

CAP. 16

TANZANIA

PENAL CODE

CHAPTER 16 OF THE LAWS (REVISED)

(PRINCIPAL LEGISLATION)

[Issued Under Cap. 1, s. 18]

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

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PENAL CODE

An Ordinance to Establish a Code of Criminal Laws

[28 .September, 1945]

1930 No.
11
1936
No. 10
1939 No.
24
1971 No.
26
Acts—
1943 No.
16
1945 No.
211976
No. 3

PART I

General Provisions

CHAPTER I

Preliminary

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

Short
title
Ord.
1945
No. 21 s.
2

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

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Penal
Code

3. Nothing in this Code shall affect—

saving of
certain laws

(1) the liability, trial or punishment of a person for an offence against the Common Law or-against any other law in force 0 -41 1836 1853 Tm /F1.0 1 Tf (of) Tj

Ord. 1955

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

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

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

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

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

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

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

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

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

- (i) any civil office including the office of President and any office the power of appointing a person to which or of removing from which is vested in the President or in a commission or board to which the President has delegated his function of, or which is established by written law for the purpose of, making appointments to any office; or
- (ii) any office to which a person is appointed or nominated by Ordinance or Statute; or
- (iii) any civil office, the power of appointing to which or removing from which is vested in, any person or persons holding an office of any kind

eludes any highway, market place,
square, street, bridge
which is lawfully used by the public;

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

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

"Statute" means an Act of the Imperial Parliament or Act of the Indian Legislature, and includes any orders, rules, regulations,

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

CHAPTER IV

General Rules as to Criminal Responsibility

8. Ignorance of the law does not afford any excuse for any act or omission which would otherwise constitute an offence unless knowledge of the law by the offender is expressly declared to be an element of the offence.
10. Subject to the express provisions of this Code relating to negligent acts and omissions, a person is not criminally responsible for an act or omission which occurs independently of the exercise of his will, or for an event which occurs by accident.
- Unless the intention to cause a particular result is expressly declared to

But a person may be criminally responsible for an act or omission although his mind is affected by disease, if such disease does not in fact

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

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

- (c) the unlawful act is with the intention of committing rape or defilement or an unnatural offence; or
- (d) the unlawful act is with the intention of kidnapping or abducting; or
- (e) the lawful act is burglary or robbery or arson or any offence which endangers life or property.

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

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

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.

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

CHAPTER V Parties to Offences

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

- (a) every person who actually does the act or makes the omission which constitutes the offence;
- (b) every person who does or omits to do any act for the purpose of enabling or aiding another person, to commit the offence:

- (c) every person who aids or abets another person in committing the offence;
- (d) any person who counsels or procures any other person to commit the offence.

In the last mentioned case he may be charged either

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

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

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

(3)

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

(a)

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

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

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

- (a) if the new sentence is severer than the sentence which the convict was undergoing when he escaped, the new sentence shall take effect immediately and he shall serve any period of imprisonment in respect of his former sentence which remained unexpired at the time of his escape after he has completed serving his new sentence;
 - (b) when the new sentence is not severer than the sentence the convict was undergoing when he escaped, the new sentence shall take effect after he has suffered imprisonment for a further period equal to that part of his former sentence which remained unexpired at the time of his escape.
- (2) [Omitted by virtue of s. 3 of Cap. 357].

38.—(1) Where a court by or before which a person is convicted

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

(4) Where it is proved to the satisfaction of the court by which the order for conditional discharge was made that the person in respect of whom the order was "made has been convicted of an offence committed during the period of conditional discharge, the

PART II

Crimes

Division I.--Offences against Public Order

CHAPTER VII

Treason and Other Offences Against the Republic

Treason Act 1.970 No. 2 Seh- 39.—(1) Any person who, being under allegiance to the United Republic-

- (a) in the United Republic or elsewhere, murders or attempts to murder the President; or
- (b) in the United Republic, levies war against the United Republic, shall be guilty of treason and shall be liable on conviction to suffer death.

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

- (a) the death, maiming or wounding, of the imprisonment or restraint, of the President; or
- (b) the deposing by unlawful means of the President from his position as President or from the style, honour and name of Head of State and Commander-in-Chief of the Defence Forces of the United Republic; or
- (c) the overthrow by' unlawful means of the Government of the United Republic; or
- (d) the intimidation, of the Executive, the Legislature or the Judiciary of the United 'Republic,

and manifests such intention by publishing any writing or printing or by any overt act or deed whatsoever shall be

- (b) instigates, whether in the United Republic or elsewhere, any person to invade the United Republic with an armed force; or
- (c) takes up arms within the United Republic in order, by force of constraint, to compel the Government of the United Republic to change its measures or counsels, or in order to put any force or constraint on, or in order to intimidate or overawe, the Government of the United Republic,

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

(4) Any person who, being under allegiance to the United Republic, in the United Republic or elsewhere, with intent to help any enemy of the United Republic does any act

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

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

50. For the purposes of this Chapter-

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

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

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

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

55.—(1) A "seditious intention" is an intention—

- (a) to bring into hatred or contempt or to excite disaffection against the lawful authority of the United Republic or the Government thereof; or
- (b) to excite any of the inhabitants of the United Republic to attempt to procure the alteration, otherwise than by lawful means, of any other matter in the United Republic as by law established; or
- (c) to bring into hatred or contempt or to excite disaffection against the administration of justice in the United Republic or
- (d) to raise discontent or disaffection amongst any of the inhabitants of the United Republic; or
- (e) to promote feelings of ill-will and hostility between different classes of the population of the United Republic.

