently and without claim of right, takes anything capable of being stolen, or fraudulently, converts to the use of a 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 any of the following intents:

- (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 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.

(3) The term “special owner” includes any person who has any charge or lien upon the thing in question, or any right arising from or dependent upon holding possession of the thing in question.

(4) When a thing stolen is converted, it is immaterial whether it is taken for the purpose of conversion, or whether it is at the time of the conversion in the possession of the person who converts it; and 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 authorised to dispose of it.

(5) 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.

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

Special cases.

252.-(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 not deemed to be theft

Funds,
held under
direction.

253. When a person receives, either alone or jointly with another person, any money or valuable security or 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, or 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 that direction has been complied with.

Funds,
received by
agents for
sale.

254. When a person receives, either alone or jointly with another person, any property from another on terms authorising 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 whom he is to pay them on account for them, and that the relation of debtor and creditor only exist between them in respect thereof.

Money
received for
another.

255. 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.

256. When a 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 persons 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 of a corporation or company or society who are owners of it.

Husband and
wife.

257. A person who, while a man and his wife are living together, procures either of them to deal with anything which is, to his knowledge, the property of the other in a manner which would be theft if they were not married, is deemed to have stolen the thing, and may be charged with theft.

General
punishment
for theft.

258. A person who steals anything capable of being stolen is guilty of the offence termed "theft", and is liable, unless owing to the circumstances of the theft or the



nature of the thing stolen, some other punishment is provided, to imprisonment for three years.

Stealing
Wills, postal
matter or
animal.

259. If the thing stolen is:

- (a) a testamentary instrument, whether the testator is living or dead;
- (b) postal matter or any chattel, money, or valuable security contained in any postal matter; or
- (c) a horse, mare, gelding, ass, mule, camel, ostrich, bull, cow, ox, ram, ewe, wether, goat, pig or any other animal of the like character,

the offender is liable to imprisonment for a term not exceeding ten years.

Stealing from
the person
or stealing
goods in
transit.

260. If a theft is committed under any of the following circumstances, 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 ten thousand shillings or the offender at or immediately before or after the time of stealing uses or threatens to use violence to a person in the dwelling-house;
- (c) if the thing is stolen from any kind of vessel or vehicle or place of deposit used for the conveyance or custody of goods in transit from one place to another;
- (d) if the thing stolen is attached to or forms part of a railway or roads;
- (e) if the thing is stolen from a vessel, which is in distress or wrecked or stranded;
- (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 or other instrument;
- (h) if the thing stolen is agricultural product whether raw or wholly or partly manufactured or processed or livestock or livestock-product from a Government or State plantation,

the offender is liable to imprisonment for a term not exceeding seven years.



Stealing
from the
Government.

261.-(1) If the thing stolen is the property of the Government or its Public Enterprise, the Government of the United Republic of Tanzania or its Public Corporation, or a company the shares of which are wholly or partly owned by the Government and the value of such property exceeds Ten Thousand Shillings but does not exceed fifty thousand shillings, the offender is liable to imprisonment for a term of not less than one year and not exceeding four years.

(2) Where the value of the property involved exceeds Fifty Thousand Shillings, the offender is liable to imprisonment for a term of not less than five years, in addition, the court shall order the offender to pay to the owner of the property compensation equal to the value of the property stolen if such property cannot be traced or returned.

Stealing by
clerks or
servants.

262. If the offender is a clerk or servant, and the thing stolen is the property of his employer, or came into the possession of the offender on account of his employer, he is liable to imprisonment for a term not exceeding seven years.

Stealing by
directors or
officers of
companies.

263. If the offender is a director or officer of a corporation or company, and the thing stolen is the property of the corporation or company, he is liable to imprisonment for a term not exceeding seven years.

Stealing by
agents.

264. If the thing stolen is any of the following things, 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 a term not exceeding seven years.



Stealing by tenants or lodgers.

265. If the thing stolen is a fixture or chattel let to the offender to be used by him with a house or lodging, and its value exceeds One Hundred Thousand Shillings, he is liable to imprisonment for a term not exceeding seven years.

Stealing after previous conviction.

266. If the offender, before committing the theft, had been convicted of a theft punishable under section 258, he is liable to imprisonment for a term not exceeding seven years.

Stealing of Cloves.

267. If cloves belonging to the Government or its parastatals are stolen, the offender is liable to the following penalties:

- (a) imprisonment for a term of not less than ten years.
- (b) while in the Educational Centre shall grow and nurse one hundred clove trees.

Stealing of Agricultural product.

268.-(1) If the property stolen is an agricultural product other than the Government property or its parastatals or the Government of the United Republic of Tanzania, the offender is liable to imprisonment for a term of not exceeding five years and shall, in addition to such penalty be required to pay, twice the market value of the product stolen and the proceeds shall then be divided equally between the owner of the product and the Government.

(2) Where the offender fails to pay the fine as provided in subsection (1) of this section, is liable to imprisonment for a term of another period of six months.

(3) For the purpose of this section "agricultural product" means a product obtained from any type of farming and includes paddy rice, millet, sorghum, maize, green gram, yams, bananas, potatoes, vegetables, coconuts, beans, pigeon peas, peas, mangoes, citrus fruits, lemons, oranges, bread fruits, honey, wax or the family of any of them and fowls, ducks and birds of the like character and includes raw or wholly or partially manufactured of any of them.

Forfeiture of building where stolen teak have been used in the construction.

269.-(1) Where a person has been found guilty of theft of teak and trees belonging to the Government and where the teak has been found used in any building the court shall, in addition to passing any sentence, order the forfeiture of the building to the Government.

(2) Where any stolen teak has been found used in the construction of any building, the onus of giving satisfactory explanation as to how he came in possession of the teak, shall be on the owner of the building.



PART TWENTY FIVE OFFENCES ALLIED TO STEALING

Concealing registers.

270. A person who, with intent to defraud, conceals or takes from its place of deposit any register which is authorised 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 an offence, and is liable to imprisonment for a term of not less than one year but not exceeding ten years.

Concealing wills.

271. A person who, with intent to defraud, conceals any testamentary instrument, whether the testator is living or dead, is guilty of an offence, and is liable to imprisonment for a term not exceeding ten years.

Concealing deeds.

272. A 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 an offence, and is liable to imprisonment for a term not exceeding three years.

Killing animal with intent to steal.

273. A person who kills any animal capable of being stolen with intent to steal the skin or carcass, or any part of the skin or carcass, is guilty of an offence, and is liable to the same punishment as if he had stolen the animal.

Severing with intent to steal.

274. A 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.

Fraudulent disposition of mortgaged goods.

275.-(1) A 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 an offence.

(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 of produce of the soil, whether growing or severed, which are subject for the time being, by virtue of the provisions of any Act or of any written instrument, to a valid charge or lien by way of security for any debt or obligation.

Fraudulent dealing with minerals in mines.

276. A person who takes, conceals, or otherwise disposes of any ore or any metal or mineral in or about a mine, with intent to defraud a person, is guilty of an offence, and is liable to imprisonment for a term not exceeding five years.

Fraudulent appropriation of power.

