

CHAPTER 322

THE POLICE FORCE AND AUXILIARY SERVICES ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

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SCHEDULES

CHAPTER 322

THE POLICE FORCE AND AUXILIARY SERVICES ACT¹

An Act to provide for the organisation, discipline, powers and duties of the Police Force, a Police Reserve and an Auxiliary Police Force and for related matters.

[1st January, 1953]

[9th June, 1939]

[13th August, 1948]

Ords. Nos.	[R.L. Cap. 262]	Acts Nos.	19 of 1996
1 of 1939	64 of 1961	2 of 1965	6 of 2012
42 of 1948	35 of 1962	19 of 1966	
14 of 1950	19 of 1964	11 of 1971	
51 of 1952	35 of 1965	31 of 1972	
27 of 1954	73 of 1965	15 of 1980	
22 of 1955	GNs. Nos.	9 of 1985	
1 of 1958	73 of 1965	5 of 1993	
43 of 1958	48 of 1961	3 of 1995	
[R.L. Cap. 56]	[R.L. Cap. 322]		

PART I

PRELIMINARY PROVISIONS

Short title and application

1.-(1) This Act may be cited as the Police Force and Auxiliary Services Act.

(2) The following sections shall apply to Mainland Tanzania as well as to Tanzania Zanzibar:

Sections 2, 3, 4, 5, 7, 8, 9, 10, 11, 16, 26, 63, 64, 66(3) and (4), 67, 68, 69, 70, 71, 72, 73, 74, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 100 and 106.

⁴ Note: This Chapter consists of-

- The Police Force Ordinance [R.L. Cap. 322] - Parts I-XIV which came into operation on 1st January, 1953.
- The Police Reserve Ordinance [R.L. Cap. 56] - Part XV which came into operation on 9th June, 1939.
- The Auxiliary Police Ordinance [R.L. Cap. 262] - Part XVI, which came into operation on 13th August, 1948.

Interpretation
Ords. Nos.
22 of 1955 s. 2
1 of 1958 s. 2
22 of 1958
43 of 1958
64 of 1961 s. 2
GNs. Nos.
73 of 1965
11 of 1971
73 of 1965
Cap. 20

Cap. 77

- 2.-(1) In this Act, unless the context otherwise requires-
- “arms” includes firearms;
- “Assistant Commissioner” means an Assistant Commissioner of Police and the expression includes a Senior Assistant Commissioner, a superintendent or other police officer in command of the police in any region;
- “cognisable offence” has the meaning assigned to it in section 2 of the Criminal Procedure Act;
- “Commissioner” means a Senior Commissioner or a Commissioner appointed under section 8;
- “constable” includes all grades of the rank of constable;
- “Deputy Commissioner” means the Deputy Commissioner of Police;
- “Force” means the Police Force of the United Republic;
- “gazetted officer” means a police officer of a rank of Assistant Superintendent or above;
- “inspector” includes a chief inspector, a senior inspector, an inspector and a sub-inspector;
- “Inspector-General” means the Inspector-General of Police;
- “intoxicating liquor” has the meaning assigned to it in the Intoxicating Liquors Act;
- “Minister” means the Minister responsible for matters relating to the Police Force;
- “non-commissioned officer” means a police officer of the rank of sergeant major, sergeant or corporal;
- “officer in charge of police” means a police officer appointed by the Commissioner under section 8 to be in command of the police in any place or any police officer, his senior in rank, for the time being in the place, and where a police officer has not been appointed as aforesaid, includes the administrative officer for the time being in charge of the place;
- “officer in charge of a police post” includes any officer superior in rank to an officer in charge of a police post and, when the officer in charge of the police post is absent from the post or unable from illness or other cause to

Cap. 371

- perform his duties, the police officer present at the post who is next in rank to such officer;
- “officer in charge of a police station” includes any officer superior in rank to an officer in charge of a police station and, when the officer in charge of the police station is absent from the station or unable from illness or other cause to perform his duties, the police officer present at the post who is next in rank to such officer;
- “pensionable officer” means a member of the Force whose service is pensionable under the Public Services Social Security Fund Act;
- “police officer” means a member of the Force of or above the rank of constable;
- “police post” means any place appointed by the Inspector-General to be a police post;
- “Police Rewards Fund” means the Fund established under section 66;
- “police station” means any place appointed by the Inspector-General to be a police station, and includes any local area policed from such a station;
- “prescribed” means prescribed by regulations made under this Act;
- “property” includes any movable property, money or valuable security;
- “public place” means any highway, public park, common or garden, any sea beach, or lake shore, and any public bridge, road, street, lane, footway, square, court, alley or passage, whether a thoroughfare or not, and includes any place, whether a building or not, to which for the time being the public have or are permitted to have access, whether on payment or otherwise;
- “recruit” means a person undergoing training for a post in the Force who is a member of the Force but who is not a police officer;
- “region” means a region of the United Republic in which the command of the police is vested in an Assistant

Commissioner or superintendent or other police officer appointed by the Inspector- General to be in command thereof;

“sergeant” includes a station sergeant and all grades of the rank of sergeant;

“superintendent” includes senior superintendent; and

“superintendent in charge of police” means the superintendent or other police officer appointed by the Inspector-General to be in command of any branch of the Force or police stationed in a Region.

(2) [Omitted].

PART II

CONSTITUTION, ADMINISTRATION AND DUTIES OF THE FORCE

Establishment of
Police Force
GN. No.
73 of 1965 Sch.

3. The Police Force of the United Republic shall be established and constituted in accordance with this Act.

Constitution of
Force
Acts Nos.
22 of 1955 s. 3
1 of 1958 s. 3
64 of 1961 s. 3
11 of 1971 Sch.
GNs Nos.
73 of 1965 Sch.
19 of 1996

4. The Force shall consist of members of the following ranks as the President may direct, in the following order of seniority:-

Gazetted Officers-

Inspector-General;

Commissioner;

Deputy Commissioner;

Senior Assistant Commissioner;

Assistant Commissioner;

Senior Superintendent;

Superintendent;

Assistant Superintendent;

Inspectors-

Inspector;

Assistant Inspector;

Non-Commissioned Officers-

Sergeant Major;

Staff Sergeant;

Sergeant;
 Corporal;
Constables-
 Constable;
 Recruit;
 Police Cadet.

Duties of Force
 GN. No.
 73 of 1965
 2nd Sch.

5.—(1) The Force shall be employed in and throughout the United Republic to perform the following duties:

- (a) the preservation of peace;
- (b) maintenance of law and order;
- (c) prevention and detection of crime;
- (d) apprehension and guarding of offenders;
- (e) protection of property; and
- (f) perform any other duty as directed.

(2) The Members of the Force shall be entitled to carry arms.

(3) The Members of the Force shall be bound to serve anywhere in the United Republic or on board of any ship within the territorial waters of the United Republic, and to proceed to any neighboring country as provided in Part XIII and to proceed to other places as their duties under subsection (1) of this section may require.

Repealed

6. [Repealed by Act No. 2 of 1965 Sch.]

General powers of
 Inspector General
 Act No.
 6 of 2012 s. 7
 GNs. Nos.
 148 of 1961 Sch.
 73 of 1965
 2nd Sch.

7.—(1) The Inspector-General shall, subject to any orders or directions given by the Minister as to the operational control of the Force, have the command, superintendence and direction of the Force.

(2) The Inspector-General may, subject to the orders and directions given by the Minister, the provisions of this Act and any regulations made there under, make orders for the general government of the Force in relation to the enlistment, ranks, classification, duties, distribution, inspection, transfer, including expenses in connection therewith, discharge, training, arms and accoutrements, clothing and equipment, and places of residence of the members thereof, and other

orders as he may deem expedient for preventing neglect and for promoting efficiency and discipline on the part of the Force in the discharge of its duties.

(3) The Orders or directions made under this section may be published in the *Gazette*.

Administration of
Force
Act No.
1 of 1971 Sch.
GNs. Nos.
148 of 1961 Sch.
73 of 1965 Sch.

8.—(1) The Administration of the Force throughout the United Republic shall be vested in the Inspector-General and for this purpose, the Force shall be organised in branches and distributed according to regions, area and places as he may with the approval of the minister, decide.

(2) A Commissioner may be appointed for any part of the United Republic, or for any function of the Force, and the Commissioner appointed shall be the deputy of the Inspector-General for that part or for the purpose of that function, and shall, subject to any direction of the Inspector-General have the powers, functions and duties of the Inspector-General in that behalf, and where a Commissioner is appointed for any such part, the subordinate commanders shall be responsible both to the Inspector-General and to the Commissioner for their respective commands and the following provisions of this section shall be construed accordingly.

(3) Where a Senior Commissioner has been appointed for any part of the United Republic or for any function of the Force, the provisions of subsection (2) shall apply in relation to the Senior Commissioner as if references in that subsection to the Commissioner were references to the Senior Commissioner, and the Commissioner appointed for that part of the United Republic or for that function shall be responsible to the Senior Commissioner.

(4) The command of the Police in any region or area shall be vested in an Assistant Commissioner or a Superintendent or any other police officer appointed by the Commissioner to be in command thereof subject to the orders and direction of the commissioner and, in the case of a police officer in command in a region, of the Assistant Commissioner or other police officer in command in the region in which such area is included, such

police officer shall have the command, direction and management of the police in the region or area to which he is appointed, and shall be responsible to the Inspector-General and, in the case of a police officer in command in the area, to the police officer in command in the region in which such area is included, for all matters relating to the training, discipline and interior economy of the members of the Force under his command, and the performance of all police duties in his region or area.

(5) The command of the police in any place in the United Republic shall be vested in a police officer as may be appointed by the Commissioner to be in command thereof and the officer shall be subordinate to and carry out the orders of the police officer in command in the province in which the place is situated in all matters relating to the training, discipline and interior economy of the members of the force under his command, and the performance of all police duties in the said place.

(6) In any place where a police officer is not appointed by the Inspector-General to be in command of the police in such place, the administrative officer for the time being in charge of the place shall have the powers conferred by law upon an officer in charge of police as shall be necessary for the purpose of exercising, and, subject to the orders and directions of the police officer in command in the region in which the place is situated, shall exercise control over such police and their training, discipline and interior economy:

Provided that, Parts I to XIV shall not be deemed to render administrative officer as a police officer.

(7) Where an administrative officer is invested with the powers and duties of an officer in charge of police he shall keep books and render returns as the Inspector-General may from time to time direct.

Delegation by
Inspector-General
GN. No.
73 of 1965
2nd Sch

9. The Commissioner may with the consent of the Minister by writing under his hand, delegate any of his powers under Parts I to XIV so that the delegated powers may be exercised by the delegate with respect to the matters or class of matters specified or defined in the instrument of delegation.

Officers in charge of stations police to keep prescribed books and to render returns
GN. No. 73 of 1965

10. An officer in charge of a police station shall keep a general diary or occurrence book in such form as the Inspector-General may direct, and shall record therein all complaints and charges preferred, the names of all persons arrested and the offences charged against such persons, and shall also keep such further books and records and shall render such returns to the Inspector-General as he may direct.

Officers in charge of police to be responsible for stores
GN. No. 73 of 1965

11. An officer in charge of police shall be responsible for all public stores and public moneys issued and delivered for the use of the members of the Force under his command and shall account for the same to the Inspector-General.

PART III APPOINTMENT, ENLISTMENT, SERVICE AND DISCHARGE

Appointment of police officers
Cap. 241

12.—(1) Gazetted officers shall be appointed by the Commission established under the Police Force, Prison Service, Fire and Rescue Force and Tanzania Immigration Service Commission Act.

(2) Inspectors and non-commissioned officers shall be appointed by the Inspector-General in the manner as the Minister may direct and in accordance with conditions as may be prescribed by this Act and any regulations or orders made hereunder.

Period of engagement of inspectors
Ord. No. 1 of 1958 s. 4

13. An inspector on appointment shall engage to serve in the Force for a probationary period of not less than two years continuous residential service and such additional period as may be fixed by the Inspector-General.

Enlistment of constables, followers and police cadets
Ord. No. 22 of 1955 s. 4

14.—(1) A constable and follower shall be enlisted to serve in the Force for a period of three years, or any less period as may be fixed by the Minister.

(2) A police cadet shall be enlisted to serve in the Force for a period of seven years, or any less period as may be fixed by the Minister.

(3) A person who is under the age of eighteen years may not be enlisted in the Force without the prior consent of his parent or guardian or, if his parent or guardian cannot be found, the prior approval of the District Commissioner of the district in which such person normally resides.

Declaration on
joining the Force
GN. No.
43 of 1958

15.-(1) A police officer appointed or enlisted under the provisions of this Part shall, on joining the Force, make and sign a declaration before a magistrate or gazetted officer in such manner as he may declare to be most binding on his conscience in form No. 1 of the First Schedule to this Act.

(2) The police officer shall, on appointment or enlistment as aforesaid and before making the declaration required under subsection (1), answer truly any questions which may be put to him as to his previous service in the Force and as to whether he has at any time been convicted of an offence.

(3) A person who wilfully makes a false statement in reply to a question put to him under subsection (2) commits an offence and on conviction shall be liable to a fine not exceeding two hundred shillings or to imprisonment for one month.

Leave conditions

16. Members of the Force of or below the rank of inspector shall be eligible for leave in accordance with regulations to be made under this Act.

Re-engagement

17.-(1) A member of the Force of good character other than a pensionable officer who has completed his first period of enlistment may, with the approval of the Inspector-General, re-engage for a further period of not more than three years and may similarly re-engage for a third or any subsequent period until he has completed twelve years' service.

(2) The member of the Force referred to in subsection (1) may, with the approval of the Inspector-General, on completing a period of twelve years re-engage to serve for further period as may be fixed by the Inspector-General until he has completed a total period of twenty-one years' service.

