

## CHAPTER 111

# THE PEOPLES MILITIA ACT

[PRINCIPAL LEGISLATION]

## ARRANGEMENT OF SECTIONS

*Section Title*

1. Short title.
2. Interpretation.
3. Rules relating to compensation.
4. Powers of arrest.
5. Power to make regulations.

## CHAPTER 111

### THE PEOPLES MILITIA ACT

An Act to provide for payment of compensation to members of Peoples Militia in case of death or injury and to confer such members with powers of arrest in connection with criminal offences.

[7<sup>th</sup> December, 1973]

[12<sup>th</sup> August, 1975]<sup>1</sup>

Acts Nos.  
27 of 1973  
4 of 1975  
25 of 1975  
9 of 1989

Short title

1. This Act may be cited as the Peoples Militia Act.

Interpretation  
Act No.  
9 of 1989 s. 2  
and 3

2. In this Act, unless the context otherwise requires-  
“accident” includes deliberate action on the part of any person but does not include gross negligence on the part of the person injured by whom, or in respect of whose death, compensation is claimed under this Act;  
“Minister” means the Minister responsible for Home Affairs;  
“Peoples Militia” means an organised group of the people of the United Republic, operating with the authority of and under the aegis of the Government and which is receiving any military training or participating in any military, quasi-military or law enforcement exercise for the protection of the sovereignty of the United Republic or for the protection of the people or the property of the United Republic, by whatever name known, whether as *Wasalama*, *Sungusungu* or any other, but does not include the Police Force, any arm or branch of the Defence

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<sup>1</sup> This Act is a consolidation of the Peoples Militia (Compensation for Death or Injury) Act (Act No. 27 of 1973) which came into operation on 7<sup>th</sup> December, 1973, and the Peoples Militia (Powers of Arrest) Act (Act No. 25 of 1975) which came into operation on 12<sup>th</sup> August, 1975.

Forces, the Prisons Service, the National Service or the Immigration Services.

Rules relating to  
compensation  
Act No.  
4 of 1975 Sch.

3.-(1) Where any member of the Peoples Militia is injured, or dies of any injury sustained, by an accident arising out of and in the course of his training or participation in any military, quasi-military, law enforcement or other lawful exercise undertaken by him as such member and authorised by the Government, the compensation payable in respect of his injury or death shall be-

- (a) where such person was, at the time of such accident, self-employed or unemployed, the amount which would have been payable had such person been a member of the Defence Forces as a man; and
- (b) where such person was, at the time of the accident, in the employment of any other person, the amount which would have been payable by such person's employer had the injury or, as the case may be, the death been caused by an accident arising out of and in the course of such person's employment with such employer:

Provided that, where such person was, at the time of the accident, employed by an employer in circumstances or under terms and conditions which would not entitle him or his dependants or estate to any compensation for injury or death caused by an accident arising out of and in the course of his employment with his employer, the employer shall be liable to pay compensation of an amount equal to the amount of compensation payable by the Government in respect of the death of or injury to a member of the Defence Forces in the course of his employment in the Defence Forces and employed in the Defence Forces on a salary comparable to the salary to which such member of the Peoples Militia was in receipt of in respect of his employment with his employer.

(2) The compensation payable under subsection (1) shall be paid-

- (a) in the case where the person injured is, or the deceased was, a person to whom paragraph (a) of subsection (1) applies, by the Government; and
- (b) in any other case by the person who was, at the time of the accident, the employer of the person injured.

(3) The compensation referred to in subsection (2) shall be assessed and paid-

- (a) in any case to which paragraph (a) of subsection (1) applies, in accordance with the relevant provisions of the National Defence Act, and the subsidiary legislation made thereunder as if the person injured or, as the case may be, the deceased were a man in the Defence Forces and the injury had been sustained in the course of his duties as such man; and

Cap. 192

- (b) in any case to which paragraph (b) of subsection (1) applies-

Cap. 263

- (i) where the employment of the person injured or, as the case may be, of the deceased, at the time of the accident was an employment to which the Workers' Compensation Act applied, in accordance with the provisions of that Act, as if the injury had been caused by an accident arising out of and in the course of such employment;

Ord. No  
43 of 1948

- (ii) where the employment of such person was not an employment to which the Workmen's Compensation Act applied, in accordance with the terms and conditions of the employment as regulated by the law applicable to the employment as if the injury had been caused by an accident arising out of and in the course of employment;

Cap. 192

- (iii) where the employment of such person was employment to which the proviso to paragraph (b) of subsection (1) applies, in accordance with the relevant provisions of the National Defence Act,

and the subsidiary legislation made thereunder as if such person were a member of the Defence Forces of a rank determined in accordance with the provisions of that proviso and as if the employer were substituted for the authority liable to pay the compensation so payable.

(4) Save to the extent provided for in this Act, the Government shall not be liable for compensation for any injury to or death of any member of Peoples Militia.

(5) Any term or condition in any contract of employment excluding or modifying or purporting to exclude or modify the provisions of this Act, or any term or condition preventing or purporting to prevent the employee from becoming a member of the Peoples Militia or restricting or purporting to restrict such employee from joining or volunteering for any activity of the Peoples Militia, shall be inoperative and ineffective and such contract of employment shall take effect as if it did not include any such term or condition.

(6) The Prime Minister may, by order in the *Gazette*, exempt any employer or category of employers from liability to compensation arising under this section and where such order is made, the provisions of this Act relating to compensation shall apply in relation to the member of the Peoples Militia whose employer is so exempt as if such member were or had been unemployed.

Powers of arrest  
Act No.  
9 of 1989 s. 4

4.-(1) Subject to section 5, every member of the Peoples Militia shall have the same powers of arrest for breach of any provision of a written law and of search as are vested in a police officer of the rank of constable and such powers may be exercised subject to the same limitations, restrictions and conditions as apply in relation to an arrest or search effected by such police officer.

(2) Notwithstanding subsection (1), the Minister may, by notice published in the *Gazette*, designate ranks in the Peoples Militia, or amongst any particular group or category of the

Peoples Militia which shall, for the purposes of this Act, be comparable to the ranks in the Police Force specified in relation thereto in such order and where such order is made a member of the Peoples Militia or a member of the Peoples Militia of the group or category concerned, of a rank so designated shall have the same powers of arrest and of search as a police officer of comparable rank.

Power to make  
regulations

5.-(1) The Minister may make regulations for the purposes of securing the effectual and smooth operation of the Peoples Militia in the discharge of functions under this Act.

(2) Without prejudice to the generality of the power conferred by subsection (1), the regulations made by the Minister may provide for-

- (a) the limitation of the area within which power under this Act may be exercised by members of the Peoples Militia or a category of them;
  - (b) the regulation in any other way of the exercise of functions generally by members of the Peoples Militia or a category of them; and
  - (c) the training or instruction of members of the Peoples Militia in the exercise of powers conferred by this Act.
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