

Tanzania

Newspapers Act Chapter 229

Legislation as at 31 July 2002

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Tanzania

Newspapers Act

Chapter 229

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[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. 189 of 1976; Acts Nos. 3 of 1976; 10 of 1994]

An Act to provide for the registration and regulation of, and other matters relating to, newspapers.

Part I – Preliminary provisions (ss 1-4)

1. Short title

This Act may be cited as the Newspapers Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"**Minister**" means the Minister for the time being responsible for matters relating to newspapers;

"**newspaper**" means any paper containing news, or intelligence, or reports of occurrences of interest to the public or any section thereof, or any views, comments or observations thereon, printed for sale or distribution and published in Tanzania periodically or in parts or numbers;

"**print**" means produce or reproduce words or pictures in visible form by printing, writing, typewriting, duplicating, cyclostyling, lithography, photography or any other mode of representing the same in visible form, but does include the representation of words or pictures by means of cinematography or television;

"**Registrar**" means the person appointed to be the Registrar of Newspapers under [section 3](#), and includes a person appointed under that section to be a Deputy or Assistant Registrar.

3. Appointment of Registrar, etc.

The Minister shall, by notice in the *Gazette*, appoint a public officer to be the Registrar of Newspapers to perform the duties and exercise the powers imposed and conferred on the Registrar by this Act and any regulations made hereunder, and may appoint from among public officers a Deputy Registrar and as many Assistant Registrars of Newspapers as the Minister shall consider necessary, who shall be subject to the directions of the Registrar.

4. Registers

The Registrar shall keep registers in the prescribed forms in which he shall register the affidavits delivered to him under [section 6](#), the returns in respect of newspapers made to him under [section 10](#), and the bonds delivered to him under [sections 13](#) and [14](#), and shall enter therein such other particulars and matters as may be prescribed.

Part II – Registration of newspapers (ss 5-12)

5. Application of this Part and exclusions

- (1) This Part shall apply to every newspaper other than a newspaper to which any notice issued under subsection (2) of this section applies.
- (2) The Minister may, by notice in the *Gazette*, exclude any newspaper or class of newspapers from the operation of all or any of the provisions of this Part either absolutely or subject to such conditions as he may think fit.

6. Affidavit required from the proprietor, printer and publisher of a newspaper

No person shall print or publish or cause to be printed and published in Tanzania any newspaper, unless the proprietor, printer and publisher shall each have previously made, signed and sworn before a magistrate and registered in the office of the Registrar in the prescribed manner and delivered by him to the Registrar, an affidavit containing the following information—

- (a) the correct title or name of the newspaper;
- (b) a true description of the house or building wherein such newspaper is intended to be printed; and
- (c) the real and true names and places of residence of the persons intended to be proprietor, printer and publisher of the newspaper.

7. New affidavit when required

Wherever any of the proprietors, printers or publishers named in an affidavit registered under [section 6](#) are changed or change their printing house, place of residence or office and as often as the title or name of the newspaper is changed, then and in every such case the proprietors, printers and publishers shall make, sign, swear and register in the office of the Registrar in the prescribed manner a new affidavit which shall contain all the information required by [section 6](#) to be contained in an affidavit.

8. Affidavit by company

When a company is the proprietor, printer or publisher of a newspaper the affidavit required by [section 6](#) shall be made, signed and sworn by the secretary or one of the directors of the company.

9. Copies of newspapers to be delivered to Registrar

- (1) The printer and publisher of every newspaper printed in Tanzania shall, upon every day which the newspaper is published, at his own expense deliver, or send by registered post to the Registrar a copy of every newspaper so published and a copy of every supplement thereto, if any.
- (2) The copies referred to in subsection (1) shall be of the paper on which the largest number of copies of the newspaper are printed and published, and shall be in the like condition as the copies prepared for sale or distribution.
- (3) The copies delivered to the Registrar under this section shall be kept by the Registrar for the purpose of record in such place or manner, or otherwise dealt with or disposed of in such manner or for such purposes, as the Minister may approve or prescribe.

10. Return of newspapers to be made to Registrar

- (1) The publisher for the time being of every newspaper printed in Tanzania shall, within fourteen days after the date on which it is first published, and in the month of January in every year thereafter, make, sign and deliver, or send by registered post, to the Registrar a return in the prescribed form in respect of such newspaper.

- (2) If, after any return has been delivered or sent pursuant to the provisions of subsection (1) and before the next succeeding return in respect of the same newspaper is delivered or sent, any change occurs in any of the particulars returned, other than a change in circulation, the publisher for the time being of the newspaper shall, within thirty days of the change occurring, make, sign and deliver, or send by registered post, to the Registrar a return in the prescribed form.

11. Publication of registration of newspapers

- (1) The Registrar shall cause to be published in the *Gazette* as soon as may be practicable after registration, all the information required by [section 6](#) to be contained in an affidavit.
- (2) The Registrar shall cause to be published in the *Gazette*, as soon as conveniently may be after January in each year, a list containing particulars of all registered newspapers remaining on the register at the close of the previous year.

