

GOVERNMENT NOTICE NO. 830 published on 8/11/2019

NATIONAL PROSECUTIONS SERVICES ACT
(CAP. 430)

REGULATIONS

CONSENT TO PROSECUTE (DELEGATED POWERS) REGULATIONS, 2019

(Made under section 9(8))

- Citation 1. These Regulations may be cited as the Consent to Prosecute (Delegated Powers) Regulations, 2019.
- Application 2. These Regulations shall apply to all requests that require consent of the Director of Public Prosecutions to prosecute on specified offence or offences.
- Interpretation 3. In these Regulations, unless the context otherwise requires:
“delegatee” means the Deputy Director of Public Prosecutions, head of division, Regional Prosecutions Officer or District Prosecutions Officer of the National Prosecutions Service and any other person involved in the process of issuing consent to prosecute; and
“diversionary measures” means any arrangement that takes away the matter from prosecutions and the court processes, and includes the option of compounding the offence as well as taking civil or administrative measures to settle the matter.
- General guiding principles 4. In handling consent matters, every delegatee shall adhere to the following constitutional principles:
(a) the need to dispensing justice;
(b) prevention of misuse of procedures for dispensing justices; and
(c) public interest.

Issuance of consent by Director of Public Prosecutions

5.-(1) A request for consent to prosecute involving the following categories of cases shall be issued personally by the Director of Public Prosecutions irrespective of any monetary value:

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- (a) an offence involving cross boarder or transnational elements;
- (b) an offence that involves the disclosure of information which may be considered a government secret or confidential;
- (c) an offence which, if evidence is adduced in court, could injure international relations, national defence or security;
- (d) offences under the National Security Act;
- (e) an offence involving a presidential appointee, Member Of Parliament, Justice of Appeal, Judge of the High Court, Registrar of Court of Appeal and High Court, Magistrate and State Attorney;
- (f) an offence involving a retiree in the category covered by paragraph (e) alleged to have been committed while he was holding that position; and
- (g) any other offence that the Director of Public Prosecutions may designate as requiring his personal consent to prosecute.

(2) Without prejudice to the provisions of sub regulation (1), a request for consent to prosecute an offence involving property or monetary elements whose value exceeds one billion shillings shall be issued personally by the Director of Public Prosecutions.

(3) The Director of Public Prosecutions may, generally or specifically delegate the management and issuance of consent to prosecute an offence not covered under sub regulation (1) using Form NPS 1 or, as the case may be, Form NPS 2, prescribed in the First Schedule.

(4) All requests for consent of the Director of Public Prosecutions shall be submitted using Form NPS 2 prescribed in the First Schedule.

Criteria for issuance of consent to

6.-(1) The delegatee may, generally or specifically delegate the management and issuance of consent to

prosecute prosecute an offence not covered under regulation 5(1) using Form NPS 4 prescribed in the First Schedule.

(2) The delegatee shall, before issuing the consent, ensure that the evidence demonstrates that there is a reasonable prospect of conviction.

(3) The decision to consent shall require the delegatee to adhere to the following criteria:

- (a) evaluation of how strong the case is likely to be when presented at trial taking into account that that the court will act impartially and according to law;
- (b) assessment of the availability, competence and credibility of witnesses and their likely impression in the court as well as the admissibility of evidence implicating the accused;
- (c) consideration of any defence that is plainly open to or have been indicated by the accused, and any other factors which could affect the prospect of a conviction; and
- (d) any other fact that vitiates the veracity of the evidence available on the case.

Public
interest
factors

7.-(1) In the assessment of the public interest under these Regulations, the delegatee may take into account the following factors:

- (a) seriousness or triviality of the alleged offence;
- (b) mitigating or aggravating circumstances;
- (c) age, intelligence, physical or mental health or infirmity of the accused;
- (d) accused's background;
- (e) degree of staleness of the alleged offence;
- (f) accused's alleged degree of responsibility for the offence;
- (g) prosecution's likely effect on public order and moral or on public confidence in the administration of justice;
- (h) whether prosecuting would be perceived as counter-productive, such as bringing the administration of justice into disrepute;
- (i) the availability and appropriateness of

diversionary measures or alternatives to prosecution, such as warning, caution, compounding of the offence or plea bargaining;

