

Tanzania

Extradition Act

Chapter 368

Legislation as at 30 November 2019

FRBR URI: /akn/tz/act/1965/15/eng@2019-11-30

There may have been updates since this file was created.

PDF created on 7 June 2024 at 10:40.

Collection last checked for updates: 31 July 2002.

[Check for updates](#)



About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

This is a free download from the TanzLII website and is presented in collaboration with the Laws.Africa Legislation Commons, a collection of African legislation that is digitised by Laws.Africa and made available for free.

www.tanzlii.org | info@tanzlii.org

www.laws.africa | info@laws.africa

There is no copyright on the legislative content of this document.

This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

Extradition Act
Contents

- Part I – Preliminary provisions 1
 - 1. Short title and application 1
 - 2. Interpretation 1
- Part II – The surrender of fugitive criminals 2
 - 3. Application of Part II 2
 - 4. Liability of fugitive criminals to surrender 2
 - 5. Requisition for surrender 2
 - 6. Issue of warrant 2
 - 7. Hearing of case and evidence 3
 - 8. Committal or discharge of prisoner 3
 - 8A. Surrender of fugitive criminal 3
 - 9. *** 3
 - 10. Discharge of fugitive criminal 4
- Part III – Reciprocal backing of warrants 4
 - 11. Application of Part III 4
 - 12. Backing of warrants issued in another country 4
 - 13. Provisional warrant 4
 - 13A. Arrest without warrant 5
 - 14. Return of prisoner 5
 - 15. Discharge of prisoner 5
 - 15A. Filing of applications 6
- Part IV – Miscellaneous provisions relating to surrender and return 6
 - (a) Restrictions 6
 - 16. Restriction on surrender or return 6
 - 17. Procedure where offence alleged to be political 6
 - (b) Evidence 7
 - 18. Evidence 7
 - 19. Authorisation of warrants and depositions 7
 - (c) Miscellaneous provisions 8
 - 20. Escape 8
 - 21. Search warrants 8
 - 22. Rules of court and forms 8
 - 23. Declaration of application 8
 - 24. Discontinuance 9

Part V – Taking of evidence for criminal trials in other countries	9
25. Obtaining evidence in Tanzania	9
26. Taking of evidence in Tanzania for foreign criminal matters	9
Part VI – Criminals surrendered to Tanzania	9
27. Trial of criminal surrendered	9
Part VII – Transitional provisions, repeal and application	10
28. Transitional provisions	10
29. Repeal, disapplication and amendment of laws	10
30. Incorporated into section 1	10
Schedule (Section 27(1))	11

Tanzania

Extradition Act Chapter 368

Commenced on 24 May 1965

[This is the version of this document at 30 November 2019.]

[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.]

[Acts Nos. 15 of 1965; 21 of 2002; 2 of 2007; 2 of 2010; 3 of 2011; 14 of 2015; 7 of 2018; 11 of 2019; R.L. Cap. 585]

An Act to provide for the law relating to the extradition of criminals and for relating matters.

Part I – Preliminary provisions

1. Short title and application

This Act may be cited as the Extradition Act, and applies to Mainland Tanzania as well as Tanzania Zanzibar.

2. Interpretation

(1) In this Act, unless the context requires otherwise–

"**conviction**" and "convicted" do not include or refer to a conviction which under the law of some other country is a conviction for contumacy, but the term "accused person" includes a person convicted of contumacy;

"**extradition crime**" means a crime which, if committed within the jurisdiction of Tanzania, would be one of the crimes described in the Schedule to this Act;

"**fugitive criminal**" means any person accused or convicted of an extradition crime committed within the jurisdiction of any other country who is in or is suspected of being in Tanzania, and a reference to a fugitive criminal of a country is a reference to a fugitive criminal accused or convicted of an extradition crime committed with the jurisdiction of that country;

"**magistrate**" except in subsection (2) of this section, means a resident magistrate;

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

"**warrant**" in the case of any other country, includes any judicial document authorising the arrest of a person accused or convicted of a crime.