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

- (a) to show that the government has been misled or mistaken in any of its measures; or
- (b) to point out errors or defects in the government or constitution of the United Republic as by law established or in "legislation or in the administration of justice with a view to the remedying of such errors or defects; or
- (c) to persuade any inhabitants of the United Republic to attempt to procure by lawful means the alteration of any matter in the United Republic as by law established; or
- (d) to point out, with a view to their removal, any matters which are producing or have a tendency to produce feelings of ill-will and enmity between different classes of the population of the United Republic.

(3) In determining whether the intention with which any act was done, any words were spoken

- (e) to obey the orders or commands or any committee or body of men not lawfully constituted, or of any leader or commander or other person not having authority by law for that purpose;
 - (f) not to inform or give evidence against any associate, confederate or other person;
 - (g) not to reveal or discover any unlawful association, society or confederacy, or any illegal act done or to be done, or any illegal oath or engagement that may have been administered or tendered to or taken by himself or any other person, or the import of any such oath or engagement; or
- (2) takes any such oath or engagement, not being compelled to do so, is guilty of a felony, and is liable to imprisonment for seven years,

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

62.—(1) Any person who—

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

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

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

Unlawful
drilling
Cap. 455
S.
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63. and 63A. [Repealed; Act 1976 No. 3. s. 55]

63B.—(1) Any person who to any assembly makes any statement likely to raise discontent amongst any of the inhabitants of the United

- (b) who, being a citizen of the United Republic, accepts or agrees to accept any commission or engagement in the military or naval service of any foreign state at war with any friendly state, or, whether a citizen of the United Republic or not, induces any other person to accept or agree to accept any commission or engagement in the military or naval service of any such foreign state as aforesaid; or
- (c) who, being a citizen of the United Republic, quits or goes on board any vessel with a view of quitting the United Republic, with intent to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state, or, whether a citizen of the United Republic or not, induces any other person to quit or to go on board any vessel with a view of quitting Tanganyika with the like intent: or
- (d) who, being the master or owner of any vessel knowingly either takes on board or engages to take on board, or has on board such vessel to be any illegally enlisted persons: or
- (c) who, with intent or knowledge, or having reasonable cause to

66.—(1) Any person who—

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

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

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

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

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

CHAPTER IX

Unlawful Assemblies and Riots and Other Offences Against Public Tranquillity

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

74. When three or more persons assemble with intent to commit an offence, or, being assembled with

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

Making rioters to disperse
Cap. 500 s. 7 Cap. 356 s. 11 (13)

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

Dispersion of rioters proclamation made

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

Rioting after proclamation

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

Preventing or obstructing the making of proclamation

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

Rioters demolishing buildings etc.

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

Rioters injuring buildings. etc. _

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

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

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

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

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

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

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

89.—(1) Any person who—

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

is guilty of a misdemeanour and on conviction therefore is liable imprisonment for six months.

(2) Any person who—

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

(b) with intent to alarm any person discharges a firearm or commits another breach of the peace, is guilty of a misdemeanour and is liable to imprisonment for one year.

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

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

(a)

89C—(1) Any person who with intent to impede, obstruct, prevent or defeat any self-help scheme approved by the Regional Commissioner or the Area Commissioner or

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

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

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

A prosecution for

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

- (2) without authority assumes to act as a person having authority by law to administer an oath or take a solemn declaration or affirmation or affidavit or to do any other act of a public nature which can only be done by persons authorized by law to do so; or
- (3) represents himself to be a person authorized by law to sign a document testifying to the contents of any register or record kept i by lawful authority, or, testifying to any fact or event, and signs such document as being so authorized, when he is not, and knows that he is not, in fact, so authorized,

is guilty of a misdemeanour.

100. Any parson who—

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

is guilty of a misdemeanour.

101. Whoever holds out any threat of injury to any person employed the public service, or to any person in who755 Tm /F1.0 1 Tf 4.24 00 -0.24 18 774 cm BT 41 0 0 -41

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

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

It is immaterial whether the court or tribunal is properly constituted, or is held in the proper place, or not if i8in

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114.—(1) Any person who—

Contempt

(a) within the premises in which any judicial proceeding is

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

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

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

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

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

114A. Any person who--

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

(b) 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; or

(c) absconds in order to avoid being served with any summons, notice, order, warrant or other process issued by a court, is guilty of a misdemeanour and shall be liable on conviction to imprisonment for a term not exceeding one year.

CHAPTER XII

RESCUES, ESCAPES AND OBSTRUCTING OFFICERS OF COURT OF LAW

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

- (a) is, if such last-named person is under sentence of death or imprisonment for life or charged with an offence punishable with death or imprisonment for life, guilty of a felony, and is liable to imprisonment for life; and
- (b) is, if such person is imprisoned on a charge or under sentence for any offence other than those specified above, guilty of a felony, and is liable to imprisonment for seven years; and
- (c) is, in any other case, guilty of a misdemeanour.