- (j) the prevalence of the alleged offence in the community and the need for general and specific deterrence;
- (k) whether the consequences of a prosecution or conviction would be disproportionately harsh or oppressive;
- (l) whether the alleged offence is of considerable public concern;
- (m) the entitlement of any person or body corporate to criminal compensation, reparation or forfeiture if prosecution occurs;
- (n) the attitude of the victim of the alleged offence to a prosecution;
- (o) the likely length and expense of a trial, and the resources available to conduct the proceedings;
- (p) whether the accused agrees to co-operate in the investigation or prosecution of other accused, or the extent to which the accused has already done so;
- (q) the likely sentence in the event of a conviction;
- (r) whether prosecuting would require or cause the disclosure of information that would be injurious to international relations, national defence, national security, integrity of government or that should not be disclosed in the public interest; or
- (s) any other relevant factor as the Director of Public Prosecutions may direct.

(2) The application of and weight to be given to the public interest factors prescribed in subregulation (1) shall depend on the circumstances of each case.

Matters that shall not be considered in issuing consent

8. A decision to issue consent to prosecute shall not be influenced by any of the following:

- (a) race, national or ethnic origin, colour, religion, sex, political association, activities or belief of

the accused or any other person involved in the investigation;

- (b) personal feelings of persons responsible for making decision to prosecute the accused or the victim; or
- (c) possible effect of the decision on the personal or professional circumstances of persons responsible for making decision to prosecute.

Offences
requiring
consent

9. The offences requiring consent of the Director of Public Prosecutions to prosecute are as prescribed in the Second Schedule.

Duty of
requesting
agency or
division

10. The duty of the agency or division requesting a delegatee for consent of the Director of Public Prosecutions to prosecute shall be as follows:

- (a) to review the case in accordance with the evidential and public interest tests and recommend suitable charges;
- (b) to highlight factors which may affect the decision to prosecute;
- (c) to follow the procedure set out in these Regulations;
- (d) once notified by the delegatee that the consent to prosecute has been issued-
 - (i) to take the matter to court not later than thirty days from the date consent was issued;
 - (ii) to recommend the would be prosecutor in the event consent is given; and
 - (iii) to regularly keep the delegate informed as the case progresses;
- (e) once notified by the delegatee that the consent to prosecute has not been issued because the case submitted has not met the evidential test, to, either, within the specified time by the delegate, compile and submit the facts that are missing or to drop the case until such time when new evidence is available, whereupon new request for consent to prosecute may be submitted, if required.

Duty of
delegate

11.-(1) Each delegate shall discharge the following duties with regard to requests for consent to prosecute:

- (a) to enter all requests for consent to prosecute received into the register using Form NPS 5 prescribed in the First Schedule;
- (b) to open a docket for each request received;
- (c) to ensure that the case has been reviewed correctly by the agency or division that submitted the request and in accordance with the requirements of these regulations;
- (d) to ensure that the papers and case analysis to support the request are prepared to the standard, and to refer any deficiencies back to the agency or division concerned for rectification;
- (e) to ensure that before giving consent, he is satisfied that the evidential test, public interest test and any other relevant test are met in respect of each accused person on each proposed charge;
- (f) to take into account representations made by the defence, the court or an interested third party; and
- (g) to keep the Director of Public Prosecutions informed of the progress of the case and, in any case, consult the Director of Public Prosecutions if the prosecution is contemplating either dropping the case on evidential, public interest or any other grounds, or embarking on a plea bargain or any other diversionary measures.

(2) Where the delegatee refers a matter back, on evidential grounds, to the agency or division that preferred the request to prosecute, he shall specify the areas that needs to be addressed and the timeline within which such areas shall be addressed and submitted to the delegatee for completion of his analysis on whether to grant consent or not.

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Validation
sessions

12.-(1) The delegate may organize a session or sessions with the head or any officer of agency that has submitted a request in order to go through the docket and agree on its completeness or otherwise before determining whether to issue consent to prosecute or not.

