CHAPTER 18

THE WITCHCRAFT ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 18

THE WITCHCRAFT ACT

An Act to provide for the punishment of witchcraft and of certain acts connected therewith.

[28th December, 1928]

Ords. Nos.
33 of 1928
25 of 1935
45 of 1956
Act No. 12 of 1998

Short title

1. This Act may be cited as the Witchcraft Act.

Interpretation
Ord. No. 45 of 1956 s. 2
Cap.11

2. In this Act unless the context otherwise requires–

"court" includes a local court as defined in the Magistrates Courts Act;

"instrument of witchcraft" means anything which is used or intended to be used or is commonly used, or which is represented or generally believed to possess the power, to prevent or delay any person from doing any act which he may lawfully do, or to compel any person to do any act which he may lawfully refrain from doing, or to discover the person guilty of any alleged crime or other act of which complaint is made, or to cause death, injury or disease to any person or damage to any property, or to put any person in fear, or by supernatural means to produce any natural phenomena, and includes charms and medicines commonly used for any of the purposes aforesaid;

"police force" means the Tanzania Police Force;

"public officer" means any employee of Government or of a local government authority;

"witchcraft" includes sorcery, enchantment, bewitching, the use of instrument of witchcraft, the purported exercise of any occult power and the purported possession of any occult knowledge.

Exercise of witchcraft, possession and supply of instruments of witchcraft, and advice of threats as to the use of witchcraft an offence Ord.

3. Any person who–

(a) by his statements or actions represents himself to have the power of witchcraft;

(b) makes, uses, has in his possession or represents himself to possess any instruments of witchcraft;

(c) supplies to any other person any instrument of witchcraft;

(d) advises any other person upon the use of witchcraft or any instrument of witchcraft; or

No. 45 of 1956 s .3

(e) threatens to use or resorts to the use of witchcraft or any instrument of witchcraft upon or against any person or property,

commits an offence under this Act.

Accusation of witchcraft Ord. No. 45 of 1956 s. 4

4. Any person, otherwise than in the course of communicating information to or obtaining advice from a court, a member of the police force, a local government authority or any public officer–

(a) whether with or without any of the intents mentioned in subsection (1) of section 5, names or indicates any person as being a witch or wizard by imputing to him the use of witchcraft or any instrument of witchcraft with intent to cause injury or misfortune to any person or class of persons or to cause damage to any property; or

(b) with any of the intents mentioned in subsection (1) of section 5, names or indicates any person as being a witch or wizard,

commits an offence under this Act.

Penalty Ord. No. 25 of 1935 s. 2; Act No. 12 of 1998 Sch.; G.Ns. Nos. 149 and 236 of 1961

5.-(1) Any person who commits an offence under this Act with intent to cause death, disease, injury, or misfortune to any community, class of persons, person, or animal, or to cause injury to any property shall be liable to imprisonment not less than seven years.

(2) Any person who commits an offence under this Act without any intent such as is described in subsection (1) of this section shall be liable to a fine of not less than one hundred thousand shillings or imprisonment of not less than five years.

(3) The trial of a person for an offence punishable under subsection (2) shall not begin unless the consent of the Attorney-General or the Zonal State Attorney in-charge is obtained.

Abetting and attempts

6. A person who abets or attempts to commit an offence under this Act commits such an offence.

Employing or soliciting the use of witchcraft or the instruments of witchcraft Ord. No. 45 of 1956 s. 5

7. Any person who employs or solicits any other person to resort to the use of witchcraft or any instrument of witchcraft for any purpose whatsoever commits an offence.

District Commissioners may order persons practising witchcraft to reside in certain places

8.-(1) If it is reported to the District Commissioner that a person is suspected of practising witchcraft, and the District Commissioner, after due inquiry, is satisfied that the person so suspected causes or is likely to cause fear, annoyance or injury in mind, person or property to any other person by means of pretended witchcraft or is practising witchcraft for gain or reward, he may, for reasons to be recorded, order the person so suspected to

reside in any specified locality within his district until such order is varied or revoked, and further or in the alternative may order such person to report to the District Commissioner or to a local authority at such intervals not being less than seven days as he shall direct until such order is varied or revoked.

(2) Any order made under this section shall with the reasons therefor be forthwith reported by the District Commissioner to the Regional Commissioner of his Region.

(3) Every report made under subsection (2) shall be accompanied by a record of the inquiry.

(4) The Regional Commissioner may suspend, reverse or vary any order made under subsection (1) and shall report such order and the action taken thereon to the President, and any such order of the District Commissioner or Regional Commissioner may at any time be disallowed or varied by the President.

(5) The power of a Regional Commissioner to vary an order under this section shall include a power to direct that the person in regard to whom the order is made reside in any specified locality within the Region and shall report, at such intervals as aforesaid, to any District Commissioner or local authority in such locality.

(6) The power of the President to vary an order under this section shall include a power to direct that the person in regard to whom the order is made reside in any specified locality in Tanzania and report at such intervals as aforesaid to any District Commissioner or local authority in such locality.

(7) Any person who without lawful excuse refuses or neglects to obey an order lawfully made under this section is liable to a fine not exceeding one hundred and fifty shillings or to imprisonment of either description for a term not exceeding two months.

Penalties incurred under other laws not excluded

9. Nothing in this Act shall affect the liability of any person to any penalty which he may incur under any other law, provided that no person shall be punished twice for the same act.