277. A 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, apparatus, or substance, the property of another person, is guilty of an offence, and is liable to imprisonment for a term not exceeding five years.



Conversion not amounting to theft.

278. A person who unlawfully and without claim of right, but not so as to be guilty of stealing, takes or converts to his use or to the use of any other person any draught or riding animal or any vehicle or cycle however propelled, or any vessel, is guilty of an offence, and is liable to imprisonment for a term not exceeding six months or to a fine of not exceeding Five Hundred Thousand Shillings or both.

PART TWENTY SIX ROBBERY AND EXTORTION

Definition and punishment of robbery.

279.-(1) A person who steals anything, and, at or immediately before or immediately after the time of stealing it, uses or threatens to use actual violence to a 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 an offence termed "robbery".

(2) A person who commits an offence of robbery is liable to imprisonment for a term not exceeding twenty five years.

Armed robbery.

280. A person who steals anything, and, at or immediately before or immediately after the time of stealing, 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 after the time of the robbery, he wounds, beats, strikes, or uses any other personal violence to a person is guilty of an offence termed "armed robbery" and is liable to imprisonment for life.

Punishment of attempted robbery and attempted armed robbery.

281.-(1) A person who is convicted of attempted robbery is liable to imprisonment for a term not exceeding ten years.

(2) A person who is convicted of attempted armed robbery is liable to imprisonment for life.

Assault with intent to steal.

282. A person who assaults a person with intent to steal anything is guilty of an offence, and is liable to imprisonment for a term not exceeding seven years.

Demanding property by written threats.

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



Attempt at
extortion by
threats.

284.-(1) A person who, with intent to extort or gain anything from a person:

- (a) accuses or threatens to accuse a person of committing an offence, or of offering or making any solicitation or threat to a person as an inducement to commit or permit the commission of an offence;
- (b) threatens that a person shall be accused by any other person of an offence, or of any such act;
- (c) knowing the contents of the writing, causes any person to receive any writing containing any such accusation or threats as aforesaid,

is guilty of an offence and is liable to imprisonment for a term of five years.

(2) If the accusation or threat of accusation is of:

- (a) an offence for which the punishment of death or imprisonment for life may be inflicted;
- (b) any of the offences against morality or an attempt to commit any of such offences;
- (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 a person as an inducement to commit or permit the commission of any of the offences aforesaid,

the offender is liable to imprisonment for a term not exceeding fourteen years.

(3) In any other cases the offender is liable to imprisonment for a term not exceeding three years.

(4) 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.

Procuring
execution
of deed by
threats.

285. A person who, with intent to defraud, and by means of any unlawful violence to, or restraint of, the person of another, or 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 an offence, or by offering or making any solicitation or threat to a person as an inducement to commit or permit the commission of any offence, compels or induces a person:



- (a) to execute, make, accept, indorse, 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 an offence and is liable to imprisonment for a term not exceeding fourteen years.

Demanding thing with menaces with intent to steal.

286. A person who, with intent to steal any valuable thing, demands it from a person with menaces or force, is guilty of an offence, and is liable to imprisonment for a term of five years.

Dishonest misappropriation of property.

287. A person who dishonestly misappropriates or converts to his own use any movable property, shall be liable on conviction to imprisonment for a term not exceeding two years, or with fine not exceeding Two Million Shillings, or both.

Dishonest misappropriation of property possessed by deceased person.

288. A person who dishonestly misappropriates or converts to his own use property, knowing that such property was in the possession of a deceased person at that time of that person's death, and has not since been in the possession of a person legally entitled to such possession, is liable to imprisonment for a term not exceeding three years, or to a fine of not exceeding Three Million Shillings; and if the offender at the time of such person's death was employed by him as clerk or servant the imprisonment may extend to seven years.

Criminal breach of trust.

289. A person who, being in any manner entrusted with property, or with a dominion over property, dishonestly misappropriates or converts to his own use that property, or dishonestly uses or disposes of that property in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract, express or implied, which he has made touching the discharge of such trust, or wilfully suffers any other person so to do, commits "criminal breach of trust" and is liable to imprisonment for a term not exceeding three years, or to a fine of not exceeding Three Million Shillings, or both.



PART TWENTY SEVEN BURGLARY, HOUSEBREAKING AND SIMILAR OFFENCES

Definition of breaking and entering.

290.-(1) 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, or 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.

(2) 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.

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

House-breaking and burglary.

291.-(1) A person who:

- (a) breaks and enters any building, tent or vessel used as a human dwelling with intent to commit an offence therein; or
- (b) having entered any building, tent or vessel used as a human dwelling with intent to commit an offence therein, or having committed an offence in any such building, tent or vessel, breaks out thereof,

is guilty of the offence termed "housebreaking" and is liable to imprisonment for a term not exceeding ten years.

(2) If the offence is committed in the night, it is termed "burglary" and the offender is liable to imprisonment for a term not exceeding fifteen years.

Entering dwelling house with intent to commit an offence.

292.-(1) A person who enters or is in any building, tent or vessel used as a human dwelling with intent to commit an offence therein, is guilty of an offence, and is liable to imprisonment for a term not exceeding ten years.

(2) If the offence is committed in the night, the offender is liable to imprisonment for a term not exceeding twelve years

Breaking into building and committing an offence.

293. A person who:

- (a) breaks and enters a schoolhouse, shop, warehouse, store, office, counting house, garage, pavilion, club, factory or workshop, or a building belonging to the Government, a Government department,



or to a municipal or other public authority, or a building which is adjacent to a dwelling house and occupied with it, but is not part of it, or a building used as a place of worship and commits an offence therein; or

(b) breaks out of the same having committed an offence therein,

is guilty of an offence and liable to imprisonment for a term not exceeding twelve years.

Breaking into building with intent to commit an offence.

294. A person who breaks and enters a schoolhouse, shop, warehouse, store, office, counting house, garage, pavilion, club, factory or workshop, or a building belonging to the Government, a Government department, or to any municipal or other public authority, or a building which is adjacent to a dwelling house and occupied with it, but is not part of it, or any building used as a place of worship, with intent to commit an offence therein, is guilty of an offence and is liable to imprisonment for a term not exceeding ten years.

Persons found armed, with intent to commit an offence.

295.-(1) A person who is found under any of the following circumstances:

- (a) being armed with a dangerous or offensive weapon or instrument, and being so armed with intent to break or enter a dwelling house and to commit an offence therein;
- (b) being armed as aforesaid by night, and being so armed with intent to break or enter a building whatever, and to commit an offence therein;
- (c) having in his possession any instrument of housebreaking by night without lawful excuse, the proof of which lies on him;
- (d) having in his possession by day any such instrument with intent to commit an offence;
- (e) having his face masked or blackened or being otherwise disguised, with intent to commit an offence;
- (f) being in a building whatever by night with intent to commit an offence therein;
- (g) being in a building whatever by day with intent to commit an offence therein, and having taken precautions to conceal his presence,

is guilty of an offence, and is liable to imprisonment for a term not exceeding seven years.



(2) If the offender has been previously convicted of an offence relating to property, he is liable to imprisonment for a term not exceeding ten years.

Criminal
trespass.