(2) The records of the session or sessions shall be in writing and kept at the custody of the National Prosecutions Service at the level handling the request for consent to prosecute and a copy thereof shall be given to the agency or division concerned to enable future tracking of progress made in the case.

Client
charter and
standard
operating
procedures

13. The National Prosecutions Service, in consultation with its stakeholders, shall prepare a client charter and other standard operating procedures to guide all actors involved in matters prescribed in these regulations.

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FIRST SCHEDULE

(Made under regulation 5(3))

Form NPS 1

INSTRUMENT FOR DELEGATION OF POWER

Pursuant to section 9(6) of the National Prosecutions Service Act, Cap. 430, I.....*[Insert Name and Title]* Director of Public Prosecutions, DO HEREBY authorize*[Insert name and title of delegatee]* to act for or on my behalf in the exercise of the powers or the performance of the duties or functions in relation to consent prosecutions of.....offences that the Director of Public Prosecutions is authorized to exercise or perform.

Dated at this day of 20.....

Name:.....

Title:.....

Signature:.....

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Form NPS. 2

PERSONAL CONSENT OF THE DIRECTOR OF PUBLIC PROSECUTIONS

I,, the Director of Public Prosecutions, in terms of section(insert the relevant section) of the(insert the relevant law)..... DO HEREBY CONSENT to the prosecution of(insert the name of the suspect)..... who is / are charged for contravening the provisions of section(insert the relevant section)..... of the(insert the relevant law)....., the particulars of which are set out in the attached charge sheet/ information.

Dated at this day of 20.....

Name:.....

Title:.....

Signature:.....

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Form NPS 3

REQUEST FOR CONSENT

(Made under regulation 5(4))

SECTION 1: PRELIMINARY DETAILS

File Number:	
Case Name:	
Date Investigation Started:	
Date Investigation Completed:	
Proposed Prosecuting Authority:	

SECTION 2: CASE DETAILS

[NB: You may attach documents separately for any of the sections below but you must ensure they are clearly identified with the section title and number]

1. Accused(s):

(a) Name(s):	
(b) DOB(s):	
(c) Current (or last known) address(es):	

2. Draft charge(s) or information

3. Timing (what stage have investigation reached; what is the latest date by which a consent decision is required; what, if any, statutory or custody time limits apply?)

4. Summary of the case if consent is given (this may be a police or any other investigative organ case summary as long as it accurately reflects the evidence and is clear and succinct: it must be suitable for briefing the Director of Public Prosecutions)

5. Please attach key statements and/or exhibits and list below (please do NO send the entire bundle of evidence: the Director of Public Prosecutions only requires a core bundle of key evidence to enable him to fully understand the case and the analysis for the proposed prosecution of the central issues. Alternatively, if key evidence is technical or voluminous it can be summarised at stage 4 above. If the Director of Public Prosecutions so directs, entire bundle of evidence should be submitted.)

SECTION 3: EVIDENTIAL AND OTHER TEST

6. Evidential test review (this must identify the elements for each offence which requires consent and how they will be proved), or threshold test review (which similarly covers why it is likely that each of the key elements will be provable)

7. Public interest stage review (the requesting Agency or Division should list all the public interest factors in favour of a prosecution and those which are against; why is the public interest in favour of a prosecution?; is there a victim? If so what, if any, views have they expressed as to the prosecution?)

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8. Legal basis upon which consent is required (for offences where consent is always required the Agency or Division should identify the relevant provision and where consent is required subject to certain conditions being met, the Agency or Division should explain how those conditions are met)

9. Other issues or sensitivities (e.g. should explain any delays in completing investigation or mounting prosecution; are any significant disclosure issues anticipated; is there a high level of media or community interest; are there linked cases/accuseds being dealt with separately)

10. Boxes below should be completed/ticked and the Agency or Division should attach additional documentation as required

	Suspect(s) antecedents (if box not ticked it will be assumed that he/she has none)
	Agency or Division Legal Office's opinion (attach the opinion)
	Chronology (if there are any issues about delay; attach the chronology)

SECTION 4: ADMINISTRATIVE DETAILS

11. The Agency or Division requesting consent must provide the contact details of the focal person in the Agency or Division including name, phone number, email address, and fax number.