12. Penalties under Part II

Any person who—

- (a) prints or publishes or causes to be printed and published any newspaper printed in Tanzania in contravention of any of the provisions of [section 6](#); or
- (b) publishes any newspaper printed in Tanzania and fails to comply with any of the provisions of sections [7](#), [9](#) or [10](#); or
- (c) makes a return under [section 10](#) which he knows to be false or does not believe to be true in any particular,

shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding four years or to both.

Part III – Bonds (ss 13-17)

13. Minister may require publisher to execute and register bond

- (1) The Minister may by notice in writing require any publisher of a newspaper to execute and register in the office of the Registrar a bond in the prescribed form in such sum as may be specified in the notice with one or more sureties as may be required and approved by the Minister.
- (2) Every bond required under subsection (1) shall be conditioned—
 - (a) for the payment of any monetary penalty that may at any time be imposed or adjudged against the publisher or any person acting for him in his absence upon his conviction for any offence under this Act or under any other written law, committed after the execution of the bond, and relating to the printing or publication of the newspaper or of any matter therein and all costs incidental thereto; and
 - (b) for the payment of all such damages and costs as may be awarded to the plaintiff in any action or proceedings brought at any time after the execution of the bond in respect of any matter printed or published in the newspaper.
- (3) Where the person required to execute a bond under this section is a company, the bond shall be executed under its title of incorporation and under the hand of the secretary and any two directors and under the common or corporate seal of such company, and by such sureties as the Minister may require and approve.
- (4) Every bond required by this Act shall be executed in the presence of a magistrate, and of one witness not being a party thereto, each of whom shall subscribe his name, with the addition of his place of residence or business, and his office, profession or occupation.

- (5) A bond entered into under this section may be endorsed before any magistrate in the same manner as a bond under the Criminal Procedure Act¹.

14. New bond in certain cases

Whenever—

- (a) a surety—
- (i) gives notice of his desire to withdraw from a bond under the provisions of [section 15](#); or
 - (ii) dies; or
 - (iii) leaves the United Republic without leaving property therein sufficient and available to satisfy the full sum for which he is bound as a surety; or
 - (iv) has been declared bankrupt or has made a composition with his creditors; or
 - (v) pays the whole or any part of the sum for which he is bound as a surety; or
- (b) a bond under this Part is enforced against a printer or publisher liable thereunder as a principal,

the printer or publisher, as the case may be, shall within thirty days thereafter, execute and register in the office of the Registrar, in the manner provided by [section 13](#), a new bond for the same purpose and in the same sum; and upon the completion of such execution and registration the old bond shall thereby be discharged:

Provided that all persons liable, whether as principals or sureties, under the old bond shall continue to be liable thereunder in respect of any penalties and costs imposed or adjudged and any damages and costs awarded or arising in respect of any proceedings commenced, before the discharge of the old bond.

15. Withdrawal of surety

If any surety desires to withdraw from a bond given under this Act, and gives to the Minister and to all other persons bound thereby not less than thirty days' notice in writing of such desire he shall, on the expiration of the period of such notice, be discharged from his suretyship under the bond:

Provided that the surety shall continue to be liable under the bond in respect of any penalties and costs imposed or adjudged, and any damages and costs awarded or arising in respect of any proceedings commenced before his discharge from his suretyship under the bond.

16. Minister may call on obligor or surety to satisfy him as to means

- (1) The Minister may at any time during the continuance of a bond given under this Act by notice in writing served personally or sent by post to the last known address call upon the obligor, surety or any other person liable under the bond to satisfy the Minister as to his means and for that purpose the Minister may require a statutory declaration giving particulars as to means.
- (2) Upon the failure of such obligor, surety or other person to satisfy the Minister as to means, the bond shall become void and the Minister shall thereupon notify in writing all parties thereto to that effect.

¹

17. Penalty for publishing, etc., newspaper without bond

Where any person is required to execute and register a bond under [section 13](#) or [section 14](#), any person who—

- (a) prints or publishes or causes to be printed or published any newspaper without having complied with the provisions of [section 13](#) or, as the case may be, [section 14](#); or
- (b) sells any newspaper which he knows or has reason to believe has been printed and published in contravention of the provisions of [section 13](#) or, as the case may be, [section 14](#),

shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding two years or to both.

Part IV – General provisions relating to newspapers (ss 18-25)

18. Evidentiary value of copies and extracts, and of certificates

- (1) Every copy of an entry in, and every extract from, a register kept under this Act, certified under the hand of the Registrar to be a true copy or extract shall, in all legal proceedings, be conclusive evidence of the contents of the register in so far as the same appear in such copy or extract, and *prima facie* evidence of the facts appearing therein.
- (2) A certificate under the hand of the Registrar stating that he has or has not received any notice or return under this Act or any regulations made hereunder, or that he received such a notice or return on, or did not receive such a notice or return by or before, a specified date shall, in all legal proceedings, be *prima facie* evidence of the facts stated therein.
- (3) A certificate under subsection (1) or subsection (2), purporting to be signed by the Registrar shall be presumed, until the contrary is proved, to have been signed by him.
- (4) No process for compelling the production of any newspaper, register or document kept by, or in the possession or custody of, the Registrar shall issue from any court except with the leave of that court, and any such process issued with such leave shall bear a statement that it is so issued.