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

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

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

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

117. Any person who—

- (1) aids a prisoner in escaping or attempting to escape from i<> escape lawful custody; or
- (2) conveys anything or causes anything to be conveyed into a prison with intent to facilitate the escape of a prisoner, is guilty of a felony, and is liable to imprisonment for seven years.

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

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

CHAPTER XIII

Miscellaneous Offences Against Public Authority

Division III.—Offences Injurious to the Public in General

CHAPTER XIV
OFFENCES RELATING TO RELIGION

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

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

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

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

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

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

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

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

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

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

imbecile, has or attempts to have unlawful carnal knowledge of her in circumstances not amounting to rape, but which prove that the

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

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

- (a) if the girl with respect to whom the offence was committed appears to the court to have attained the age of twelve years; or
- (b) if the court is of the opinion that the person charged had reasonable cause to believe and did in fact believe that the girl was of or above the age of twelve years.

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

139. Any person who-

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

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

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

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

is guilty of a misdemeanour:

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

40. Any person who—

- (1) by threats or intimidation procures or attempts to procure any woman or girl to have any unlawful carnal connection, either in Tanganyika or elsewhere; or
- (2) by false pretences or false representations procures any woman or girl to have any unlawful carnal connection, either in Tanganyika or elsewhere; or
- (3) applies, administers to, or causes to be taken by any woman or girl any drug, matter or thing, with intent to stupefy or overpower so as thereby to enable any person to have unlawful carnal connection with such woman or girl,

is guilty of a misdemeanour:

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

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

Provided that it shall be a sufficient defence to any charge under this section if it shall be made to appear to the court before whom the charge shall be brought that the

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

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

(2) in any brothel,

is guilty of a misdemeanour.

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

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

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

145.—(1) Every male person who—

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

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

(2) Where a male person is proved to live with or to be habitually in the company of a prostitute/or is proved to have exercised control, direction or influence over the movements of a prostitute in such manner as to show that he is aiding, abetting or compelling her prostitution with

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

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

150. Any person who with intent to procure miscarriage of a woman, whether she is or is not with child, unlawfully74 cmBT 41 0 0 -41 1161.56 855 Tm /F

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

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

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

159. On the
conviction before
any court of any
person of an
Order for
offence under
section 158, or of
an attempt to
commit the same,
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against any
female under the
age of twenty-one
years, it shall be
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court to divest the
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160. Any
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163. Any person who willfully and by fraud causes any woman who is not lawfully

married to him to believe that she is lawfully
married to him and to cohabit or have sexual intercourse with him
in that belief is guilty of a felony, and is liable to imprisonment for
ten years.

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

165.

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

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

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

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

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

Betting
houses

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

(1) for the purpose of bets being made therein between persons

- (b) for any of the purposes above mentioned imports, conveys or exports, or causes to be imported, conveyed or exported any such matters or things, or in any manner whatsoever puts any of them in circulation; or
- (c) carries on or takes part in any business, whether public or private, concerned with any such matters or things, or deals in any such matters or things in any manner whatsoever, or distributes any of them, or exhibits any of them publicly, or makes a business of lending any of them; or
- (d) advertises or makes known by any means whatsoever with a view to assisting the circulation of, or traffic in, any such matters or things, that a person is engaged in any of the acts referred to in this section, or advertises or makes known how, or from whom, any such matters or things can be procured either directly or indirectly; or
- (e) publicly exhibits any indecent show or performance or any show or performance tending to corrupt morals,

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

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

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

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

Idle and 176. The following persons-

disorderly

persons

- (1) every common prostitute behaving in a disorderly or indecent manner in any public place or loitering or, soliciting in any public place for the purpose of prostitution;
- (2) every person wandering or placing himself in any-, public place to beg or gather alms or causing or procuring or encouraging any child or children so to do;
- (3) every person playing at any game of chance for money or money's worth in any public place;

shall be deemed to be a rogue and vagabond, and shall be guilty of a misdemeanour, and shall be liable

Penal Code

183. Any person who, knowing any drug

Provided that, if a woman convicted of an offence punishable with death is alleged to be pregnant, the court shall inquire into the fact and, if it is proved to the satisfaction

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

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

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

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

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

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

CHAPTER XX

Duties. Relating to the Preservation of Life and Health

206. It is the duty of every person having charge of another who is unable by reason of age, sickness, unsoundness of mind, 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.

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

Duty
mas-
ters

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

Duty
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persons
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acts

209. It is the duty of every person who, except in a case of necessity,

Duty of
persons
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things

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

Conspir
acy
to
murder

216. Any person who—

(.1) procures another to kill himself; or

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

(3) aids another in killing himself,
is guilty of a felony, and is liable to imprisonment for life.

Aiding
suicide

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

Attempti
ng
suicide

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

219.—(1) Subject as hereinafter in this subsection provided, any per-
son who with intent

221 Any person who, with intent to commit or to facilitate the commission of a felony or misdemeanour, or to facilitate the flight an offender

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

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

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

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

CHAPTER XXIV

Assaults

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

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

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

243. Any person who—

- (a) assaults any person with intent to commit a felony or to resist or prevent the lawful apprehension or detainer or himself or of any other person for any offence; or
- (b) assaults, resists or wilfully obstructs any police officer in the due execution of this duty, or any person acting in aid of such officer; or

Assaults
punishable
with
five
years
im-
prisonment

CAP. 16

Penal Code

- (c) assaults any person in pursuance of any awful combination or conspiracy to raise the rate of wages, or respecting any trade,

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

251.