12. The authorization from the head of the Agency or head of Division requesting consent must be in the following format:

“I, [insert name of the officer], the head of the [insert name of the Agency or Division] that is requesting the consent to prosecute in the above named case, certify that, in my view, the relevant consent test is met and the application is sufficient to be considered by the Director of Public Prosecutions or his delegatee.

Date

Signature

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Form NPS 4

CONSENT OF THE DIRECTOR OF PUBLIC PROSECUTIONS' DELEGATE

(Made under regulation 6(1))

I, The (insert the title of the delegatee).....stationed at the(insert the name of the station)....., in terms of section(insert the relevant section)..... of the(insert the relevant law)..... DO HEREBY CONSENT to the Prosecution of(insert the name of the suspect)..... who is / are charged with contravening the provisions of section(insert the relevant section)..... of the(insert the relevant law)....., the particulars of which are set out in the attached charge sheet/ information.

Dated at this..... Day of 20.....

Name:.....

Title:.....

Signature:.....

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Form NPS 5

SAMPLE OF REGISTER OF REQUESTS TO PROSECUTE

FILE NUMBER	NAME OF ACCUSED PERSON(S)	OFFENCE(S) AND LAW	ENTRY NUMBER	PHYSICAL ADDRESS	DATE SUBMITTED	DATE CONCLUDED	OUTCOME	REMARKS

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SECOND SCHEDULE

(Made under regulation 9)

OFFENCES REQUIRING CONSENT OF THE DIRECTOR OF
PUBLIC PROSECUTIONS TO PROSECUTE

SN.	OFFENCE	ACT	SECTION
1.	Offence concerning search, Warrant and Seizure	Criminal Procedure Act, Cap. 20	Section 38(4) and (5)
2.	Offences committed by foreigners within territorial waters	Criminal Procedure Act, Cap. 20	Section 94(1)
3.	Possession, trafficking, purchasing or manufacturing of narcotic drugs or psychotropic substance and precursor chemicals	Drugs Control and Enforcement Act, Cap. 95	Section 15
4.	Possession of machines, equipment and laboratory fumarolic drugs and psychotropic substances	Drugs Control and Enforcement Act, Cap. 95	Section 16
5.	Finance of Illegal activities	Drugs Control and Enforcement Act, Cap. 95	Section 23
6.	Piracy	Penal Code, Cap. 16	S.66(2)
7.	Watching or Besetting	Penal Code, Cap. 16	Section 89A(2)
8.	Intimidation	Penal Code, Cap. 16	Section 89B(3)
9.	Abuse of Office	Penal Code, Cap. 16	Section 96(3)
10.	Incest by males	Penal Code, Cap. 16	Section 158 & 162
11.	Incest by females	Penal Code, Cap. 16	Section 160&162
12.	Causing Pecuniary loss or damage to property of specified authority	Penal Code, Cap. 16	Section 284A(4)
13.	Endangering Safety of Aviation	Penal Code, Cap. 16	Section 318 A(4)
14.	Raising discontent & ill will for unlawful purposes	Penal Code, Cap. 16	Section 63B(3)
15.	Hoarding of commodities	Penal Code, Cap. 16	Section 194A
16.	All offences under the Prevention of Terrorism Act, Cap. 19		
17.	Engages directly or indirectly in transaction that involves property that is proceeds of predicate offence while he knows or ought to know or ought to have known that the property is the proceeds of a predicate offence	The Anti-Money Laundering Act, Cap. 423	Section 12(a)
18.	Converts, transfer, transport or transmit property while he	The Anti-Money Laundering Act, Cap. 423	Section 12(b)

