

THE UNITED REPUBLIC OF TANZANIA

ACT SUPPLEMENT

No. 2

22nd May, 2015

to the Gazette of the United Republic of Tanzania No. 22 Vol. 96 dated 22nd May, 2015
Printed by the Government Printer, Dar es Salaam by Order of Government

THE FIREARMS AND AMMUNITION CONTROL ACT, 2015

Section Title

PART I
PRELIMINARY PROVISIONS

1. Short title and commencement.
2. Application.
3. Interpretation.

PART II
ADMINISTRATIVE PROVISIONS
(a) National Focal Point

4. National Focal Point.

(b) Arms Management and Control Committee

5. Establishment the Committee.
6. Composition of the Committee.
7. Functions of the Committee.

(c) Registrar of Firearms

8. Registrar of firearms, powers and functions.
9. Establishment of the Central Firearm Registry.

PART III
POSSESSION OF FIREARMS AND AMMUNITION

(a) Licence or Permit to Possess Firearms

10. Application for a licence or permit.
11. Qualifications.
12. Certificate of competency.
13. Reciprocal recognition of firearms licences issued in neighbouring countries.
14. Separate licence for each firearm.
15. Licence to possess firearms in private collection.
16. Licence to possess firearms for business purposes.
17. Temporary permit to possess a firearm.
18. Manufacturer's identification serial number.
19. National identification mark.
20. Unlawful possession of a firearms.

(b) Licence or Permit to Posses Ammunition

21. Unlawful possession of ammunition.
22. Authorisation of number of ammunition to be possessed.
23. Prohibition from using certain classes of ammunition.
24. Permit to possess ammunition in a private collection.
25. Permit to possess firearms and ammunition by a public collector.

(c) Persons Unfit to Possesses Firearms

26. Persons unfit to possess firearms.

(d) Deposit and Storage of Firearm and Ammunition

27. Deposit and storage of firearms and ammunition.

28. Record keeping by importer.
29. Withdrawal from approved firearms public warehouse, police station, etc.
30. Powers of Inspector General of Police on storage of firearms.
31. Provisions in relation to Tanzania Zanzibar.

PART IV

DEALERS, MANUFACTURERS GUNSMITHS AND BROKERS LICENCE AND PERMITS

(a) Dealers

32. Dealer's permit.
33. Conditions imposed on dealers.
34. Change of premises.
35. Duties of a dealer.
36. Firearms disposal on ceasing to carry on business.
37. Application of other laws.

(b) Manufacturers, Gunsmiths and Brokers

38. Prohibition of manufacture of firearms or ammunition.
39. Repair of firearms.
40. Approval of the Armament Control Advisory Board.
41. Gunsmith's permit conditions.
42. Broker's permit.
43. Issuance of a brokers permit.
44. Approval of the Armament Control Advisory Board.

PART V

IMPORT, EXPORT, TRANSIT AND TRANSPORT OF FIREARMS AND AMMUNITION

(a) Import, Export, and Transit of Firearms and Ammunition

- 45. Import, export and on transit.
- 46. Transit licence for contiguous states.
- 47. Permit conditions.
- 48. Inspection.

(b) Transportation of Firearms and Ammunition

- 49. Transporter's permit.
- 50. Conditions for transporting firearms.
- 51. Transporter's duties.
- 52. Application of other laws.

PART VI
SEARCH AND SEIZURE

- 53. Search and seizure.
- 54. Immunity.

PART VII
DISPOSAL OF FIREARMS

- 55. Firearms disposal in case of death.
- 56. Forfeiture of firearms connected with offence.
- 57. Forfeiture of firearms or ammunition without apparent owner.

PART VIII
MISCELLANEOUS PROVISIONS

- 58. The Central Firearms Registry Offices.
- 59. Safe custody of firearms and ammunition.
- 60. Offences and penalties.
- 61. Safe keeping of firearms or ammunition.
- 62. Reporting of loss of firearms or ammunition
- 63. Presumption.
- 64. Amnesty for surrender of firearms.
- 65. Firearm-free zones.
- 66. Verification of records of firearms or ammunition.
- 67. Joint operations.
- 68. Information sharing and mutual assistance.
- 69. Classification of non-lethal weapons.
- 70. Imitation firearms.
- 71. Fees.
- 72. Power to make regulations.
- 73. Repeal.
- 74. Savings and transitional provisions.

PART IX
CONSEQUENTIAL AMENDMENTS TO THE LOCAL
GOVERNMENT FINANCE) ACT,
(CAP. 290)

- 75. Construction.
- 76. Amendment of section 7.

THE UNITED REPUBLIC OF TANZANIA



NO.2 OF 2015

I ASSENT,

JAKAYA MRISHO KIKWETE

*President*25th April, 2015

An Act to provide for the general control and management of firearms and ammunition; and for licensing, possession, importation, exportation, transit, dealing in, brokering and tracing of firearms and ammunition; to repeal and replace the Arms and Ammunitions Act and to provide for other related matters.

ENACTED by Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

Short title and
commencement

1. This Act may be cited as the Firearms and Ammunition Control Act, 2015 and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

Application	<p>2.-(1) This Act shall apply to Mainland Tanzania and Tanzania Zanzibar to all firearms except armaments.</p> <p>(2) The Minister may, in consultation with relevant authority in Tanzania Zanzibar, by notice published in the <i>Gazette</i>, exempt from the application of this Act any category of firearms or ammunition.</p>
Interpretation	<p>3. In this Act, unless the context otherwise requires-</p> <p>“airgun” means any device manufactured to discharge a bullet or any other projectile of a calibre of less than 5.6 mm (22 calibre), by means of compressed gas and not by means of a burning propellant;</p> <p>“approved firearms warehouse” means storage facility of firearms approved by the Registrar;</p>
Cap 246	<p>“armaments” has the meaning ascribed to it under the Armaments Control Act;</p> <p>“ammunition” means a primer or complete cartridge including the cartridge case, unfired primer, propellant, bullets, and projectiles that are used in firearms and anything which the Minister may, by notice published in the <i>Gazette</i>, declare to be an ammunition;</p> <p>“amnesty” means an immunity against prosecution for the unlawful possession of a firearm or ammunition granted pursuant to section 64;</p> <p>“antique firearm” means a firearm manufactured before the 1st of January 1900;</p> <p>“authorized officer” means a police officer or any other officer designated as such by the Registrar to assist in the implementation of this Act;</p>
Cap. 246	<p>“Armaments Control Advisory Board” has the meaning ascribed to it under the Armaments Control Act;</p>

“broker” means a person who acts-

- (a) for a commission, advantage or cause, whether pecuniary or otherwise;
- (b) to facilitate the transfer, documentation or payment in respect of any transaction relating to the buying or selling of small arms and light weapons; or
- (c) as an intermediary between any manufacturer or supplier of, or a dealer in small arms and light weapons and any buyer or recipients thereof;

“Central Firearms Registry” means the Registry established under section 9;

“Committee” means the Arms Management and Control Committee established under section 5;

Cap. 212

“Company” means the company established under the Companies Act;

“dealer” means any person authorised under this Act to trade in firearms and ammunition;

“end-user certificate” means a document used in the international sale of firearms and ammunition specifying that the buyer is the final recipient of the firearm;

“explosive” means-

- (a) any substance or a mixture of substances, in a solid or liquid form, which is capable of producing an explosion;
- (b) a pyrotechnic substance in a solid or liquid form, or a mixture of such substances, designed to produce an effect by heat, light, sound, gas or smoke or a combination of these as the result of non-detonative self-sustaining exothermic chemical reaction, including pyrotechnic substances which do not evolve gases;

(c) any particle or device containing one or more substances contemplated in paragraph (a), but does not include thunderstorms;

substances contemplated in paragraph (a), but does not include thunderstorms;

(d) any plastic explosive; or

(e) any other substance or particle which the Minister may from time to time by notice in the *Gazette* declare to be an explosive;

“explosives magazine” means any building or part thereof, or any structure, licenced under this Act for the storage of explosives;

“firearm” includes small arms, light weapons, muzzle loading guns and antique firearms except armaments;

“firearm free zone” means a zone designated as such pursuant to section 65;

“gunsmith” means a person who is authorized in terms of this Act to repair a firearm;

“imitation explosive” means anything that has the appearance of an explosive, but which is not capable of operating as such and cannot by superficial examination be identified as an explosive;

“light weapons” includes portable weapons designed for use by several persons saving as crew, any machine guns, automatic cannons howitzers motors of less than 100 mm caliber, grenade launchers, anti tank weapons, recoilless guns, shoulder fire rockets, aircraft weapons and launchers;

“licence” means a document issued to an applicant to own, import, export, manufacture, deal, or do any act licenced under this Act;

“manufacturer” means a person who engages himself in the making or processing of any firearms, ammunition or any part thereof into components by any process, the conversion of any kind of explosive into another kind and the alteration, testing or repairing of any explosive, and the word “manufacture” shall be construed accordingly;

“Minister” means the Minister for the time being responsible for Home Affairs;

“National Focal Point” means the National Focal Point designated as such under section 4;

“plastic explosive” means any explosive in flexible, malleable, elastic or sheet form which is-

(a) formulated with one or more high explosives which in their pure form have a vapour pressure of less than 10⁻⁴ Pa at a temperature of 25°C;

(b) formulated with any binder material; and

(c) as a mixture, flexible or malleable at normal room temperature;

“permit” means a document issued to a person authorizing him to perform a particular function under this Act;

Cap. 322

“police officer” has the meaning ascribed to it by the Police Force and Auxiliary Police Act;

“private collector” means a member of an accredited collector's institution who collects firearms or ammunition, and who is not a public collector;

“protocol” means protocol referred to under section 46;

“public collector” means a person who collects firearms or ammunition for display to the public and is accredited as such;

Cap. 212

“private security company” means a private company registered under the Companies Act to render security services and which has been approved by the Inspector General of

Police;

“private security industry” means private entities or organizations providing security services;

“Registrar” means the Registrar of Firearms referred to in section 8;

“small arms” includes light machine guns, submachine guns, machine pistols, full automatic rifles, assault rifles and semi automatic rifles.

PART II

ADMINISTRATIVE PROVISIONS

(a) National Focal Point

National Focal Point

4.-(1) For the purpose of administration and implementation of this Act, the Inspector General of Police shall be designated as the National Focal Point.

(2) The National Focal Point shall be the national point of contact and liaison officer between the United Republic and other states on all matters relating to the implementation of the national program of action on the control of firearms and ammunition.

(b) Arms Management and Control Committee

Establishment of the Committee

5. There is established a Committee to be known as the Arms Management and Control Committee.

Composition of the Committee

6.-(1) The Committee shall compose of seventeen members to be appointed as follows-

- (a) the Inspector General of Police who shall be the Chairman of the Committee;
- (b) the Commissioner of Police Zanzibar;
- (c) a representative from Ministry responsible for Home Affairs;
- (d) a representative from Office of President of the United Republic of Tanzania;
- (e) a representative from the Ministry responsible for defence;
- (f) a representative from Tanzania Peoples Defence Forces;
- (g) a representative from the private security industry;
- (h) a representative from dealers' association;
- (i) a representative from hunters' association;
- (j) two representatives from Ministry of Regional Administration and Special Units of the Revolutionary Government of Zanzibar ;
- (k) a representative from Prison Service;
- (l) a state attorney from the Attorney General's Chambers;
- (m) a representative from Ministry responsible for wildlife conservation;
- (n) a representative from Ministry responsible for trade and industry;
- (o) a representative from civil societies; and
- (p) a representative from civil societies dealing with firearms and ammunition control.

(2) The Inspector General of Police shall, in consultation with the relevant authority in Zanzibar, appoint a senior police officer to be the Secretary to the Committee.

(3) All members except the Chairman of the Committee shall be appointed by the Minister after consultation with the relevant authority in Zanzibar.

(4) All members appointed under this section shall be Tanzania citizens of at least senior rank.”

(5) Notwithstanding subsection (1), the Committee may co-opt any person to its meetings in order to assist the Committee in arriving at a decision.

Functions of the
Committee

7.-(1) The Committee shall perform advisory functions in respect of all matters regarding management and control of firearms and ammunition.

(2) Without prejudice to the generality of subsection (1), the Committee shall advise the Minister on the -

- (a) coordination of all activities relating to small arms and light weapons at national level;
- (b) coordination of the implementation of international and regional agreement on the prevention, combating and eradication of illicit and proliferation of small arms and light weapons;
- (c) harmonization of legislation in conformity with international and regional instruments related to the control and management of firearms and ammunition;
- (d) mechanism for control of firearms and ammunition;
- (e) coordination and implementation of the National Policy on Control of Firearms and Ammunition;
- (f) accreditation of institutions designated to provide training on the use of firearms;
- (g) coordination and support of the activities of non-governmental organizations, associations and dealers engaged in the control of firearms;

- (h) coordination of research on illicit small arms and light weapons; and
- (i) awareness raising and information management and communication.

(3) The tenure, quorum, termination of membership, proceedings and other matters in relation to the Committee shall be as set out in the First Schedule to this Act.

(4) The Committee may, upon prescribed terms and conditions, establish such number of sub committees to perform specific functions as may be determined by the Committee.

(c) Registrar of Firearms

Registrar of
firearms,
powers and
functions

8.-(1) There shall be a Registrar of firearms who shall be appointed by the Inspector General of Police after consultation with the Commissioner of Police in Tanzania Zanzibar.

(2) The powers and functions of the Registrar shall be to-

- (a) grant licence, permit and certificates under this Act.
- (b) renew, suspend or cancel any licence or permit issued under this Act;
- (c) establish and maintain the Central Firearms Database; and
- (d) conduct any investigation or enquiry which he deems necessary in order to exercise his powers or carry out his duties in terms of this Act.

(3) The Registrar may, except for the powers to withdraw firearms and ammunition deposited in the warehouses, police stations or any other place which may be prescribed under this Act, issuance of certificates, end user certificate, permits or licence for

importing, exporting or on transit firearms and ammunitions, delegate in writing, to any authorized officer any of the powers or functions conferred under this Act.

(4) The delegation made under subsection (3) shall not exclude or bar the Registrar from exercising or performing the same powers or functions.

(5) The Registrar shall, in the performance of functions relating to issuance of manufacturing or assemble permit, gunsmith permit or broker permit, consult the Armament Control Advisory Body.

Establishment
of the Central
Firearms
Registry

9.-(1) There is hereby established a Central Firearms Registry in which there shall be kept registers in the manner and form to be prescribed in the regulations.

(2) The registers shall contain the following-

- (a) the names, address and other particulars of the owner;
- (b) the details particulars and purposes of the firearms ; and
- (c) details and particulars of the:
 - (i) dealer;
 - (ii) gunsmith;
 - (iii) broker;
 - (iv) transporter;
 - (v) importer;
 - (vi) exporter; and
 - (vii) manufacturer.
- (d) and such other information as may be required for that purpose.

PART III
POSSESSION OF FIREARMS AND AMMUNITION
(a) *Licence or Permit to Possess Firearms*

Application for
a licence or
permit

10.-(1) A person shall not possess a firearm unless he has obtained a licence or permit under this Act.

(2) An application for the possession of a firearm under this Part shall be made to the Registrar through relevant defence and security committees established under the National Security Council Act and shall be in the form set out in the regulations.

(3) The Registrar shall issue a licence or permit for shotgun, pistols or rifles and any other type of firearm as the Armament Control Advisory Board may specify.

(4) Without prejudice to subsection (3), the Registrar shall not issue a licence or permit for the possession or use any firearm which is an automatic silencer.

(5) Where an applicant for a licence to possess a firearm is a company, the application shall be made by the chief executive officer in the manner to be prescribed in the regulations.

(6) A firearm in respect to which a permit has been issued shall be used on an accredited shooting range in accordance with the rules of that shooting range and in accordance with such conditions as the Registrar may impose.

(7) A person shall not use, for security or any other purposes, a firearms licence issued in the name of another person.

(8) The regulations made under subsection (5) shall prescribe-

(a) the manner in which the chief executive officer shall transfer a firearm to his employees;

- (b) the manner and form in which a licence under this Part shall be issued, suspended, cancelled or renewed;
- (c) the types and number of firearms a person can possess;
- (d) the carrying, handling and custody of firearms; and
- (e) any fees to be paid.

Qualifications

11.-(1) A person shall not be issued with a licence to possess a firearm unless he-

- (a) is not less than 25 years old;
- (b) has obtained a certificate of competency;
- (c) is a Tanzanian citizen or a holder of a Tanzanian residence permit;
- (d) is mentally stable and not inclined to violence;
- (e) is not dependent on any substance which has an intoxicating or narcotic effect;
- (f) has not been convicted, whether in or outside the United Republic of Tanzania, of any of the offences set out in the Second Schedule to this Act; and
- (g) has not been declared unfit to possess a firearm due to old age, recklessness or any other disability;

(2) Without prejudice to subsection (1)(c), a permit to possess firearms may be issued to the following:

- (a) a guard of a Head of State on official visit in the United Republic;
- (b) international tourists on hunting activities in the United Republic;
- (c) escort of prisoners ; and
- (d) any other person to whom the Minister may, by regulations, prescribe.

Certificate of competency

12.-(1) An applicant for a firearms' licence or permit shall undergo-

- (a) a competency training on the use and safe handling of

firearms at an approved government or private institution; and

(b) shooting range classes at an approved government or private institution.

(2) The Registrar shall issue a certificate of competency to an applicant who has successfully completed and passed the training.

(3) The applicant shall be tested theoretically and practically in safe handling and use of the specific classes of firearms as may be directed by the Registrar

(4) A certificate of competency holder shall be required to undergo a firearms-testing after every five years or as the Registrar may specify and shall pay such fees as specified in the regulations.

(5) Notwithstanding the requirements of this section, applicants for a firearms licence with military background are exempted from undergoing theoretical and practical training on the safe handling of firearms.

(6) The Minister may, in consultation with the relevant authority in Tanzania Zanzibar, make regulations-

(a) designating the government institutions that shall be responsible for providing competency training on the use and safe handling of firearms;

(b) prescribing the guidelines and curriculum that shall govern competency training and testing on firearms;

(c) prescribing the procedures, qualifications and experience of persons conducting the competency training and testing on firearms; or

(d) prescribing any other matter relating to institutions; and conducting competency training on the use and safe handling of firearms.