(3) The member of the Force referred to in subsection (2) may, with the approval of the Inspector-General, on completing the period of twenty-one years continue in the Force in the same manner as if his term of service were still unexpired, except that it shall be lawful for him, subject to the provisions of section 22 to claim his discharge at the expiration of three months after he has given notice to the officer in charge of police at the place where he is stationed, of his wish to be discharged.

Re-engagement
after discharge

18.-(1) A member of the Force other than a pensionable officer may, with the approval of the Inspector-General, re-engage for service within six months after having received his discharge and, where the Inspector-General approves of his re-engagement, be entitled, subject to the existence of a vacancy, to the rank or grade which he held at the date of his discharge; and his service shall be deemed to be continuous for the purposes of pension or gratuity.

(2) Where a member of the Force is permitted to re-engage for service after the expiration of six months from the date of his discharge, the Inspector-General, may, subject to the approval of the Minister, allow his previous service or part thereof to count for the purposes of pension or gratuity, and the question of his reinstatement in the rank or grade which he held at the date of his discharge shall rest with the Inspector-General.

Service in certain
other police
forces may count
for service in
Force

19. Where a member of the Force other than a pensionable officer who has previously served as a police officer in a similarly constituted police service of any British colony, protectorate or protected State, or any trust territory under British administration, is enlisted in the Force within six months after having received his discharge from previous service, he shall, subject to the approval of the Minister, be allowed to count his period of previous service in the colony, protectorate, state or territory as if it had been in service in the Force:

Provided that, a member of the Force shall not be permitted to count towards gratuity any period of service in respect of which a gratuity has been paid or a pension is being enjoyed from funds of the colony, protectorate or state.

Police officers not to resign without permission

20. A member of the Force below the rank of assistant superintendent shall not be at liberty to resign from the Force while serving a period of engagement or re- engagement unless expressly permitted to do so by the Inspector-General or by some other officer authorised to grant the permission.

Members of Force not to engage in other employment

21. A member of the Force shall not engage in any employment or office whatsoever otherwise than in accordance with his duties under this Act without the consent of the Inspector-General.

Prolongation of service in case of war

22. Notwithstanding any other provision of Parts I to XIV, a police officer whose period of service expires during a state of war, insurrection or hostilities may be retained and his service prolonged for further period, terminating not later than six months from the cessation of state of war, insurrection or hostilities, as the Minister may direct.

Discharge Ord. No. 1 of 1958 s. 5

23.—(1) Subject to the provisions of subsection (2), a member of the Force other than a gazetted officer may be discharged by the Inspector-General at any time—

- (a) where the Inspector-General considers that he is unlikely to become or has ceased to be an efficient police officer;
- (b) where he is certified by a Government medical officer to be mentally or physically unfit for further service in the Force;
- (c) on purchase of his discharge, with the approval of the Inspector-General, at the rates set out in the Second Schedule to this Act:

Provided that, where at the date of the purchase of discharge, the officer or follower has not completed the period of service for

which he was first enlisted, he shall refund the whole or portion of the cost as the Inspector-General may determine incurred by the Government in bringing him to the United Republic:

Provided further that, the Inspector-General shall have power to waive the payment of the whole or a portion of the payment for purchase of discharge in circumstances and upon conditions as he shall deem fit; or

(d) on reduction of establishment of the Force.

(2) A member of the Force of or above the rank of sub-inspector shall not be discharged under this section without the approval of the Minister.

(3) The Minister may, at any time by order, amend the Second Schedule to this Act.

Rules for reckoning service for purposes of discharge

24. In reckoning the service of a member of the Force other than a pensionable officer for purposes of discharge, there shall be excluded therefrom, the periods during which the member of the Force has been absent from duty for any of the following reasons:-

(a) imprisonment for any cause save that of detention awaiting any trial which has resulted in his acquittal or discharge;

(b) desertion; or

(c) absence without leave exceeding forty-eight hours.

Discharge on completion of service

25.-(1) Subject to the provisions of sections 17, 18, 19 and 22, a member of the Force other than a pensionable officer who has completed his period or periods of service in accordance with the provisions of Parts I to XIV, shall be discharged by the officer in charge of police at the place where he is stationed, unless at the date of completion of service, he is undergoing punishment for or stands charged with the commission of any offence against discipline under section 50, in which case his service shall be prolonged and his discharge deferred until the punishment has been terminated or until he has undergone his trial and has been acquitted or has suffered any punishment which may be imposed in respect of the offence charged.

(2) A member of the Force on discharge shall be granted a certificate of discharge in the prescribed form and until he has received a certificate of discharge, shall remain subject to the provisions of this Act.

Arms and
accoutrements to
be delivered upon
ceasing to be long
to Force
GN. No.
64 of 1961 s. 4
73 of 1965 Sch.

26.—(1) When a member of the Force ceases to belong to the Force, the powers and authorities vested in him shall immediately cease and he shall forthwith deliver up to the person appointed by the Inspector-General for that purpose or to the officer in charge of police at the place at which he was last stationed, the arms, ammunition, accoutrements, clothing, uniform and other appointments which have been supplied to him or entrusted to his care and which are the property of the Government.

(2) A member of the Force who, having ceased to belong to the Force, fails to deliver up any arms, ammunition, accoutrements, clothing, uniform or other appointments as required under this section commits an offence and on conviction shall be liable to a fine not exceeding four hundred shillings or to imprisonment for three months, or to both.

(3) Subject to subsection (2), the court may issue a warrant to search and seize arms, ammunition, accoutrements, clothing, uniform and other appointments which have not been delivered up.

PART IV

POWERS AND DUTIES OF POLICE OFFICERS

General powers
and duties of
police officers
GN. No.
73 of 1965 Sch.

27.—(1) A police officer shall exercise powers and perform duties as conferred by law or imposed upon a police officer, and obey lawful directions in respect of the execution of his office which he may receive from his superiors in the Force.

(2) The police officer shall be deemed to be on duty at all times and may at any time be detailed for duty in any part of the United Republic.

(3) The duties of police officer shall be to:

(a) promptly obey and execute orders and warrants lawfully issued to him;

- (b) collect and communicate to his superior officers intelligence affecting the public peace;
- (c) take steps necessary to prevent the commission of offences and public nuisances;
- (d) detect and bring offenders to justice; and
- (e) apprehend persons whom he is legally authorised to apprehend and for those whose apprehension sufficient ground exists.

(4) Subject to subsection (3), the Police Officer for any of the purposes mentioned in this subsection, without a warrant, may enter at any hour of the day or night at any premises licensed under the Intoxicating Liquors Act or any place in respect of which he has reasonable grounds to suspect that illegal drinking or gambling is taking place therein or dissolute or disorderly characters are resorting thereto.

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Police officer to be deemed prison officer in certain circumstances

28. Where a police officer is carrying out the duties of a prison officer, the police officer shall be deemed to be a prison officer whilst engaged in any duty and shall have the powers, protection and privileges attaching to the prison officer.

Police officers may use arms in certain cases

29.—(1) A police officer may use arms against—

- (a) a person in lawful custody charged with or convicted of an offence when the person is escaping or attempting to escape where the police officer has reasonable ground to believe that, he cannot otherwise prevent the escape and has given a warning to the person that, he is about to use the arms against him and the warning is unheeded;
- (b) a person who by force—
 - (i) rescues or attempts to rescue any other person from lawful custody; or
 - (ii) prevents or attempts to prevent the lawful arrest of any other person,

where the police officer has reasonable ground to believe that, he or any other person is in danger of grievous bodily harm and he cannot effect the arrest or prevent the rescue.

(2) The powers conferred on a police officer by this section shall be in addition to and not in derogation of any other power conferred on the police officer by any other law.

Power to lay information or complaints

30. A police officer may lay a lawful complaint or information before a magistrate and apply for a summons, warrant, search warrant or other legal process as may be issued by law against any person.

Police bail Act No. 15 of 1980 Sch.

31.—(1) Without prejudice to the provisions of any other written law in force relating to the grant of bail by police officers, a person brought under the custody of the police on reasonable suspicion of having committed any offence shall be released immediately, where—

- (a) the police officer who arrested him believes that, that person has not in fact committed any offence, or that police officer has no reasonable grounds on which to continue holding that person in custody;
- (b) the police officer who arrested him believes that he arrested the wrong person; or
- (c) after twenty-four hours after the person was arrested, formal charge has not been laid against that person unless the police officer in question reasonably believes that, the offence suspected to have been committed is a serious one.

(2) Where a formal charge has been laid against any person under the custody of the police, a police officer in charge of a police station may, upon that person executing a bond, with or without sureties, to appear before a court if so required, release the person, where—

- (a) the person, though subject to prosecution, was arrested without warrant;
- (b) after due enquiry, insufficient evidence is, in his opinion, disclosed upon which to proceed with the charge;
- (c) the offence, though cognisable, is not of a serious nature; or

(d) it appears that further enquiries must be carried out, and they can not be completed within a reasonably short time.

(3) Where the person arrested is under the age of fifteen years, that person may be released after his parent, guardian, relative or any reliable person has entered into a recognisance on his behalf.

(4) Notwithstanding any other written law in force relating to the grant of bail by police officers, a fee or duty shall not be chargeable upon bail bonds in criminal cases, recognisances to prosecute or to give evidence, or recognisances for personal appearance or otherwise issued or taken by a police officer.

(5) A police officer arresting a person reasonably suspected of committing any offence shall inform that person of his right to bail under this section, and where a police officer refuses to grant bail to any person under his custody, he shall reduce into writing the reasons for his refusal.

Attendance of
witness
Ord. No.
1 of 1958 s. 6
Acts Nos.
22 of 1955 s. 5
31 of 1972
15 of 1980 s. 32
9 of 1985 s. 397
Cap. 20

32.—(1) Where a police officer suspects that a person may have committed a serious offence, or believes that the information has been received by the police that may implicate a person in the commission of a serious offence, but that suspicion or belief is not as could, under section 14 of the Criminal Procedure Act, justify the arrest of the person without a warrant, he may arrest that person but the police officer shall not ask him questions unless he has first informed him that he may refuse to answer any questions put to him by the police officer.

(2) A police officer who informs a person as provided under subsection (1) shall ask him to sign or thumb print an acknowledgement in accordance with a prescribed form, of the fact that he has been informed of the date on which, and the time at which, he is informed.

(3) Where it is necessary for the court in any proceedings to determine whether a police officer has informed a person as required under subsection (1), and an acknowledgement referred to in subsection (2) and signed by the person is not

produced in evidence, the court shall assume, unless the contrary is proved, that the person was not informed.

(4) Notwithstanding the provisions of this section, where a police officer in the course of interrogating any person under this section believes that, there is sufficient evidence to warrant that person being charged with an offence, he shall proceed to charge him accordingly and caution him in writing or, if practicable, orally in the prescribed manner, and inform him that, an inference adverse to him may be drawn from his failure or refusal to answer any question or from his failure or refusal to disclose at that stage any matter which may be material to the charge.

Records of
interview
Act No.
9 of 1985 s. 397

33.-(1) A police officer who interviews a person for the purpose of ascertaining whether the person has committed an offence shall, unless it is in all circumstances impracticable to do so, cause the interview to be recorded.

(2) Where a person who is being interviewed by a police officer for the purpose of ascertaining whether he has committed an offence during the interview, either orally or in writing, makes a confession relating to an offence, the police officer shall make, or cause to be made, while the interview is being held or as soon as practicable after the interview is completed, a record in writing, setting out-

- (a) so far as it is practicable to do so, the questions asked to the person during the interview and the answers given by the person to those questions;
- (b) particulars of any statements made by the person orally during the interview otherwise than in answer to a question;
- (c) whether the person wrote out any statement during the interview and, if so, the times when he commenced to write out the statement;
- (d) whether a caution was given to the person before he made the confession and, if so, the terms in which the caution was given, the time when it was given and any response made by the person to the caution;

- (e) the times when the interview was commenced and completed; and
- (f) where the interview was interrupted, the time when it was interrupted and recommenced.

(3) A police officer who makes a record of an interview with a person in accordance with subsection (2) shall write, or cause to be written, at the end of the record, a form of certificate in accordance with a prescribed form and shall then, unless the person is unable to read-

- (a) show the record to the person and ask him-
 - (i) to read the record and make any alteration or correction to it as he wishes to make and add to it any further statement that he wishes to make;
 - (ii) to sign the certificate set out at the end of the record; and
 - (iii) where the record extends over more than one page, to initial each page that is not signed by him; and
- (b) where the person refuses, fails or appears to fail to comply with that request, certify on the record under his hand what he has done and in respect of what matters, the person refused, failed or appeared to fail to comply with the request.

(4) Where the person who is interviewed by a police officer is unable to read the record or the interview or refuses to read, or appears to the police officer not to read the record when it is shown to him in accordance with subsection (3), the police officer shall-

- (a) read the record to him, or cause the record to be read to him;
- (b) ask him whether he would like to correct or add anything to the record;
- (c) permit him to correct, alter or add to the record or make any corrections, alterations or additions to the record that he requests the police officer to make;

- (d) ask him to sign the certificate at the end of the record; and
- (e) certify under his hand, at the end of the record what he was done in pursuance of this subsection.

[s. 32A]

Witness bonds

34.-(1) A police officer lawfully entitled to require the attendance of any person under the provisions of section 32 may require the person to execute a bond in the form prescribed, to appear and give evidence before a magistrate if and when required so to do.

(2) A person who contravenes or fails to comply with any requirements made under the provisions of subsection (1) of this section commits an offence.

[s. 33]

Search by police officer
Acts Nos.
9 of 1985 s. 397
5 of 1993 Sch.