19. When proof of purchase of newspaper unnecessary

After production in evidence of any affidavit, or a certified copy thereof, against the person who signed and made such affidavit or the person named in such affidavit, and after the newspaper has been produced in evidence having the same title or name as that contained in the affidavit, or copy thereof, and in which the name of the printer and publisher and the place of printing is the same as the name of the printer and publisher and the place of printing mentioned in the affidavit, or copy thereof, it shall not be necessary for the informant or prosecutor to prove that the newspaper to which the trial relates was purchased at any house, shop or office belonging to or occupied by the accused, or by his agent or servant, or where such printer or publisher usually carries on the business of printing and publishing such newspaper, or where the same is usually sold.

20. Name and address of printer, etc., to be printed on newspaper

- (1) Each copy of every newspaper and each copy of every supplement printed within Tanzania shall have printed legibly on the first or last printed page the true and real name and address of its printer and of its publisher and the true and real description of the place of printing and of publication.
- (2) Any person who prints, publishes, sells, distributes or assists in selling or distributing any newspaper which does not comply with the requirements of subsection (1) shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding twelve months or to both; and in addition the court before

whom such person is convicted may order all copies of the newspaper in respect of which the offence was committed in the custody of the court or in possession of the offender to be forfeited or destroyed.

21. Printer to keep copy of newspaper and produce same on demand

- (1) Every person who prints a newspaper shall for a period of six months after the date of the printing thereof keep one copy of the newspaper on which he shall write or print the name and the business, residential or postal address of the person by whom he was engaged to print it, and shall forthwith produce the same to the Registrar or to any court, judge or magistrate if he is required, by notice in writing so to do.
- (2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding twelve months or both.

22. Power to seize certain newspapers and search premises

- (1) Any police officer may seize any newspaper, wherever found, which has been printed or published or which he reasonably suspects to have been printed or published, in contravention of this Act.
- (2) Any magistrate may by warrant authorise any police officer of or above the rank of Inspector, with or without assistance, to enter and search any place where it is reasonably suspected that any newspaper printed or published in contravention of this Act is being kept or that any offence under this Act or any regulations made hereunder has been or is being or is about to be committed and to seize any newspaper found therein which he reasonably suspects to have been so printed or published, together with any other evidence of the commission of an offence under this Act or any regulations hereunder which may be found there.
- (3) If any police officer of or above the rank of Inspector has reasonable cause to believe that the delay which would occur in obtaining a search warrant under subsection (2) would or would tend to defeat the purpose of this Act, he may, without warrant, exercise the powers described in that subsection as if he had obtained a search warrant under that subsection.
- (4) Any newspaper or other thing seized under this section shall be brought as soon as practicable before a magistrate who may, if he is satisfied that the newspaper was printed or published in contravention of this Act or any regulations hereunder, or that such other thing has been used in the commission of an offence under this Act or any regulations hereunder order the same to be forfeited or destroyed.

23. Cancellation of affidavits registered

- (1) The Minister shall from time to time cause a review to be made of all affidavits registered for the purposes of [section 6](#) and if on such review it shall appear to him that any affidavit so registered relates to a newspaper of which no issue has been published for a period of three years immediately preceding the date of such review, the Minister may cause to be published in two consecutive issues of the *Gazette* notice of his intention to cancel the registration of such affidavit unless within a time to be stated in the notice the proprietor, printer and publisher of the newspaper notify him in writing of their intention to resume publication of such newspaper.
- (2) If after the publication in the *Gazette* of a notice under subsection (1)—
 - (a) notification of the nature mentioned in subsection (1) is not received by the Minister within the time stated in such notice; or

- (b) notification of the nature mentioned in subsection (1) is received by the Minister within the time stated in such notice, but no issue of the newspaper is in fact published within a period of three months after receipt of such notification,

the Minister may, by a further notice in the *Gazette*, declare that the affidavit registered in respect of such newspaper has been cancelled.

- (3) As from the date of publication of any notice under subsection (2) cancelling any affidavit—
 - (a) such affidavit shall be deemed not to have been registered for the purposes of [section 6](#); and
 - (b) any bond registered or any guarantee given under this Act by or on behalf of the publisher of any newspaper to which such affidavit relates shall be deemed to be void.

24. Inspection of registers, etc., and provision of copies of and extracts from registers

- (1) Any person may, during the usual hours of business and on payment of the prescribed fee, inspect a register, or require to be supplied with a copy of or an extract from any subsisting entry in a register, certified by the Registrar to be a true copy or extract.
- (2) Any person may, during the usual hours of business and on payment of the prescribed fee and subject to such conditions as may be prescribed, inspect any newspaper kept by the Registrar under this Act for the purpose of record.

