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GOVERNMENT NOTICE NO. 783 published on 18/9/2020

THE LOCAL AUTHORITIES (ELECTIONS) ACT

(CAP. 292)

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RULES

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(Made under section 116)

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THE LOCAL AUTHORITIES (ELECTION PETITIONS) RULES, 2020

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GOVERNMENT NOTICE NO. 783 published on 18/9/2020

THE LOCAL AUTHORITIES (ELECTIONS) ACT

(CAP. 292)

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RULES

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(Made under section 116)

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THE LOCAL AUTHORITIES (ELECTION PETITIONS) RULES, 2020

PART I

PRELIMINARY PROVISIONS

- Citation 1. These Rules may be cited as the Local Authorities (Election Petitions) Rules, 2020.
- Interpretation 2. In these Rules unless the context otherwise requires-
- Cap. 292 "Act" means the Local Authorities (Elections) Act;
- Cap. 11 "court" means the court of Resident Magistrate as defined by the Magistrates' Courts Act and includes a District Court designated as the Court of Resident Magistrate for purposes of determining election petitions; and
- "election officer" means a Returning Officer, a presiding officer or any other officer upon whom any function of an official nature is conferred upon by the Act.

PART II

PRESENTATION OF AN ELECTION PETITION AND SECURITY FOR COSTS

- Who may petition election 3. Any of the persons described under section 110 (1) of the Act may petition an election.
- Avoidance of election 4. Avoidance of election of a councilor shall be by way of an election petition.

Form and contents of the petition

5.-(1) Every petition shall carry a title substantially in Form A set out in the First Schedule to these Rules and shall state:

- (a) the name, description and place of residence of the petitioner including email address, fax number, telephone number and post code if available;
- (b) the name, description and place of residence of the respondent including email address, fax number, telephone number and post code if available, so far as they can be ascertained;
- (c) the grounds upon which the petitioner relies for the reliefs sought; and
- (d) the nature of the relief or reliefs sought by the petitioner.

(2) Every petition shall be divided into paragraphs numbered consecutively, each of which shall, as nearly as possible, be confined to a distinct portion of the subject matter.

Parties to petition

6.-(1) Except for a petition presented by the Attorney-General, in every petition the Attorney-General shall be made as one of the respondents.

(2) Where a petition alleges any misconduct or contravention of any provisions of the Act or any written law by the successful candidate or by any person acting for or on behalf of the successful candidate, the successful candidate shall be made a party to the petition in addition to the Attorney-General.

(3) Where a petition alleges any misconduct or contravention of any provisions of the Act or any written law by an election officer, such election officer shall be made a party to the petition in addition to the Attorney-General.

(4) In a petition presented by the Attorney-General, the Attorney-General may make all such persons parties to the petition as respondents who are likely to be adversely affected in the event of the relief sought by the Attorney-General being granted.

Addition or substitution of parties

7.-(1) Where the only person made a party to a petition is the Attorney-General and in the opinion of the court it is desirable or necessary for the purpose of determination of the issues involved that the unsuccessful candidate or any other person be made a party to the petition, the court may by

order direct that the unsuccessful candidate or such other person be made a party, and upon such order being made the proceedings shall be adjourned until such time as the person who is to be made a party has been served with a copy of the petition.

(2) Where in any petition the Attorney-General has been joined as a party with the unsuccessful candidate and the Attorney-General advises the court in writing that he has no interest in the petition, the court may, if it is satisfied that no misconduct on the part of any election officer is alleged, direct that the Attorney-General shall cease to be a party and the petition shall proceed between the petitioner and the remaining respondent or respondents, as the case may be.

Presentation of petition

8.-(1) A petition shall be presented within one month from the date of declaration of the results by lodging it with the court and by paying the prescribed fee.

(2) A petition may be presented under this rule either by the petitioner himself or by his advocate.

