

***SUBSIDIARY LEGISLATION***

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

**RULES**

*(Made under section 4)*

THE COURT FEES RULES, 2018

ARRANGEMENT OF RULES

*Regulation Title*

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

**RULES**

*(Made under section 4)*

THE COURT FEES RULES, 2018

PART I

PRELIMINARY PROVISIONS

- |                |  |
|----------------|--|
| Citation       | 1. These Rules may be cited as the Court Fees Rules, 2018.   |
| Interpretation | 2. In these Rules, unless the context otherwise requires—<br>“magistrate” means a magistrate of primary court, a district magistrate or a resident magistrate and includes a civil magistrate or an honorary magistrate;<br>“officer of the court” means a records management officer in-charge or officer in charge of court registry, as the case may be;<br>“Registrar” means the Registrar of the High Court or a Deputy Registrar and includes an acting Registrar. |

PART II

OBLIGATION TO PAY FEES

- |                                |  |
|--------------------------------|--|
| Obligation for payment of fees | 3. The fees for any matter shall, unless otherwise expressly provided, be paid in accordance with these Rules.   |
| Value of property or claim     | 4. Where a fee is payable based on the value of a property or claim, the person who is paying the fee shall declare such value in the pleadings.   |
| Court fees                     | 5.- (1) For the purposes of this Part, fees specified in the First Schedule to these Rules shall be paid to 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 under any other written law.<br>(2) The fees prescribed in the Second Schedule to these Rules 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 made under any other written law.

Remission of  
fees

6.-(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) An application for remission of fees before the High Court shall be made *ex- parte* by way of chamber summons supported by an affidavit giving grounds for such application and shall be heard by the Registrar.

(3) Where an application for remission of fees is made the subordinate court, the magistrate presiding over a magistrate's court may accept any written or oral application for remission of fees.

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

(5) 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 court by such party to the proceedings.

(6) A reference against a refusal to remit any fee or any part thereof shall lie within 14 days-

(a) in the case of an order from a primary court, to the district court; and

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

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

(8) An application for remission of fees shall be heard and determined within fourteen days from the date of filing.

### PART III EXEMPTION FROM PAYMENT OF FEES

Government  
proceedings

7.-(1) Fees shall not be payable by the United Republic or the Government in respect of proceedings instituted by or against the Government:

Provided that, a judgment in favour of the Government for costs shall, unless the court otherwise directs, include the amount of fees which would have been payable if

the proceedings had been instituted by or against a private person.

(2) Fees shall not be payable by the Government in respect of any criminal proceeding.

(3) For the purposes of this rule, "Government" includes local government.

Exemption  
under  
convention

8. Where any convention entered into by the United Republic with any other country provides that fees shall not be paid in respect of any proceedings, the fees specified in the Schedules shall not be payable in respect of such proceedings.

Exemption  
under the Legal  
Aid  
Act No. 1 of  
2017

9. Fee shall not be payable by a person who has been granted legal aid under the Legal Aid Act in respect of proceedings instituted by or against such person.

#### **PART IV MISCELLANEOUS PROVISIONS**

Receipt of  
judgment by  
parties

10. Where a copy of judgment is sent and delivered to the parties, time shall start running from the date of such receipt of a copy of judgment as shall be indicated by delivery note.

Revocation of  
GN 187/2015

11. The Court Fees Rules, 2015 are hereby revoked.

#### **FIRST SCHEDULE**

*(Made under rule 5(1))*

#### **FEES PAYABLE IN THE HIGH COURT AND COURTS OF RESIDENT MAGISTRATE AND DISTRICT COURTS**

<b>Item</b>	<b>Matter for which fee may be charged</b>	<b>Fees in Tshs.</b>
	<b>A. CIVIL MATTERS</b>	
1.	<b>(a) Filing of Complaint and Applications:</b>	
	<b>(i) in the High Court</b>	
	Any claim not exceeding Tshs. 400,000,000/=	Tshs. 150,000/=

