

SUBSIDIARY LEGISLATION

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**THE JUDICATURE AND APPLICATION OF LAWS ACT
(CAP. 358)**

THE COURT FEES RULES

(Made under section 4)

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THE JUDICATURE AND APPLICATION OF LAWS ACT
(CAP.358)

THE COURT FEES RULES

(Made under section 4)

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Rules may cited as the Court Fees Rules, 2015.
- Interpretation 2. In these Rules, unless the context otherwise requires-
“magistrate” means a magistrate in primary court, a district magistrate or a resident magistrate and it includes a civil magistrate and an honorary magistrate;
“officer of the court” means a records management officer in-charge or officer in charge of court registry as the case may be;
"Registrar" means the Registrar of the High Court or a Deputy Registrar and includes an acting Registrar.

PART II
LIABILITY TO PAY FEES

- Liability for fees 3. The fee for any matter shall, unless otherwise expressly provided, be paid by the person instituting the proceedings.
- Valuation 4.-(1) Where a fee is payable based on the value of a property, the market value of such property or the interest in respect of such property, shall be deemed to be the value of the property.
(2) The value of property or interest referred to in sub rule (1) shall be declared by a person who is paying the fees and the court may require the declaration to be

supported by a certificate of a valuer or other evidence.

(3) In assessment of the value of any land, the land shall be deemed to include all buildings, erections, works, trees and perennial crops thereon, except where the person bringing the proceedings expressly declares that such buildings, erections, works, trees or perennial crops are excluded from the proceedings, but not annual crops, unless such annual crops are part of the subject-matter of the proceedings.

Assessment of
fees

5.-(1) Where a person who is required to pay fees under these rules is not satisfied with the fees assessment made by the officer of the court, such person shall-

- (a) if the assessment was made at the High Court, refer the matter to the Registrar; and
- (b) if the assessment was made at the magistrate's court, refer the matter to the magistrate in-charge.

(2) The Registrar or the magistrate in-charge shall, after receiving the matter under sub-rule (1), assess the fee and give the reasons therefor in writing for his assessment within fourteen days.

Reference

6.-(1) A party to the proceedings who is aggrieved by the assessment under Rule 6(2) may refer the objection-

- (a) if the assessment was made by a magistrate in a primary court, to the district court having appellate jurisdiction over the primary court; and
- (b) if the assessment was made by a magistrate in-charge in the district court or a court of resident magistrate or by the Registrar, to a Judge of the High Court.

(2) The decision of a Judge or a district court having appellate jurisdiction shall be final and binding.

(3) A reference under this rule shall be in writing stating the grounds of objection.

(4) Any reference under this rule shall be made within thirty days from the date of assessment by the

magistrate in-charge or the Registrar.

(5) Where a suit or any appeal in respect of which assessed fee has been objected is proceeding to be heard, a district court or a Judge to whom an objection is referred under this rule, may defer consideration of such objection pending the determination of the proceedings or the hearing of the appeal.

Court fees

7.-(1) For purposes of this Part, fees specified in the First Schedule shall be paid in the High Court, a court of a resident magistrate and district court in respect of proceedings and matters other than those for which specific fees are prescribed by rules of court made under any Act.

(2) The fees specified in the Second Schedule shall be paid to the primary court in respect of all proceedings and matters other than those for which specific fees are prescribed by rules of court made under any Act.

PART III EXCEPTION TO PAYMENT OF FEES

Remission of
fees

8.-(1) The court to which any fee is payable under these Rules may, for reasons of poverty or other good cause, remit such fee in whole or in part.

(2) Where a person in whose favour fees have been remitted is successful in the proceedings, the court may direct that an amount equal to the fees that would have been payable by him had they not been remitted shall be paid to the Government by any party to the proceedings.

(3) An application for remission of fees shall be made *ex- parte* by way of chamber summons supported by an affidavit giving grounds for such application.

(4) A magistrate's court may accept any written oral application for remission of fees.

(5) Where the court makes an order remitting any fee wholly or in part, it shall record its reasons for so doing.

(6) No fee shall be payable by a person who has been granted legal aid under the Legal Aid Scheme in respect of proceedings instituted by or against such person.

(7) Where a person referred to under sub rule (4) is successful in the proceedings, the court shall direct him to pay up the necessary court fees.

(8) An appeal against a refusal to remit any fee or any part thereof, shall lie-

(a) in the case of an order from the Registrar or a court of a resident magistrate or a district court, to the High Court; and

(b) in the case of an order from a primary court, to the district court.

(9) No fee shall be payable on any application or appeal for remission of fees.

