

THE UNITED REPUBLIC OF TANZANIA



No. 55 OF 1968

I ASSENT

Julius K. Nyerere
President

10...TH OCTOBER, 1968

An Act to amend the Law Reform (Fatal Accidents and Miscellaneous Provisions) Ordinance

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Law Reform (Fatal Accidents Short title and Miscellaneous Provisions) Ordinance (Amendment) Act, 1968, shall be read as one with the Law Reform (Fatal Accidents and Miscellaneous Cap. 360 Provisions) Ordinance, and shall come into operation on such date as the Minister for the time being responsible for legal affairs may, by notice in the *Gazette*, appoint.

2. The Law Reform (Fatal Accidents and Miscellaneous Provisions) Ordinance is amended by inserting immediately after section 16 the following:—
Parts VII and VIII added to Cap. 360

PART VII

MANDAMUS, PROHIBITION AND CERTIORARI

Orders of mandamus, prohibition and certiorari substituted for writs

17.—(1) The High Court shall not, whether in the exercise of its civil or criminal jurisdiction, issue any of the prerogative writs of mandamus, prohibition or certiorari.

(2) In any case where the High Court would but for subsection (1) have had jurisdiction to order the issue of a writ of mandamus requiring any act to be done or a writ of prohibition prohibiting any proceedings or matter, or a writ of certiorari removing any proceedings or matter into the High Court for any purpose, the Court may make an order requiring the act to be done or prohibiting or removing the proceedings or matter, as the case may be.

(3) No return shall be made to any such order and no pleadings in prohibition shall be allowed, but the order shall be final, subject to the right of appeal therefrom conferred by subsection (5).

(4) In any written law, references to any writ of mandamus, prohibition or certiorari shall be construed as references to the corresponding order and references to the issue or award of any such writ shall be construed as references to the making of the corresponding order.

(5) Any person aggrieved by an order made under this section may appeal therefrom to the Court of Appeal for East Africa.

Rules of
Court

18.—(1) The Chief Justice may make rules of court prescribing the procedure and the fees payable or documents filed or issued in cases where an order of mandamus, prohibition or certiorari is sought.

(2) Subject to the provisions of subsection (3), rules made under subsection (1) of this section may prescribe that applications for an order of mandamus, prohibition or certiorari shall, in specified proceedings, be made within six months or such shorter period as may be prescribed after the act or omission to which the application for leave relates.

(3) In the case of an application for an order of certiorari to remove any judgement, order, decree, conviction or other proceeding for the purpose of its being quashed, leave shall not be granted unless the application for leave is made not later than six months after the date of the proceeding or such shorter period as may be prescribed under any Act, and where the proceeding is subject to appeal, and a time is limited by law for the bringing of the appeal, the Court or judge may adjourn the application for leave until the appeal is determined or the time for appealing has expired.

PART VIII

APPLICATION OF ORDINANCE

Ordinance
to bind the
Republic

19. This Ordinance shall bind the Republic, but as regards the Republic's liability in tort shall not bind the Republic further than the Republic is made liable in tort by the Government Proceedings Act, 1967."

Passed in the National Assembly on the second day of October, 1968.


Clerk of the National Assembly