

Tanzania

## Protected Places and Areas Act Chapter 74

Legislation as at 31 July 2002

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# Tanzania

## Protected Places and Areas Act

### Chapter 74

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[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.]

[Act No. 38 of 1969]

**An Act to provide for the protection of certain areas and places.**

#### 1. Short title

This Act may be cited as the Protected Places and Areas Act.

#### 2. Interpretation

In this Act, unless the context otherwise—

"**authorised officer**" means—

- (a) any police officer of or above the rank of an Assistant Inspector;
- (b) in relation to any Region, the Regional Commissioner of the region; and in relation to any district, the District Commissioner of the district;
- (c) any person performing the duties of a guard in a protected place or a protected area authorised in that behalf under the provisions of section 3;
- (d) any other person or class of persons declared by the Minister by Order in the *Gazette* to be an authorised officer or officers for the purposes of this Act either generally or in respect of any specified place or area or class of places or areas;

"**Minister**" means the Minister responsible for legal affairs;

"**premises**" includes any land in Tanzania and any building or structure upon such land;

"**protected area**" means any area declared to be a protected area under section 5;

"**protected place**" means any premises declared to be a protected place under section 4.

#### 3. Authorisation of guards and watchmen

A Regional Commissioner, a District Commissioner or a police officer of or above the rank of Assistant Superintendent may authorise in writing any person performing the duties of a guard or a watchman in a protected place or protected area to exercise the powers of an authorised officer in such place or area.

#### 4. Protected place

- (1) If in regard to any premises the Minister is of the opinion that it is necessary or expedient that special precautions should be taken to prevent the entry of unauthorised persons, he may, by order in the *Gazette*, declare such premises to be a protected place for the purposes of this Act.
- (2) Where any premises are declared to be a protected place for the purposes of this Act no person other than a person who is, or who belongs to a class of persons which is, specifically exempted in the order made under subsection (1) or in any subsequent order, shall enter such premises or be in such premises unless he is the holder of a valid permit issued by such authority or person as may be specified in that order or unless he has received permission of the authorised officer on duty at the premises to enter upon or remain in them.
- (3) Where under this section any person has been issued with a permit or is granted permission to enter upon, or be in, a protected place, that person shall, while in that place, comply with the conditions, if any, specified in the permit or with such directions for regulating his conduct as may be given by the authority or person granting the permission as the case may be, and an authorised officer or any person authorised in that behalf by the occupier of the premises may search any person entering or seeking to enter or who is found to be in a protected place, and may detain him for the purpose of searching him.
- (4) Any person who, not being a person who is exempt from the provisions of an order made under subsection (1)—
  - (a) enters or is found in any protected place without being in possession of a valid permit authorising him to do so or without the permission of the authorised officer; or
  - (b) fails to comply with any condition of the permit or with any direction given by the authorised officer,

commits an offence and is liable upon conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding three years, or to both.

#### 5. Protected area

- (1) If in regard to any area the Minister is satisfied that it is necessary or expedient that special measures be taken to control the movement and conduct of persons, he may by order published in the *Gazette* declare such area to be a protected area and in such order provide—
  - (a) that no person shall enter or be in that area unless he is the holder of a valid permit issued by the authority or persons as may be specified in the order; or
  - (b) that any person who enters or is in any protected area shall comply with the directions regulating his movements and conduct as may be given by an authorised officer.
- (2) The Minister may, in an order made under subsection (1) or by any subsequent order, exempt any person or class of persons from the provisions of that order.
- (3) An authorised officer may search any person entering or seeking to enter or who is found in, a protected area and may detain any such person for the purposes of searching him.
- (4) Where any area is declared to be a protected area any person who, not being a person exempted under the provisions of subsection (2)—
  - (a) if the area is an area in relation to which an order has been made in terms of paragraph (a) of subsection (1), enters such area or is found therein without being in possession of a valid permit issued under subsection (1);
  - (b) fails to comply with any of the conditions of a permit issued to him; or

- (c) if the area is an area in relation to which an order has been made in terms of paragraph (b) of subsection (1), while in the area, fails to comply with any direction given by an authorised officer,

commits an offence and is liable upon conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding three years, or to both.

## 6. Measures for protection of protected place or area

- (1) The Minister may by notice in writing to the occupier of any place of or protected area direct the occupier at his protected own expense to take such measures for the better protection of the place or area as the Minister may consider reasonably necessary.
- (2) If an occupier fails or refuses, within the time as may be specified in the notice given to him under subsection (1) or in any subsequent notice to comply with the directions given under the provisions of that subsection the Minister may cause the necessary measures to be taken, and the expenses incurred in so doing shall be a debt due from the occupier to the United Republic and may be recovered accordingly.

## 7. Safeguarding of information

- (1) The Minister may by notice in writing require an occupier of any protected place or protected area to take such steps as the Minister may deem necessary in the public interest for the safeguarding of any information relating to such place or area, or for the security of any classified information or document which may be furnished to the occupier, in his capacity as such, by a public officer.
- (2) A person who fails to comply with any of the requirements of a notice issued to him under subsection (1) commits an offence and is liable upon conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months, or to both.

## 8. 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) requiring the erection by persons specified in the regulations or in any order made thereunder of hoarding notices at or near the site of protected places and protected areas;
- (b) prescribing the forms of permits for entry in a protected place or a protected area.

## 9. Power of arrest

A police officer may arrest without warrant any person reasonably suspected of having committed or of committing an offence contrary to any of the provisions of this Act or of any regulations made thereunder.

## 10. Evidence

In any proceedings for an offence under this Act the burden of proving—

- (a) that he is a person who is exempt from an order made under subsection (2) of section 4 or subsection (2) of section 5;
- (b) that he entered or was in the protected place or the protected area as the case may be, under the authority of a valid permit issued to him; or
- (c) that he entered or was in any protected place or protected area with the permission of the authorised officer on duty at such place,

shall be on the alleged offender and in the absence of such proof the contrary shall be presumed.