Refund of fees

9.-(1) Where an appeal is withdrawn or abates within one year of the date on which it was filed, one-half of the fee paid for filing the same shall be refunded on application in writing made by the person who paid it.

(2) Where a court in the exercise of its appellate or revisional jurisdiction has ordered the hearing *de novo* of any proceedings, it may, *suo motu*, order the refund of all or any appeal fees to the person who paid the same.

(3) Where a court makes an order for the refund of any fee wholly or in part, it shall record its reasons for so doing.

Government proceedings

10.-(1) No fees shall be payable by the Republic or the Government in respect of proceedings instituted by or against the Government, but a judgment in favour of the Government for costs shall, unless the court otherwise directs, include the amount of the fees which would have been payable if the proceedings had been instituted by or against a private person.

(2) No fees shall be payable by the Government in respect of any criminal proceedings.

Exemption

11. Where any convention entered into by the United Republic with any other country provides that a fee shall not be paid in respect of any proceedings, the fees

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specified in the First and Second Schedules shall not be payable in respect of those proceedings.

Revocation of
GN 308/64

12. The Court Fees Rules, 1964 are hereby revoked.

FIRST SCHEDULE

(Made under Rule 7(1))

FEES PAYABLE IN THE HIGH COURT, A COURT OF RESIDENT MAGISTRATE
AND A DISTRICT COURT

Item	Matter for which fee may be charged	New Fees (Tshs)
	A. CIVIL MATTERS	
1.	Filing of Complaint and Applications: (a) Where the claim is for a sum certain or for property or declaration of title to property— (i) In the High Court	0.25% of the amount claimed or value of the subject matter provided that the amount payable shall not exceed Tshs. 5,000,000/=
	(ii) in a court of resident magistrate or a district court (aa) where the amount does not exceed Tshs. 16,000,000/=	Tshs. 40,000/=
	(bb) where the amount exceeds Tshs. 16,000,000/=	Tshs. 40,000/= plus 0.25% of the amount in excess
	(b) Where the claim is for damages but no specific amount is claimed: (i) in the High Court	Tshs. 500,000/=
	(ii) in a court of a resident magistrate /a district court	Tshs. 40,000/=

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	(c) Where the claim is for a permanent injunction or declaration (other than a declaration of title to property) or other order which cannot be valued in monetary terms: (i) in the High Court	Tshs. 500,000/=
	ii) in the court of a resident magistrate or in a district court	Tshs. 40,000/=
	(d) Where the claim is by a landlord for recovery of - (i) possession from a tenant (ii) arrears of rent	Tshs. 500,000/= 0.25% of the annual rent or the value of the property provided the amount payable does not exceed Tshs. 5,000,000/=
	(e) Where a claim is by a tenant against the landlord for any relief	Shs. 100,000/=
2.	On making an interlocutory application, or any application instituted by way of chamber summons supported by an affidavit.	Tshs. 50,000/=
4.	On filing cognizance, bail, bond or surety	Tshs. 20,000/=
7.	On filing an account, including the fee for filing the report thereon, if any	Tshs. 20,000 /=-
8.	On filing a bill of costs for taxation	0.25% of the amount claimed in the bill of costs excluding disbursements.
9.	On filing any document not otherwise provided for	Tshs. 20,000/=
10.	On depositing any document not otherwise provided for	Tshs. 20,000/=
Issue and Service of Summons, Warrants, Notices and Other Documents		
11.	For issue of witness summons	Tshs. 10,000/=
12.	For the issue of warrant of arrest, warrant of attachment, eviction order, prohibitory order or other process in execution of a decree or order of the court	Tshs. 20,000/=
13.	For the service of any document, in addition to all necessary expenses where the service is to be effected outside the limits of the city, municipality or township in which the court issuing the document is situated.	Tshs. 20,000/=
14.	For the service of a document at the request of a court or a person outside the jurisdiction of the court.	Tshs. 20,000/=
15.	For the issue of every notice, summons or warrant not otherwise provided for	Tshs. 10,000/=