Every tame animal, whether tame by nature or wild by nature and


(3) 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. It is also immaterial that the person who converts the thing in question is the holder of a power of attorney for the disposition of it, or is otherwise authorized to dispose of it.

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

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

259.—(1) When a factor or agent pledges or gives a lien on any goods or document of

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



Money
received
for
another

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

- (a) If the thing is stolen from the person of another;
- (b) If the thing is stolen in a dwelling house, and its value exceeds one hundred shillings or the offender at or immediately before or after the time of stealing uses or threatens to use violence to any person in the dwelling house;
- (c) If the thing is stolen from any kind of vessel or vehicle or place of deposit;
- (d) If the thing stolen is attached to or forms part of a railway;
- (e) [Repealed: Ord. 1955 No. 49,, s. 11].
- (f) if the thing is stolen from a public office in which it is deposited or kept;
- (g) if the offender, in order to commit the offence, opens any locked room, box or other receptacle, by means of a key or other instrument the offender is liable to imprisonment for ten years.

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

271. 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 ten years.

272. 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 fourteen years.

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

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

- (c) property which has been received by -the offender either alone or jointly with any other person for or on account of any other person;
- (d) the whole or part of the proceeds of any valuable security which has been received by the offender with a direction that the proceeds thereof should be applied to any purpose or paid to any person specified in the direction;
- (e) the whole or part of the proceeds arising from any disposition of any property which have been received by the offender by virtue of a power of attorney for such disposition, such power of attorney being exercised by the offender with a direction that such proceeds should be applied to any purpose or paid to any person

years.

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

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

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

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

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

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

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

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

CHAPTER XXVIII

ROBBERY AND EXTORTION

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

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

If the offender is armed with any dangerous or offensive weapon or instrument, or is in company with one or more other person or persons, or if, at or immediately before or immediately the time of the robbery, wounds, beats, str 93i5rts,

(3)

CHAPTER XXIX

Burglary Housebreaking and Similar Offences

Definitions 2932

House-
breaking
and
burglary
Act 1972
No. 2
Sch.

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

Breaking
into
building
and
committi
ng
felony
Act 1968
No. 50
1st Sch.
Act 1972
No. 2

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

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

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

CHAPTER XXX

False Pretences

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

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

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

304. Any person who by means of any fraudulent trick or device obtains from any other person anything capable of being stolen or induces any other person to deliver to any person anything capable of being stolen or to pay or deliver to any person any money or goods or any greater sum of money or greater quantity of goods than he would have

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

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

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

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

- (a) being armed with any dangerous or offensive weapon or instrument, and being so armed with intent to break or enter a dwelling house, and commit a felony therein;
- (b) being armed as aforesaid by night, and being so armed with intent to break or enter any building whatever, and to commit a felony therein;
- (c) having in his possession by night without lawful excuse, the proof ,

305. Any person who-

- (1) in incurring any debt or liability obtains credit by any false pretence or by means of any other fraud; or
- (2) with intent to defraud his creditors or any of them makes or causes to be made any gift, delivery or transfer of or any charge on his property; or
- (3) with intent to defraud his creditors or any of them, conceal, sells or removes any part of his property after or within two months before the date of any unsatisfied judgment or order for payment of money obtained against him,

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

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

306. Any person who conspires with another by deceit or any 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 any person, is guilty of a misdemeanour, and is liable to imprisonment for five years.

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

- (1) conceals from the purchaser or mortgagee any instrument material to the title, or any encumbrances; or
- (2) falsifies any pedigree on which the title depends or may depend: or
- (3) makes any false statement as to the title offered or conceals any fact material thereto,

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

308. Any person who for gain or reward undertakes to tell fortunes or pretends from 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 a misdemeanour.

Obtainin
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by
false
pretence
Act
1972
No. 2
Sch.

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

False
decla-
ration
for
passport

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

CHAPTER XXXI

Receiving Property Stolen or Unlawfully Obtained and Like Offences

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

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

312.—(1) Any person who—

- (a) has been detained» as a result of the exercise of the powers conferred by section 24 of the Criminal Procedure Code and is found in possession of, or conveying in any manner, anything which may be reasonably suspected of having been stolen or otherwise unlawfully acquired; or
- (b) is found¹ by any police officer in possession of or having control over any property which may, having regard to all the circumstances, be reasonably suspected of having been stolen or otherwise unlawfully acquired

may be charged with being in possession of, or

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

- (a) as consideration of any sale, barter or other disposition of any property so unlawfully acquired; or
- (b) by way of purchase with funds, the whole or any part of which was so unlawfully acquired.

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

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

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

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

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

of the military forces of the United Republic, which may reasonably be suspected of having been stolen or unlawfully obtained, and who shall not give an account to the satisfaction of the, court of how he came by the same, shall be guilty of a misdemeanour.

