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

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RULES

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(Made under section 4)

THE JUDICATURE AND APPLICATION OF LAWS (PANEL CONSTITUTION) RULES, 2025

ARRANGEMENT OF RULES

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THE OFFICE OF THE ATTORNEY GENERAL TANZANIA
PROFESSIONALISM & EXCELLENCE

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THE JUDICATURE AND APPLICATION OF LAWS (PANEL CONSTITUTION) RULES, 2025

Citation

1. These Rules may be cited as the Judicature and Application of Laws (Panel Constitution) Rules, 2025.

Application

2. These Rules shall apply to the High Court.

Interpretation

3. In these Rules, unless the context otherwise requires "court" means the High Court.

Constitution of panel

4.-(1) The Chief Justice may direct that any matter before the High Court be heard and determined by a panel of judges where, in his opinion, such matter is likely to raise a complex legal or factual issue, or both.

(2) Where a matter is directed to be heard and determined by a panel of judges, the court shall be properly constituted for the purpose of hearing and determining such matter if presided over by such number of judges as directed by the Chief Justice.

(3) The provisions of this rule shall not apply to any matter for which the constitution of the court has been prescribed in any other written law.

Composition of panel

5. The number of judges constituting a panel under these Rules shall be an odd number.

Temporal absence of judge

6. Where at the time appointed for a sitting of the court one or more judges are absent, the judges present may adjourn the sitting on such terms as they deem fit.

Inability of judge

7. Where at any stage of the proceedings any judge is, for any reason, unable to proceed with the proceedings, and-

(a) where the remaining judges are two or more in number-

(i) notwithstanding the provisions of rule 4(2), the hearing shall continue before the remaining judges; and

(ii) the decision of the majority of the remaining judges shall, if that majority is the majority of the judges before whom the hearing commenced, be the decision of the court;

(b) where there is only one judge remaining-

(i) the Chief Justice shall substitute the judges who have been unable to proceed with the proceedings; and

(ii) the proceedings shall commence afresh unless, for the reasons to be recorded, the interest of justice requires otherwise, and all substitute judges agree to proceed from where the proceedings had ended or any other stage of the proceedings.

Decision of court

8.-(1) Any decision of the court shall be in accordance with the opinion of a majority of the judges presiding.

(2) Unless otherwise provided under any other written law, where-

(a) the judges are equally divided in opinion; or

(b) the proceedings proceeded in accordance with the provisions of rule 7(a) and the decision of the majority of the remaining judges does not constitute the majority of the judges before whom the hearing commenced-

(i) in case the court is exercising its appellate or revisional jurisdiction,

the decision challenged shall be affirmed; and

(ii) in case the court is exercising its original jurisdiction, the matter shall be dismissed.

Dodoma,
4th September, 2025

GEORGE MCHECHE MASAJU,
Chief Justice

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