

*Supplement No. 26*

*1<sup>st</sup> July, 2022*

***SUBSIDIARY LEGISLATION***

*To the Gazette of the United Republic of Tanzania No. 26 Vol. 103 dated 1<sup>st</sup> July, 2022  
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GOVERNMENT NOTICE NO. 467 published on *01 July, 2022*

NATIONAL PROSECUTIONS SERVICE ACT,  
(CAP. 430)

**NOTICE**

*(Made under section 23(1))*

THE CONSENT TO ENTER PLEA AGREEMENT (DELEGATION OF POWERS)  
NOTICE, 2022

Cap. 430 WHEREAS, Section 23(1) of the National Prosecutions Service Act empowers the Director of Public Prosecutions to delegate to a member of the Service or public prosecutor any of the Director of Public Prosecutions powers and functions under the Act;

Cap. 20 WHEREAS, the Director of Public Prosecutions may, under section 194 C(3) of the Criminal Procedure Act, give consent a plea agreement to be entered between a prosecutor and an accused;

AND WHEREAS, the Director of Public Prosecutions considers it necessary for the better discharge of his functions under the Act to section 194 delegate his powers to give consent to officers specified under this Notice;

NOW THEREFORE, a notice is given as follows:

Citation 1. This Notice may be cited as the Consent to Enter Plea Agreement (Delegation of Powers) Notice, 2022.

Interpretation 2. In this Notice, unless the context requires otherwise-

*The Consent to Enter Plea Agreement (Delegation of Powers)*

*GN NO. 467 (Contd.)*

Cap. 430 “Act” means the National Prosecutions Service Act;  
“authorized officer” means the District Prosecutions Officer or  
Regional Prosecutions Officer.  
“delegate” means the District Prosecutions Officer, Regional  
Prosecutions Officer and any other officer who may be  
authorized by the Director of Public Prosecutions.

Delegation of Powers to Consent, 3. The power to consent to enter into a plea agreement is hereby delegated to and may be exercised by District Prosecutions Officer of the District or the Regional Prosecutions Officer of the Region where the offence was committed.

Issuance of Consent GN No. 496 of 2021 4. A delegate may issue consent to enter into plea bargaining involving categories of offences which fall under the mandate of the delegate in terms of the Economic Offences (Specification of Offences for Consent) Notice.

Criteria for issuance of Consent 5. In deciding to grant consent, the delegate shall take into account the following criteria:  
(a) the need to do justice;  
(b) the need to prevent abuse of legal process, attention being paid to any attempt by the accused to use plea bargaining as a means of delaying prosecution of cases in court;  
(c) public interest, due regard being paid to the need to balance the interest of the victim and the society, fairness, objectivity, consistency or the impact of plea bargaining to the public or state security.

Report 6. An officer delegated with the power to consent to enter into a plea agreement under this Notice shall be required to submit to the Director of Public Prosecutions a quarterly report detailing the plea agreements consented, offences involved, the value involved, if any, name or names of the accused person or persons, the court to which the charges were instituted and outcome of the plea negotiations.

Dodoma,  
21<sup>st</sup> June, 2022

SYLVESTER ANTHONY MWAKITALU  
*Director of Public Prosecutions*