

GOVERNMENT NOTICE No. 454 published on 29/12/61

PMC. 13/052

THE NATIONAL ASSEMBLY ELECTIONS REGULATIONS, 1960

PROCLAMATION



By His Excellency Sir Richard Gordon Turnbull, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor-General and Commander-in-Chief of Tanganyika.

R. G. TURNBULL, Governor-General

DATE OF BY-ELECTION

In exercise of the powers conferred upon me by Regulation 25 of the National Assembly Elections Regulations, 1960, and all other powers thereto enabling me, I, RICHARD GORDON TURNBULL, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor-General and Commander-in-Chief of Tanganyika, do hereby appoint the tenth day of February, 1962 as the day on which a by-election shall commence in Bagamoyo Constituency.

Given under the hand of the Governor-General and the Public Seal at Dar es Salaam this twenty-first day of December, 1961.

J. K. NYERERE, Prime Minister

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THE LOCAL COURTS ORDINANCE

(CAP. 299)

RULES OF COURT

Made under section 43A

THE LOCAL COURTS (APPEALS) RULES, 1961

1. These Rules may be cited as the Local Courts (Appeals) Rules 1961, and shall come into operation on the first day of January, 1962.

Short title and commencement

2.—(1) Every application to the Local Courts Appeals Officer for leave to appeal to the High Court shall be in writing signed by the applicant and shall contain a concise statement of the grounds on which he wishes to appeal.

Application for leave to appeal to the High Court

(2) Every application under this rule shall be accompanied by a copy of the judgment, decision or order appealed from.

G.N. No. 455 (contd.)

(3) Every application under this rule shall be lodged either with the District Commissioner or the Registrar of the High Court at Dar es Salaam or the Local Courts Appeals Officer.

(4) Where an application is lodged with the District Commissioner he shall as soon as practicable transmit to the Local Courts Appeals Officer the application for leave to appeal and the original record of the proceedings to which the appeal relates including the record of the proceedings of the Court of first instance and the record of additional evidence taken together with a certificate stating the date on which the application was lodged and the amount of the fees paid by the applicant.

(5) Where an application is lodged with Registrar of the High Court or the Local Courts Appeals Officer the Local Courts Appeals Officer shall forthwith send a notice of the application to the District Commissioner who shall, on receipt of such notice, transmit to the Local Courts Appeals Officer the records mentioned in paragraph (4) of this rule.

Where leave to appeal refused

3. Where the Local Courts Appeals Officer refuses leave to appeal to the High Court he shall advise the applicant in writing of such refusal.

Where leave to appeal granted

4. Where the Local Courts Appeals Officer grants leave to appeal to the High Court he shall cause a notice to be served upon the applicant calling upon him to lodge a memorandum of his appeal in accordance with rule 5 together with as many copies thereof as the Local Courts Appeals Officer shall deem necessary and to pay the fees specified in the Schedule hereto within such period, not being less than fourteen days from the date of the service of notice, as the Local Courts Appeals Officer shall think fit.

Memorandum of appeal

5. Every memorandum of appeal lodged under rule 4 shall set forth concisely and under distinct heads the grounds of objection to the order or decision appealed from and shall be signed either by the appellant or his advocate.

Filing of memorandum of appeal and payment of fees

6.—(1) The memorandum of appeal shall be filed with and the fees shall be paid to the District Commissioner or the Registrar of the High Court or the Local Courts Appeals Officer.

(2) Where the memorandum of appeal is filed with and the fees are paid to the District Commissioner he shall forthwith transmit to the Local Courts Appeals Officer the memorandum of appeal together with a certificate stating the date on which the memorandum was filed and the amount of the fees paid.

Notice of hearing

7.—(1) Upon receipt of the memorandum of appeal and the fees or a certificate as to the payment of the fees the Local Courts Appeals Officer shall fix a date for the hearing of the appeal and cause a notice specifying such date to be served on all parties to the proceedings.

(2) Every notice specifying the date of the hearing to be served under paragraph (1) hereof, other than a notice to the appellant, shall be accompanied by a copy of the memorandum of appeal and a copy of the decision or order appealed from.

G.N. No. 455 (contd.)

