

THE UNITED REPUBLIC OF TANZANIA



No. 59 OF 1966

In discharge of the functions of the office of the President

I ASSENT,

[Signature]
Second Vice-President

29TH DECEMBER, 1966

An Act to Disapply the Indian Oaths Act, 1873 and the Statutory Declarations Act, 1835 of the United Kingdom and to make provision for the Administration of Oaths and Affirmations in Judicial proceedings and for Statutory Declarations

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ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Oaths (Judicial Proceedings) and Statutory Declarations Act, 1966, and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint. Short title and commencement

2. 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, 1966; Interpretation

“judicial proceedings” means proceedings before any court;

“the Minister” means the Minister for the time being responsible for legal affairs. Acts 1966 No. 24

PART II

JUDICIAL OATHS

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

Persons who may be required to make oath or affirmation

4. 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.

Forms of oaths and affirmations

5. 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.

Power of court to tender certain oaths

6. If 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.

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

7.—(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 if such admission or denial is made by the 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.

Rules

8.—(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.

Irregularity not to affect validity of an oath

9. 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. Where under any law in force in Tanganyika any person is required or is entitled to make a statutory declaration such declaration shall be in the form prescribed in the Schedule to this Act: Statutory Declarations to be in the prescribed form

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

11. It shall be lawful for any person entitled under the provisions of the Notaries Public and Commissioners for Oaths Ordinance 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. Power to take statutory declarations Cap. 12

PART IV

MISCELLANEOUS

12. The Interpretation and General Clauses Ordinance is hereby amended by deleting paragraph (a) in the definition "statutory declaration" in subsection (1) of section 2 and by substituting therefor the following new paragraph: — The definition of "statutory declaration" in Cap. 1 amended Cap. 1

"(a) in Tanganyika means a declaration made under the Oaths (Judicial Proceedings) and Statutory Declarations Act, 1966;" Cap. 1 amended Cap. 1

13. Section 152 of the Criminal Procedure Code is hereby amended: Provisions relating to oaths and affirmations of witnesses in the Criminal Procedure Code amended Cap. 20

(a) by deleting subsections (1), (2) and (4) and substituting therefor the following subsections: —

"(1) Every witness in a criminal cause or matter shall, subject to the provisions of any other written law to the contrary, be examined upon oath or affirmation in accordance with the provisions of the Oaths (Judicial Proceedings) and Statutory Declarations Act, 1966;" and

(b) by renumbering subsection (3) as subsection (2).

14.—(1) The Indian Oaths Act, 1873, and the Statutory Declarations Act, 1835 of the United Kingdom, as heretofore in force in Tanganyika, shall cease to extend or apply to Tanganyika. Disapplication of the Indian Oaths Act and the U.K. Statutory Declarations Act Cap. 2

(2) The Indian Acts (Application) Ordinance is hereby amended by deleting the reference to the Indian Oaths Act in the Schedule thereto.

15. The Oaths and Affirmation Rules, 1963 are hereby revoked. Revocation of Rules G.N. 1964 No. 305

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 (Judicial Proceedings) and Statutory Declarations Act, 1966.

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; the latter being known to me personally) this day of
(Signature of the person making the declaration)
(Signature, qualification and address of the person taking the declaration)

Passed in the National Assembly on the fourteenth day of December, 1966.

[Handwritten Signature]
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Acting Clerk of the National Assembly