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	knows or ought to know or ought to have known that such property is the predicate offence, for the purpose of concealing the illicit origin of the property or of assisting any person who is involved in the commission of such offence to evade the legal consequence of his action.		
19.	Acquire, possesses, uses or administers property, while he knows or ought to know or ought to have known at the time of receipt that such property is the proceeds of predicate offence.	The Anti-Money Laundering Act, Cap. 423	Section 12(d)
20.	Conceals, disguises or impedes the establishment of the nature, source, location, disposition, movement or ownership of or rights with respect to property while he knows or ought know or ought have known that such property is the proceeds of predicate offence	The Anti-Money Laundering Act, Cap. 423	Section 12(c)
21.	Participate in, associates with, conspire to commit, attempt to commit, aids and abets, or facilitates and counsels the commission of any of the acts described in paragraph (a) to (d) of Section 12	The Anti-Money Laundering Act, Cap. 423	Section 12(e)
22.	Failure of a reporting person to report any suspicious transaction	The Anti-Money Laundering Act, Cap. 423	Section 17
23.	Tipping Off	The Anti-Money Laundering Act, Cap. 423	Section 20
24.	Any person who contravenes, refuses or fails to comply with any provision of this Act is guilty of an offence to wit possess and conveyance of armaments, export, import of armaments or manufacture of armaments.	The Armament Control Act, Cap. 246	Section 11,12,13 and 18
25.	Prohibition on the use, possession, export, storage or transport of ionizing radiation sources.	The Atomic Energy Act, Cap. 188	Section 11
26.	Prohibition on the use and possession of plants and apparatus..	The Atomic Energy Act, Cap. 188	Section 13
27.	Prohibition on importation of	The Atomic Energy Act,	Section 14

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	nuclear installations.	Cap. 188	
28.	destroy, damage or interferes in any way with any equipment, device, instrument, plant or installation or any part of it, which is a source of radiation in such a manner as to cause the uncontrolled or unregulated emission of radiation which causes injury or damage, loss of limb or any part or parts of the body or property of any person or loss of life	The Atomic Energy Act, Cap. 188	Section 71(1)
29.	knowingly, willfully and without any reasonable excuse: (a) fails or refuses to produce any register, licence, certificate, notice or other document required of him by a Radiation Safety Inspector in the performance of his functions under this Act;	The Atomic Energy Act, Cap. 188	Section 72(2)(a)
30.	knowingly, willfully and without any reasonable excuse: in any other manner obstructs any Radiation Safety Inspector to the owner, occupier or other person responsible for the management of any source;	The Atomic Energy Act, Cap. 188	Section (2)(b)
31.	knowingly, willfully and without any reasonable excuse: conceals, prevents or attempts to prevent a person from appearing before or being examined by a Radiation Safety Inspector;	The Atomic Energy Act, Cap. 188	Section 72(2)(c)
32.	knowingly, willfully and without any reasonable excuse in any other manner, obstructs any Radiation Safety Inspector in the course of performing functions under this Act	The Atomic Energy Act, Cap. 188	Section 72(d)
33.	knowingly, willfully and without any reasonable excuse contravenes, fails or refuses to	The Atomic Energy Act, Cap. 188	Section 72(e)

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	comply with any other provision of this Act in relation to which contravention, failure or refusal no specific penalty is provided		
34.	Illegal data interference	The Cybercrimes Act, Cap. 443	Section 7
35.	Computer related forgery	The Cybercrimes Act, Cap. 443	Section 11
36.	Illegal interception	The Cybercrimes Act, Cap. 443	Section 6
37.	Data espionage	The Cybercrimes Act, Cap. 443	Section 8
38.	Illegal system Interference	The Cybercrimes Act, Cap. 443	Section 9
39.	Illegal device	The Cybercrimes Act, Cap. 443	Section 10
40.	Computer related Fraud	The Cybercrimes Act, Cap. 443	Section 12
41.	Genocide and crimes against humanity	The Cybercrimes Act, Cap. 443	Section 19
42.	Fishing contrary to the Act	The Deep-Sea Fishing Authority Act, Cap. 388	Section 18
43.	Any person who, without lawful authority under this Act or any other written law-intercepts, attempts to intercept, or procures any other person to intercept or attempt to intercept any communications	The Electronic and Postal Communications Act, Cap. 306	Section 120(a)
44.	Any person who, without lawful authority under this Act or any other written law-discloses, or attempts to disclose to any other person the contents of any communications, knowingly or having reason to believe that the information was obtained through the interception of any communications in contravention of this section	The Electronic and Postal Communications Act, Cap. 306	Section 120(b)
45.	Any person who, without lawful authority under this Act or any other written law-uses, or attempts to use the contents of any communications, knowingly having reason to believe that the information was obtained through the interception of any communications in	The Electronic and Postal Communications Act, Cap. 306	Section 120(c)

