

Tanzania

## Islamic Law (Restatement) Act Chapter 375

Legislation as at 31 July 2002

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# Tanzania

## Islamic Law (Restatement) Act

### Chapter 375

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*[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.]*

*[Act No. 56 of 1964; R.L. Cap. 570]*

**An Act to provide for the restatement of Islamic Law.**

#### 1. Short title

This Act may be cited as the Islamic Law (Restatement) Act.

#### 2. Preparation of statements of Islamic Law

- (1) The Minister for the time being responsible for legal affairs (hereinafter referred to as the Minister) may prepare or cause to be prepared statements of the Islamic law on any subjects and according to the schools (including any of their qualifications, additions, amendments and other matters of practice relating to them which, by the consensus of persons learned in the relevant school of law, obtain in Mainland Tanzania) which he considers appropriate or expedient for the purposes of this Act, and may publish them in the *Gazette*:

Provided that no statement shall include any provision purporting to declare any act or omission criminal.

- (2) Every statement shall specify the school to which it relates and, if one statement relates to two or more schools which make different provision in relation to the same subject, the statement shall identify those differences and specify the school to which each relates.

#### 3. Published declarations to be authoritative

Where any statement is published in the *Gazette*, it shall be deemed to be an authoritative, conclusive and proper statement of the Islamic law in respect of the subject and according to the school to which it relates and shall be applied and given effect to accordingly by all courts in any cases and matters which are to be determined in accordance with that school of the Islamic law.

#### 4. Application to Muslim Asians

For the avoidance of doubt it is hereby declared that the provisions of any relevant statement published under this Act shall apply to cases and matters in which Islamic law of the relevant school applies by virtue of the Succession (Non-Christian Asiatics) Act<sup>1</sup>.