296.-(1) A person who:

- (a) enters into or upon property in the possession of another with intent to commit an offence or to intimidate, insult or annoy a person in possession of such property;
- (b) having lawfully entered into or upon such property, unlawfully remains therewith intent thereby to intimidate, insult or annoy any such person or with intent to commit an offence; or
- (c) unlawfully enters a place while a party, dance or other occasion is due to commence or is in progress without paying an entrance fee that is payable or who loiters or unlawfully remains within twenty yards of any such place,

is guilty of the offence termed "criminal trespass" and is liable to imprisonment for a term not exceeding three months or to a fine of not exceeding Two Hundred and Fifty Thousand Shillings or both.

(2) If the property upon which the offence is committed is a 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 a term not exceeding one year.

Forfeiture.

297. When a person is convicted of an offence under this Act, the court may order that any dangerous or offensive weapon or instrument used in connection with any such offence shall be forfeited to the Government.

PART TWENTY EIGHT FALSE PRETENCES

Definition of
false pretence.

298. A representation made by words, writing or conduct, of a matter of fact, either past or present, which representation is false in fact, and which the person making it knows to be false or does not believe to be true, is a false pretence.

Obtaining
by false
pretences.

299. A person who by any 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 an offence, and is liable to imprisonment for a term not less than three years but not exceeding five years.



Obtaining execution of security by false pretences.

300. A person who by any false pretence, and with intent to defraud, induces any person to execute, make, accept, indorse, alter, or destroy, the whole or any part of any valuable security or to write a name or impress or affix a 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 valuable security, is guilty of an offence, and is liable to imprisonment for a term not less than three years but not exceeding five years.

Cheating.

301. A 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 an offence, and is liable to imprisonment for a term not less than three years but not exceeding five years.

Obtaining credit by false pretences.

302. A person who:

- (a) in incurring any debt or liability, obtains credit by any false pretence or by means of any other fraud;
- (b) 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 of his property; or
- (c) with intent to defraud his creditors or any of them, conceals, 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 an offence, and is liable to imprisonment for a term not exceeding three years.

Conspiracy to defraud.

303. A person who conspires with another by deceit or any fraudulent means to affect the market price of anything publicly sold, or to defraud the public or any person, whether a particular person or not, or to extort any property from a person, is guilty of an offence, and is liable to imprisonment for a term not exceeding three years.

Frauds on sale or mortgage of property.

304. A person who, being the seller or mortgagor of a 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:

- (a) conceals from the purchaser or mortgagee an instrument material to the title, or any encumbrance;



- (b) falsifies any pedigree on which the title depends or may depend; or
- (c) makes any false statement as to the title offered or conceals any fact material thereto,

is guilty of an offence, and is liable to imprisonment for a term not less than two years.

Pretending to tell fortunes.

305. A person who for gain or reward pretends to exercise or use any kind of witchcraft, sorcery, enchantment, or conjuration, or undertakes to tell fortunes, or pretends from his 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 an offence.

Obtaining registration by false pretence.

306. A 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 an offence, and is liable to imprisonment for a term not exceeding one year.

False declaration for passport.

307. A person who makes a statement which is to his knowledge untrue for the purpose of procuring a passport, whether for himself or for any other person, is guilty of an offence.

Personating public officers.

308. A person who:

- (a) personate any person employed in the public service on an occasion when the latter is required to do any act or attend in any place by virtue of his employment; or
- (b) falsely represents himself to be a person employed in the public service, and assumes to do any act or attend in any place for the purpose of doing any act by virtue of such employment,

is guilty of an offence, and is liable to imprisonment for a term of five years.

PART TWENTY NINE RECEIVING PROPERTY STOLEN OR UNLAWFULLY OBTAINED AND LIKE OFFENCES

Receiving property stolen or unlawfully obtained.

309.-(1) A person who receives or retains a chattel, money, valuable security or other property whatsoever, knowing or having reason to believe it to have been stolen, extorted wrongfully or unlawfully taken, obtained, converted or disposed of, is guilty of an offence and is liable to imprisonment for a term not exceeding ten years.



(2) A person who assists in concealing or disposing of a property knowing or having reason to believe the same to have been stolen, obtained or disposed of in any way whatsoever by an act which constitutes an offence, is guilty of an offence and is liable to imprisonment for a term not exceeding three years.

(3) For the purposes of this section it shall be immaterial whether the act by which such property has been stolen, obtained or disposed of was committed in or outside Zanzibar or in a place not ascertained, if such act would if committed within Zanzibar, constitute an offence.

Persons suspected of having, or conveying of stolen property.

310. A person who has been detained as the result of the exercise of the powers of Police officer to detain and search vehicle and persons in certain circumstances in the Criminal Procedure Act and is brought before a court charged with having in his possession or conveying in any manner anything 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, is guilty of an offence.

Being in possession of stolen property.

311.-(1) A person who is found by a police officer in possession of or having control over a 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 an offence of being found in possession of stolen property and is liable to imprisonment for a term not less than three years but not exceeding ten years or to a fine not less than Three Million Shillings but not exceeding Ten Million Shillings or both.

(2) In addition to the punishment provided under subsection (1) of this section, the court shall order the forfeiture to the Government of a 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.

(3) Unless otherwise ordered by the court in respect of such property forfeited to the Government, a claim by any other individual against the Government for the property shall not be entertained.

(4) For the purposes of this section “unlawfully acquired” means acquired in circumstances which constitute contravention of any provision of any written law.

Hoarding.

312.-(1) A person who:



- (a) carries on the business of selling goods of any description either wholesale or retail and having such goods in stock, refuses to sell the whole or any quantity thereof to a person offering to purchase the same; or
- (b) otherwise not carrying on the business of wholesale or retail has in stock or in possession of goods of any description in quantity which under the relevant circumstances is above the normal person household requirement,

is guilty of an offence and is liable to imprisonment for a term not less than seven years or to a fine of not less than Seven Million Shillings or both.

(2) In addition to the punishment provided under subsection (1) of this section, the court shall order all the goods involved in the charge to be forfeited.

(3) For the purpose of this section:

- (a) “a person who carries on the business of selling goods of any description” means and includes any agent or employee of such person;
- (b) a person shall be deemed to be carrying on the business of selling goods of any description if:
 - (i) at any time within the period covered under the charge when the offence with which he is alleged to have committed has sold or offered for sale such goods;
 - (ii) at any time within the period referred to in paragraph (i) above held himself out as being a person carrying on the business of selling such goods; or
 - (iii) being a person licensed to carry on wholesale or retail business had, at the time of the offence possession of any quantity of such goods in circumstances in which, in the opinion of the court, it may reasonably be inferred that such goods were intended by him to be sold in the course of his business.

(4) A person shall be deemed to have in stock or to be in possession of goods of any description:

- (a) if he has any quantity of such goods in any premises under his control or management;
- (b) if he is the owner of any quantity of such goods or has all the right to dispose of by sale any quantity of such goods.



(5) A person shall be deemed to have refused to sell any goods where he offered the goods for sale at a price or subject to a term or condition which, in the opinion of the Court, having regard to all the relevant circumstances was unreasonable.

Being in possession of property stolen outside Zanzibar.

