

Tanzania

## Armaments Control Act

### Chapter 246

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# Armaments Control Act

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# Tanzania

## Armaments Control Act

### Chapter 246

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*[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.]*

*[G.N. No. 54 of 1994; Act No. 1 of 1991]*

**An Act to provide for the machinery and mechanism of controlling and managing the acquisition, manufacture and dealing in arms of war.**

### Part I – Preliminary provisions (ss. 1-4)

#### 1. Short title and application

This Act may be cited as the Armaments Control Act, and applies to Mainland Tanzania as well as to Tanzania Zanzibar.

#### 2. \*\*\*

*[Omitted: Incorporated into s. 1]*

#### 3. Exemption of firearms

The Minister may, by order published in the *Gazette*, exempt any firearm or category of firearms from the application of this Act.

#### 4. Interpretation

In this Act, unless the context otherwise requires—

"**ammunition**" includes explosives, cartridges, balls, caps and other material for loading firearms;

"**armaments**" means arms of war, whether complete or in parts and ammunition for them, namely, firearms, artillery of all kinds, apparatus for the discharge of all kinds of explosive or gas-diffusing projectiles, flamethrowers, bombs, grenades, machine guns, rifles, and small-fire breech-loading weapons of all kinds;

"**arms**" means all firearms other than armaments, and all other weapons described as arms by, and controlled in accordance with the Arms and Ammunition Act <sup>1</sup>;

"**Board**" means the Armaments Control Advisory Board established by [section 7](#);

**"control of armaments"** means any act or process designed to facilitate or ensure the identification, verification, inspection, limitation, control, reduction or elimination of the unauthorised possession, conveyance or presence of armaments in the United Republic;

**"department"** means any department or part of a department of the Government, vested with the duties of defence and security and the word "departments" shall be construed as such;

**"firearm"** means any lethal barrelled weapon of any description other than a harpoon gun, from which any short, bullet or other missile can be discharged, and includes any component part of any firearm and any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon;

**"Government"** means the Government of the United Republic or, wherever relevant, the Revolutionary Government of Zanzibar;

**"Minister"** means the Minister being responsible for defence.

- (2) Armaments or arms on the body, or in the custody or under the control, of any person shall be deemed to be in his possession.

## Part II – Organisation for armaments control (ss. 5-10)

### 5. Armaments control policy

The President shall facilitate and ensure the formulation and implementation of a realistic policy, consistent with national security as a whole, for the control of all dealings in and with armaments within the United Republic, and thereby providing the impetus toward the achievement of a society in which the use of force is subordinated to the rule of law and in which socio-economic adjustments are achieved peacefully, and ultimately, a world free from the scourge of war and the dangers and burdens of armaments.

### 6. Vesting of control in the President

Subject to this Act and to any other relevant statutory provisions, the President shall have and may exercise all functions and powers necessary for the control, management and use of armaments in the United Republic and may, by notice published in the *Gazette* delegate any such functions and powers to such person or body of persons as he may specify in the notice.

### 7. Establishment of the Board

- (1) There is established a Board to be known as the National Armaments Control Advisory Board.
- (2) The Board shall consist of the following members, appointed by the President—
- (a) three amongst members of the Tanzania People's Defence Forces, one of whom shall be appointed Chairman of the Board;
  - (b) two amongst members of the Police Force;
  - (c) one amongst members of the Prisons Services;
  - (d) one amongst members of the Chuo cha Mafunzo Services Zanzibar;
  - (e) one amongst members of the Kikosi Maalum cha Kuzuia Magendo, Zanzibar;
  - (f) one amongst members of the Jeshi la Kujenga Uchumi, Zanzibar; and
  - (g) three other members one of whom shall be amongst the staff of the President's Office.
- (3) All members of the Board, including the Chairman, may be appointed either by name or by office and, subject to subsection (4), shall serve during the pleasure of the President.

- (4) Where a person appointed to be a member by virtue of an office he holds vacates that office, he shall cease to be a member and, unless the President directs otherwise, the person replacing that person in office shall replace him also as a member of the Board.

