
ACT NO. 6 OF 1985

I ASSENT

**{ ALI HASSAN MWINYI }
PRESIDENT OF ZANZIBAR
AND
CHAIRMAN OF THE REVOLUTIONARY COUNCIL**

11th May, 1985

**AN ACT TO PROVIDE FOR THE ESTABLISHMENT,
SET UP, JURISDICTION AND POWERS OF A PRIMARY,
DISTRICT AND RESIDENT MAGISTRATES' COURTS
AND TO PROVIDE FOR OTHER PURPOSES CONNECTED
THEREWITH AND INCIDENTAL THERETO.**

ENACTED by the House of Representatives of Zanzibar.

**PART I
PRELIMINARY PROVISIONS**

1. This Act may be cited as the Magistrates' Court Act, 1985, and shall come into force on such a date as the Minister may by notice in the Gazette appoint.

Short title
and
commence-
ment.

2. In this Act, unless the context otherwise requires:-

Interpreta-
tion.

"Decision" includes a judgment, finding, acquittal, conviction, sentence or ruling;

"District Court" means a District Court established under section 9 of this Act;

"District Magistrate" means a district magistrate as appointed under

section 10 of this Act;

"honorary magistrate" means any person appointed under section 30 of this Act to be, or to perform the functions of a magistrate;

"local government authority" means a city, municipal, town or district council;

"Magistrate" includes a primary court magistrate, district court magistrate, resident magistrate, a civil magistrate and a honorary magistrate;

"Minister" means the Minister for the time being responsible for legal affairs;

"order" includes a writ, warrant, summons or ocher process, and a decree, ' revisional or confirmatory order and any other formal expression of the decision of a court;

"primary court" means a court established under section 3 of this Act;

"proceedings" includes any application, reference, cause, matter, suit, trial, appeal or revision, whether final or interlocutory, and whether or not between parties;

"Registrar" means the Registrar of the Court of Appeal or of the High Court and includes any Deputy or District Registrar;

"Regional Magistrate" means a Regional Magistrate as appointed under section 19 of this Act.

PART II
ESTABLISHMENT, SETUP, JURISDICTION
AND POWERS OF A PRIMARY COURT

Establish-
ment of
primary
court.

3.(1) There is hereby established in every district a primary court which shall, subject to the provisions of any law for the time being in force, exercise jurisdiction within the district in which it is established.

(2) The designation of a primary court shall be the primary court of the

district in which it is established.

(3) The Chief Justice may, if he thinks fit so to do, establish another primary court in any district so that the number of primary courts in that region may be more than one.

Powers of
the court.

4.(1) Subject to the provisions of any other law, the primary court may, in the exercise of its criminal jurisdiction have power:-

- (a) to impose a sentence of imprisonment not exceeding one year; or
- (b) to impose a fine not exceeding two thousand shillings; or
- (c) to impose corporal punishment not exceeding six strokes; or
- (d) to impose a combination of two or more sentences provided in (a), (b) or (c) above; or
- (e) to impose a restriction order for a convict to be at his home area and to engage himself in development projects and other agricultural activities for a period not exceeding sixty days failure of which shall be liable for (imprisonment for a period not exceeding 60 days; or
- (f) in all proceedings in respect of which jurisdiction is conferred on primary court by the First Schedule to this Act.

(2) In civil proceedings the subject matter shall be of any amount not exceeding Shs.10,000/= a and subject to this amount, the primary court may-

- (a) award any amount claimed;
- (b) award compensation;
- (c) order the restitution of any property;
- (d) make order in the nature of an injunction, both mandatory and prohibitive;
- (e) order the specific performance of any contract; and
- (f) make any other order which the justice of the case may

require.

(3) The Chief Justice may, by an order published in the Gazette make rules for criminal and civil procedure for the primary courts.

Primary court magistrate.

5.(1) There shall be a primary court magistrate who shall be appointed by the Judicial Service Commission.

(2) A person shall be qualified to be appointed as a primary court magistrate if, and shall not be so qualified unless:-

(a) he holds a certificate in law; or

(b) any other equivalent certificate recognised as such.

Proceedings to be conducted with assessors.

6.(1) In every proceeding in the primary court, including a finding, the court shall sit with two assessors.