(3) The petitioner shall supply the court with three copies of the petition and such additional number of copies corresponding to the number of respondents involved.

Electronic filing and service of documents

GN. No. 148 of 2018

9. Where these Rules require the filing of a document in the court or its service, the filing or service as the case may be, may be effected electronically and the Judicature and Application of Laws (Electronic Filing) Rules, shall apply *mutatis mutandis*.

Rejection or amendment of petition during admission

10.-(1) Where a petition is not drawn up in the manner hereinbefore prescribed, it may be rejected and returned to the petitioner for the purpose of being amended within the time to be fixed by the court.

(2) Where the court rejects any petition, it shall endorse on the petition the reasons for such rejection and the date of its presentation and rejection.

(3) Any person aggrieved by the decision of the court rejecting the petition under this rule may refer the matter to the High Court for an ex-parte determination which shall be made within four days of filing.

(4) An application under subrule (3) may be made informally:

- (a) orally at the time when the decision is made; or
- (b) in writing within seven days of the decision.

(5) Where the decision of the court is reversed by the High Court, the petitioner may refile his petition and the time spent from when he filed the petition which was rejected and the decision of the High Court in the reference was pronounced shall be excluded in computing the time for filing the petition under section 114(1) of the Act.

Service of
petition and
filing of reply

11.-(1) Where a petition has been presented and has not been rejected or returned to the petitioner, the court shall, within five days:

- (a) send to the election officer a copy of the petition together with a notice in the prescribed Form B set out in the First Schedule to these Rules;
- (b) cause to be served upon each respondent a copy of the petition together with a notice in the prescribed Form C set out in the First Schedule to these Rules;
- (c) post on the court's notice board a certified copy of the petition.

(2) Service of the documents referred to in subrule (1)(b) shall be effected by personal service.

(3) Where the court is satisfied that:

- (a) the respondent cannot be found;
- (b) the respondent has refused to accept service of the documents;
- (c) personal service cannot be effected without considerable delay or expense; or
- (d) it is otherwise desirable so to do,

it may direct service of documents by substituted service in such manner as the court may direct.

(4) Unless the respondent does not intend to oppose the petition, he shall, upon being served with the copy of the petition, file in the court his reply within fourteen days from the date of service of the petition.

Security for
costs

12.-(1) The petitioner shall, within fourteen days after filing a petition, make an application for determination of the amount payable as security for costs.

(2) The procedure for deposit of security for costs shall be as provided for under section 110 of the Act.

(3) Where a petitioner is financially able and willing to deposit five hundred thousand shillings which is the maximum amount of security for costs provided for under section 110(2) of the Act, he shall not be required to make an application for determination of the amount payable as security for costs under section 110(3) of the Act but he shall, within fourteen days of filing the petition deposit that amount.

(4) No security for costs shall be payable by a petitioner who has been granted legal aid under the Legal Aid Act.

Cap. 21

PART III
LIST OF OBJECTED VOTES AND COMPLAINTS ON POLLING
STATION ELECTION RESULTS

List of objected
votes

13.-(1) Where scrutiny under the provisions of paragraph (d) of section 115 of the Act is sought either by the petitioner or a respondent, the party seeking such scrutiny shall, in not less than six days before the day fixed for the hearing of the petition, lodge with the court a list of votes intended to be objected by him and of the objections to each vote; and no evidence shall be adduced at the trial against the validity of any vote or in support of any objection not specified in the list, save with the leave of the court and upon such terms as the court may order.

(2) The party lodging a list in accordance with the provisions of sub-rule (1) shall at the same time deliver to the court two copies of the list and such additional number of copies corresponding to the number of parties involved.

(3) The court shall cause a copy of the list to be sent to the Returning Officer and to every other party to the petition.

Complaints on
polling station
election results

14.-(1) Where the petitioner alleges that, any candidate other than the respondent was duly elected, he shall, in not less than six days before the day fixed for the hearing of the petition, lodge with the court a list of the polling station election results upon which he intends to rely.