313. A person who, without lawful excuse, has in his possession any property knowing or having reason to believe the same to have been stolen, obtained or disposed of in any way whatsoever outside Zanzibar by an act which, if it had been committed in Zanzibar, would have constituted an offence, is guilty of an offence of the like degree and is liable to imprisonment for a term not exceeding seven years.

PART THIRTY FRAUD BY TRUSTEES AND PERSONS IN A POSITION OF TRUST, AND FALSE ACCOUNTING

Trustees fraudulently disposing of trust property.

314.-(1) A 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 authorised by the trust, is guilty of an offence, and is liable to imprisonment for a term not exceeding seven years.

(2) For the purpose of this section the term "trustee" includes the following persons:

- (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 any written law for any such purpose;
- (c) the heir or personal representative of any trustee as aforesaid and any other person upon or to whom any such trust shall devolve or come;
- (d) executors including executors *de son tort* and administrators;
- (e) managers appointed under the authority of the Mental Health Act;
- (f) official managers, assignees, liquidators or other like officers, by whatsoever name called, acting under the authority of any Act relating to bankruptcy or insolvency or joint stock companies.

Misappropriation and fraud by directors and officers of corporations.

315. A person who:

- (a) being a director or officer of a corporation or company, receives or possesses himself as such of a 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

- (b) 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:
- (i) 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;
 - (ii) makes, or is privy to omitting, any material particular from any such book, document or account;
 - (iii) omits, or is privy to omitting, any material particular from any such book, document or account,

is guilty of an offence, and is liable to imprisonment for a term not exceeding fourteen years.

False statements by officials of companies.

316. A 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, a written statement or account which, in any material particular, is to his knowledge false, with intent thereby to effect any of the following purposes:

- (a) to deceive or to defraud a member, shareholder, or creditor of the corporation or company, whether a particular person or not;
- (b) to induce a 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 an offence, and is liable to imprisonment for a term of seven years.

False accounting.

317. A person who, being a clerk or servant, or being employed or acting in the capacity of a clerk or servant, 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 or is in the possession of his



employer, or any entry in any such book, document or account, or is privy to any such act;

- (b) makes, or is privy to making, any false entry in any such book, document, or account;
- (c) omits, or is privy to omitting, any material particular from any such book, document or account,

is guilty of an offence, and is liable to imprisonment for a term of seven years.

False
accounting by
public officer.

318. A 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 an offence and is liable to imprisonment for a term of seven years.

PART THIRTY ONE OFFENCES CAUSING INJURY TO PROPERTY

Arson.

319. A person who wilfully and unlawfully sets fire to :

- (a) any building or structure whatever, whether completed or not;
- (b) any vessel whether completed or not;
- (c) a mine, or the workings, fittings, or appliances of a mine,

is guilty of an offence, and is liable to imprisonment for life.

Attempts to
commit arson.

320. A person who:

- (a) attempts unlawfully to set fire to any such thing as is mentioned in section 319; or
- (b) wilfully and unlawfully sets fire to anything which is so situated that any such thing as is mentioned in section 319 is likely to catch fire from it,

is guilty of an offence, and is liable to imprisonment for a term of fourteen years.

Setting fire
to crops and
growing plants.

321. A person who wilfully and unlawfully sets fire to:



- (a) a crop of cultivated produce, whether standing, picked or cut;
- (b) a crop of hay or grass under cultivation, whether natural or indigenous product of the soil or not, and whether standing or cut;
- (c) any standing trees, saplings, or shrubs, whether indigenous or not, under cultivation; or
- (d) any stack of cultivated vegetable produce, or of mineral or vegetable fuel,

is guilty of an offence, and is liable to imprisonment for a term of fourteen years.

Attempts to set fire to crops.

322. A person who:

- (a) attempts unlawfully to set fire to any such thing as is mentioned in section 321; or
- (b) wilfully and unlawfully sets fire to anything which is so situated that any such thing as is mentioned in section 321 is likely to catch fire from it,

is guilty of an offence, and is liable to imprisonment for a term of seven years.

Casting away vessels.

323. A person who:

- (a) wilfully and unlawfully casts away or destroys any vessel, whether completed or not;
- (b) wilfully and unlawfully does any act which tends to the immediate loss or destruction of a vessel in distress; or
- (c) with intent to bring a vessel into danger, interferes with any light, beacon, buoy, marks, or signal used for the purposes of navigation, or exhibits any false light or signal,

is guilty of an offence, and is liable to imprisonment for a term of fourteen years.

Attempts to cast away vessels.

324. A 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 an offence, and is liable to imprisonment for a term of seven years.



Injuring animals.

325. A person who wilfully and unlawfully kills, maims or wounds any animal capable of being stolen is guilty of an offence.

Punishment for malicious injuries.

326.-(1) A person who wilfully and unlawfully destroys or damages any property is guilty of an offence, and is liable, if no other punishment is provided, to imprisonment for a term not exceeding five 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) a person is in the dwelling-house or vessel; or

(b) the destruction or damage actually endangers the life of any person,

the offender is guilty of an offence, and is liable to imprisonment for life.

(3) If the property in question:

(a) 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 or inundation or damage to any land or building;

(b) 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) 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,

the offender is guilty of an offence, and is liable to imprisonment for life.

(4) If the property in question, is a testamentary instrument, whether the testator is living or dead, or a register which is authorised or required by law to be kept for authenticating or recording the title of 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 an offence, and is liable to imprisonment for a term not exceeding 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 an offence, and is liable to imprisonment for a term not exceeding seven years.

(6) If the property in question, is any part of a railway or road, or any work connected with a railway or road, the offender is guilty of an offence, and is liable to imprisonment for a term not exceeding fourteen years.

(7) If the property in question:

- (a) being a vessel, whether completed or not, is destroyed; or
- (b) being a vessel whether completed or not, is damaged, and the damage is done with intent to destroy it or render it useless;
- (c) is a light, beacon, buoy, mark, or signal, used for the purpose of navigation, or for the guidance of persons engaged in navigation; or
- (d) 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 which is used for the purposes of lading or unlading goods;
- (e) 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 passes, 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;
- (f) 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;
- (g) 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;
- (h) is a shaft or passage of a mine, and the injury is done with intent to damage the mine or to obstruct its working;



- (i) 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;
- (j) 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;
- (k) 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
- (l) is a well, or bore for water, or the dam, bank, wall, or floodgate of a millpond or pool,

the offender is guilty of an offence, and is liable to imprisonment for a term not exceeding seven years.

(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 an offence, and is liable to imprisonment for a term not exceeding seven years.

(9) If the property in question is used or intended to be used for the purpose of providing necessary service, the offender is guilty of an offence and:

- (a) if the offence is likely to result in danger to human life or to disrupt, damage, hinder, or interfere with any necessary service or the carrying on of such service, is liable to imprisonment for a term of twenty years; and
- (b) if the offence is committed in circumstances which do not result in danger to human life, is liable to imprisonment for a term of fifteen years.

Attempts to destroy property by explosives.

327. A person who, unlawfully and with intent to destroy or damage any property puts any explosive substance in any place whatever, is guilty of an offence, and is liable to imprisonment for a term of fourteen years.