(2) All matters in the primary court including a finding in any issue, the question of adjourning the hearing, an application for bail, a question of guilt or innocence of any accused person, the determination of sentence, the assessment of any monetary award and all questions and issues whatsoever shall be decided by the votes of the majority.

Language of primary court.

7. The language of primary courts shall be kiswahili.

Advocates and State Attorney not to appear.

8.(1) No advocate or State Attorney may appear or act for any party before a primary court magistrate.

(2) Wakyls may appear for or on behalf of any party before the primary court.

**PART III
ESTABLISHMENT, SETUP, JURISDICTION AND
POWERS OF A DISTRICT COURT**

Establishment of District Court.

9.(1) There is hereby established in every district a district court which shall, subject to the provisions of any law for the time being in force, exercise

jurisdiction within the district in which it is established.

(2) Subject to subsection (1) of this section, the designation of a district court shall be the district court of the district in which it is established.

(3) The Chief Justice may, by order published in the Gazette, vary the designation of any district court.

(4) The variation of the designation of a district court or of the area within which such court may exercise jurisdiction, shall not affect the jurisdiction of such court to continue the hearing of, or to determine any proceeding commenced before it prior to such variation.

(5) The Chief Justice may, if in his opinion it is in the public interest published so to do by order in the Gazette, confer upon a district court established for any district, jurisdiction over any other contiguous district or districts and where such order is made, such district court shall have concurrent jurisdiction in relation to the district for which it is established and also in relation to such other district or districts as may be specified in such order.

10.(1) There shall be a District Magistrate for every District Magistrate's Court who shall be appointed by the Judicial Service Commission.

Appointment
of District
Magistrates.

(2) A person shall be qualified to be appointed as District Magistrate if, and shall not be so qualified unless he holds a Diploma or a Degree in law or its equivalent from any recognised University or Institution.

11.(1) A district court shall have and exercise original jurisdiction:-

Original
jurisdiction
of district
courts.

- (a) in all proceedings of a criminal nature in respect of which jurisdiction is conferred on a district court by any law for the time being in force;
- (b) in all such other proceedings under any written law for the time being in force (other than subsection (2) of this section) in respect of which jurisdiction is conferred on a district court by any such law.

(2) A District Court when hearing a civil case shall, in addition to the

jurisdiction set out in subsection (1) of this section have and exercise original jurisdiction in proceedings of civil nature, other than any such proceedings in respect of which jurisdiction is conferred by written law exclusively on some other court or courts, but (subject to any express exception in any other law) such jurisdiction shall be limited:-

- (a) in proceedings for the recovery of possession of immovable property, to proceedings in which the value of the property does not exceed three hundred thousand shillings; and
- (b) in other proceedings where the subject matter is capable of being estimated at a money value, to proceedings in which the value of the subject matter does not exceed two hundred thousand shillings.

Powers of district court as appellate court.

12.(1) In the exercise of its appellate jurisdiction, a district court shall have power:-

- (a) to direct the primary court to take additional evidence and to certify the same to the district court, or, for reasons to be recorded in writing, itself hear additional evidence;
- (b) whether additional evidence is heard, taken or not, to confirm, reverse, amend or vary in any manner the decision or order appealed against (including power to substitute a conviction or a conviction and sentence for an acquittal), so however that the decision or order as altered shall not be in excess of the jurisdiction of the primary court and no conviction or conviction and sentence shall be substituted for an acquittal, and no sentence shall be enhanced, unless the accused or convicted person, as the case may be, shall have first been given an opportunity of being heard;
- (c) to quash any proceedings (including proceedings which terminated in an acquittal) and, where it is considered desirable, to order the case to be heard de novo either before the court of first instance or some other primary court, or any district court, having jurisdiction; and

(d) the provisions of paragraph (b) of subsection (1), and subsection (2) of section 33 of this Act shall be applicable to such rehearing as if the case had been transferred.

(2) Where an order that any proceedings be quashed and the case be reheard is made as aforesaid, no plea of *res judicata* or *autrefois acquit* or *autrefois convict* shall be entertained in respect of any order or decision in the proceedings so quashed.

(3) Nothing in this section shall be read as prohibiting any aggrieved party in a criminal proceeding to appeal against the decision of a primary court to the district court.