(4) For the purposes of this section the term "stores" includes all goods and chattels

- (2) being a director, officer or member of a corporation or company, does any of the following acts with intent to defraud, that is to say—
- (a) destroys, alters, mutilates or falsifies any book, document, valuable security or account, which belongs to the corporation or company, or any entry in any such book, document or account, or is privy to any such act; or
 - (b) makes, or is privy to making, any false entry in any such book, document or account; or
 - (c) omits, or is privy to omitting, any material particular from any such book, document or account,

False
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ment by
official

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

316. Any person who, being a promoter, director, officer or auditor of a corporation or company, either existing or intended to be formed, makes, circulates or publishes, or concurs in making, circulating or publishing, any written-statement or account which, in any material particular, is to his knowledge false, with intent thereby to effect any of the purposes following, that is to say—

- (a) to deceive or to defraud any member, shareholder or creditor of the corporation or company, whether a particular person or not;
- (b) to induce any person, whether a particular person or not, to become a member of, or to entrust or advance any property to, the corporation or company, or to enter into any security for the benefit thereof,

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

317. Any person who, being a clerk or servant, or being employed or acting in the capacity of a clerk or servant, does any of the acts following with intent to defraud, that is to say—

- (a) destroys, alters, mutilates or falsifies any book, document, valuable security or account which belong to or is in the possession of his employer, or has been received by him on account of his employer, or any entry in any such book, document or account, or is privy to any such act; or
- (b) makes, or is privy to making, any false entry in any such book, document or account; or
- (c) omits, or is privy to omitting, any material particular from any such book, document or account,

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

CAP. 16]

Penal Code

False
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cer Act
1972
No. 2
Sch.

318. Any person

any event, extend for the entire period during which the aircraft is in flight as defined in paragraph (a) of this section;

(c) an act of violence shall include any threat to use violence.

(3) A person may be prosecuted for an offence under this section notwithstanding that the offence was committed outside Tanganyika:

Provided that save where the offence was committed on or in relation to an aircraft registered in Tanganyika or owned by a citizen of the United Republic ordinarily resident in the United Republic or by a body corporate established by or under any written

(2) If the property in question is a dwelling house or a vessel, and the injury is caused by the explosion of any explosive substance, and if—

- (a) any person is in the dwelling house or vessel; or
- (b) the destruction or damage actually endangers the life of any person,

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

- (3) (a) If the property in question is a bank or wall of a river, canal, aqueduct, reservoir or inland water or work which appertains to a dock, reservoir or inland water, and the injury causes actual danger of inundation or damage to any land or building; or

River bank or wall or navigation works, or bridges Act 1966 No. 65 s. 8

- (b) if the property in question is a railway or is a bridge, viaduct or aqueduct which is constructed over a highway, railway or canal, or over which a railway, highway or canal passes, and the property is destroyed; or
- (c) if the¹ property in question, being a railway or being any such bridge, viaduct or aqueduct, is damaged, and the damage is done with intent to render the railway, bridge, viaduct or

Railways (6) If the property in question is any part of a railway, or any work connected with a railway, the offender is guilty of a felony, and is liable to imprisonment for fourteen years.

(6A) If the property in question is used for the purpose of generating, transmitting or distributing electricity, the offender is guilty of a felony and-

(a) if the offencetegET Q q 0.24 0 0 -0.24 B7 Tm /F1.0 1 j ET Q q 0.24 0 0 -0.24 18 774 cm BT8 5 Tj Em3

- (i) if the property in question is a machine, appliance, apparatus, building, erection, bridge or road, appertaining to or used with a mine, whether the thing in question is completed or not; or
- (j) if the property in question, being a rope, chain or tackle, of whatever material, which is used in a mine, or upon any way or work appertaining to or used with a mine, is destroyed; or
- (k) if the property in question, being any such rope, chain or tackle, as last aforesaid, is damaged, and the damage is done with intent to destroy the thing in question or to render it useless; or
- (1) if the property in question is a well, or bore for water, or the dam, bank, wall or floodgate of a millpond or pool,

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

(8) If the property in question is a document which is deposited or kept in a public office, or which is evidence of title to any land or estate in land, the offender is guilty of a felony, and is liable to imprisonment,

- (2) pulls up, removes, defaces or destroys, or in any way interferes with, any poles, stakes, flags, pegs, line, marks or anything driven or placed in or upon the ground, trees, stones or buildings or any other material, belonging to any railway works; or
- (3) commits any nuisance or trespass in or upon any land, buildings or premises, acquired for or belonging to any railway works; or
- (4) wilfully molests, hinders or obstructs the officer in charge of any railway or his assistants or workmen in the execution of any work done or to be done in reference to the construction or maintenance of any such railway,

is guilty of a misdemeanour, and is liable to imprisonment for three months or to a fine of four hundred shillings.