25. Minister may prohibit publication of newspaper

- (1) Where the Minister is of the opinion that it is in the public interest or in the interest of peace and good order so to do, he may, by order in the *Gazette*, direct that the newspaper named in the order shall cease publication as from the date (hereinafter referred to as "the effective date") specified in the order.
- (2) Every order made under subsection (1) shall specify—
 - (a) the title or name of the newspaper in respect of which it is made;
 - (b) the names of the proprietor, printer and publisher of such newspaper:

Provided that no such order under subsection (1) shall be invalid by reason of non-description or misdescription of the proprietor, printer or publisher or any of them.

- (3) Where an order under subsection (1) is made in respect of any newspaper—
 - (a) any person who, on or after the effective date, prints or publishes or causes to be printed or published the newspaper named in the order shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding four years or to both;
 - (b) any person who, on or after the effective date, sells, offers for sale or exposes for sale, distributes or exhibits, or causes to be exhibited in any public place any copy or part of a copy of the newspaper named in the order, whether or not such copy or part was printed or published prior to the effective date, shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding two years or to both.
- (4) For the purpose of paragraph (b) of subsection (3) "public place" includes any public way and any building, place or conveyance to which, for the time being, the public are entitled or permitted to have access either without any condition or on condition of making any payment, and any building or place which is for the time being used for any public or religious meeting or assembly or as an open court.

Part V – Offences against the Republic (ss 26-37)

26. Interpretation of this Part

For the purposes of this Part—

"**publication**" includes all written and printed matter, and any gramophone or other record, perforated roll, recording tape or wire, cinematograph film or other contrivance by means of which any words or ideas may be mechanically produced, represented or conveyed, and everything whether of a nature similar to the foregoing or not, containing any visible representation or by its form, shape or other characteristics, or in any manner capable of producing, representing or conveying words or ideas and every copy or reproduction of any publication;

"**periodical publication**" includes every publication issued periodically or in parts or numbers at intervals whether regular or irregular;

"**sedition publication**" means a publication having a seditious intention.

27. Power to prohibit importation of publication

- (1) If the President is of the opinion that the importation of any publication would be contrary to the public interest he may, in his absolute discretion, by order, prohibit the importation of such publication, and in the case of a periodical publication may, by the same or a subsequent order, prohibit the importation of any part or future issue thereof.
- (2) If the President is of the opinion that the importation of the publications of any specified person would be contrary to the public interest he may, in his absolute discretion, by order prohibit, either absolutely or subject to specified exceptions or conditions, the importation of the future publications of such person.

28. Offences in relation to publications, the importation of which is prohibited

- (1) Any person who imports, publishes, sells, offers for sale, distributes or produces any publication, the importation of which has been prohibited under [section 27](#) or any extract therefrom, shall be guilty of an offence and shall be liable upon conviction for the first offence to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding two years or to both and for a subsequent offence to a fine not exceeding fifteen thousand shillings or to imprisonment for a term not exceeding three years; and such publication or extract therefrom shall be forfeited to the Government.
- (2) Any person who, without lawful excuse, has in possession any publication the importation of which has been prohibited under [section 27](#) or any extract therefrom, shall be guilty of an offence and shall be liable upon conviction for the first offence to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding twelve months or to both and for a subsequent offence to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding two years; and such publication or extract therefrom shall be forfeited to the Government.

29. Delivery of prohibited publication to administrative officer or to police station

- (1) Any person to whom any publication, the importation of which has been prohibited under [section 27](#), or any extract therefrom, is sent without his knowledge or privity or in response to a request made before the prohibition of the importation of such publication came into effect or who has such a publication or extract therefrom in his possession at the time when the prohibition of its importation comes into effect, shall forthwith, or as soon as the nature of its contents have become known to him, or in the case of a publication or extract therefrom coming into the possession of such person before an order prohibiting its importation has been made, forthwith upon the coming into effect of an order prohibiting the importation of such publication, deliver such

publication or extract therefrom to the nearest administrative officer or to the officer in charge of the nearest police station, and in default thereof shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding twelve months or to both; and such publication or extract therefrom shall be forfeited to the Government.

- (2) Any person who complies with the provisions of subsection (1) or who is convicted of an offence under that subsection, shall not be liable to be convicted for having imported or having in his possession the same publication or extract therefrom.

30. Power to examine packages

- (1) Any of the following officers, that is to say—

- (a) any officer of the Tanzania Posts Corporation not below the rank of Postmaster;
- (b) any officer of the Customs Department not below the rank of Supervisor;
- (c) any police officer not below the rank of Inspector;
- (d) any other officer authorised in that behalf by the Minister responsible for home affairs,

may detain, open and examine any package or article which he suspects to contain any publication or extract therefrom which is prohibited under the provisions of [section 28](#) of this Act to import, publish, sell, offer for sale, distribute, reproduce or possess and, during such examination, may detain any person importing, distributing or posting such package or article in whose possession such package or article is found.