Communicating infectious diseases among animals.

328. A person who wilfully and unlawfully causes, or is concerned in causing, or attempts to cause, any infectious disease to be communicated to animals capable of being stolen, is guilty of an offence, and is liable to imprisonment for a term of seven years.



Removing boundary marks with intent to defraud.

329. A 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 an offence, and is liable to imprisonment for a term of three years.

Wilful damage to survey and boundary marks.

330. A person who:

- (a) wilfully removes, defaces or injures any survey mark or boundary marks made or erected by or under the direction of any Government department or in the course of or for the purposes of a Government survey;
- (b) being under an obligation to maintain in repair any boundary mark made or erected as aforesaid, neglects or refuses to repair the same;
- (c) wilfully removes, defaces, or injures any survey mark erected by or under the authority of any licensed surveyor or any mark erected by an intending applicant for any lease, licence or right under an Act relating to mines or minerals; or
- (d) wilfully removes, defaces or injures any mark erected by an intending applicant for any lease, licence or right under an Act relating to mines or minerals,

is guilty of a an offence, and is liable to imprisonment for a term not exceeding three months or to a fine of not exceeding Two Hundred and Fifty Thousand Shillings, and may further be ordered by the court to pay the cost of repairing or replacing the survey mark or boundary mark and of making any survey rendered necessary by the offender's act or neglect.

Penalties for damage to railway works or road.

331. A person who:

- (a) 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;
- (b) pulls up, removes, defaces, or destroys, or in any way interferes with, any poles, stakes, flags, pegs, lines, marks, or anything driven or placed in or upon the ground, trees, stones, or buildings, or any other material, belonging to any railway works;
- (c) commits any nuisance or trespass in or upon any land, buildings, or premises, acquired for or belonging to any railway works; or



- (d) 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 an offence, and is liable to imprisonment for a term not exceeding three months or to a fine of not exceeding Two Hundred and Fifty Thousand Shillings.

Threats
to burn or
destroy.

332. A 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 an offence, and is liable to imprisonment for a term not exceeding seven years.

PART THIRTY TWO FORGERY, COINING, COUNTERFEITING AND SIMILAR OFFENCES

Definition of
forgery.

333. Forgery is the making of a false document with intent to defraud or to deceive.

Documents.

334. The term “document” in this Part includes a money order or a postal order but does not include a trade mark or any other sign used in connection with articles of commerce though they may be written or printed.

Making a false
document.

335. A person makes a false document, if that person:

- (a) makes a document purporting to be what in fact it is not;
- (b) alters a document without authority in such a manner that if the alteration had been authorised it would have altered the effect of the document;
- (c) introduces into a document without authority whilst it is being drawn up a matter which if it had been authorised would have altered the effect of the document; or
- (d) signs a document:
 - (i) in the name of a person without his authority whether such name is or is not the same as that of the person signing;



- (ii) in the name of a 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; or
- (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.

Intent to defraud.

336. An intent to defraud is presumed to exist if it appears that at the time when a false document was made there was in 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.

General punishment for forgery.

337. A person who forges any document is guilty of an offence, which, unless otherwise stated, is an offence, or unless owing to the circumstances of the forgery or the nature of the thing forged some other punishment is provided, and is liable, to imprisonment for a term of seven years.

Forgeries punishable by imprisonment for life.

338. A 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 guilty of an offence and is liable to imprisonment for life and the court may in addition order that any such document be forfeited to the Government.

Forgery of judicial or official document.

339. A person who forges any judicial or official document is guilty of an offence and is liable to imprisonment for a term of seven years.

Forgery of and other offences in relation to stamps.

340. A person who:

- (a) forges any stamp whether impressed or adhesive used for the purposes of revenue or accounting by any Government department;



- (b) 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;
- (c) 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;
- (d) fraudulently mutilates any such stamp as last aforesaid, with intent that another use shall be made of such stamp;
- (e) fraudulently fixes or places upon any material or upon any such stamp as last aforesaid any stamp or part of 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;
- (f) 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
- (g) 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 guilty of an offence and is liable to imprisonment for a term not exceeding seven years.

Making or having in possession paper or implements of forgery.

341. A person who without lawful authority or excuse, the proof whereof lies upon him:

- (a) makes, uses, or knowingly has in his custody or possession any paper intended to resemble and pass as special paper 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 in 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 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 the Government, or in any stock, annuity, fund or debt of anybody corporate, company or society, whether within or outside Zanzibar;
- (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 an offence and is liable to imprisonment for a term not exceeding seven years.

Uttering false documents.

342. A person who knowingly and fraudulently utters a false document is guilty of an offence of the same kind, and is liable to the same punishment, as if he had forged the thing in question.

Uttering cancelled or exhausted documents.

343. A person who knowingly utters as and for a subsisting and effectual document, any document which has by any lawful 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.

Procuring execution of documents by false pretences.

344. A person who, by means of any false or fraudulent representation as to the nature, contents, or operation of a document, procures another to sign or execute 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.

Obliterating crossings on cheque.

345. A person who, with intent to defraud:

- (a) obliterates, adds to, or alters the crossing on a cheque; or
- (b) knowingly utters a crossed cheque, the crossing on which has been obliterated, added to, or altered,



is guilty of an offence, and is liable to imprisonment for a term of seven years.

Making documents without authority.

346. A person who, with intent to defraud or deceive:

- (a) 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
- (b) knowingly utters any document or writing so made, signed, or executed by another person, as aforesaid in paragraph (a),

is guilty of an offence, and is liable to imprisonment for a term of seven years.

Demanding property upon forged testamentary instruments.

347. A 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.

Purchasing forged notes.

348. A person who, without lawful authority or excuse, the proof of which lies on him, purchases or receives from any person, or has in his possession, a forged bank note or currency note, whether filled up or in blank, knowing it to be forged, is guilty of an offence, and is liable to imprisonment for a term of seven years.

Falsifying warrant for money payable under public authority.

349. A person who, being employed in the public service, knowingly and with intent to defraud makes out or delivers to a person a warrant for the payment of any money payable by public authority, for a greater or lesser amount than that to which the person on whose behalf the warrant is made out is entitled, is guilty of an offence, and is liable to imprisonment for a term of seven years.

Falsification of register.

350. A 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 an offence, and is liable to imprisonment for a term of seven years.

Sending false certificate of marriage to registrar.

351. A person who signs or transmits to a person authorised by law to register marriages, a certificate of marriage, or any documents purporting to be a certificate of marriage, which in any material particular is to his knowledge false, is guilty of an offence, and is liable to imprisonment for a term of seven years.



False statement for register of births, deaths or marriages.

352. A person who knowingly and with intent to procure to be inserted in a register of births, deaths, or marriages makes any false statement touching any matter required by law to be registered in any such register, is guilty of an offence, and is liable to imprisonment for a term of three years.

Personation.

353. When a person is convicted of an offence under this Part, the court shall order the forfeiture to the Government any forged bank note or currency note or any stamp, mould, tool, instrument, machine, press or metal used or employed in the commission of any such offence.

PART THIRTY THREE OFFENCES RELATING TO COIN AND NOTES

Definitions.