(2) Where any fugitive criminal or other person is arrested in pursuance of the provisions of this Act and brought before a magistrate who has no power to exercise jurisdiction under this Act, that magistrate shall have power to order such person to be brought before some magistrate having that jurisdiction, and to remand or admit that person to bail, and effect shall be given to that order.

[Cap. 4 s. 8]

Part II – The surrender of fugitive criminals

3. Application of Part II

- (1) Where an agreement has been made with any country with respect to the surrender to that country of any fugitive criminal, the Minister may, by order published in the *Gazette*, declare that this Part shall apply in the case of that country subject to any conditions, exceptions and qualifications which may be specified in the order, and this Part shall apply accordingly.
- (2) An order made under this section shall recite or embody the terms of the agreement and shall not remain in force for any longer period than the agreement.
- (3) Every order made under this section shall be laid before the National Assembly.

4. Liability of fugitive criminals to surrender

Subject to the provisions of [section 16](#), where this Part of this Act applies in the case of any country, every fugitive criminal of that country who is in or suspected of being in Tanzania, shall be liable to be arrested, detained and surrendered in the manner provided by this Part–

- (a) whether the crime in respect of which the surrender is sought was committed before or after the commencement of this Act or the application of this Part to that country; and
- (b) whether there is or is not any concurrent jurisdiction in a court in Tanzania over that crime.

5. Requisition for surrender

- (1) A requisition for the surrender of a fugitive criminal of any country who is in or suspected of being in Tanzania shall be made to the Minister by a diplomatic representative or consular officer of that country and, upon receipt of requisition, the Minister may, by order under his hand, signify to a magistrate that a requisition has been made and require the magistrate to issue his warrant for the arrest and detention of the fugitive criminal.
- (2) Where the Minister is of the opinion that the offence is one of a political character he may refuse to make an order and may also at any time order a fugitive criminal accused or convicted of that offence to be discharged from custody.

6. Issue of warrant

- (1) The warrant for the arrest of a fugitive criminal, whether accused or convicted of a crime, who is in or suspected of being in Tanzania, may be issued by a magistrate–
 - (a) on the receipt of the order of the Minister and on any evidence which would, in the opinion of the magistrate, justify the issue of the warrant if the crime had been committed or the criminal convicted in that part of Tanzania in which he exercises jurisdiction; or
 - (b) on any information or complaint and any evidence or after any proceedings which would, in the opinion of the magistrate, justify the issue of a warrant if the crime had been committed or the criminal convicted in that part of Tanzania in which he exercises jurisdiction.
- (2) A magistrate issuing a warrant under this section without an order from the Minister shall immediately send a report of the fact of the issue, together with the evidence and information or complaint or certified copies of it, to the Minister who may order the warrant to be cancelled and the person who has been arrested and detained on the warrant to be discharged.
- (3) A fugitive criminal when arrested on a warrant under this section shall be brought before a magistrate as soon as practicable.

- (4) A fugitive criminal arrested and detained on a warrant issued without the order of the Minister shall be discharged by the magistrate unless the magistrate, within any reasonable time which, with reference to the circumstances of the case, he may fix, receive from the Minister an order signifying that a requisition has been made for the surrender of the criminal.
- (5) The warrant of a magistrate issued in pursuance of this Part may be executed in any part of Tanzania in the same manner as if it has been originally issued or subsequently endorsed by a magistrate having jurisdiction in the place where it is executed.

7. Hearing of case and evidence

- (1) Subject to the provisions of [section 17](#), when a fugitive criminal is brought before a magistrate, the magistrate shall hear the case in the same manner and have the same jurisdiction and powers, as nearly as may be, as in a preliminary inquiry.
- (2) The magistrate shall receive any evidence which may be tendered to show that the case is one to which the relevant provisions of [section 16](#) apply or that the crime of which the prisoner is accused is not an extradition crime.