Reciprocal
recognition of
firearms
licences issued
in neighbouring
countries

13.-(1) The Minister may, if he is satisfied that reciprocal provisions have been made by the Governments of the countries specified in the Third Schedule or by any other foreign government for the recognition by or under the law in force in the said countries of firearms licences granted under this Act, by Order declare that firearms licence or firearms certificate corresponding to firearms licence under this Act and issued under such law, shall, on being endorsed by an authorized officer, have the same effect and validity in the United Republic as if it were a firearms licence granted under this Act.

(2) The Minister may, by Notice publish in the *Gazette* amend the Third Schedule by adding such other country with reciprocal recognition.

(3) For the purpose of the provision of subsection (1), the countries with reciprocal agreement are as specified in the Third Schedule.

(4) A diplomat who arrives in the United Republic with firearms and ammunition shall apply for endorsement of a firearms licence issued in a foreign state, to the Ministry of Foreign Affairs.

(5) After endorsement under subsection (4), the diplomat shall make application of the firearm in accordance with this Act.

Separate
licence for each
firearm

14. The Registrar shall issue a separate licence for each firearm.

Licence to
possess
firearms in a
private
collection
Cap. 333

15.-(1) A firearm approved for collection under the Antiquities Act shall, subject to the provisions of this Act, be stored in a private collection.

(2) A person who intends to own a firearm in a private collection shall apply for a licence to the Registrar.

(3) The application in subsection (2) shall be accompanied by the approval of the Director of Antiquities.

(4) The holder of a licence issued under this section shall-

- (a) store the firearm at the place specified in the licence; and
- (b) display the firearm in accordance with such safety measures as may be prescribed by the Registrar.

Licence to possess firearms for business purposes

16.-(1) The Registrar may issue a licence to possess a firearm for business purposes which include-

- (a) a private company or any other institution;
- (b) a person who is licenced as a hunter under the relevant laws; or
- (c) any person who is licenced to use firearms for such other business purpose which the Minister may approve.

(2) A person or company in respect of which a licence is issued shall use such licence for the purposes specified in the licence.

(3) Subject to subsection (2), the holder of a licence issued under this section may only provide the firearm for use by another person possessing a certificate of competency, other than to a person possessing a temporary permit.

(4) Subject to this section private company or any other institution which holds a licence to possess a firearm for business use may only provide the firearm to a private security officer in its service who holds a certificate of competency.

(5) Subsections (3) and (4) shall be implemented in accordance with the procedure to be prescribed in the regulations.

- (6) A holder of a licence issued under this section shall-
- (a) keep a register of all firearms in his possession containing such information as may be prescribed in the regulations; and
 - (b) store and transport the firearms and ammunitions in the manner to be prescribed by the regulations.
- (7) The holder of a licence issued under this Act shall, at the request of an authorized officer, produce for inspection-
- (a) any firearm in his possession or under his control; and
 - (b) every licence issued in terms of this section.
- (8) The Minister may, in consultation with the Minister for Defense specify the types of firearms that may be possessed by a private company or an individual.

Temporary
permit to
possess a
firearm

- 17.**-(1) Subject to sections 10 and 11, the Registrar may issue a permit to possess a firearm-
- (a) for such period as the Registrar may determine; and
 - (b) subject to such conditions as may be prescribed and imposed by the Registrar.
- (2) The Registrar may at any time cancel the permit issued in subsection (1) where the terms of the conditions specified in the licence have been violated.
- (3) The Registrar shall submit an annual report to the Inspector General of Police containing such information in respect of all permits issued under this section, as may be prescribed in the regulations.
- (4) A person to whom a permit has been issued under this section shall dispose of or store the firearm subject to such conditions to be imposed by the Registrar.

Manufacturer's
identification
serial number

- 18.** A firearm licence shall not be issued to any person unless the firearm bears the manufacturer's serial number or any

other identification mark by which the firearm can be identified.

National
identification
mark

19.-(1) Every small arms and light weapons shall be marked with a national identification code to be determined by the Committee.

(2) The Registrar shall engrave the national identification code on firearms.

(3) An owner of a firearm which was licenced before the coming into force of this Act shall submit the firearm to the Registrar for marking.

(4) Subject to subsection (3), the Registrar shall, issue directives specifying the time within which an owner shall present his firearm for marking and may prescribe sanctions for failure to comply with the requirements of the direction.

(5) A person shall not erase, alter or in any other manner tamper with the manufacturer's serial number or any other identification code mark on a firearm with the intention of changing its identity.

(6) An owner of a firearm shall immediately report to the Registrar of any firearm that has been erased, altered or tampered with in any manner as to render it illegible.

(7) The Registrar may, subject to sub section (6), direct in writing that such firearm be marked in accordance with this section.

(8) A person who contravenes subsections (4) and (5) commits an offence and is liable upon conviction, to a fine not exceeding ten million shillings or imprisonment for a term not exceeding five years or to both.

Unlawful
possession of a
firearm

20.-(1) A person shall not possess any firearm or firearm part unless he-

(a) holds a dealer's, manufacturer's or a gunsmith's licence or an import, export, on-transit or transporter's permit issued under this Act; or

(b) is authorised to do so under any other written law.

(2) A person who contravenes this section commits an offence and is liable upon conviction, to imprisonment for a term of five years.

(3) The Minister may, in consultation with the relevant authority in Tanzania Zanzibar and by notice published in the *Gazette*, prohibit or restrict the acquisition, disposal, possession or use of firearm or firearm part where it is-

(a) in the interest of public safety; or

(b) desirable for the maintenance of peace and order.

(4) For purposes of this section, “firearm part” means the slide, bolt or breech-block of a firearm.

(b) Licence or Permit to Possess Ammunition

Unlawful possession of ammunition

21. A person shall not possess any ammunition unless he-

(a) holds a valid dealer's or gunsmith's licence or an import, export, on transit or transporter's permit; or

(b) is otherwise authorised to do so under any other written law.

Authorisation of number of ammunition to be possessed.

22.-(1) A holder of a firearm licence shall not possess more than the authorised ammunition for which he is licenced to keep.

(2) The limitation under subsection (1) shall not apply to a holder of a licence authorised to possess ammunition bought and discharged at an accredited shooting range.

Prohibition from using certain classes of

23. The Minister may, in consultation with the relevant authority in Tanzania Zanzibar and by notice

ammunition published in the *Gazette*, prohibit or restrict the acquisition, disposal, possession or use of ammunition of a specified class if it is-

- (a) in the interest of public safety; or
- (b) desirable for the maintenance of peace and order.

Permit to possess ammunition in a private collection

24.-(1) The Registrar shall approve ammunition to be collected by an accredited collector's institution.

(2) The ammunition collected under subsection (1) may be stored in a private collection.

(3) The Registrar may issue a permit to possess ammunition in a private collection in the manner to be prescribed by the regulations.

(4) A private collector shall not possess more than 200 rounds of ammunition of any caliber or discharge any ammunition unless with the approval of the Registrar.

(5) The holder of a permit issued in terms of this section-

- (a) shall store the ammunition at the place specified in the permit; and
- (b) may display the ammunition in accordance with such safety measures as may be prescribed in the regulations.

Permit to possess firearms and ammunition by a public collector

25.-(1) The Registrar may in consultation with the Director of Antiquities issue a licence or permit to a public collector to possess firearms and ammunition for a public collection.

(2) The holder of a permit issued in subsection (1) shall not possess more than 200 rounds of ammunition of any particular calibre unless the Registrar approves a higher number in writing.

(3) A firearm and ammunition in respect of which a permit has been issued under this section shall be displayed-

- (a) in an accredited museum; and
- (b) in accordance with such safety measures as may be prescribed in the regulations.
- (4) The holder of a permit issued under this section shall not discharge any ammunition in his collection.

(c) Persons Unfit to Possess Firearms

Persons unfit to possess firearms

26.-(1) The Registrar may, upon conducting an investigation, declare a person, being an applicant for licence or permit, to possess firearms or ammunition or such a holder of a licence or permit, unfit to possess a firearm if-

- (a) the person's mental condition, inclination to violence or dependence on any narcotic intoxicating substance;
- (b) it is proved that the person is dangerous to himself or other persons;
- (c) the person has failed to take the prescribed steps for the safekeeping of the firearm;
- (d) the person has provided false or misleading information regarding that firearm contrary to this Act; or
- (e) the person is convicted of any of offences set out in the Second Schedule to this Act.

(2) Where the investigations in subsection (1) have been finalized and the Registrar is satisfied that there are strong reasons to believe that a person is unfit to possess a firearm, he shall-

- (a) issue notice in writing which shall be delivered to the person, requiring the person to appear before him at a time and place set out in the notice to show cause as to why he should not be declared unfit to possess a firearm; and

(b) where the person to whom the notice in subsection 2(a) has been issued fails to appear for no reasonable grounds, within the time and place specified in the notice, declare him unfit to possess a firearms.

(3) The certificate of competency, licence and permit issued to any person who is declared unfit in terms of this section shall cease to be valid from the date of the declaration.

(4) A person who is declared unfit in terms of this section shall, as soon as practicable, surrender to the nearest police station-

(a) the certificate of competency, licence and permits issued to him; and

(b) the firearms and ammunition in his possession.

(5) Where a person has surrendered his firearm or ammunition in terms of subsection (4), it shall be disposed of within such period and in such manner as the Registrar may determine.

(d) Deposit and Storage of Firearm and Ammunition

Deposit and
storage of
firearms and
ammunition

27.-(1) An importer of firearms and ammunition shall, after-

(a) obtaining a permit from an authorized officer;
and

(b) conforming to any directions regarding transportation of firearms and ammunition;

immediately deposit the firearms and ammunition in an approved firearms warehouse or police station, at his own expense.

(2) Subsection (1) shall not apply to firearms and ammunition imported by or for use by the Government.

(3) Notwithstanding subsection (1), the Registrar may, in relation to Tanzania Zanzibar, and in consultation with the Commissioner of Police Tanzania Zanzibar,

prescribe any other place where firearms and ammunition may be deposited, and such place may include a police station.

Record keeping
by importer

28.-(1) Every importer of firearms and ammunition shall, as soon as practicable, after the deposit made under section 27, before the withdrawal of any firearm or ammunition or any part thereof and every package of ammunition, keep records of any firearm, ammunition or any part thereof, in the prescribed manner.

(2) An importer depositing a firearm or ammunition shall supply such information for the purposes of enabling the record keeping effected as may be required by the officer in charge of the warehouse, police station or as may be prescribed by the Registrar.

(3) All firearms and ammunition imported for business purposes shall be registered on the date they were first deposited in a public warehouse or police station.

Withdrawal from
approved
firearms
warehouse or
police station, etc.

29.-(1) The firearms or ammunition deposited in approved firearms warehouse or police station or any other place prescribed by the Registrar, shall not be withdrawn except with a permit signed by the Registrar.

(2) A permit shall not be granted for the withdrawal of any firearms or ammunition unless the Registrar is satisfied that they are-

- (a) for dispatch to places designated by the Minister where the inhabitants are allowed to carry or possess firearms under the control and responsibility of Local Government Authorities for the purposes of defense against, robbers, dangerous animals or rebels;
- (b) for dispatch to another approved firearm warehouse or police station; or.
- (c) for individuals who can show that they require the firearms and ammunition for the legitimate personal use

(3) The permit shall specify the place to and time within which the firearms and ammunition are to be dispatched after withdrawal and the place in which they are to be secured in the interval.

(4) The Registrar may limit the quantity of firearms and ammunition permitted to be withdrawn at any one time.

(5) Before permitting the withdrawal of firearms and ammunition, the Registrar may require such security to be given as he thinks fit so as to ensure that the provisions of this Act are complied with.

(6) Every permit for the withdrawal of firearms or ammunition shall specify the mark, number and description of the firearms and ammunition.

Powers of the
Inspector General
of Police on
storage of
firearms

30.-(1) Without prejudice to any provisions of any law in relation to storage of firearms and ammunition, the Inspector-General of Police may issue directives on how to store firearms or ammunition which come into the hands of the police and may charge fees for such storage.

(2) The Inspector General of Police may make an application to a Resident Magistrate for a forfeiture order of the firearms or ammunition where they have been stored for a period of up to eighteen months or where payment of the fees in subsection (1) has not been effected within a period of two months from the date of storage.

(3) Where in relation to an application made under subsection (2) the Resident Magistrate is satisfied that—

- (a) reasonable steps have been taken to bring the application to the notice of the person who appears to be the owner of the firearms or ammunition; and
- (b) such person has had reasonable opportunity to pay the fees or to lawfully dispose of the

firearms or ammunition, and fails, the Resident Magistrate shall order the firearms or ammunition to be forfeited to the Government.

Provisions in relation to Tanzania Zanzibar

31.-(1) Notwithstanding section 8, the Commissioner of Police for Tanzania Zanzibar shall be the Registrar for Tanzania Zanzibar.

(2) The firearms licence granted in Mainland Tanzania shall not be valid for the same purposes in relation to same or other firearms and ammunition in Tanzania Zanzibar, unless it is endorsed by the Registrar or an authorised officer.

(3) The provision of subsection (2) shall apply *mutatis mutandis* to Mainland Tanzania.

(4) A person may carry, possess or use any firearm or ammunition in Tanzania Zanzibar but he shall keep or store the firearms and ammunition in accordance with the directives of the Registrar after such use.

DEALERS, MANUFACTURERS, GUNSMITHS AND BROKERS LICENCES AND PERMITS

(a) Dealers

Dealer's permit

32.-(1) The Registrar shall not issue a permit to deal in any firearms, other than non-automatic firearms unless he has consulted and obtained approval from the Armament Control Advisory Board.

(2) A person who wishes to deal in any firearms or ammunitions business shall-

Cap. 212

(a) obtain a dealer's permit;

(b) where the applicant is a company, be registered pursuant to the Companies Act.

(3) Any application for a permit to deal in firearm or ammunition business shall be made to the Registrar in a form prescribed out in the regulations.

Conditions imposed on dealers

33. The Minister may, in consultation with the relevant authority in Tanzania Zanzibar, make regulations prescribing for the -

- (a) conditions in respect of the issuance of a dealer's permit;
- (b) conditions which the Registrar shall impose on dealers;
- (c) specifications in respect of the business premises of a dealer;
- (d) procedure for renewal of a dealer's permit;
- (e) procedure for suspension and cancellation of dealer's permit.

Change of premises

34.-(1) A dealer shall carry on firearms or ammunition business on the premises specified in the dealer's permit.

(2) Where a dealer wishes to change his place of business, he shall make an application to obtain a permit for that purpose.

(3) The application for change of place of business shall be lodged with the Registrar in the manner to be prescribed by the regulations.

(4) Where the Registrar is satisfied, with the application for change of place of business, he may endorse the existing licence or issue a new licence setting out the conditions for the change that he deems necessary to impose.

Duties of a dealer

35.-(1) A dealer shall keep such registers at his business premises, as may be prescribed in the regulations, containing the information specified in the dealer's permit.

(2) A dealer shall ensure that his dealer's permit is placed at a conspicuous place within his place of business at all times.

(3) A dealer shall, upon the request of the Registrar, produce for inspection-

- (a) any firearms or ammunition that the dealer may have in stock;
- (b) his dealer's permit; and
- (c) any other records which the authorized officer may require for the purposes of conducting the inspection under this Act.

(4) An authorised dealer shall submit to the Registrar a return on the business transactions carried out within a prescribed period of time and in the prescribed form.

Firearms disposal on ceasing to carry on business

36. Where a person who holds a licence issued in terms of Part III, ceases to carry on business for any reason, he shall keep the firearms and ammunition in his possession in safe custody at a place to be designated by the Registrar.

Application of other laws

37. A permit issued under this Part shall not exempt the permit holder from complying with the provisions of any other written laws regulating business licensing.

(b) Manufacturers, Gunsmiths and Brokers

Prohibition of manufacture of firearms or ammunition

38.-(1) A person shall not manufacture or assemble firearms or ammunition in the United Republic of Tanzania except in accordance with the terms of the permit issued by the Armament Control Advisory Board.

(2) Notwithstanding the provision of subsection (1), the Board may issue manufacturing permit, provided that the applicant meet the required terms and conditions.

Repair of
firearms

- 39.**-(1) A person shall not repair a firearm unless he is a holder of a gunsmith's permit issued under this Act.
- (2) Subject to subsection (1), a person shall not-
- (a) alter the mechanism of a firearm so as to enable the discharging of more than one shot with a single depression of the trigger;
- (b) alter the caliber or the barrel length of a firearm.
- (3) All firearms shall be repaired at Government arsenals or by a licenced gunsmith.

Approval of the
Armament
Control
Advisory
Board

40. Notwithstanding any provision of this Act, the Registrar shall not issue a gunsmith's permit unless the applicant is approved by the Armament Control Advisory Board.

Gunsmith's
permit
conditions

- 41.** The Minister may, in consultation with relevant authority in Tanzania Zanzibar , prescribe-
- (a) the manner in respect of the issuance, suspension, cancellation or renewal of a gunsmith's permit;
- (b) conditions which the Registrar may attach to the gunsmith's permit; and
- (c) specifications in respect of the business premises of a gunsmith.

Broker's permit

42. A person shall not act for others in negotiating or arranging contracts, purchases, sales or the transfer of firearms and ammunition in return for a fee, commission or other consideration unless that person is a holder of a broker's permit issued under this Act.

Issuance of a
brokers permit

43. The Minister may, in consultation with the relevant authority in Tanzania Zanzibar prescribe-

- (a) procedure for issuance, suspension, cancellation or renewal of a broker's permit;
- (b) the conditions to which the Registrar may attach to the broker's permit; and
- (c) specifications in respect of the business premises of a broker.

Approval of the
Armament
Control
Advisory
Board

44. Notwithstanding any provision of this Act, a brokers' permit shall not be issued to operate in the United Republic of Tanzania unless the broker is approved by the Armament Control Advisory Board.

PART V
IMPORT, EXPORT, TRANSIT, AND TRANSPORT OF FIREARMS
AND AMMUNITION

*(a) Import, Export, Transit and Transport of Firearms and
Ammunition*

Import, export
and on transit

45.-(1) A person shall not import into or export from or carry on transit any firearms or ammunition through the United Republic of Tanzania without a permit.

(2) A person shall not import firearms or ammunition unless-

- (a) they are for personal use;
- (b) he has obtained an end-user certificate from the Registrar; and
- (c) he is a licenced dealer under this Act.

(3) A person importing or exporting firearms or ammunition on transit, through the United Republic of Tanzania, whether for trade or personal use, shall obtain a separate permit for each consignment that is imported or exported.

Cap 403 (4) The imported firearms or ammunition shall be landed at the designated points of entry as prescribed in the Customs (Management and Tariff) Act.