- (2) If any such publication or extract therefrom is found in such package or article, the whole package or article may be impounded and retained by the officer and the person importing, distributing or posting it, or in whose possession it is found, may forthwith be arrested and proceeded against for the commission of an offence under [section 28](#) or [section 29](#), as the case may be.

31. Seditious intention

- (1) A "seditious intention" is an intention—

- (a) to bring into hatred or contempt or to excite disaffection against the lawful authority of the United Republic or the Government thereof; or
- (b) to excite any of the inhabitants of the United Republic to attempt to procure the alteration, otherwise than by lawful means, of any other matter in the United Republic as by law established; or
- (c) to bring into hatred or contempt or to excite disaffection against the administration of justice in the United Republic; or
- (d) to raise discontent or disaffection amongst any of the inhabitants of the United Republic; or
- (e) to promote feelings of ill-will and hostility between different categories of the population of the United Republic.

- (2) An act, speech or publication is not seditious by reason only that it intends—

- (a) to show that the Government has been misled or mistaken in any of its measures; or
- (b) to point out errors or defects in the government or constitution of the United Republic as by law established or in legislation or in the administration of justice with a view to the remedying of such errors or defects; or
- (c) to persuade any inhabitants of the United Republic to attempt to procure by lawful means the alteration of any matter in the United Republic as by law established; or

- (d) to point out, with a view to their removal, any matters which are producing or have a tendency to produce feelings of ill-will and enmity between different categories of the population of the United Republic.
- (3) In determining whether the intention with which any act was done, any words spoken or any document was published, was or was not seditious, every person shall be deemed to intend the consequences which would naturally follow from his conduct at the time and in the circumstances in which he so conducted himself.

32. Seditious offences

- (1) Any person who—
- (a) does or attempts to do, or makes any preparation to do, or conspires, with any person to do, any act with a seditious intention;
 - (b) utters any words with a seditious intention;
 - (c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication;
 - (d) imports any seditious publication, unless he has no reason to believe that it is seditious,
- shall be guilty of an offence and shall be liable upon conviction for the first offence to a fine not exceeding ten hundred thousand shillings or to imprisonment for a term not exceeding two years or to both; and for a subsequent offence to a fine not exceeding fifteen hundred thousand shillings or to imprisonment for a term not exceeding three years or to both; and such publication shall be forfeited to the Government.
- (2) Any person who, without lawful excuse, has in his possession any seditious publication shall be guilty of an offence and shall be liable upon conviction for the first offence to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding twelve months or to both; and for a subsequent offence to a fine not exceeding ten hundred thousand shillings or to imprisonment for a term not exceeding two years or to both.
- (3) It shall be a defence to a charge under subsection (2), if the person charged did not know that the publication was seditious when it came into his possession, or if he did, as soon as the nature of the publication became known to him, he delivered the publication to the nearest administrative officer or to the officer in charge of the nearest police station.
- (4) A printing machine which has been, or is reasonably suspected of being, used for or in connection with the printing or reproduction of a seditious publication may be seized or otherwise secured by a police officer pending the trial and conviction or discharge or acquittal of any person accused of printing or reproducing any seditious publication; and, when any person is convicted of printing or reproducing a seditious publication, the court may, in addition to any other penalty which it may impose, order that the printing machine on which the publication was printed or reproduced shall be either confiscated for a period not exceeding twelve months, or forfeited to the Government, and may make such order whether or not the person convicted is, or was at the time when the publication was printed or reproduced, the owner of the printing machine.
- (5) A printing machine forfeited under subsection (4) shall be sold, and the proceeds less expenses shall be paid into the Treasury.
- (6) When the proprietor, publisher, printer or editor of a newspaper is convicted of printing or publishing a seditious publication in a newspaper, the court may, in addition to any other penalty it may impose, and whether or not it has made any order under subsection (4) make an order prohibiting any further publication of the newspaper for a period not exceeding twelve months.
- (7) The court may, at any time, on the application of the Attorney-General and on taking such security, if any, for good behaviour as the court may see fit to order, revoke any order made by it for forfeiting or confiscating a printing machine or prohibiting further publication of a newspaper.

- (8) A court before ordering the forfeiture or confiscation of a printing machine under this section shall be satisfied that the printing machine was the printing machine upon which the seditious publication was printed or reproduced.
- (9) In any case in which a printing machine has been secured or confiscated under this section, the Inspector-General of Police may, in his discretion, cause—
- (a) the printing machine or any part of it to be removed; or
 - (b) any part of the machine to be sealed so as to prevent its use:

Provided that the owner of the printing machine or his agents shall be entitled to reasonable access to it to keep it in working order.

