

Tanzania

Fugitive Offenders (Pursuit) Act

Chapter 57

Legislation as at 31 July 2002

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Fugitive Offenders (Pursuit) Act

Chapter 57

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[This is the version of this document at 31 July 2002.]

[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]

[G.N. No. 188 of 1969; Act No. 1 of 1969]

An Act to make provision for enabling the police of certain contiguous countries to be authorised to pursue within the United Republic offenders fugitive from such countries.

1. Short title

This Act may be cited as the Fugitive Offenders (Pursuit) Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"**extradition crime**" shall have the meaning ascribed to that term in the Extradition Act ¹;

"**fugitive offender**" or "offender" means any person accused or convicted of an extradition crime committed within the jurisdiction of any contiguous country to which this Act applies who is, or is suspected of being, in Tanzania;

"**magistrate**" means a resident magistrate;

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

"**police**" in relation to any contiguous country means a member of the Police Force established by or under any law of that country and includes any person having powers of arrest under any law of that country.

3. Application of the Act

Where the Minister is satisfied that reciprocal provision has been or will be made by or under the law of any contiguous country authorising the police of the United Republic to enter such country in pursuit of a person who has committed or is reasonably suspected of having committed an extradition crime in the United Republic he may, by order published in the *Gazette*, declare that this Act shall apply in the case of that country subject to such conditions, exceptions and qualifications as may be specified in the order and this Act shall apply accordingly.

4. Right of pursuit

Where an order is made under [section 3](#) in respect of any contiguous country the police of that country may enter such area of the United Republic as may be defined in the order in pursuit of any person who

has committed, or is reasonably suspected of having committed, an extradition crime in that country and may arrest such person within such area.

5. Arrested person to be delivered to local police

Where the police of any contiguous country, acting under the powers conferred upon them by this Act, arrests any person, they shall forthwith deliver the person to a police officer in Tanzania who shall, as soon as practicable after such delivery to him, bring such person before a magistrate having jurisdiction over the area within which such person was arrested.

6. Return of offender

- (1) Where a fugitive offender is brought before a magistrate pursuant to the provisions of [section 5](#), and the magistrate is satisfied that such offender is required by the contiguous country for the trial of an extradition crime, he may, subject to such provisions of the Extradition Act ² as shall apply by virtue of the provisions of [section 7](#), order the offender to be returned to the contiguous country from which he is a fugitive and, for that purpose, to be delivered into the custody of the police of that country and to be held in custody and conveyed into that country.
- (2) The magistrate shall, so far as is requisite for the exercise of the powers of this section, have the same power, including the power to remand and admit to bail an offender, as he has in the case of a person arrested under a warrant issued by him.

7. Certain provisions of the Extradition Act to apply

- (1) The provisions of Part III and Part IV of the Extradition Act shall apply, *mutatis mutandis*—
 - (a) in relation to the return, restrictions on return, escape from custody and discharge of every fugitive offender brought before a magistrate under this Act, as if such offender were a criminal fugitive arrested pursuant to a warrant or a provisional warrant under section 12 or 13 of the Extradition Act ³;
 - (b) to all proceedings before a magistrate under this Act, as if such proceedings were proceedings under Part III of the Extradition Act ⁴,and a fugitive offender under this Act shall have the same right of appeal and the right to apply for directions in the nature of a writ of *habeas corpus* as has a fugitive criminal arrested pursuant to the provisions of Part III of the Extradition Act ⁵.
- (2) The provisions of section 18 and section 19 of the Extradition Act ⁶ shall apply in respect of proceedings under this Act to the same extent as they apply to proceedings under Part III of the Extradition Act.

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[Cap. 368](#)

3

[Cap. 368](#)

4

[Cap. 368](#)

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[Cap. 368](#)

6

[Cap. 368](#)

- (3) Rules made under section 22 of the Extradition Act ⁷ shall, in so far as they may be applicable, govern appeals to the High Court under this Act.

8. Power of the Minister to order discharge

- (1) If, in any case which is brought to his attention, the Minister is of the opinion that the circumstances of the case so require, he may, at any time before the offender has been conveyed to the contiguous country concerned, order the offender to be discharged and upon such order being made the offender shall forthwith be discharged and any proceedings against such offender under this Act, pending at the time when such order is made, shall be discontinued.
- (2) An order made under this section shall be final and shall not be subject to review by any court.

9. Repeal of R.L. Cap. 57

[Repeals the Fugitive Offenders (Pursuit) Ordinance.]

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