8. The Local Courts Appeals Officer shall cause such records or documents which are required by the High Court for the purposes of the appeal and which are in any language other than English, to be translated into English. ^{Translation into English}

9. Copies of the proceedings or any part of the proceedings, orders, decisions, documentary exhibits or other documents forming part of the record of any appeal or English translations thereof shall be supplied by the Local Courts Appeals Officer to any party to the appeal applying for the same and paying the fees specified in the Schedule hereto. ^{Copies to be supplied to the parties}

10.—(1) The selection of Assessors shall be made by the Local Courts Appeals Officer. ^{Assessors}

Provided that the Judge or the Judges hearing the appeal may at any time before or during the hearing direct the Local Courts Appeals Officer to require one or more additional persons to attend the hearing and sit with the Court as Assessors.

(2) Every person required to sit as an Assessor at the hearing of any appeal shall be served with a notice requiring his attendance at such hearing.

(3) If any person served with a notice under paragraph (2) fails to comply with the same he shall be guilty of contempt of Court and shall be liable to be punished accordingly.

11. The hearing of any appeal under these Rules shall be in open Court and shall as far as practicable be conducted in the same manner as appeals in civil cases. ^{Hearing of appeal}

12. Upon determination of any appeal by the High Court, the Local Courts Appeals Officer shall forward to the District Commissioner a certified copy of the Judgment of the High Court together with the original records of the proceedings before the Court of first instance and the Local Court of Appeal (if any) and before the District Commissioner or the Provincial Local Courts Officer together with such documents and exhibits as were received by the High Court in accordance with these Rules for the purposes of such appeal. ^{Return of the records}

13.—(1) The fees specified in the second column of the Schedule hereto shall be payable in respect of the several matters and proceedings specified in the first column thereof. ^{Fees}

(2) The provisions of the Local Courts (Fees, Fines and Records) Rules shall not apply to any proceedings under these Rules. ^{R.L. Cap. 299 p. 27}

(3) Where no fee is specified in the Schedule hereto for any matter or proceedings under these Rules such fee shall be payable therefor as is payable in respect of such matter or proceeding in civil or criminal proceedings as the case may be before the High Court.

14. For the purpose of calculating the court fees payable in respect of proceedings under these Rules the value of the subject matter of the suit to which the appeal relates shall be the same as that assigned to it for the purpose of calculating the court fees payable on commencement of the suit. ^{Valuation of subject matter}

G.N. No. 455 (contd.)

Remission
of fees

15.—(1) The Local Courts Appeals Officer may for reasons of poverty remit in whole or in part the fees or any of the fees payable under these Rules.

(2) An application for remission of fees under this rule shall be in writing signed by the person making the same and stating the grounds on which such application is made.

SCHEDULE

IN CIVIL APPEALS:

	Shs. Cts.
(1) On filing application for leave to appeal	70 00
(2) On filing memorandum of appeal	A fee of Shs. 60/- where the amount involved does not exceed Shs. 500/-; where it exceeds Shs. 500/- an <i>ad valorem</i> fee of Shs. 20/- for every 200/- shillings or part thereof, such fee not to exceed Shs. 750/-
(3) On filing memorandum of appeal where it is not possible to estimate the subject matter at a money value	Twice the fee charged in the Court below.
(4) On application for leave to apply for leave to appeal or to appeal out of time	20 00
(5) For service of notice of appeal on a party to the appeal	Same fee as is payable in the High Court for service of process in civil cases.
(6) For a certified copy or translation of any document:	
For the first folio of 100 words	4 00
For each subsequent folio	2 00
(7) For an uncertified copy or translation of any document:	
For the first folio of 100 words	0 00
For each subsequent folio	0 50
<p>IN CRIMINAL APPEALS:</p>	
(8) On application for leave to appeal to the High Court	Nil.
(9) On lodging memorandum of appeal and for service of memorandum	Nil.
(10) On application for leave to apply for leave to appeal or to appeal out of time	Nil.
(11) For certified or uncertified copy or translation of any document	Same as (6) and (7) above.

Dar es Salaam,
22nd December, 1961

R. WINDHAM,
Chief Justice

GOVERNMENT NOTICE No. 456 published on 29/12/61

TYC. 342/07

THE HIDES AND SKINS TRADE (CESS) ORDINANCE
(CAP. 266)

ORDER

Made under section 3

THE HIDES AND SKINS TRADE (CESS) ORDER, 1961

1. This Order may be cited as the Hides and Skins Trade (Cess) Order, 1961, and shall come into operation on the first day of January, 1962.