(2) Where a petitioner lodges with the court a list in accordance with the provisions of subrule (1), he shall supply the court with two copies of such list and such additional number of copies corresponding to the number of parties involved.

(3) The court shall cause a copy of the list to be sent to the Returning Officer and to every other party to the petition.

(4) No petitioner shall be heard in support of any ground of complaint not set in the list required to be lodged under this rule, save by leave of the court and upon such terms as the court may order.

Fixing of hearing date

15.-(1) Subject to these Rules, upon completion of pleadings the court shall, as soon as may be practicable, arrange for the parties or their advocates to appear before it for the purpose of fixing a date for the hearing of the petition.

(2) Where any party fails to appear before the court upon being required to do so, the court shall proceed to fix a hearing date in the absence of such party and shall inform the party in writing of the date of hearing so fixed.

(3) Notwithstanding any other provision of these Rules, where the matter is required to be heard or where parties are required to appear before the court, such hearing or appearance, as the case may be, may be through:

(a) the video conference system hosted or approved by the Judiciary of Tanzania; or

(b) teleconference.

Cap.6

(4) The hearing by video conference or teleconference shall be in accordance with the Evidence Act.

PART IV TRIAL AND ELECTION PETITIONS PROCEDURE

Place and time of trial
Cap. 11

16.-(1) For the purpose of determining election petitions, the Chief Justice may, in terms of section 5(1) of the Magistrates' Courts Act, specifically designate any district court as a Court of Resident Magistrate.

(2) The trial of a petition shall be held at such time and place as the court may determine.

(3) The court shall give notice of the day, time and place of the trial to each party and post such notice on the court's notice board or in such newspapers as it may direct.

(4) Every petition shall be tried in open court.

Consolidation of petitions

17. Where two or more petitions are presented in relation to the same election, the court may direct that some or all of such petitions be consolidated and tried as one petition.

Trial by more than one magistrate

18.-(1) Where, in the opinion of the Chief Justice, a petition is likely to raise complicated questions of law or of fact or of both law and fact, he may direct that the petition shall be tried by more than one magistrate.

(2) Where a petition is tried by more than one magistrate, it shall be determined in accordance with the decision of the majority of the magistrates.

Production of documents

19.-(1) The parties or their advocates shall produce, at the first hearing of the petition, all the documentary evidence of every description in their possession or power, on which they intend to rely and which has not already been filed in court, and all documents which the court has ordered to be produced.

(2) The court shall receive the document so produced provided that they are accompanied by an accurate list thereof prepared in such form as the court directs.

Cap. 33

(3) The procedure for production of documents shall be regulated, as nearly as possible, in accordance with Order XIII of the Civil Procedure Code.

Preliminary hearing

20.-(1) As soon as the pleadings are complete, the court shall conduct a preliminary hearing in the presence of the parties or their advocates to consider such matters as are not in dispute between the parties and which will promote a fair and expeditious trial.

(2) The court shall ascertain from the parties and pleadings the legal or factual material propositions that are not in dispute.

(3) At the conclusion of the preliminary hearing held under this rule, the court shall prepare a memorandum of matters agreed and such memorandum shall be read over and explained to the parties or their advocates.

(4) The memorandum made under sub-rule (3) shall be signed by the parties or their advocates and the magistrate.

(5) Any fact or document admitted or agreed in a memorandum filed under this rule shall be deemed to have been duly proved; save that if, in the course of the trial, the court is of the opinion that the interests of justice so demand, it may direct that any fact or document admitted or agreed in a memorandum filed under this rule be formally proved.

Framing of
issues

21-(1) After the conclusion of preliminary hearing, the court shall further ascertain matters of which the parties are at variance and shall thereupon proceed to frame and record issues on which the right decision of the petition appears to depend.

Cap. 33

(2) The framing of issues shall be regulated, as nearly as possible, in accordance with Order XIV of the Civil Procedure Code.