- (10) The Inspector-General of Police or any police officer acting in pursuance of the powers conferred by this section shall not be liable for any damage caused to a printing machine, whether by neglect or otherwise, not being damage wilfully caused to the machine.
- (11) Any person who uses or attempts to use a printing machine secured or confiscated under subsection (4) shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding fifteen thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.
- (12) Any person who prints or publishes a newspaper in contravention of an order made under subsection (6) shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding fifteen thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.
- (13) In this section the expression "printing machine" includes a printing press, copying press, type-setting machine, photographic, duplicating or engraving apparatus, or other machine or apparatus used for or in connection with printing or reproducing publications, and the type, appurtenances and equipment thereof.

33. Legal proceedings

- (1) No prosecution for an offence under [section 32](#) shall be begun except within six months after the offence was committed:

Provided that where a person—

- (a) commits such an offence from outside the United Republic; or
- (b) leaves Tanzania within a period of six months after committing such an offence,

the prosecution for such an offence shall be begun within six months from the date when such person first arrives in, or returns to, the United Republic after—

- (i) committing such an offence; or
- (ii) leaving Tanzania as the case may be.

- (2) A person shall not be prosecuted for an offence under [section 32](#) without the written consent of the Director of Public Prosecutions.

34. Evidence

No person shall be convicted of an offence under [section 32](#) on the uncorroborated testimony of one witness.

35. Definition of overt act

In the case of any of the offences defined in this Part, when the manifestation by an overt act of the intention to effect any purpose is an element of the offence, every act of conspiring with any person to effect that purpose, and every act done in furtherance of the purpose by any of the persons conspiring is deemed to be an overt act manifesting the intention.

36. Publication of false news likely to cause fear and alarm to the public

- (1) Any person who publishes any false statement, rumour or report which is likely to cause fear and alarm to the public or to disturb the public peace shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding fifteen hundred thousand shillings or to imprisonment for a term not exceeding three years or to both.
- (2) It shall be a defence to a charge under subsection (1) if the accused proves that, prior to publication, he took such measures to verify the accuracy of such statement, rumour or report as to lead him reasonably to believe that it was true.

37. Incitement to violence

- (1) Any person who, without lawful excuse, prints, publishes, or to any assembly makes any statement indicating or implying that it would be incumbent or desirable to do without lawful authority any act calculated to—
 - (a) bring death or physical injury to any person or to any category or community of persons; or
 - (b) lead to destruction or damages of any property,shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding fifteen hundred thousand shillings or to imprisonment for a term not exceeding three years or to both.
- (2) For the purposes of this section "an assembly" means a gathering of three or more persons.
- (3) A person shall not be prosecuted for an offence under this section without the written consent of the Director of Public Prosecutions.

Part VI – Defamation (ss 38-47)

38. Definition of libel

Any person who, by print, writing, printing, effigy or by any means otherwise than solely by gestures, spoken words or other sounds, unlawfully publishes any defamatory matter concerning another person, with intent to defame that other person, shall be guilty of the offence termed "libel".

39. Definition of defamatory matter

Defamatory matter is matter likely to injure the reputation of any person by exposing him to hatred, contempt or ridicule, or likely to damage any person in his profession or trade by an injury to his reputation; and it is immaterial whether at the time of the publication of the defamatory matter the person concerning whom such matter is published is living or dead:

Provided that no prosecution for the publication of defamatory matter concerning a dead person shall be instituted without the written consent of the Director of Public Prosecutions.

40. Definition of publication

- (1) A person publishes a libel if he causes the print, writing, painting, effigy or other means by which the defamatory matter is conveyed, to be dealt with, either by exhibition, reading, recitation,

description, delivery or otherwise, so that the defamatory meaning thereof becomes known or is likely to become known to either the person defamed or any other person.

- (2) It is not necessary in a case of libel that the defamatory meaning should be directly or completely expressed; and it suffices if such meaning and its application to the person alleged to be defamed can be collected either from the alleged libel itself or from any extrinsic circumstances or partly from the one and partly from the other means.

41. Definition of unlawful publication

Any publication of defamatory matter concerning a person is unlawful within the meaning of this Part, unless—

- (a) the matter is true and it was for the public benefit that it should be published; or
- (b) it is privileged on one of the grounds hereafter mentioned in this Part.

42. Cases in which publication of defamatory matter is absolutely privileged

- (1) The publication of defamatory matter is absolutely privileged, and no person shall under any circumstances be liable to punishment under this Act in respect thereof, in any of the following cases, namely if—
- (a) the matter is published by the President, the Government or the National Assembly, in any official document or proceedings; or
 - (b) the matter is published in the National Assembly, by the President, the Government or by any member of the National Assembly or the Speaker; or
 - (c) the matter is published by order of the President or the Government; or
 - (d) the matter is published concerning a person subject to military or naval discipline for the time being, and relates to his conduct as a person subject to such discipline, and is published by some person having authority over him in respect of such conduct; or
 - (e) the matter is published in the course of any judicial proceedings by a person taking part therein as a judge or magistrate or commissioner or advocate or assessor or witness or party thereto; or
 - (f) the matter published is in fact a fair report of anything said, done or published in the National Assembly; or
 - (g) the person publishing the matter is legally bound to publish it.
- (2) Where a publication is absolutely privileged, it is immaterial for the purposes of this Part whether the matter be true or false, and whether it be known or be not known or believed to be false, and whether it be or not published in good faith:

Provided that nothing in this section shall exempt any person from any liability to punishment under any other Part of this Act or under any other written law in force within Tanzania.