13.(1) A district court may call for and examine the record of any proceedings in the primary court established for which it is itself established, and may examine the records and registers thereof, for the purposes of satisfying itself as to the correctness, legality or propriety of any decision or order of the primary court, and as to the regularity of any proceedings therein, and may revise any such proceedings.

Revisional
jurisdiction.

(2) In the exercise of its revisional jurisdiction, a district court shall have all the powers conferred upon a district court in the exercise of its appellate jurisdiction including the power to substitute a conviction, or a conviction and sentence, for an acquittal; and the provisions of paragraph (b) of subsection (1) of section 21 of this Act shall apply in relation to an order quashing proceedings and ordering a rehearing which is made in the exercise of a district court's revisional jurisdiction as they apply in relation to any such order made in the exercise of its appellate jurisdiction.

(3) In addition to the provisions of subsection (2) of this section, no order shall be made in the exercise of the court's revisional jurisdiction in any proceeding of a civil nature increasing any sum awarded, or altering the rights of any party to his detriment (other than an order quashing proceedings in a lower court or an order reducing any award in excess of the jurisdiction or powers of the lower court to the extent necessary to make it conform thereto) unless such party shall have first been given an opportunity of being heard.

(4) No proceedings shall be revised under this section after the

expiration of twelve months from the termination of such proceedings in the primary court and no proceedings shall be further revised under this section in respect of any matter arising thereon which has previously been the subject of a revisional order under this section.

(5) Without prejudice to the provisions of subsection (1) of this section, a district court may exercise its powers of revision in any case where an offender is committed for sentence, or a sentence is submitted for confirmation, under the Primary court Criminal Procedure Code.

Maximum penalty for district court.

14.(1) In criminal cases the district court can impose a sentence of up to five years imprisonment and not more or a fine not exceeding Shs.25,000/- or both such fine and imprisonment.

(2) In civil cases, the subject matter can be of any amount not exceeding Shs.50,000/=.

Language of the court.

15. The language of the court shall either be in Kiswahili or English and the records shall be kept in Kiswahili or English as the Chief Justice may direct.

Jurisdiction over offenders committed for sentence by primary courts.

16.(1) Where an offender is committed to a district court for sentence under the provisions of the primary Courts Criminal Procedure Code, the district court shall have jurisdiction to inquire into the circumstances of the case and to deal with the offender in any manner in which he could have dealt with by the district court if he had been convicted by the district court of the offence in question.

(2) If the district court imposes a sentence on the offender:-

- (a) the provisions of the Primary Courts Criminal Procedure Code and of this Part shall apply only with regard to an appeal against conviction as for any other case tried by a primary court; and
- (b) the offender may appeal against such sentence to the Resident Magistrate's court in the same manner and in the same circumstances as if he had been convicted by the district court, and the provisions of the Criminal Procedure Code relating to appeals against sentence from the district court to the High Court shall apply accordingly.

(3) The district court may in its discretion postpone its inquiry under the provisions of subsection (1) of this section until the expiration of the time for filing an appeal against conviction, and, if such appeal has been filed before the district court commences such inquiry, the district ... court may in its discretion postpone such inquiry until final determination of such appeal or for such lesser period as the court may deem fit.

17.(1) Where:-

- (a) an appeal has been filed by a person entitled to appeal to a district court; or
- (b) a district court calls for the record of any proceedings under section 16, the district , court, may, for reasons to be recorded in writing:-
 - (i) in the case of a person sentenced to imprisonment or committed in custody to the district court for sentence, order:-
 - (A) that the person be released on bail with or without sureties pending the hearing of his appeal or the termination of the revisional proceedings; or
 - (B) that the execution of the sentence be suspended pending the hearing of his appeal or the termination of the revisional proceedings, in which case such person shall be treated as a remand prisoner pending the hearing of his appeal:

General provisions on appeals to, revision by, and committal for sentence to, district courts.

Provided that if the appeal is ultimately dismissed or the original sentence (being a sentence of imprisonment) is confirmed, or some other sentence of imprisonment substituted therefore, the time during which the appellant has been suspended, shall be excluded in computing the term of imprisonment and

- (ii) in any other case, order that the execution of the decision or order appealed against shall be suspended pending the hearing of his appeal, or the termination of

the revisional proceedings.