Application of
Civil Procedure
Code

22.-(1) Subject to the provisions of the Act and of these Rules, the hearing, practice and procedure in respect of a petition shall be regulated, as nearly as may be, by the rules regulating the practice and procedure in a civil suit.

Cap. 33

(2) Without prejudice to the generality of the provisions of sub-rule (1), the provisions of the First Schedule to the Civil Procedure Code, which relate to the discovery and inspection of documents, admissions, production, impounding and returning of documents, transfer of proceedings, settlement of issues and determination of suits, summoning of witnesses, admissibility of affidavits, awarding of costs, judgements and execution of a decree, shall apply *mutatis mutandis* to the proceedings in a trial of a petition and to the enforcement of an order for costs made by the court.

Hearing of
petition

23.-(1) Hearing of election petitions before the court shall be by way of witness statements in lieu of evidence-in-chief.

(2) Witnesses shall be summoned and sworn in the same manner as nearly as circumstances admit, as in a trial by the court in the exercise of its original civil jurisdiction and shall, without prejudice to the provisions of any other written law, be subject to the same penalties for giving false evidence or for non-attendance.

(3) After preliminary hearing, the petitioner shall, in not less than forty-eight hours before the time fixed by court for trial of an election petition deliver at the office of the court a statement by each witness whom the petitioner intends to call at the trial, setting out the substance of his evidence.

(4) The respondent shall, within forty-eight hours of the closure of the petitioner's case deliver at the office of the court a statement by each witness whom he intends to call in

defence, setting out the substance of his evidence.

(5) A witness statement under this rule shall:

- (a) be made on oath or affirmation;
- (b) contain the name, age, address and occupation of the witness;
- (c) so far as reasonably practicable, be in the intended witness own words;
- (d) sufficiently identify any document to which the statement refers without repeating its contents unless it is necessary in order to identify the document;
- (e) not include matters of information or belief which are not admissible and where admissible, shall state the source of matters of information or belief;
- (f) neither contain lengthy quotation from documents or engage in legal or other arguments;
- (g) include a statement by the intended witness that he believes the statements of fact in it to be true;
- (h) be dated and signed or otherwise authenticated by the intended witness;
- (i) be in numbered paragraphs; and
- (j) be in the language of the court.

(6) Where the witness is not conversant with the language of the court, but can make himself understood and can understand the written language of the court, the statement need not be in his own words:

Provided that, these matters are indicated in the statement itself and recorded so as to express as accurately as possible the substance of his evidence.

(7) The witness statement shall be substantially in Form D set out in the First Schedule to these Rules.

(8) Each witness statement shall be enclosed in a sealed envelope together with sufficient certified true copies for each magistrate, all other petitioners in the same petition and the respondents, and shall be opened by the court when the witness who has given a statement is called to give evidence.

Procedure
during hearing

24.-(1) A party on whose behalf a witness statement has been filed shall cause the attendance of his witness during the hearing for the purpose of formal production of his

statement and tendering of exhibits, if any.

(2) When a witness appears for formal production of his statement and tendering of exhibits, he shall be sworn in the manner prescribed by the law in force as to swearing of witnesses.

(3) Once the witness statement has been formally produced in court, it shall form part of the record of the trial and it shall be read loudly by or on behalf of the witness.

(4) The witness whose statement has been formally produced may be cross-examined and re-examined.

(5) A witness whose statement has not been delivered under rule 23 (3), (4) or has been delivered in contravention of rule 23 (8) shall not be permitted to give evidence without leave of the court, and the court shall not grant such leave unless good cause is shown for such failure.

Court witness

25.-(1) In the course of the trial of an election petition under the Act, the court may:

(a) by order, compel the attendance of any person as a witness who appears to the court to have been involved in the election to which the petition refers; and

(b) examine any witness compelled to attend under sub-rule (1) and after the examination of such witness by the court, the witness may be cross examined by or on behalf of the petitioner, the respondent and the Attorney General or his representative, if present, or any of them.