Transit licence for contiguous states **46.** Notwithstanding anything contained in this Act, a transit permit for the importation of arms or ammunition, whether in whole or in parts to contiguous states, may be granted, suspended, refused, renewed or cancelled by the Minister in accordance with the provisions of Article 10 of the Convention referred to in the Fourth Schedule.

Permit conditions **47.** The Minister may, in consultation with the relevant authority of Tanzania Zanzibar, make regulations prescribing for-

- (a) procedure for issuance, suspension, cancellation or renewal of an import, export, or in-transit permits;
- (b) conditions which the Registrar shall impose on the holder of a permit;
- (c) qualifications to be possessed by a permit applicant; and
- (d) identification marks.

Inspection **48.**-(1) The holder of a permit issued in terms of this Part, shall at the request of the Registrar, produce for inspection-

- (a) any firearms or ammunition in his possession or under his control;
- (b) his permit; and
- (c) any records that may be kept by him in terms of this Act.

(2) A dealer shall keep and maintain records in relation to the importation or sale of firearms and ammunition in the manner to be prescribed by the Registrar.

- Transporter's permit (b) *Transportation of Firearms and Ammunition*
49.-(1) A person shall not transport any firearm or ammunition unless he obtains a transporter's permit.
(2) An application for a transporter's permit shall be made to the Registrar in the prescribed form, as set out in the regulations.
- Conditions for transporting firearms **50.** The Minister may, in consultation with the relevant authority in Tanzania Zanzibar, prescribe-
(a) procedure for issuance, suspension, cancellation or renewal of a transporter's permit;
(b) the conditions in a permit; and
(c) qualifications of a permit holder.
- Transporter's duties **51.**-(1) The holder of a transporter's permit shall, at the request of any authorized officer, produce for inspection-
(a) any firearms or ammunition in his possession or under his control;
(b) his permit; and
(c) any register or records that may be kept by him; and
(d) any other information which may be relevant to the inspection.
(2) A transporter shall keep and maintain records of all firearms or ammunition transported in the manner to be prescribed by the Registrar and shall make available any required information to the authorized officer.
- Application of other laws **52.** A permit issued under this Part shall not exempt the person to whom it is issued from complying with any of the provisions of any other written laws regulating business licensing.

PART VI
SEARCH AND SEIZURE

Search and
seizure

53.-(1) Notwithstanding the provision of any written law to the contrary, an authorized officer who reasonably suspects any firearm or ammunition to be illegally held, may, at any time in the course of his official duty-

(a) stop and search any person, motor vehicle, carriage, vessel or aircraft during taxing out; and

(b) enter , search and seize any firearm or ammunition in any premises.

(2) Where an authorised officer executing a search warrant has reasonable grounds to believe that any firearms or ammunition found in any premises, ship or vehicle are being kept, conveyed, landed or sold in contravention of this Act, he may seize the firearms or ammunition until such a time when the court has determined whether or not the firearms or ammunition are liable to be forfeited or not.

Cap. 20

(3) The provisions of Part II of the Criminal Procedure Act relating to search and seizure, shall apply *mutatis mutandis* to this Act.

Immunity

54. No suit, prosecution or other legal proceedings shall lie against the Registrar or any other authorised officer exercising any powers or discharging any functions or performing any duties under this Act, for anything done in good faith under this Act.

PART VII
DISPOSAL OF FIREARMS

Firearms
disposal in case
of death

55. Where a firearm licence holder dies or ceases to exist while still in possession of a firearm, the firearm in question shall be disposed by the registrar in the manner to be prescribed in the regulations.

Forfeiture of
firearms
connected with
offence

56. Any firearm or ammunition which is connected with an offence shall, where the court thinks fit, be forfeited to the Government.

Forfeiture of
firearms or
ammunition
without an
apparent owner

57.-(1) Any firearm or ammunition found in any building, vessel, aircraft or place without any apparent owner may, be ordered by the court to be forfeited to the Government.

(2) Where a firearm or ammunition has been forfeited by the Government, by a court order, it shall be disposed of in the manner and within the time specified in the destruction order of the court:

(3) A disposal order shall not be executed by the Government where an appeal is pending against the order or until such time the statutory appeal period elapses without an appeal being instituted against the order.

PART VIII
MISCELLANEOUS PROVISIONS

The Central
Firearms
Registry offices

58.-(1) The Central Firearms Registry shall be at Police Headquarters with its Sub-registry in Zanzibar at a place that is equivalent to the Police Head Quarters of Mainland Tanzania.

(2) The Central Arms Registry shall be under the control of the Inspector-General of Police or such other officers as the Minister may appoint, for recording all permits and licences issued.

(3) The Registrar shall transmit to the Central Arms Registry, at the beginning of every month, a record of permits and licences issued by him during the preceding month.

Safe custody of
firearms and
ammunition

59.-(1) A person having in his possession, control or custody of any firearms or ammunition shall-

(a) take reasonable precaution to prevent the firearms or ammunition from falling into the possession, control or custody of unauthorized person; and

(b) comply with such security measures, both with regard to the safe custody of the firearm or ammunition and the conditions in which the firearm or ammunition shall be kept, as the Registrar may prescribe.

(2) In any proceedings under this section or any regulation concerning the duty to take security measures, the burden of proof shall lie on the person charged.

(3) For the purposes of this section “unauthorized person” means any person who is not authorized to possess firearms or ammunition under this Act.

“Offences and
penalties”

60.-(1) A person who contravenes any provision of this Act, commits an offence and is liable, except where a penalty is provided for a similar offence in any other relevant law, to a fine not exceeding fifteen million shillings or to imprisonment for a term not exceeding ten years or to both.

(2) Where a person who is convicted under subsection (1) holds a permit for the possession of a firearm or ammunition, such permit shall be cancelled or suspended and the firearms or ammunition be forfeited for a period which the court deems fit.

Safe keeping of
firearms or
ammunition

61. A person who fails to keep a firearm or ammunition that is in his lawful possession in safe custody commits an offence and is liable, upon conviction, to a

Reporting of
loss of firearms
or ammunition

fine not exceeding two million shillings or to imprisonment for a term not exceeding one year or to both.

62.-(1) Whenever a firearm or ammunition which is in the lawful possession of any person is lost, stolen or destroyed, the person shall, immediately but not later than seven working days after becoming aware of the loss, theft or destruction of the firearm or ammunition, report such loss, theft or destruction in person or through a person authorized by him in writing, stating clearly the particulars of the firearm or ammunition, the time and place and circumstances under which it got lost, stolen or destroyed as the officer may require.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not less than five million shillings or to imprisonment for a term not exceeding twelve **months** or to both.

Presumption

63. Subject to section 62, where it is proven that the accused person was at any time lawfully in possession of or is the holder of a licence or is authorized to possess the firearm or ammunition alleged to have been lost, stolen or destroyed, it shall be sufficient evidence that-

- (a) such firearm or ammunition has been lost, stolen or destroyed, if it is proven that **he has** failed to produce the firearm or ammunition upon the request to do so by any regulation and fails to show reasonable grounds for such failure;
- (b) he has failed to report the loss, theft or destruction of the firearm as required.

Amnesty for
surrender of
firearms

64.-(1) The Minister may, in consultation with the relevant authority in Tanzania Zanzibar, and by notice published in the *Gazette* -

- (a) for the purpose of surrendering illegally possessed firearms; and
- (b) to maintain law and order,

declare an amnesty to any person found in unlawful possession of a firearm or ammunition.

(2) The notice in subsection (1) shall specify the person to whom amnesty is granted, the period, area and conditions of amnesty.

(3) A person who surrenders a firearm or ammunition under this section shall not be prosecuted.

Firearm-free
zones

65.-(1) The Minister may, in consultation with the relevant authority in Tanzania Zanzibar, declare any area, premises or categories of premises to be a firearm-free zone.

(2) An authorized officer may, where he has reason to believe that a fire arm is kept in a firearm free zone-

- (a) search any building or premises;
- (b) search any person present in a firearm-free zone; and
- (c) seize any firearm or ammunition found in the firearm-free zone; or
- (d) arrest any person who contravenes the notice in subsection (1).

Verification of
records of
firearms or
ammunition

66. The Minister may in consultation with the relevant authority in Tanzania Zanzibar; and where it is in the public interest so to do, require any or all licence holders to verify their records of firearms or ammunition.

Joint operations

67. For the purposes of combating illicit proliferation of firearms and ammunition, the Inspector General of Police may, in consultation with the Minister authorize any person to participate in any regional joint operations.

Information sharing and mutual assistance

68. The Inspector General of Police may, for the purposes of combating illicit proliferation of firearms and ammunition-

- (a) upon request made by the appropriate authority of a foreign state, disclose to that authority any information in his possession; and
- (b) receive and act upon any information, obtained in the course of investigations, relating to a firearm or ammunition unlawfully possessed.

Classification of non-lethal weapons

69.-(1) The following weapons shall not be regarded as lethal weapons-

- (a) any captive bolt gun manufactured for use in an abattoir in the humane killing of animals;
- (b) a tranquilizer firearm;
- (c) a paintball gun;
- (d) a flare gun;
- (e) fireworks;
- (f) teaser gun;
- (g) a deactivated firearm; and
- (h) any other device which the Minister may, in consultation with the relevant authority in Tanzania Zanzibar and by notice in the *Gazette*, exempt.

(2) Without prejudice to any other relevant law regulating importation of firearms and ammunition, the Minister may, make regulations for the importation of non-lethal firearm.

Imitation
firearms

Cap. 16

70.-(1) An imitation firearm or toy gun shall, notwithstanding that it is not loaded or is otherwise incapable of discharging any shot, bullet or other missile, be deemed to be an offensive weapon or instrument for the purposes of section 286 of the Penal Code.

(2) For the purposes of this section, the expression “imitation firearm” or “toy gun” means anything which has the appearance of a firearm of any description.

(3) The Minister may, in consultation with the relevant authorities in Tanzania Zanzibar, make regulations prescribing procedures for importation of imitation firearms or toy gun.

Fees

71. The Registrar shall, in respect of services rendered under this Act, charge such amount of fees as may be prescribed in the regulations.

Power to make
regulations

72.-(1) The Minister may, in consultation with the relevant authority in Tanzania Zanzibar, make regulations-

- (i) prescribing-
 - (i) the persons to whom any licence or permit shall be issued;
 - (ii) the form in which a licence or permit shall be;
 - (iii) terms and conditions under which any licence or permit shall be issued;
 - (iv) fees to be paid in respect of the licence or permit; and
 - (v) the revocation of any licence or permit;
- (ii) regulating the stamping, marking, numbering, and registering of firearms and ammunition;
- (iii) prescribing for the establishment and regulation of public and private warehouses for the purposes of this Act;

- (iv) regulating and monitoring private security companies;
- (v) prohibiting or regulating the possession, sale, purchase and transfer of gunpowder and caps by or from local authorities and persons acting on behalf of local authorities;
- (vi) prescribing the form and manner in which any register or records required by this Act should be or any regulations under it shall be kept and their inspection;
- (vii) restricting and regulating the transport of firearms and ammunition;
- (viii) prescribing fees, rent, and charges for the use of public warehouses and the manner in which they may be recovered;
- (ix) prescribing the security measures, both with regard to the safe custody of firearms and ammunition and the condition in which they shall be kept, be taken by any person having in his possession, control or custody of any firearms or ammunition;
- (x) the determination and payment of fees payable in respect of the issuance or renewal of any certificate of competency, licence or permit or in respect of anything else for which a fee may be charged in terms of this Act;
- (xi) prescribing for the safe custody of the firearms and ammunition possessed by security guard companies, institutions and other private companies;
- (xii) the security of any premises at which dealers, manufacturers, gunsmiths, importers and exporters of firearms and ammunition, persons who use firearms for business purposes, including precautions and procedures to be taken to prevent the theft or unlawful use of firearms and ammunition in the possession of

- such persons;
- (xiii) precautions to be taken in respect of the carriage, use, safe custody or destruction of firearms and ammunition;
 - (xiv) the surrender and disposal of certificate of competency, licences, permits or permits issued under this Act which have been suspended, revoked or cancelled or which have expired;
 - (xv) the training, testing and such other measures as may be necessary to ensure the competency of persons who may possess and use firearms;
 - (xvi) prescribing the procedures for disposal of firearms and ammunition under this Act; **and**
 - (xvii) for any other matter which the Minister may deem necessary for better execution of this Act.

(2) The regulations made under this Act may provide for a penalty for contravention of any of the provisions made under it.

(3) In exercising the powers under this section, the Minister may, in consultation with the relevant authority in Tanzania Zanzibar, make regulations specifically relating to Tanzania Zanzibar.

Repeal
Cap. 223

73. The Arms and Ammunition Act is hereby repealed.

Savings, and
transitional
provisions

74. Notwithstanding the repeal of the Arms and Ammunition Act-

- (a) all subsidiary legislation made under the Act, which are in operation on the day of coming into force of this Act, shall be deemed to be subsidiary legislation made under this Act, and shall remain in force until revoked by regulations or rules made under this Act.

(b) all officers appointed under it to perform functions in relation to the control of the manufacture, importation, safe storage, carriage, export or other dealings in the arms and ammunition, shall continue to perform those functions in so far under this Act relates to them unless their tenure of office expires or their appointment is sooner terminated , whichever takes place earlier , or they are re-appointed and shall, for that purpose, be deemed to have been appointed under this Act.

PART IX
CONSEQUENTIAL AMENDMENTS TO THE LOCAL
GOVERNMENT (FINANCE) ACT, CAP 290

Construction

75. This Part shall be read as one with the Local Government (Finance) Act, hereafter referred to as the “principal Act”.

Amendment of section 7

76. The principal Act is amended in section 7 by-
(a) deleting subsection (1)(l); and
(b) renumbering paragraphs (m) to (z) as (l) to (y) respectively.

FIRST SCHEDULE

(Made under section 7(2))

Proceedings and Matters Relating to the Committee

Tenure of office

1.-(1) Every member of the Committee shall hold office for a Period of four years and shall be eligible for re-appointment for another one term.

	<p>(2) The Minister may amend or vary the list of members of the Committee.</p> <p>(3) In appointing members of the Committee, the Minister shall take into consideration, gender balance and the balance in composition of the members from Mainland Tanzania and Tanzania Zanzibar.</p>
Appointment of a temporary member	<p>2.-(1) Where a member is by reason of illness, infirmity or absence from the United Republic of Tanzania, unable to attend any meeting of the Committee without reasonable, the appointing authority may appoint a person in his place and such person shall cease to hold office on the assumption of office of the substantive member.</p> <p>(2) Where the member fails to resume office within six months, the Minister shall confirm the member appointed in sub paragraph (1) into office.</p>
Vice-Chairman	<p>3. The Committee shall elect from amongst its members a Vice-Chairman and to hold office for a term of one year, from the date of his election, and he shall be eligible for re-election for another one term.</p>
Power of Chairman and Vice-Chairman	<p>4.-(1) The Chairman shall preside at all meetings of the Committee.</p> <p>(2) Where at any meeting of the Committee the Chairman is absent, the Vice-Chairman shall preside.</p> <p>(3) In the absence of both the Chairman and the Vice-Chairman at any meeting of the Committee, the members present may appoint, from amongst themselves a temporary Chairman who shall preside at that meeting.</p>
Meetings and procedure of Committee	<p>5.-(1) The Committee shall meet not less than four times in every year and at any additional times which may be fixed by the Chairman or, in his absence from the United Republic of Tanzania or unable for any reason to act, the Vice-Chairman.</p> <p>(2) The Chairman and, in his absence, the Vice-Chairman, may, and upon application in writing by at least five members, convene a special meeting of the Committee at any time.</p> <p>(3) The Executive Secretary of the Committee shall give to each member an adequate notice of the time and place of each meeting.</p>
Quorum	<p>6. At any meeting of the Committee not less than one half of the members in office for the time being shall constitute a quorum.</p>
Decisions of Committee	<p>7. All questions at a meeting of the Committee shall be determined by a consensus.</p>

Record of
Proceedings
of Committee

8.-(1) The Committee shall cause minutes of all proceedings of meetings of the Committee to be entered into a book kept for that purpose.

(2) Any minutes purporting to be approved and signed by the chairman of, the next succeeding meeting of the Committee shall be evidence that the meeting was duly convened.

Absence from
three
consecutive
meetings

9. Where any member absents himself from three consecutive meetings of the Committee without reasonable cause, the Committee shall notify the appointing authority of the fact and the appointing authority may terminate the appointment of the member and appoint another member in his place where it deems fit to do so.

Proceedings of
the Committee

10. The Committee may regulate its own proceedings.

SECOND SCHEDULE

**CRIMES AND OFFENCES GIVING RISE TO UNFITNESS TO POSSESS
FIREARMS**

(Made under sections 11(1)(f) and 26(1))

1. Offences under the Prevention of Terrorism Act.
2. Offences under the Drug and Prevention of Illicit Traffic in Drugs Act.
3. Offences under the Penal Code.
4. Offences under the Anti-Money Laundering Act.
5. Offences under the Wildlife Conservation Act.
6. Any conspiracy, incitement or attempt to commit any of offences referred to in this Schedule.

THIRD SCHEDULE

COUNTRIES WITH RECIPROCAL RECOGNITION

(Made under section 13(2))

- (a) Kenya;
- (b) Uganda;
- (c) Rwanda;
- (d) Burundi;
- (e) Democratic Republic of Congo;
- (f) Republic of Congo;
- (g) Zambia;
- (h) Malawi;
- (i) Zimbabwe; or
- (j) Mozambique.

FOURTH SCHEDULE

CONVENTION
ARTICLE 10 OF THE PROTOCOL ON
ILLICIT TRAFFICKING FIREARMS

(Made under section 46)

Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, G.A. res. 255, Nov. 15, 2000, U.N. Doc. A/RES/55/255 (2001), not yet entered into force.

Article 10

General requirements for export, import and transit licensing or authorization systems

1. Each State Party shall establish or maintain an effective system of export and import licensing or authorization, as well as of measures on international transit, for the transfer of firearms, their parts and components and ammunition.

2. Before issuing export licences or authorizations for shipments of firearms, their parts and components and ammunition, each State Party shall verify:

- (a) That the importing States have issued import licences or authorizations; and
- (b) That, without prejudice to bilateral or multilateral agreements or arrangements favouring landlocked States, the transit States have, at a minimum, given notice in writing, prior to shipment, that they have no objection to the transit.

3. The export and import licence or authorization and accompanying documentation together shall contain information that, at a minimum, shall include the place and the date of issuance, the date of expiration, the country of export, the country of import, the final recipient, a description and the quantity of the firearms, their parts and components and ammunition and, whenever there is transit, the countries of transit. The information contained in the import licence must be provided in advance to the transit States.

