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THE CIVIL PROCEDURE CODE

(CAP. 33)

RULES

(Made under section 81)

THE CIVIL PROCEDURE CODE (AMENDMENT OF THE FIRST SCHEDULE) RULES, 2024

ARRANGEMENT OF RULES

Rule Title

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2. Amendment of Order III.
3. Amendment of Order VI.
4. Amendment of Order VIII.
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6. Amendment of Order X.
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| Citation

Cap. 33 | <p>1. These Rules may be cited as the Civil Procedure Code (Amendment of the First Schedule) Rules, 2024 and shall be read as one with the First Schedule to the Civil Procedure Code, hereinafter referred to as the “principal Schedule.”</p> |
| Amendment
of Order III | <p>2. The principal Schedule is amended in Order III by deleting rule 2A.</p> |
| Amendment
of Order VI | <p>3. The principal Schedule is amended in Order VI rule 14 by adding the words “to the satisfaction of the court” between the words “him” and “to”.</p> |
| Amendment
of Order
VIII | <p>4. The principal Schedule is amended in Order VIII-</p> <p>(a) in rule 24 by-</p> <ul style="list-style-type: none">(i) designating the contents of rule 24 as subrule (1); and(ii) adding immediately after subrule (1) as designated, the following:
“(2) The Chief Justice may prescribe the manner and procedure including issuing guidelines and such other directives as it may be necessary for conducting alternative dispute resolution referred to under this rule.”; <p>(b) in rule 25-</p> <ul style="list-style-type: none">(i) in subrule (1) by deleting the phrase “within fourteen days after pleadings are |

complete” and substituting for it the phrase “on or before the date of the First PreTrial-Conference.”;

- (ii) by deleting subrules (3), (4) and (5) and substituting for them the following:

“(3) Upon the appointment of the mediator, the court shall, within two days notify the mediator of his appointment and require him to confirm the appointment within two days:

Provided that, where the mediator does not confirm or refuse the appointment within the prescribed time, the court shall, within five days of the refusal or non-confirmation, appoint another mediator by the same method used to make the previous appointment.

(4) The court shall, within three days of the confirmation of mediator’s appointment, transmit copies of pleadings to the mediator.

(5) The mediator shall-

(a) within seven days of his confirmation, set a date for the first mediation session and communicate it to the parties in writing or any other available means; and

(b) convene the first mediation session not later than fourteen days from the date of his confirmation.”;

(c) in rule 27 by adding immediately after subrule (2) the following:

“(3) An interested party may, at his request or upon the mediator’s direction, attend a scheduled mediation session.”;

(d) in rule 28 by adding immediately after subrule (2) the following:

“(3) The mediator shall confirm the identities of the parties or their representatives and incase of the representatives, their authority to settle the matter before recording their attendance.”;

(e) in rule 29 by deleting the words “remit the file” appearing between the words “shall” and “to” and

substituting for them the words “submit a report of such failure”;

(f) by deleting rule 34 and substituting for it the following:

“Duty to submit a report to court 34.-(1) Within forty-eight hours of the conclusion of the mediation, the mediator shall submit a report to the trial court showing the outcome of the mediation.

(2) Where the mediation is successful, the report under this rule shall be accompanied with the settlement agreement.”.

Amendment
of Order IX

5. The principal Schedule is amended in Order IX by-

(a) designating the contents of rule 1 as subrule (1);
(b) deleting the phrase “day fixed for court-house” appearing between the words “the” and “in” in subrule (1) as designated and substituting for it the word “court”; and

(c) adding immediately after subrule (1) as designated, the following:

“(2) Where the plaintiff appears and the defendant does not appear when the suit is called for hearing, the court may proceed *ex-parte*.”.

Amendment
of Order X

6. The principal Schedule is amended in Order X rule 3 by inserting the phrase “or recorded in his presence and hearing and under his personal direction and superintendence” between the words “magistrate” and “and”.

Amendment
of Order
XIII

by- 7. The principal Schedule is amended in Order XIII

(a) deleting the phrase “the first hearing of the suit” appearing in rule 1(1) and substituting for it the phrase “on or before final pre-trial settlement and scheduling conference”;

(b) adding immediately after subrule (2) the following:

“(3) The provisions of this rule shall not apply to the documents-

- (a) produced for cross-examination of the witness of the other party; or
- (b) handed over to a witness for refreshing his memory.”.

Amendment
of Order
XVIII

8. The principal Schedule is amended in Order XVIII-
(a) by deleting rule 10 and substituting for it the following:

- “10.- (1) Evidence of each witness shall be-
- (a) taken down in the language of the court;
 - (b) taken down in writing or in any other manner of recording that may reduce such evidence in a readable form, by or under the personal direction and superintendence of the presiding judge or magistrate;
 - (c) recorded in a narrative form, and not in the form of questions and answers; and
 - (d) signed or authenticated in any legally acceptable manner by the presiding judge or magistrate.

(2) Where the evidence of a witness is recorded in a manner that may be reduced into a readable form, the evidence may be taken in the form of question and answer and the transcript of that evidence shall be signed or authenticated in any other legally acceptable way by the presiding judge or magistrate.”;

- (b) by inserting in rule 12, the words “and such notes whether are recorded in the manner that can be reduced into a readable form or otherwise, shall form part of the record of the court” immediately after the word “examination”; and
- (c) by inserting in the proviso to rule 15(1), the words “judge in charge or magistrate in charge or” between the words “by” and “the”.

Amendment
of Order XX

9. The principal Schedule is amended in Order XX rule 8 by deleting the words “a deputy registrar or a district registrar” and substituting for them the words “or deputy registrar”.

Amendment
of Order
XXXIX

10. The principal Schedule is amended in Order XXXIX rule 35 (5) by inserting a word “or” between the words “Registrar” and Deputy Registrar” and deleting the words “or the District Registrar” appearing immediately after the words “Deputy Registrar”.

Amendment
of Order
XLIII

11. The principal Schedule is amended in Order XLIII rule 1 by deleting the words “or District” appearing at the opening phrase between the words “Deputy” and “Registrar”.

Dodoma,
26th September, 2024

IBRAHIM HAMIS JUMA,
Chief Justice

I CONSENT

Dodoma,
27th September, 2024

PALAMAGAMBA J. A. M. KABUDI,
*Minister for Constitutional
and Legal Affairs*