Cap. 16

(2) A person who refuses to obey an order of the court under sub-rule (1)(a) commits an offence of contempt of court under the Penal Code.

(3) The provisions of rule 23 and 24 of these Rules shall not apply to a witness summoned by the court under this rule.

Grounds which may be taken at hearing

26. The petitioner shall not, save with the leave of the court, argue or be heard in support of any ground not set forth in the petition.

Postponement of trial

27.-(1) The court may, by order made on the application of a party to a petition and supported by an affidavit, and after notice to the other parties or of its own

motion by notice in such form as the court may direct, postpone the commencement of the trial of the petition to such a day as it may specify.

(2) A copy of the notice and of the order issued under the provisions of sub-rule (1) shall be sent by the court to each party to the petition and another copy shall be posted on the court notice board.

(3) Where by reason of the absence of the magistrate, the trial cannot commence or where it has commenced, cannot proceed on the day appointed for the trial or continuation with the trial, it shall stand adjourned to the following day, or any date convenient to the court until a magistrate is available to try the petition.

(4) Where the commencement of the trial has been postponed under the provisions of subrule (3) and there is no likelihood that the assigned magistrate will be available within the next thirty days, another magistrate shall be re-assigned to proceed with the trial.

Prohibition of adjournments

28. When the hearing of the petition has commenced, it shall be continued from day to day until all the witnesses in attendance have been examined, unless the court finds the adjournment of the hearing beyond the following day to be necessary for reasons to be recorded.

Inability of magistrate

29.-(1) Where the magistrate who has begun the trial of a petition, is prevented by reason of illness, death or other reasonable cause from concluding the trial, another magistrate may be re-assigned the petition within seven days and such successor magistrate may deal with any evidence or memorandum taken down as if such evidence or memorandum has been taken down or made by him and may proceed with the petition from the stage at which his predecessor left it.

(2) A successor magistrate shall record the reasons for taking over before he proceeds with the trial.

Failure of petitioner to appear

30.-(1) Where the petitioner fails to appear before the court when the petition is called on for hearing, the court may dismiss the petition.

(2) Where a petition has been dismissed under subrule (1) the court may, upon application made within fourteen days of the dismissal, re- admit the petition if the petitioner satisfies

the court that his failure to appear on the day of the hearing was due to a reasonable cause.

Failure of respondent to appear

31.-(1) Where a respondent fails to appear when the petition is called on for hearing, the court may proceed to try the petition in his absence.

(2) The respondent against whom an ex-parte order or decision is made shall have a right to apply for setting aside that ex-parte order or decision within fourteen days of such order or decision.

Appearance by advocate

32. For the purposes of these Rules, appearance by an advocate shall be deemed to be appearance by the party he represents.

Withdrawal of petition

33-(1) The petitioner may at any stage after the petition has been lodged and before a decision has been delivered, by notice in writing addressed to the court, withdraw the petition subject to such terms relating to costs as the court may deem fit to order.

(2) Where a petitioner withdraws a petition, he shall not be entitled to file a fresh petition in respect of the same election:

Provided that, where the court is satisfied that the petition was withdrawn for the reason that it would have been defeated on the ground of any procedural irregularity, the court may allow the petitioner to lodge a fresh petition in respect of the same election subject to the law of limitation.

(3) Where there are two or more petitioners, the petition shall not be withdrawn save on application in writing by all the petitioners.

Abatement of petition

34.-(1) A petition shall abate upon:

- (a) the death of a sole petitioner or of the sole surviving petitioner; or
- (b) the death of the successful candidate.

(2) Where a petition abates by reason of the death of the sole petitioner or the sole surviving petitioner the court may, if it considers it equitable and just to do so, award to the respondent or, where there are two or more respondents, to each respondent, such costs as the court may deem proper:

Provided that, the amount of costs awarded to a

respondent under this paragraph shall not exceed the amount of costs for which the petitioner had given security in respect of that respondent.