## 8. Functions of the Board

- (1) Subject to such procedure and organisational methods as the President may, by writing under his hand, direct or establish, the functions of the Board shall be—
- (a) to provide the Government with advice and recommendations on matters pertaining to the formulation and implementation of the national policy on control of armaments;
  - (b) to provide for and to secure the regulation of dealings in and with armaments in the United Republic;
  - (c) to conduct, sponsor or promote the conduct of research and other studies and searches which are necessary for the development of a national capacity to obtain the essential scientific, economic, political, military, psychological and technological information upon which a realistic policy for control of armaments may be based.
- (2) In particular, but without prejudice to the generality of subsection (1), the Board shall, for the purposes of securing effective implementation of the national policy on control of armaments—
- (a) supervise and regulate the manufacture, importation, conveyance and disposition of armaments in the United Republic;
  - (b) receive and consider all requests by any department for acquisition of armaments;
  - (c) evaluate and recommend on the need and the request by any department for the acquisition by importation of armaments, taking into account the establishment of that department and its defence and security requirements and commitments;
  - (d) evaluate and recommend on the efficacy, need and quality of any equipment comprising armaments given as a donation to any department;
  - (e) administer rules and regulations made under this Act and, subject to that other Act, any other Act relating to the manufacture, importation, exportation, distribution, control and management of armaments made in or imported into the United Republic.

## 9. Procedure for exercise of functions of the Board

- (1) For the purposes of ensuring the smooth and effectual discharge of the functions of the Board, the Minister shall establish a suitable secretariat which shall provide secretarial, research, information and other services to the Board.
- (2) The Minister shall, with the prior approval of the President make provision for the financing of the activities of the Board.
- (3) The Board shall establish such committees and subcommittees as it may deem necessary for the co-ordination of research and other activities carried out by or on behalf of the Board.
- (4) The Board shall ordinarily meet for the transaction of its business at the times and places determined by it, but shall meet at least once every three months.
- (5) The quorum at any meeting of the Board shall be one half of the total number of members of the Board and, where there is an uneven number of members, shall be the whole next number above half.
- (6) Subject to subsection (5), the Board may act, notwithstanding any vacancy in its number.
- (7) Subject to this Act and to any regulations or directions made or given by the Minister in that behalf, the Board may regulate its own proceedings.

- (8) For the purposes of the better and more effectual performance of its functions the Board shall establish and maintain appropriate systems of collaboration and co-operation with any other person or body of person, whether or not established by or under any written law, having functions, the performance of which is relevant to, affects or could affect the discharge by the Board of its functions under this Act.

## **10. Responses to exercise and functions of the Board**

Where any department, person or body of persons is aggrieved by or in disagreement with any recommendation, measure or other act of the Board, that department, person or body of persons may, after advising the Minister about his opinion, appeal to the President, and the decision of the President in the matter shall be final.

## **Part III – Control of armaments (ss. 11-14)**

### **11. Prohibition on possession and conveyance of armaments**

- (1) Subject to this section, no person shall, after the commencement of this Act, except under and in accordance with the terms of an authorisation in the prescribed form granted by the Board, carry, convey or have in his possession or under his control any armaments.
- (2) Subsection (1) shall not apply to any armaments which are in the possession of the Government and which are duly in the possession or under the control of some department or person on behalf of the Government with the knowledge and consent of the Government.
- (3) Subsection (1) shall not apply to any armaments on board of any ship, vehicle, aircraft, vessel or other conveyance belonging to a foreign power and which is, with the knowledge and permission of the Government, in transit through the United Republic.

### **12. Prohibition on export, import of armaments, etc.**

- (1) No person shall import into or export from, or cause to be imported into or exported from the United Republic any armaments except with and under the terms of an authorisation in the prescribed form granted by the Board.
- (2) No armaments shall be imported except at a port, airport or other entry point prescribed in that behalf by the Minister by writing under his hand, and the person in charge of every vessel, aircraft, vehicle or other conveyance having on board as cargo any armaments, whether in transit or for transshipment or otherwise, shall, on arrival forthwith furnish to the port, airport authority or the authority at the other entry point, as the case may be, a manifest of the cargo.
- (3) All armaments imported into the United Republic and intended for any destination outside the United Republic shall, if landed prior to transshipment, be stored only in such godowns or places designated in writing in that behalf by the Minister.

### **13. Prohibition on manufacture of armaments**

- (1) No armaments shall be manufactured or assembled in the United Republic except at arsenals established by the Government and in accordance with the terms of an authorisation in the prescribed form granted by the Board.
- (2) No person shall manufacture or assemble arms or armaments unless he has an authorisation granted by the Board in that behalf.
- (3) For the avoidance of doubt, a licence or other permit granted under the Arms and Ammunition Act<sup>2</sup> enabling the holder to manufacture arms or ammunition shall not be deemed as sufficing for the

purposes of this Act, save that the holder of such licence or permit shall not be required to pay any fee under this Act for the purposes of obtaining an authorisation under this section.