8. Committal or discharge of prisoner

- (1) In the case of a fugitive criminal accused of an extradition crime, if the foreign warrant authorising the arrest of the criminal is duly authenticated, and any evidence is produced which, subject to the provisions of this Act, would, according to the law of that part of Tanzania in which the magistrate exercises jurisdiction, justify the committal for trial of the prisoner if the crime of which he is accused was committed in that part of Tanzania, the magistrate shall commit him to prison, but otherwise shall order him to be discharged.
- (2) In the case of a fugitive criminal alleged to have been convicted of an extradition crime, if any evidence is produced which, subject to the provisions of this Act would, according to the law of that part of Tanzania in which the magistrate exercises jurisdiction, prove that the prisoner was convicted of the crime, the magistrate shall commit him to prison but otherwise shall order him to be discharged.
- (3) Where the magistrate commits any criminal to prison, he shall commit him to prison to await the warrant of the Minister for his surrender; and the magistrate shall immediately send to the Minister a certificate of the committal and any report on the case which he may think fit.

8A. Surrender of fugitive criminal

- (1) Upon receipt of the certificate of the committal and any other report on the case from the magistrate, the Minister may, by warrant under his hand, order the fugitive criminal to be surrendered to any person who is, in his opinion, duly authorized to receive the fugitive criminal by the country from which the requisition for the surrender proceeded, and the fugitive criminal shall be surrendered accordingly.
- (2) Any person to whom a warrant under this section is directed and the person so authorized under subsection (1), may receive, hold in custody and convey into the jurisdiction of that country the fugitive criminal mentioned in the warrant.

[Act [No. 11 of 2019](#) s. 19]

9. ***

[repealed by Act [No. 7 of 2018](#) s. 15]

10. Discharge of fugitive criminal

Whenever a fugitive criminal who has been committed to prison is not surrendered and conveyed out of Tanzania within two months after the committal, any Judge of the High Court or of the High Court of Zanzibar may—

- (a) upon application made to him by or on behalf of the criminal; and
- (b) upon proof that reasonable notice of the intention to make the application has been given to the Minister,

order the criminal to be discharged out of custody unless sufficient cause is shown to the contrary.

[Act No. 7 of 2018 s. 16]

Part III – Reciprocal backing of warrants

11. Application of Part III

- (1) Where the Minister is satisfied that reciprocal provision has been or will be made by or under the law of any contiguous country for the backing of warrants issued in Tanzania (or any part of it) and their execution in that country and that it is appropriate to do so, he may, by order published in the *Gazette*, declare that this Part of this Act shall apply in the case of that country subject to any conditions, exceptions and qualifications which may be specified in the order, and this Part shall apply accordingly.
- (2) Every order made under this section shall be laid before the National Assembly.

12. Backing of warrants issued in another country

- (1) Where a warrant has been issued in a country to which this Part applies for the arrest of a person accused of an offence punishable by law in that country and he is or is suspected of being in or on the way to Tanzania, a magistrate may, if satisfied that the warrant was issued by a person having lawful authority to issue it, endorse that warrant.
- (2) An endorsement of a warrant shall be signed by the magistrate and shall authorise all or any of the persons named in the endorsement and every police officer to execute the warrant by arresting the person named in it and bringing him before a magistrate.
- (3) A warrant endorsed under the provisions of this section shall be sufficient authority to arrest, within the jurisdiction of the endorsing magistrate, the person named in the warrant and to bring him before a magistrate.
- (4) This Part shall apply whatever the date of the warrant and whether the offence is alleged to have been committed before or after the commencement of this Act or the application of this Part to the country concerned.

13. Provisional warrant

- (1) Notwithstanding that a warrant for the arrest of any person issued in a country to which this Part of this Act applies may not yet have been endorsed in pursuance of this Part, a magistrate may issue a provisional warrant for the arrest of that person on any information and under any circumstances which would, in his opinion, justify the issue of a warrant if the offence of which that person is accused were an offence punishable by the law of that part of Tanzania in which he exercises jurisdiction and had been committed within his jurisdiction; and that warrant may be endorsed in the manner provided in the Criminal Procedure Act, and may be executed accordingly.

[Cap. 20]

- (2) Where a person is arrested under a provisional warrant–
 - (a) no order may be made under [section 14](#) for his return to the country in which the original warrant was issued unless the original warrant is produced and endorsed in accordance with this Part; and
 - (b) he shall be discharged unless the original warrant is produced and endorsed within any time which the magistrate thinks reasonable in the circumstances.