Petition not to be dismissed for reason of irregularity

35.-(1) Save as expressly provided for to the contrary in these Rules, no petition shall be dismissed only for the reason of non-compliance with any of the provisions of these Rules or any other procedural irregularity unless the court is of the opinion that such non-compliance or irregularity has resulted or is likely to result in a miscarriage of justice.

(2) Where there has been any non-compliance with any of the provisions of these Rules or any other procedural irregularity, the court may require the petitioner, subject to such terms as to costs or otherwise as the court may direct, to rectify the noncompliance or the irregularity in such manner as the court may order.

(3) Where an order has been made under sub-rule (2) of this rule, and the petitioner fails to comply with such order within such time as the court may specify, the court may strike out the petition.

Fees

36.-(1) The Court fees shall be paid as provided in the Second Schedule to these Rules.

Cap. 21

(2) No fees shall be payable by a party who has been granted legal aid under the Legal Aid Act.

Revocation
GN. 448 of
2010

37. The Local Authorities (Election Petitions) Rules, 2010 are hereby revoked.

FIRST SCHEDULE

(Made under rule 5, 11 and 23)

FORM A

IN THE DESIGNATED/* COURT OF RESIDENT MAGISTRATE

OF.....

AT.....

ELECTION PETITION No OF 20.....

In the matter of Election Petition under the Local Authorities (Elections) Act, Cap. 292 and the Local Authorities (Election Petitions) Rules, 2020.

..... Petitioner (s)

versus

..... Respondent (s)

ELECTION PETITION

[Rule 5(1)]

Where the Attorney-General is a party, only the designation "Attorney-General" shall be stated.

**Delete whichever is inapplicable*

FORM B

IN THE DESIGNATED/* COURT OF RESIDENT MAGISTRATE

OF.....

At.....

ELECTION PETITION No. OF 20

In the matter of Election Petition under the Local Authorities (Elections) Act, Cap. 292 and the Local Authorities (Election Petitions) Rules, 2020.

..... Petitioner (s)

versus

..... Respondent (s)

NOTICE OF FILING ELECTION PETITION

[Rule 11(1)(a)]

To: The Director of Elections,
The National Electoral Commission.

DODOMA

Take notice that the petition, of which a copy is enclosed herewith, was lodged in the
.... Court at on theday of 20

Date20

..... Resident Magistrate.

**Delete whichever is inapplicable*

FORM C

IN THE DESIGNATED/* COURT OF RESIDENT MAGISTRATE
OF.....

AT.....

ELECTION PETITION No of 20.....

In the matter of Election Petition under the Local Authorities (Elections)
Act, Cap. 292 and the Local Authorities (Election Petitions) Rules, 2020.

..... Petitioner (s)
versus
..... Respondent (s)

**NOTICE OF FILING REPLY TO ELECTION PETITION AND
APPEAR**

[Rule 11 (1) (b)]

To:
..... (Name and address of the
Respondent).

Take notice that the petition, a copy of which is annexed
hereto, was lodged in this court on the day of
..... of 20.....

You are hereby required to file a reply to the petition within fourteen
days from the date of service of the petition and appear before me at
..... Court on the
day of, at o'clock in the
forenoon for the purpose of fixing a date for the hearing of the
petition.

Date:

Resident Magistrate in Charge

Copy to: (Name and address of the Petitioner).

****Delete whichever is inapplicable***

FORM D

IN THE DESIGNATED/* COURT OF RESIDENT MAGISTRATE OF.....

AT.....

ELECTION PETITION No OF 20.....

In the matter of Election Petition under the Local Authorities (Elections) Act, Cap. 292 and the Local Authorities (Election Petitions) Rules, 2020.

