

Tanzania

Public Officers (Recovery of Debts) Act

Specified Officers (Recovery of Debts) (Appeals) Rules, 1970

Government Notice 96 of 1970

Legislation as at 31 July 2002

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Specified Officers (Recovery of Debts) (Appeals) Rules, 1970

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Public Officers (Recovery of Debts) Act

Specified Officers (Recovery of Debts) (Appeals) Rules, 1970

Government Notice 96 of 1970

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[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. 96 of 1970]

1.

These Rules may be cited as the Specified Officers (Recovery of Debts) (Appeals) Rules.

2.

In these Rules, unless the context otherwise requires—

"**the Act**" means the Specified Officers (Recovery of Debts) Act¹;

"**the appellant**" means the specified officer appealing under section 7 of the Act;

"**the court**" means the court of a resident magistrate within the jurisdiction of which the appellant ordinarily resides or works for gain;

"**the notice**" means the notice given to the appellant under section 6 of the Act.

3.

Every appeal under section 7 of the Act shall be by way of a petition filed in the court and shall be accompanied by a copy of the notice.

4.

In every appeal under section 7 of the Act, the Attorney-General shall be made a party thereto as the respondent.

5.

A copy of the petition, together with a copy of the notice, shall be served upon the Attorney-General and upon the proper authority issuing the notice as soon as may be practicable after the petition is filed.

¹

Act [No. 7 of 1970](#)

6.

Every petition of appeal shall set forth, concisely and under distinct heads, the grounds of objection to the notice appealed against and such grounds shall be numbered consecutively.

7.

In every appeal under section 7 either party shall have a right to be represented by an advocate.

8.

- (1) The court may on the application of either party or on its own motion, summon any witness to appear before it to give evidence or to produce any document.
- (2) The Rules of the Civil Procedure Code² relating to the summoning of witnesses and the recording of evidence shall apply *mutatis mutandis* to the summoning of witnesses and the recording of their evidence under this rule.

9.

The provisions of rules, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 30, 31, 32, 33, 35 and 36 of Order XXXIX of the Civil Procedure Code³ shall apply *mutatis mutandis* to appeals under section 7; and for the purposes of these Rules, references in the said rules of Order XXXIX—

- (a) to the High Court, shall be construed as references to the court;
- (b) to the decree of the subordinate court appealed from, shall be construed as references to the provisions of the notice appealed against;
- (c) to the Judge, shall be construed as references to the magistrate presiding over the court;
- (d) to the hearing of the parties, shall include references to the hearing of evidence adduced in accordance with the provisions of these Rules.

10.

- (1) At the hearing of an appeal under these Rules, either party may, with the leave of the court, urge, be heard upon and adduce evidence, in the case of the appellant, in support of, and in the case of the respondent, against, any ground not set forth in the memorandum of appeal.
- (2) In deciding the appeal the court shall not be confined to the grounds of objection set forth in the petition or taken by leave under this rule but may decide the appeal on any ground it may consider relevant.

11.

For the avoidance of doubts it is hereby declared that the court shall have jurisdiction to entertain appeals under section 7 of the Act notwithstanding that the amount involved in any such appeal exceeds the pecuniary jurisdiction of the court.

²

[Cap. 16](#)

³

[Cap. 16](#)