354. In this part:

“coin” includes any coin coined in a mint for use in Tanzania, or lawfully current in Tanzania or in any part of the Commonwealth; and any coin of a foreign Sovereign State 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;

“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.

Counterfeiting coin.

355. A person who makes or attempts to make any counterfeit coin is guilty of an offence and is liable to imprisonment for life.

Preparations for coining.

356. A person who:

- (a) gilds or silvers any piece of metal of a fit size or figure to be coined, with intent that it shall be coined into counterfeit coin;
- (b) 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 shall be made from it; or
- (c) without lawful authority or excuse, the proof of which lies on him:
 - (i) 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;
 - (ii) brings or receives in to Zanzibar any counterfeit coin, knowing it to be counterfeit;



- (iii) 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 or to be so adapted;
- (iv) 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 marking coin round the edges with marks of figures apparently resembling those on the edges of any coin, knowing the same to be so adapted and intended; or
- (v) 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, knowing such press, tool, instrument, or machine to have been used or to be intended to be used for making counterfeit coin,

is guilty of an offence and is liable to imprisonment for life.

Clipping.

357. A 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 an offence, and is liable to imprisonment for a term not exceeding seven years.

Possession of clippings.

358. A 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 manner as to diminish its weight, knowing the same to have been so obtained, is guilty of an offence, and is liable to imprisonment for a term not exceeding seven years.

Uttering counterfeit coin.

359. A person who utters any counterfeit coin, knowing it to be counterfeit, is guilty of an offence and is liable to imprisonment for a term not exceeding three years.

Repeated uttering.

360. A person who:

- (a) utters any counterfeit coin knowing it to be counterfeit and at the time of such uttering has in his possession any other counterfeit coin;
- (b) 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



- (c) 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 an offence, and is liable to imprisonment for a term not exceeding five years.

Uttering metal or coin not current as coin.

361.-(1) A person who, with intent to defraud, utters as and for coin any medal or piece of metal is guilty of an offence and is liable to imprisonment for a term not exceeding one year.

(2) A person who, with intent to defraud, utters as and for coin lawfully current in Zanzibar by virtue of an Act or otherwise, any coin not so lawfully current is guilty of an offence and is liable to imprisonment for a term not exceeding one year.

Importing or Exporting counterfeit coin.

362. A person who, without lawful authority or excuse, the proof of which lies on him, imports or exports or puts on board of a vessel or vehicle of any kind, for the purpose of being imported in or exported from Zanzibar, any counterfeit coin whatever, knowing it to be counterfeit, is guilty of an offence.

Forfeiture.

363. When a person is convicted of an offence under this Part, the court shall order the forfeiture to the Government 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 an offence.

Defacing bank notes and melting down of coin.

364. A person who, without lawful authority:

- (a) wilfully defaces, tears, cuts or otherwise mutilates any bank note or currency note which is legal tender; or
- (b) melts down, breaks up, defaces by stamping thereon any name, word or mark, or uses otherwise than is currency any coin current for the time being in,

is guilty of an offence, and is liable to imprisonment for a term not exceeding two years, or to a fine not exceeding Two Million Shillings in respect of each note or coin.

Wrongful issue of notes.

365. A person who issues or is a party to issuing:

- (a) any note purporting to be a currency note of Tanzania or of any other country; or
- (b) any bank note purporting to be currency in Tanzania; otherwise than in accordance with the provisions of the Bank of Tanzania Act,



is guilty of an offence, and is liable to imprisonment for a term not exceeding five years.

PART THIRTY FOUR COUNTERFEIT STAMPS

Possession of die used for purpose of making stamps.

366. A person who, without lawful authority or excuse, the proof of which lies on him:

- (a) makes 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 of the Posts and Telegraphs department in Zanzibar, or in Tanzania Mainland or in any foreign country, or capable of producing in or on any 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;
- (b) 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;
- (c) 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;
- (d) fraudulently, and with intent that use may be made of any part of such stamp, mutilates the stamp;
- (e) fraudulently fixes or places upon any material or upon any such stamp, any stamp or part of stamp which has been in any way removed from any other material, or cut off or from any other stamp;
- (f) 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;
- (g) knowingly has in his possession or disposes of anything obtained or prepared by any such unlawful act as aforesaid; or



- (h) fraudulently or with intent to cause loss to the Government, uses for any purposes a stamp issued by Government for the purposes of revenue which he knows to have been before used,

is guilty of an offence, and is liable to imprisonment for a term not exceeding seven years; and any die, plate, instrument, paper or other thing as aforesaid which is found in his possession shall be forfeited to the Government.

Paper and dies
for postage
stamps.

367.-(1) A person who, without lawful authority or excuse, the proof of which lies on him:

- (a) makes, or begins 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 Zanzibar;
- (b) 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 an offence, and is liable to imprisonment for a term not exceeding three years, or to a fine not exceeding Three Million Shillings.

(2) Any stamps and any other things as aforesaid, which are found in his possession, shall be forfeited to the Government.

(3) For the purpose 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.

PART THIRTY FIVE OFFENCES CONNECTED WITH COMPUTERS

Application.

368. The provisions of this Part and other provisions related to this Part shall apply to act done or an omission made:

- (a) in the jurisdiction of the court of Zanzibar;
- (b) on a ship or aircraft registered in Zanzibar;
- (c) by a citizen of Tanzania who is a resident of Zanzibar outside the jurisdiction of any country; or
- (d) by a Tanzanian who is a resident of Zanzibar outside the jurisdiction of the courts of Zanzibar, if his or her conduct would also constitute



an offence under a law of the country where the offence was committed.

Offences
against
intellectual
property.

369.-(1) A person who wilfully, knowingly, and without authorization modifies data, programmes, or supporting documentation residing or existing internal or external to a computer, computer system, or computer network, commits an offence.

(2) A person who wilfully, knowingly and without authorization destroys data, programmes, or supporting documentation residing or existing internal or external to a computer, computer system, or computer network, commits an offence.

(3) A person who wilfully, knowingly, and without authorization discloses or takes data, programs, or supporting documentation which is a trade secret or is confidential as provided by law residing or existing internal or external to a computer, computer system, or computer network, commits an offence.

(4) In this section, except as otherwise provided:

- (a) if the offence is against intellectual property, then the offender is guilty of an offence and is liable to imprisonment for a term of not exceeding five years.
- (b) if the offence is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property, then the offender is guilty of an offence and is liable to imprisonment for a term of not exceeding ten years.

Offences
against
computer
equipment or
supplies.

370.-(1) A person who wilfully, knowingly, and without authorization modifies equipment or supplies used or intended to be used in a computer, computer system, or computer network, commits an offence against computer equipment or supplies, and is liable to imprisonment for a term of not exceeding five years.

(2) If the offence is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property, then the offender is guilty of an offence and is liable to imprisonment for a term not exceeding ten years.

Destruction
of computer
equipment.

371.-(1) A person who wilfully, knowingly, and without authorization destroys, takes, injures, or damages equipment or supplies used or intended to be used in a computer, computer system, or computer network; or whoever wilfully, knowingly, and without authorization destroys, injures, or damages any computer, computer system, or computer network commits an offence against computer equipment or supplies, and is liable to imprisonment for a term of not less than three years but not exceeding ten years.