35.-(1) Where a police officer in charge of a police station is satisfied that, there are reasonable grounds for suspecting that there is in any building, vessel, carriage box, receptacle or place-

- (a) anything with respect to which any offence has been committed;
- (b) anything in respect of which there are reasonable grounds to believe that it will afford evidence as to the commission of any offence;
- (c) anything in respect of which there are reasonable grounds to believe that it is intended to be used for the purposes of committing any offence; and
- (d) the officer is satisfied that any delay would result in the removal or destruction of that thing, or would endanger life or property,

he may search or issue a written authority to any police officer under him to search the building, vessel, carriage box, receptacle, or place.

(2) When any authority referred to in subsection (1) is issued, the police officer concerned shall, as soon as practicable report

the issue of authority, the grounds on which it was issued, and the result of any search made under it to a magistrate.

(3) Where anything is seized in pursuance of the powers conferred by subsection (1), the officer seizing the thing shall issue a receipt acknowledging the seizure of that thing bearing the signature of the owner of the premises, and those of witnesses of the search.

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(4) The provisions of section 39(4) of the Criminal Procedure Act relating to search shall, so far as may be, apply to a search made under this section.

(5) A prosecution against any person for an offence under subsection 39(4) of the Criminal Procedure Act, shall not be instituted except with the written consent of the Director of Public Prosecutions.

[s. 34]

Power to take
finger prints,
photographs, etc.,
Ord. No.
22 of 1955 s. 6
Acts Nos.
15 of 1980
9 of 1985 s. 397

36.—(1) A police officer in charge of a police station or a police officer investigating an offence may take or cause to be taken measurements or, prints of the hand, fingers, feet or toes of, or recordings of the voice or, photographs of, or samples of the handwriting, of any person who is charged with an offence, whether the person is in lawful custody of the police or otherwise where the measurements, prints, recordings, photographs or samples are reasonably believed to be necessary for the identification of the person with respect to, or for affording evidence as to the commission of an offence for which he is in custody or charged.

(2) A police officer in charge of a police station or a police officer investigating an offence may take or cause to be taken measurements prints of the hands, fingers, feet or toes, recordings of the voice, photographs, or samples of the handwriting, of a person who is not charged with an offence where the measurements, prints, recordings, photographs or samples are reasonably believed to be necessary for facilitating the investigation of an offence.

(3) A person who is in lawful custody or who is charged but not in lawful custody shall not be entitled to refuse or object

to having his measurements, prints, recordings, photographs or samples of his handwriting taken, and where he refuses or objects, the police officer concerned may take reasonable steps, including the use of reasonable force, as may be necessary to secure that the measurements, prints, recordings, photographs or samples are taken.

(4) A person who refuses to have his measurements, prints, recordings photographs or samples taken as required under subsections (1) and (2) commits an offence and on conviction shall be liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding twenty-four months, or to both.

(5) Subject to the provisions of subsection (10), a person having the custody of measurements, prints, recordings, photographs or samples and a person having the custody of copies of measurements, prints, recordings, photographs or samples shall destroy them-

- (a) in the case of a person who is in lawful custody upon a charge of committing an offence where the prosecution-
 - (i) of that person is not proceeded with; or
 - (ii) is proceeded with, but he is acquitted;
- (b) in the case of a person referred to in subsection (2), where those, measurements, prints, recordings, photograph or samples are no longer required for the purpose of facilitating the investigation.

(6) There shall be established at a place to be approved by the Minister responsible for criminal investigations, an office to be known as the Criminal Records Office for the preservation, comparison, and indexing of fingerprint forms.

(7) The Criminal Records Office shall, subject to the general supervision of the Inspector-General, be under the control of a senior police officer expert in comparison of fingerprints, who shall be appointed by the Attorney General by notice published in the *Gazette*.

(8) Completed fingerprints forms shall be seen to and preserved at the Criminal Records Office.

(9) The fingerprint forms shall be of the prescribed pattern.

(10) Notwithstanding the provisions of subsection (5), it shall be lawful to retain records obtained pursuant to subsections (1) and (2) in respect of a person with regard to whom a removal order under the Township (Removal of Undesirable Persons) Ordinance or an expulsion order under the Expulsion of Undesirable Persons Ordinance) has been made and has been cancelled or rescinded.

[s. 35]

Medical
examination
Act No.
9 of 1985 s. 397

37.—(1) A magistrate may, on the application of a police officer, allow a medical officer to examine a person in lawful custody in respect of an offence or may allow a medical officer to take and analyse a specimen from a person where he has reasonable grounds to believing that, the examination or analysis would provide evidence relating to the offence.

(2) After the medical officer has made the examination and analysis as provided under subsection (1), he shall submit a written report to the court.

(3) In any proceedings, a court may order that, any person who is a party to or a witness in the proceedings, shall submit himself for medical examination.

(4) The medical officer shall, after examining a person in respect of whom the court has ordered that he submit himself for medical examination in accordance with the provisions of subsection (3), transmit to the court ordering the examination a written report pertaining to the examination.

[s. 35A]

Identification
parade
Act No.
9 of 1985 s. 397

38.—(1) A police officer in-charge of a police station or a police officer investigating an offence may hold an identification parade for the purpose of ascertaining whether a witness can identify a person suspected of the commission of the offence.

(2) The police officer in-charge of a police station or a police officer investigating an offence may require a person whose participation is necessary for the investigation of an offence to attend and participate in an identification parade.

(3) A person who is required under subsection (2) to attend and participate in an identification parade shall not be entitled to refuse or object to attend and participate in the identification parade.

(4) A person who, without just cause, or who unreasonably refuses to attend and participate in an identification parade commits an offence and on conviction shall be liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months, or to both.

[s. 35B]

Power to inspect
licences and
search vehicles
Act No.
22 of 1955 s. 7

39.—(1) A police officer may stop and detain a person whom—

- (a) he sees doing an act or thing;
- (b) he sees in possession of anything; or
- (c) he suspects of doing any act or thing or being in possession of anything,

for which a licence is required under any law for the time being in force and may require the person to produce the licence, and stop and search any vehicle which he has reasonable grounds for suspecting is being used in the commission of an offence against any law in force.

(2) A person who fails to produce the licence when called upon by a police officer so to do may be arrested without a warrant, unless he gives his name and address and satisfies the police officer that, he will duly answer any summons or other proceedings which may be taken against him.

(3) A person who fails to obey any reasonable signal of a police officer requiring the person to stop any vehicle under the provisions of subsection (1), or who obstructs an officer in the execution of his duty being exercised under the provisions of the said subsection, commits an offence, and a police officer may arrest the person without a warrant, and cause the vehicle found by him to have been used for the commission of an offence against any law in force, to be moved to the nearest police station and detained until released by the officer in charge of the police station:

Provided that, the arrest shall not take place where the person gives his name, address and satisfies the police officer as provided in subsection (2) of this section.

[s. 36]

Force to keep
order on public
roads

40.—(1) It shall be lawful for the Force to regulate and control traffic, to divert all or any on particular kind of traffic, when in the opinion of the officer in charge of police it is in the public interest to do so, to close any street for the purpose of preventing the interruption of any public proceedings by the noise or presence of street traffic, to keep order and prevent obstruction on public roads, streets, thoroughfares, landing places, or other places of public resort or to which the public have access, or on the occasion of assemblies and processions on public roads and streets, or in the neighbourhood of places of public worship during the time of worship therein, or in any case when any road, street, thoroughfare or landing place may be thronged or may be liable to be obstructed.

(2) A person who opposes or disobeys any lawful order given by a police officer in the performance of his duty under this section commits an offence and on conviction shall be liable to a fine not exceeding four hundred shillings or to imprisonment for three months.

(3) A person who opposes or disobeys any lawful order given by a police officer in the performance of his duty under this section may be arrested by any police officer without a warrant unless he gives his name, address and satisfies the police officer that, he will duly answer any summons or other proceedings which may be taken against him.

[s. 37]

Road barriers

41.—(1) Notwithstanding the provisions of any other law in force, a superintendent or an officer in charge of police may, where he considers it necessary so to do for the maintenance and preservation of law and order or for the prevention and detection of crime, erect or place barriers in or across any road or street or in any public place in a manner as he may think fit.

(2) A police officer in uniform may take reasonable steps to prevent any vehicle being driven past any barrier and a driver of any vehicle who fails to comply with any reasonable signal of the police officer requiring him to stop the vehicle before reaching any barrier commits an offence and on conviction shall be liable to a fine not exceeding one thousand shillings or imprisonment for a term not exceeding twelve months, or to both.

(3) A person who fails to comply with any signal as in subsection (2) aforesaid may be arrested by a police officer without a warrant.

(4) A police officer shall not be liable for any loss or damage resulting to any vehicle or for any injury to the driver or any other occupant of the vehicle as a result of the driver of the vehicle failing to obey a police officer acting under the provisions of subsection (2).

[s. 38]

Power to
regulate music
and conduct of
assemblies, etc.
Ord. No.
1 of 1958 s. 8

42.-(1) A superintendent or an officer in charge of police may, in a manner as he may deem fit, issue orders for the purpose of-

- (a) regulating the extent to which music may be played, or to which music or human speech, or any other sound may be amplified, broadcast, relayed or otherwise reproduced by artificial means in public places;
- (b) directing the conduct of assemblies and processions in public places, and specifying the route by which, and the time at which any procession may pass,

and may, for any of the purposes aforesaid, give or issue orders as he may consider necessary or expedient.

(2) A person who neglects or refuses to obey any order given or issued under the provisions of subsection (1) commits an offence and may be arrested without a warrant and on conviction shall be liable to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding three months, or to both.

[s. 39]

Assemblies and processions in public place
 Ord. No.
 1 of 1958 s. 5
 64 of 1961 s. 5
 Acts Nos.
 35 of 1962 s. 2
 3 of 1995 Sch.

43.—(1) A person who is desirous of convening, collecting, forming or organising any assembly or procession in any public place shall not less than forty eight hours before the time when the assembly or procession is scheduled to take place, submit a written notification of his impending assembly or procession to the police officer in charge of the area specifying—

- (a) the place and time at which the meeting is to take place;
- (b) the purpose in general of the meeting; and
- (c) other particulars as the Minister may specify, by notice published in the *Gazette*.

(2) Where a person submits a notification in accordance with subsection (1), he may proceed to convene, collect, form or organise the assembly or procession in question as scheduled unless and until he receives an order from the police officer in charge of the area directing that the assembly or procession shall not be held as notified.

(3) A police officer to whom a notification has been submitted pursuant to subsection (1) shall not give a stop order under subsection (2) in relation to the notification unless he is satisfied that, the assembly or procession is likely to cause:

- (a) a breach of the peace;
- (b) prejudice the public safety;
- (c) the maintenance of public order; or
- (d) used for any unlawful purpose.

(4) The officer in charge of police may stop or prevent the holding or continuance of any assembly or procession in a public place which has been convened, collected, formed or organised otherwise than in accordance with the notification under subsection (1) or in regard to which any particular specified by the Minister under paragraph (c) of subsection (1) has been or is being contravened and may, for any of the purposes aforesaid, give or issue orders as he may consider necessary or expedient, including orders for the dispersal of any assembly or procession as aforesaid.

(5) The Minister may by order declare that, the provisions of this section shall not apply to any assembly or procession

convened, collected, formed or organised exclusively for one or more of or a combination of one or more purposes as may be specified in the order.

(6) A person who is aggrieved by the terms of a stop order issued under subsection (3) or, any order given by a police officer under subsection (4), may appeal to the Minister whose decision on the matter shall be final.

[s. 40]

Power to disperse assemblies and processions wherever held
Ord. No.
1 of 1958 s. 8
3 of 1995 Sch.

44. The officer in charge of Police may stop or prevent the holding or continuance of any assembly or procession in any place whatsoever where in the opinion of the officer, the holding or continuance, as the case may be of the assembly or procession breaches the peace or prejudices the public safety or the maintenance of peace and order and may, for any of the purposes aforesaid, give or issue orders as he may consider necessary or expedient, including orders for the dispersal of any assembly or procession as aforesaid.

[s. 41]

When assembly or procession unlawful
Ord. No.
1 of 1958 s. 8
Act No.
3 of 1995 Sch.
Cap. 16

45. An assembly or procession in which three or more persons attending or taking part neglect or refuse to obey any order for dispersal given under the provisions of subsection (4) of section 43 or 44, shall be deemed to be an unlawful assembly, within the meaning of section 74 of the Penal Code.

[s. 42]

Penalties
Ord. No.
1 of 1958 s. 8
Act No.
3 of 1995

46.—(1) A person who-

- (a) neglects or refuses to obey any order given or issued under the provisions of subsection (4) of section 43 or 44; or
- (b) contravenes any particular specified by the Minister in accordance with paragraph (c) of subsection (1) of section 43,

commits an offence and may be arrested without a warrant and on conviction shall be liable to a fine not exceeding

fifty thousand shillings or to imprisonment for a term not exceeding three months, or to both.

(2) Subject to the provisions of any order made under subsection (5) of section 43, where any assembly or procession in a public place has been convened, collected, formed or organised otherwise than in accordance with subsection (1) of section 43, a person-

- (a) taking part in convening, collecting, forming or organising an assembly or procession commits an offence and may be arrested without a warrant and on conviction shall be liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding one year, or to both; or
- (b) attending the assembly or taking part in procession, who knows or has reasons to believe that the assembly or procession has been convened, collected, formed or organized otherwise than in accordance with the provisions of subsection (1) of section 43 commits an offence and may be arrested without a warrant and on conviction shall be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months, or to both.

[s. 43]

PART V

UNCLAIMED PROPERTY

Disposal of
unclaimed
property.
Ord. No.
1 of 1958 s. 9

47.-(1) It shall be the duty of a police officer to take charge of unclaimed movable property and to furnish an inventory or description thereof to a magistrate.