13A. Arrest without warrant

Notwithstanding the provisions of subsection (1), the police officer may, without a foreign warrant having been endorsed or in the absence of provisional warrant if the circumstances so require, arrest a fugitive offender.

[Act [No. 3 of 2011](#) section 40]

14. Return of prisoner

- (1) Subject to the provisions of [section 16](#), where a person arrested under a warrant endorsed in accordance with [section 12](#) or a provisional warrant issued under [section 13](#) is brought before a magistrate and, in the case of person arrested under a provisional warrant, the original warrant has been produced and endorsed, the magistrate may, if he is satisfied–
 - (a) that the warrant is duly authenticated as directed, by this Act, and was issued by a person having lawful authority to issue the same; and
 - (b) by evidence on oath, that the prisoner is the person named or otherwise described in the warrant, order the prisoner to be returned to the country in which the original warrant was issued, and for that purpose to be delivered into the custody of the persons to whom the warrant is directed or anyone or more of them and to be held in custody and conveyed into that country.
- (2) A person to whom the warrant is directed and the person so authorised may receive, hold in custody and convey into the jurisdiction of that country the prisoner mentioned in the warrant.
- (3) A 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 a prisoner, as he has in the case of a person arrested under a warrant issued by him.
- (4) In proceedings under this section, the magistrate shall receive any evidence which may be tendered to show that the case is one to which the relevant provisions of [section 16](#) apply.

15. Discharge of prisoner

- (1) Whenever a prisoner whose return is authorised in pursuance of this Part is not conveyed out of Tanzania within one month after the date of the order for his return, a magistrate may–
 - (a) upon application by or on behalf of the prisoner; and
 - (b) upon proof that reasonable notice of the intention to make the application has been given to the person holding the warrant and to the Inspector-General of Police or chief officer of the police of the region or town where the prisoner is in custody; and
 - (c) unless sufficient cause is shown to the contrary,
order the prisoner to be discharged out of custody.
- (2) Without prejudice to any application for directions in the nature of a writ of *habeas corpus* in respect of anything purporting to be done under this Part, any order or refusal to make an order of discharge under subsection (1) of this section may be the subject of an appeal to a High Court.

- (3) Where in any proceedings under this Part which are brought to his attention, the Minister is of opinion that the offence is one of a political character, he may order a person arrested under this Part to be discharged from custody.

15A. Filing of applications

For the purposes of the proceedings under this Part, the prosecution shall file a formal application in court praying for necessary orders.

[Act [No. 2 of 2010](#) s. 15]

Part IV – Miscellaneous provisions relating to surrender and return

(a) Restrictions

16. Restriction on surrender or return

- (1) Subject to the provisions of [section 17](#), no fugitive criminal shall be surrendered and no person arrested under Part III of this Act shall be returned if the—
 - (a) offence in respect of which his surrender is required or the offence specified in the warrant, as the case may be, is one of a political character or if it appears that the requisition for the surrender, or the application for endorsement of a warrant and the return of the person named in it, has in fact been made with a view to try or to punish him for an offence of a political character; or
 - (b) fugitive criminal or the person arrested is accused of some offence triable by a court in Tanzania or is undergoing sentence under any conviction in Tanzania, until after he has been discharged, whether by acquittal or on the expiration of his sentence or otherwise.
- (2) Subject to the provisions of [section 28](#), a fugitive criminal shall not be surrendered under Part II of this Act unless provision is made by the law of the country to which he is to be surrendered, or by agreement, that the fugitive criminal shall not, unless he has been restored or had an opportunity of returning to Tanzania, be detained or tried in that country for any offence committed prior to his surrender other than an extradition crime proved by the facts on which the surrender is grounded.
- (3) Where the return of a prisoner is sought or arranged under Part III of this Act, and it appears to the magistrate that by reason of the trivial nature of the case, or by reason of the application for the return of the prisoner not being made in good faith in the interests of justice, or otherwise, it would, having regard to the distance, to the facilities of communication and to all the circumstances of the case, be unjust or oppressive or to severe a punishment to return the prisoner either at all or until the expiration of a certain period, the magistrate may discharge the prisoner either absolutely or on bail or order that he shall not be returned until after the expiration of the period named in the order or may make any other order in the matter which the magistrate thinks proper.
- (4) Without prejudice to any application for directions in the nature of a writ of *habeas corpus* in respect of anything purporting to be done under Part III of this Act, an order or refusal to make an order of discharge under subsection (3) may be the subject of an appeal to a High Court.