4. The importing State Party shall, upon request, inform the exporting State Party of the receipt of the dispatched shipment of firearms, their parts and components or ammunition.

5. Each State Party shall, within available means, take such measures as may be necessary to ensure that licensing or authorization procedures are secure and that the authenticity of licensing or authorization documents can be verified or validated.

6. States Parties may adopt simplified procedures for the temporary import and export and the transit of firearms, their parts and components and ammunition for verifiable lawful purposes such as hunting, sport shooting, evaluation, exhibitions or repairs.

Passed in the National Assembly on the 19th March, 2015.

THOMAS D. KASHILILAH
Clerk of the National Assembly

SHERIA YA USIMAMIZI NA UDHIBITI WA SILAHA NA RISASI YA
MWAKA 2015

MASHARTI YA UTANGULIZI
SEHEMU YA KWANZA

1. Jina na tarehe ya kuanza kutumika.
2. Matumizi.
3. Tafsiri.

SEHEMU YA PILI
MASHARTI YA KIUTAWALA

*(a) Msimamizi wa **Kitaifa***

4. Msimamizi wa Kitaifa.

*(b) **Kamati ya Usimamizi na Udhibiti wa Silaha***

5. Kuanzishwa kwa Kamati ya Usimamizi na Udhibiti wa Silaha.
6. Muundo Kamati.
7. Majukumu ya Kamati.

(c) Msajili wa Silaha

8. Msajili wa silaha, mamlaka na majukumu yake.
9. Kuanzishwa kwa Masijala Kuu ya Silaha.

SEHEMU YA TATU
UMILIKI WA SILAHA NA RISASI
*(a) **Leseni au Kibali cha Kumiliki Silaha***

10. Maombi ya leseni au kibali.
11. Sifa.
12. Cheti cha kuonyesha uwezo.
13. **Utambuzi sawa wa** leseni za kumiliki silaha zinazotolewa na nchi jirani.
14. Leseni tofauti kwa kila silaha.

15. Leseni ya kumiliki silaha katika makumbusho binafsi.
16. Leseni ya kumili silaha kwa madhumuni ya biashara.
17. Kibali cha muda cha kumiliki silaha.
18. Alama ya utambulisho ya mtengenezaji.
19. Alama ya utambuizi kitaifa.
20. Umilki wa silaha kinyume na sheria.

(b) Leseni au Kibali cha Kumiliki Risasi

21. Umiliki wa risasi kinyume na sheria.
22. Kibali cha idadi ya risasi ambazo mtu anaweza kumiliki.
23. Katazo la matumizi ya aina fulani ya risasi.
24. Kibali cha kumiliki risasi katika makumbusho binafsi.
25. Kibali cha kumiliki silaha na risasi kwa mkusanyaji wa umma.

(d) Watu Wasio tahili Kumiliki Silaha

26. Watu wasio tahili kumiliki silaha.

(e) Hifadhi na Utunzaji wa Silaha na Risasi

27. Hifadhi na utunzaji wa silaha na risasi.
28. Muungizaji wa silaha au risasi ndani ya nchi kutakiwa kutunza kumbukumbu.
29. Utoaji wa silaha na risasi kutoka katika ghala la umma au kituo cha polisi nk.
30. Mamlaka ya Inspekta Jenerali wa Polisi **katika** kuhifadhi silaha.
31. Masharti kuhusiana na Tanzania Zanzibar.

SEHEMU YA NNE

**LESENI NA VIBALI VYA WAUZAJI, WATENGENEZAJI NA WAFUA
BUNDUKI**

(a) Wauzaji wa Silaha

32. Kibali cha muuzaji wa silaha.
33. Masharti yaliyowekwa kwa muuzaji.
34. Kubadili maeneo.
35. Wajibu wa muuzaji.
36. Namna ya kuhifadhi silaha baada ya kusitishwa kwa biashara.

53 2015 Sheria ya Usimamizi na Udhibiti wa Silaha na Risasi No.2

37. Matumizi ya sheria nyingine.

(b) Watengenezaji, Wafua Bunduki na Mawakala

38. Katazo la kutengeneza silaha au risasi.
39. Ukarabati wa silaha.
40. Idhini ya Bodi ya Ushauri wa Udhibiti wa Silaha.
41. Masharti ya kibali cha mfua bunduki.
42. Kibali cha uwakala.
43. Utolewaji wa kibali cha uwakala.
44. Idhini ya Bodi ya Udhibiti na Ushauri wa Silaha.

SEHEMU YA TANO

UINGIZAJI NDANI YA NCHI, USAFIRISHAJI NJE YA NCHI,
UPITISHAJI NA USAFIRISHAJI WA SILAHA NA RISASI

(a) Uingizaji Ndani ya Nchi, Usafirishaji Nje ya Nchi na Upitishaji wa Silaha na Risasi

45. Uingizaji ndani ya nchi, usafirishaji nje ya nchi na kupitishaji ndani ya nchi.
46. Leseni ya upitishaji silaha za ndani ya nchi kwenda nchi jirani.
47. Masharti ya kibali.
48. Ukaguzi.

(b) Usafirishaji wa Silaha na Risasi

49. Kibali cha msafirishaji.
50. Masharti ya usafirishaji wa silaha.
51. Wajibu wa msafirishaji.
52. Matumizi ya sheria nyingine.

SEHEMU YA SITA

UPEKUZI NA UKAMATAJI

53. Upekuzi na ukamataji.
54. Kinga kwa mtu anayeuziwa silaha.

**SEHEMU YA SABA
UTUNZAJI WA SILAHA**

- 55. Utunzaji wa silaha pale kifo kinapotokea.
- 56. Utaifishaji wa silaha zinazohusiana na kosa.
- 57. Utaifishaji wa silaha au risasi zisizokuwa na mmilki.

**SEHEMU YA NANE
MASHARTI MENGINEYO**

- 58. Ofisi za Masjala Kuu ya Silaha.
- 59. Utunzaji salama wa silaha na risasi.
- 60. Makosa na adhabu.
- 61. Uhifadhi wa silaha na risasi
- 62. Utoaji wa taarifa ya upotevu silaha au risasi.
- 63. Dhana.
- 64. Msamaha kwa usalimishaji wa silaha.
- 65. Maeneo ambayo silaha haziruhusiwi.
- 66. Uhakiki wa kumbukumbu za silaha au risasi.
- 67. Operesheni za pamoja.
- 68. Kupeana taarifa na kushirikiana.
- 69. Makundi ya silaha zisizokuwa hatari.
- 70. Silaha bandia.
- 71. Ada.
- 72. Mamlaka ya kutunga kanuni.
- 73. Kufutwa kwa Sheria ya Silaha na Risasi.
- 74. Masharti yanayoendelea na masharti ya mpito.

**SEHEMU YA TISA
MAREKEBISHO YATOKANAYO SHERIA YA FEDHA YA
SERIKALI ZA MITAA, (SURA YA 290)**

- 75. Tafsiri.
- 76. Marekebisho ya kifungu cha 7.

JAMHURI YA MUUNGANO WA TANZANIA



NA.1 YA 2015

NAKUBALI,

JAKAYA MRISHO KIKWETE

Rais

25 Aprili, 2015

Sheria inayoweka masharti ya udhibiti na usimamizi wa silaha na risasi, na leseni, umiliki, uingizaji ndani ya nchi, kujishughulisha na usafirishaji nje ya nchi, upitishaji ndani ya nchi, uuzaji, uwakala na ufuatiliaji wa silaha, kufuta Sheria ya Usimamizi wa Silaha; na risasi na Risasi na kuweka masharti mengine yanayohusiana na hayo.

[.....]

IMETUNGWA na Bunge la Jamhuri ya Muungano wa Tanzania.

SEHEMU YA KWANZA

MASHARTI YA UTANGULIZI

Jina na tarehe
ya kuanza
kutumika

1. Sheria hii itaitwa Sheria ya Usimamizi na Udhibiti wa Silaha na Risasi ya mwaka 2015, na itanza kutumika katika tarehe ambayo Waziri, kwa tanzango litakalochapishwa katika *Gazeti la Serikali*, ataiteua.

Matumizi

2.-(1) Sheria hii itatumika-

- (a) Tanzania Bara pamoja na Tanzania Zanzibar; na
- (b) kwa silaha zote isipokuwa silaha za kijeshi.

(2) Waziri, kwa tangazo litakalochapishwa katika *Gazeti la Serikali*, anaweza kusamehe kundi lolote la silaha au risasi kutoka katika matumizi ya Sheria hii.

Tafsiri

3. Katika sheria hii, isipokuwa kama muktadha utahitaji vinginevyo-

“bunduki ya upepo” maana yake ni chombo chochote kilichotengenezwa ili kufyatua risasi au aina yoyote ya kitupo (projectile) kilicho chini ya mili mita 5.6 (na kipenyo cha mduara wa (caliber)22) kwa kutumia mgandamizo wa gesi na pasipo kutumia njia ya fueli (propellant);

Sura ya 246

“silaha za kijeshi” ina maana iliyotolewa kwake chini Sheria ya Udhhibiti wa Silaha za Kijeshi;

“risasi” maana yake ni fataki ya bunduki au risasi nzima inayojumuisha kasha la risasi, fataki ya bunduki ambayo hakijatumiwa, fueli na vitupo (projectiles) ambavyo vinatumika katika silaha pamoja na **kitu** chochote ambacho Waziri anaweza, kwa Tangazo la Serikali kukitaja kuwa ni risasi;

“kinga” maana yake ni kinga dhidi ya mashtaka kwa kupatikana na silaha au risasi kinyume na sheria iliyotolewa kwa mujibu wa kifungu cha 63;

“silaha ya kale” maana yake ni silaha iliyotengenezwa kabla ya tarehe 1 Januari mwaka 1900;

“afisa muidhiniwa” maana yake ni afisa wa polisi au aliyeteuliwa kwa nafasi hiyo na Msajili kusaidia katika utekelezaji wa Sheria hii;

Sura ya 246

“Bodi ya Ushauri wa Udhhibiti wa Silaha za Kijeshi” ina maana iliyotolewa kwake chini ya Sheria ya Udhhibiti wa Silaha za Kijeshi;

“wakala” maana yake ni mtu ambaye anayetenda-

(a) kwa ajili ya kamisheni, faida au sababu, iwapo ni ya kifedha au vinginevyo;

(b) ili kuwezesha uhamishaji, utengenezaji wa nyaraka au malipo kuhusiana na kitendo chochote cha ununuzi au uuzaji wa silaha ndogo na silaha nyepesi; au

- (c) kama mtukati, kati ya mtengenezaji au msambazaji wa, au muuzaji wa silaha ndogo na nyepesi na mnunuzi au mpokeaji wowote wa silaha hizo;
- “Masijala Kuu ya Silaha” maana yake ni Masijala iliyoanzishwa chini ya kifungu cha 9;
- “Kamati” maana yake ni Kamati ya Usimamizi na Udhhibiti wa Silaha “iliyoanzishwa chini ya kifungu cha 5;
- “Mkataba” maana ya Mkataba wa Kimataifa na Itifaki ya Udhhibiti wa Biashara ya Silaha na Risasi wa 1890;
- “muuzaji” maana yake ni mtu aliyeidhinishwa chini ya Sheria hii kufanya biashara ya silaha na risasi;
- “hati ya mtumiaji wa mwisho” maana yake ni hati inayotumika katika biashara ya kimataifa ya uuzaji wa silaha na risasi inayoonyesha kwamba mnunuzi ni mpokeaji wa mwisho wa silaha;
- “mlipuko” maana yake-
 - (a) ni kitu au mchanganyiko wa vitu ambavyo viko katika hali ya ugumu au ya kimiminika ambavyo vinaweza kuleta mlipuko;
 - (b) ni kitu cha kipairotekniki kilicho katika hali ya ugumu au kimiminika au mchanganyiko wa vitu hivyo, kilichoundwa ili kutoa mlipuko pindi kinapopata joto, mwanga, sauti, gesi au moshi au mchanganyiko wa vitu hivyo kutokana na uwezo wake wa kikemikali kutokujilipua chenyewe, ikijumuisha vitu vya kipairotekniki ambavyo havitoi gesi;
 - (c) kitu chochote au chombo kilicho na kitu kimoja au zaidi kama vilivyoainishwa katika aya ya (a), isipokuwa havitajumuisha radi;
 - (d) mlipuko wowote wa plasitiki; au
 - (e) kitu kingine chochote ambacho Waziri anaweza kukitangaza mara kwa mara kwa Tangazo la Serikali litakalochapishwa kwenye *Gazeti la Serikali*, kuwa ni mlipuko;
- “ghala la kuhifadhi mlipuko” maana yake ni jengo au sehemu yake au muundo ulioidhinishwa chini ya Sheria hii kwa ajili ya kuhifadhi mlipuko;

- “silaha” inajumuisha silaha ndogo, silaha nyepesi, magobore na silaha za malikale isipokuwa silaha za kivita;
- “eneo ambalo silaha haziruhusiwi kuwepo” ina maana ya eneo lililotangazwa hivyo chini ya kifungu cha 65;
- “mhunzi wa silaha” maana yake ni mtu aliyeidhinishwa kwa mujibu wa Sheria hii kukarabati silaha;
- “mlipuko bandia” maana yake ni kitu chochote kilicho na muonekano wa mlipuko, lakini hakina uwezo wa kulipuka kwa kuchunguzwa kwa harakaharaka, hakiwezi kutambulika kama ni bandia;
- “silaha nyepesi” inajumuisha silaha zinazobebeka ambazo zimeundwa kwa ajili ya matumizi ya watu wengi ambao niwahudumu ndani ya ndege au meli, bunduki yoyote ya rasharasha, magari ya kubebea mizinga iliyo na upenyo wa mduara uliyo chini ya mili mita 100, vyombo vya kurushia makombora, silaha za vifaru bunduki zisizokunjika, silaha zinazotumika kwenye ndege, vifaa vya kurushia na silaha za ulinzi wa anga;
- “leseni” maana yake ni nyaraka inayotolewa kwa mwombaji ili kumuwezesha kumiliki, kuingiza nchini, kusafirisha nje ya nchi, kutengeneza, kuuza na au kufanya kitendo chochote kilichopewa leseni chini ya Sheria hii;
- “mtengenezaji” maana yake ni mtengenezaji au mchakato wa kutengeneza silaha zozote, risasi au sehemu yake yoyote kuwa katika kipande kwa kutumia njia yoyote ile, ubadilishaji wa aina yoyote ya mlipuko kuwa katika aina nyingine na ubadilishaji, majaribio au marekebisho ya mlipuko wowote na neon “utengenezaji” litaeleweka kwa namna hiyo;
- “Waziri” maana yake ni Waziri mwenye dhamana na Mambo ya Ndani, kwa wakati huo;
- “Msimamizi wa Kitaifa” maana yake ni Msimamizi wa Kitaifa aliyeteuliwa chini ya kifungu cha 4;
- “mlipuko wa plastiki” maana yake ni mlipuko unaoweza kunyumbuka, kifulika, kutanuka au hali ya kuwa plastiki ambayo-

- (a) imetengenezwa na mchanganyiko wa mlipuko mmoja wa hali ya juu au zaidi ambao, ukiwa katika hali yake ya uhalisia, unakuwa na shinikizo la mvuke lisilokuwa chini ya Pa-10-4 katika kiwango cha joto cha sentigredi 25;
- (b) imetengenezwa na kifaa chochote cha kubania; na
- (c) kama ni mchanganyiko, unanyumbuka au unafulika katika hali ya joto la kawaida.
- Sura ya 322 “afisa wa polisi” ina maana iliyotolewa kwake na Sheria ya Jeshi la Polisi na Polisi Wasaidizi;
- “mkusanyaji binafsi” maaana yake ni mjumbe wa taasisi iliyoidhinishwa ambaye anakusanya silaha au risasi na ambaye si mkusanyaji wa umma;
- “mkusanyaji wa umma” maana yake ni mtu anayekusanya silaha na risasi kwa ajili ya maonesho kwa umma na ameidhinishwa kufanya hivyo;
- “Msajili” maana yake ni Msajili wa Silaha aliyetajwa katika kifungu cha 8;
- Sura ya 212 “Kampuni Binafsi ya Ulinzi” maana yake ni kampuni binafsi chombo binafsi au inayotoa huduma za ulinzi;
- “silaha ndogo” inajumuisha silaha nyepesi za rasharasha, silaha ndogo za rasharasha, bastola za mashine, bunduki za rashasha, bunduki za mapigano na bunduki za nusu rashasha.

SEHEMU YA PILI
MASHARTI YA KIUTAWALA
(d) *Msimamizi wa Kitaifa*

Msimamizi
wa Kitaifa

4.-(1) Kwa madhumini ya usimamizi na utekelezaji wa Sheria hii, Inspekta Generali wa Polisi atakuwa Msimamizi wa Kitaifa.

(2) Msimamizi wa Kitaifa atakuwa ni afisa mahusiano kati ya Jamhuri ya Muungano na mataifa mengine kuhusiana na masuala yote ya utekelezaji wa mpango kazi wa taifa kuhusiana na udhibiti wa silaha na risasi.

(b) Kamati ya Usimamizi na Udhibiti wa Silaha

Kuanzishwa
kwa Kamati
ya Usimamizi
na Udhibiti
wa Silaha

5.- Inaanzishwa Kamati itakayojulikana kama Kamati ya Usimamizi na Udhibiti wa Silaha.

Muundo wa
Kamati

6.-(1) Kamati itaundwa na wajumbe kumi na saba watacao chaguliwa kama ifuatavyo-

- (a) Inspekta Jenerali wa Polisi ambaye atakuwa Mwenyekiti wa Kamati;
- (b) Kamishna wa Polisi Zanzibar;
- (c) mwakilishi kutoka katika Wizara iliyo na dhamana na Mambo ya Ndani ya Nchi;
- (d) mwakilishi kutoka katika Ofisi ya Rais wa Jamhuri ya Muungano wa Tanzania;
- (e) mwakilishi kutoka katika Wizara yenye dhamana na ulinzi;
- (f) mwakilishi kutoka katika Jeshi la Wananchi Tanzania;
- (g) mwakilishi mmoja kutoka katika kampuni binafsi ya ulinzi;
- (h) mwakilishi mmoja kutoka katika chama cha wauza silaha na risasi;
- (i) mwakilishi mmoja kutoka katika chama cha wawindaji ;
- (j) wawakilishi wawili kutoka katika Wizara ya Tawala za Mikoa na vikosi maalum vya Serikali ya Zanzibar;
- (k) mwakilishi kutoka Jeshi la Magereza;
- (l) Wakili wa Serikali kutoka katika Ofisi ya Mwanasheria Mkuu wa Serikali;
- (m)mwakilishi kutoka katika Wizara iliyo na dhamana na masuala ya uhifadhi wa wanyamapori;
- (n) mwakilishi kutoka Wizara inayohusiana na masuala ya viwanda na biashara;
- (o) mwakilishi kutoka katika asasi za kiraia; na

(p) mwakilishi wa asasi za kiraia zinazohusiana na udhibiti wa silaha na risasi.