(2) Where the property is neither money nor property subject to speedy and natural decay nor property the immediate sale of which would, in his opinion, be for the benefit of the owner, the magistrate shall detain or give orders for the detention of any property and shall cause a notice to be posted in a conspicuous place at his court and at the police

stations within his jurisdiction specifying the property and calling upon a person who may have a claim thereto to appear and establish his claim within six months from the date of the notice.

(3) Subject to subsection (2), where the magistrate is of the opinion that, the value of the property is clearly in excess of fifty shillings, he shall also cause a similar notice to be published in the *Gazette*, the date by which a person is to establish his claim to the property being the same date as is prescribed by the magistrate in the notice which he causes to be published locally.

(4) A person shall within six months from the date of the notice aforesaid establish his claim thereto and where he failed so to do, the property may be sold or, where the magistrate thinks it expedient, may be destroyed by order of the magistrate, and on the completion of the sale or destruction, the right to take legal proceedings for their recovery of the property or the proceeds of the sale shall cease:

Provided that, where the property is a firearm or ammunition, the magistrate may order that, it shall be disposed of in a manner as the Inspector-General may direct.

(5) The proceeds of the sale of the property shall be apportioned in the following manner:

- (a) one-half shall be paid to the credit of the Police Rewards Fund;
- (b) proportion of the remaining one-half as the magistrate may direct shall be paid to the finder of the property; and
- (c) the balance shall be paid to the general revenue of the United Republic.

(6) Where the magistrate is of the opinion that, the property is subject to speedy or natural decay or that its immediate sale would be for the benefit of the owner, the magistrate shall detain or give orders for its detention and may at any time direct it to be sold without having caused the notice prescribed in subsection (2) to be given prior to the sale or, where he thinks

it advisable to do so, he may order it to be destroyed and on completion of a sale or destruction under this subsection the right to take legal proceedings for the recovery of the property sold or destroyed shall cease.

(7) The proceeds of sale shall remain in the custody as the magistrate may direct and the magistrate shall immediately after sale cause a notice of the sale to be posted in the manner prescribed in subsection (2) specifying the property sold and calling upon a person who may have any claim to the proceeds of the sale to appear and establish his claim within six months from the date of the notice.

(8) The proceeds of sale shall be paid to the person who establishes his claim thereto and on the expiration of six months from the date of the notice, if no person shall establish his claim thereto, the right to take legal proceedings from the recovery of proceeds shall cease, and proceeds shall be dealt with in accordance with the provisions of subsection (5).

(9) When the unclaimed movable property consists of money, the same shall be dealt as if it were the proceeds of a sale ordered by virtue of the provisions of subsections (8) and (9).

[s. 44]

PART VI PROCEEDINGS AGAINST POLICE OFFICERS

Non-liabilities for act done under authority of warrant

48.—(1) Where the defence to any suit instituted against a police officer is that, the act complained of was done in obedience to a warrant purporting to be issued by a judge, a magistrate or a justice of the peace, the court shall upon production of the warrant containing the signature of the magistrate or a justice of the peace, accept the warrant as *prima facie* evidence of the due making thereof, and upon proof that, the act complained of was done in obedience to the warrant, enter judgment in favour of the police officer.

(2) A proof of the signature of the magistrate or justice of the peace shall not be required unless the court has reason to doubt

the genuineness thereof; and where it shall be proved that, the signature is not genuine, judgment shall nevertheless be given in favour of the police officer where it is proved that, at the time when the act complained of was committed, he believed on reasonable grounds that, the signature was genuine.

[s. 45]

Salary of certain police officers not to be attached for money borrowed or goods of supplied

49. A salary or allowance paid to any member of the Force of or below the rank of inspector shall not be liable to be attached, sequestered or levied upon for or in respect of any debt or claim for any money borrowed by him or any goods supplied to him or to a person on his behalf while he is a member of the Force.

[s. 46]

PART VII DISCIPLINE

Offences against discipline

50.-(1) A member of the Force of or below the rank of inspector who-

- (a) persuades or endeavours to persuade, procures or attempts to procure, or assists, a police officer to desert, or being cognisant of a desertion or intended desertion does not, without delay, give information thereof to his superior officer;
- (b) strikes or uses or offers violence against his superior officer;
- (c) uses threatening or insubordinate language to his superior officer;
- (d) is guilty of insubordinate conduct;
- (e) causes a disturbance in any police lines, barracks or station;
- (f) is disrespectful in word, act or demeanour to his superior officer;
- (g) refuses to obey any lawful order of his superior officer;
- (h) fails to comply with any lawful order given to him by his superior officer;
- (i) renders himself unfit for duty by reason of intoxication;

- (j) drinks intoxicating liquor when on duty;
- (k) is drunk on duty, or in any police lines, barracks or station, or in uniform;
- (l) absents himself without leave;
- (m) is asleep while on duty;
- (n) leaves his post before he is regularly relieved except in fresh pursuit of any offender whom it is his duty to apprehend;
- (o) being under arrest or in confinement leaves or escapes from his arrest or confinement before he is set at liberty by proper authority;
- (p) neglects or refuses to assist in the apprehension of any member of the Force charged with any offence when lawfully ordered so to do;
- (q) negligently allows to escape any prisoner who is committed to his charge or whom it is his duty to keep or guard;
- (r) offers or uses unwarrantable personal violence to or ill-treats any person in his custody;
- (s) is guilty of cowardice;
- (t) discharges any firearms without orders or just cause;
- (u) without reasonable cause fails to appear at any parade appointed by his superior officer;
- (v) pawns, sells, loses by neglect, makes away with, wilfully damages or fails to report any damage to any arm, ammunition, accoutrement, uniform or other article supplied to him or any property committed to his charge;
- (w) is in unlawful possession of any public property, or any property of any other member of the Force, or any property of any prisoner;
- (x) commits any act of plunder or wanton destruction of property;
- (y) accepts or solicits a bribe or gratuity;
- (z) is idle or negligent in the performance of his duty;
 - (aa) is slovenly, inattentive, uncivil or quarrelsome;

- (bb) parades for duty dirty or untidy in his person, arms, clothing or equipment;
- (cc) without due authority discloses or conveys any information concerning any investigation or other police or departmental matter;
- (dd) makes or signs any false statement in any official record or document;
- (ee) makes or joins in making any anonymous complaint;
- (ff) malingers, or feigns or wilfully causes any disease or infirmity;
- (gg) is guilty of wilful misconduct, or willfully disobeys, whether in hospital or elsewhere, any orders, and so causes or aggravates any disease or infirmity or delays its cure;
- (hh) has contracted venereal or other disease and fails to report without delay to a Government medical officer for treatment;
- (ii) incurs debt in or out of the Force which he is unable to discharge;
- (jj) without proper authority exacts from a person, carriage, portage or provisions;
- (kk) resists an escort whose duty it is to apprehend him or to have him in charge;
- (ll) having been lawfully confined, breaks out of police lines, camp or quarters;
- (mm) makes any false statement upon joining the Force;
- (nn) refuses or neglects to make or send any report or return which it is his duty to make or send;
- (oo) knowingly makes a false accusation against any member of the Force;
- (pp) in making a complaint against a member of the Force, knowingly makes a false statement affecting the character of the member or knowingly and wilfully suppresses any material facts;

- (qq) engages without authority in any employment or office other than his police duties;
- (rr) becomes security for a person or engages in any loan transaction with a police officer without the permission in writing of the Inspector-General;
- (ss) if called upon by a gazetted officer to furnish a full and true statement of his financial position fails to do so;
- (tt) wilfully disobeys any regulation or order of the Force;
- (uu) is guilty of any act, conduct, disorder or neglect to the prejudice of the good order or discipline of the Force, or in violation of duty in his office; or
- (vv) commits any other misconduct as a member of the Force not hereinbefore specified,

shall be deemed to have committed an offence against discipline, and suffer the punishment according to the degree and nature of the offence as may be imposed in accordance with the provisions of this Act.

(2) A gazetted officer, inspector or non-commissioned officer may arrest or order the arrest without a warrant of a police officer, not being an officer of his own or superior rank, or follower who is accused of an offence under this section; and a police officer may, on receipt of any order as aforesaid, apprehend the accused person without a warrant and shall forthwith bring him before the officer in charge of police, who shall cause the case to be heard without undue delay and may order the remand of the person accused in custody for so long as may reasonably be necessary.

[s. 47]

Powers of officers
to hold an inquiry

51. Where a charge under section 50 is brought in any place, the officer in charge of police for the place, a gazetted officer, any other gazetted officer, or the officer is not available, any administrative officer having the powers and jurisdiction of

a district magistrate in the place may make inquiry into the truth of the charge and may acquit the accused or impose punishment in accordance with section 53 or refer the case to his superior officer as in section 52 provided.

[s. 48]

Procedure at
inquiry
Ord. No.
1 of 1958 s. 90

52.—(1) In a case where the officer making inquiry into any charge under section 50-

- (a) considers that the offence which the accused has committed by reason of its gravity or by reason of previous offences or for any other reason cannot be adequately punished by any of the punishments the officer is empowered to impose; or
- (b) has been directed by a superior officer to refer the case, the officer shall defer imposing punishment and refer the case to the superintendent in charge of police.

(2) The superintendent in charge of police to whom any case is referred under subsection (1)-

- (a) may return the case to the officer by whom it was referred for hearing and determination or the taking of further evidence;
- (b) may himself make inquiry into the case, either with or without the taking of further evidence by himself or the police officer by whom the case was referred, and impose punishment;
- (c) may refer the case to the appropriate Assistant Commissioner; or
- (d) where the superintendent is not under the direct command of an Assistant Commissioner, may refer the case to the Inspector-General.

(3) The Assistant Commissioner to whom any case is referred under subsection (2)-

- (a) may return the case to the superintendent in charge of police, or transmit it to any other police officer for hearing and determination or the taking of further evidence;

- (b) may himself make inquiry into the case either with or without the taking of further evidence by himself or a police officer as is mentioned in paragraph (a), and impose punishment;
 - (c) may refer the case to the Inspector-General; or
 - (d) may order the accused to be taken before a magistrate to be dealt with as provided in subsection (5) of this section.
- (4) The Inspector-General to whom any case is referred under subsection (2) or (3)-
- (a) may return the case to the Assistant Commissioner, or transmit it to any other police officer, for hearing and determination or the taking of further evidence;
 - (b) may himself make inquiry into the case, either with or without the taking of further evidence by any police officer as is mentioned in paragraph (a), and impose punishment; or
 - (c) order that the accused be taken before a magistrate to be dealt with as provided in subsection (5).
- (5) Where an accused person is taken before a magistrate as provided in this section, he shall be tried for an offence under this Act in the same manner as if he were charged with any other offence in a subordinate court and on conviction shall be liable for any offence mentioned in section 50 to a fine not exceeding three months' pay or to imprisonment for a term not exceeding six months:
- Provided that, proceedings shall not be taken against a police officer before a magistrate in respect of any offence for which he has already been punished under section 53 or 54.
- (6) An order purporting to be an order of the Inspector-General or an Assistant Commissioner made under subsection (3) or (4) of this section shall be accepted as *prima facie* evidence of the lawful making thereof, and a proof of the signature of the Inspector General or Assistant Commissioner on any order shall not be required unless the court has reason to doubt the genuineness of the signature.

[s. 49]

Punishment for
offence against
discipline
Ord. No.
22 of 1955 s. 8
1 of 1958 s. 11

53.—(1) In respect of any conviction for an offence against discipline, an officer empowered to make inquiry under section 51 may impose any one or more of the following punishments:

- (a) in the case of an inspector, admonishment;
- (b) in the case of non-commissioned officer-
 - (i) admonishment;
 - (ii) reprimand; or
 - (iii) a fine not exceeding ten shillings;
- (c) in the case of a constable-
 - (i) admonishment;
 - (ii) confinement to quarters for a period not exceeding fourteen days;
 - (iii) extra guards, fatigues or other duty;
 - (iv) a fine not exceeding ten shillings;
 - (v) disciplinary detention for any period not exceeding seven days; or
- (d) in the case of followers-
 - (i) admonishment;
 - (ii) a fine not exceeding ten shillings;
 - (iii) stoppage of increment;
 - (iv) reduction to a lower rate of pay; or
 - (v) dismissal.

(2) At any time before a punishment imposed under this subsection is carried out, may be varied by the superintendent in charge of police to whom the officer imposing punishment is subordinate, or by the Commissioner or an Assistant Commissioner to whom the Commissioner has in writing delegated his powers under this section:

Provided that, a punishment shall not be increased unless the accused has first had an opportunity of showing cause why the punishment should not be varied.

(3) An Assistant Commissioner or a superintendent in charge of police to whom proceedings are referred for an offence against discipline, may impose any one or more of the punishments mentioned under subsection (1) or any one or more of the following punishments:

- (a) in the case of an inspector-
 - (i) severe reprimand;
 - (ii) a fine not exceeding one month's pay;
 - (iii) reduction in rank; or
 - (iv) stoppage of an increment of pay; and
- (b) in the case of any member of the force below the rank of sub-inspector-
 - (i) a fine not exceeding one month's pay;
 - (ii) dismissal;
 - (iii) disciplinary detention for any period not exceeding fourteen days;
 - (iv) reduction in rank; or
 - (v) stoppage of an increment of pay.

(4) At any time before a punishment imposed under this subsection is carried out, may be varied by the Commissioner or by an Assistant Commissioner to whom the Commissioner has in writing delegated his powers under this section:

Provided that, a punishment shall not be increased unless the accused has first had an opportunity of showing cause why the punishment should not be varied.

