

- ❖ The Ward Tribunal Act [Cap. 7 R. E. 2002]
- ❖ The Tanzania Court of Appeal Rules G.N. No. 102 of 1979
- ❖ The Government Proceedings (Procedure) Rules G.N. No. 376 of 1968.
- ❖ Rules made under the Judicature and Application of Laws Act G.N. No. 358 of 2002.

Achievements

There have been some achievements since 2006 when the project started. Some of these achievements are:-

- i Development of a Position Paper
- ii Successful consultation process on the Position Paper, which resulted into collection of written submissions by relevant stakeholders, to include Judges, Magistrates, State Attorneys and Advocates for purposes of enriching the Position Paper.
- iii Review of the Court of Appeal Rules of 1979 which has resulted into formulation of the Court of Appeal Rules of 2009.
- iv. Engagement of a consultant, who will work on the position paper concerning the Civil Justice System and thereafter produce draft legislation on the identified laws and rules so as to cure the identified problems in the Civil Justice System.

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(BEST)



**THE LAW REFORM COMMISSION OF
TANZANIA**



**THE REVIEW OF THE CIVIL JUSTICE
SYSTEM IN TANZANIA**

INTRODUCTION

The Civil Justice System means the part of the justice system that enforces, restores, or protects private and personal rights. In other words, civil justice system is about resolution of disputes among private individuals and entities but not involving crimes. Civil justice system includes commercial disputes, personal injury claims and disputes between individuals and the government.

The LRCT is undertaking a review of the Civil Justice System in Tanzania to facilitate the dispute resolution mechanisms that will ensure speedy and timely access to justice for all. An efficient and accessible Civil Justice System will enable timely and less costly resolution of disputes.

By reviewing the civil justice system, the Law Reform Commission of Tanzania is implementing the commitment of the Government of the United Republic of Tanzania to enhance access to justice to all as spelt out under Article 107A of the Constitution of the United Republic of Tanzania, which insists on delivery of justice without regard to the litigants' social or economic status and in a timely manner or without undue delay, adequate compensation in case of injuries caused by others; amicable settlement and dispute resolutions and delivery of justice without undue technicalities.

Mandate of the LRCT under the Review of the Civil Justice System

The Law Reform Commission of Tanzania in this project is working towards reviewing the Civil Procedure Code and other related procedural laws and rules, reviewing the current structure of civil court administration; investigating the use of information and communication technology in the courts; and finally, make recommendations on reforms of the Civil Justice System aiming at enhancing the speed and efficiency of dispute resolution in Tanzania's civil courts.

Challenges facing the Civil Justice System in Tanzania

The civil justice system in Tanzania is facing different challenges, such as:

- ❖ Complexity of laws and rules that relate to civil justice and ignorance of parties in conducting civil matters.
- ❖ Uncertainty of the rule of extension of time to file a defence which impacts on the period of disposal of cases.
- ❖ Discretion of the court to extend period to file a defence lacks any legal guidelines.
- ❖ There is delay in serving pleadings through the court and as a result, delay in disposal of civil cases.

- ❖ Litigation is expensive for the majority of Tanzanians.
- ❖ The civil justice system is too uncertain and there is difficulty forecasting how much litigation will cost and how long it will last.
- ❖ Court procedures are not known to many Tanzanians and the system is too adversarial.

Statutes and Rules being Reviewed under the Civil Justice System

A number of laws and rules have been identified for review as follows:

- ❖ The Magistrates Courts Act [Cap. 11 R. E. 2002],
- ❖ The Law of Limitation Act [Cap. 10 R. E. 2002],
- ❖ The Civil Procedure Act [Cap. 33 R. E. 2002],
- ❖ The Arbitration Act [Cap. 15 R.E 2002]
- ❖ The Tanzania Evidence Act [Cap. 6 R. E 2002]
- ❖ The Government Proceedings Act [Cap. 5 R. E 2002]
- ❖ The Appellate Jurisdiction Act [Cap. 141 R. E. 2002]