

THE UNITED REPUBLIC OF TANZANIA



No. 21 OF 1978

ASSENT,

Julius K. Nyerere
President

13TH SEPTEMBER, 1978

An Act to amend the Wildlife Conservation Act, 1974

[SEPTEMBER, 1978]

ENACTED by the Parliament of the, United Republic of Tanzania.

1. This Act may be cited as the Wildlife Conservation (Amendment) Act, 1978, and shall be read as one with the Wildlife Conservation Act, 1974, (hereinafter referred to as "the principal Act").

Short title and construction Acts, 1974 No. 12

2. Section 2 of the principal Act is hereby amended In subsection (a) by inserting, immediately after the definition "authorized organization the following definition:

Amendment of section 2

""the Board" means the Board of Trustees of the Wildlife Protection Fund established by section 69B:"

(b) by inserting, immediately after the definition "trophy dealer", the following definition:

"" the Unit" means the Wildlife Protection Unit established under section 4A;"

3. The principal Act is hereby amended by adding immediately after section 4, the following new sections:

Addition of new sections 4A, 4B and 4B

"Minister to establish the Wildlife Protection Unit

4A.-(1) The Minister shall, after consultation With the President, establish a department of Government to be known as the Wildlife Protection Unit.

(2) The Unit shall consist of such number of persons as the Minister may determine.

Functions of the Unit

4B. The functions of the Unit shall be the protection, of wildlife against unlawful hunters and, generally, the enforcement of the provisions of this Act relating to the hunting, capturing and photographing of wildlife, and the securing of trophies.

Administration of the Unit

4C.-(1) The administration of the Unit shall be vested in the Director and for that purpose the Unit shall be organized in such branches and deployed according to such areas or places as the Director may, with the consent of the Minister, determine.

(2) The Minister may, after consultation with the Minister for the time, being responsible for home affairs and with the consent of the President, by regulations published in the *Gazette*, provide for-

- (a) the organization, and deployment of the Unit, the conditions and terms of service, and the various grades, ranks and appointments in it;
- (b) the duties to be performed by members of the Unit, and their guidance in the discharge of those duties;
- (c) the regulation of matters relating to discipline in the Unit;
- (d) the description and issue of arms, ammunition, accoutrements, uniforms and other necessary supplies to members of the Unit;
- (e) matters relating generally to the good order and administration of the Unit."

Amendment of section 29

4. Section 29 of the principal Act is hereby amended-

- (a) by deleting the fullstop at the end of paragraph (e) and substituting for it a semi-colon;
- (b) by adding, immediately after paragraph (e), the following paragraph:

"(f) provide for the reception of Government trophies by a designated organization from persons referred to in section 68 (1) and the procedure to be complied with by that organization upon receipt of the Government trophies."

Amendment of section 68

5. Section 68 of the principal Act is hereby amended-

- (a) in subsection (1), by inserting immediately after the words "Game Officer", where they first occur, the phrase "or to a designated organization", and, where they subsequently occur, the phrase " or to the designated organization";

(b) by deleting subsection (3) and substituting for it the following: -

(3) Subject to subsection (4), the Director may, with the consent of the Minister, award a sum of money as a reward to any person giving information leading to the recovery of a Government trophy.";

(c) by adding, immediately after subsection (3), the following subsections: -

"(4) The sum of money awarded as a reward to any person or the aggregate of the sums awarded to more than one person in, any one recovery of a Government trophy shall not exceed-

(a) one-fourth of the value of the Government trophy or trophies recovered; or

(b) ten-thousand shillings, whichever is the smaller sum of money.

(5) The Minister may by directions, regulate the procedure to be complied with in the payment or the making of recommendations for the payment of the awards."

6. The principal Act is hereby amended in section 69-

(a) by deleting the full-stop after the word "finance" and substituting for it a comma;

(b) by adding after that comma the clause "after consultation with the Minister."

Amendment of section 69

7. The principal Act is hereby amended by adding, immediately after section 69 the following new sections: -

"Establishment of Wildlife Protection Fund

69.-(1) There is hereby established a fund which shall be known as the Wildlife Protection Fund.

(2) The Wildlife Protection Fund shall consist of:-

(a) such sums as may be provided for the purpose by Parliament;

(b) twenty-five per cent of the proceeds of the sale of every animal, trophy, weapon, vehicle, vessel, aircraft, tent or other article which is forfeited pursuant to section 78 and sold or disposed of in any other way for money;

(c) any sum or property which may in any manner become payable, into the Fund;

(d) any sum granted to the Fund by the Government or any person.

