

Tanzania

## Foreign Tribunals (Taking of Evidence) Rules, 1964

Government Notice 301 of 1964

Legislation as at 31 July 2002

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## Tanzania

# Foreign Tribunals (Taking of Evidence) Rules, 1964

## Government Notice 301 of 1964

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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.]*

*[G.N. No. 301 of 1964]*

1.

These Rules may be cited as the Foreign Tribunals (Taking of Evidence) Rules.

2.

Where any civil, criminal or commercial matter is pending before a court or tribunal of any other country, if under the Foreign Tribunals Evidence Act, 1856<sup>1</sup>, or any other law for the time being in force in Tanzania, the High Court is authorised to take the testimony of any person in relation to such matter and it is made to appear to a Judge of the High Court by Commission Rogatoire or Letter of Request or other evidence as hereinafter provided, that such court or tribunal is desirous of obtaining the testimony in relation to such matter of any witness or witnesses within the jurisdiction, the Judge may, on the *ex parte* application of any person shown to be duly authorised to make the application on behalf of such court or tribunal, and on production of the Commission Rogatoire or Letter of Request, or of a certificate signed in the manner, and certifying to the effect, mentioned in section 2 of the Foreign Tribunals Evidence Act, 1856 or such other evidence as the judge may require, make such order or orders as may be necessary to give effect to the intention of the laws above mentioned in conformity with section 1 of that Act.

3.

An order made under rule 2 shall be in Form 1 in the Schedule to these Rules, with such variations as circumstances may require.

4.

The examination may be ordered to be taken before any fit and proper person nominated by the person applying or before any qualified person as to the Judge may seem fit.

5.

Unless otherwise provided in the order for examination, the examiner before whom the examination is taken shall, on its completion, forward the same to the Registrar of the High Court of Tanzania, and on receipt thereof the Registrar shall append thereto a certificate, in Form 2 in the Schedule to these Rules, with such variations as circumstances may require, duly sealed with the seal of the High Court, and shall forward the depositions so certified, and the Commission Rogatoire or Letter of Request, if any,

<sup>1</sup>

19 & 20 Vict. c. 113

to the Minister for the time being responsible for foreign affairs for transmission to the court or tribunal requiring the same.

**6.**

An order made under rule 2 may, if the Judge shall think fit, direct the said examination to be taken in such manner as may be requested by the Commission Rogatoire or Letter of Request, or therein signified to be in accordance with the practice requirements of such court or tribunal, or which may, for the same reason, be requested by the applicant for such order but, in the absence of any such special directions being given in the order for examination, the same shall be taken in the manner prescribed for the taking of evidence before the court in Tanzania.

**7.**

Where a Commission Rogatoire or Letter of Request is transmitted to the High Court by the Minister for the time being responsible for legal affairs with an intimation that it is desirable that effect should be given to the same without requiring an application to be made to the Court by the agents in Tanzania of any of the parties to the action or matter in the country in which it was issued, the Registrar shall transmit the same to the Attorney-General, who may thereupon make such applications and take such steps as may be necessary to give effect to such Commission Rogatoire or Letter of Request in accordance with these Rules.

**8.**

These Rules and any rules varying or amending the same shall apply, as far as may be, to applications under the Evidence by Commission Act, 1859<sup>2</sup>, for the purpose of giving effect to any Commission or Letter of Request from any Commonwealth country.

**9.**

*[Revokes the Foreign Tribunals Evidence Rules<sup>3</sup>.]*

## **Schedule**

### **Forms**

*[Editorial note: The forms have not been reproduced]*

<sup>2</sup>

22 Vict. c. 20

<sup>3</sup>

A.L. [12] p. 2