(2) If the damage to such computer equipment or supplies or to the computer, computer system, or computer network is One Million Shillings or greater, or if there is an interruption or impairment of governmental operation or public communication, transportation, or supply of water, gas, or other public service, then the offender is guilty of an offence and is liable to imprisonment for a term of not less than five years but not exceeding fifteen years.

Interfering
with data.

372.-(1) A person who, intentionally or recklessly, without lawful excuse or justification, does any of the following acts:

- (a) destroys or alters data;
- (b) renders data meaningless, useless or ineffective;
- (c) obstructs, interrupts or interferes with the lawful use of data;
- (d) obstructs, interrupts or interferes with a person in the lawful use of data; or
- (e) denies access to data to a person entitled to it,

commits an offence punishable, by imprisonment for a term not exceeding five years, or a fine not exceeding Five Million Shillings, or both.

(2) Subsection (1) of this section, applies whether the person's act is of temporary or permanent effect.

Interfering
with computer
system.

373.-(1) A person who intentionally or recklessly, without lawful excuse or justification:

- (a) hinders or interferes with the functioning of a computer system; or
- (b) hinders or interferes with a person who is lawfully using or operating a computer system,

commits an offence punishable, by imprisonment for a term of not less than one year but not exceeding five years or a fine not less than One Million Shillings but not exceeding Five Million Shillings or both.

(2) In subsection (1) of this section, "hinder", in relation to a computer system, includes but is not limited to:

- (a) cutting the electricity supply to a computer system;
- (b) causing electromagnetic interference to a computer system;



- (c) corrupting a computer system by any means; and
- (d) inputting, deleting or altering computer data.

Illegal interception of data.

374. A person who, intentionally without lawful excuse or justification, intercepts by technical means:

- (a) any non-public transmission to, or within a computer system; or
- (b) electromagnetic emission from a computer system that are carrying computer data,

commits an offence punishable, by imprisonment for a period not exceeding five years, or a fine not exceeding Five Million Shillings, or both.

Illegal devices.

375. A person commits an offence if the person:

- (a) intentionally or recklessly, without lawful excuse or justification, produces, sell, procures for use, imports, exports, distributes or otherwise makes available:
 - (i) a device, including a computer program, that is designed or adapted for the purpose of committing an offence;
 - (ii) a computer password, access code or similar data by which the whole or any part of a computer system is capable of being accessed, with the intent that it be used by any person for the purpose of committing an offence against any law;
- (b) has an item mentioned in subparagraph (i) or (ii) in his or her possession with the intent that it be used by any person for the purpose of committing an offence against any law,

is guilty of an offence, and is liable to imprisonment for a term of not exceeding five years or a fine not exceeding Five Million Shillings.

Offence against Computer users.

376.-(1) A person who wilfully, knowingly, and without authorization:

- (a) accesses or causes to be accessed any computer, computer system, or computer network; or
- (b) denies or causes the denial of computer system services to an authorized user of such computer system services, which, in whole or part, is owned by, under contract to, or operated for, on behalf of, or in conjunction with another,



is guilty of an offence against computer users, and is liable to imprisonment for a term not exceeding five years or a fine not exceeding Five Million Shillings.

(2) If the offence is committed for the purposes of devising or executing any scheme or artifice to defraud or to obtain any property, then the offender is guilty of an offence and is liable to imprisonment for a term not exceeding ten years or fine not exceeding Ten million Shillings.

Fraud and related activity on Government computers.

377. A person who:

- (a) having knowingly accessed a computer without authorization or exceeding authorized access, and by means of such conduct having obtained information that has been determined by the Government pursuant to an Executive order or written law to require protection against unauthorized disclosure for reasons of national defence or foreign relations, or any restricted data, with reason to believe that such information so obtained could be used to the injury of Zanzibar, or to the advantage of any foreign nation wilfully communicates, delivers, transmits, or causes to be communicated, delivered, or transmitted, or attempts to communicate, deliver, transmit or cause to be communicated, delivered, or transmitted the same to any person not entitled to receive it, or wilfully retains the same and fails to deliver it to the officer or employee of the Government entitled to receive it;
- (b) intentionally accesses a computer without authorization or exceeds authorized access, and thereby obtains:
 - (i) information contained in a financial record of a financial institution;
 - (ii) information from any department or agency of the Government;
 - (iii) information from any protected computer if the conduct involved an interstate or foreign communication;
 - (iv) intentionally, without authorization to access any restricted computer of a department or agency of the Government, accesses such a computer of that department or agency that is exclusively for the use of the Government; or
 - (v) knowingly and with intent to defraud, accesses a protected computer without authorization, or exceeds authorized access, and by means of such conduct furthers the intended fraud and obtains anything of value,



is guilty of an offence, and is liable to imprisonment for a term not exceeding fifteen years or fine not exceeding Fifteen Million Shillings.

Interpretation
of words under
this Part.

378. In this part:

“computer” means an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device, but such term does not include an automated typewriter or typesetter, a portable hand held calculator, or other similar device;

“computer network” means a group of computer systems and other computing hardware devices that are linked together through communication channels to facilitate communication and resource-sharing among a wide range of users;

“computer data” means information processed or stored by a computer, and such information may be in the form of text documents, images, audio clips, software programs, or other types of data;

“computer system” means a system of interconnected computers that share a central storage system and various peripheral devices such as printers, scanners or routers;

“damage” means any impairment to the integrity or availability of data, a program, a system, or information;

“exceeds authorized access” means to access a computer with authorization and to use such access to obtain or alter information in the computer that the accessor is not entitled so to obtain or alter;

“financial institution” means a financial institution as defined under the law regulating financial institutions;

“financial record” means information derived from any record held by a financial institution pertaining to a customer’s relationship with the financial institution;

“Government” means the Government of Zanzibar or the Government of the United Republic of Tanzania, as the case may be;

“loss” means any reasonable cost to any victim, including the cost of responding to an offence, conducting a damage assessment, and restoring the data, program, system, or information to its condition prior to the offence, and any revenue lost, cost incurred, or other consequential damages incurred because of interruption of service;



“person” means any individual, firm, corporation, educational institution, financial institution, governmental entity, or legal or other entity; and

“protected computer” means a computer:

- (a) exclusively for the use of a financial institution or the Government;
- (b) which is used in interstate or foreign commerce or communication, including a computer located outside Zanzibar that is used in a manner that affects interstate or foreign commerce or communication of Government.

PART THIRTY SIX COUNTERFEITING TRADE MARKS

Trade marks defined.

379. 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; and
- (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 chattel or article during the existence or continuance of any copyright or other sole right acquired under the provisions of such law.

Counterfeiting trade marks.

380.-(1) A person who does any of the following things with intent to defraud or to enable another to defraud a person:

- (a) forges or counterfeits any trademarks;
- (b) applies any trade marks, or any forged or counterfeited trade mark to any chattel or article not being the merchandise of a person whose trade mark is so forged or counterfeited;
- (c) applies any trade marks, 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 marks, 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, ticket, label or other thing to which any trade mark has been falsely applied, or to which any false or counterfeit trade mark has been applied; or
- (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 an offence.