(3) The Minister shall make rules regulating the functions, and use of the Fund, and shall, after consultation with the Minister for the time being responsible for finance, make rules regulating the operations of the Fund.

Addition of new sections 69A and 69B

(4.) Ail rules made pursuant to subsection (3) shall be published in the *Gazette*.

Establishment of Board of Trustees

69B.-(1) There is hereby established a Board of Trustees" of the Wildlife Protection Fund.

(2) The Board shall be a body corporate and shall-

(a) have perpetual succession and an official seal;

(b) in its corporate name, be capable of suing and being sued;

(c) be capable of taking, purchasing or, in any other Way, acquiring, holding, charging and disposing of property, movable or immovable; and

(d) have power to enter into contracts and doing any act or acts for the proper performance of its functions under this Act which may lawfully be done by a corporate body.

(3) The Board shall consist of-

(a) the chairman, who shall be appointed by the President;

(b) the Director of Wildlife;

(c) the Conservator of the Ngorongoro Conservation Area.;

(d) the Director of the Tanzania National Parks;

(e) the General Manager of the Tanzania Wildlife Corporation; and

(f) two other members appointed by the Minister.

(4) The functions of the Board shall be-

(a) to manage and administer the Fund in accordance with this Act;

(b) subject to this Act and to any directions given by the Minister, to do any act or thing for the promotion of the purposes and objects of the Fund.

(5) The Minister shall, by an order published in the *Gazette*, provide for the regulation of the proceeding, the operations and affairs of, and other matters in relation to the Board."

Addition of new sections 70A and 70B

8. The principal Act is hereby amended by adding, immediately after section 70, the following new sections: -

"Disposal of trophies, etc during proceeding

70A.-(1) Subject to subsection (2), at any stage of any etc. proceedings under this Act, the court may, of its own motion or on an application made by the prosecution, in that behalf order that any animal trophy, weapon, vehicle, vessel or other article which has been tendered or put in evidence before it and which is subject to speedy decay, destruction or depreciation be placed at the disposal of the Director.

(2) Where the article in respect of which an order under subsection (1) is made is not an animal or trophy, the court may, if it is satisfied that it would be just to do so, attach to the order condition that the director shall " dispose of that article until after the expiration of six months from the date of the making of that order.

(3) Notwithstanding the provisions of any written law to the contrary, on the expiration of six months from the making of an order under subsection (1) to which the condition under subsection (2) was attached, the order of the court shall be final and shall operate as a bar to any claim by or on behalf of any person claiming ownership of or any interest in the article by virtue of any title arising before the order was made.

Where trophies belong to another person

70B.- (1) Subject to the following provisions of this section, in any proceedings for an offence under this Act, which consists of the unlawful possession of, or unlawfully having in control or custody, any trophy or trophies, any person being prosecuted may, with the leave of the court, have any person to whom the trophy or trophies belong or to whose act or default he alleges that the contravention of the relevant provisions was due brought before the court in the proceedings, and if, after the contravention has been proved, the original accused person proves that the trophy or trophies belong to or that the contravention was due to the act or default of, that other person, that other person may be convicted of the offence, and, if the original accused person proves that he had used all due diligence to secure that the relevant provisions were complied with, he shall be acquitted of the offence.

(2) Without prejudice to subsection (1), in any such proceedings under this Act an accused person shall not allege that the trophy or trophies belong, or that the contravention of the relevant provisions was due, to some other person unless, before the end of two days from the commencement of the first hearing of the case, he gives to the prosecution notice of his intention to do so.

(3) Every notice given under subsection (2) shall be deemed to be void and of no effect unless it contains-

- (a) the name and address of that other person or, if the name or address is not known to the accused person at the time he gives the notice, any information in his possession which might be of material assistance in finding that other person;

N if the name or the address is not included in that notice, the court is satisfied that the accusal person, before giving the notice, took and thereafter continued to take all reasonable steps to secure that the name or address would be ascertained;

(c) if the name or address is not included in that notice, but the accused person subsequently discovers the name or address or receives other information which might be of material assistance in finding the other person, he forthwith gives notice of the name, address or other information, as the case may be; and

(d) if the accused person is notified by or on behalf of the prosecution that other person has not been traced by the name or at the address given, he forthwith gives notice of any such information which is then in his possession, or, on, subsequently receiving any such information forthwith gives notice of it.

(4) For the purposes of this section, the fact that an accused person has not been admitted to bail shall not be a defence for his failure to provide to the prosecution, the correct name or address of that other person or any information which may be of material assistance in finding that other person.

(5) Where an accused person seeks to avail himself of subsection (1)-

(a) if the person he complains against or to whom he alleges the trophy or trophies belong is not present at the time appointed for the hearing the court shall proceed with the hearing of the case against the accused person in the absence- of that other person.

