

Tanzania

Resettlement of Offenders Act

Chapter 71

Legislation as at 31 July 2002

FRBR URI: /akn/tz/act/1969/8/eng@2002-07-31

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PDF created on 20 April 2024 at 14:26.

Collection last checked for updates: 31 July 2002.

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Resettlement of Offenders Act

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Published in Tanzania Government Gazette

Commenced on 7 February 1969

[This is the version of this document at 31 July 2002.]

[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]

[Acts Nos. 8 of 1969; 12 of 1998]

An Act to provide for resettlement of certain offenders and habitual offenders and for related matters.

1. Short title

This Act may be cited as the Resettlement of Offenders Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"dependant" means the wife or husband of a settler or his child under the apparent age of 14 years or any other person in respect of whom the officer-in-charge is satisfied that such person is fully dependent upon the settler;

"habitual offender" means a person of not less than twenty-five years who, after attaining the age of eighteen, has on three or more occasions been convicted of any crime of moral turpitude for which he was, on each occasions, sentenced to imprisonment for a term of three years or more and who has now been sentenced to imprisonment for a term of not less than three years upon conviction of another offence of moral turpitude;

"Minister" means the Minister responsible for home affairs;

"officer-in-charge" means any person appointed by the Minister to be the officer-in-charge or an assistant officer-in-charge of a resettlement centre;

"resettlement centre" means any place or area designated by the Minister to be a resettlement centre under [section 3](#);

"resettlement order" means an order made by the Minister under the provisions of [sections 4, 5, 6, or 8](#);

"scheduled offence" means any offence specified in the Schedule to this Act;

"settler" means any person in respect of whom a resettlement order is made under [section 4, 5, 6 or 8](#).

3. Establishment of resettlement centres

The Minister may, by notice in the *Gazette*, designate any place or area to be a resettlement centre for the purposes of this Act.

4. Resettlement order

- (1) Where any person has been convicted by a court of competent jurisdiction of a scheduled offence the Minister may make a resettlement order in writing and signed by him in respect of such person.
- (2) No resettlement order under this section shall be made—
 - (a) in respect of a person who has been convicted of a scheduled offence and sentenced to imprisonment for such offence, after the expiration of thirty days from the date on which the sentence of imprisonment is determined either by effluxion of time or otherwise;
 - (b) in respect of a person who has been convicted of a scheduled offence and has not been sentenced to imprisonment, after the expiration of thirty days from the date of conviction.
- (3) It shall not be lawful for any person to whom a resettlement order has been issued and which has not been renewed to remain in any part specified in the resettlement order after expiry of two years.

5. Resettlement order on recommendation of Commissioner responsible for social welfare

- (1) Notwithstanding the provisions of [section 4](#) the Minister may make a resettlement order in respect of any person convicted of any offence punishable with imprisonment for a term of two years or more, whether or not the offence is a scheduled offence, where the Commissioner responsible for social welfare recommends that such order be made.
- (2) No order under this section shall be made after the expiration of thirty days from the date of conviction of the person concerned, or, if such person has been sentenced to imprisonment, after thirty days from the date on which the sentence of imprisonment is determined either by effluxion of time or otherwise.

6. Resettlement order where a person ordered to give security for good behaviour

- (1) Where any person is ordered to give security for good behaviour under the provisions of section 73 and section 80 of the Criminal Procedure Act¹, the Minister may make a resettlement order in respect of such a person.
- (2) No order under this section shall be made after the expiration of thirty days from the date of the order under section 80 of the Criminal Procedure Act.

7. Effect of appeal

- (1) Where a resettlement order is made in respect of any person under [section 4](#), [section 5](#) or [section 6](#) and the conviction or order pursuant to which the resettlement order is made is set aside on appeal, the resettlement order shall cease to have effect.
- (2) A resettlement order shall not cease to have effect by reason only of the conviction being set aside if the court determining the appeal substitutes for such conviction a conviction for some other scheduled offence or, in the case of an order made under [section 5](#), an offence punishable with imprisonment for two years or more.

8. Resettlement orders in respect of deportees and persons practising witchcraft

Where a deportation order under the provisions of the Deportation Act² has been made in respect of any person, and such deportation order is subsisting, or, where an order has been made against any

¹

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person under section 8 of the Witchcraft Act³ requiring such person to reside within any specified area, and such order is subsisting, the Minister may make a resettlement order in respect of such person and upon a resettlement order being so made the deportation order or the order made under section 8 of the Witchcraft Act, as the case may be, shall cease to have effect and shall be deemed to have been rescinded.