[s.50]

Special power of
Inspector-General
Ord. No.
22 of 1955 s. 8
1 of 1958 s. 12

54.-(1) The Inspector-General may, in respect of any proceedings for an offence against discipline referred to him under section 51 makes an inquiry and impose one or more of the punishments mentioned in section 53 or any one or more of the following punishments:

- (a) in case of an inspector-
 - (i) severe reprimand;
 - (ii) a fine not exceeding one month's pay;
 - (iii) reduction of rank; or
 - (iv) stoppage of an increment of pay; and
- (b) in the case of any member of the Force below the rank of sub-inspector-
 - (i) a fine not exceeding one month's pay;
 - (ii) dismissal;

- (iii) disciplinary detention for any period not exceeding fourteen days;
- (iv) reduction in rank; or
- (v) stoppage of an increment of pay.

(2) In the case of an inspector, the Inspector-General may make recommendation to the Minister for the dismissal of an officer and the Minister may dismiss the officer concerned.

(3) The Commissioner may delegate in writing his powers under subsection (1) to an Assistant Commissioner:

Provided that, any punishment of dismissal imposed by Assistant Commissioner shall be subject to confirmation by the Commissioner.

[s. 51]

Powers of officer holding inquiry

55.—(1) An officer empowered under this Part to make an inquiry into any charge or case shall have powers to:

- (a) summon and examine witnesses on oath or affirmation;
- (b) require the production of documents relevant to the inquiry;
- (c) adjourn any hearing upon terms as he shall think fit; and
- (d) remand the person accused in custody until the adjourned hearing.

(2) The proceedings of inquiry shall be recorded in a manner as may be required by regulations or orders made under this Act.

(3) A person summoned as a witness under the provisions of subsection (1) who fails to attend at the time and place mentioned in the summons or on any adjournment, or refuses to answer any question lawfully put to him commits an offence and on conviction shall be liable to a fine not exceeding one hundred shillings or to imprisonment for one month:

Provided that, a witness shall not be obliged to answer any question which may tend to incriminate him or render him liable to any forfeiture or penalty.

[s. 52]

Appeals against
punishment for
offences against
discipline
Ord. No.
22 of 1955 s. 9

56.—(1) A member of the Force whom any punishment has been imposed under section 53 may appeal against the conviction to the superintendent in charge of police, and, as a first or second appeal, to the Assistant Commissioner, and, in the case of any punishment other than admonishment, extra guards, fatigues or other duty, thereafter to the Commissioner, and, subject as provided under subsection (2), the decision of the most senior officer hereby empowered to entertain an appeal shall be final.

(2) A member of the Force who has been punished by the Commissioner under section 54 with dismissal or upon whom the punishment of dismissal has been confirmed by the Commissioner under section 54 aforesaid may, within seven days after the decision or confirmation of the Commissioner has been communicated to him, appeal to the Minister whose decision shall be final.

(3) Upon an appeal as in subsection (1) aforesaid, the Commissioner or other officer hearing the appeal shall have power to-

- (a) return the proceedings for the taking of further evidence;
- (b) whether further evidence is taken or not, quash the proceedings and rehear the case himself *denovo* or order the case to be *reheard de novo* by another officer in the same manner as if the case had been dealt with under subsection (4) of section 52;
- (c) reverse or vary any finding; or
- (d) revoke, add to or vary any punishment.

(4) In exercising his powers under paragraph (d) of subsection (3), the Commissioner or other officer hearing the appeal may impose any punishment or punishments which he might have imposed under section 54 if he had heard the case himself:

Provided that, a punishment shall not be increased or added on appeal unless the accused is first given a further opportunity of being heard.

[s. 53]

Interdiction
pending inquiry
and suspension
Ord. No.
22 of 1955 s. 9

57.—(1) The Commissioner or, in respect of a member of the Force under his command, an Assistant Commissioner, superintendent in charge of police, or an officer in charge of police, may interdict from duty a member of the Force other than a gazette officer, against whom any inquiry is pending under the provisions of section 51 or 52, or who is charged before any court in respect of any offence under this or any other Act:

Provided that, an order of interdiction made by an Assistant Commissioner, superintendent in charge of police or an officer in charge of police shall be reported to the Commissioner without delay for his confirmation.

(2) The Commissioner may in his discretion suspend from office any member of the Force against whom an order of dismissal has been made and who has appealed against an order or any member of the Force who has been sentenced to imprisonment by any court in respect of any offence, whether under this Act or otherwise, and who has appealed against the sentence.

[s. 54]

Officer
interdicted or
suspended not to
cease to be police
officer

58.—(1) A member of the Force shall not by reason of his being interdicted from duty or suspended from office, cease to be a member of the Force.

(2) During the term of interdiction or suspension, the powers, duties and privileges vested in him as a member of the Force shall be in abeyance but he shall continue to subject to the same responsibilities, discipline and penalties and to the same authorities as if he had not been interdicted or suspended.

(3) A pay shall not accrue or become due to any member of the Force in respect of any period of suspension unless the Minister shall otherwise proportion.

(4) In the case of interdiction, a member of the Force shall, unless and until he is suspended, receive one-half of his pay, unless the Minister in his discretion shall order that, he receives any greater proportion.

(5) Notwithstanding anything contained in subsection (2) and (3), where the proceedings against a member of the Force do not result in his dismissal or the imposition of any other punishment, he shall be entitled to the full amount of the emoluments which he would have received if he had not been interdicted or suspended.

[s. 55]

Dismissal and
reduction in rank
of police officer
on conviction

59. The Commissioner may reduce in rank or grade or may dismiss from the Force any member of the Force other than a gazetted officer who has been convicted by any court of any offence, whether under this Act or otherwise, unless the member of the Force has successfully appealed against the conviction.

[s. 56]

Fines to be
recovered by
stoppage of pay

60.—(1) Fines imposed on a member of the Force in respect of offences under this Act or any regulations made thereunder may be recovered by stoppage of the offender's pay due at the time of committing the offence and thereafter accruing due.

(2) The amount of stoppage in respect of any fine or for any other cause authorised by this Act or by regulations made thereunder shall be in the discretion of the officer by whom the fine was imposed, subject to the directions of the superintendent in charge of police or Assistant Commissioner to whom he is subordinate or the Commissioner, but shall not exceed one-half of the pay of the offender; and whenever more than one order of stoppage is in force against the same person so much only of his pay shall be stopped as shall leave him a residue of at least one-half of his pay.

(3) Where more than one order of stoppage is made upon the same person, the orders later in date shall, where necessary, be postponed as to their enforcement until the earlier orders have been discharged.

[s. 57]

Loss or damage
to arms and
accountments to
be made good by
stoppage of pay

61. Where a member of the Force of or below the rank of inspector pawns, sells, loses by neglect, makes away with

or wilfully or negligently damages any arm, ammunition, accoutrement, uniform or other article supplied to him, or any property committed to his charge, he may, in addition to or in lieu of any other punishment, be ordered to make good either wholly or partially the amount of the loss or damage and the amount may be recovered by stoppage from his pay.

[s. 58]

Pay not to accrue during absence without leave, imprisonment or detention
Ord. No.
1 of 1958 s. 13

62. A pay shall not accrue to a member of the Force below the rank of sub-inspector in respect of any period during which he is absent from duty without leave or is undergoing any sentence of imprisonment or disciplinary either for any offence against discipline or for any other offence of whatsoever nature:

Provided that, in any case, the Commissioner may in his discretion authorise the payment of proportion of pay, not being more than one-half, as he may think fit.

[s. 59]

Place of confinement of offenders
Act No.
64 of 1961 s. 6

63. A member of the Force arrested for any offence under this Act and a police officers sentenced to disciplinary detention thereunder, may be confined in any building set apart as a guardroom or cell for that purpose.

[s. 60]

Mode of complaint by police officer

64.-(1) Where an inspector, non-commissioned officer or constable thinks himself wronged in any matter other than a charge for any alleged offence under Part VII by a police officer of lower rank than the officer in charge of police in the place where he is stationed, he may complain thereof to the officer in charge of police, and where he thinks himself wronged by the officer in charge of police, or any officer of the same or higher rank, not being the Commissioner, either in respect of his complaint not being redressed or in respect of any other matter other than a charge for any alleged offence under Part VII, he may complain thereof to the Commissioner, and where he thinks himself wronged by the Commissioner either in respect of his complaint not being redressed or in respect

of any other matter, other than a charge for any alleged offence under Part VII, he may complain to the Minister.

(2) Subject to subsection (1), the officer in charge of police, the Commissioner or the Minister upon any complaint being made, shall cause the complaint to be inquired into, and where on inquiry he is satisfied of the justice of the complaint, take steps as may be necessary for giving redress to the complaint in respect of the matter complained of as the case requires.

(3) The complaint shall be made in the manner prescribed by regulations or orders made under this Act.

[s. 61]

Prohibition
against police
officer being
member of trade
union

65.—(1) It shall not be lawful for a police officer to be or to become a member of—

- (a) a trade union, or any body or being association affiliated to a trade union; or
- (b) a body or association the object or one of the objects of which is to control or influence the pay, pensions or conditions of service of the Force,

other than anybody or association which may be constituted and regulated pursuant to regulations made under this Act.

(2) A police officer who contravenes the provisions of this section shall be liable to be dismissed from the Force and to forfeit his rights to any pension or gratuity.

(3) Where a question arises as to whether a body is a trade union or an association to which this section applies, the question shall be decided by the member whose decision shall be final and conclusive.

[s. 62]

PART VIII POLICE REWARDS FUND

Establishment of
Police Rewards
Fund
Ord. No.
1 of 1958

66.—(1) In addition to any other sums which under paragraph (a) of subsection (4) of section 47 or any other provision of this Act or any other law are directed to be so payable, there shall

be paid to the Accountant-General, to be placed to the credit of a fund to be called the Police Rewards Fund, the following sums:

- (a) moneys standing to the credit of the Police Rewards and Fines Fund under the Police Ordinance repealed by this Act;
- (b) fines imposed under the provisions of this Act or any regulations made thereunder for any offence against discipline;
- (c) rewards, forfeitures and penalties which by law are payable to any informer, in case the informer is a police officer; and
- (d) sums which under paragraph (b) of subsection (4) of section 47 are directed to be paid to the finder of unclaimed property, in case the finder is a police officer.

(2) In addition to the sums which are payable to the Police Rewards Fund under subsection (1), the Permanent Secretary to the Treasury may order to be paid to the said Fund out of the revenues of the United Republic sums of money as he shall think fit derived from any of the following sources:

- (a) moneys accruing to the revenues of the United Republic in respect of fines levied in any court for assaults upon police officers under Chapter XXV of the Penal Code;
- (b) moneys or the proceeds of any property forfeited to the revenues of the United Republic by order of any court in respect of any offence under section 91, 92 or 93 of the Penal Code in which a police officer as a member of the public service is concerned; and
- (c) moneys recovered and paid to the general revenue of the United Republic under section 80.

(3) A payment shall not be made from the Police Rewards Fund except upon the authority of the Inspector-General.

(4) The Inspector-General may, in his discretion, sanction payments from the Police Rewards Fund for any of the following purposes-

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- (a) assistance to the wives or families of deceased members of the Force of or below the rank of inspector or to any members discharged from the Force as medically unfit for further service;
- (b) contributions towards prizes to be given at athletics meetings, assaults-at-arms and similar events organised by or for the benefit of the Force;
- (c) payments to members of the Force of or below the rank of inspector as rewards for meritorious acts or service in the execution of duty, where the payments are not met from colonial funds; and
- (d) expenditure for the benefit and advancement of authorised recreation and sport and other branches of police activity organised within the Force.

[s. 63]

PART IX
GRATUITIES AND BENEFITS WHICH MAY BE
GRANTED TO CERTAIN MEMBERS OF THE
FORCE OTHER THAN PENSIONABLE OFFICERS

Application of
sections 68 to 72
Ord. No.
1 of 1958 s. 15
Act No.
35 of 1965 s. 3

67. The provisions of sections 68 to 72, other than those of paragraph (d) of section 69, shall apply only to non-pensionable officers below the rank of Sub-Inspector and the provisions of paragraph (d) of section 69 shall apply only to non-pensionable officers below the rank of station sergeant.

[s. 64]

Gratuities payable
after twelve
or more years
service
Ord. No.
1 of 1958 s. 17

68. A member of the Force to whom this section applies shall, on discharge after continuous good service extending over a period of not less than twelve years, be eligible to receive a gratuity calculated at the rate of two thirds of a month's pay of the rank or office in which he was serving at the date of his discharge for every completed year of service up to a maximum twenty-one years:

Provided that, a member of the Force other than a pensionable officer who enlisted in the Force before the first day of January, 1936, may on discharge, in lieu of receiving the gratuity herein provided, elect to receive the service gratuity and exemption from the payment of house or poll tax or pension or additional gratuity in lieu thereof as he would have been eligible to receive under the provisions of the law in force prior to the 29th October, 1937.

[s. 65]

Proportional
gratuities payable
in certain
circumstances
Act No.
35 of 1965 s. 3

Cap. 371

69. When a member of the Force to whom this section applies-

- (a) dies;
- (b) is discharged as medically unfit for further service, the unfitness not having been caused by his own misconduct or negligence;
- (c) is discharged on account of reduction of establishment;

or

- (d) having been enlisted in the Force before the eighth day of December, 1961, is required to retire from the Force or ceases to serve therein in accordance with the provisions of sections 36 and 83 of the Public Service Social Security Pension Fund Act,

before completing twelve years' continuous good service, the Permanent Secretary to the Treasury may, on the recommendation of the Inspector-General, authorise the payment to his estate or to him, of a proportional part of the gratuity which he would have earned under section 68 where he had completed the said period of service.

[s. 66]

Gratuities earned
to be deemed part
of officer's estate
Ord. No.
1 of 1958 s. 18

70. The gratuities which would have been due and payable to a member of the Force to whom this section applies had he taken his discharge under the provisions of this Act shall, in the event of his re-engaging for a further term, be deemed to have belonged to him for the purpose of the distribution of his estate.