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<u>Evidence</u>		
16.	For taking evidence of a witness before a fixed stage of hearing of the proceedings.	Tshs. 20,000/=
17.	For taking evidence on commission and in addition for every hour or part thereof after the first hour	Tshs. 20,000 /=-
18.	On tendering an exhibit: in the High Court	Tshs. 20,000/=
	(a) in the court of a resident magistrate or in a District court	Tshs. 20,000 /=-
Issue and Transfer of Decrees:		
19.	For the issue of a decree or order not otherwise provided for	Tshs. 5,000/=
20.	For the transfer of a decree from one court to another within Tanzania including the fees for application, order, certificate of non-satisfaction and communication, excluding courier services.	Tshs. 20,000/=
21.	For the transfer of a decree outside Tanzania including the fees for application, order, certificate of non-satisfaction and communication, excluding courier services. Administration of Oaths, etc. and attestation of signature	Tshs. 30,000 /=-
22.	For administering an oath, affirmation, taking an affidavit or receiving a declaration.	Tshs. 5,000/=
23.	For attesting a signature	Tshs. 5,000/=
Attendance and communication		
24.	For the attendance of an officer of the court to view, in addition to all necessary expenses, unless the court otherwise orders. (Note: Where the court decides of its own motion to view land, these fees and the necessary expenses will be shared equally between the parties, but without prejudice to any eventual order for costs).	Tshs. 10,000/=

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25.	For the attendance of an officer of the court at a sale, in addition to all necessary expenses, unless the court otherwise orders.	Tshs. 10,000/=
26.	For the attendance of an officer of the court to administer an oath or take an affidavit or receive a declaration elsewhere than at the office of the court, in addition to the fee prescribed under item 22 and all other necessary expenses.	Tshs. 10,000/=
27.	For communication with a tribunal within Tanzania (except where the communication is in respect of service of a document issued by the court) 1,500	Tshs. 10,000/=
28.	For communication with a tribunal outside Tanzania (excluding courier services).	Tshs. 50,000/=
Certifying, Copying, Translating and Producing for Inspection.		
29.	For translating any document: (a) for the first 100 words or part thereof (b) for each subsequent 100 words or part thereof	Tshs. 10,000/= Tshs. 5,000/=
30.	For issuance of a copy of judgment or proceedings to	Tshs. 10,000/=
31.	For issuance of a copy of judgment or proceedings to persons other than parties in a case.	Tshs. 50,000/=
32.	For making a copy of any document in the custody of the court or permitting any person to make such a copy in the presence of an officer of the court to persons other than parties to a case.	Tshs. 500/= per page
33.	For certifying as correct translation of any document (whether or not such copy has been made by an officer of the court): (a) for the first 100 words or part thereof (b) for each subsequent 100 words or	Tshs. 10,000/= Tshs. 5,000/=
35.	For certifying a signature on a seal	Tshs. 5,000/=
36.	For the issue of a certificate of non-satisfaction of	Tshs. 10,000/=
37.	For the issue of a certificate not otherwise provided	Tshs. 10,000/=
38.	For producing for inspection of the record of any case or any document in the custody of the court.	Tshs. 10,000/=

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Miscellaneous		
39.	On payment of money or deposit of anything into court as security, on deposit or otherwise (except by way of deposit for witnesses or assessors expenses or court fees or for the subsistence of a judgment debtor or is made by an officer of the court in the course of the	Tshs. 10,000/=
40.	For the management of the estate of a ward of court, minor or lunatic, whether by the court or by an officer of the Government appointed by the court as a trustee, such percentage per annum either of capital value of the estate or the net income or both, as the court may order.	Tshs. 5,000/=
41.	For the taking or passing of an account by an officer of the court	Tshs. 10,000/=
42.	On application for review of a judgment in: (a) the High Court (b) the court of a resident magistrate or a district court	Tshs. 100,000/= Tshs. 50,000/=
43.	On application for reference or revision- (a) to the High Court (b) to the court of a resident magistrate or to the district court	Tshs. 40,000/= Tshs. 30,000/=
44.	On lodging an appeal to the High Court– (a) against a final decree	Tshs. 30,000/=
	(b) against any other order	Tshs. 20,000/=
52.	On lodging an appeal to a district court– (a) against a judgment–	Tshs. 20,000/=
	(b) against any other order	Tshs. 15,000/=
53.	On filing an application for security for costs– (a) in the High Court	Tshs. 20,000/=
	(b) in the court of a resident magistrate	Tshs. 10,000/=
54.	On applying for leave to appeal out of time- (i) in the High Court	Tshs. 30,000/=
	(ii) in the court of a resident magistrate or in a district court	Tshs. 20,000/=

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56.	For the issue of a decree on appeal or an order	Tshs. 5,000/=
57.	For any matter not otherwise provided for.	Tshs. 10,000/=
B: CRIMINAL MATTERS		
58.	No fee shall be payable in respect of any criminal proceedings.	

