

**SUBSIDIARY LEGISLATION**

*to the Gazette of the United Republic of Tanzania, No. 15 Vol. 86 dated 15<sup>th</sup> April, 2005*

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**JUDICATURE AND APPLICATION OF LAWS ORDINANCE  
(CAP. 453)**

**RULES OF COURT**

*Made under section 4*

**THE HIGH COURT REGISTRIES, RULES, 2005**

- 1.** These Rules may be cited as the High Court Registries Rules, 2005. Citation
- 2.** In these Rules, unless the context otherwise requires:- Inter-pretation
- "Appeal" includes revision, review, reference, case stated and point of law reserved;
- "appellate proceedings" means all proceedings relating to appeals to the High Court from subordinate courts and to all applications to the High Court for review or revision of proceedings in subordinate courts;
- "the Court" means the High Court;
- "Commercial Case" means a Civil case involving a matter considered to be of commercial significance, including but not limited to:
- (i) the formation of a business or commercial organization;
  - (ii) the governances of a business or commercial organization;
  - (iii) the contractual relationship of a business or commercial organization with other bodies or person outside it;
  - (iv) the liability of a commercial or business organization or official arising out of its commercial or business activities;
  - (v) the liabilities of a commercial or business person arising out of that person commercial or business activities;
  - (vi) the restructuring or payment of commercial debts by or to business or commercial organization or person;

- (viii) the enforcement of commercial arbitration award;
- (ix) the enforcement of awards of a regional court or tribunal of competent jurisdiction made in;
- (x) accordance with a Treaty or Mutual Assistance arrangement; to which the United Republic is a signatory and which forms part of the law of the United Republic
- (xi) admiralty proceedings; and
- (xii) arbitration proceedings.

"Commercial Division" means a Commercial Division of the High Court established under Rule 5A;

Act  
No. 13 of  
1984

"economic crimes" means cases tried under the Economic and Organized Crime Control Act, 1984;

"Land Division" means a Land Division of the High Court established under Rule 5E;

"original proceedings" means all proceedings in the Court not being appellate proceedings;

"Registrar" means the Registrar of the High Court, a Deputy Registrar, District Registrar, Acting District Registrar, Registrar of Commercial Division and the Registrar of the Land Division; and

"Registry" includes a District Registry.

Establish-  
ment of  
Registries

3. There shall be two Registries of the High Court, one for the High Court when it is exercising its ordinary jurisdiction and the other when the High Court is exercising economic crimes jurisdiction.

Register

4. There shall be kept and maintained at every High Court Registry two separate registers one for economic crimes and the other for ordinary cases.

District  
Registry

5. In addition to the Registry at Dar es Salaam there shall be a District Registry at such places and for such areas as are set in the schedule to these Rules or as may hereafter be set out under the provisions of rule 6.

Establish-  
ment for  
the Com-  
mercial  
Division

5A. There shall be a Commercial Division of the High Court within the Registry at Dar es Salaam and at any other registry or sub-registry as may be determined by the Chief Justice, in which proceedings concerning commercial cases may be instituted.

Establish-  
ment of  
the Com-  
mercial  
Court  
Users  
Com-  
mittee

5B. There shall be a Commercial Court Users Committee consisting of the Judges of the Commercial Division of the High Court, two advocates nominated by the Tanganyika Law Society, two State Attorneys nominated by the Attorney General and five persons nominated by lawfully established organizations representing the commercial community.

*High Court Registries*

*G.N. No. 96 (contd.)*

<p>5C. It shall be the responsibility of the Commercial Court Users' Committee to advise the Commercial Division of the High Court on matters of court practice and to submit a list of persons knowledgeable in commercial matters to serve as assessors.</p>	Com- mercial Court Assessors
<p>5D. Assessors shall be remunerated or compensated for service rendered in a manner determined by the Chief Justice and notified in the <i>Gazette</i> upon recommendation of the Commercial Court Users' Committee.</p>	Remunera- tions of Assessors
<p>5E. There shall be a land division of the High Court within the Registry at Dar es Salaam and at any other registry or sub-registry as may be determined by the Chief Justice in which, subject to the provision of any relevant law, appellant proceedings or original proceedings concerning land may be instituted.</p>	Establish- ment of the Land Division
<p>5F. The Land Division of the High Court shall be properly constituted when presided over by a Judge sitting with two assessors.</p>	Land Court Assessors
<p>5G. In reaching decisions of the court in the Land Division of the High Court, the judge shall take into account the opinion of the assessors but shall not be bound by it, save that the judge shall in the judgement give reasons for differing with such opinion.</p>	Opinion of Assessors
<p>6. The Schedule to these Rules may be altered or amended by notice given by the Chief Justice in the <i>Gazette</i>.</p>	Amend- ment of the Schedule
<p>7.—(1) Original proceedings in the Court may be instituted either in the Registry at Dar es Salaam or in the District Registry (if any) for the area in which the cause of action arose or where the defendant resides.</p>	Original Pro- ceedings
<p>(2) Appellate proceedings in the Court shall be instituted in the District Registry for the area in which is situated the court from the judgement or order of which the appeal is preferred or where is no District Registry for such area, in the Registry at Dar es Salaam.</p>	
<p>Provided that the Registrar may allow a party to file in the Registry at Dar es Salaam a memorandum or petition or appeal an application for review or revision, or an application for reference which should be filed in a District Registry if he is satisfied that it is more convenient for the party or his advocate to file the same there:</p>	