(2) Inspekta Generali wa Polisi, kwa kushauriana na mamlaka husika Zanzibar, atamteua afisa polisi mwandamizi kuwa Katibu wa Kamati.

(3) Wajumbe wote, isipokuwa Mwenyekiti wa Kamati watateuliwa na Waziri baada ya kushauriana na mamlaka husika Zanzibar.

(4) Wajumbe wote waliyoteuliwa chini ya kifungu hiki watakuwa ni raia wa Tanzania walio angalau katika daraja la uandamizi.

(5) Bila ya kujali kifungu kidogo cha (1), Kamati inaweza kumwalika mtu yeyote kuhudhuria vikao vyake ili kuisaidia Kamati kufikia uamuzi.

Majukumu ya Kamati

7.-(1) Kamati itafanya kazi za ushauri kuhusiana na masuala ya usimamizi na udhibiti wa silaha na risasi.

(2) Bila ya kuathiri ujumla wa kifungu kidogo cha (1) Kamati ya Ushauri Waziri katika-

- (a) kuratibu shughuli zote kuhusiana na silaha ndogo na silaha nyepesi katika ngazi ya kitaifa;
- (b) kuratibu utekelezaji wa makubaliano ya kimataifa na kikanda ya kuzuia, kupambana na kukomesha kusambaa kwa silaha na risasi;
- (c) kuainisha sheria kwa kuzingatia sheria za kimataifa na kikanda katika udhibiti na usimamizi wa silaha na risasi.
- (d) kuratibu njia za udhibiti wa silaha na risasi;
- (e) kuratibu na kutekeleza Sera ya Taifa kuhusiana na Udhibiti Silaha na Risasi;
- (f) uidhinishaji wa taasisi zilizoteuliwa kutoa mafunzo ya matumizi ya silaha;
- (g) kuratibu na kuwezesha shughuli za asasi zisizo za kiserikali, na asasi na watu wanaojishughulisha na shughuli ya udhibiti wa silaha;
- (h) kuratibu utafiti kuhusu silaha haramu ndogo na nyepesi; na

(i) kuelimisha na kusimamia taarifa na mawasiliano.
(2) Muda wa kuwa madarakani, akidi, kusitishwa kwa ujumbe, mwenendo na masua la mengineyo kuhusiana na Kamati yatakuwa kama yalivyo onyeshwasha katika Jedwali la Kwanza la Sheria hii.

(3) Kamati inaweza, kwa kufuata vigezo na masharti yatakayoainishwa, kuanzisha idadi ya kamati ndogo kwa ajili ya kutekeleza majukumu maalum kama itakavyoamuliwa na Kamati.

(c) Msajili wa Silaha

Msajili wa
silaha,
mamlaka na
majukumu
yake

8.-(1) Kutakuwa na Msajili wa silaha ambaye atateuliwa na Inspekta Jenerali wa Polisi baada ya kushauriwa na Kamishna wa Polisi Zanzibar.

- (2) Majukumu na mamlaka ya Msajili yatakuwa ni-
(e) kutoa leseni, kibali na hati chini ya Sheria hii;
(f) kutoa upya, kusitisha kwa muda au kufuta leseni yoyote au kibali kilichotolewa chini ya Sheria hii;
(g) kuanzisha na kutunza Kanzi Data Kuu ya Silaha;
(h) kufanya upelelezi au uchunguzi wowote ambao ataona unahitajika kwa ajili ya utekelezaji wa mamlaka au majukumu yake kwa mujibu wa Sheria hii.

(3) Msajili anaweza, isipokuwa mamlaka ya kutoa silaha na risasi zilizo hifahdiwa katika maghala, vituo vya polisi au shehemu nyingine yoyote ambayo imeainishwa chini ya Sheria hii, utoaji wa hati, hati ya mtumiaji vibali, leseni ya uingizaji nchini, nje ya nchi au upitishwaji wa silaha na risasi, kugatua kimaandishi kwa afisa muidhinishwamamlaka au majukumuyale aliyopewa chini ya Sheria hii.

(4) Ukasimishaji wa madaraka chini ya kifungu kidogo cha (3) hautamzuia Msajili kutekeleza mamlaka au majukumu hayo.

(5) Msajili, katika utekelezaji wa majukumu yanayohusu utoaji wa kibali cha utengenezaji au uunganishaji, kibali cha ufuaji au kibali cha uwakala atashauriana na Bodi ya Ushauri wa Udhibiti wa Silaha.

Kuanzishwa
kwa Masijala
Kuu ya Silaha

9.-(1) Inaanzishwa Masijala Kuu ya Silaha ambayo ndani yake zitatunzwa rejesta katika namna itakayoelezewa katika kanuni.

- (2) Rejesta zitakuwa na yafuatayo-
- (e) jina, anwani ya mmiliki wa silaha na maelezo mengine ya mmiliki;
- (f) maelezo na madhumuni ya silaha; na
- (g) maelezo ya kina ya:
 - (i) muuzaji;
 - (ii) mfua bunduki;
 - (iii) wakala;
 - (iv) msafirishaji;
 - (v) muingizaji ndani ya nchi; na
 - (vi) msafirishaji nje ya nchi.
- (d) pamoja na taarifa nyingine kama itakavyohitajika kwa madhumuni hayo.

SEHEMU YA TATU

UMILIKI WA SILAHA NA RISASI

(a) Leseni au Kibali cha Kumiliki Silaha

Maombi ya
leseni au
kibali

10.-(1) Mtu hatamiliki silaha isipokuwa kama amepata leseni au kibali chini ya Sheria hii.

(2) Maombi ya kumiliki silaha chini ya Sehemu hii yatafanywa kwa Msajili kupitia Kamati ya Ulinzi na Usalama husika, iliyoanzishwa chini ya Sheria ya Baraza la Usalama wa Taifa na yatakuwa katika fomu iliyoainishwa kwenye kanuni.

(3) Msajili atatoa leseni au kibali kwa bunduki, bastola zisizojifyatua zenyewe na silaha ya ainanyingine yoyote kadri ambavyo Bodi ya Ushauri ya Udhibiti wa Silaha itaelezea.

(4) Bila ya kuathiri kifungu kidogo cha (3), Msajili hatatoa leseni au kibali cha umiliki au matumizi ya silaha yoyote isiyotoa mlio na inayojifyatua yenyewe.

(5) Pale ambapo mwombaji wa leseni ya kumiliki silaha ni kampuni, maombi yatafanywa na mtendaji mkuu katika namna itakayoelezewa katika kanuni.

(6) Silaha ambayo kwayo kibali kimetolewa itatumika tu katika eneo lililoidhinishwa la ulengaji shabaha kwa mujibu wa masharti ya eneo hilo la ulengaji shabaha na kwa mujibu wa masharti ambayo Msajili atayaweka.

(7) Mtu hatatumia, kwa ulinzi au medhumuni mengineyo, silaha iliyotolewa kwa jina la mtu mwingine.

(8) Kanuni zilizotungwa chini ya kifungu cha (5) zitaainisha-

- (a) namna ambayo mtendaji mkuu atahamisha silaha kwa waajiriwa wake;
- (b) namna ambayo leseni chini ya Sehemu hii itakavyotolewa, kusitishwa kwa muda, kufutwa au kutolewa upya;
- (c) aina na idadi ya silaha ambazo mtu anaweza kumiliki;
- (d) ubebaji, utumiaji na utunzaji wa silaha; na
- (e) ada zozote zitakazolipwa.

Sifa

11. Mtu yoyote hatapewa leseni ya kumiliki silaha isipokuwa kama-

- (a) ana umri usiyopungua miaka 25;
- (b) amepewa cheti cha kuonyesha uwezo;
- (c) ni raia wa Tanzania au anamiliki kibali cha kudumu cha ukaazi cha Tanzania;
- (d) anaakili timamu na hana tabia ya ugomvi;
- (e) si tegemezi wa kitu chochote kilicho na uwezo wa kulevya au narkotiki;
- (f) hajatiwa hatiani kwa kosa lolote, ndani au nje ya Jamhuri ya Muungano wa Tanzania, kuhusiana na makosa yoyote yaliyoainsihwa katika Jedwali la Pili la Sheria hii;

- (g) hajathibitishwa kukosa uwezo wa kumiliki silaha kutokana na umri kuwa mkubwa, uzembe au ulemavu wa aina yoyote.
- (2) Bila kuathiri kifungu kidogo cha (1)(c), leseni ya muda ya kumili silaha inaweza kutolewa kwa wafuatao:
 - (a) mlinzi wa Kiongozi wa Nchi akiwa katika ziara rasmi ndani ya Jamhuri ya Muungano;
 - (b) watalii wakimataifa wanaofanya shughuli za uwindaji ndani ya Jamhuri ya Muungano;
 - (c) maafisa wanaowasindikiza wafungwa; na
 - (d) mtu mwingine yeyote ambaye Waziri anaweza kumtaja katika kanuni.

Cheti cha
kuonyesha
uwezo

12.-(1) Mwombaji wa leseni au kibali cha silaha atatakiwa:

- (a) kupitia mafunzo kuhusiana na matumizi na utunzaji salama wa silaha katika taasisi za serikali na binafsi zilizodhinishwa; na
- (b) kuhudhuria mafunzo ya ulengaji shabaha katika taasisi ya serikali au binafsi iliyodhinishwa.
- (2) Msajili atatoa cheti cha kuonyesha uwezo kwa mwombaji ambaye amepitia mafunzo kikamilifu na kufaulu.
- (3) Mwombaji atatahiniwa kinadharia na kwa vitendo kuhusu matumizi salama ya silaha mahsus kadri itakavyoelekezwa na Msajili.
- (4) Mmiliki wa cheti cha kuonyesha uwezo atalazimika kupitia majaribio ya matumizi ya silaha kila baada ya miaka mitano au kadri ambavyo Msajili atakavyoelezea na atalipa ada kama itakavyoainishwa katika kanuni.
- (5) Bila kujali matakwa ya kifungu hiki, waombaji wa leseni ya kumiliki silaha ambao wamepitia mafunzo ya kijeshi hawatalazimika kupitia mafunzo ya nadharia na vitendo kuhusiana na matumizi na utunzaji salama wa silaha.
- (6) Waziri, kwa kushauriana na mamlaka husika kwa upande wa Tanzania Zanzibar, anaweza kutunga kanuni-

- (a) kuhusiana na uteuzi wa taasisi ya Serikali ambazo zitakuwa na jukumu la kutoa mafunzo kuhusiana na matumizi na utunzaji salama wa silaha;
- (b) zitakazotoa miongozo na mitaala itakyosimamia mafunzo na majaribio katika matumizi ya silaha;
- (c) zitakazoelezea utaratibu, sifa na uzoefu wa watu wanaoendesha mafunzo na majaribio katika matumizi ya silaha;
- (d) elezea suala jingine lolote kuhusiana na taasisi na uendeshaji wa mafunzo ya matumizi na utunzaji salama wa silaha.

Utambuzi
sawa wa
leseni za
kumiliki
silaha
zinazotolewa
na nchi jirani

13.-(1) Waziri anaweza, iwapo atajiridhisha kuwa masharti ya ushirikiano na nchi nyingine yamefanywa na Serikali za nchi zinazooneshwa katika Jedwali la Tatu au kwa Serikali ya nje yoyote kwa ajili ya utambuzi wa au chini ya sheria zinzotumika katika nchi hizo za leseni ya silaha, iliyotolewa chini ya Sheria hii kwa Amri, kutangaza kuwa leseni ya kumiliki silaha au hati ya silaha iliyo sawa na leseni iliyotolewa chini ya Sheria hii na leseni iliyotolewa chini ya sheria hiyo, baada ya kusainiwa na afisa muidhiniwa, itakuwa na nguvu na uhahali ndani ya Jamhuri ya Muungano kana kwamba ilikuwa ni leseni iliyotolewa chini ya Sheria hii.

(2) Waziri anaweza, kwa Tangazo litakalochapishwa katika Gazeti la Serikali kufanya marekebisho katika Jedwali la Tatu la Sheria hii kwa kuongeza nchi zenye utambuzi sawa.

(3) Kwa madhumuni ya kifungu kidogo cha (1) nchi zilizo na ushirikiano na makubaliano zimeonyeshwa katika Jedwali la Tatu.

(4) Mwanadiplomasia atakayewasili nchini akiwa ni mmiliki wa silaha na risasi, ataomba kwa Waziri wa Mambo ya Nje leseni yake ya umiliki itambuliwe hapa nchini.

(5) Baada ya kutambuliwa chini ya kifungu kidogo cha (4) mwanadiplomasia huyo atafanya maombi ya silaha hiyo kwa mujibu wa Sheria hii.

Leseni tofauti
kwa kila
silaha

14. Msajili atatoa leseni tofauti kwa kila silaha.

Leseni ya
kumiliki
silaha katika
makumbusho
binafsi
Sura ya 333

15.-(1) Silaha iliyoidhinishwa kwa ajili ya kuhifadhiwa chini ya Sheria ya Malikale, kwa kuzingatia masharti ya Sheria hii, zitahifadhiwa katika makumbusho binafsi.

(2) Mtu anayekusudia kumiliki silaha katika makumbusho binafsi ataomba leseni kwa Msajili.

(3) Maombi katika kifungu kidogo cha (2) yataambatana na idhini ya Mkurugenzi wa Malikale.

(4) Mmiliki wa leseni iliyotolewa chini ya kifungu hiki atatakiwa-

(c) kuhifadhi silaha katika sehemu iliyotajwa katika leseni; na

(d) kuiweka silaha kwa maonyesho kwa mujibu wa masharti ya usalama kadri itakavyoelekezwa na Msajili.

Leseni ya
kumiliki silaha
kwa
madhumuni
ya biashara

16.-(1) Msajili anaweza kutoa leseni ya kumiliki silaha kwa madhumuni ya kufanya biashara-

(d) kwa kampuni binafsi au taasisi nyingine yoyote;

(e) kwa mtu aliye idhinishwa kuwa mwindaji chini ya sheria husika; au

(f) kwa mtu yeyote aliyeidhinishwa kutumia silaha kwa madhumuni mengine ya biashara ambayo Waziri ataidhinisha.

(2) Mtu au kampuni ambayo kwayo leseni inatolewa itatumia leseni hiyo kwa madhumuni yaliyoainishwa katika leseni hiyo.

(3) Kwa kuzingatia kifungu kidogo cha (2), mmiliki wa leseni iliyotolewa chini ya kifungu hiki anaweza tu kutoa silaha hiyo kwa matumizi ya mtu mwingine aliye na hati ya uwezo wa matumizi ya silaha, mbali na mtu anayemiliki kibali cha muda.

(4) Kwa kuzingatia kifungu hiki kampuni binafsi au taasisi nyingine yoyote iliyo na leseni ya kumiliki silaha kwa matumizi ya biashara, inaweza tu kutoa silaha hiyo kwa mlinzi binafsi aliye katika utumishi wake ambaye anamiliki cheti cha kuonyesha uwezo.

(5) Vifungu vidogo vya (3) na (4) vitatekelezwa kwa mujibu wa utaratibu utakaoainishwa katika kanuni.

(6) Mmiliki wa leseni iliyotolewa chini ya kifungu hiki -

(a) atatumiza rejesta ya silaha zote zilizokatika umiliki wake, iliyo na taarifa ya silaha kwa kadri itakavyoelezewa katika kanuni; na

(b) atahifadhi na kusafirisha silaha na risasi katika namna itakayoainishwa katika kanuni.

(7) Mmiliki wa leseni iliyotolewa chini ya Sheria hii, kwa kutakiwa na afisa muidhinishwa, atatoa kwa ukaguzi -

(a) silaha yeyote anayoimiliki iliyo chini ya usimamizi wake; na

(b) kila leseni iliyotolewa kwa mujibu wa kifungu hiki.

(8) Waziri, kwa kushauriana na Waziri wa Ulinzi, anaweza kuainisha aina za silaha zinazoweza kumilikiwa na kampuni binafsi au mtu binafsi.

Kibali cha
muda cha
kumiliki
silaha

17.-(1) Kwa kuzingatia vifungu vya 10 na 11, Msajili anaweza kutoa kibali cha kumiliki silaha kwa mtu yeyote kwa-

(a) kipindi ambacho Msajili ataamua; na

(b) kuzingatia masharti ambayo yanaweza kuainishwa na kuwekwa na Msajili.

(2) Msajili anaweza, katika muda wowote, kufuta kibali kilichotolewa chini ya kifungu kidogo cha (1) pale ambapo masharti yaliyoainishwa katika leseni hiyo yamekiukwa.

(3) Msajili atawasilisha taarifa ya kila mwaka kwa Inspekta Jenerali wa Polisi ikijumuisha taarifa kuhusiana na vibali vyote vilivyo tolewa chini ya kifungu hiki, kama itakavyoainishwa katika kanuni.

(4) Mtu ambaye kwake kibali kimetolewa chini ya kifungu hiki aitatoa au atatumia silaha hiyo kwa kwa kuzingatia masharti yatakayowekwa na Msajili.

Alama ya
utambuzi ya
mtengenezaji

18. Leseni ya silaha haitatolewa kwa mtu yeyote isipokuwa kama silaha hiyo ina namba ya utambulisho ya mtengenezaji au alama nyingine yoyote ambayo kupitia kwake silaha hiyo inaweza kutambuliwa.

Alama ya
utambuzi wa
kitaifa

19.-(1) Silaha zote ndogo na silaha nyepesi zitawekwa alama ya utambuzi wa kitaifa, itakayo amuliwa na Kamati.

(2) Msajili atachonga alama ya utambulisho wa kitaifa katika silaha.

(3) Mmiliki wa silaha ambayo ilikuwa na leseni kabla ya kuanza kutumika kwa Sheria hii ataiwasilisha kwa Msajili kwa ajili ya kuwekwa alama.

