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SUBSIDIARY LEGISLATION

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

RULES

(Made under section 4)

THE JUDICATURE AND APPLICATION OF LAWS (CONSTITUTIONAL PETITIONS)
(PRACTICE AND PROCEDURE) RULES, 2025

ARRANGEMENT OF RULES

<i>Rule</i>	<i>Title</i>
1.	Citation.
2.	Application.
3.	Interpretation.
4.	Petition.
5.	Contents of petition.
6.	Service of petition.
7.	Reply to petition.
8.	Consolidation of petitions.
9.	Friend of Court and interested party.
10.	Constitution of Court.
11.	Withdrawal.
12.	Costs.
13.	Matters not provided for in these Rules.

GN. NO.540 (Contd.)

- (b) name and address of each person against whom redress is sought;
- (c) grounds upon which redress is sought;
- (d) specific provisions of the Constitution which are the basis of the petition;
- (e) particulars of the facts, but not the evidence to prove such facts, relied on; and
- (f) nature of the redress sought.

Service of petition

6.-(1) A petitioner shall, within seven days after filing a petition, serve a copy of the petition on the respondent.

(2) The petitioner shall, within three days before the hearing date, file in Court an affidavit stating-

- (a) the names, address of the place and date of service on all persons who have been served with the petition; and
- (b) the fact and reasons why the service has not been effected to a person who ought to be served under the provisions of this rule.

(3) Where the Court is of the opinion that a person who ought to have been served with a copy of the petition has not been served, it may adjourn the hearing to facilitate the process of serving such person.

Reply to petition

7.-(1) The respondent shall, within fourteen days of service of the petition, file a reply to the petition accompanied by a counter affidavit.

(2) Where the respondent fails to file a reply to the petition within the time stated under subrule (1), the Court may hear and determine the petition *ex -parte*.

Consolidation of petitions

8. The Court may, upon application or on its own motion, consolidate petitions relating to any matter pending against several parties in respect of the same matter and grounds.

Friend of Court and interested party

9.-(1) The Court may, upon request by any party, invite or allow any person with expertise in a particular

GN. NO.540 (Contd.)

issue to appear as a friend of the Court in the proceedings before it.

(2) The Court may, on application, allow any interested person to join in the proceedings.

Constitution of Court

10.-(1) A petition under these Rules shall be heard and determined by a panel of three judges of the Court assigned for that purpose by the Jaji Kiongozi.

(2) The petition shall be heard and determined within ninety days from the date of its institution:

Provided that, the Jaji Kiongozi may, in exceptional circumstances, extend the time for not more than forty-five days.

(3) The Court may, on its own motion or upon application by any party-

(a) receive evidence by affidavit in addition to or in substitution of oral evidence and may limit the time for oral submissions by the parties; or

(b) call, examine and allow the cross-examination of any witness if the Court is of the opinion that the evidence is likely to assist the Court to arrive at a just decision.

(3) A person summoned as a witness by the Court may, with leave of the Court, be cross-examined by parties to the petition.

Withdrawal

11.-(1) The petitioner may, by notice to and with leave of the Court, withdraw the petition.

(2) The Court shall, before granting leave to withdraw a petition, determine the effects of the withdrawal.

(3) Where the Court refuses to grant leave to withdraw a petition, it shall-

(a) state the reasons for refusal; and

(b) order the petitioner to proceed with the petition.

Costs

12. The Court shall have discretion to award costs, provided that it shall exercise such powers in a manner that does not hinder citizens access to the Court.

GN. NO.540 (Contd.)

Matters not
provided for in
these Rules
Cap. 3

13. Where there is any matter not provided for in these Rules, the practice and procedure applicable to the High Court to petitions under the Basic Rights and Duties Enforcement Act or the general practice and procedure applicable to the High Court shall apply *mutatis mutandis*:

Provided that, the practice and procedures applicable to the High Court to petitions under the Basic Rights and Duties Enforcement Act shall take precedence over the general practice and procedures applicable in the High Court.

Dodoma,
3rd September, 2025

GEORGE MCHECHE MASAJU,
Chief Justice