[s. 67]

Gratuity remaining unpaid at death how disposed of
Ord. No. 1 of 1958 s. 19

71. Where a member of the Force to whom this section applies having been discharged, dies before the receipt of any gratuity for which he has become eligible under section 68 or 69, the gratuity shall be paid to the person authorised to distribute his estate, as part thereof.

[s. 68]

Compensation in case of death, injury or damage incurred on duty
Ord. No. 1 of 1958 s. 20

72. When in the discharge of his duties, a member of the Force to whom this section applies is killed or injured so as to cause his discharge from the Force, or his property is damaged in the course of as a direct result of his discharge of duties, the Minister on the recommendation of the Commissioner, may direct payment of compensation out of the public revenue as he may deem fit, and the compensation shall be in addition to any gratuity for which he may be eligible under the provisions of this Act.

[s. 69]

Gratuity for holders of award

73. A member of the Force of or below the rank of sergeant major in possession of the African Police Medal or the King's Police Medal for Gallantry or Distinguished Service or the Colonial Police Medal for Gallantry or Meritorious Service earned by him in respect of service in the Force, may, on the recommendation of the Commissioner and with the sanction of the Minister irrespective of the amount of his service, be paid gratuity as may be determined by the Minister.

[s. 70]

PART X

DISPOSAL OF DECEASED'S ESTATES

Provisions for disposal of property of officers dying intestate

74.—(1) The Inspector-General shall keep or cause to be kept a personal record of member of the Force of or below the rank of inspector.

(2) In the event of a member of the Force dying while in the Force, a report of the death together with the personal record

shall be delivered to the administrative officer in charge of the district in which the deceased was stationed at the time of his death.

(3) A police officer or officer of Government having in his charge or control any pay, gratuity, allowance or other money or personal property belonging to a member of the Force referred to in subsection (1) who dies while in the service of the Force shall pay or deliver the same to the administrative officer in charge of the district in which he was stationed at the time of his death, who shall dispose of the same according to law.

[s. 71]

PART XI

EMPLOYMENT OF POLICE OFFICERS ON SPECIAL DUTY AND THE MAINTENANCE OF ORDER IN DISTURBED AREAS

Employment of
police officers on
special duty at
expense of private
persons

75.—(1) An Inspector-General may, subject to the directions of the Minister, on the application of any person and on being satisfied as to the necessity therefore, detail any number of police officers for special duty at any place in the United Republic and for a period as may be considered necessary.

(2) The police officers shall, subject to the provisions of this Act, be exclusively under the orders of the officer in charge of police in a place and shall, unless the Minister otherwise directs, be employed at the expense of the person making the application:

Provided that, a person on whose application police officers have been detailed for special duty at any place may require that, the police officers shall be withdrawn and at the expiration of one month from the date of the notice or less period as the Inspector- General may determine, the person shall be relieved of any further expense in connection with the employment of the police officers.

(3) An amount recoverable as expenses from any person making the application under subsection (1) may be recovered by the Inspector-General as a debt and when received shall be paid into the revenue of the United Republic.

[s. 72]

Employment
of additional
police in special
circumstances

76. Where the Inspector-General considers that, it is in the interests of any person that, the employment of additional police in any place is necessary for the safety of any public or private property, or that there is a reasonable apprehension of a breach of the peace, he may, subject to the directions of the Minister, station police officers for duty at any place for a period as he may consider necessary, and may require any person to pay all or part of the expenses incurred thereby, and the person shall thereupon cause payment to be made in a manner as the Inspector-General may direct:

Provided that, a person who has been required to pay the expense as aforesaid may appeal against the requirement to the Minister whose decision thereon shall be final.

[s. 73]

Employment of
additional police
in disturbed areas

77.-(1) The Minister may, by order declare, in respect of any area in the United Republic, that the area is a disturbed area in which an abnormal state of affairs exists and may in the same or a subsequent order declare that, by reason of the conduct of the inhabitants of the area or any class or section of the inhabitants, it is expedient to increase the number of police officers stationed in the area.

(2) Upon publication of an order under subsection (1), the Inspector-General shall, subject to the directions of the Minister, employ a number of police officers in addition to those already stationed in the area specified in the order as he may consider expedient, and, subject to the provisions of subsection (3), the cost of additional police officers shall be borne by the inhabitants of the area.

(3) Where any additional police officers have been stationed in any area under the provisions of subsection (2) of this section,

the Regional Commissioner of the region in which the area is situated shall, after an inquiry as he may consider necessary and subject to the directions of the Minister, apportion the cost of the additional police officers among the inhabitants of the area, and the apportionment shall be made according to the Regional Commissioner's judgment of the respective means of the inhabitants:

Provided that, the Regional Commissioner may, subject to the directions of the Minister, exempt any person or persons or any class or section of the inhabitants from liability to bear any portion of the cost.

(4) An order issued under subsection (1) shall state the period for which it is to remain in force, but the order may at any time be cancelled or may be extended for a further period or periods as the Minister may in each case direct.

(5) Notwithstanding any provision of the Interpretation of Laws Act, any order made under this section may be published in a manner as the Minister shall deem fit.

[s.74]

Cap. 1

Award of compensation to sufferers from misconduct of inhabitants of disturbed area

78.—(1) Where in any area in regard to which any order under subsection (1) of section 77 is in force, death or grievous hurt or loss of or damage to property has been caused by or has ensued from the misconduct of the inhabitants of the area or any class or section of the inhabitants, a person who claims to have suffered loss, damage or injury by reason of the misconduct may, within one month after the date of the loss, damage or injury make application for compensation to the Regional Commissioner of the region within which the area is situated:

Provided that, the Regional Commissioner may, in his discretion, by order, extend the period within which the applications for compensation may be made, but the extensions shall not in the aggregate exceed three months.

(2) Upon the claim being made, the Regional Commissioner may, by order subject to the directions of the Minister and after an inquiry as he may consider necessary, and whether any

additional police officers have or have not been stationed in the area under section 77-

- (a) decide the person or persons to whom loss, damage or injury has been caused or has ensued from the misconduct;
- (b) assess the amount of compensation to be paid to the person or persons and the manner and proportions in which it is to be distributed;
- (c) assess the proportions in which compensation shall be paid by the inhabitants in the area; and
- (d) order the payment of the compensation.

Provided that, the Regional Commissioner shall not make any order under this subsection unless he is of the opinion that, the loss, damage or injury has arisen from a riot or unlawful assembly within the area and the person who suffered the loss, damage or injury was himself free from blame in respect of the occurrences which led to the loss, damage or injury:

Provided further that, the Regional Commissioner may, subject to the directions of the Member, in or by any order as aforesaid or any subsequent order, exempt any person or persons or any class or section of the inhabitants from liability to pay any portion of compensation.

(3) An order made under subsection (2) shall be subject to revision by the Minister, but, save as aforesaid, shall be final.

(4) The order made under the provisions of this section may be communicated to any person affected thereby in a manner as the Regional Commissioner shall think fit.

(5) A civil suit shall not be maintainable in respect of any loss, damage or injury for which compensation has been accepted under this section.

[s.75]

Definition of
"inhabitants"

79. For the purpose of sections 77 and 78, the term "inhabitants" includes persons who themselves or by their agents or servants, occupy or have a lawful interest in land or other immovable property within the area specified in any order made under section 81 and the landholders who themselves or by their

agents or servants collect rents direct from lessees or occupiers in the area, notwithstanding that, they do not actually reside in the area.

[s. 76]

Recovery and disposal of moneys paid under Part XI

80.—(1) Moneys payable under this Part shall be recoverable in the manner provided by law for the recovery of fines imposed in criminal proceedings, or by suit in any competent court.

(2) Moneys recovered under sections 75, 76 and 77 shall be paid to the general revenue of the United Republic.

(3) Moneys recovered under section 78 shall be paid by the Regional Commissioner to the persons to whom and in the proportions in which the same are payable.

[s. 77]

PART XII SPECIAL POLICE OFFICERS

Power to appoint special police officers
Ord. No.
22 of 1955 s. 11

81.—(1) Where it appears to him to be expedient in the interests of public order and safety so to do, it shall be lawful for the Inspector-General or the Superintendent in charge of police, or the Regional Commissioner or District Commissioner having jurisdiction in any region or district, to appoint by writing under his hand in Form 2 of the First Schedule, any residents of the United Republic to be special police officers in a number, for the time, and within the area as he may deem necessary.

(2) Whenever any special police officers are appointed under the provisions of this section, the Inspector-General or other officer making the appointments shall forthwith transmit to the Minister notice of the appointments and the circumstances which rendered the appointments expedient.

[s. 78]

Power to suspend or determine services of special police officer
Ord. No.
22 of 1955 s. 12

82. The Inspector-General or other officer by whom any special police officer is appointed under section 81, may suspend or determine the appointment of any special police officer, where

he considers the appointment can be safely suspended or determined and shall forthwith transmit notice thereof in Form 3 of the First Schedule to the special police officer concerned.

[s. 79]

President may establish force of special police officers

83. Notwithstanding the provisions of section 81, the President may, where he thinks fit, establish a force of special police officers and appoint persons to be in command thereof and may authorise the Inspector-General to enroll in the force any persons who may offer their services and whose services he accepts and may assign ranks to the special police officers and provide for the duration and determination of their appointments or service subject to the conditions hereinafter appearing or as may be prescribed.

[s. 80]

Definition of "special police officer"

84. Save where the context otherwise requires, in this Part "special police officer" includes any officer whether appointed under section 81 or enrolled under section 83.

Appointment to serve and refusal

85.—(1) The Inspector-General may in writing or by other means as he may consider appropriate, call upon any special police officer to carry out duties or training as he may think fit.

(2) A special police officer being called upon to carry out any duty or training under the provisions of this section, refuses or neglects to serve commits an offence and on conviction shall be liable to a fine not exceeding one hundred shillings, unless he satisfies the court that, he was prevented by sickness or other unavoidable cause as may in the opinion of the court be sufficient excuse.

[s. 82]

Powers and duties of special police officer

86. A special police officer-

- (a) called upon to carry out any duty or training under section 85 of this Act; or
- (b) ordered by a police officer not below the rank of inspector to assist the police in the performance of their duties,

shall have the same powers, privileges and protection as a police officer of equivalent rank and be liable to perform the same duties and amenable to the same penalties and be subordinate to the same authorities as a police officer.

[s. 83]

Inspector-General to provide necessary equipment for special police officer

87. It shall be lawful for the Inspector-General to provide at the public expense for the use of special police officers uniforms, badges, equipment, arms and other necessary articles for the proper carrying out of the duties of their office.

[s. 84]

Uniform etc., to be delivered upon termination of appointment

88.—(1) A special police officer shall, within one week after the termination of his appointment or service, deliver up in good order (fair wear and tear only excepted) to the nearest police station, his form of appointment or documents of service and any uniform, badge, equipment, arms or other articles which may have been provided to him under the Act.

(2) A special police officer who refuses or neglects to make delivery commits an offence and on conviction shall be liable to a fine not exceeding forty shillings and the court may issue a warrant to search for and seize any form of appointment, documents, uniform, badge, equipment, arms or other articles which shall not have been delivered up.

[s. 85]

Inspector - General to command

89. The Inspector-General shall, subject to the general directions of the Minister, have the command, superintendence and direction of special police officers, and subject to the provisions of this Act and to any regulations made thereunder, may make appointments, promotions and reductions in ranks as he may see fit.

[s. 86]

Compensation on death, injury or damage to property while on duty

90.—(1) Where a special police officer suffers any permanent or temporary disablement, attributable to any wound or injury received or sickness contracted by him in the performance of

any duty or training by him in the circumstances mentioned in paragraphs (a) and (b) of section 86 of this Act, or where the property of a special police officer is damaged during the performance of the duty or training, the Minister may award the special police officer, the compensation, gratuity or pension as to him may seem just.

(2) Where a special police officer is killed or dies as a result of any wound or injury received or sickness contracted by him in the circumstances referred to in subsection (1), the Minister may grant to the dependants of the special police officer, pension or allowance as to him may seem just.

(3) Pension, compensation, allowance or gratuity paid under the provisions of this section shall not be assigned, transferred or be liable to be attached or levied upon by any process of law.

[s. 87]

PART XIII

SERVICE OUTSIDE THE UNITED REPUBLIC

Minister may send police officers to neighbouring country

91.—(1) The Minister may on the application of the Government of any neighbouring country, where he is satisfied that, reciprocal arrangements have been or will be made by that Government in favour of the Government of the United Republic, order a number of police officers as he may think fit to proceed for service to the other country.

(2) For the purpose of this section and this Part “neighbouring country” means any country having a common boundary with the United Republic and any other country as the Minister may, by notice published in the *Gazette*, declare to be a neighbouring country for the purpose of this Part.

[s. 88]

Despatch of police officers to neighboring countries in temporary emergency
Ord. No.
1 of 1958 s. 21

92.—(1) In the case of a temporary emergency, the Inspector-General, or an Assistant Commissioner, or a superintendent in charge of police in any region, having authority in any area of the United Republic which has a common boundary

with a neighbouring country, may, on the application of an administrative officer or any commissioned or gazetted police officer of a neighbouring country for the temporary assistance of specified number of police officers, order a police officers under his control, not exceeding the number applied for, to proceed for service in the neighbouring country:

Provided that, an Assistant Commissioner in charge of a region or a superintendent in charge of police in a region who is not subject to the orders of an Assistant Commissioner shall, wherever possible, obtain the prior authority of the Inspector-General for the action as aforesaid and in any case shall report the action to the Commissioner as soon as possible.

