

GOVERNMENT NOTICE No. 249 published on 13/7/2012

THE JUDICATURE AND APPLICATION OF LAWS ACT  
(CAP. 358)

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**RULES**

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*(Made under section 4)*

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HIGH COURT OF TANZANIA (COMMERCIAL DIVISION FEES) RULES, 2012

ARRANGEMENT OF RULES

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10.	Revocation.

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THE HIGH COURT OF TANZANIA (COMMERCIAL DIVISION FEES) RULES, 2012

1. These Rules may be cited as the High Court of Tanzania (Commercial Division Fees) Rules, 2012 and shall come into operation on the 1<sup>st</sup> July, 2012.

2. In these Rules, unless the context otherwise requires-  
“Court” means the Commercial Division of the High Court established under Rule 5A of the High Court Registry Rules;

Citation

Interpre-  
tation  
G.N. No.  
96 of  
2005

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*GN No. 249 (contd.)*

“Court fees” means the Court fees specified under rule 3 of these rules;  
“Registrar” means the Registrar of the Court and shall include a Deputy Registrar and any person acting in that capacity.

**Court fees**        3. The court fees specified in the First Schedule to these Rules shall be paid to the Court in respect of all proceedings and matters specified therein.

**Liability for fees**        4. Unless expressly provided otherwise, and without prejudice to any eventual order for costs, the fees for any proceedings and matter before the Court shall be payable by the person initiating proceedings or filing the matter.

**Contentious fees**        5. In the case where there is ambiguity, dispute or *lacunae* with respect to fees payable, a person with an obligation to pay the fees under these Rules shall refer the matter to the Registrar and the Registrar shall assess the fees and give reasons thereof in writing.

**Reference**        6.-(1) Where fees have been assessed pursuant to Rule 5, any party to the proceedings or matter aggrieved by that assessment may refer objection to the Judge in charge.

(2) A reference referred in sub-rule (1) shall be in the form prescribed in the Second Schedule to these Rules.

(3) Any reference referred to in this rule may be made at any time not later than thirty days after the date of the determination by the registrar of the fees payable.

**Refund of fees**        7. Where a suit is successfully mediated or settled out of Court within six months from the date of filing and upon a party who wish to apply for refund shall submit a request in writing within two weeks from the date of mediation or order, and a Judge or a Registrar may, make an order of refund of one quarter of the filing fees to that party.

**Government proceedings**        8. No fee shall be payable by the Government in respect of proceedings or matter instituted by or against the Government, but a judgment in favour of the Government for costs shall, unless the Court directs otherwise, include the amount of the fees which would have been payable if the proceedings or matter had been instituted by or against a private person.

**Exemption**        9. Where there is any convention, agreement or treaty entered into by the Government with any other country, the court fees specified in the

First Schedule to these Rules shall not be payable in respect of such proceedings or matter.

10. The Commercial Court (Fees) Rules are hereby revoked.

Revoca-  
tion G.N.  
No. 275  
of 1999

FIRST SCHEDULE

(Made under Rules 3 and 9)

1.	On filing a plaint, counter-claim or set-off.	2% of the value of the subject matter provided that the total amount of fee payable shall not exceed TShs. 10,000,000/=
2.	On filing a plaint, counter-claim or set-off for the claim which cannot be valued in terms of money or instituting a claim by an originating summons.	3,000,000/=
3.	On filing an application for restoration of mediation or suit dismissed for want of appearance at the pre-trial conference.	300,000/=
4.	On filing an application for adjournment of mediation or costs for restoration of mediation.	200,000/=
5.	On filing of a claim for damages but no specific amount is claimed, or injunction or declaration or any order which cannot be valued in terms of money or a miscellaneous cause.	3,000,000/=
6.	On filing an amended pleading which does not affect the value of the claim.	20,000/=

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7.	On making an interlocutory application whether written or oral, including the fee for an affidavit in support and for the order thereon.	200,000/=
8.	For applying for the issue of a chamber summons, application not otherwise provided for and including the fees for filing an affidavit in support and for the order thereon.	200,000/=
9.	For applying for an adjournment.	150,000/=
10.	On applying for leave to file a pleading or other documentation out of time including the fee for the order thereon.	300,000/=
11.	On filing an application for an order of <i>mandamus or certiorari</i> or an injunction (other than a temporary injunction)	300,000/=
12.	Filing and deposit of other documents and on filing an account including the fee for filing the report thereon (if any).	15,000/=
13.	On filing a bill of costs for taxation.	20,000/=
14.	On filing or depositing any document not otherwise provided for.	30,000/=
15.	For the issue of warrant of attachment, eviction order, prohibitory order or other process in execution of a decree or order of the court.	100,000/=
16.	For the service of any document, in addition to all necessary expenses where the service is to be effected outside the limits of the city, municipality or township in which the court issuing the document is situated or for issue of summons at the request of a person outside the Court's jurisdiction.	50,000/=
17.	For the issue of every notice, summons or warrant not otherwise provided for.	20,000/=