43. Cases in which publication of defamatory matter is conditionally privileged

A publication of defamatory matter is privileged on condition that it was published in good faith, if the relation between the parties by or to whom the publication is made is such that the person publishing the matter is under some legal, moral or social duty to publish it to the person to whom the publication is made or has a legitimate personal interest in publishing it, provided that the publication does not exceed either in extent or matter what is reasonably sufficient for the occasion, and in any of the following cases, namely if—

- (a) the matter published is in fact a fair report of anything said, done or shown in a civil or criminal inquiry or proceeding before any court:

Provided that if the court prohibits the publication of anything said or shown before it, on the ground that it is seditious, immoral or blasphemous, the publication thereof shall not be privileged; or

- (b) the matter published is a copy or reproduction, or in fact a fair abstract, of any matter which has been previously published, and the previous publication of which was or would have been privileged under [section 42](#); or
- (c) the matter is an expression of opinion in good faith as to the conduct of any person in a judicial, official or other public capacity, or as to his personal character so far as it appears in such conduct; or
- (d) the matter is an expression of opinion in good faith as to the conduct of a person in relation to any public question or matter, or as to his personal character so far as it appears in such conduct; or
- (e) the matter is an expression of opinion in good faith as to the conduct of any person disclosed by evidence given in a public legal proceeding, whether civil or criminal, as to the conduct of any person as a party, witness or otherwise in any such proceeding, or as to the character of any person so far as it appears in any such conduct as in this paragraph mentioned; or
- (f) the matter is an expression of opinion in good faith as to the merits of any book, writing, painting, speech or other work, performance or act published or publicly done or made or submitted by a person to the judgment of the public, or as to the character of the person so far as it appears therein; or
- (g) the matter is a censure passed by a person in good faith on the conduct of another person in any matter in respect of which he has authority, by contract or otherwise, over the person, or on the character of the other person, so far as it appears in such conduct; or
- (h) the matter is a complaint or accusation made by a person in good faith against another person in respect of his conduct in any matter, or in respect of his character so far as it appears in such conduct, to any person having authority, by contract or otherwise, over that other person in respect of such conduct or matter, or having authority by law to inquire into or receive complaints respecting such conduct or matter; or
- (i) the matter is published in good faith for the protection of the rights or interests of the person who publishes it, or of the person to whom it is published or of some person in whom the person to whom it is published is interested.

44. Explanation as to good faith

A publication of defamatory matter shall not be deemed to have been made in good faith by a person, within the meaning of [section 43](#), if it is made to appear either that—

- (a) the matter was untrue, and that he did not believe it to be true; or
- (b) the matter was untrue, and that he published it without having taken reasonable care to ascertain whether it was true or false; or
- (c) in publishing the matter, he acted with intent to injure the person defamed in a substantially greater degree or substantially otherwise than was reasonably necessary for the interest of the public or for the protection of the private right or interest in respect of which he claims to be privileged.

45. Presumption as to good faith

If it is proved, on behalf of the accused person, that the defamatory matter was published under such circumstances that the publication would have been justified if made in good faith, the publication shall be presumed to have been made in good faith until the contrary is made to appear, either from the libel itself, or from the evidence given on the part of the prosecution.

46. Defamation of foreign dignitary

Any person who, without such justification or excuse as would be sufficient in the case of the defamation of a private person, publishes anything intended to be read, or any sign or visible representation, tending to degrade, revile or expose to hatred or contempt any foreign sovereign ruler, ambassador or other foreign dignitary with intent to disturb peace and friendship between the United Republic and the country to which such ruler, ambassador or dignitary belongs, shall be guilty of the offence of libel.

47. Penalty for libel

Any person convicted of the offence of libel under this Act shall be liable to a fine not exceeding ten hundred thousand shillings or to imprisonment for a term not exceeding two years or to both.

Part VII – Miscellaneous provisions, repeals and amendments (ss 48-55)

48. Offences by corporations, societies, etc.

Where any offence under this Act or any subsidiary legislation made hereunder is committed by a company or other body corporate, or by a society, association or body of persons then, as well as the company or other body corporate, or the society, association or body of persons, every person who, at the time of the commission of the offence, was concerned, as a director or an officer, with the management of the affairs or activities of such company or other body corporate, or society, association or body of persons, shall be guilty of the offence and be liable to be proceeded against and punished accordingly, unless he proves to the satisfaction of the court that he had no knowledge, and could not by the exercise of reasonable diligence have had knowledge of the commission of the offence.