(4) Kwa kuzingatia kifungu kidogo cha (3), Msajili atatoa maelekezo yatakayoelezea muda ambao ndani yake mmiliki atawasilisha silaha yake kwa ajili ya kuwekwa alama na anaweza kutoa adhabu kwa ajili ya kushindwa kutekeleza matakwa ya maelekezo hayo.

(5) Mtu yeyote hatafuta, kurekebisha au kwa namna yeyote ile kubadilisha namba ya utambuzi ya mtengenezaji au alama yeyote ya utambuzi kwa lengo la kubadilisha utambulisho wake.

(6) Mmiliki wa silaha atatoa taarifa mara moja kwa Msajili kuhusiana na silaha yeyote ambayo imefutwa, imerekebisha au kubadilishwa kwa namna yeyote ambayo itaifanya kutokusomeka.

(7) Msajili anaweza, kwa kuzingatia kifungu kidogo cha (6), kuelekeza kimaandishi kwamba silaha iwekwe alama kwa mujibu wa kifungu hiki.

(8) Mtu ambaye anakiuka vifungu vidogo vya (4) na (5) anatenda kosa na atawajibika, iwapo atatiwa hatiani, atalipa faini isiyozidi shilingi milioni kumi au kutumikia kifungu kisichozidi miaka mitano au vyote kwa pamoja.

Umiliki wa
silaha
kinyume na
sheria

20.-(1) Mtu hatamiliki silaha au sehemu yoyote ya silaha isipokuwa kama-

- (a) anamiliki leseni ya muuzaji, mtengenezaji au leseni ya mfua bunduki au kibali cha muingizaji ndani ya nchi, msafirishaji nje ya nchi, msafirishaji ndani ya nchi au kibali chamsafirishaji kilichotolewa chini ya Sheria hii;
- (b) amedhinishwa kufanya hivyo chini ya sheria nyingine yoyote.

(2) Mtu anayekiuka kifungu hiki anatenda kosa na atawajibika, iwapo atatiwa hatiani, kutumikia kifungo kwa kipindi cha miaka mitano.

(3) Waziri anaweza, kwa kushauriana na mamlaka husika kwa upande wa Tanzania Zanzibar na kwa taarifa itakayo chapishwa katika *Gazetila Serikali*, kukataza au kuzuia utwaaji, uuzaji, umiliki au matumizi ya silaha au sehemu ya silaha iwapo-

- (a) ni kwa manufaa ya usalama wa umma; au
- (b) inahitajika kufanya hivyo kwa ajili ya kudumisha amani na utulivu.

(4) Kwa madhumuni ya kifungu hiki, neno “sehemu ya silaha” maana yake ni kikokotoo cha silaha, bolti au kitako cha bunduki.

(c) *Leseni au Kibali cha Kumiliki Risasi*

Umiliki wa
risasi kinyume
na sheria

21. Mtu hatamiliki risasi isipokuwa kama-

- (c) ana leseni halali ya ununuzi, uuzaji, ufuaji bunduki au ya uingizaji ndani ya nchi au usafirishaji nje ya nchi usafirishaji au msafirishaji; au
- (d) vinginevyo amedhinishwa kufanya hivyo chini ya sheria nyingine yoyote.

Kibali **cha**
dadi ya risasi
ambazo mntu
anaweza
kumiliki

22.-(1) Mtu aliye na leseni au kumili silaha hataruhusiwa kumiliki risasi zaidi ya kiwango alichoruhusiwa kumiliki katika leseni yake.

No.2 Sheria ya Usimamizi na Udhhibiti wa Silaha na Risasi 2015 71

(2) Ukomo uliotolewa na kifungu kidogo cha (1) hautatumika kwa mmiliki wa leseni aliyeidhinishwa kumiliki risasi zilizounuliwa na kufyatuliwa katika eneo la ulengaji shabaha lililoidhinishwa.

Katazo la matumizi ya aina fulani za risasi

23. Waziri, kwa kushauriana na mamlaka husika kwa upande wa Tanzania Zanzibar na kwa tangazo litakalochapishwa katika *Gazeti la Serikali*, kukataza au kuzuia utwaaji, uzaji, umiliki au matumizi ya aina za risasi zilizoainishwa iwapo ni-

- (a) ni kwa manufaa ya umma; au
- (b) inahitajika kwa ajili ya kudumisha amani na utulivu.

Kibali cha kumiliki risasi katika makumbusho binafsi

24.-(1) Msajili ataidhinisha idadi ya risasi zitakazohifadhiwa na taasisi iliyoaidhinishwa.

(2) Risasi zilizokusanywa chini ya kifungu kidogo cha (1) zinaweza kuhifadhiwa katika makumbusho ya umma.

(3) Msajili anaweza kutoa kibali cha kumiliki silaha katika makumbusho binafsi katika namna itakayoainishwa katika kanuni.

(4) Mhifadhi binafsi hatamiliki zaidi ya risasi 200 katika kipenyo chochote isipokuwa kama Msajili ataidhinisha kiwango cha juu kwa maandishi.

(5) Mmiliki wa kibali kilichotolewa kwa mujibu wa kifungu hiki-

- (c) atahifadhi risasi katika eneo lililoelezwa katika kibali; na
- (d) anaweza kuweka risasi wazi kwa maonyesho kwa mujibu wa taratibu na masharti ya usalama kama zitakavyoainishwa katika kanuni.

Kibali cha kumiliki silaha na risasi cha mkusanyaji wa umma

25.-(1) Msajili anaweza, baada ya kushauriana na Mkurugenzi wa Malikale, kutoa leseni au kibali kwa mhifadhi wa umma kumiliki silaha na risasi kwa ajili ya makumbusho ya umma.

(2) Mmiliki wa kibali kilichotolewa chini ya kifungu kidogo cha (1) hatamiliki zaidi ya risasi 200 katika kipenyo chochote isipokuwa kama Msajili anaidhinisha kiwango kikubwa zaidi kimaandishi.

(3) Silaha na risasi ambazo kwazo kibali kimetolewa chini ya kifungu hiki, zitawekwa wazi kwa maonyesho-

- (e) katika makumbusho yaliyoidhinishwa; na
- (f) kwa mujibu wa masharti kama itakavyoelekezwa katika kanuni.

(4) Mmiliki wa kibali ya matumizi salama kilichotolewa chini ya kifungu hiki hatafyatua risasi yoyote iliyo katika ya hifadhi yake.

(c) Watu Wasio stahili Kumiliki Silaha

Watuwasio na sifa ya kumiliki silaha

26.-(1) Msajili anaweza baada ya kufanya uchunguzi, kumtangaza mtu, ambaye ni mwombaji wa leseni au kibali cha kumiliki silaha au risasi au mmiliki wa leseni au kibali, kuwa hana sifa ya kuomba kibali cha kumiliki silaha iwapo-

- (a) hali ya akili ya mtu huyo, tabia yake ya ukorofi au iwapo ni tegemezi wa ulevi wowote au narkotiki;
- (b) mtu huyo ni hatari kwake yeye mwenyewe au watu wengine;
- (c) mtu huyo ameshindwa kuchukua hatua stahili za kuhifadhi silaha katika sehemu ya usalama;
- (d) mtu huyo ametoa taarifa za uongo au zenye kupotosha kuhusu silaha hiyo kinyume cha Sheria hii; na
- (e) mtu huyo ametiwa hatiani kwa makosa yoyote kati ya yaliyoainishwa kwenye Jedwali la Pili la Sheria hii.

(2) Endapo uchunguzi chini ya kifungu kidogo cha (1) umekamilika na Msajili ameridhika kuwa kuna sababu za msingi za kuamini kuwa mtu hana sifa za kumiliki silaha-

- (a) atatoa notisi kimaandishi itakayowasilishwa kwa mtu huyo akimtaka kufika mbele yake katika muda na sehemu iliyotajwa katika notisi hiyo ilikuonyesha ni kwasababu gani asitangazwe kuwa hana sifa ya kumiliki silaha; na
- (b) pale ambapo mtu ambaye kwaye notisi imetolewa katika kifungu kidogo cha (2)(a) anashindwa kuhudhuria bila sababu za msingi, katika muda na sehemu iliyotajwa katika notisi, atamtangaza kuwa hana sifa za kumiliki silaha.

No.2 Sheria ya Usimamizi na Udhhibiti wa Silaha na Risasi 2015 73

(3) Cheti cha kuonyesha uwezo, leseni na kibali, kilichotolewa kwa mtu yeyote ambaye ametangazwa kuwa hana sifa ya kumiliki silaha chini ya kifungu hiki, vitapoteza uhalali wake kuanzia tarehe ya kutangazwa huko.

(4) Mtu aliyetangazwa kuwa hana sifa kwa mujibu wa kifungu hiki atasalimisha katika kituo cha Polisi kilicho karibu naye, haraka iwezekanavyo-

(a) cheti cha kuonyesha uwezo, leseni na vibali vilivyotolewa kwake; na

(b) silaha pamoja na risasi zilizo katika umiliki wake.

(5) Endapo mtu amesalimisha silaha yake au risasi kwa mujibu wa kifungu kidogo cha (4), vitashughulikiwa ndani ya muda na kwa namna ambayo itaelekezwa na Msajili katika kanuni.

(d) Hifadhi na Utunzaji wa Silaha na Risasi

Hifadhi na
utunzaji wa
silaha na risasi

27.-(1) Muagizaji ndani ya nchi wa silaha na risasi atalazimika baada ya-

(a) kupata kibali toka kwa afisa muidhiniwa; na

(b) kuzingatia maelekezo yoyote kuhusiana na usafirishaji silaha na risasi;

mara moja atawasilisha silaha na risasi katika maghala ya umma au kituo cha Polisi, kwa ajili ya kuhifadhiwa, kwa gharama zake.

(2) Kifungu kidogo cha (1) hakitatumika kwa silaha na risasi zilizoingizwa nchini na au kwa matumizi ya Serikali.

(3) Bila kujali masharti ya kifungu kidogo cha (1), Msajili anaweza, kuhusiana na Tanzania Zanzibar, na kwa kushauriana na Kamishna wa Polisi Zanzibar, kuelekeza sehemu nyingine yoyote ambapo silaha na risasi zitahifadhiwa, na sehemu hiyo inaweza kujumuisha kituo cha polisi.

Muingizaji wa
silaha ndani
ya nchi
kutunza
kumbukumbu

28.-(1) Kila muingizaji wa silaha na risasi ndani ya nchi, haraka iwezekanavyo, baada ya uwasilishaji uliyofanyika chini ya kifungu cha 27, kabla ya kuondoa silaha au risasi yoyote au sehemu yake na kila kifurushi cha risasi ataweka kumbukumbu ya silaha, risasi au sehemu yake yoyote katika namna iliyoelezwa.

(2) Mtu anayeingiza silaha nchini na kuhifadhi silaha na risasi atatoa taarifa hiyo kwa madhumuni ya kuwezesha utunzaji wa kumbukumbu kufanyika kama itakavyo hitajika na afisa mfawidhi wa ghala, kituo cha polisi au kama itakavyoelezwa na Msajili.

(3) Silaha na risasi zote zilizoingizwa ndani ya nchi kwa madhumuni ya biashara zitasajiliwa katika tarehe amabayo ziliingizwa ndani ya ghala la umma au kituo cha polisi kwa mara ya kwanza.

Utoaji wa silaha na risasi kutoka ghala la umma au kituo cha polisi, nk.

29.-(1) Silaha au risasi zilizohifadhiwa katika ghala la umma, kituo cha polisi au sehemu nyingine yoyote iliyoelezwa na Msajili, hazitatolewa ndani humo isipokuwa kwa kibali kilichosainiwa na Msajili.

(2) Kibali hakitatolewa kwa ajili ya uondoaji wa silaha au risasi isipokuwa kama Msajili ameridhika kwamba ni-

(a) kwa ajili ya kupelekwa katika sehemu zilizotajwa na Waziri, pale ambapo wakazi wanaruhusiwa kubeba au kumiliki silaha chini ya udhibiti na jukumu la Mamlaka za Serikali za Mitaa, kwa madhumuni ya ulinzi dhidi ya majambazi, wanyamahatari au waasi;

(b) kwa ajili ya kupelekwa katika ghala jingine la umma au, kituo kingine cha Polisi; au

(c) kwa ajili ya watu binafsi ambao wanaweza kuonyesha kuwa wanahitaji silaha na risasi kwa ajili ya matumizi yao halali.

(3) Kibali kitaelezea sehemu na muda ambao ndani yake silaha na risasi zitasafirishwa baada ya kuondolewa na sehemu ambayo zinatakiwa kuhifadhiwa kwa kipindi hicho.

(4) Msajili anaweza kuweka ukomo wa kiasi cha silaha na risasi zitakazoruhusiwa kutolewa katika muda wowote.

(5) Kabla ya kuruhusu uondolewaji wa silaha au risasi, Msajili anaweza kuhitaji ulinzi huo kutolewa kadri ambavyo ataona inafaa ili kuhakikisha kuwa masharti ya Sheria hii yanazingatiwa.

No.2 Sheria ya Usimamizi na Udhibiti wa Silaha na Risasi 2015 75

(6) Kila kibali cha utoaji wa silaha au risasi kitaanisha alama, nambari na maelezo ya silaha au risasi hiyo.

Mamlaka ya
Inspekta
Jenerali wa
Polisi katika
kuhifadhi
silaha

30.-(1) Bila kuathiri masharti yoyote ya sheria nyingine kuhusiana na namna ya kuhifadhi silaha na risasi, Inspekta Jenerali wa Polisi aweza kutoa maelekezo ya namna ya kuhifadhi silaha na risasi ambazo zinafika mikononi mwa polisi na anaweza kutoza ada kwa utunzaji huo.

(2) Inspekta Jenerali wa Polisi aweza kupeleka maombi kwa Hakimu Mkazi kwa ajili ya kuomba amri ya kutaifisha silaha na risasi iwapo zimehifadhiwa kwa kipindi hadi kufikia miezi kumi na nane au pale ambapo ada chini ya kifungu kidogo cha (1) haijalipwa ndani ya miezi miwili baada ya tarehe ya utunzaji.

(3) Endapo kuhusiana na maombi chini ya kifungu cha (2) Hakimu Mkazi anaridhika kwamba-

(a) hatua stahiki zimechukuliwa ili kuyafikisha maombi kwa ufahamu wa mtu ambaye anaelekea kuwa ndiye mmiliki wa silaha au risasi;

(b) mtu huyo amepewa fursa stahiki ya kulipa ada au kuchukua hatua za kisheria za kuhifadhi silaha au risasi, na anashindwa kufanya hivyo,

Hakimu Mkazi ataamuru silaha au risasi hizo kutaifishwa kwa Serikali.

Masharti
kuhusiana na
Tanzania
Zanzibar

31.-(1) Bila kujali kifungu cha 8, Kamishna wa Polisi wa Tanzania Zanzibar atakuwa Msajili kwa Tanzania Zanzibar.

(2) Leseni ya kumiliki silaha iliyotolewa Tanzania Bara haitatokuwa halali kwa madhumuni sawa kuhusiana na silaha hiyo au silaha nyingine na risasi ndani ya Tanzania Zanzibar isipokuwa kama imesainiwa na Msajili au afisa muidhiniwa.

(3) Masharti ya kifungu kidogo cha (2) yatatumika pamoja na marekebisho stahiki, kwa upande wa Tanzania Bara.

(4) Mtu anaweza kubeba, kumiliki au kutumia silaha au risasi yoyote ndani ya Tanzania Zanzibar, isipokuwa atatunza au kuhifadhi silaha na risasi kwa mujibu wa maelekezo ya Msajili, baada ya matumizi hayo.

SEHEMU YA NNE

LESENI NA VIBALI VYA WAUZAJI, WATENGENEZAJI NA WAFUA BUNDUKI

(c) *Wauzaji wa Silaha*

Kibali cha muuzaji wa silaha

32.-(1) Msajili hatatoa kibali cha shughuli yoyote ile ya silaha, mbali na silaha zisizojifyatua zenyewe (non-automatic) isiokuwa kama ameshauriana na kupata ridhaa ya Bodi ya Ushauri ya Udhibiti wa Silaha.

(2) Mtu anayekusudia kujishughulisha na biashara ya silaha au risasi-

Sura ya 212

(a) atakuwa na leseni ya muuzaji;

(b) iwapo muombaji ni kampuni, itasajiliwa kwa mujibu wa Sheria ya Makampuni.

(3) Maombi yoyote ya kibali cha kufanya biashara ya silaha au risasi yatafanywa kwa Msajili katika fomu maalum kama ilivyoainishwa katika kanuni.

Masharti yaliyoweka kwa muuzaji

33. Waziri, baada ya kushauriana na mamlaka husika kwa upande wa Tanzania Zanzibar, anaweza kutunga kanuni zitakazoelezea-

(a) masharti kuhusiana na utoaji wa kibali cha muuzaji;

(b) masharti ambayo Msajili ataweka kwa wauzaji;

(c) maelezo kuhusiana na eneo la biashara la muuzaji;

(d) utaratibu wa kutolewa upya kwa kibali cha muuzaji; na

(e) kusitishwa na kufutwa kwa muda kwa kibali cha muuzaji.

Kubadili maeneo

34.-(1) Muuzaji ataendesha biashara ya silaha na risasi katika eneo lililotajwa katika kibali cha muuzaji.

(2) Endapo muuzaji anakusudia kubadili eneo la biashara, atawasilisha maombi ya kibali kwa madhumuni hayo.

(3) Maombi ya kubadilisha eneo la biashara yatawasilishwa kwa Msajili katika namna itakayoelezewa kwenye kanuni.

No.2 Sheria ya Usimamizi na Udhhibiti wa Silaha na Risasi 2015 77

(4) Endapo Msajili anaridhika na maombi kwa ajili ya kubadili eneo, anaweza kuidhinisha leseni iliyopo au kutoa leseni mpya itakayoainisha masharti ambayo anaona ni muhimu kuyaweka kwa ajili ya mabadiliko.

Wajibu wa muuzaji

35.-(1) Muuzaji atatumza rejesta katika eneo lake la biashara, kama itakavyoelezewa katika kanuni, itakayokuwa na taarifa zilizoainishwa katika kibali cha muuzaji.

(2) Muuzaji atahakikisha kuwa kibali cha muuzaji muda wote kinawekwa katika sehemu ya wazi iliyo ndani ya eneo lake la biashara.

(3) Muuzaji, pale atakapo kuhitajika kufanya hivyo na Msajili, ataweka wazi kwa ukaguzi-

(a) silaha au risasi yoyote ambao muuzaji anao kwenye hifadhi yake;

(b) kibali chake cha muuzaji; na

(c) kumbukumbu nyingine zozote ambazo afisa muidhiniwa anaweza kuzihitaji kwa madhumuni ya kufanya ukaguzi chini ya Sheria hii.