(2) The police officers of the United Republic who may be ordered under subsection (1) of this section to proceed to a neighbouring country for service shall comply with the order, and the order shall be deemed to have been made by the Minister under the provisions of section 91.

[s. 89]

Police officers on service outside United Republic to be under own superior officers and subject to their own laws and orders

93.—(1) The police officers serving outside the United Republic under the provisions of this Part shall be under the orders of their own superior officers, subject to the control of the senior officer present, whether he be a member of the Force or of the police force of a neighbouring Country and shall, in so far as appertains to their terms and conditions of service and the maintenance of discipline, be subject to the provisions of this Act, any regulations and orders made hereunder, and, so far as possible, shall perform the same duties as when on service in the United Republic.

(2) This Part of this Act shall not operate contrary to the general law in force in any the neighbouring country which shall apply to and be observed by police officers in the same manner as if they were police officers engaged for service in the neighboring country.

(3) The powers conferred by this Act upon an officer not being the Inspector-General to punish police officers who commits offences, may be conferred by the Inspector-General upon an officer of the Force serving in neighbouring country.

[s. 90]

Conditions precedent to be fulfilled by law of country concerned

94. A police officer shall not be sent to a neighbouring country unless the Minister is satisfied that, satisfactory provisions have been or shall be made in the law of the neighbouring country-

- (a) for the enforcing, in neighbouring country the engagement of service between police officers of the Force and the Government of the neighbouring country;
- (b) for giving police officers of the United Republic serving in the neighbouring country under this Part the powers and duties of police officers within the neighbouring country; and
- (c) for enabling the courts and magistrates of the neighbouring country serving in the country to hear and determine charges against police officers of the United Republic in respect of the offences specified in this Act and to inflict punishments therefor, which shall not be greater than that prescribed in this Act in respect of the offences.

[s. 91]

Police officers from neighbouring country serving United Republic to be under their own laws, orders and their own officers

95. Whenever in response to an application made by-

- (a) the Minister, any police officer from the police force of a neighbouring country are present in any part of the United Republic; or
- (b) any officer in the public service of the United Republic, any police officers from a neighboring country are present in the United Republic for the purpose of assisting the Force in any temporary emergency,

the police officers shall be under the orders of their own officers present with them, if any, subject to the control of the senior police officer present, whether he is a member of the

Force or of the police of a neighbouring state, and, so far as is not inconsistent with the general law in force and so far as possible, perform the same duties as when on service in their own country.

[s. 92]

Enforcement of contract made with Government of neighbouring country

96. Whenever a police officer from a neighbouring country is present in the United Republic under the circumstances provided in section 95, any contract of service made between a police officer and the Government of neighbouring country may be enforced in the United Republic in the same manner and with the like effect as if the contract had been made between the police officer and the Government of the United Republic.

[s. 93]

Powers of members of police force of neighbouring country

97. A member of the police force of a neighbouring country present in the United Republic under the circumstances referred to in section 95 shall have and may exercise the powers and be liable to perform the duties of a police officer of the United Republic.

[s. 94]

Powers of courts of United Republic

98. The High Court or any subordinate court of the United Republic may hear and determine the charges against the police officers of a neighbouring country present in the United Republic under the circumstances referred to in section 95 in the same manner as a court in the neighbouring country.

[s. 95]

PART XIV GENERAL PROVISIONS

Power to prosecute under other law not to be affected

99. This Act shall not exempt a person from being prosecuted under any other law in respect of any offence made punishable by this Act, or from being liable under any other law to any

other or higher penalty or punishment than is provided for by this Act:

Provided that, a person shall not be punished twice for the same offence.

[s. 96]

Mutiny
Act No.
19 of 1964 s. 2

100.—(1) A member of the Force who-

- (a) takes part in a mutiny involving the use of violence or the threat of violence; or
- (b) incites any other member of the Force or any member of the Tanzania Peoples Defence Forces or the National Service or the Prisons Service to take part in any mutiny, whether actual or intended,

commits an offence and on conviction shall be liable by a Special Tribunal to suffer death or imprisonment for life or any lesser period.

(2) A member of the Force who, in a case not falling within subsection (1) of this section, takes part in a mutiny or incites any person as is referred to in paragraph (b) of subsection (1) to take part in a mutiny, whether actual or intended, commits an offence and on conviction shall be liable by a Special Tribunal to imprisonment for life or any lesser period.

(3) In this section-

“mutiny” means a combination between two or more members of the Forces or Services referred to in paragraph (b) of subsection (1) or between two persons at least of whom are members of any Force or Service-

- (a) to overthrow or resist lawful authority in any Force or Service; or
- (b) to disobey the authority in the circumstances as to make the disobedience subversive of discipline; and

“Special Tribunal” means a Tribunal established under the Special Tribunals Act.

[s. 97]

Cap. 126

Police officers
discharged
between certain
dates required to
report
Act No.
19 of 1964 s. 2

101. Where a person have been discharged from the Force between the twentieth day of January, 1964 and the first day of April, 1964, and at the time of his discharge, he shall have been required by any superior officer to make a report, whether or not periodically, to any person holding office in the service of the Republic, any first mentioned person who fails, without lawful or reasonable cause, to report in accordance with the terms of the requirement, until released from the requirement by the person to whom he is required to report, commits an offence and shall be liable, on conviction before the court of a resident magistrate or a district court, to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand shillings or to both.

[s. 98]

Desertion

102.—(1) A member of the Force who deserts from the Force commits an offence and on conviction shall be liable to imprisonment for a period of six months.

(2) A person shall not be found guilty of the offence of desertion unless the court is satisfied that, he intended not to return to the Force.

[s. 99]

Unlawful
possession of
articles, supplied
to police officer
and personation

103.—(1) A person, not being a police officer who is found in possession of -

- (a) any article whatsoever which has been supplied to a police officer for use in the execution of his duty; or
- (b) any medal or decoration granted to a police officer for gallantry, service or good conduct,

and fails to account satisfactorily for his possession thereof commits an offence.

(2) A person who, without lawful authority-

- (a) purchases or receives any article whatsoever which has been supplied to a police officer for use in the execution of his duty or any medal or decoration granted to a police officer for gallantry, service or good conduct; or

(b) aids or abets a police officer in selling or disposing of any article, medal or decoration, commits an offence.

[s. 100]

Harbouring in public house police officers while on duty

104. A keeper of a house, store or place in which intoxicating liquor is sold who, himself or by any person in his employment, knowingly harbours or entertains any member of the Force or permits the member of the Force to remain as a customer or guest in the house, store or place, during any part of the time in which the member of the Force has been detailed for duty, commits an offence and on conviction shall be liable to a fine not exceeding four hundred shillings or imprisonment for a term not exceeding three months.

[s. 101]

Persons causing disaffection etc.,

105. A person who-

- (a) causes or attempts to cause or does any act calculated to cause disaffection amongst police officers;
- (b) induces, or attempts to induce, or does any act calculated to induce any police officer to commit any breach of discipline,

commits an offence and on conviction shall be liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding two years or to both.

[s. 102]

Disorderly conduct in police station office or lockup

106.-(1) A person who, in any police station or police office or in any lock-up, behaves in a riotous, indecent, disorderly or insulting manner commits an offence.

(2) A police officer may arrest without warrant any person who, in his view, commits any offence under the provisions of subsection (1) of this section.

[s. 103]

General penalty

107. A person who commits an offence under any of the provisions of Parts I to XIV for which no specific penalty is

expressly provided, on conviction shall be liable to a fine not exceeding five hundred shillings, or to imprisonment for a term not exceeding three months, or to both.

[s. 104]

PART XV POLICE RESERVE

[9th June, 1939]

Establishment of
police reserve **108.** There may be established and maintained a Police Reserve.

[s. 105]

Constitution of
Reserve **109.** Where a Police Reserve is established under the provisions of section 108, it shall consist of native reservists enlisted or re-engaged in accordance with the provisions of this Act.

[s. 106]

Control of
Reserve
Ord. No.
43 of 1958 s. 5 **110.** Where a Police Reserve is established under the provisions of section 108, the administration and control thereof shall be vested in the Inspector-General.

[s. 107]

Declaration to
be made upon
enlistment **111.** A person who is accepted for enlistment in the Police Reserve shall make a declaration in the form set out in the Third Schedule to this Act, before a magistrate or a gazetted officer and upon making the declaration, he shall thereupon become a member of the Police Reserve.

[s. 108]

Period of service
in Reserve **112.** A Police Reserve shall be enlisted for a definite period not exceeding three years, and may with the approval of the Inspector-General of Police be re-engaged for a similar period.

[s. 109]

Rank to be allotted to member of Police Reserve

113. It shall be lawful for the Inspector-General to allot to a member of Police Reserve, the rank for which he considers the member of Police Reserve to fit.

[s. 110]

Right to take discharge in certain circumstance

114. In the event of a member of Police Reserve who has served in the Tanzania Police Force being allotted a lower rank than that held by him at the date of his discharge from the Force, he shall be allowed to take his discharge from the Reserve, where he so desires.

[s. 111]

Pay and allowances

115.—(1) Except as provided under subsection (2), a member of Police Reserve shall be paid quarterly at a uniform rate per month as may be determined by the Minister and may receive in addition, the allowances as the Minister may determine.

(2) When called out under the provisions of section 117 or section 118, a member of Police Reserve shall receive the pay and allowances of his rank.

[s. 112]

Duties of member of Police Reserve

116. A member of Police Reserve shall-

- (a) report himself at intervals of not more than three months to the officer in charge of police at the station nearest to his place of residence or to a District Officer;
- (b) notify the said officer in charge of police or District Officer of any change of address;
- (c) obtain the permission of a superintendent of police before leaving the United Republic; and
- (d) when called out for training or service under the provisions of section 117 or 118, attend at the time and place notified.

[s. 113]

Calling out of Reserve for annual training

117. Where a Police Reserve is established under the provisions of section 108, it shall be called out by the Inspector-General

of Police for annual training at places and for a period not exceeding forty- two days in any year as he may deem fit:

Provided that, the Minister may, by order, direct that, the annual training of the whole or part of the Reserve be dispensed with or curtailed.

[s. 114]

Calling out of Reserve service in case of emergency

118.—(1) In the case of war, insurrection or other emergency, the Inspector-General of Police may, with the approval of the Minister call out the Reserve or any part thereof for service with the Force.

(2) A member of Police Reserve called out under the provisions of this section may be required to continue his service for any period not exceeding twelve months beyond his term of enlistment whilst so called up.

[s. 115]

When member called up for training or service, notice to be served upon member of Police Reserve

119.—(1) A member of Police Reserve shall be called out by the service on a notice issued by or upon the authority of the Inspector-General of Police, calling upon him to attend for training or service, at the time and place specified in the notice.

(2) A notice shall be sent to or delivered at the last known place of residence of the member of Police Reserve and shall thereupon, unless the contrary appears, be presumed to have been served upon him.

[s. 116]

When called out under provision of this Act

120. A member of Police Reserve, upon being called out under the provisions of section 117 or 118, shall thereupon become subject in respect of the provisions of this Act in so far as those provisions are not repugnant to or inconsistent with the provisions of this Act.

[s. 117]

Penalties

121.—(1) In the event of a member of Police Reserve failing to comply with any of the provisions of paragraphs (a), (b) or (c) of section 116, a gazetted officer of police may, after

due inquiry, and where the member fails to show reasonable cause for non-compliance, inflict upon the member a fine not exceeding ten shillings, which shall be deducted from his pay.

(2) A member of Police Reserve who is served with a notice under the provisions of section 117 or 118 and who, without reasonable cause, fails to attend at the time and place notified, commits an offence and on conviction shall be liable to imprisonment for six months.

(3) The member of Police Reserve who sells, pawns, destroys or otherwise makes away with any medal or other decoration awarded to him in respect of his services whilst in the Reserve commits an offence and on conviction shall be liable to a fine of ten shillings or, in default of payment thereof, to imprisonment for fourteen days.

(4) For the purpose of section 26, a member of Police Reserve shall be deemed to have ceased to belong to the Force-

- (a) when he ceases to be a member of Police Reserve; or
- (b) on the expiration of the period for which he was called out under the provisions of section 117 or 118.

[s. 118]

Discharge of
member of Police
Reserve

122. A member of Police Reserve who has completed his period or periods of service with the Reserve in accordance with the provisions of this Act and his service is dispensed with under the provisions of section 123 shall be discharged and granted a discharge certificate in a form as the Inspector-General may deem fit.

[s. 119]

Inspector-General
may dispense
with services of
member of Police
Reserve

123. At any time when not called out under the provisions of section 117 or 118, the service of a member of Police Reserve may be dispensed with by the Inspector-General giving one month's notice in writing:

Provided that, where the service of the member of Police Reserve are dispensed with by the Inspector-General upon the application or request of the member himself, a notice shall not be necessary.

[s. 120]

Gratuities

124.—(1) A member of Police Reserve to whom this section applies shall, on discharge after continuous good service extending over a period of not less than twelve years, be eligible to receive a gratuity calculated at the rate of two-thirds of a month's pay of the rank in which he was serving, at the date of his discharge from the Force for a completed year of service up to a maximum of twenty-one years.

(2) When member of Police Reserve to whom this section applies dies or is discharged as medically unfit for further service with the Reserve, such unfitness not having been caused by his own misconduct or negligence, or on account of reduction of establishment, before completing twelve years' continuous good service, the Minister may on the recommendation of the Inspector-General authorise payment into his estate or to him of a proportional part of the gratuity which he would have earned under subsection (1) if he had completed the said period of service.

(3) This section shall apply to a member of Police Reserve who is discharged from the Force on completion of his period or periods of service in accordance with the provisions of this Act, and within one month after the discharge, or longer period as the Inspector-General may allow in any particular case, enlists into the Reserve.

