

Tanzania

Oaths and Statutory Declarations Act

Chapter 34

Legislation as at 30 November 2019

FRBR URI: /akn/tz/act/1966/59/eng@2019-11-30

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PDF created on 20 April 2024 at 14:17.

Collection last checked for updates: 31 July 2002.

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Oaths and Statutory Declarations Act

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Oaths and Statutory Declarations Act

Chapter 34

Commenced on 1 May 1967

[This is the version of this document at 30 November 2019.]

[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. 132 of 1967; Act No. 59 of 1966]

An Act to make provision for the administration of oaths and affirmations in judicial proceedings and for statutory declarations.

Part I – Preliminary provisions

1. Short title

This Act may be cited as the Oaths and Statutory Declarations Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"**court**" includes every person or body of persons having by law or consent of parties authority to receive evidence upon oath or affirmation but does not include a court-martial established under the National Defence Act;

[Cap. 192]

"**judicial proceedings**" means proceedings before any court;

"**Minister**" means the Minister responsible for legal affairs.

Part II – Judicial oaths

3. Authority to administer oaths and affirmations

Every court shall have the authority, itself or by an officer duly authorised by it in that behalf, to administer an oath or affirmation to any person whom it may lawfully examine upon oath or affirmation.

4. Persons who may be required to make oath or affirmation

Subject to any provision to the contrary contained in any written law, an oath shall be made by—

- (a) any person who may lawfully be examined upon oath or give or be required to give evidence upon oath by or before a court;
- (b) any person acting as interpreter of questions put to and evidence given by a person being examined by or giving evidence before a court:

Provided that, where any person who is required to make an oath professes any faith other than the Christian faith or objects to being sworn, stating, as the ground of such objection, either that he has

no religious belief or that the making of an oath is contrary to his religious belief, such person shall be permitted to make his solemn affirmation instead of making an oath and such affirmation shall be of the same effect as if he had made an oath.

5. Forms of oaths and affirmations

Every oath or affirmation made under this Act shall be made in the manner and in the form prescribed by rules made under [section 8](#).

6. Power of court to tender certain oaths

Where any party to or witness in any judicial proceedings offers to give evidence on oath or affirmation in any form common amongst, or held binding by, persons of the community or persuasion to which he belongs and not repugnant to justice or decency, and not purporting to affect any third person, the court may, if it thinks fit, notwithstanding the provisions of sections [4](#) and [5](#), administer or direct its officer to administer such oath or affirmation to him.

7. A party may offer to be bound by certain oaths or affirmations

- (1) Where, in any judicial proceedings of a civil nature, the parties agree that one of them would be bound by an admission or denial of any fact in issue between them in such proceedings such admission or denial made by the other party under an oath or other party under an oath or affirmation in such form as may be accepted by a court under [section 6](#), the court may, if it thinks fit, invite such other party to make such admission or denial under such oath or affirmation.
- (2) Where the party invited by the court to make an admission or denial in accordance with subsection (1) makes such admission or denial, the admission or denial shall be binding upon the other party and the parties concerned shall thereupon be deemed not to be at issue with regard to the fact so admitted or denied.

8. Rules

- (1) The Chief Justice may, with the consent of the Minister, make rules prescribing forms of oaths and affirmations and the manner in which the same may be made.
- (2) Rules made under this section may prescribe different forms for different courts or for different classes of persons.

9. Irregularity not to affect validity of oath

Where in any judicial proceedings an oath or affirmation has been administered and taken, such oath or affirmation shall be deemed to have been properly administered or taken, notwithstanding any irregularity in the administration or the taking thereof, or any substitution of an oath for an affirmation, or of an affirmation for an oath, or of one form of affirmation for another.

Part III – Statutory declarations

10. Statutory declaration to be in prescribed form

Where under any law for the time being in force any person is required or is entitled to make a statutory declaration, the declaration shall be in the form prescribed in the Schedule to this Act:

Provided that, where under any written law a form of statutory declaration is prescribed for use for the purposes of that such form may be used for that purpose.

11. Power to take statutory declarations

It shall be lawful for any person entitled under the provisions of the Notaries Public and Commissioners for Oaths Act to exercise the powers of a Notary Public or a Commissioner for Oaths to take a statutory declaration of any person voluntarily making and subscribing the same before him.

[Cap. 12]

12. ***

[Omitted]

13. ***

[Omitted]

14. ***

[Omitted]

15. ***

[Omitted]

Schedule (Section 10)

I, A. B. do solemnly and sincerely declare as follows:

(here state the matters declared)

I, the said A. B., make this declaration conscientiously believing the same to be true and in accordance with the provisions of the Oaths and Statutory Declarations Act.

This, Declaration is made and subscribed by the said A. B. who is known to me personally (or who has been identified to me by _____

(Signature of the person taking the declaration)

the latter being known to me personally) this _____ day of

(Signature, qualification and address of the person taking the declaration)