332. Any person who, knowing the contents thereof, sends, delivers, utters or directly or indirectly causes to be received any letter or writing threatening to burn or destroy any house, barn or other building, or any rick or stack of grain, hay or straw, or other agricultural

335. Any person makes a false document who—

- (a) makes a document which is false or which he has reason to believe is untrue;

- (b) alters a document without authority in such a manner that if the alteration had been authorized it would have altered the effect of the document;
- (c) introduces into a document without authority whilst it is being drawn up matter which if it had been authorized would have altered the effect of the document;
- (d) signs a document—
 - (i) in the name of any person without his authority whether such name is or is not the same as that of the person signing;
 - (ii) in the name of any fictitious person alleged to exist whether the fictitious person is or is not alleged to be of the same name as the person signing;
 - (iii) in the name represented as being the name of a different person from that of the person signing it and intended to be mistaken for the name of that person;
 - (iv) in the name of a person personated by the person signing the document, provided that the effect of the instrument depends upon the identity between the person signing the document and the person whom he professes to be.

336. An intent to defraud is presumed to exist if it appears that at the time when the 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.

CHAPTER XXXV

Punishments for Forgery

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

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Forgery
of

341. Any person who without lawful authority or excuse, the Making or proof whereof lies upon him—

(a)

345. Any person who, with intent to defraud—

- (1) Obliterates, adds to or alters the crossing on a cheque; or
 - (2) knowingly utters a crossed cheque, the crossing on which has been obliterated, added to or altered,
- is guilty of a felony, and is liable to imprisonment for seven years.

346. Any person who, with intent to defraud or to deceive—

- (1) without lawful authority or excuse, makes, signs or executes for or in the name or on account of another person, whether by procuration or otherwise, any document or writing; or
 - (2) knowingly utters any document or writing so made, signed or executed by another person,
- is guilty of a felony, and is liable to imprisonment for seven years.

347. Any person who procures the delivery or payment to himself or any other person of any property or money by virtue of any probate or letters of administration granted upon a forged testamentary instrument, knowing the testamentary instrument to have been forged, or upon or by virtue of any probate or letters of administration obtained by false evidence, knowing the grant to have been so obtained, is guilty of an offence of the same kind, and is liable to the same punishment, as if he had forged the document or thing by virtue whereof he procures the delivery or payment.

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

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

350. Any person who, having the actual custody of any register or record kept by lawful authority knowingly permits any entry which in any material particular is to his knowledge false, to be made in the register or record, is guilty of a felony, and is liable to imprisonment for seven years.

351. Any person who signs or transmits to a person authorized by law to register marriages, a certificate of marriage, or any document purporting to be certificate of marriage, which in any material particular is to his knowledge false, is guilty of a felony,

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

352A. Any person who issues or is a party to issuing—

- (a) any note purporting to be a currency not of Tanzania; or
- (b) any bank note purporting to be currency in Tanzania,

otherwise than in accordance with the provisions of the Bank of Tanzania Act, 1965, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding five years.

CHAPTER XXXVI

Offences Relating to Coin

353. In this chapter—

the term "coin" includes any coin coined in a mint/or use in Definitions Tanganyika, lawfully-current in Tanganyika or in any part of the Commonwealth and any coin of a foreign Sovereign or state, and Act 1966 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; Sch'

the term "counterfeit coin" means coin not genuine but resembling or apparently intended" to resemble or pass for genuine coin; and includes genuine coin prepared or altered so as to pass for coin of a higher denomination.

354. Any person who makes or begins to make any counterfeit coin is guilty of a felony and, is liable to imprisonment for life.

355. Any person who

- (1) forges or silvers any piece of metal of a fit size or figure to be for coining coined, with intent that it shall be coined into counterfeit coin; or
- (2) makes any piece of metal into a fit size or figure to facilitate the coining from it of any counterfeit coin, with intent that such counterfeit "coin" be made from it; or
- (3) without lawful authority or excuse, the proof of which lies on him—
 - (a) buys, sells, receives, pays or disposes of any counterfeit coin at a lower rate than it imports or is apparently intended to import, or offers to do any such thing; or

- (b) brings or receives into Tanganyika any counterfeit coin, knowing it to be counterfeit; or
- (c) makes or mends, or begins or prepares to make or mend, or has in his possession, or disposes of any stamp or mould which is adapted to make the resemblance of both or either of the sides of any coin, or any part of either side thereof, knowing the same to be a stamp or mould of to be so adapted; or
- (d) makes or mends, or begins or prepares to make or mend, or has in his possession, or disposes of any tool, instrument or machine which is adapted and intended to be used for making coin round the edges with marks or figures apparently resembling those on the edges of any coin, knowing the same to be so adapted and intended; or
- (e) makes or mends, or begins or prepares to make or mend, or has in his possession, or disposes of any press for coinage, or any tool, instrument or machine which is adapted for cutting round blanks out of gold, silver or other metal, knowing such press, tool, instrument or machine to have been used or to be intended to be used for making any counterfeit coin,

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

Clipping

356. Any person who deals with any coin in such a manner as to diminish its weight with intent that when so dealt with it may pass as coin, is guilty of a felony, and is liable to imprisonment for seven years.

Molting down of currency

357. Any person who melts down, breaks up or defaces by stamping thereon any name, word or mark any coin current for the time being in Tanganyika is guilty of a misdemeanour and is liable to imprisonment for six months or to a fine of two thousand shillings or to both such penalties.

Impounding and destruction of counterfeit coin
Act 1966 No. 12
Sch.