(2) Where a district court determines 'my appeal, revises any proceedings or passes sentence upon any person committed to it for sentence, it shall certify its decision or order to the primary court in which the proceedings originated, and the primary court shall thereupon make such orders as are conformable to the decision or order of the district court and, if necessary, the records shall be amended in accordance therewith.

**PART IV
ESTABLISHMENT, SETUP, JURISDICTION AND POWERS
OF A REGIONAL MAGISTRATE'S COURT**

Establishment of Resident Magistrate's court.

18.(1) There is hereby established in every region a Regional Magistrate's Court.

(2) The designation of a court of a Regional Magistrate shall be that specified in the order.

(3) The Chief Justice may, by order published in the Gazette, vary the designation of a court of a Regional Magistrate or of the area within which that court may exercise jurisdiction.

(4) The variation of the designation of Court of a Regional Magistrate, or of the ea within which that court may exercise jurisdiction, shall not affect the jurisdiction of that court to continue the hearing of, or to determine any proceeding commenced before it prior to the variation.

Appointment of a resident magistrate in-charge and appropriate judicial functions.

19.(1) The Chief Justice shall appoint for each region a Regional Magistrate in-charge perform the supervisory, administrative 1 judicial functions of a resident magistrate in-charge in the region.

(2) The Chief Justice may, generally or in respect of specified provision courts or areas only, appoint any judge, registrar or magistrate to be or to perform the functions of an appropriate judicial function.

(3) A person shall be qualified to be appointed as Regional Magistrate if, and shall not be so qualified unless he hold a degree in law and has an experience of not less than three years of service.

20. A court of a resident magistrate shall have and exercise jurisdiction in all proceedings in respect of which jurisdiction is conferred on it by a notice in the Gazette.

Powers of resident magistrate court.

21. Subject to the provisions of any law for the time being in force, the powers of courts of a resident magistrate shall be limited, and their practice and procedure regulated:-

Powers, practice and procedure in original.

- (a) in the exercise of their original criminal jurisdiction, by the Penal Code and the Criminal Procedure Code;
- (b) in the exercise of their original civil jurisdiction, in accordance with the principles and provisions of the Civil Procedure Code, so far as the same shall be applicable and suitable:

Provided that in Criminal matters all matters listed in Schedule I of the Criminal Procedure Decree and as may be amended from time to time which were then heard by a subordinate court of First Class shall be heard by the resident magistrate:

Provided further that in civil cases the subject matter shall be of any amount not exceeding Shs.100,000/=.

22. The Regional Magistrate shall, by virtue of his post be a Chairman of the Juvenile Court.

Regional Magistrate to be Chairman of juvenile courts.

23. The language of the court shall be both Kiswahili and English and the proceedings shall be either in Kiswahili or English as the Chief Justice may direct.

Language of the court.

24.(1) A Regional Magistrate in-charge may call for and inspect the record of any proceedings of district court of a primary court and may examine the records or registers thereof for the purpose of satisfying himself as to the correctness; legality or propriety of any decision or order and as to the regularity of any proceedings therein; and may, in any case in which he considers that

Supervision.

any decision or order is illegal or improper or any proceedings are irregular:-

- (a) in the case of district court, forward the record with a report to the High court in order that it may consider whether or not to exercise its powers of revision; and
- (b) in the case of a primary court, consider the proceedings and if he considers it appropriate so to do, revise the same:

(2) Nothing in this subsection shall confer on a resident magistrate in charge any power to call for, inspect, forward or report on any proceedings before a resident magistrate.

(3) Where a Regional Magistrate in charge forwards any record to the High Court under this section, and pending the decision i of such court, he may, for reasons to be recorded by him in writing on the record, order that the execution of the decision or order of the district court or primary court, as the case may be, be suspended and also in criminal proceedings, if the convicted person is in confinement, that he be released on bail with or without sureties:

(4) Where any sentence of imprisonment dealt with under this subsection is confirmed by the High Court or a district court or some other sentence of imprisonment substituted therefore, the time during which the convicted person has been released on bail or the sentence was suspended and the convicted person treated as a remand prisoner, shall be excluded in computing the term for which he is sentenced.