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	contravention of this section		
46.	Any person who dishonestly transmits or allows to be transmitted any communication or obtains a service provided by a licensed network facilities provider, network services provider, applications services provider or content services provider with intent to avoid payment of any rate or fee applicable to the provision of that facility or services	The Electronic and Postal Communications Act, Cap. 306	Section 122(a)
47.	Any person who possesses, obtains or creates a system designed to fraudulently use or obtain any network facilities, network service, applications service or content service	The Electronic and Postal Communications Act, Cap. 306	Section 122(b)
48.	Any person who without probable cause, interferes with or obstructs the transmission or reception of any electronic communication commits an offence.	The Electronic and Postal Communications Act, Cap. 306	Section 123(1)
49.	Unauthorized access or use of computer system	The Electronic and Postal Communications Act, Cap. 306	Section 124(1)
50.	Any person who, without any lawful authority or excuse, the proof of which lies upon him, under this Act picks, plucks, take samples or any part from or in any way interferes with or willfully and intentionally poisons, damages or destroys in any way or by any means any listed wild plant;	The Forest Act, Cap. 323	Section 86(a)
51.	Any person who, without any lawful authority or excuse, the proof of which lies upon him, under this Act exposes for sale or purchase or has in his possession or control any listed wild plant or part thereof intending to offer the same for sale of purchase	The Forest Act, Cap. 323	Section 86(b)
52.	Any person who, without any lawful authority or excuse, the proof of which lies upon him, under this Act exports or attempts to export any listed	The Forest Act, Cap. 323	Section 86 (c)

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	wild plant or any part or seed thereof		
53.	Any person who, without lawful authority or excuse, the proof relating to of which lies upon him harvests forest produce to which this Act applies	The Forest Act, Cap. 323	Section 89(a)
54.	Any person who, without lawful authority or excuse, the proof relating to of which lies upon him operates, or causes to be Operated a vehicle to carry, haul evacuate, or transport forest Produce harvested ,n contravention of this Act;	The Forest Act, Cap. 323	Section 89(b)
55.	Any person who, without lawful authority or excuse, the proof relating to of which lies upon him carries, hauls, or evacuates by non-mechanical means any forest produce harvested in contravention of this Act	The Forest Act, Cap. 323	Section 89(c)
56.	Any person who, without lawful authority or excuse, the proof relating to of which lies upon him -Offers for sale, sells or buys forest produce harvested in contravention of this Act;	The Forest Act, Cap. 323	Section 89(d)
57.	Any person who, without lawful authority or excuse, the proof relating to of which lies upon him -stocks forest produce harvested in contravention of this Act	The Forest Act, Cap. 323	Section 89(e)
58.	Any person who, without lawful authority or excuse, the proof relating to of which lies upon him -not being an authorized grader, marks any timber with a prescribed mark;	The Forest Act, Cap. 323	Section 89(f)
59.	Any person who, without lawful authority or excuse, the proof of which lies upon him - exports or enters for export any forest produce for which export certificate is required without a valid export certificate	The Forest Act, Cap. 323	Section 89(g)
60.	Offences relating to Unauthorized trading of	The Mining Act, Cap. 123	Section 18