358. Any officer of the Government or the manager of any bank who receives, during the performance of his duties, any coin which he has reasonable ground for believing to be counterfeit coin shall impound such coin and transmit it to an officer of the Bank of Tanzania appointed by the Bank for the purpose who may cut, deface or destroy it with or without compensation, as he thinks fit, if in his opinion it is counterfeit. The decision of an officer of the Bank of Tanzania appointed by the Bank for the purpose that a coin is counterfeit and that compensation should be granted or withheld shall be final, and no person shall be entitled to claim, and no proceedings or action shall be brought, against the Bank of

Tanzania or the Government in respect of any loss or damage suffered by reason of such impounding and cutting, defacing or destruction.

359. Any person who unlawfully has in his possession, or disposes of any filings, or clippings of gold or silver, or any gold or silver in bullion, dust, solution or any other state, obtained by dealing with gold or silver coin in such a manner as to diminish its weight, knowing the same to have been so obtained, is guilty of a felony, and is liable to imprisonment for seven years.

360. Any person who utters any counterfeit coin, knowing it to be counterfeit, is guilty of a misdemeanour.

361. Any person who—

- (1) utters any counterfeit coin, knowing it to be counterfeit, and at the time of such uttering has in his possession any other counterfeit coin; or
- (2) utters any counterfeit coin, knowing it to be counterfeit, and either on the same day or on any of the ten days next ensuing, utters any other counterfeit coin, knowing it to be counterfeit; or
- (3) has in his possession three or more pieces of counterfeit coin, knowing them to be counterfeit, and with intent to utter any of them,

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

362. Any person who, with intent to defraud, utters as and for coin any medal or piece of metal, whether a coin or not, which is of less value than the coin as and for which it, is uttered, is guilty of a misdemeanour and is liable to imprisonment for one year.

363. Any person who, without lawful authority or excuse, the proof of which lies on him, exports or puts on board of a vessel or vehicle of any kind for the purposes of being exported from Tanganyika, any counterfeit coin whatever, knowing it to be counterfeit, is guilty of a misdemeanour.

Exporting
counterfeit
coin

364. When any person, is convicted of an offence under this chapter, or the preceding chapter, the court shall order the forfeiture to the Republic of any forged bank note or currency note or of any counterfeit coin, or any stamp, mould, tool, instrument, machine, press or any coin, bullion or metal used or employed in the commission of any such offence.

Forfeiture
Cap.
500 S.
12

Chapter XXXVII

Counterfeit Stamp

365. Any person who, without lawful authority or excuse, the proof of which lies on him—

- (1) make or mends, or begins or prepares to make or mend or uses.
or knowingly has in his possession, or disposes of any die, plate or instrument capable of making an impression resembling that made by any die, plate or instrument used for the purpose of making any stamp, whether impressed or adhesive, which is used for the purposes of the public revenue or of the East **African** Posts and Telecommunications Corporation in Tanzania or in any part of the Commonwealth, or any foreign country,

is guilty of a felony, and is liable to imprisonment for seven years and any die, plate, instrument, paper or other thing as aforesaid which is found in his possession shall be forfeited to the United Republic.

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

- (1) makes, or beings or prepares to make, or uses for any postal purpose, or has in his possession, or disposes of any imitation or representation on paper or any other material of any stamp used for denoting any rate of postage ,of Tanzania or of any part of the Commonwealth, or of any foreign country, or
- (2)

368. Any person who does any of the following thing? with intent to defraud or to enable another to defraud any person, that.

is to say—

- (a) forges or counterfeits any trade mark;
- (b) applies any trade mark, or any forged or counterfeited trade mark to any chattel or article not being the merchandise of any person whose trade mark is so forged or counterfeited;
- (c) applies any trade mark or any forged or counterfeited trade mark to any chattel or article not being the particular or peculiar description of merchandise denoted or intended to be denoted by such trade mark or by such forged or counterfeited trade mark;
- (d) applies any trade mark or any forged or counterfeited trade mark to anything intended for any purpose of trade or manufacture, or in, on or with which any chattel or article is intended to be sold, or is sold or offered or exposed for sale;
- (e) encloses or places any chattel or article in, upon, under or with anything to which any trade mark has been falsely applied, or to which any forged or counterfeit trade mark has been applied;
- (f) applies or attaches any chattel or article to any case, cover, reel, tickets label or other thing to which any trade mark has

CHAPTER XXXIX

Personation

369. Any person who, with intent to defraud any person, falsely rep-
misdemeanour.

If the representation is that the offender is a person entitled by will
or operation of law to any specific property and he commits the offence
to obtain" such property or possession- thereop.24 23- Tjd0.24 0 0 -0.24 18 774 cm BT 4141 890.835 742 Tm /F1.C

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VIII.—Attempts, Conspiracies to Commit Crimes,
Accessories After]the Fact, and Solicitation and Incitement

CHAPTER XLI

Attempts

380. When a person, intending to. commit an offence, begins to put his intention into execution by means adapted, to its fulfillment, and manifests his intention by some overt act, but does not fulfill his intention to such extent as to commit the offence, he is deemed to attempt to commit the offence.