Appeals.

25. The Regional Magistrate Court shall have appellate power for all cases from the district magistrates' court.

**PART V
MISCELLANEOUS PROVISIONS**

Regulations.

26. The Minister may make Regulations for the better carrying out of the purposes of the provisions of section 6 of this Act prescribing:-

- (a) the constitution and composition of panels of assessors;
- (b) forms for the purposes of summoning assessors;
- (c) the procedure 'for the appointment of members of panels of assessors;

- (d) the remuneration of assessors;
- (e) conditions and other matters in respect of the service of the assessors.

27.(1) A magistrates' court may be held at any place within its local limits of its jurisdiction.

Places and times of Sitting and distribution of business.

(2) Notwithstanding the provisions of subsection (1) of this section a magistrates' court shall not be held at a place that is not regularly or customarily used for such a purpose unless public notice has previously been given of an intention to use the same for such a purpose, and Chief Justice may, by order published in the Gazette, authorise a district court to sit outside the district for which it is established when exercising its appellate, confirmatory or revisional jurisdiction.

(3) Subject to the other provisions of this section, a magistrates' court shall sit at such times and places as may be necessary for the convenient and speedy dispatch of the business of the court, and the distribution of business as between magistrates assigned to a court shall be arranged as may be convenient.

(4) The Regional Magistrate in charge of appropriate judicial authority may give general or specific directions relating to any of such matters.

(5) Notwithstanding the provisions of any other written law, a magistrates' court may sit for the dispatch of any proceeding of criminal nature on Sunday or a public holiday or after normal working hours.

28. Magistrates' courts shall use seals or stamps of such nature and pattern as the Chief Justice may direct.

Seals and stamps.

29.(1) Subject to the provisions of subsection (2) of this section a magistrate shall not inquire into or try any offence, preside over any civil proceeding or hear any appeal unless he is sitting in open court.

Magistrates to sit in open court.

(2) This section shall have effect subject to any law conferring power on a court of resident magistrate to sit in camera or otherwise to exclude persons or categories of persons for any proceeding or part of it, and to any

Honorary magistrates.

law relating to domestic proceedings or juvenile courts.

30.(1) Subject to subsection (2) of this section, the Minister may, if in his opinion it is in the public interest so to do, after consultation with the Chief Justice appoint any suitable person as a honorary magistrate who may from time to time be called upon to try specific cases or perform any judicial function.

(2) Unless circumstances require otherwise, a honorary magistrate shall be appointed from amongst persons who have had experience of, and have shown capacity in the practice of any branch of the legal profession.

(3) The Minister shall by order published in the Gazette, confer upon such honorary magistrate the jurisdiction to enforce any law or perform any judicial function.

Powers of Registrars.

31. Where an appeal against any decision or order of a district court in the exercise of its appellate or revisional jurisdiction is received in the High Court, a registrar of that court may:-

(a) give directions as to the time within which any further step in the proceedings shall be taken by the appellant or any other party (and may extend any such period) and where the appellant fails to complete any such step within such time, may dismiss the appeal for want of prosecution;

(b) order fresh evidence to be recorded before the court of first instance or the district court, and to be certified to, the High court.

Lawyers and State Attorneys to appear before district and Regional Magistrates' Courts.

32. Lawyers and State Attorneys may appear for and on behalf of any party in the District or Regional Magistrates' Court.

Transfer from primary courts.

33.(1) Where any proceeding has been instituted in a primary court, it shall be lawful, at any time before judgement, for:-

(a) the primary court, with the consent of the district court or a court of a resident magistrate having jurisdiction, to transfer the proceeding to such district court or court of a resident

- magistrate or to some other primary court; or
- (b) the district court or a court of a resident magistrate within any part of the local jurisdiction of which the primary court is established, to order the transfer of the proceeding to itself or to some other magistrate's court;
- (c) the High Court to order the transfer of the proceeding to itself or to some magistrate's court,

in any case where:-

- (i) it appears that the circumstances or gravity of the proceeding make it desirable that the same should be transferred; or
- (ii) there is reasonable cause to believe that there would be a failure of justice were the proceeding to be heard in the primary court; or
- (iii) the subject matter of the proceeding arose outside the local limits of the primary court's jurisdiction or is not within its jurisdiction, or in any case in which the law applicable is a customary law which is not a customary law prevailing within such first mentioned primary court's local jurisdiction, and shall record its reasons for making or ordering such transfer:

Provided that nothing in this subsection shall authorise:-

- (a) the transfer by a magistrate's court of any proceeding which is required by law to be commenced in a primary court except to some other primary court; or
- (b) the transfer of any proceeding to a court which, however constituted, has no jurisdiction in respect of the subject matter thereof.