[Act [No. 7 of 2018](#) s. 17]

17. Procedure where offence alleged to be political

- (1) Where, in any proceedings under Part II or III of this Act, it is alleged that the offence in respect of which the surrender or return of any person is required is one of a political character or that the requisition or application has in fact been made with a view to try or to punish that person for

an offence of a political character, the magistrate shall, after recording the evidence which may be tendered on the issue, refer the same, together with the copy of the record of the evidence to the Minister and adjourn the proceedings pending the receipt by the magistrate of the Minister's certificate or a statement that the Minister declines to give certificate in the case.

- (2) Where an issue is referred to the Minister under this section, the Minister shall either—
 - (a) certify that he is satisfied or that he is not satisfied that the offence is one of a political character or that the requisition or application has in fact been made with a view to try or to punish the person concerned for an offence of a political character; or
 - (b) inform the magistrate that he declines to give a certificate.
- (3) Where the Minister gives a certificate on any issue referred to him under this section, the issue shall be determined in accordance with the certificate and the determination of that issue shall be binding upon the magistrate and the High Court.
- (4) Where the Minister informs the magistrate that he declines to give a certificate on an issue referred to him under this section, the issue shall be determined as if this section had not been enacted.
- (5) The provisions of subsections (1) and (2) shall not apply to—
 - (a) any person who is accused of terrorism under the Prevention of Terrorism Act;
[Cap. 19]
 - (b) any person who is accused of money laundering under the Anti-Money Laundering Act.
*[Cap. 423]**[Act No. 2 of 2007 s. 20]*

(b) Evidence

18. Evidence

- (1) Depositions or statements on oath or affirmation taken in the country concerned and copies of the original depositions or statements and official certificates of or judicial documents stating the fact of conviction may, if duly authenticated, be received in evidence in any proceedings under this Act.
- (2) In addition to any other means by which the same may be proved, a magistrate or a High Court—
 - (a) shall take judicial notice of any law of country by which the surrender of a fugitive criminal is required which makes provision for any that matter which is referred to in paragraph (a) of subsection (2) of [section 16](#), if an official copy of that law is produced and certified by the Minister responsible for foreign affairs or a diplomatic representative or consular officer of that country to be in force;
 - (b) may receive as *prima facie* evidence of any agreement which is referred to in the said paragraph a certificate to that effect by such Minister or diplomatic representative or consular officer aforesaid.

19. Authorisation of warrants and depositions

- (1) Warrants and depositions or statements on oath or affirmation and their copies and certificates of or judicial documents stating the fact of a conviction shall be deemed duly authenticated for the purposes of this Act if authenticated in the manner provided for the time being by law or—
 - (a) if the warrant purports to be signed by a judge, magistrate or officer of the country where it was issued;

- (b) if the depositions or statements or their copies purport to be certified under the hand of a judge, magistrate or officer of the country where they were taken to be the original depositions or statements or to be their true copies, as the case may require; or
 - (c) if the certificate of or judicial document stating the fact of conviction purports to be certified by a judge, magistrate or officer of the country where the conviction took place; and
- if in every case the warrants, depositions, statements, copies, certificates and judicial documents, as the case may be, are authenticated by the oath of some witness or—
- (i) in a case to which Part II applies, by being sealed with the official seal of the Minister for the time being responsible for legal affairs, or some other Minister of State, of the country concerned; or
 - (ii) in a case to which Part III applies, by sealing in the manner aforesaid or by the signature of the Attorney General, Solicitor-General or Director of Public Prosecutions of the country concerned.
- (2) All courts and magistrates shall take judicial notice of the official seal and signatures referred to in paragraphs (i) and (ii) of subsection (1) and shall admit any document so authenticated in evidence without further proof.