It is immaterial, except so far as regards punishment, whether the offender does all that is necessary on

Penal Code

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388. Any person who becomes an accessory after the fact to felony is guilty of felony, and is liable, if no other punishment is provide, to

389. Any person who becomes an accessory after the fact to a mis-
demeanour is guilty of a misdemeanour.

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CHAPTER XLIV

Solicitation and Incitement

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1954
No. 47 s.
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390. Any person who solicits or incites another 60 1893 Tm /F1.0 1 Tf

2. Cap. 526 ss. 4 and 5 provide for minimum term of imprisonment and corporal punishment for offences and attempts to commit offences contrary to ss. 265, 268, 270, 271, 286, 294, 296 and 311 of Cap. 16.

3. For jurisdiction of primary courts to try offences contrary to provisions of the Penal Code see First Schedule to Cap. 537.

Section 15(4) of Cap. 537 provides that nothing in sections 29, 31, 32, 36, 38, 38a or 28b of the Penal Code shall apply to or to any punishment by a primary court.

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Note.—Revised.

Supersedes Cap. 16 in R.L. Supplements.

CHAPTER 16

~~PENAL CODE~~

RULES

Under section 128

THE PENAL CODE (ANATOMY) RULES, 1963

1. These Rules may be cited as the Penal Code (Anatomy) No. 192 Rules, 1963.

2. In these Rules, unless the context otherwise requires—

"coroner" has the meaning ascribed thereto in the Inquests Ordinance; Cap. 24.

nance;

"interment" includes any method of disposal of dead bodies which is customary in any community;

"medical officer" in relation to a hospital means the medical officer in charge of that hospital;

"Minister" means the Minister for the time being responsible for matters relating" to health.

3. Where a person has died in a hospital, the medical officer, if he is of opinion that it is necessary to ascertain the cause of death or that it will assist the advancement of medical science, may authorize a postmortem examination of the body of such person:

Provided that no such examination shall be authorized in any case where the surviving wife or husband or any other relative of the deceased requires the body of the deceased to be interred without such examination.

4. Where a person has died in hospital and his body has not been claimed by a relative or a *bona fide* friend within twenty-four hours of his death, the medical officer may cause the body of such

[Subsidiary]

person to be delivered to a medical school, but shall forth with inform a coroner of the date of the person's death, of such particulars as are known of his identity and of the date on which the body was delivered to a named medical, school.

5. Where a medical officer has caused a body to be delivered to a medical school under rule 4, such body shall thereupon be preserved but nothing further shall be done to it for a period of not less than fourteen days, or in the event of a claim being made by any person for the body, until such time as there has been final adjudication on the claim.

6.—(1) If within fourteen days of the delivery of a body to a medical school it is claimed by any person who satisfies a coroner or the medical officer that he is a relative, a *bona fide* friend, or an authorized representative of the community to which the deceased person belonged, the coroner or medical officer shall cause such body to be delivered to the person claiming it.

(2) As soon as it comes to the notice of a medical officer or of a coroner that a body which has been delivered to a medical school has been claimed by any person he shall immediately inform the medical school to which the body has been delivered.

7. If at the expiration of the period of fourteen days no person has claimed the body of the deceased person under the provisions of rule 6, any professor or teacher of anatomy, pathology, medicine or surgery or any student working under the supervision of any such professor or teacher may dissect such body.

8. Where a professor or teacher of anatomy, pathology, medicine or surgery considers it necessary for the instruction of student or for research at a medical school, he may authorize the retention of any part of a body removed to such school under these Rules.

9. Subject to the provisions of rule 8, every body removed to a medical school shall after dissection be decently interred and a certificate of the interment of such body shall be sent to a coroner.

10.—(1) The Medical Officer in charge of any hospital may, if satisfied the tissue is required in the treatment of any other person, remove or authorize the removal of any cadaveric tissue from a body lying in the hospital:

Provided

[Subsidiary]

(2) For the purpose of this Rule the words "readily available" shall mean available within such time as would enable the removal of the tissue to take place whilst it is still in a condition to be utilized for the purpose for which it is required.

11. Any person authorized in writing by the Minister may visit and inspect at any reasonable time any medical school and may require the production of full and correct records relating to the removal, dissection and interment of bodies which have been removed to such medical school in accordance with the provisions of these Rules.

ORDERS

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124 CAP. 16]

Penal Code

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- 10. East African Railways.
- 11. E.A.R. &H.
- 12. East African Railways and Harbours.
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- 14. Tuft.
- 15. TfR.
- 16. E.A.R.H.

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- 19. E.A.R.C.
- 20. East African Railways Corporation.
- 21. E.A.R.C. Crest.

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Under section 67
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THE PENAL CODE (DECLARATION OF UNLAWFUL SOCIETIES)
 ORDER

- 1. This, Order may be cited as the Penal Code (Declaration of Unlawful Societies) Order.
- 2. The following societies are hereby .declared to be societies dangerous to the good government of the United Republic:—

G. No.s.
 1952
 Nos.
 22, 338
 and
 355

Kikuyu Central Association.
Ukamba Member's Association.
Teita Hills' Association.
The Mau Mau Society.
Kikuyu Independent Schools Association.
Kikuyu Karing'a Education Association.
Dini ya Ycsu Kristo.

Note.—Although section 67 of the Penal Code has been repealed' by the Societies Ordinance (Cap. 337), section 6(2) of Cap. 337 provides that any society declare unlawful under the repealed section shall be deemed to have been declared to be unlawful under provisions of Cap. 337.