*The Judicature and Application of Laws Act*

*GN. No. 247 (contd.)*

Item	Matter for which fee may be charged	Fees in Tshs.
	Claim between Tshs. 400,000,001/= to 500,000,000/=	Tshs. 200,000/=
	Claim between Tshs. 500,000,001/= to 600,000,000/=	Tshs. 250,000/=
	Claim between Tshs. 600,000,001/= to 700,000,000/=	Tshs. 300,000/=
	Claim between Tshs. 700,000,001/= to 800,000,000/=	Tshs. 350,000/=
	Claim between Tshs. 800,000,001/= to 900,000,000/=	Tshs. 400,000/=
	Claim between Tshs. 900,000,001/= to 1,000,000,000/=	Tshs. 450,000/=
	Claim between Tshs. 1,000,000,001/= to 2,000,000,000/=	Tshs. 500,000/=
	Claim between Tshs. 2,000,000,001/= to 3,000,000,000/=	Tshs. 1,000,000/=
	Claim between Tshs. 3,000,000,001/= to 4,000,000,000/=	Tshs. 1,500,000/=
	Claim between Tshs. 4,000,000,001/= to 5,000,000,000/=	Tshs. 2,000,000/=
	Claim between Tshs. 5,000,000,001/= to 6,000,000,001/=	Tshs. 2,500,000/=
	Claim between Tshs. 6,000,000,001/= to 7,000,000,000/=	Tshs. 3,000,000/=
	Claim between Tshs. 7,000,000,001/= to 8,000,000,000/=	Tshs. 3,500,000/=
	Claim between Tshs. 8,000,000,001/= to 9,000,000,000/=	Tshs. 4,000,000/=
	Claim between Tshs. 9,000,000,001/= to 10,000,000,000/=	Tshs. 4,500,000/=
	Claim above Tshs. 10,000,000,000/=	Tshs. 5,000,000/=
<b>(ii) in a court of Resident Magistrate or District Court</b>		
	Claim between Tshs. 30,000,001/= to 50,000,000/=	Tshs. 40,000/=

*The Judicature and Application of Laws Act*

*GN. No. 247 (contd.)*

Item	Matter for which fee may be charged	Fees in Tshs.
	Claim between Tshs. 50,000,001/= to 70,000,000/=	Tshs. 50,000/=
	Claim between Tshs. 70,000,001/= to 80,000,000/=	Tshs. 60,000/=
	Claim between Tshs. 80,000,001/= to 100,000,000/=	Tshs. 70,000/=
	Claim between Tshs. 100,000,001/= to 120,000,000/=	Tshs. 80,000/=
	Claim between Tshs. 120,000,001/= to 140,000,000/=	Tshs. 90,000/=
	Claim between Tshs. 140,000,001/= to 150,000,000/=	Tshs. 95,000/=
	Claim between Tshs. 150,000,001/= to 200,000,000/=	Tshs. 100,000/=
	Claim between Tshs. 200,000,001/= to 250,000,000/=	Tshs. 120,000/=
	Claim between Tshs. 250,000,001/= to 300,000,000/=	Tshs. 140,000/=
	<b>(b) Where the claim is for damages but no specific amount is claimed:</b>	
	(i) in the High Court	Tshs. 500,000/=
	(ii) in a court of a Resident Magistrate /a District Court	Tshs. 40,000/=
	<b>(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:</b>	
	(i) in the High Court	Tshs. 500,000/=
	(ii) in a court of a resident magistrate /a district court	Tshs. 40,000/=
	<b>(d) Where the claim in the High Court is instituted by a landlord for recovery of possession from a tenant or arrears of rent:</b>	
	Any claim not exceeding TShs. 150,000,000/=	Tshs. 40,000/=
	Claim between Tshs. 150,000,001/= to 200,000,000/=	Tshs. 50,000/=
	Claim between Tshs. 200,000,001/= to 250,000,000/=	Tshs. 60,000/=
	Claim between Tshs. 250,000,001/= to 300,000,000/=	Tshs. 70,000/=
	Claim between Tshs. 300,000,001/= to 400,000,000/=	Tshs. 75,000/=
	Claim between Tshs. 400,000,001/= to 500,000,000/=	Tshs. 100,000/=
	Claim between Tshs. 500,000,001/= to 600,000,000/=	Tshs. 125,000/=
	Claim between Tshs. 600,000,001/= to 700,000,000/=	Tshs. 150,000/=
	Claim between Tshs. 700,000,001/= to 800,000,000/=	Tshs. 175,000/=
	Claim between Tshs. 800,000,001/= to 900,000,000/=	Tshs. 200,000/=

