

Tanzania

Judgements Extension Act

Chapter 7

Legislation as at 31 July 2002

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Judgements Extension Act

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Tanzania

Judgements Extension Act

Chapter 7

Commenced on 13 April 1921

[This is the version of this document at 31 July 2002.]

[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]

[This Act has different dates of commencement for different countries. Date of commencement in: Kenya - 13th April 1921; Zanzibar - 13th April, 1921; Uganda - 27th September, 1921; Malawi - 5th July, 1922]

[Ord. No. 13 of 1921; R.L. Cap. 7]

An Act to make provision for the execution of decrees and warrants of civil courts of neighbouring countries.

1. Short title

This Act may be cited as the Judgements Extension Act.

2. Transfer and execution of decrees

Where a decree has been obtained or entered up in the High Court of Kenya, the High Court of Uganda, the High Court of Malawi or in the High Court of Zanzibar or in any court subordinate to any of those courts for any debt, damage or costs and where it is desired that the decree shall be executed upon the person or property of the defendant in Mainland Tanzania, the decree may be transferred to the High Court of Tanzania (hereinafter called the High Court) or to any of the courts subordinate thereto (hereinafter called subordinate courts) for execution, and the provisions of the Civil Procedure Code ¹ for the transfer and execution of decrees shall apply in the same manner as if the decree had been obtained or entered up in one Court and were transferred for execution to another court within the jurisdiction of the High Court, and after the transfer all proceedings shall, be had and taken as if the decree had been a decree originally obtained in the High Court or a subordinate court, and all the reasonable costs and charges with regard to the transfer and execution of the decree shall be recovered in like manner as if they were part of the original judgement.

3. Execution of warrants

- (1) When any warrant issued by the High Court of Kenya, Uganda, Malawi or Zanzibar or by any court subordinate to any such Court for the arrest of a defendant in a civil case either before or after judgement, a judge of the High Court or a magistrate of a subordinate court shall have power—
 - (a) to endorse and execute the warrant; or

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- (b) to issue, before such endorsement, a provisional warrant for the arrest of the defendant, upon receipt of telegraphic or other information and in such circumstances as would in his opinion justify the issue of a warrant in a civil case within his jurisdiction:

Provided that a person arrested under a provisional warrant shall be discharged unless the original warrant is produced and endorsed within such reasonable time as may in the circumstances seem requisite:

Provided also that no such warrant shall be endorsed or executed and no provisional warrant shall be issued, unless the warrant or information from the court desiring the arrest is accompanied by an intimation that such court indemnifies the High Court or subordinate court against all costs, charges and expenses to be incurred by the High Court or the subordinate court.

- (2) The provisions of the Civil Procedure Code ², for the arrest of defendants before and after judgement shall apply in the same manner as if the suit had been originally instituted in the High Court or a subordinate court and all reasonable costs and expenses with regard to proceedings for arrest shall be recoverable in like manner as if they had been incurred in the court in which the suit has actually been instituted.

4. Security to be taken from plaintiff and courts to be indemnified

A judge of the High Court or a magistrate of a subordinate court requesting the arrest of a defendant under any law similar to this Act by any court in Kenya, Uganda, Malawi or Zanzibar shall, before communicating with a court in any of those countries, take security from the plaintiff in such sum as shall be sufficient to cover all the costs, charges and expenses to be incurred by the court to which the application is made and shall indemnify that court against all those costs, charges and expenses.

5. Fees

The fees to be paid for any process or proceeding under this Act shall be prescribed from time to time by the High Court with the approval of the Minister responsible for legal affairs.

6. Power to extend Act to other countries

The President may, by notice published in the *Gazette* extend the provisions of this Act to decrees passed and warrants issued in any other country which is a member of the Commonwealth or is a dependant of that country.