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	minerals		
61.	Hunting, capture etc. in national park	The National Parks Act, Cap. 282	Section 16
62.	All Offences Under the National Security Act	The National Security Act, Cap. 47	Section 16
63.	A person who misappropriates the proceeds of the Fund	The Oil and Gas Revenue Management, Cap. 328	Section 21(1)
64.	A person who- defrauds, attempts to defraud or conspires with another person to defraud the Government in relation to the proceeds of the Fund	The Oil and Gas Revenue Management, Cap. 328	Section 21(2)(a)
65.	A person who attempts to use or conspires with another person to use information on the Fund or documents relating to the Fund for personal benefit or advantage or benefit or advantage of another person,	The Oil and Gas Revenue Management, Cap. 328	Section 21(2)(b)
66.	A person who- (a) in, or in connection with, any application under this Act or under a licence, or in response to any invitation or requirement of the Minister or PURA under this Act, knowingly or recklessly gives or permits to be given information which is false or misleading in a material particular;	The Petroleum Act, Cap. 392	Section 239 (a)
67.	A person who in any report, return or affidavit submitted in accordance with this Act or a licence, knowingly or recklessly includes, or permits to be included, any information which is false or misleading in a material particular	The Petroleum Act, Cap. 392	Section 239 (b)
68.	A person who places or deposits, or is accessory to the placing or depositing of, any petroleum or substance in any place with the intention of misleading any other person as to the possibility of a reservoir existing in that place	The Petroleum Act, Cap. 392	Section 239(b)
69.	A person who-without reasonable excuse, refuses, delays or fails to produce any	The Petroleum Act, Cap. 392	Section 240(1) (a)

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	document or other information relating to gas operations and installations that may be required to be produced under this Act		
70.	A person who knowingly or recklessly makes a statement or furnishes documents or other information that are false or misleading in any material respect, whether upon demand or otherwise	The Petroleum Act, Cap. 392	Section 240(1)(b)
71.	A person who with intent to mislead or deceive EWURA or an authorised officer when so engaged, does any act or withholds any information	The Petroleum Act, Cap. 392	Section 240(1)(c)
72.	A person who publishes or otherwise discloses any information in contravention of any provision of this Act	The Petroleum Act, Cap. 392	Section 240(1)(d)
73.	A person who without reasonable excuse, resists, hinders or obstructs an inspector or other officer of EWURA or any other person who acts on behalf of EWURA, to enter or inspect any premises or to stop and search any vehicle or to otherwise comply with his duties and rights under this Act	The Petroleum Act, Cap. 392	Section 240(1)(e)
74.	A person who refuses, delays or fails to comply with any order, prohibition, direction, demand, requirement or notice lawfully made, served, published or otherwise given under this Act	The Petroleum Act, Cap. 392	Section 240(1)(f)
75.	A person who contravenes, attempts to contravene or assists in the contravention of any of the provisions of this Act or any rules, orders or regulations made under this Act	The Petroleum Act, Cap. 392	Section 240(1)(g)
76.	A person who attempts or assists to alter, remove or connect to any pipeline or gas installations without consent of the licensee commits an offence	The Petroleum Act, Cap. 392	Section 240(2)
77.	A person who alters, removes	The Petroleum Act, Cap.	Section 240(4)(a)

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	or connects to any pipeline or gas installation without consent of the licensee;	392	
78.	A person who sabotages the operation of the gas installations	The Petroleum Act, Cap. 392	Section 240(4)(b)
79.	A person who distorts the function of the system	The Petroleum Act, Cap. 392	Section 240(4)(c)
80.	A person who does anything that endangers the functioning of the system,	The Petroleum Act, Cap. 392	Section 240(4)(d)
81.	A person who omit to do, or otherwise refrain from doing any lawful act obliged by the law or contract or lawful order, which result to the sabotage, distortion or endanger the functioning of the system	The Petroleum Act, Cap. 392	Section 240 (4)(e)
82.	All offences under the Prevention and Combating of Corruption Act, Cap. 329 with exception of offences under section 15		
83.	Without any reasonable cause Failure to produce any information required under the Act within a specified time	The Tanzania Extractive Industries (Transparency & Accountability) Act, Cap. 447	Section 23
84.	Giving false information or reports to the committee ,regarding data on investment expenditure, production, export and any other information related to the activities of the extractive industry	The Tanzania Extractive Industries (Transparency & Accountability) Act, Cap. 447	Section 24(a)
85.	Rendering false statement of account or fails to produce a statement of account required under this Act.	The Tanzania Extractive Industries (Transparency & Accountability) Act, Cap. 447	Section 24 (b)
86.	Without reasonable excuse obstruct or hinders the committee or any person authorized as such from doing any of its functions	The Tanzania Extractive Industries (Transparency & Accountability) Act, Cap. 447	Section 24(d)
87.	Unlawful possession of firearms	The Tanzania Extractive Industries (Transparency &Accountability) Act, Cap. 447	Section 20
88.	Unlawful passion of ammunition	The Tanzania Extractive Industries (Transparency & Accountability) Act, Cap. 447	Section 21
89.	Import, Export or carry on transit any firearms or ammunition through the United Republic of Tanzania without permit	The Tanzania Extractive Industries (Transparency & Accountability) Act, Cap. 447	Section 45