*The Judicature and Application of Laws Act*

*GN. No. 247 (contd.)*

Item	Matter for which fee may be charged	Fees in Tshs.
	Claim between Tshs. 900,000,001/= to 1,000,000,000/=	Tshs. 225,000/=
	Claim between Tshs. 1,000,000,001/= to 2,000,000,000/=	Tshs. 250,000/=
	Claim between Tshs. 2,000,000,001/= to 3,000,000,000/=	Tshs. 500,000/=
	Claim between Tshs. 3,000,000,001/= to 4,000,000,000/=	Tshs. 750,000/=
	Claim between Tshs. 4,000,000,001/= to 5,000,000,000/=	Tshs. 1,000,000/=
	Claim between Tshs. 5,000,000,001/= to 6,000,000,001/=	Tshs. 1,250,000/=
	Claim between Tshs. 6,000,000,001/= to 7,000,000,000/=	Tshs. 1,500,000/=
	Claim between Tshs. 7,000,000,001/= to 8,000,000,000/=	Tshs. 1,750,000/=
	Claim between Tshs. 8,000,000,001/= to 9,000,000,000/=	Tshs. 2,000,000/=
	Claim between Tshs. 9,000,000,001/= to 10,000,000,000/=	Tshs. 2,250,000/=
	Claim above Tshs. 10,000,000,000/=	Tshs. 2,500,000/=
	(e) Where a claim is by a tenant against the landlord for any relief	Tshs. 100,000/=
	(f) On making an interlocutory application, or any application instituted by way of chamber summons supported by an affidavit.	Tshs. 50,000/=
2.	On filing cognizance, bail, bond or surety	Tshs. 20,000/=
3.	On filing an account, including the fee for filing the report thereon, if any	Tshs. 20,000 /=-
4.	On filing a bill of costs for taxation- (a) in the High Court	Tshs. 40,000/=
	(b) in a court of a resident magistrate /a district court	Tshs. 20,000/=
5.	On filing any document not otherwise provided for	Tshs. 20,000/=
6.	On depositing any document not otherwise provided for	Tshs. 20,000/=



*The Judicature and Application of Laws Act*

*GN. No. 247 (contd.)*

Item	Matter for which fee may be charged	Fees in Tshs.
7.	On depositing any document not otherwise provided for	Tshs. 20,000/=
<b>Issue and Service of Summons, Warrants, Notices and Other Documents</b>		
8.	For issue of witness summons	Included in the filing fees.
9.	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/=
10.	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/=
11.	For the service of a document at the request of a court or a person outside the jurisdiction of the court.	Tshs. 20,000/=
12.	For the issue of every notice, summons or warrant not otherwise provided for	Tshs. 10,000/=
	<b><u>Evidence</u></b>	
13.	For taking the evidence of a witness before the fixed stage of hearing of the proceeding.	included in the filing fees.
14.	For taking evidence on commission and in addition for every hour or part thereof after the first hour	Tshs. 20,000 /=-
15.	On tendering an exhibit:	
	(a) in the High Court	included in the filing fees
	(b) in the court of a resident magistrate or in a District Court	included in the filing fees

*The Judicature and Application of Laws Act*

*GN. No. 247 (contd.)*

Item	Matter for which fee may be charged	Fees in Tshs.
<b>Issue and Transfer of Decrees:</b>		
16.	For the issue of a decree or order not otherwise provided	Tshs. 5,000/=
17.	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/=
18.	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 /=-
19.	For administering an oath, affirmation, taking an affidavit or receiving a declaration.	Tshs. 5,000/=
20.	For attesting a signature	Tshs. 5,000/=
<b>Attendance and communication</b>		
21.	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/=
22.	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/=
23.	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/=
24.	For communication with a tribunal within Tanzania (except where the communication is in respect of service of a document issued by the court).	Tshs. 10,000/=