(4) For the purpose of subsections (1) and (2), "service" means service with the reserve together with any service with the Force in accordance with the provisions of this Act.

[s. 121]

PART XVI

AUXILIARY POLICE FORCE

[13th August, 1948]

Interpretation

125. In this Part, unless the context otherwise requires—
 "Auxiliary Police Force" means the Auxiliary Police Force established under section 126;
 "auxiliary police officer" means a member of the Auxiliary Police Force;

Cap. 11 “commissioned officer” includes a Superintendent, Assistant Superintendent and Police Cadet of the Force;
 “magistrate” means a magistrate appointed under the Magistrates Courts Act;
 “senior police officer” means a member of the Auxiliary Police Force of equivalent rank to a commissioned officer;
 “special area” means an area of Tanzania declared to be a special area under section 129; and
 “undertaking” means a company, corporation or statutory body.

[s. 122]

Establishment of Auxiliary Police Force **126.** There shall be established an Auxiliary Police Force which shall be supplementary to the Force.

[s. 123]

Functions of Auxiliary Police Force **127.** The Auxiliary Police Force shall assist the Force in maintaining order and protecting property in special areas.

[s. 124]

General powers of Inspector-General **128.** The Inspector-General shall, subject to the general directions of the President, have the command and supervision of the Auxiliary Police Force, and shall be responsible to the President for the proper carrying out of the provisions of this Act.

[s. 125]

Declaration of special areas **129.** Where the President is satisfied that, an undertaking is engaged in any activity for commercial, industrial, agricultural, pastoral, building or mining development of the United Republic, or any area of the United Republic, or any other development whatsoever of the United Republic and that special provisions should be made for policing the area where the development is taking place, the President may, on the request of the undertaking, by notice published in the *Gazette*, declare the area or part thereof to be a special area for the purposes of this Act.

[s. 126]

Auxiliary police officers to be stationed in special areas

130. On the declaration of a special area, the Inspector-General shall appoint a number of auxiliary police officers and of the rank as the undertaking may require.

[s. 127]

Establishment and maintenance of police stations in special areas

131. The Inspector-General shall ensure that, a sufficient number of police stations are established and maintained in special areas so that, persons arrested by auxiliary police officers may be brought before a member of the Force without delay.

[s. 128]

Special areas to be deemed to be one in certain circumstances

132. Where more than one special area is declared at the request of the same undertaking, the special areas shall be deemed to be one special area for the purpose of administration and control.

[s. 129]

Administration and control of auxiliary police officers in special areas

133. Subject to the general directions of the Inspector-General, the administration and control of auxiliary police officers in a special area shall be vested in a senior police officer appointed by the Inspector-General on the recommendation of the undertaking which requested the declaration of that area.

[s. 130]

Appointment of auxiliary police officers

134.—(1) The Inspector-General may appoint any suitable person to be an auxiliary police officer.

(2) On his appointment, an auxiliary police officer shall, before a magistrate make the following declaration:

“I, of do most solemnly and sincerely declare and promise that I will be faithful and bear true allegiance to the United Republic, and will obey the orders of the officers placed over me and subject myself to the Auxiliary Police Force now in force and which may from time to time be in force, during my service in the said Auxiliary Police Force.”

(3) There shall be delivered to every auxiliary police officer after he has made the above declaration a precept in the following form:

**THE POLICE FORCE AND AUXILIARY
SERVICES ACT CAP. 322**

No.

To of I,
....., Commissioner of Police, under and by
virtue of the power and authority in me vested by the Police
Force and Auxiliary Service Act, do hereby appoint you to be
an Auxiliary Police Officer for the Special Area of
with a rank equivalent to the rank of in
the Police Force and I do issue to you this precept authorising
you to act as an Auxiliary Police Officer.

Date

.....
Commissioner of Police

(4) On making the declaration and on receiving the precept,
the person appointed shall be an auxiliary police officer under
the provisions of this Act.

[s. 131]

Resignation

135.—(1) An auxiliary police officer shall not resign without the
permission obtained from the senior police officer in charge of
the special area to which he is appointed.

(2) The senior police officer in charge of the special area may
withhold permission for a period not exceeding two months.

[s. 132]

Withdrawal of
precept

136.—(1) The Inspector-General may withdraw from any
auxiliary police officer, the precept delivered under section
134, where he is satisfied that-

- (a) the auxiliary police officer is unlikely to become or has
ceased to be an efficient police officer;
- (b) the auxiliary police officer is found by a registered
medical practitioner to be mentally or physically unfit
for further service;

- (c) the auxiliary police officer has been ordered to be dismissed from the Auxiliary Police Force under section 142;
- (d) the auxiliary police officer has resigned under section 135; or
- (e) the undertaking which pays the auxiliary police officer no longer requires his service as an auxiliary police officer.

(2) On the withdrawal of his precept, an auxiliary police officer shall cease to be an auxiliary police officer.

[s. 133]

Payment of
auxiliary police
officer

137.—(1) An auxiliary police officer appointed to any special area shall be paid by the undertaking which requested the declaration of the special area.

(2) Rates of pay for auxiliary police officers other than senior police officers shall be fixed in agreement with the Inspector-General.

(3) The undertaking shall deduct from the pay due to an auxiliary police officer, the amount of any fine imposed on the auxiliary police officer under section 142 and shall apply the same in a manner as may be prescribed.

[s. 134]

Equipment

138.—(1) An auxiliary police officer on appointment shall be furnished with a badge and assigned a number.

(2) The badge shall be used as an evidence of the office of the auxiliary police officer and be displayed by him when exercising the duties of his office.

(3) The auxiliary police officer shall be furnished by the undertaking which pays him with a uniform of a design approved by the Inspector-General and the uniform shall be furnished at the expense of the undertaking.

[s. 135]

Powers, duties
and immunities
of auxiliary police
officer

139.—(1) Subject to the provisions of this Part, an auxiliary police officer shall, within the limits of the special area for

which he is appointed, exercise powers of arrest and search as are conferred upon members of the Force of equivalent rank by any law in force and shall obey lawful orders of his superior officers and of magistrates.

(2) An auxiliary police officer shall be entitled, in respect of the exercise of his powers under this Act, to the immunities conferred upon a member of the Force by any Act or law in force.

(3) The auxiliary police officer who, in the exercise of his powers under this Part, arrests any person, shall take him without delay to the nearest police station in the special area in which he is arrested and surrender him to a member of the Force to be dealt with according to the law.

Offences against discipline

140. An auxiliary police officer below the rank of senior police officer who-

- (a) wilfully disobeys lawful orders;
- (b) refuses or neglects to serve or execute any warrant lawfully directed to be served or executed by him;
- (c) is drunk while on duty;
- (d) is absent from duty without leave; or
- (e) is guilty of any act, conduct, disorder or neglect to the prejudice of good order and discipline,

shall be deemed to have committed an offence against discipline and the offence may be inquired into, tried and determined and the offender shall be liable to a punishment in accordance with the provisions of this Part.

[s. 137]

Powers of arrest for offences

141. An auxiliary police officer may arrest or order the arrest of any auxiliary police officer, not being an officer of his own or of a superior rank, who is accused of an offence under section 140, and an auxiliary police officer may, on receipt of any order as aforesaid, apprehend the accused person without a warrant and shall forthwith bring him before the auxiliary police officer who ordered the arrest.

[s. 138]

Punishments
which may be
awarded

142. A senior police officer may inquire into the truth of any charge under section 140 and where his decision is against the person charged, may impose on him any one or more of the following punishments:

- (a) reprimand;
- (b) a fine not exceeding 10 days' pay;
- (c) reduction in rank or grade; or
- (d) dismissal:

Provided that, an order of dismissal shall not be effective until confirmed by the senior police officer in charge of the special area.

[s. 139]

Delivery up of
badge, precept
and uniform on
resignation, etc.,

143.—(1) When an auxiliary police officer has resigned or has ceased to hold and exercise his office, he shall forthwith deliver to the senior police officer in charge of the special area, his badge, precept and articles of his uniform.

(2) When an auxiliary police officer dies, a person in possession of the badge, precept or articles of uniform issued to him under this Act shall, within fourteen days after death of the officer, deliver the same to the senior police officer in charge of the special area in which the auxiliary police officer was stationed.

(3) For the purpose of this section, an auxiliary police officer shall be deemed to have resigned on the day on which his resignation from the Auxiliary Police Force becomes effective under this Part and he shall be deemed to have contravened subsection (1) of this section unless he complies with the provisions thereof within one day after his resignation has become effective as aforesaid.

[s. 140]

Return of
badge, precept
and uniform
delivered up

144. A senior police officer shall, without delay forward a badge, precept articles of his uniform received by him under section 143 to the Inspector-General.

[s. 141]

Offences

145. A person who-

- (a) contravenes any provision of section 143; or
- (b) has in his possession any badge, precept, or article of uniform furnished for the use of an auxiliary police officer and cannot satisfactorily account for the possession thereof,

commits an offence and on conviction shall be liable to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding one month, or to both.

[s. 142]

Police officer
for purposes of
section 243 of
Penal Code
Cap. 16

146. An auxiliary police officer shall be deemed to be a police officer for the purpose of section 243 of the Penal Code.

[s. 143]

Powers of Police
Force under
this Part to be
additional

147. The powers given by this Part to the Inspector-General and other members of the Force shall be in addition to and not in derogation of any other powers conferred by or under the Police or any other Act and other powers may be exercised in the same manner as if this Part had not been enacted.

[s. 144]

PART XVII

MISCELLANEOUS PROVISIONS

Regulations

148.-(1) The Minister may make regulations relating to any of the following matters:

- (a) establishment, organisation and distribution of the Force, the conditions of appointment and service, and various grades, ranks and appointments therein;
- (b) duties to be performed by members of the Force, and their guidance in the discharge of the duties;
- (c) pay allowances and gratuities of members of the Force;
- (d) discipline and punishment of members of the Force;

- (e) description and issue of arms, ammunition, accoutrements, uniforms and necessaries to be supplied to members of the Force;
- (f) conditions governing retirement, resignation, dismissal, discharge, reduction in rank or reversion of members of the Force;
- (g) leave conditions of the Force;
- (h) application or administration of the Police Rewards Fund;
- (i) granting of good conduct badges and pay, and the forfeiture thereof;
- (j) any matter which are required by this Act to be prescribed or to be provided for by regulations; and
- (k) generally for the good order and government of the Force.

(2) The Minister may make regulations for the general governance of special constables and, without prejudice to the generality of the power, the Minister may make regulations regarding-

- (a) their appointment, retirement, discharge and dismissal;
- (b) their rank and remuneration;
- (c) their terms of service and discipline;
- (d) their training;
- (e) their duties and responsibilities when on duty;
- (f) the uniform and equipment to be worn and the arms to be carried by them; and
- (g) the application of Parts I to XIV.

(3) The President may make regulations under Part XVI-

- (a) prescribing anything which is to be or may be prescribed;
- (b) prescribing the training of auxiliary police; and
- (c) generally for the better carrying out of the purposes and provisions of that Part.

[s. 145]

Repeal
R.L. Caps. 55
and 59

149. [Repeals the Police Force Ordinance and the Finger-prints Ordinance.]

[s. 146]

FIRST SCHEDULE

(Made under sections 15,81 and 82)

FORM 1

FORM OF DECLARATION ON ENLISTMENT

(Made under section 15)

I,, do solemnly and sincerely declare that, I will be faithful and bear true allegiance to the United Republic, and that, I will faithfully serve during my service in the Police Force of the United Republic and will obey orders of the President and of the officers placed over me, and will subject myself to the Force now in force or which may from time to time be in force.

.....
(Signature or mark of Police Officer)

Declared at, this day of, 20.....

Before me
(Signature of Magistrate or Officer)

FORM 2

APPOINTMENT OF SPECIAL POLICE OFFICER THE POLICE FORCE AND AUXILIARY SERVICES ACT, CAP 322

(Made under section 81)

To, of I, the undersigned, do under the powers vested in me by Part XII of the Police Force and Auxiliary Services Act hereby appoint you to be a special police officer from until further notice.

Dated this day of, 20.....

Signed

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FORM 3**NOTICE TO SUSPEND OR DETERMINE APPOINTMENT
OF SPECIAL POLICE OFFICER THE POLICE FORCE
AND AUXILIARY SERVICES ACT, CAP 322***(Made under section 82)*

To, of I, the undersigned
..... do under the powers vested in me by Part XII of the
Police Force and Auxiliary Services Act, hereby give you notice that
your appointment as a special police officer for the
District, Region, as the case may be, made on the, day of 20.....,
is suspended (or determined, as the case may be) with effect from the
date hereof.

Dated this day of, 20.....

Signed

SECOND SCHEDULE*(Made under section 23)***FORM 4****RATES FOR PURCHASE OF DISCHARGE**

- (i) Two hundred shillings during the first year of service; one hundred and fifty shillings during the second year of service; one hundred shillings during the third or any subsequent year of service.
- (ii) In the case of a police cadet enlisted under section 14(2) of the Act, forty shillings during the first year of service; seventy shillings during the second year of service and one hundred shillings during the third or any subsequent year of service as a police cadet.

THIRD SCHEDULE*(Made under section 111)***FORM OF DECLARATION ON ENLISTMENT**

I,, do solemnly and sincerely declare that I will be faithful and bear true allegiance to the United Republic, that I will faithfully serve during my service in the Tanzania Police Reserve and

will obey all orders of the President and of the officers placed over me, and will subject myself to all laws relating to the Tanzania Police Reserve now in force or which may from time to time be in force.

Signature or mark of Reservist

Declared at, before me this day of, 20....., by the said after I had fully explained to him the terms and conditions of his engagement in the Tanzania Police Reserve, and he appeared fully to understand the same.

Signature of Attesting Police Officer or Magistrate.....

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