(2) A primary court: -

- (a) shall transfer to the district court of the district for which it is established any proceeding of a criminal nature if the

accused person appears to be of unsound mind;

- (b) if the accused person so elects, shall transfer to the district court of the district for which it is established any proceeding of a criminal nature in which the accused is charged with an offence punishable in the primary court by imprisonment for more than twelve months or, in the case of an adult, by corporal punishment. An election under this section shall be exercised before the accused pleads to the charge.

(3) Where any proceeding of a civil nature referred to in subparagraph (iii) of paragraph (c) of subsection (1) of this section has been instituted in a primary court, the primary court shall, on the application of either party to such proceeding and on being satisfied that the proceeding involves a question of law at issue between the parties, transfer the proceeding to the district court of the district for which the primary court is established.

(4) No decision judgement or order of the primary court in any proceeding of civil nature to which this subsection applies shall be reversed or altered on appeal or revision on the ground only of failure by such primary court to transfer the proceeding in accordance with the provisions of this subsection unless such failure has in fact occasioned failure of justice.

(5) Where any proceeding has been instituted in a primary court established for any district, the primary court may, if it is satisfied that it is reasonable in the circumstance so to do, and shall, if directed by the district court of that district, transfer the proceeding to another primary court established for the same district.

(6) The provisions of subsection (5) of this section shall be construed without prejudice to the provisions of subsection (1) of this section.

(7) Where any proceeding of a criminal nature has been instituted in primary court, It shall be lawful at any time before the accused person gives evidence therein, for the Director of public prosecution to order the primary court to transfer the proceeding the district court of the district for which it is established.

(8) A primary court shall comply with all orders of the Director of Public Prosecutions, the district court, a court of a resident magistrate or the

High court under this section.

Concurrent jurisdiction.

34. Subject to the provisions of any law for the time being in force where jurisdiction in respect of the same proceedings is conferred on different courts, each court shall have a concurrent jurisdiction therein.

35.(1) Subject to the provisions of subsection (2) of this section, no magistrate shall act in his judicial office in any proceeding in which he has any pecuniary or personal interest.

Magistrates not to act if having an interest.

(2) A magistrate shall not be incapable of acting in his judicial office in any proceeding by reason of his being of several rate payers or as one of any other class of persons liable, in common with others, to any rate, tax or duty, or to contribute to or to be benefited by any rate, tax or duty which may be increased, diminished or in any way affected by that proceeding.

36.(1) No magistrate holding a magistrate's court shall be liable to be sued in any court for any act done or ordered to be done by him in the exercise of his judicial duty whether or not such act is within the limits of his or that court's jurisdiction, if at the time of doing such act or making such order he believed in good faith that he had jurisdiction to do such act or make such order.

Non-liability to suit of magistrates, justices etc., acting in good faith.

(2) No officer or a magistrate's court or other person required to execute the lawful order of a magistrate or justice shall be liable to be sued in any court for the executing of any order issued or made by a magistrate or justice if he believed in good faith that the order was within the jurisdiction of the magistrate or justice by whom it was issued.

37.(1) The chief Justice may make rules of court, and give directions not inconsistent therewith, regulating and prescribing the practice and procedure of magistrates' courts the execution of the decisions and orders thereof and the functions and duties of members and officers of such courts, and regulating and prescribing the practice and procedure in hearing and determining the appeals including the power to strike out appeals in proceedings of a civil nature in the absence of the parties, the exercise of revisional jurisdiction and the manner or presenting appeals, and otherwise for the purposes of this Act and the administration of magistrates' courts.

Rules and directions.