49. Liability of employer or principal

Where an offence under this Act or any subsidiary legislation made hereunder is committed by a person as an agent or employee, then, as well as the agent or employee, the principal or employer shall be guilty of the offence and be proceeded against and punished accordingly, unless he proves to the satisfaction of the court that he had no knowledge, and could not by the exercise of reasonable diligence have had knowledge of the commission of the offence.

50. Service of process and notices

Service of process or notice under this Act or any subsidiary legislation made hereunder shall be good, valid and effectual if the process or notice is served either personally on the person to whom it is addressed or by registered post; and where the person to be served is a company or other body corporate, or a society, association or other body of persons, service of any such process or notice may be effected by serving the same personally on any secretary, director or other officer thereof or on any person concerned or acting in the management thereof, or by leaving it or sending it by registered post addressed to the company, body corporate, society, association or body of persons at its registered office or, where there is no registered office, at any place where it carries on business.

51. Jurisdiction of courts

Notwithstanding the provisions of section 7 of the Criminal Procedure Act², a subordinate court presided over by a district magistrate or a resident magistrate shall have jurisdiction to try any person charged with an offence under this Act and impose upon him the maximum penalty prescribed for the offence.

52. Public officers indemnified

No suit shall lie against any public officer in respect of anything done or omitted to be done by him in good faith in the exercise or purported exercise of any function conferred upon him by this Act.

53. Regulations

The Minister may make regulations for the better carrying into effect of the purposes and provisions of this Act and, without prejudice to the generality of the foregoing, may make regulations prescribing—

- (a) the forms of registers, returns, applications, notices and bonds, and other forms to be used under this Act;
- (b) the particulars and other matters to be entered in the registers;
- (c) the place and manner of keeping copies of newspapers delivered to the Registrar under this Act or the manner in which and the purposes for which any such copies shall, consistently with the purposes and provisions of this Act, be dealt with or disposed of;
- (d) the information to be furnished to the Registrar by way of periodical return or otherwise;
- (e) the particulars and matters to be published by the Registrar and the manner of such publication;
- (f) the fees which may be levied under this Act;
- (g) anything which under this Act is to be or may be prescribed.

54. Repeal of R.L. [Cap. 229](#)

[Repeals the Newspaper Ordinance.]

55. Amendment of [Cap. 16](#)

[Amends the Penal Code.]

Part VIII – Special procedure for trial of cases of defamation in suits of a civil nature (ss 56-58)

56. Interpretation for purposes of this Part and limitation of application of this Part

- (1) For the purposes of this Part "court" means the High Court of Tanzania, a court of a resident magistrate or district court presided over by a civil magistrate and references to a district court are references to a district court presided over by a civil magistrate.
- (2) The provisions of this Part shall apply to every proceeding relating to a suit of a civil nature in respect of any action for libel arising out of any thing or matter published in a newspaper and to no other proceeding.

57. Court to sit with assessors

- (1) Notwithstanding any provision contained in any other law for the time being in force regulating the procedure and practice of courts, in all proceedings to which the provisions of this Part apply, the court shall sit with not less than three competent assessors and the case shall be tried in the manner prescribed in this section.
- (2) In all proceedings to which the provisions of this Part apply, when the case on both sides is closed, the court shall sum up the evidence for the plaintiff and the defendant, and shall then require

each of the assessors to state his opinion orally as to the case against the defendant and as to any specific question of fact addressed to him by the court, and shall record such opinion.

- (3) In deciding any proceedings to which the provisions of this Part apply the court shall not be bound to conform to the opinions of the assessors.
- (4) Nothing in this section shall be construed as prohibiting the assessors, or any of them, from retiring to consider their opinions if they so wish or, during any such retirement or at any time during the trial, from consultation with one another.
- (5) The Chief Justice may, with the approval of the Minister responsible for legal affairs, make regulations for the better carrying out of the provisions of this section and, without prejudice to the generality of the foregoing, may by such regulations which—
 - (a) prescribe the qualifications for assessors;
 - (b) prescribe fees or allowances for assessors;
 - (c) make provision designed to secure the attendance before the court of all the assessors and in accordance with which the proceedings shall be conducted in the event of the inability of the assessors, or any of them, to attend before the court;
 - (d) prescribe any other thing or make any other provision which, in the opinion of the Chief Justice, is necessary to give effect to the provisions of this Part.
- (6) Regulations made pursuant to subsection (5) shall be published in the *Gazette* and shall be deemed to have the like force and effect as are provisions enacted in this Act.

58. Saving provisions of Civil Procedure Code and of other laws

Save in so far as is otherwise expressly provided in this Part or in any regulations made under [section 57](#), nothing contained in this Part shall be deemed—

- (a) to affect the operation of any provision contained in any other written law regulating the jurisdiction of courts; or
- (b) to limit or otherwise affect any special form of procedure or other matter prescribed by or under the Civil Procedure Code³ or any other written law in respect of proceedings to which the provisions of this Part apply.