9. Operation of resettlement order

Every resettlement order shall take effect—

- (a) where the person in respect of whom it is made is serving a sentence of imprisonment for any offence or is lawfully detained, upon the determination of such sentence, whether by effluxion of time or otherwise or upon his discharge from detention, as the case may be;
- (b) in any other case immediately upon service of a copy of the order on the person in respect of whom it is made, or if the order is expressed to take effect upon any date specified therein, upon such date, whichever is the later.

10. Contents of resettlement order

Every resettlement order shall specify—

- (a) the name and address of the person in respect of whom it is made;
- (b) the reason for which the order is made;
- (c) the resettlement centre at which such person shall report;
- (d) the route by which such person shall travel to the resettlement centre; and
- (e) any other matter which may be prescribed.

11. Warrant of arrest

Where the Minister has made a resettlement order in respect of any person and he is of the opinion that such person may not comply with the order, he may apply to a resident magistrate within whose jurisdiction such person resides or is detained, for a warrant of arrest and upon such application being made the resident magistrate shall issue a warrant for the arrest of such person and for his detention in custody pending his transportation to the resettlement centre specified in the order.

12. Settlers to be given free transport

Every person in respect of whom a resettlement order is made shall be provided with free transport from his residence or the prison where he is detained, as the case may be, to the resettlement centre.

13. Failure to comply with resettlement order

- (1) Any person who, without reasonable excuse, fails to comply with any of the terms of a resettlement order, commits an offence and is liable upon conviction to imprisonment for a term not exceeding twelve months.
- (2) Conviction for an offence under subsection (1) shall not in any way affect the validity of the resettlement order and where the person convicted is sentenced to imprisonment the resettlement order shall take effect upon determination of his sentence either by effluxion of time or otherwise.

14. Resettlement centres

- (1) The Minister shall appoint an officer-in-charge for every resettlement centre and may appoint such number of assistant officers-in-charge as he may consider necessary.
- (2) Any settler who absents himself from a resettlement centre without the written authority of the officer-in-charge commits an offence.

15. Review of resettlement orders

The Minister—

- (a) may, at any time during which a resettlement order made against any person is subsisting, on the application of such person or of the officer-in-charge; and
- (b) shall, at least once in every year during which such order is subsisting, or at any time upon being requested by the Commissioner responsible for social welfare so to do,

review the order made and may, after taking into consideration the conduct of the settler and such other circumstances as he may consider relevant, rescind the order.

16. ***

[Repealed by Act [No. 12 of 1998](#) Sch.]

17. Offences

- (1) Any person who commits an offence under this Act or under any regulations made thereunder, shall, unless some other penalty has been prescribed, be liable on conviction to imprisonment for a term not exceeding six months.
- (2) All offences under this Act or under regulations made thereunder are hereby declared to be cognizable offences.

18. Regulations

The Minister may make regulations for the better carrying out of the provisions and purposes of this Act and, without prejudice to the generality of the foregoing, may make regulations—

- (a) prescribing forms of orders and applications to be made under this Act;
- (b) providing for the organisation, safety, discipline and administration of resettlement centres;
- (c) providing for the reception, treatment, health and well-being of settlers;
- (d) providing for the powers of officers-in-charge including powers of arrest of any settler committing any offence under this Act;
- (e) providing for the remuneration of settlers employed in any project or enterprise at a resettlement centre, and for the free supply of clothing and suitable diet in lieu of, or in addition, to such remuneration;
- (f) providing for residence at resettlement centres of the dependants of the settlers;
- (g) providing for the settlers to go on leave of absence;
- (h) providing for the hours, mode and kind of labour and employment of settlers;
- (i) prescribing anything which, under the provisions of this Act, may be prescribed.

19. Directions by officers-in-charge

- (1) An officer-in-charge of a resettlement centre may give such orders or directions either orally or in writing to any settler or his dependant residing with him at the resettlement centre, as may be necessary or expedient for the following purposes that is to say—
 - (a) to ensure that the resettlement centre is administered in an orderly and efficient manner;
 - (b) to ensure the performance of any work or duty by the settler;
 - (c) to ensure that all proper precautions are taken to preserve the health and well-being of the settlers and their dependants residing at the resettlement centre;
 - (d) to preserve orderly conduct and discipline in the resettlement centre.
- (2) Any person who disobeys any order or direction given by the officer-in-charge commits an offence and is liable upon conviction to imprisonment for a term not exceeding three months.

20. Protection of *bona fide* act

No act or thing done or omitted to be of done by any person shall, if the act or omission was done or omitted *bona fide* while acting in the execution of duty under this Act, subject him personally to any liability, action, claim or demand whatsoever.

Schedule (Section 2)

1. Any offence which is a scheduled offence under the provisions of the Minimum Sentences Act⁴.
2. Any offence under the Witchcraft Act⁵

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