

THE UNITED REPUBLIC OF TANZANIA



No. 11 OF 1983

I ASSENT

*Julius K. Nyerere*  
.....  
President

*2nd July 1983*  
.....

[24TH MARCH, 1983]

**An Act to amend Certain Written Laws**

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Witten Laws (Miscellaneous Amendments) Short title (No. 2) Act, 1983.

2.—(1) Subject to subsections (2) and (3), this Act shall be deemed to have **Commence-** come into operation on the twenty-fourth day of March, 1983. **ment**

(2) If provisions of paragraph (a) of item of the Schedule to this Act shall come into operation on the 1st day of August, 1983.

(3) The provisions of paragraph (a) of item 2 of the Schedule to this Act, Acts 1980 which relate to section 4A of the Regulation of Trade Act, 1980, shall come **No. 18** into operation on the date the President assents to the enactment of this Act.

3. The laws set forth in the first and second columns of the Schedule to **Amendment** this Act are hereby amended in the manner specified in the third column of the **of certain** **laws** schedule.

**SCHEDULE**

| FIRST COLUMN | SECOND COLUMN | THIRD COLUMN  |
|--------------|---------------|---|
| 1. Cap. 16   | Penal Code    | <p>(a) Section 176 of the Penal Code amended by inserting immediately after Paragraph (7) the following new paragraphs,</p> <p>"(8) Any able. bodied person who is not engaged in any Productive work and has no visible means of subsistence;</p> <p>"(9) Any person employed under lawful employment of any description who is, without any lawful excuse, found engaged on A frolic of his own at-a time he is supposed to be engaged in, activities connected or relating to this business of his employment,";</p> <p>(b) Section 194A is repealed and replaced by the following-</p> <p>Hoarding commodities 194A.-(1) A person, whether or not licensed to carry on the business of selling commodities of any description, shall be guilty of an offence of hoarding commodities under this section if, not being a manufacturer or producer of the commodities-</p> <p>(a) he is found in possession of a large or big amount or quantity of commodities, which are in demand by the public in the locality concerned, in circumstances in which it can be inferred that they are not displayed or stocked for lawful sale or available for Purchase by all persons offering the, lawful price or</p> <p>(b) he sells or offers any commodity for sale at a price or subject to a term or condition which is unlawful or which, having regard to all relevant circumstances, is unreasonable; or.</p> <p>(c) in the course of carrying on the business of selling any commodity, he engages in any trade Practice which is intend or likely-</p> <p>(i) to create an artificial shortage in the supply of any commodity; or</p> <p>(ii) to aggravate an actually existing shortage, in the supply Of any Commodity; or</p> <p>(iii) to cause an unlawful increase or decrease in the official or commercially accepted price of any-commodity; or</p> <p>(iv) to adversely affect the fair distribution of any commodity amongst the Purchasing population of the area concerned.</p> <p>(2) For the purposes of this section-</p> |

SCHEDULE -(contd.)

FIRST COLUMN

SECOND COLUMN

THIRD COLUMN

- (a) a person shall be deemed to have in stock any commodities of any description in any place if he is the owner of any amount or quantity of such commodities;
- (b) "person" includes any employee or agent of such person, and where such employee or agent is charged with an offence under this section the provisions of 'subsection (3) shall Apply , *mutatis mutandis* to the employee or agent as they apply where the person charged is the employer or as- the case may be, the agent;
- (c) whether or not licensed to carry on business, a person shall be deemed to be carrying on the business of selling commodities, of any description if, at the time When the offence is alleged to have been committed or at any reasonable period preceding or succeeding the date when the offence is alleged to have been committed, he had possession of in amount or quantity of such commodities in circumstances in which it may reasonably be inferred that such commodities were- intended by him to be sold by him or he had held himself out as being a seller of those commodities.
- (3) Where a person is charged with an offence under this section it shall be a good defence for him to prove that-
- (a) there was no shortage the supply of the commodity or commodities concerned in the locality in question;
- (b) the stocking of the amount or quantity of commodities concerned was not intended or likely to create. any shortage, in the supply of the commodities or to have any other effect on the distribution of the commodities in the locality;, ,
- (c) the commodities found in any premises under his control or management did not belong to him and that he had no right, to dispose of any of the commodities in any way and that he did, at the earliest possible opportunity, advise the authorities investigating, the matter of the identity of the owner;
- (d) the commodities owned by him or which he had the right to dispose of had, at the time when they were found his possession, been lawfully sold or otherwise lawfully disposed of to another person;

