

THE ONE STOP BORDER POSTS ACT, 2015

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SCHEDULE

THE UNITED REPUBLIC OF TANZANIA



NO.17 OF 2015

I ASSENT,

A handwritten signature in red ink, appearing to read 'John Magufuli', written over a dotted line.

President

04 August, 2015

Posts within the United Republic with a view to giving effect to the provisions of agreements on one stop border processing arrangements; to authorize application of the laws of the United Republic and the laws of adjoining States in One Stop Border Posts 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 One Stop Border Posts Act, 2015 and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

Application

2. This Act shall apply to one stop border posts established within the United Republic and shall apply to Mainland Tanzania as well as Tanzania Zanzibar.

Interpretation

3. In this Act, unless the context requires otherwise:

“adjoining State” means a neighbouring State with which the Government of the United Republic enters into an agreement to establish a One Stop Border Posts;

“agreement” means an agreement for the establishment of a one stop border post concluded between the United Republic of Tanzania and an adjoining State;

“border control” means any border related control measure, check or authorisation provided for in the relevant legislation;

“control zone” means the part of the territory of a host State within which officers of the adjoining States are empowered to effect border control, and includes the exclusive use area;

“exclusive use area” means the area of the control zone dedicated for the exclusive use of an adjoining State;

“facilitation agent” means any person other than an officer providing services to facilitate completion of border control by passengers or freight in accordance with the relevant legislation of States which are party to the agreement;

“officer” means an officer responsible for conducting border controls in accordance with relevant legislations of states which are party to the Agreement concluded under this Act;

“One Stop Border Post” means a border post established under an agreement between the United Republic and an adjoining State and includes control zone;

“Minister” means the Minister, responsible for finance;

“relevant legislation” in relation to-

- (a) the United Republic, means the laws listed in the Schedule;
- (b) any party to an agreement other than the United Republic, means laws listed in the agreement or in terms of any law of that party which corresponds to this Act.

“relevant Minister” means the Minister responsible for the administration of any of the laws listed in the Schedule to this Act.

PART II

ESTABLISHMENT OF ONE STOP BORDER POSTS

Establishment
of One Stop
Border Post

4.-(1) The President may enter into or conclude an agreement with one or more adjoining States with the view to establishing one stop border posts within the United Republic.

(2) The President may, where he considers necessary, delegate the powers conferred under sub section (1) to the Minister.

(3) An agreement referred to under sub section (1) shall be made so as to-

- (a) enable cooperation in border control operations between the United Republic and an adjoining State at a place located:
 - (i) in the territory of the United Republic of Tanzania; and
 - (ii) within a territory of one or more adjoining State;

- (b) facilitate cooperation in:
 - (i) information and communication technology so as to enable seamless, reliable and effective information exchange;
 - (ii) exchange of intelligence information with a view to foster smooth and secure operations in the movement of people and goods within a border post; and
- (c) empower officers as well as officials of one or more adjoining States to exercise extraterritorial border control in accordance with their respective national legislation, and includes the exercise of powers of arrest, search, seizure and detention of person or thing.

Exclusive use
areas within
control zones

5.-(1) Competent authorities of an adjoining State shall display official signs of any area intended for use as an exclusive use areas in the control zone.

(2) Officials of the adjoining State shall-

- (a) have exclusive control of access to its exclusive use area; and
- (b) maintain law and order in their exclusive use area, except that officials of the adjoining State may request the assistance of a host State for that purpose.

(3) Officials or members of a law enforcement agency of the United Republic shall not have access to the exclusive use area of the adjoining State, except at the request or with the permission of the officers of that adjoining State.

Offences
committed
outside United
Republic

- 6.-(1) An act or omission-
- (a) by a citizen, resident or refugee of the United Republic or by any other person having entered the United Republic; and
- (b) which:
- (i) occurs at a One Stop Border Posts in an adjoining State; and
- (ii) is an act or omission which, had it occurred within the territory of the United Republic it would have constituted an offence contrary to the laws of the United Republic;
- shall be considered as if the act or omission occurred in the United Republic.

(2) For avoidance of doubt, a citizen, resident or refugee of the United Republic or any person having entered the United Republic may be arrested or detained in a control zone of an adjoining State for contravention of the relevant legislation for the purpose of transferring that citizen, resident, refugee or person to the United Republic.

(3) For the purpose of determining which court within the United Republic has jurisdiction to try an offence referred to in subsection (1), the offence shall be deemed to have been committed within an area of the court of competent jurisdiction located nearest to the place where the act or omission constituting the offence occurred.