(c) Miscellaneous provisions

20. Escape

Where a prisoner escapes, by breach of prison or otherwise, out of the custody of a person acting under a warrant issued or endorsed in pursuance of this Act or out of the custody of a person to whose custody he has been committed in accordance with this Act, he may be retaken in the same manner as a person accused of a crime against the law of that part of Tanzania to which he escapes may be retaken upon an escape.

21. Search warrants

Where a warrant for the arrest of a person accused of an offence has been endorsed in pursuance of Part III of this Act, the magistrate shall have the same power of issuing a warrant to search for any property alleged to be stolen or to be otherwise unlawfully taken or obtained by that person, or otherwise to be the subject of any offence, which that magistrate would have if the property had been stolen or otherwise unlawfully taken or obtained, or the offence had been committed, wholly within the jurisdiction of that magistrate.

22. Rules of court and forms

- (1) The Chief Justice of Tanzania may make rules of court for appeals to a High Court under this Act.
- (2) The Minister may prescribe forms for the purposes of this Act, and forms so prescribed or forms as near thereto as the circumstances permit may be used in all matters to which those forms refer.

23. Declaration of application

The Minister may from time to time by order published in the *Gazette*, declare the countries to which Part II and Part III of this Act apply (including the countries to which Part II applies under [section 28](#) of this Act) and, subject to any later order providing for the discontinuance of the application, the declaration shall be conclusive as to the application of the relevant Part to the countries to which it relates.

24. Discontinuance

Whenever it appears to the Minister for Foreign Affairs that an agreement with a country to which Part II of this Act applies is no longer in force (or in the case of a country to which Part II of this Act applies under paragraph (a) of subsection (1) of [section 28](#), that the law of that country no longer contains reciprocal provision), or that the law of a country to which Part III of this Act applies no longer makes reciprocal provision or that provision has ceased to apply to Tanzania or any part of it, he may, by order published in the *Gazette*, discontinue the application of the appropriate Part to that country.

Part V – Taking of evidence for criminal trials in other countries

25. Obtaining evidence in Tanzania

- (1) The testimony of any witness may be obtained in relation to any criminal matter pending in any court or tribunal in any other country in like manner as it may be obtained in relation to any civil matter under any rules of court or any enactment for the time being in force in that part of Tanzania in which the testimony is to be taken for the taking of evidence in relation to civil and commercial matters pending before the tribunals of other countries.
- (2) Nothing in this section shall apply in the case of any criminal matter of a political nature and the provisions of [section 17](#) of this Act shall apply *mutatis mutandis* to that issue.

26. Taking of evidence in Tanzania for foreign criminal matters

- (1) Subject to subsection (2) of [section 25](#), the Minister may, by order, require a magistrate to take evidence for the purpose of any criminal matter pending in any court or tribunal in any other country.
- (2) A magistrate, upon the receipt of an order made under this section, shall take down in writing the evidence of every witness appearing before him for the purpose in like manner as if the witness appeared in a preliminary inquiry and shall certify at the foot of the deposition so taken that the evidence was taken before him, and shall transmit it to the Minister.
- (3) The evidence may be taken in the presence or absence of the person charged, if any, and the fact of the presence or absence shall be stated in the deposition.
- (4) Any person may, after payments or tender to him of a reasonable sum for his costs and expenses in this behalf, be compelled, for the purposes of this section to attend and give evidence and answer questions and produce documents in like manner and subject to like conditions as he may in the case of a trial for an offence.

Part VI – Criminals surrendered to Tanzania

27. Trial of criminal surrendered

- (1) Subject to subsection (2) of this section, where in pursuance of an agreement with another country any person accused or convicted of any crime described in the Schedule to this Act is surrendered by that country that person shall not, until he has been restored or had an opportunity of returning to that country, be triable or tried for any offence committed prior to his surrender to Tanzania other than any of the crimes which may be proved by the facts on which the surrender is grounded.
- (2) Nothing in this section shall apply in relation to a person surrendered or returned to Tanzania by a country to which Part III of this Act applies.

Part VII – Transitional provisions, repeal and application

28. Transitional provisions

- (1) Subject to any order made under [section 3](#) or [24](#)–
- (a) a country to which Part I of the Fugitive Offenders Act, 1881 (as in force in Tanzania) applied immediately before the commencement of this Act; and
 - (b) a country to which the Fugitive Criminals Surrender Ordinance applied immediately before the commencement of this Act,

[R.L. Cap. 22]

shall be a country to which Part II of this Act applies.