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90.	Refuse or fails to give information	The Tanzania Extractive Industries (Transparency & Accountability) Act, Cap. 447	Section 24(c)
91.	Assaults, resists, obstructs or intimidates an authorized officer or any person, assisting him in the execution of his duty;	The Territorial Sea Exclusive Economic Zone Act, Cap. 238	Section 17(a)
92.	uses indecent, abusive or insulting language to an authorized officer in the execution of his duty;	The Territorial Sea Exclusive Economic Zone Act, Cap. 238	Section 17(b)
93.	interferes with or hinders an authorized officer in the execution of his duty;	The Territorial Sea Exclusive Economic Zone Act, Cap. 238	Section 17(c)
94.	by any gratuity, bribe, promise or other inducement, prevents an authorized officer from carrying out his duty;	The Territorial Sea Exclusive Economic Zone Act, Cap. 238	Section 17(d)
95.	Without the authority of an authorized officer parts with any articles seized under section 14 of the Act;	The Territorial Sea Exclusive Economic Zone Act, Cap. 238	Section 17 (e)
96.	Contravenes any provision of this Act for which no penalty is provided or the regulations,	The Territorial Sea Exclusive Economic Zone Act, Cap. 238	Section 17 (f)
97.	Hunt, kill, capture or wound within such area any animal during a closed season where there is an order not to.	The Wildlife Conservation Act, Cap. 283	Section 28
98.	Unlawful hunting of specified or scheduled animal	The Wildlife Conservation Act, Cap. 283	Section 47
99.	Unlawful capture of an animal	The Wildlife Conservation Act, Cap. 283	Section 53
100.	Possession of weapons etc. in certain circumstances which raises some assumptions that such weapons was used in contravention of the Wildlife Conservation Act	The Wildlife Conservation Act, Cap. 283	Section 103
101.	Offences relating to licenses etc. eg. Licence obtained by fraud, forgery or misrepresentation	The Wildlife Conservation Act, Cap. 283	Section 105
102.	Dealing in trophy without licence	The Wildlife Conservation Act, Cap. 283	Section 80
103.	Transfer of trophy in contravention with the condition of permit	The Wildlife Conservation Act, Cap. 283	Section 81
104.	Export of trophy without	The Wildlife Conservation	Section 82

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	export certificate or CITES permit	Act, Cap. 283	
105.	Import trophy without the permit of Director	The Wildlife Conservation Act, Cap. 283	Section 83
106.	Unlawful dealing in trophy in contravention with CITES requirements	The Wildlife Conservation Act, Cap. 283	Section 84
107.	Unlawful possession of Government trophy	The Wildlife Conservation Act, Cap. 283	Section 86
108.	Failure to report possession of Government trophy	The Wildlife Conservation Act, Cap. 283	Section 87
109.	Restriction on possession of weapon in game reserve	The Wildlife Conservation Act, Cap. 283	Section 17
110.	Hunting in game reserve, game-controlled area or wetlands reserve	The Wildlife Conservation Act, Cap. 283	Section 19
111.	Cuts or burns vegetation, hunts, captures, wounds, injures, molest or kill any protected species in species management area.	The Wildlife Conservation Act, Cap. 283	Section 24
112.	Kill, capture, wound or molest any national game.	The Wildlife Conservation Act, Cap. 283	Section 26
113.	Offences under the Economic and organised Crimes Control Act, Cap. 200 that requires consent of the Director of Public Prosecutions.		

Dodoma,
1st November, 2019

AUGUSTINE P. MAHIGA
*Minister for Constitutional and
Legal Affairs*