

Tanzania

Succession (Non-Christian Asiatics) Act

Chapter 28

Legislation as at 31 July 2002

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Tanzania

Succession (Non-Christian Asiatics) Act

Chapter 28

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[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.]

[Ords. Nos. 12 of 1923; 2 of 1943; 44 of 1947; Act [No. 5 of 1971](#); R.L. [Cap. 112](#)]

An Act to regulate succession on death to property of Non-Christian Asiatics.

1. Short title

This Act may be cited as the Succession (Non-Christian Asiatics) Act

2. ***

[Repealed by Act [No. 5 of 1971](#) Sch.]

3. ***

[Repealed by Act [No. 5 of 1971](#) Sch.]

4. ***

[Repealed by Act [No. 5 of 1971](#) Sch.]

5. ***

[Repealed by Act [No. 5 of 1971](#) Sch.]

6. Succession to property of deceased Non-Christian Asiatics

- (1) Subject to the provisions of this Act or any other Act or applied Act for the time being in force in Mainland Tanzania, the succession to the movable property in Mainland Tanzania of a deceased Non-Christian Asiatic who at the time of death is domiciled in Mainland Tanzania and to the immovable property in Mainland Tanzania of such a Non-Christian Asiatic whether or not domiciled in Mainland Tanzania at the death, shall be regulated by the law of the religion professed by that Non-Christian Asiatic at death:

Provided that—

- (a) so much of the law of any religion as deprives any person of a right of succession to property by reason of that person having renounced or having been excluded from the communion of any religion or having been deprived of caste shall not be in force in Mainland Tanzania; and
- (b) every creditor shall have the same rights and remedies against the estate of a deceased Non-Christian Asiatic, including the right to follow assets, as the creditor has against the estate of a deceased Christian.

- (2) This section shall apply to the estate of a Non-Christian Asiatic who died before the commencement of this Act in like manner as it applies to the estate of a Non-Christian Asiatic who dies after the commencement of this Act:

Provided that no part of an estate which has been distributed before the commencement of this Act shall be recoverable by reason only of any alteration in the law effected by this Act.

- (3) This section shall not apply to Jews.

7. Saving of titles acquired for value

No alteration in law effected by this Act shall affect any title to property acquired for value before the commencement of this Act.

8. Ascertainment of law of a religion

- (1) For the purposes of this Act, the law of the religion of any person shall be that law subject to any special custom recognised and adopted by persons of that religion domiciled in Tanzania, or, in the case of a Hindu, by members of the caste so domiciled.
- (2) A court may ascertain the law of any religion or any custom by any means which it thinks fit, and may act on information which appears to the court to be credible though it is not legal evidence, and in case of doubt or uncertainty the court may decide as the principles of justice, equity, and good conscience may dictate.