(4) Muuzaji aliyeidhinishwa atawasilisha kwa Msajili marejesho ya biashara alizoendesha ndani ya kipindi kilichoainishwa katika fomu iliyoainishwa.

Namna ya kuhifadhi silaha baada ya kusitishwa kwa biashara

36. Endapo mtu anayemiliki leseni iliyotolewa kwa mujibu wa Sehemu ya Tatu anaacha kuendesha biashara kwa sababu yoyote ile, atatumza silaha na risasi zilizo katika sehemu itakayotajwa na Msajili.

Matumizi ya sheria nyingine

37. Kibali kilichotolewa chini ya Sehemu hii hakitatoa msamaha kwa mmiliki wa kibali kutekeleza masharti ya sheria nyingine yoyote inayohusiana na utoaji leseni za biashara.

(d) Watengenezaji, Wafua Bunduki na Mawakala

Katzo la kutengeneza silaha au risasi

38.-(1) Mtu hataruhusiwa kutengeneza, kuunganisha silaha au risasi katika Jamhuri ya Muungano wa Tanzania isipokuwa kwa mujibu wa masharti ya kibali kilichotolewa na Bodi ya Udhhibiti na Ushauri wa Silaha.

78 2015 Sheria ya Usimamizi na Udhibiti wa Silaha na Risasi No.2

(2) Bila kujali masharti ya kifungu kidogo cha (1), Bodi inaweza kuruhusu kitolewe kibali cha kutengeneza silaha, kwa kuzingatia kwamba mwombaji atakuwa ametimiza vigezo na masharti.

Ukarabati wa silaha

39.-(1) Mtu hataruhusiwa kukarabati silaha isipokuwa kama anamiliki kibali cha ufuaji wa bunduki chini ya Sheria hii.

(2) Kwa kuzingatia kifungu kidogo cha (1), mtu -

(c) hatabadilisha muundo wa silaha ili kuiwezesha kufyatua zaidi ya risasi moja pale ambapo bunduki hiyo inafyatuliwa mara moja; na

(d) badilisha kikokotoo cha silaha au urefu wa mtutu wa silaha hiyo;

(3) Silaha zote zitafanyiwa ukarabati katika karakana ya Serikali au na mfua bundkialiyeye na leseni.

Idhini ya Bodi ya Udhibiti na Ushauri wa Silaha

40. Bila kujali masharti yoyote ya Sheria hii, Msajili hatatoa kibali cha mfua bunduki isipokuwa kama mwombaji ameidhinishwa na Bodi ya Udhibiti na Ushauri wa Silaha.

Masharti ya leseni ya mfua bunduki

41. Waziri anaweza, kwa kushauriana na mamlaka husika kwa Tanzania Zanzibar, kuelezea-

(a) namna ya utolewaji, usitishaji wa muda, ufutaji na utolewaji upya wa kibali cha ufuaji wa bunduki;

(b) masharti ambayo Msajili anaweza kuambatanisha katika kibali cha ufuaji bunduki; na

(c) maelezo kuhusiana na eneo la biashara la ufuaji bunduki.

Kibali cha uwakala

42. Mtu hatafanya majadiliano au kupanga mikataba, manunuzi, uuzaji au ubadilishaji wa silaha na risasi kwa niaba ya mtu mwingine kwa ajili ya malipo, kamisheni au faida nyingine yoyote isipokuwa kama mtu huyo anamiliki leseni ya muuzaji iliyotolewa chini ya Sheria hii.

Utolewaji wa kibali cha uwakala

43. Waziri anaweza, kwa kushauriana na mamlaka husika kwa upande wa Tanzania Zanzibar, kuelekeza-

(a) utaratibu wa utolewaji, usimamishaji wa leseni kwa muda au utolewaji upya wa kibali cha ufuaji wa bunduki;

No.2 Sheria ya Usimamizi na Udhhibiti wa Silaha na Risasi 2015 79

- (b) masharti ambayo kwayo Msajili anaweza kuambatanisha katika kibali cha uwakala; na
- (c) maelezo kuhusiana na eneo la biashara la wakala.

Idhini ya Bodi
ya Udhhibiti na
Ushauri wa
Silaha

44. Bila kujali masharti yoyote ya Sheria hii, kibali cha uwakala hakitatolewa kwa ajili ya uendeshaji wa biashara ndani ya Jamhuri ya Muungano wa Tanzania isipokuwa kama muuzaji ameidhishwa na Bodi ya Udhhibiti na Ushauri wa Silaha.

SEHEMU YA TANO

**UINGIZAJI NDANI YA NCHI, UPITISHAJI NDANI YA NCHI NA
USAFIRISHAJI WA SILAHA NA RISASI**

(a) Uingizaji Ndani ya Nchi, Usafirishaji Nje ya Nchi na Upitishaji Ndani ya Nchi wa Silaha na Risasi

Uingizaji ndani
ya nchi,
usafirishaji nje
a nchi na
upitishaji ndani
ya nchi

45.-(1) Mtu hataruhusiwa kuingiza ndani ya nchi, kusafirisha nje ya nchi au kusafirisha ndani ya nchi silaha au risasi ndani ya Jamhuri ya Muungano wa Tanzania bila kibali.

(2) Mtu hataruhusiwa kuingiza ndani ya nchi silaha au risasi isipokuwa-

- (a) Kama ni kwa matumizi binafsi;
- (b) kama ana hati ya mtumiaji wa mwisho kutoka kwa Msajili; na
- (c) ni muuzaji aliyeidhinishwa chini ya Sheria hii.

(3) Mtu anayeingiza ndani ya nchi au anayesafirisha nje ya nchi au anapitisha silaha au risasi ndani ya Jamhuri ya Muungano, iwapo ni kwa biashara au kwa matumizi binafsi, ataomba leseni tofauti kwa kila mzigo ambao unaingizwa ndani ya nchi au kusafirishwa nje ya nchi.

(4) Silaha au risasi zinazolingizwa ndani ya nchi zitashushwa katika maeneo ya kuingilia nchini kama ylivyotajwa katika Sheria ya Ushuru wa Forodha.

Sura ya 403

80 **2015** *Sheria ya Usimamizi na Udhibiti wa Silaha na Risasi No.2*

Leseni ya
upitishaji silaha
ndani ya nchi
kwenda nchi
jirani

46. Bila kujali jambo lolote ndani ya Sheria hii, kibali cha upitishaji wa silaha au risasi ndani ya nchi, iwapo ni silaha au risasi kamili au sehemu yake kwenda nchi jirani, kinaweza kutolewa, kusitishwa kwa muda, kukataliwa, kutoewa upya au kufutwa na Waziri kwa mujibu wa masharti ya ibara ya kumi ya Mkataba unaorejewa katika Jedwali la Nne.

Masharti ya
kibali

47.-(1) Waziri anaweza, kwa kushauriana na mamlaka husika kwa upande wa Tanzania Zanzibar, kutunga kanuni zitakazoelezea-

- (a) namna ya utolewaji, usitishwaji kwa muda, ufutwaji au utolewaji upya wa vibali vya uingizaji ndani ya nchi, usafirishaji nje ya nchi au upitishaji ndani ya nchi;
- (b) masharti ambayo Msajili ataweka kwa mmiliki wa kibali;
- (c) sifa za muombaji wa kibali cha umiliki; na
- (d) alama za utambuzi.

Ukaguzi

48.-(1) Mmiliki wa kibali kitakachotolewa kwa mujibu wa masharti ya Sehemu hii, iwapo atahitajika kufanya hivyo na Msajili, ataweka wazi kwa ukaguzi-

- (d) silaha au risasi zozote zilizo katika umiliki au zilizo katika uangalizi wake;
- (e) kibali chake; na
- (f) kumbukumbu zozote zinazoweza kutunzwa na yeye kwa mujibu wa masharti ya Sheria hii.

(2) Muuzaji ataweka na kutunza kumbukumbu za uingizaji ndani ya nchi au uuzaji wa silaha au risasi katika namna itakavyoelekezwa na Msajili.

(b) Usafirishaji wa Silaha na Risasi

Kibali cha
msafirishaji

49.-(1) Mtu hatasafirisha silaha au risasi zozote isipokuwa kama anakibali cha msafirishaji.

(2) Maombi ya kibali cha msafirishaji yatafanywa kwa Msajili katika fomu itakayoainishwa katika kanuni.

Masharti ya
usafirishaji wa
silaha

50. Waziri anaweza, kwa kushauriana na mamlaka husika kwa upande wa Tanzania Zanzibar , kuelezea-

- (d) namna ya utoaji, usitishaji, ufutaji au utolewaji upya wa kibali cha msafirishaji;
- (e) masharti ya kibali; na
- (f) sifa za mmiliki wa kibali.

Wajibu wa
msafirishaji

51.-(1) Mmiliki wa kibali cha msafirishaji, pale atakapohitajika kufanya hivyo, ataweka wazi kwa ukaguzi-

- (e) silaha au risasi zozote anazomiliki au zilizo chini ya uangalizi wake;
- (f) kibali chake;
- (g) rejesta au kumbukumbu ambazo zinaweza kutunzwa na yeye; na
- (h) taarifa nyingine yoyote ambayo inaweza kuwa muhimu kwa ukaguzi huo.

(2) Msafirishaji atatumiza na kuweka kumbukumbu za silaha au risasi zote zilizosafirishwa katika namna itakayoelezewa na Msajili na atatoa taarifa zinazohitajika kwa afisa muidhiniwa.

Matumizi ya
Sheria
nyingine

52. Kibali kilichotolewa chini ya Sehemu hii hakittoa msamaha kwa mtu, ambaye kwake kibali hicho kimetolewa, kutotekeleza masharti ya sheria nyingine yoyote ya Bunge kuhusiana na utoaji lesseni za biashara.

SEHEMU YA SITA UPEKUZI NA UKAMATAJI

Upekuzi na
ukamataji

53.-(1) Bila kujali masharti ya sheria yoyote kinyume na hayo, afisa muidhiniwa ambaye ana sababu za msingi za kuwa na mashaka kuwa silaha au risasi inahifadhiwa kinyume na sheria, anaweza katika muda wowote, wakati akiwa anatekeleza majukumu yake-

- (c) kumsimamisha na kumpekua mtu yeyote, gari, chombo cha majini au ndegewakati wa kuingia au kutoka;
- (d) kuingia, na kukamata silaha yoyote au risasi katika eneo lolote.

(2) Endapo afisa muidhiniwa akiwa anatekeleza masharti ya hati ya upekuzi ana kuwa na sababu za msingi kuamini kuwa mtu silaha au risasi yoyote iliyokutwa katika eneo lolote, meli au chombo zinahifadhiwa, kusafirishwa, kushushwa au kuuzwa kinyume na Sheria hii, anaweza kukamata silaha au risasi hizo hadi kipindi ambacho mahakama itakapoamua iwapo silaha au risasi hizo zitaifishwe au la.

Sura ya 20

(3) Masharti ya Sehemu ya Pili ya Sheria ya Mwenendo wa Mashauri ya Jinai kuhusiana na upekuzi na ukamataji yatatumika pamoja ma marekebisho stahiki, kwa Sheria hii.

Kinga kwa mtu anayezuia silaha

54. Hakuna mashitaka au hatua zozote za kisheria zitakazochukuliwa dhidi ya Msajili au afisa yeyote muidhiniwa anayetekeleza mamlaka yoyote au majukumu yoyote chini ya Sheria hii, kwa lolote atakalolitenda kwa nia njema.

SEHEMU YA SABA

KUHIFADHI SILAHA AU RISASI

Utunzaji wa silaha pale kifo kinatokea

55. Endapo mmiliki wa silaha anafariki wakati bado anamiliki silaha, silaha hiyo itahifadhiwa katika namna itakayoelezewa katika kanuni.

Utaifishaji wa silaha zinazohusiana na kosa

56. Silaha au risasi yoyote au ambayo inahusika na kosa, iwapo mahakama itaona inafaa, itataifishwa kwa Serikali.

Utaifishaji wa silaha au risasi zisizo kuwa na mmiliki

57.-(1) Silaha au risasi yoyote iliyopatikana katika jengo lolote, chombo, ndege au sehemu yoyote bila ya kuwa na muelekeo wa kumilikiwa na mtu, inaweza kutaifishwa kwa Serikali.

(2) Endapo silaha au risasi imetaifishwa kwa Serikali kwa amri ya mahakama, itaharibiwa katika namna na ndani ya muda uliotajwa katika amri hiyo ya mahakama.

(3) Amri ya kuharibu silaha hiyo hautatekelezwa na Serikali iwapo kuna rufaa ambayo haijaamuliwa dhidi ya amri hiyo au hadi hapo muda uliotolewa kisheria wa kukata rufaa unapita bila ya rufaa yoyote kufunguliwa dhidi ya amri hiyo.

SEHEMU YA NANE
MASHARTI MENGINEYO

Ofisi za
Masijala
Kuu ya
Silaha

58.-(1) Masijala kuu ya silaha itakuwa Makao Makuu ya Jeshi la Polisi Dar es Salaam na ofisi ndogo Zanzibar katika eneo ambalo ni sawa na Makao Makuu ya Polisi Tanzania Bara.

(2) Masijala Kuu ya Silaha itakuwa chini ya usimamizi wa Inspekta Jenerali wa Polisi au afisa mwingine kama ambavyo Waziri atakavyomteua, kwa ajili ya kuingiza taarifa za vibali na leseni zote zilizotolewa chini ya Sheria hii.

(3) Msajili atawasilisha kwa Masijala Kuu ya Silaha, kila mwanzoni mwa mwezi, kumbukumbu ya vibali na leseni alizozitoa mwezi uliopita.

Utunzaji
salama wa
silaha na
risasi

59.-(1) Mtu anayemiliki, anayedhibiti au anayetunza silaha au risasi zozote -

(a) atachukua tahadhari ili kuzuia silaha au risasi kutoingia katika mikono, uangalizi au umiliki wa mtu asiyeidhinishwa;

(b) atatekeleza hatua za kiusalama, kwa kuzingatia masharti ya utunzaji salama wa silaha au risasi, na masharti ambayo chini yake silaha au risasi itahifadhiwa, kama ambavyo Msajili atakavyoelekeza.

(2) Katika mwenendo wowote chini ya kifungu hiki au kanuni kuhusu wajibu wa kuchukua hatua za kiusalama, jukumu la kuthibitisha vinginginevyo litakuwa kwa mtu aliyeshitakiwa.

(3) Kwa madhumuni ya kifungu hiki “asifa muidhiniwa” maana yake ni mtu ambaye hajaidhinishwa kumiliki silaha au risasi chini ya Sheria hii.

Makosa na
adhabu

60.-(1) Mtu atakaye kiuka masharti ya Sheria hii, anatenda kosa na atawajibika, atakapotiwa hatiani, isipokuwa pale ambapo adhabu imetolea na sheria nyingine kwa kosa kama hilo, kulipa faini isiyozidi shilingi milioni mbili au kutumikia kifungo kwa kipindi kisichozidi miaka kumi na tano au vyote.

84 **2015 Sheria ya Usimamizi na Udhhibiti wa Silaha na Risasi No.2**

(2) Endapo mtu ambaye ametiwa hatianai chini ya kifungu kidogo cha (1) anamiliki kibali cha miliki silaha au risasi, kibali hicho kitafutwa au kusitishwa kwa muda na silaha au risasi zitataifishwa kwa kipindi ambacho mahakama itaona inafaa.

Uhifadhi wa silaha au risasi

61. Mtu atakayeshindwa kuhifadhi salama silaha au risasi ambayo anamiliki kihalali, atakuwa anatenda kosa na akipatikana na hatia atawajibika kulipa adhabu ya faini isiyozidi shilingi milioni mbili au kutumikia kifungo kwa kipindi kisichozidi mwaka mmoja au vyote.

Utoaji wa taarifa ya upotevu wa silaha

62.-(1) Endapo silaha au risasi inamilikiwa kihalali na mtu yeyote inapotea, kuibiwa au kuharibika, mtu huyo atatoa taarifa ya upotevu, wizi au uharibifu huo wa silaha au risasi ndani, si zaidi ya siku saba za kazi baada ya kugundua upotevu, wizi au uharibifu huo yeye mwenywe au kupitia kwa mtu aliyeidhinishwa naye kwa kimaandishi, akitoa maelezo kamili ya silaha hiyo au risasi, muda, mahali na mazingira ambayo silaha hiyo au risasi ilipotea, iliibiwa au iliharibika kama afisa mhusika atakavyoelekeza.

(2) Mtu anayekiuka masharti ya kifungu kidogo cha (1) anatenda kosa na atawajibika, iwapo atatiwa hatiani, kulipa faini isiyopungua shilingi milioni moja au kutumikia kifungo kwa kipindi kisichozidi miezi kumi na miwili au vyote.

Dhana

63.- Kwa kuzingatia kifungu cha 62, pale ambapo imethibitishwa kuwa mshitakiwa katika muda fulani alikuwa kisheria ni mmiliki wa au anamiliki leseni au ameruhusiwa kumiliki silaha au risasi inayoshukiwa kupotea, kuibiwa au kuharibiwa, itakwa ni ushahidi tosha-

- (a) kuwa silaha au risasi hizo zimepotea, kuibiwa au kuharibiwa, kama itathibitika kuwa ameshindwa kuonyesha silaha au risasi atakapo takiwa kufanya hivyo na kanuni yoyote, anshindwa kutoa sababu za msingi za kushindwa huko ;
- (b) ameshindwa kutoa taarifa ya wizi, upotevu au kuharibika kwa silaha kama anavyotakiwa.

Msamaha
kwa
usalimishaji
wa silaha

64.-(1) Waziri anaweza, kwa kushauriana na mamlaka husika kwa upande wa Tanzania Zanzibar, na kwa Tangazo litakalo chapishwa kwenye *Gazeti la Serikali*-

(a) kwa madhumuni ya kusalimisha silaha zinazomilikiwa kinyume na sheria; na

(b) kudumisha amani na utulivu,

kutangaza msamaha kwa mtu yeyote atakayepatikana akiwa anamiliki silaha au risasi kinyume na sheria.

(2) Taarifa ya kifungu kidogo cha (1) itabainisha mtu anayepewa msamaha, muda, eneo na masharti ya msamaha huo.

(3) Mtu atakayesalimisha silaha au risasi chini ya kifungu hiki hatashitakiwa.