..... Petitioner (s)

versus

..... Respondent (s)

WITNESS STATEMENT

[Rule 23 (7)]

For (Insert the name of the party for whom the statement is made)

By: Mr/Mrs/Ms

Of P. O. BOX

1st / 2nd/3rd/4th/5th/6th.....Witness statement

Documents/objects referred to

Date

1. Body of Witness Statement

1.1. Unless it is impracticable, the witness statement shall be in the intended witness's own words, the statement shall be expressed in the first person and shall also state:

- (a) The full name of the witness, his place of residence and if he is making the statement in his professional, or other occupational capacity, the address at which he works, the position he holds and the name of his firm or employer; and
- (b) The fact that he is a party to the proceedings.

2. A witness statement shall indicate:

- (a) Which of the statements in it are made from the witness's own knowledge and which are matters of information or belief; and
- (b) The source of information or basis of belief in the relevant paragraphs.

3. Reference to documents/objects

3.1. A document/object used in conjunction with a witness statement shall be verified and identified by the witness and remain separate from the witness statement.

- 3.2. Where a witness refers to a document/object, he shall state' "I refer to the (description of document/object) marked".
- 3.3. At the top right end corner of the first page (and on the back sheet) of each document/object there shall be clearly written:
 - (a) the party on whose behalf it is sought to be tendered;
 - (b) the initials and surname of the witness;
 - (c) the number of the witness statement in relation to that witness; and
 - (d) the identifying initials and number of each document/object referred to.
- 3.4. Where a witness makes more than one witness statement to which there are documents/objects, in the same proceedings, the numbering of the documents/objects shall run consecutively throughout and not start again with each witness statement.
4. Format of witness statement
 - 4.1. A witness statement shall:
 - (a) be produced on durable quality A4 paper with a 3.5cm margin;
 - (b) be fully legible and shall normally be typed on one side of the paper only;
 - (c) where possible, be bound securely in a manner which would not hamper filing, or otherwise each page shall be endorsed with the case number and shall bear the initials of the witness;
 - (d) have the pages numbered consecutively as a separate statement (or as one of several statements contained in a file);
 - (e) be divided into numbered paragraphs;
 - (f) have all numbers, including dates expressed in figures, and
 - (g) give the reference to any document or documents mentioned either in the margin or in bold text in the body of the statement.
 - 4.2. A witness statement shall follow the chronological sequence of the events or matters dealt with. Each paragraph shall as far as possible be confined to a distinct portion of the subject.
5. Statement of Truth
 - 5.1. A witness statement is the equivalent of the oral evidence which that witness would, if called, giving evidence; it must include a statement by the intended witness that he believes the facts in it are true.
 - 5.2. To verify a witness statement the statement of truth shall be as follows: 'I verify that the facts stated in this statement are true'

6. Jurat

Every Commissioner for oaths before whom the witness statement is taken or made shall insert his name and state truly in the jurat of attestation at what place and on what date the statement is taken or made and shall affix his stamp.

SECOND SCHEDULE

(Made under rule 36)

FEES

1.	On the filing of petition	Tshs. 100,000/=
2.	On the filing of an amended petition or on amending a petition	Tshs. 50,000/=
3.	On filing a reply to the petition	Tshs. 50,000/=
4.	On filing an amended reply to a petition	Tshs. 50,000/=
5.	On filing of an application for determination of security for costs	Tshs. 30,000/=
6.	On the filing a counter affidavit	Tshs. 10,000/=
7.	On filing a list under rule 13 (1)	Tshs. 5,000/=
8.	On filing a list of complaints under rule 14 (1)	Tshs. 5,000/=
9.	On filing of documents under rule 19	the same fee as payable for a corresponding matter in a civil suit before the court.
10.	For any other matter	the same fee as payable for a corresponding matter in a civil suit before the court.

Dar es Salaam,
16th September, 2020

IBRAHIM HAMIS JUMA
Chief Justice