- (2) The application of Part II of this Act by subsection (1) of this section shall have effect–
- (a) in the case of a country to which paragraph (a) of subsection (1) of this section refers–
 - (i) notwithstanding that no agreement shall have been made with that country or that the terms of an agreement shall not be embodied in any order; and
 - (ii) notwithstanding that no such provision or agreement as is referred to in paragraph (a) of subsection (2) of [section 16](#) is in force in or has been made with that country;

and, unless provision is made by the Minister in an order under this section applying that paragraph to that country, the surrender of a fugitive criminal to that country shall not be refused on the grounds set out in that paragraph;

- (b) in the case of a country to which paragraph (b) of subsection (1) of this section refers, as if the terms of the relevant agreement and the conditions, exceptions and qualifications specified in any order made under the Fugitive Criminals Surrender Ordinance and in force immediately before the commencement of this Act, had been specified by order made under this Act.

[R.L. Cap. 22]

[44 and 45 Vict.]

29. Repeal, disapplication and amendment of laws

- (1) Repeals the Fugitive Criminals Surrender Ordinance of Tanganyika, the Fugitive Criminals Surrender Decree of Zanzibar and the Fugitive Offenders Decree of Zanzibar.
- (2) Disapplication of the Fugitive Offender Act, 1881 of the United Kingdom.
- (3) Amendment of Part I of the Schedule to the Judicature and Application of Laws Act.

[R.L. Cap. 22; Z.; [Cap. 16](#), 17; AL, [39]]

30. Incorporated into section 1

[Incorporated into [section 1](#).]

Schedule (Section 27(1))

Extradition crimes

Criminal homicide and similar offenses

Murder and attempt and conspiracy to murder.

Manslaughter.

Injury to persons not amounting to homicide

Wounding or inflicting grievous bodily harm.

Assault occasioning actual bodily harm and other aggravated assaults punishable by imprisonment for five years or more.

Abduction, rape and similar offences

Rape, defilement, unlawful carnal knowledge.

Indecent assault.

Abortion and offences relating to it.

Child-stealing.

Kidnapping and false imprisonment.

Procuration.

Narcotics and dangerous drugs

Offences relating to narcotics.

Offences relating to traffic in dangerous drugs.

Damage to property

Malicious damage to property.

Arson.

Falsification of currency and similar offences

Counterfeiting and altering money, and uttering counterfeit or altered money.

Offences relating to counterfeit.

Forgery and similar offences

Forgery, counterfeiting, and altering money, and uttering what is forged or counterfeited or altered.

Misappropriation, fraud and similar offences

Theft, and offences relating thereto.

Fraudulent conversion.

Burglary and housebreaking, robbery, robbery with violence.

Threats by letter or otherwise with intent to extort; intimidation.

Obtaining money of goods by false pretenses.

Perjury and subornation of perjury.

Bribery and corruption.

Offences by bankruptcy against bankruptcy law, or any cognizable offence under the laws relating to bankruptcy.

Fraudulent misappropriations and fraud.

Receiving stolen property.

Piracy and similar offences

Piracy by the law of nations.

Sinking or destroying a vessel at sea or an aircraft in the air, or attempting or conspiring to do so.

Assault on board a ship on the high seas or an aircraft in the air with intent to destroy life or to do grievous bodily harm.

Revolt or conspiracy to revolt, by two or more persons, on board a ship on the high seas or an aircraft in the air against the authority of the master, or captain of the aircraft.

Slave dealings

Offences against the Slave Trade Act, 1873, or otherwise in connection with the slave trade, committed on the high seas or on land, or partly on the high seas and partly on land.

Cybercrimes

Offences under the Cybercrimes Act.

Money laundering offences

Offences relating to Money Laundering.

General

Counselling, procuring, aiding and abetting, or being an accessory before or after the fact to any of the crimes referred to in this Schedule.

[Acts Nos. [2 of 2007 s. 20](#); [14 of 2015 s. 59](#)]