(2) Without prejudice to the generality of subsection (1) of this section, rules of court may:-

- (a) regulate and prescribe costs, fees and allowances of witnesses;
- (b) prescribe forms;
- (c) authorise and make provisions for the service of process issued by courts outside or within the country, and authorise and make provision for the service of process issued by Magistrates' courts outside or within the country;
- (d) authorise a primary court to exclude members of the public generally or any particular person from any open court in particular cases or particular categories of cases;
- (e) make provisions for the limitation of claims under customary law;
- (f) confer powers, functions or duties on any judge, registrar or magistrate;
- (g) make different provision for any category, of whatever description, of courts.

Repeal of
Decree 11/
69.

38.(1) Subject to the provision of this section the Peoples' Courts Decree, No. 11 of 1969 is hereby repealed.

(2) Notwithstanding the repeal of the peoples' Courts Decree, all matters and proceedings pending before the Peoples' Courts shall be continued, concluded and decision and order made thereon accordingly.

(3) Every decision or order of any magistrates' court which shall not have been fully executed or enforced before the appointed day, may be executed and enforced after that day as if it were a decision or 'order of such court established by this Act.

(4) Proceedings of every appeal in any magistrates' court which shall not have been fully heard in the appropriate high court before the appointed day may be heard after 'that day as if it were an appeal from such court

established by this Act.

SCHEDULE

**THE CRIMINAL CASE TO BE HEARD
IN PRIMARY COURT**

SECTION				OFFENCE
72	...	...	...	Going armed in public. 73 Forcible entry.
74	...	...	...	Forcible detainer.
75	...	...	...	Affray.
76	...	...	...	Challenge to fight a duel.
77	...	...	...	Threatening violence.
90	...	...	...	Threat of injury to person employed in the public service.
98	...	...	...	Destroying evidence.
103-(1)	...	...	...	Offence relating to judicial proceedings.
105	...	...	...	Escape from lawful custody.
106	...	...	...	Aiding prisoners to escape.
107.	...	...	...	Removal etc. of property under lawful seizure.
113	...	...	...	Disobedience of lawful orders.
123	...	...	...	Abduction of girls under sixteen.
124-(1)	...	...	...	Indecent assaults on and insulting females.
154	...	...	...	Desertion of children.
155	...	...	...	Neglecting to provide food, etc. for children.

164-(b) (c) (d) ...	...	...	Idle and disorderly persons.
165 ...	...	...	Rogues and vagabonds.
168 ...	...	...	Fouling water.
216-(a)...	...	...	Rash and negligent acts.
223 ...	...	...	Common assault.
224 ...	...	...	Assaults causing actual bodily harm.
280 ...	...	...	Punishment for kidnapping.
236 ...	...	...	Punishment for wrongful confinement.
248 ...	...	...	General punishment for theft.
252 ...	...	...	killing animals with intent to steal.
253 ...	...	...	Serving with intent to steal.
261 ...	...	...	Attempted robbery.
265 ...	...	...	Demanding property with menaces with intent to steal.
268 ...	...	...	Entering dwelling house with intent to commit felony.
272 ...	...	...	Criminal trespass.
277 ...	...	...	Cheating.
294(a) ...	...	...	Setting fire to crops and growing plants.
298 ...	...	...	Injuring animals.
299-(1) ...	...	...	Punishment for malicious injuries.
340 ...	...	...	Personation in general.
352(1) ...	...	...	Attempts to commit offences.

UNDER OTHER LAWS

CAP.	LAW	SECTION, REGULATION
78	Food and Drug Decree	Section 11, 16 and 25
164	Local Liquor Decree	Section 3(a) and (b) 5(a) and (b) 6(a) and (b) 8, 9, 10 and 11
135	Road Traffic Regulations.	Regulations 26(8), 36, 50(1) and (2), 56, 63, 87.
73	Public Health Decree Milk Regulations Hotel Regulations.	Regulation 15(c) Regulation 8(c) section 117 of the Decree.
76	Dangerous Drugs Decree .	Sections 15 and 28.
126	Pound Decree.	Sections 3 and 4.
128	Wild Animal Protection Decree.	Section 4(1) (a), 8 and 11.

PASSED in the House of Representatives on the 2nd day of April, 1985.

(IDI PANDU HASSAN)
Clerk of the House of Representatives of Zanzibar