SECOND SCHEDULE

(Under Rule 7(2))

FEES PAYABLE IN PRIMARY COURTS

**A
CIVIL MATTERS**

1.	On instituting civil proceedings— (a) where the claim is for a sum certain or for property the value of which— (i) does not exceed Tshs. 1,000,000/= Tshs. 5,000/= (ii) exceeds 1,000,000/= Tshs. 10,000/=	
	(b) in any other case	Tshs. 10,000/=
2.	On any application under rule 17(1), 28, 29, 30, 42, 43, 69 or 85 Primary Court Civil Procedure Rules	Tshs. 5,000/=
3.	For service of any summons or other documents issued by the court	Tshs. 5,000/=
4.	On applying for execution, including the fee for the issue of a warrant, if any	Tshs. 5,000/=
5.	For administering an oath or affirmation, taking an affidavit or receiving a declaration	Tshs. 5,000 /=
6.	For attesting a signature	Tshs. 5,000/=
7.	For visiting <i>locus in quo</i> by an officer of the court, in addition to the cost of transport and reasonable sum for the officer's subsistence Provided that where the court decides of its own motion to visit the <i>locus in quo</i> , these fees and the necessary expenses will be shared equally between by the parties in equal shares, but without prejudice to any eventual order for costs).	Tshs. 5,000/=
8.	For translating any document, other than an exhibit produced in the course of any proceedings: (a) for the first 100 words or part thereof	Tshs. 2,000/=

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	(b) for each subsequent 100 words or part thereof	Tshs. 1,000/=
9.	For making a copy of any document in the custody of the court or permitting any person to make such a copy in the presence of an officer of the court, excluding costs of photocopying.	Tshs. 2,000/=
10.	For certifying as correct the translation of any document (whether or not such translation has been made by an officer of the court), other than an exhibit produced in the course of a proceeding: (a) for the first 100 words or part thereof	Tshs. 2,000/=
	(b) for each subsequent 100 words or part thereof	Tshs. 1,000/=
11.	For certifying as correct a copy of any document (whether or not such copy has been made by an officer of the court),	Tshs. 5,000/=
12.	For the issue of any certificate, not otherwise provided for	Tshs. 5,000/=
13.	For producing for purposes of inspection the record of any proceeding or any document in the custody of the court	Tshs. 5,000/=

B ADMINISTRATION OF ESTATES		
14.	(a) For filing an application for appointment of an administrator of an estate or executor.	Tshs. 5,000/=
	(b) Where the administrator is an officer of the court or is appointed as a reputable and impartial person able and willing to administer the estate there shall be payable an additional fee equal to 10 per centum of the gross value of the estate or TShs. 50,000/=whichever is the greater, but such fees shall not exceed TShs. 100,000/=.	
	(c) Where the administrator is a person other than an officer of the court the additional fee shall be payable to such person as remuneration for that person.	
15.	For all other acts, matters and proceedings the same fees are payable in primary courts as civil matters.	

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C		
CRIMINAL		
16.	No fee shall be payable in respect of any criminal proceedings	
D		
MISCELLANEOUS		
17.	On payment of money or deposit of anything into court as Security, on deposit or otherwise (except where the payment is made by way of deposit for witnesses, or assessors expenses or court fees or for the subsistence of a judgment debtor or is made by an officer of the court in the course of the administration of the amount paid or estate)	Tshs. 20,000/=
18.	For the attendance of an officer of the court at a sale	Tshs. 10,000/=
19.	For the attendance of an officer of the court to administer an oath or affirmation or to take an affidavit or receive a declaration elsewhere than at the office of the court	Tshs. 10,000/=
20.	For communication with a tribunal within Tanzania other than services of a document issued by the court	Tshs. 5,000/=
21.	For recording the particulars of an affidavit or declaration	Tshs. 5,000/=
22.	For translation of any document:	Tshs. 2,000/=
	(a) for the first 100 words	
	(b) for each subsequent 100 words	Tshs. 1,000/=
23.	For making a copy of any document in the custody of the court	Tshs. 5,000/=
24.	For certifying as correct a copy of any document (whether made by an officer of the court or not)–	Tshs. 2,000/=
	(a) for the first 100 words or part of it	
	(b) for each subsequent 100 words	Tshs. 1,000/=
25.	For certifying a signature on a seal	Tshs. 5,000/=
26.	For the issue of a certificate not otherwise provided for	Tshs. 5,000/=
27.	For certifying copy of judgment or order	Tshs. 5,000/=
28.	For any matter not otherwise provided for	Tshs. 5,000/=

Dar es Salaam,
7th May, 2015

MOHAMED C. OTHMAN
Chief Justice