*High Court Registries*

*G.N. No. 96 (contd.)*

And provided further that where such memorandum or petition of appeal application for review or revision, or application for reference is filed in the Registry at Dar es Salaam the Registrar shall forthwith transmit the same to the appropriate District Registry and such memorandum or petition of appeal, application for review or application of reference shall be deemed to have been filed in the District Registry on the date when the same was filed in the Registry at Dar es Salaam.

(3) All documents filed subsequently to the institution of any proceedings in the Court shall, subject as hereinafter provided, be filed at the place where the proceedings were instituted or are deemed to have been instituted.

(4) The Court may at any time on application or of its own motion transfer any proceedings from one Registry to another and any proceedings transferred, and all documents shall be filed accordingly.

Provided that where original proceedings in a commercial case are instituted in a District or Sub-registry, such proceedings shall as soon as practicable be transferred to the Commercial Division before further steps are taken in the proceedings, except where all parties agree to have the commercial case determined by the High Court at such District or Sub-registry of the High Court.

Economic  
Crimes'  
Matter

8.—(1) When any cause or matter on economic crimes has been entered in the appropriate Registry, it shall be entitled—

“IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA”  
“IN THE REGISTRY/DISTRICT REGISTRY AT .....  
ECONOMIC/ORGANIZED CRIMES CRIMINAL CASE NO. ....  
OF .....”

(2) When any cause or matter, whether original or appellate, has been entered in a District Registry, it shall be entered—

“IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA”  
“IN THE DISTRICT REGISTRY AT .....”

Criminal Appeal, Civil Appeal, Civil Case, Miscellaneous Civil Cause, Bankruptcy Case, Matrimonial Cause as the cause may be.

Date of  
the  
Judge-  
ment  
given or  
extracted

9. All summonses, warrants, orders, decrees, notices and mandatory processes whatsoever of the court may be signed by any judge or by a Registrar and shall be sealed with the Seal of the Court. Every order of the court shall be dated as the date on which the Judgement was given order made and shall in addition show the date on which the order was extracted.

*High Court Registries*

*G.N. No. 96 (contd.)*

10. All formal and preliminary steps and all interlocutory applications in proceedings entered at a District Registry shall be taken or made either before a judge of the District Registrar.

11.—(1) Any person aggrieved by any decision of a Registrar made or purported to be made under these Rules may, within fifteen days by notice in writing require that the matter be referred to a judge for his decision and the judge for his decision and the judge may make such order thereon as the justice of the case may require.

(2) For the purpose of computing the said period of fifteen days, the provisions of the Law of Limitation Act, 1971 as to the exclusion of the time shall apply.

12. The High Court Registries Rules 1985 are hereby revoked.

Inter-  
locutory  
applica-  
tions

Decision  
of a  
Registrar

Acts  
No. 10 of  
1971

Revoca-  
tion of  
G.N. No.  
23 of  
1985

SCHEDULE

(Under Rule 5)

No.	Place of District Registry	Areas
1.	Dar es Salaam .....	Dar es Salaam, Coast Region and Morogoro
2.	Arusha .....	Arusha
3.	Dodoma .....	Dodoma and Singida
4.	Kagera .....	Bukoba
5.	Kilimanjaro .....	Moshi
6.	Mbeya .....	Mbeya and Iringa
7.	Mtwara .....	Mtwara and Lindi
8.	Mwanza .....	Mwanza and Mara
9.	Sumbawanga .....	Rukwa
10.	Songea .....	Ruvuma
11.	Tabora .....	Tabora, Kigoma and Shinyanga
12.	Tanga .....	Tanga

Dar es Salaam,  
14<sup>th</sup> April, 2005

BARNABAS A. SAMATTA,  
Chief Justice