Laws applicable
to One Stop
Border Post

7.-(1) The relevant legislation listed in the Schedule shall be applicable throughout One Stop Border Posts and shall be the basis for border control operations by the relevant institutions specified or mandated in the respective relevant legislation.

(2) The Minister may, in consultation with the relevant Minister, amend the Schedule.

(3) The relevant legislation of the United Republic and that of an adjoining State shall apply in the control zone for the purpose of enabling officers of the United Republic and those of any adjoining State to carry out border controls at One-Stop Border Posts.

Access to
control zones by
facilitation
agents

8.-(1) Facilitation agents shall have access to the control zones for purposes specified under this Act.

(2) For the purpose of subsection (1), facilitation agents shall not be required to produce any travel document or entry permit, save that, for the purposes of identification, the facilitation agent shall at all times, display an identity and status card issued for that purpose.

PART III GENERAL PROVISIONS

East African
community one
stop border
posts Acts EAC

9. Notwithstanding the provisions of this Act, one stop border posts established pursuant to the East African Community One Stop Border Posts Act, 2013 shall be governed in the manner provided for under that Act.

Temporary
Measure

10.-(1) This Act shall not affect the rights of the United Republic or that of any adjoining State to take temporary measures in the interest of defence and security, public safety, public order, economic interests of the United Republic or an adjoining State, public health, public morality or any other circumstances of a similar nature.

(2) A State intending to take measures referred to under subsection (1) shall, through diplomatic channels, notify the other State accordingly.

(3) The temporary measures under subsection (1) shall have the effect of reversal of the sequence of border control operations, relocation of border control or the temporary closure of the border posts within that adjoining State's territory.

Regulations

11. The Minister may, in consultation with the relevant Minister, make regulations-

- (a) for the purpose of giving effect to the establishment and maintenance of One Stop Border Posts;
- (b) for the establishment of operational committees of One Stop Border Posts; and
- (c) generally for the better carrying out of the provisions of this Act.

Existing
bilateral
agreements

12. A bilateral agreement entered into by the United Republic for the control and operations of One Stop Border Posts before the coming into force of this Act shall be deemed to be an agreement entered in accordance with this Act.

SCHEDULE

(Made under section 7(1),(2))

RELEVANT LEGISLATION

1. Immigration Act, (Cap. 54).
2. The Tanzania Passports and Travel Documents Act, (Cap. 42).
3. Refugees Act, (Cap. 37).
4. EAC Customs Management Act, 2004.
5. Value Added Tax Act, (Cap. 148).
6. Excise (Management and Tariff) Act, (Cap. 147).
7. The Foreign Vehicles Transit Charges Act, (Cap. 84).
8. The Road and Fuel Tolls Act, (Cap. 220).
9. The Petroleum Act, (Cap. 392).
10. The Standards Act, (Cap. 130).
11. The Exports Control Act, (Cap. 381).
12. The Export Tax Act, (Cap. 196).
13. The Agricultural Products (Control of Movement) Act, (Cap. 78).
14. EAC Standardization, Quality Assurance, Metrology and Testing Act, 2006.
15. Police Force and Auxiliary Services Act, (Cap. 322).
16. Tanzania Food, Drugs and Cosmetics Act, (Cap. 219).
17. The Drugs Control and Enforcement Act, 2015.
18. The Anti-Trafficking in Persons Act, (Cap. 432).
19. The Anti-Money Laundering Act, (Cap. 423).
20. The Industrial and Consumer Chemicals (Management and Control) Act, (Cap. 182).
21. The Economic and Organized Crimes Control Act, (Cap. 200).
22. The Roads Act, (Cap. 167).
23. The Plant Protection Act, (Cap. 133).
24. The Surface and Marine Transport Regulatory Authority Act, (Cap. 413).
25. The Wildlife Conservation Act, (Cap. 283).
26. The Atomic Energy Act, (Cap. 188).
27. The Criminal Procedures Act, (Cap. 20).
28. The Evidence Act, (Cap. 6).
29. The Penal Code, Cap. 16.
30. The Cyber Crime Act, 2015.

31. The Mutual Assistance in Criminal Matters Act, Cap. 254.
32. The Extradition Act, Cap. 368.
33. The Fair Competition Act, Cap. 285.
34. The Citizenship Act, Cap. 354.
35. The Veterinary Act, Cap. 319.
36. The Treaty for the Establishment of the East African Community Act, Cap. 411.

Passed by the National Assembly on 26th June, 2015.



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Clerk of the National Assembly