

THE UNITED REPUBLIC OF TANZANIA



No. 30 OF 1994

I ASSENT,

[Signature]

President

17-1-95

An Act to Amend the Government Proceedings Act, 1967

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Government Proceedings (Amendment) Act, 1994, and shall be read as one with the Government Proceedings Act, 1967, referred to in this Act as "the principal Act".

Short title
Acts 1967
No. 16

2. Section 6 of the principal Act is hereby repealed and replaced by the following:

Repeal
and re-
placement
of section
6

- "(1) Notwithstanding any other provisions of this Act, civil proceedings may be instituted against the Government subject to the provisions of this section.
- (2) No suit against the Government shall be instituted, and heard unless the claimant previously submits to the Government Minister, Department or officer concerned a notice of not less than ninety days of his intention to sue the Government, specifying the basis of his claim against the Government, and he shall send a copy of his claim to the Attorney-General.
- (3) All suits against the Government shall, after the expiry of the notice be brought against the Attorney-General, and a copy of the plaint shall be served upon the Government Ministry, Department or Officer that is alleged to have committed the civil wrong on which the civil suit is based.

Attorney
General
may de-
fend Gov-
ernment

(4) All suits against the Government shall be instituted in the High Court by delivering a claim in the Registry of the High Court within the area where the claim arose.

(5) Notwithstanding the provisions of subsection (3), the Attorney General may, unless another person ought to be sued or be joined as a co-defendant, in proceedings against the Government.

Acts 1970

(6) The provisions of the Specified Officers (Recovery of Debts) Act, 1970, shall apply to any officer who occasions the Government to incur loss, costs or damages as a result of his failure to obtain legal representation in the suit."

Amend-
ment of
section 11

3. Section 11 of the principal Act is hereby amended—

- (1) by deleting the reference to subsection (1);
- (2) by deleting the proviso to subsection (1);
- (3) by deleting the whole of subsection (2).

Amendment of the Specified Officers (Recovery of Debts) Act, 1970

"Ament-
ment of
section 2
of the
Specified
Officers
(Recov-
ery of
Debts;
Act, 1970

4. Section 2 of the Specified officers (Recovery of Debts) Act, 1970, is hereby amended—

(a) in the definition "debt", by adding immediately after paragraph (g) the following:

"(h) any amount determined by the proper authority as being due from him by reason of any loss caused to the Government, a local government authority or scheduled corporation, as a result of failure by him to obtain legal representation in a suit instituted against the Government, Ministry Department or Officers;"

(b) in the definition "proper authority", by substituting a comma for the semicolon at the end of paragraph (e) and adding immediately after the paragraph the following paragraph:

"(f) in the case of a specified Officer incurring a debt arising in the manner specified in paragraph (h) of the definition "debt", the Attorney—General;"

Passed in the National Assembly on 21st November, 1994.


Clerk of the National Assembly