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18.	For taking the evidence of a witness on commission before hearing of the suit.	100,000/=
19.	For the issue of a decree or order not otherwise provided for.	20,000/=
20.	For the transfer of a decree outside Tanzania including the fees for application for an order, certificate of non-satisfaction and communication.	30,000/=
21.	For attesting a signature.	20,000/=
22.	For the attendance of an officer of the court to view, in addition to all necessary expences, unless the court otherwise orders.	20,000/=
23.	For the attendance of an officer of the court at a sale or to administer an oath or affirmation or to take an affidavit or receive a declaration elsewhere than at the office of the court in addition to the fee prescribed.	20,000/=
24.	For communication with a tribunal within Tanzania or outside Tanzania (except where the communication in respect of services of document issued by the court).	50,000/=
25.	For translation of any document for the first 100 words or part thereof.	10,000/=
26.	For translation of any document for each subsequent 100 words or part thereof.	5,000/=
27.	For certifying a signature, Seal or a copy of any document.	20,000/=
28.	For the issue of a certificate of non-satisfaction of decree or any other certificate not provided for.	50,000/=
29.	For producing for inspection of the record of any case or any document in the custody of the court.	30,000/=

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30	On payment of money or deposit of anything into court as security on deposit or otherwise (except by way of deposit for witnesses) or assessors expenses or court fees or for the subsistence of judgment debtor or is made by an officer of the Court in the course of the administration of a deceased's estate.	20,000/=
31.	For the taking or passing of an account by an officer of the court and in addition for every sitting of three hours or past three hours or part thereof after the first three hours.	20,000/=
32.	On application for review of the judgment, reference or revision including the fees for filing an affidavit in support.	100,000/=
33.	On lodging an appeal against the final decree or any appealable order.	50,000/=
34.	On filing security.	50,000/=
35.	On application for leave to appeal out of time including an affidavit in support and the order thereof.	100,000/=
36.	On every application made to the Court of Appeal in its appellate or provisional Jurisdiction, not otherwise provided for, including the fee for the affidavit in support and order thereon.	20,000/=
37.	For the issue of a decree on appeal or an order in revision.	20,000/=
38.	All necessary expenses, unless the court orders otherwise.	20,000/=

FORM NO. 1

SECOND SCHEDULE

FORMS

(Made under rules 6(2) and 7)

IN THE HIGH COURT OF TANZANIA  
(COMMERCIAL DIVISION)

AT.....

COMMERCIAL CASE NO.....OF 20.....

BETWEEN

.....PLAINTIFF

AND

.....DEFENDANT

DEFERENCE FORM

(Made under Rule 6(2))

Name/Referring Party.....

.....

Subject matter of the claim.....

.....

Filing Fees Assessed.....

.....

Ground for reference

1. ....

.....

2. ....

.....

Advocate/Referring party.....

High Court of Tanzania (Commercial Division Fees)

GN No. 249 (contd.)

Tel: ..... E-mail .....

Date .....

.....

Signature

FOR THE COMMERCIAL DIVISION ONLY

I, THE UNDERSIGNED DO HEREBY SUBMIT FOR YOUR Lordship's

.....

Registrar Commercial Division

Date.....

FORM 2

IN THE HIGH COURT OF TANZANIA  
(COMMERCIAL DIVISION)

AT.....

COMMERCIAL CASE NO.....OF 20.....

BETWEEN

.....PLAINTIFF

AND

.....DEFENDANT

REQUEST FOR REFUND

(Made under rule 7)

i) The above mentioned suit having been successfully mediated/settled within six months from the date of its institution. I/We..... the above named Plaintiff(s)\* /Defendant(s)\* hereby request for refund of the filing fees thereof.

ii) Date of filing suit.....

iii) Date of settlement.....

iv) Requisite fees paid

\*Attach a copy of receipt

In words.....

v) The amount requested for refund.....in words.....

VERIFICATION

I.....do hereby solemnly verify that all what is stated herein above is true to the best of my knowledge.

Advocate/Applicant.....

Tel:.....

E-mail.....

Date.....

Signature.....

Received by.....

Date.....

Registry Officer

APPROVAL

I hereby approve/disapprove refund as requested herein above this.....

day of.....20.....

\_\_\_\_\_  
Judge/Registrar

(\*Delete whichever not applicable)

MOHAMED OTHMAN CHANDE

*Chief Justice*

Dar es Salaam,  
6<sup>th</sup> July, 2012

MOHAMED O. CHANDE,  
*Chief Justice*