*The Judicature and Application of Laws Act*

*GN. No. 247 (contd.)*

Item	Matter for which fee may be charged	Fees in Tshs.
25.	For communication with a tribunal outside Tanzania (excluding courier services).	Tshs. 50,000/=
<b>Certifying, Copying, Translating and Producing for Inspection.</b>		
26	For translating any document— (a) for the first 100 words or part thereof	Tshs. 10,000/=
	(b) for each subsequent 100 words or part thereof	Tshs. 5,000/=
27.	For issuance of a copy of judgment or proceedings to parties to a case.	included in the filing fees
28.	For issuance of a copy of judgment or proceedings to persons other than parties in a case.	Tshs. 50,000/=
29.	For making a copy of any document in the custody of the court or permitting any person to make such a copy to persons other than parties to a case in the presence of an officer of the court	Tshs. 500/= per page
30.	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 part thereof	Tshs. 10,000/= Tshs. 5,000/=
31.	For certifying a signature on a seal	Tshs. 5,000/=
32.	For the issue of a certificate of non-satisfaction of decree	Tshs. 10,000/=
33.	For the issue of a certificate not otherwise provided for	Tshs. 10,000/=
34.	For producing for inspection of the record of any case or any document in the custody of the court.	Tshs. 10,000/=
35.	For producing for inspection of the record of any case or any document in the custody of the court.	Tshs. 10,000/=

*The Judicature and Application of Laws Act*

*GN. No. 247 (contd.)*

Item	Matter for which fee may be charged	Fees in Tshs.
36.	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 administration of a deceased's estate).	Tshs. 10,000/=
		Tshs. 5,000/=
37.	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/=
38.	For the taking or passing of an account by an officer of the court-	Tshs. 10,000/=
39.	On application for review of a judgment in- (a) the High Court (b) the court of a resident magistrate or the district court	Tshs. 100,000/=
		Tshs. 50,000/=
40.	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/=
41.	On lodging an appeal to the High Court- (a) against a final decree (b) against any other order	Tshs. 30,000/=
		Tshs. 20,000/=
42.	On lodging an appeal to a district court- (a) against a judgment- (b) against any other order	Tshs. 20,000/=
43.	On filing an application for security for costs- (a) in the High Court	Tshs. 15,000/=
		Tshs. 20,000/=
44.	(a) in the High Court (b) in the court of a resident magistrate or in a district court	Tshs. 20,000/=
		Tshs. 10,000/=
	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	Tshs. 20,000/=

Item	Matter for which fee may be charged	Fees in Tshs.
45.	For the issue of a decree on appeal or an order in revision	Included in the filing fees
46.	For any matter not otherwise provided for.	Tshs.10,000/=
<b>B: CRIMINAL MATTERS</b>		
47.	Fee shall not be payable in respect of any criminal proceedings	
<b>SECOND SCHEDULE</b> <i>(Made under rule 5(2))</i> <b>FEES PAYABLE IN PRIMARY COURTS</b> <b>A. CIVIL MATTERS</b>		
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/= (ii) exceeds 1,000,000/=	Tshs. 5,000/= 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 of the 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, or for 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 (b) For each subsequent 100 words or part thereof	Tshs. 2,000/= 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/=

*The Judicature and Application of Laws Act*

*GN. No. 247 (contd.)*

Item	Matter for which fee may be charged	Fees in Tshs.
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 (b) for each subsequent 100 words or part thereof	Tshs. 2,000/=
11.	For certifying as a correct 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>B. ADMINISTRATION OF ESTATES</b>		
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 greater, but so that the 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 his remuneration.	
15.	For all other acts, matters and proceedings the same fees are payable in primary courts as civil matters.	
<b>C. CRIMINAL</b>		
16.	No fee shall be payable in respect of any criminal proceedings	
<b>D. MISCELLANEOUS</b>		
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— (a) for the first 100 words (b) for each subsequent 100 words	Tshs. 2,000/=
23.	For making a copy of any document in the custody of the court	Tshs. 5,000/=

*The Judicature and Application of Laws Act*

*GN. No. 247 (contd.)*

Item	Matter for which fee may be charged	Fees in Tshs.
24.	For certifying as correct a copy of any document (whether made by an officer of the court or not)– (a) for the first 100 words or part of it	Tshs. 2,000/=
	(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  
30<sup>th</sup> April, 2018

IBRAHIM HAMIS JUMA,  
*Chief Justice*