SCHEDULE -(contd.)

| FIRST COLUMN            | SECOND COLUMN                     | THIRD COLUMN   |
|-------------------------|-----------------------------------|--|
| 2. Acts, 1980<br>No. 19 | The Regulation of Trade Act, 1980 | <p>(e) the commodities in stock were for his own lawful use or were being used in connection with his lawful business;</p> <p>(f) he had kept them in store, as a reasonable, precaution, taken in the interest of his own household, against a probable and imminent future shortage or famine, or in order to meet the requirements of any future event reasonably important to him.</p> <p>(4) The standard of proof by the accused of an/ of the facts or circumstances set out in subsection (3) shall be on a balance of probabilities.</p> <p>(5) Any person convicted of an offence under this section shall be liable to imprisonment for a term not exceeding fourteen years or to a fine not exceeding one hundred thousand shillings or to both such imprisonment and such fine, and the court may, in addition thereto, order all the commodities of the same description as the commodities to which the charge relates and held in stock by such person on the date on which the offence was committed to be forfeited."</p> <p>(c) by adding, immediately after section 194A, the following new section-<br/>"Hoarding money 194B.- Any person who is found in possession of an amount of liquid money which, considering the circumstances of its acquisition, possession and actual or potential use, is unnecessary or, if continued to be held in liquid form, would or is likely to facilitate interference with or disruption of the normal or ordinary circulation of money within the national economy, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty per centum of the total amount-of liquid money involved in the offence and, in addition to the fine, fifty per centum of the liquid money found in his possession shall be forfeited to the Government of the United Republic."</p> <p>(a) The Act is amended by inserting, immediately after section 4, the following new section-<br/>"Persons in authority not to authorize to supply of designated goods 4A.- (1) Any person who, being in authority, knowingly and without lawful excuse, causes or procures a supplier or distributor supply designated goods to a person who is not an authorized trader for purposes of resale, or to supply designated goods in inordinate amounts or quantities to any authorized trader, shall be guilty of an offence and shall be liable, on conviction to a fine of not less than ten thousand shillings nor exceeding one hundred thousand shillings or to imprisonment for a term of not less than one year nor more than eight years or to both that fine and imprisonment.</p> |

SCHEDULE -(contd-)

FIRST COLUMN

SECOND COLUMN

THIRD COLUMN

(2) A person shall be deemed to be in authority if, being a holder of any elective or appointive office in the Party, the Government of the United Republic or the Revolutionary Government of Zanzibar or any parastatal organization, he gives a direction, suggestion or advice to a supplier or distributor in connection with the disposition of designated goods in the manner referred to in subsection (1), and the said supplier or distributor acts in accordance with the direction, suggestion or advice.

(3) An amount or quantity of designated goods shall be deemed to be inordinate if-

- (a) where the supply is done once, the amount or quantity is in excess of the amount or quantity ordinarily supplied or sold to the majority of the other purchasers of the same goods in the same locality with the same right, financial ability and willingness to purchase the goods in question, or
- (b) where the supply is done on more than one occasions, the frequency of such occasions is extraordinary compared to the frequency at which the same goods are supplied over a given period to other purchasers in the locality with the same right, financial ability and willingness to purchase the goods in question.

(4) It shall be a good defence for a person charged with an offence under this section if he satisfies the court that there existed any circumstances which constituted a reasonable or lawful excuse for his action or that his action was motivated by any thing that was beneficial to the public interest."

- (b) Section 5 is amended by inserting immediately after paragraph (b) the following new paragraph-

**SCHEDULE—(contd.)**

FIRST COLUMN

SECOND COLUMN

THIRD COLUMN

“(c) providing for the establishment, functions, powers and procedures of a distribution committee or committees at national, regional, district or any other level, or for such area or areas as may be specified by the Minister,”.

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Passed in the National Assembly on the twenty-fifth day of June, 1983.

  
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*Clerk of the National Assembly*