

THE UNITED REPUBLIC OF TANZANIA



No. 40 OF 1974

ASSENT,

Julius K. Nyerere
President

30TH OCTOBER, 1974

An Act to amend the Government Proceedings Act, 1967

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Government Proceedings (Amendment) Act, 1974 and shall be read as one with the Government Proceedings Act, 1967.

Short title and commencement Acts 1967 No. 16

2. Sections 6 and 7 of the Government Proceedings Act, 1967 are repealed and replaced by the following sections: -

Sections 6 and 7 repealed and replaced

"Civil proceedings against Government only with Minister's consent

6. Notwithstanding any other provision of this Act, no civil and proceedings may be instituted against the Government without the previous consent in writing of the Minister:

Civil proceedings against Government may be instituted only in High Court General provisions

Provided that no such consent shall be necessary for the making of the Government a party to any interpleaded proceedings.

7. Notwithstanding any other written law, no civil proceedings against the Government may be instituted in any court other than the High Court.

7A. Subject to section 6, section 7 and other provisions of this Act, all civil proceedings by or against the Government shall be instituted and proceeded with in accordance with such procedure as would apply in like proceedings between private persons."

Section 10
repealed
and
replaced

3. Section 10 of the Government Proceedings Act, 1967 is repealed and replaced by the following section: -

"Transfer of
proceedings
where set
off or
counter
claims
made

10. If in any case proceedings have been instituted by the Government in a magistrate's court and the defendant satisfies the court that-

- (a) he has a claim against the Government;
- (b) he has obtained consent under section 6 for pursuing his claim against the Government;
- (c) such claim may conveniently be pursued by way of set off or counterclaim in the proceedings instituted by the Government,

the magistrate's court shall transfer the proceedings to the High Court for trial."

Passed in the National Assembly on the twenty-second day of October, 1974.



Acting Clerk of the National Assembly