(2) A person committing any such offence as aforesaid in sub section (1) of this section, shall forfeit to the Government:

- (a) chattels and articles to which any such trade mark or counterfeit trade mark is applied or caused or procured to be applied;
- (b) an instrument for applying any such trade mark or counterfeit trade mark in his possession or a power;
- (c) the chattels, articles and the things referred to in paragraphs (d), (e) and (g) of subsection (1) of this section, and similar things made to be used in like manner in his possession or power.

PART THIRTY SEVEN PERSONATION

Personation in general.

381.-(1) A person who, with intent to defraud a person, falsely represents himself to be some other person, living or dead, is guilty of an offence.

(2) 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, is liable to imprisonment for a term not exceeding seven years.

Falsely acknowledging liability.

382. A 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



authorised to take such an acknowledgement, an acknowledgement of liability of any kind, or an acknowledgement of a deed or other instrument, is guilty of an offence.

Personation of person named in a certificate.

383. A 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 recognised 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 document or certificate for personation.

384. A 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 recognised by law for any purpose, or to the holder of any office, or business, 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, sells, gives, or lends the document to another person with the intent that, that other person may represent himself to be the person named therein, is guilty of an offence.

Personation of person named in a testimonial of character.

385. A 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 an offence, and is liable to imprisonment for a term not exceeding one year.

Lending testimonial for personation.

386. A person who, being a person to whom any such document as is mentioned in section 385 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 an offence.

PART THIRTY EIGHT ATTEMPTS

Attempt defined.

387.-(1) When a person, intending to commit an offence, begins to put his intention into execution by means adapted to its fulfilment, and manifests his intention by some overt act, but does not fulfil his intention to such an extent as to commit the offence, he is deemed to attempt to commit the offence.

(2) 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 fulfilment of his intention prevented by circumstances independent of his will, or whether he desists on his own motion from the further prosecution of his intention.



(3) It is immaterial that by reason of circumstances not known to the offender it is impossible in fact to commit the offence.

Attempts to commit offences.

388. A person who attempts to commit an offence other than the offences mentioned in section 389, is guilty of an offence, and is liable, if no other punishment is provided, to imprisonment for a term of two years.

Punishment for attempts to commit certain offences.

389. A person who attempts to commit an offence of such a kind that a person convicted of it is liable to punishment of death or imprisonment for a term of fourteen years or upwards with or without other punishment, is guilty of an offence, and is liable, if no other punishment is provided, to imprisonment for a term not exceeding seven years.

Soliciting or inciting others to commit offence in Zanzibar or elsewhere.

390.-(1) A person who solicits or incites or attempts to procure another to do any act or make any omission, whether in Zanzibar or elsewhere, of such a nature that, if the act were done or the omission were made, an offence would thereby be committed under the laws of Zanzibar, or the laws in force in the place where the act or omission is proposed to be done or made, whether by himself or by that other person, is guilty of an offence of the same kind and is liable to the same punishment as if he had himself attempted to do the same act or make the same omission in Zanzibar.

(2) If the act or omission is proposed to be done or made at a place not in Zanzibar, the punishment shall not exceed that which he would have incurred under the laws in force where the act or omission was proposed to be done or made, if he had himself attempted to do the proposed act or make the proposed omission.

(3) If the act or omission is proposed to be done or made at a place not in Zanzibar, a prosecution shall not be instituted except at the request of the Government of the State having jurisdiction in the place where the act or omission was proposed to be done or made.

Neglect to prevent an offence.

391. A person who, knowing that any person designs to commit or is committing an offence, fails to use all reasonable means to prevent the commission or completion thereof, is guilty of an offence.

PART THIRTY NINE CONSPIRACIES

Conspiracy to commit an offence.

392.-(1) A person who conspires with another to commit an offence, or to do any act in any part of the world which if done in Zanzibar would be, an offence so punishable, and which is an offence under the laws in force in the place where it is proposed to be done, is guilty of an offence.



(2) If the conspired offence under subsection (1) **of this section**, attracts a punishment of imprisonment not exceeding two years, the conspirator is liable to imprisonment for a term of two years.

(3) If the conspired offence under subsection (1) of this section, attracts a punishment of imprisonment exceeding two years, the conspirator is liable to imprisonment for a term of seven years.

Other
conspiracies.

393. A person who conspires with another to effect any of the following purposes:

- (a) to prevent or defeat the execution or enforcement of any written laws or order;
- (b) to affect his trade, profession, or occupation;
- (c) to cause any injury to the person or reputation of a person, or to depreciate the value of a property of a person;
- (d) to prevent or obstruct the free and lawful disposition of any property by the owner thereof for its fair value;
- (e) to injure a person in his trade or profession;
- (f) 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 lawful exercise by any person to effect any unlawful purpose; or
- (g) to effect any lawful purpose by an unlawful means,

is guilty of an offence.

PART FORTY ACCESSORIES AFTER THE FACT

Definition of
accessories
after the
fact.

394.-(1) A person who receives or assists another who is, to his knowledge, guilty of an offence, in order to enable him escape punishment, is said to become an accessory after the fact of the offence.

(2) 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 an offence.

395. A person who becomes an accessory after the fact to an offence, is guilty of an offence, and is liable, if no other punishment is provided, to imprisonment for a term not exceeding three years.

Punishment
of soliciting
or inciting
another to
commit an
offence.

396. A person who solicits or incites another to commit an offence is guilty of an offence notwithstanding that the solicitation or incitement has no effect.

Repeal and
Transitional
Provisions.

397.-(1) The Penal Act No. 6 of 2004 is hereby repealed.

(2) Notwithstanding the repeal under sub section (1) of this section, any matter, pending in any court before the commencement of this Act shall be dealt with and disposed under the repealed Act as if no repeal is made under this Act.



SCHEDULE
LIST OF PROHIBITED RELATIONSHIPS
[Section 143(1)]

- | | |
|----------------------------|--------------------------|
| (i) mother | (ii) father |
| (iii) mother's daughter | (iv) father's son |
| (v) daughter | (vi) son |
| (vii) father's mother | (viii) father's father |
| (ix) mother's mother | (x) mother's father |
| (xi) son's daughter | (xii) son's son |
| (xiii) daughter's daughter | (xiv) daughter's son |
| (xv) sister | (xvi) brother |
| (xvii) wife's mother | (xviii) husband's father |
| (xix) wife's daughter | (xx) husband's son |
| (xxi) father's sister | (xxii) father's brother |
| (xxiii) mother's sister | (xxiv) mother's brother |
| (xxv) brother's daughter | (xxvi) brother's son |
| (xxvii) sister's daughter | (xxviii) sister's son |
| (xxix) son's wife | (xxx) daughter's husband |
| (xxxi) father's wife | (xxxii) mother's husband |
| (xxxiii) foster sister | (xxxiv) foster brother |
| (xxxv) foster mother | (xxxvi) foster father |

PASSED by the House of Representatives of Zanzibar on 12th February, 2018.

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(RAYA ISSA MSELLEM)

Clerk of the House of Representatives of Zanzibar.