Maeneo
ambayo
silaha
haziruhusiwi

65.-(1) Waziri anaweza, kwa kushauriana na mamlaka husika kwa upande wa Tanzania Zanzibar, kutangaza eneo lolote, majengo au makundi ya majengo kuwa ni sehemu ambazo silaha haziruhusiwi.

(2) Afisa muidhiniwa anaweza, iwapo ana sababu za kuamini kwamba silaha yoyote imetunzwa kwenye eneo ambalo silaha haziruhusiwi-

(a) kupekua jengo au eneo lolote;

(b) kumpekua mtu yeyote aliyeko kwenye eneo ambalo silaha haziruhusiwi;

(c) kukamata silaha au risasi iliyokutwa kwenye eneo ambalo silaha haziruhusiwi; au

(d) kumtia mbaroni mtu yeyote anayekiuka tangazo lililotolewa chini ya kifungu kidogo cha (1).

Uhakiki wa
kumbukumbu
u za silaha
au risasi

66. Waziri anaweza, kwa kushauriana na mamlaka husika kwa upande wa Tanzania Zanzibar; na iwapo ni kwa maslahi ya umma kufanya hivyo, kumtaka mmiliki yeyote au wamiliki wote wa leseni kuhakiki kumbukumbu zao za silaha au risasi.

Oparesheni
za pamoja

67. Kwa madhumuni ya kudhibiti uzagaaji haramu wa silaha na risasi, Inspekta Jenerali wa Polisi anaweza, kwa mashauriano na Waziri, kumwidhinisha mtu yeyote kushiriki kwenye operesheni zozote za pamoja za kikanda.

Kupeana
taarifa na
kushirikiana

68. Inspekta Jenerali wa Polisi anaweza, kwa madhumuni ya kudhibiti uzagaaji haramu wa silaha na risasi-

- (a) baada ya maombi kutoka kwa mamlaka husika ya nchi nyingine, kutoa kwa mamlaka hiyo taarifa yoyote aliyo nayo; na
- (b) kupokea na kuifanyia kazi taarifa yoyote iliyopatikana kutokana na upelelezi unaouhisiana na silaha au risasi inayomilikiwa isivyo halali.

Makundi ya
silaha zisizo
hatari

69.-(1) Silaha zifuatazo hazitachukuliwa kuwa ni silaha hatari-

- (a) kifaa au silaha iliyotengenezwa kwa matumizi kwenye machinjio kwa ajili ya kuchinjia wanyama;
- (b) silaha ya kutuliza isiyo ya moto;
- (c) silaha ya kuwekea alama;
- (d) silaha ya ishara;
- (e) fataki;
- (f) silaha inayotumika;na
- (g) zinazokataza au zinazodhibiti umiliki, uuzaji, ununuzi na uhamishaji wa baruti na vifuniko vyake unaofanywa na au kutoka kwa mamlaka
- (h) kifaa kingine chochote ambacho Waziri anaweza kwa kushauriana na mamlaka husika kwa upande wa Tanzania Zanzibar kwa tangazo la Serikali kwenye Gazeti, kusamehe.

Silaha
bandia

Sura ya 16

70.-(1) Silaha yoyote bandia, bila kujali kwamba haina risasi au kwa namna yeyote ile haiwezi kufyatua risasi, au kutoa kombora, itachukuliwa kwamba ni silaha au kifaa cha hatari kwa madhumuni ya kifungu cha 286 cha Kanuni za Adhabu.

(2) Kwa madhumuni ya kifungu hiki neno “silaha bandia au silaha ya kuchezea” maana yake ni kitu chochote chenye muonekano wa silaha ya aina yoyote.

(3) Waziri anaweza, kwa kushauriana na mamlaka husika kwa upande wa Tanaania Zanzibar, kutengeneza kanuni zitakazoweka utaratibu wa kuingiza nchini silaha bandia au silaha ya kuchezea.

Ada

71. Msajili atatoza ada kwa huduma zinazotolewa chini ya Sheria hii kwa kiwango kitakachoainishwa kwenye kanuni.

Mamlaka ya
kutunga
kanuni

72.-(1) Waziri anaweza, kwa kushauriana na mamlaka husika kwa upande wa Tanzania Zanzibar, kutunga kanuni-

- (a) zinazoainisha-
 - (i) watu ambao watapewa leseni au kibali;
 - (ii) namna ambayo leseni au kibali itakavyokuwa;
 - (iii) vigezo na masharti kuhusu leseni au kibali;
 - (iv) ada itakayotowazwa kwa leseni au kibali; na
 - (v) ufutaji wa leseni yoyote au kibali;
- (b) zinazodhibiti uwekaji muhuri alama namba na usajili wa silaha au risasi;
- (c) utaratibu wa uanzishwaji na usimamiaji wa maghala ya umma na maghala binafsi kwa madhumuni ya Sheria hii;
- (d) usimamiaji na ufuatiliaji wa makampuni binafsi ya ulinzi;
- (e) zinazokatiza au zinazodhibiti umiliki, uuzaji, ununuzi na uhamishaji wa baruti na vifuniko vyake unaofanywa na au kutoka kwa mamlaka ya serikali za mitaa au watu wanaotekeleza majukumu yao kwa niaba ya mamlaka ya serikali za mitaa;
- (f) zitakazoainisha muundo na namna ambayo rejesta yoyote au kumbukumbu zitakazohitajika chini ya Sheria hii zitakavyotunzwa na kukaguliwa;
- (g) zinazozuia na kudhibiti usafirishaji wa silaha na risasi;
- (h) zinazoainisha ada, kodi na gharama za matumizi ya maghala ya umma na namna zitakavyokusanywa;
- (i) zinazoainisha hatua za kiusalama, zinazohusiana na utunzaji salama wa silaha na risasi na mazingira ambayo zitatunzwa au kuchukuliwa na mmiliki wa silaha yoyote au risasi;

- (j) zinazoainisha ada na malipo ya ada zinazopaswa kulipwa kutokana na utolewaji au utolewaji upya wa cheti cha kuthibitisha uwezo, leseni au kibali au kutokana na kitu kingine chochote ambacho kinatakiwa kulipiwa ada inaweza kwa mujibu wa Sheria hii;
- (k) zinazoainisha utunzaji salama wa silaha au risasi zinazomilikiwa na kampuni za ulinzi, taasisi na makampuni mengine binafsi;
- (l) zinazoainisha usalama wa majengo ambayo mawakala, wazalishaji, wafua bunduki, waingizaji nchini na wasafirishaji nje ya nchi wa silaha na risasi, watumiaji wa silaha kwa madhumuni ya biashara ikiwemo tahadhari na taratibu zinazopaswa kuchukuliwa ili kuzuia wizi au matumizi yasiyo halali la silaha na risasi zinazomilikiwa na watu hao;
- (m) zinazoainisha tahadhari zinazopaswa kuchukuliwa wakati wa kusafirisha, kutumia, kuhifadhi au wakati wa kuteketeza silaha na risasi;
- (n) zinazoainisha namna ya kusalimisha na kufuta vyeti vya uwezo, leseni au vibali vilivyotolewa chini ya Sheria hii, ambavyo vimesitishwa au vimefutwa au ambavyo muda wake kwisha;
- (o) zinazoainisha mafunzo, majaribio na hatua nyingine zozote zitakazoonekana ni muhimu ili kuhakikisha uwezo wa watu ambao wanaweza kumilikishwa na kutumia silaha;
- (p) utaratibu wa kuharibu silaha na risasi chini ya Sheria hii; na
- (q) zinazoainisha suala lingine lolote ambalo Waziri anaona ni muhimu kwa ajili ya utekelezaji bora wa Sheria hii.

No.2 Sheria ya Usimamizi na Udhibiti wa Silaha na Risasi 2015 89

(2) Kanuni zilizotungwa chini ya Sheria hii zinaweza kutoa adhabu kwa ukiukwaji wa masharti yoyote yaliyotolewa chini ya Kanuni hizo.

(3) Wakati wa kutekeleza mamlaka yak echini ya kifungu hiki, Waziri anaweza, kwa kushauriana na mamlaka husika iliyo Tanzania Zanzibar, kutengeneza kanuni mahsusi kwa ajili ya Tanzania Zanzibar.

SEHEMU YA TISA
MAREKEBISHO YATOKANAYO
SHERIA YA FEDHA YA SERIKALI ZA MITAA
(SURA YA 290)

Tafsiri Sura
ya 260

75. Sheria hii itasomwa pamoja na Sheria ya Fedha ya Serikali za Mitaa, ambapo hapa itarejewa kama “sheria Kuu”.

Marekebisho
ya kifungu
cha 7

76. Sheria Kuu inarekebishwa katika kifungu cha 7
kwa-
(c) kufuta kifungu kidogo cha 1(l); na
(d) kuzipanga upya aya za (m) hadi (z) kuwa (l) mpaka
(y).

JEDWALI LA KWANZA

(Limetengenezwa chini ya kifungu cha 7(3))

Shughuli na Masuala Yanayohusiana na Kamati

Muda wa kukaa
madarakani

1.-(1) Kila Mjumbe wa Kamati atakuwepo madarakani kwa kipindi cha miaka minne na anaweza kuteuliwa tena kwa kipindi kingine kimoja .

(2) Waziri anaweza kufanya mabadiliko au kurekebisha orodha ya wajumbe wa Kamati.

(3) Katika kuteua wajumbe wa Kamati, Waziri atazingatia usawa wa kijinsia pamoja na usawa katika uwakilishi kwa wajumbe wanaotoka Tanzania Bara na Tanzania Zanzibar.

Uteuzi wa
mjumbe wa
muda

2.-(1) Endapo mjumbe, kwa sababu ya ugonjwa, ulemavu au kutokuwepo katika Jamhuri ya Muungano wa Tanzania, havezi kuhudhuria kikao chochote cha Kamati bila ya sababu yoyote ya msingi, mamlaka ya uteuzi inaweza kuteua mtu mwingine badala yake na mtu huyo atakoma kuwa madarakani baada mjumbe aliyekuwepo kurudi madarakani.

90 2015 Sheria ya Usimamizi na Udhibiti wa Silaha na Risasi No.2

(2) Endapo mjumbe anashindwa kurudi madarakani ndani ya muda wa miezi sita, Waziri atamthibitisha mjumbe aliyeteuliwa chini ya aya ndogo ya (1) kushika madaraka.

Makamu
Menyekiti

3. Kamati itachagua mmoja wa wajumbe wake kuwa Makamu Mwenyekiti, na mjumbe yeyote atakayechaguliwa kuwa Makamu Mwenyekiti, kushika madaraka hayo kwa kipindi cha mwaka mmoja toka tarehe ya kuchaguliwa kwake na anaweza kuchaguliwa tena kwa kipindi kingine kimoja.

Mamlaka ya
Mwenyekiti na
Makamu
Mwenyekiti

4.-(1) Mwenyekiti ataendesha vikao vyote vya Kamati.
(2) Endapo katika kikao chochote cha Kamati Mwenyekiti hayupo, Makamu Mwenyekiti ataendesha kikao.
(3) Ikiwa wote wawili, Mwenyekiti na Makamu Mwenyekiti hawapo katika kikao chochote cha Kamati, wajumbe waliopo wanaweza kuchagua miongoni mwao Mwenyekiti wa muda ambaye ataendesha kikao hicho.

Vikao na
taratibu za
Kamati

5.-(1) Kamati itakutana siyo chini ya mara nne kwa mwaka na wakati mwingine wa ziada unaoweza kuwekwa na Mwenyekiti au kama hatakuwepo ndani ya Jamhuri ya Muungano wa Tanzania au kama hataweza kwa sababu zozote kufanya hivyo, Makamu Mwenyekiti.

(2) Mwenyekiti na, ikiwa hayupo, Makamu Mwenyekiti wanaweza, baada ya kupokea maombi ya wajumbe angalau watano, kuitisha kikao mahsusi cha Kamati wakati wowote.

(3) Katibu Mtendaji wa Kamati atamtaarifu kila mjumbe katika muda wa kutosha, muda na mahali ambapo kila kikao kitafanyika.

Akidi

6. Katika kikao chochote cha Kamati akidi itakuwa si chini ya nusu ya wajumbe waliopo.

Uamuzi wa
Kamati

7. Masuala yote kwenye kikao chochote cha Kamati yataamuliwa kwa njia ya makubaliano ya pamoja.

Kumbukumbu
za mwenendo
wa Kamati

8.-(1) Kamati itaweka kumbukumbu za shughuli zote za vikao vya Kamati kwenye kitabu maalum kitakachowekwa kwa sababu hiyo.

(2) Muhtasari wowote ulioidhinishwa na kusainiwa na Mwenyekiti wa kikao kinachofuata utakuwa ni ushahidi kwamba kikao husika kiliitishwa kihalali.

Kutohudhuria
vikao vitatu
mfululizo

9. Endapo mjumbe yeyote hajahudhuria vikao vitatu mfululizo vya Kamati bila ya kuwa na sababu za msingi, Kamati itaijulisha mamlaka ya uteuzi juu ya jambo hilo na mamlaka ya uteuzi inaweza kusitisha uteuzi wa mjumbe huyo na kuteua mjumbe mwingine kuchukua nafasi yake pale itakapona inafaa kufanya hivyo.

Mwenendo wa Kamati **10.** Kamati inaweza kujiwekea utaratibu wa kuendesha vikao vyake.

JEDWALI LA PILI

(Limetengenezwa chini ya kifungu cha 26(e))

MAKOSA YANAYOMWONDOLEA MTU SIFA ZA KUMILIKI SILAHA

1. Makosa chini ya Sheria ya Kuzuia Ugaidi.
2. Makosa chini ya Sheria ya Kuzuia Matumizi ya Madawa na Usafirishaji wa Dawa za Kulevya.
3. Makosa chini ya Sheria ya Kanuni za Adhabu.
4. Makosa chini ya Sheria ya Utakatishaji wa Fedha Haramu.
5. Makosa chini ya Sheria ya Uhifadhi wa Wanyamapori.
6. Kula njama kwa namna yoyote, uchochezi au kujaribu kutenda kosa lililoainishwa katika Jedwali hili.

JEDWALI LA TATU

(Limetungwa Chini ya Kifungu cha ya kifungu cha 13(2))

NCHI ZENYE MAKUBALIANO YA UTAMBUZI SAWA

- (a) Kenya;
- (b) Uganda;
- (c) Rwanda;
- (d) Burundi;
- (e) Jamhuri ya Kidemokrasia ya Kongo;
- (f) Jamhuri ya Kongo;
- (g) Zambia;
- (h) Malawi;
- (i) Zimbabwe; au
- (j) Msumbiji.

JEDWALI LA NNE

(Limetungwa Chini ya Kifungu cha 46)

Itifaki ya Kimataifa juu ya Utengenezaji na Usafirishaji Haramu wa Silaha au vipuri vyake pamoja na Risasi, Nyongeza ya Azimio la Kimataifa Dhidi ya Uhalifu wa Kimataifa, G.A. Azimio Na. 255, la Novemba. 15, 2000, U.N. Doc. A/RES/55/255 (2001), *haijaanza kutumika.*

Ibara ya Kumi

Masharti ya jumla kuhusiana na usafirishaji nje ya nchi, uingizaji ndani ya nchi na usafirishaji kupitia nchini au mifumo ya uidhinishaji.

1. Kila Nchi Mwanachama itaanzisha na kutunza mfumo mahsusi ya leseni za usafirishaji nje ya nchi, uingizaji ndani ya nchi na uidhinishaji, pamoja na masharti kuhusiana na upitishaji wa silaha nchini kwenda mataifa mengine kwa lengo la uhamishaji wa silaha au vipuri vyake pamoja na risasi.

2. Kabla ya kutolewa kwa leseni au uidhinishaji usafirishaji silaha, risasi na vipuri vyake, kila nchi mwanachama itahakikisha:

- (a) kwamba Nchi zinazolingiza silaha zimetoa leseni za uingizaji nje ya nchi au idhinisho; na
- (b) kwamba, bila ya kuathiri masharti mengine ya mikataba baina ya nchi mbili, mikataba baina ya nchi nyingi au makubaliano kuhusiana na nchi zisizo na bandari, nchi zinazotumika kwa kupitishia bidhaa, kwa masharti ya chini kabisa, zimetoa taarifa ya maandishi kabla ya bidhaa kusafirishwa, kuwa hazina pingamizi kuhusiana na upitishaji huo wa bidhaa katika nchi zao;

3. Leseni ya usafirishaji nje ya nchi na ya uingizaji ndani ya nchi au uidhinishaji na nyaraka yoyote inayoambatana nayo itakuwa na taarifa kwamba, kwa masharti ya chini kabisa, itakujumuisha sehemu na tarehe ya kutolewa, tarehe ya kuisha muda wake wa kutumika, nchi inayosafirisha silaha, nchi ambayo silaha inaingizwa, nchi ya mwisho ambayo silaha zitapokelewa, maelezo na idadi ya silaha au vipuri vyake, pamoja na silaha, na iwapo kutakuwa na upitishaji wa silaha ndani ya nchi, majina ya nchi ambazo kupitia kwake bidhaa zinapitishwa. Taarifa iliyo katika leseni ya uingizaji wa silaha ndani ya nchi ni lazima itolewe mapema kwa nchi ambazo kupitia kwake silaha zinapitishwa.

4. Nchi Mwanachama inayoingiza silaha, baada ya kuwasilishwa maombi ya kufanya hivyo, itaitaarifu Nchi Mwanachama ambayo inasafirisha bidhaa nje ya nchi kuwa imepokea silaha au vipuri vyake, pamoja na risasi zilizosafirishwa.

No.2 Sheria ya Usimamizi na Udhhibiti wa Silaha na Risasi 2015 93

5. Kila Nchi Mwanachama, kupitia njia zilizokaribu yake, zitafuata masharti, kadri ambavyo itakavyohitajika ili kuhakikisha kuwa taratibu leseni au uidhinishaji ni wadhati na kwamba uhalali wa utoaji wa leseni au nyaraka za uidhinishaji zinaweza kuthibitishwa au zimethibitishwa.

6. Nchi Wanachama zinaweza kufuata taratibu za kawaida kwa ajili ya uingizaji ndani ya nchi, usafirishaji nje ya nchi na upitishaji ndani ya nchi wa silaha au vipuri vyake, pamoja na risasi kwa muda, kwa madhumuni yanayothibitika kama vile uwindaji, ulengaji shabaha kwa ajili ya michezo, tathmini, maonesho au ukarabati.

Imepitishwa na Bunge Tareh 19 Machi, .2015

THOMAS D. KASHILILAH
Katibu wa Bunge