(b) the; prosecution, as well as the person to whom the accused person alleges the trophy or trophies belong or whom he charges with the offence, may cross examine him, if. he gives evidence, and any witness called by him in support of the plea, and may rebut his evidence.

(6) Any evidence tendered by the prosecution to rebut the allegations of the accused made pursuant to subsection (1) may, subject to any directions by the court as to the time it is to be given, be given before or after evidence is given in support of the allegation."

Addition of
new section
75A

9. The principal Act is hereby amended by adding immediately after section 75, the following new section: -

"Assault on an authorized officer
Cap. 16

75A.-(1) Notwithstanding the provisions of sections 114A, 117 and 243 of the Penal Code, any person who, in the course of willfully obstructing an authorized officer in the exercise by him of any of the powers conferred by this Act, assaults the authorized officer shall be guilty of an offence and, subject to subsection (2), shall be liable on conviction to imprisonment for a term not exceeding fourteen years.

(2) No term of imprisonment imposed under this section shall be less than three years."

10. Section 78 of the principal Act is hereby amended by adding, immediately after subsection,(2), the following subsections:-

Amendment
of section 78

"(3) Every animal, trophy, weapon, vehicle, vessel, aircraft or other article forfeited to the Government under subsection (1) of this section shall be placed at the disposal of the Director.

(4) Any trophy or other article, other than a Government trophy, placed at the disposal of the Director under this section shall be deemed to be a Government trophy."

11. Section 83 of the principal Act is hereby amended-

Amendment
of section 83

- (a) in subsection (1) (a) (iii), by deleting the word "three- and substituting for it the word "ten ;
- (b) by deleting the full-stop at the end of subsection (1) (b) and substituting for it a semicolon;
- (c) by adding, immediately after subsection (1) (b), the following paragraph: --

"(c) notwithstanding the provisions of paragraph (b), the reward may be paid as soon as possible in each, case in which an order under section 70A has been made by the court placing the articles concerned at the disposal of the Director."

12. The principal Act is hereby amended by adding, immediately after section 83, the following new sections: -

Addition of
new sections
83A and 83B

"Registration of past offenders"

83A.-(1) As soon as possible after the coming into operation of this Act, the Minister shall, after consultation with the Minister for the time being responsible for Home Affairs, by direction published in the, *Gazette*, provide for an appropriate Procedure for the registration of Persons previously convicted of offences and sentenced in accordance with subsection (2).

(2) As soon as possible after the publication of directions under subsection (1), the Director shall cause to be registered the name of every person who, within three years prior to the

Continuous
registrations
of offender
under this
Act

coming into operation of this Act, was convicted of any of the offences, and sentenced to the extent, specified in section 83B (1), together with the particulars required to be registered under that section in respect of each of those persons.

83B,(1) If any person is convicted of an offence against this Act, consisting of-

- (a) hunting, capturing, killing or wounding any animal in any game reserve or game controlled area, without the permission in writing of the Director;
- (b) hunting any specified animal or scheduled animal, without a licence or, as the case may be, a permit granted by the Minister;
- (d) unlawfully hunting any specified or scheduled animal; or
- (d) being in unlawful possession of, or unlawfully having under his control, custody or care, any animal or trophy,

and is sentenced to imprisonment for a term of two or more years, the Director shall cause to be registered in respect of that person-

- (i) his name;
- (d) his address, if any or his place of domicile within the United Republic;
- (iii) the nature of the offence he committed; and
- (iv) the fine, forfeiture or other penalty imposed on him.

(2) Every person leading the case for the prosecution of a person, who is convicted of any of the offences, and sentenced to the extent, specified in subsection (1) shall, as soon as practicable, after such conviction, notify the Director or his representative of that conviction and of such particulars as the Minister may, after consultation with the Minister for the time being responsible for Home Affairs by order in the *Gazette*, prescribe.

(3) The Director shall cause to be kept and maintained a register in which there shall be recorded the name of every person convicted of any of the offences, and sentenced to the extent, specified in subsection (1), together with the particulars required to be registered under that section in respect of each such person.

(4) Notwithstanding the provisions of any written law to the contrary, the Minister for the time being responsible for Home Affairs shall, after consultation with the Minister,

cause every person convicted of any of -the offences, and sentenced to the extent, specified in subsection (1) and who is not a, citizen of the! United Republic, to be declared an undesirable immigrant and to be deported forthwith."

Passed in the National Assembly on the twenty-fifth day of July, 1978.



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Clerk of the National Assembly