#### **14. Issue of search warrant in certain cases, searches, etc.**

- (1) Whenever it appears to a magistrate, upon the oath of any person, that there is a reasonable cause to suspect that any armaments are in any building, vessel, aircraft, vehicle or elsewhere in contravention of this Act, the magistrate may by warrant directed to any Police Officer or other person appointed by the Minister in that behalf, empower him with such assistance as may be necessary, by day or by night—
  - (a) to enter and, if necessary, to break into such building, vessel aircraft, vehicle or other conveyance or place, and to search for and take possession of any armaments which may be found there, and to carry the armaments before a magistrate; and
  - (b) to arrest any person who may appear to have such armaments in his possession, custody or control.
- (2) Whenever any vessel, aircraft or other conveyance not being a ship, aircraft or other conveyance of war, whether under way or not, is about to leave the territory, water or air space of the United Republic, the master or officer in charge of the vessel, aircraft or other conveyance may, without any warrant for the purpose, search or cause to be searched all passengers liable to search and their luggage, baggage, and goods, for armaments and may for that purpose, where necessary, use force or break open any cases, boxes or other receptacles wherein any item of armament is or may reasonably be expected to be concealed.
- (3) Any person who is in possession of such armaments or item of armament may be arrested forthwith by the master or officer in charge of the vessel, aircraft or other conveyance and, unless the person satisfactorily accounts for the armaments, commits an offence under this Act and is liable to punishment.

### **Part IV – Miscellaneous provisions (ss. 15-19)**

#### **15. Priority of service to carriers of armaments**

Any ship, aircraft, vehicle or other conveyance carrying, ferrying or transporting armaments shall, on arrival at any port, ferry, airport, toll station, entry point or other place of embarkation or disembarkation within the United Republic, be accorded priority of service and be discharged as soon as possible, subject to the other provisions of this Act.

#### **16. Forfeiture of armaments connected with offence**

Any armaments or item of armament in connection with which an offence is committed under this Act or any other law shall, unless the court is of the opinion that the ends of justice dictate otherwise, be forfeited to the United Republic.

#### **17. Forfeiture of armaments without apparent owner**

Any armaments or items of armament which are found in any building, vessel, aircraft or other conveyance or place without any apparent owner may, whether any person is charged with or convicted of any offence in connection with them or not, be ordered by the court to be forfeited to the Government.

#### **18. Offences**

Any person who contravenes, refuses or fails to comply with any provision of this Act is guilty of an offence and shall, if no penalty is expressly stated by the provision contravened, be liable on conviction to

imprisonment for a term not exceeding fifteen years nor less than seven years or to a fine not exceeding three million shillings or to both such fine and imprisonment.

## 19. Regulations

- (1) The Minister may make regulations for the better carrying out of the purposes and provisions of this Act and, without prejudice to the generality of this subsection, may make regulations—
  - (a) prescribing the conditions and terms upon which any specified facilities or services or categories of facilities or services within the scope of the functions of the Board shall be provided to the public and other persons;
  - (b) providing for the proper management, control and discharge of the business and affairs of the Board;
  - (c) prescribing fees, rates and other charges in connection with the provision by the Board of any services or facilities;
  - (d) requiring manufacturers, importers or sellers of armaments, items of armament or their accessories to keep and produce records and furnish returns to the Board;
  - (e) prescribing the procedure for application to be made to the Board for authorisations under this Act;
  - (f) prescribing forms for authorisation and other forms to be used for any purpose under this Act;
  - (g) prescribing anything which may be prescribed under this Act;
  - (h) providing for any matter which in the opinion of the Board is necessary to provide for the efficient performance of the functions of the Board.
- (2) Subject to subsection (3), regulations made under this section shall be published in the *Gazette*.
- (3) Where regulations are made which are not of general application, the Board may, in addition to or in lieu of publication in the *Gazette*, publish the regulations in such manner as will, in the opinion of the Minister, ensure the contents of the regulations coming to the notice of the persons or category of persons in respect of which they apply and of the members of the public who might be affected by the regulations.