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THE NATIONAL ELECTIONS ACT

(CAP. 343)

RULES

(Made under section 117)

THE NATIONAL ELECTIONS (ELECTION PETITIONS) RULES, 2020

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National Elections (Election Petitions)

GOVERNMENT NOTICE NO. 782 published on 18/9/2020

THE NATIONAL ELECTIONS ACT

(CAP. 343)

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RULES

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(Made under section 117)

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THE NATIONAL ELECTIONS (ELECTION PETITIONS) RULES, 2020

PART I

PRELIMINARY PROVISIONS

- Citation 1. These Rules may be cited as the National Elections (Election Petitions) Rules, 2020.
- Interpretation
Cap. 343 2. In these Rules unless the context otherwise requires:
"Act" means the National Elections Act;
"court" means the High Court of Tanzania or the High Court of Zanzibar as the case may be;
"election officer" means a Returning Officer, a presiding officer or any other officer upon whom any function of an official nature is conferred by the Act; and
"Registrar" means the Registrar of the court, acting Registrar, Deputy Registrar or acting Deputy Registrar.

PART II

PRESENTATION OF AN ELECTION PETITION

- Who may
petition an
election 3. Any of the persons described under section 111(1) of the Act may petition an election.

National Elections (Election Petitions)

Avoidance of election

4. Avoidance of election of a member of Parliament shall be by way of an election petition.

Form and contents of petition

5.-(1) Every petition shall carry a title substantially in Form A set out in the First Schedule to these Rules and shall state:

- (a) the name, description and place of residence of the petitioner including email address, fax number, telephone number and post code if available;
- (b) the name, description and place of residence of the respondent including email address, fax number, telephone number and post code if available, so far as they can be ascertained;
- (c) the grounds upon which the petitioner relies for the reliefs sought; and
- (d) the nature of the relief or reliefs sought by the petitioner.

(2) Every petition shall be divided into paragraphs numbered consecutively, each of which shall, as nearly as possible, be confined to a distinct portion of the subject matter.

Parties to petition

6.-(1) Except for a petition presented by the Attorney-General, in every petition the Attorney-General shall be made as one of the respondents.

(2) Where a petition alleges any misconduct or contravention of any provisions of any written law by the successful candidate or by any person acting for or on behalf of the successful candidate, the successful candidate shall be made a party to the petition in addition to the Attorney-General.

(3) Where a petition alleges any misconduct or contravention of any provisions of the Act or any written law by an election officer, such election officer shall be made a party to the petition in addition to the Attorney-General.

(4) In a petition presented by the Attorney-General, the Attorney-General may make all such persons parties to the petition as respondents who are likely to be adversely affected in the event of the relief sought by the Attorney-General being granted.

National Elections (Election Petitions)

Addition or substitution of parties

7.-(1) Where the only person made a party to a petition is the Attorney-General and in the opinion of the court it is desirable or necessary for the purpose of determination of the issues involved that the unsuccessful candidate or any other person be made a party to the petition, the court may by order direct that the unsuccessful candidate or such other person be made a party, and upon such order being made the proceedings shall be adjourned until such time as the person who is to be made a party has been served with a copy of the petition.

(2) Where in any petition the Attorney-General has been joined as a party with the unsuccessful candidate and the Attorney-General advises the court in writing that he has no interest in the petition, the court may, if it is satisfied that no misconduct on the part of any election officer is alleged, direct that the Attorney-General shall cease to be a party and the petition shall proceed between the petitioner and the remaining respondent or respondents as the case may be.

Presentation of petition

8-(1) A petition shall be presented within thirty days from the date of declaration of the results by lodging it with the Registrar and by paying the prescribed fee.

(2) The petition shall be filed in the court registry to which the constituency whose election is sought to be avoided is situated.

(3) A petition may be presented under this rule either by the petitioner himself or by his advocate.

(4) The petitioner shall supply the Registrar with three copies of the petition and with such additional number of copies as there may be respondents.

Rejection or amendment of petition during admission

9.-(1) Where a petition is not drawn up in the manner hereinbefore prescribed, it may be rejected and returned to the petitioner for the purpose of being amended within the time to be fixed by the Registrar.

(2) Where the Registrar rejects any petition, he shall endorse on the petition the reasons for such rejection and the date of its presentation and rejection.

National Elections (Election Petitions)

(3) Any person aggrieved by the decision of the Registrar rejecting the petition under this rule may refer the matter to a Judge for an ex-parte determination which shall be made within four days of filing.

(4) An application under subrule (3) may be made informally:

- (a) orally at the time when the decision is made; or
- (b) in writing within five days of the decision.

(5) Where the decision of the Registrar is reversed by the Judge, the petitioner may refile his petition and the time spent from when he filed the petition which was rejected and the decision of the Judge in the reference was pronounced shall be excluded in computing the time for filing the petition under section 115 (1) of the Act.

Service of
petition and
filing of reply

10.-(1) Where a petition has been presented and has not been rejected or returned to the petitioner, the Registrar shall, within five days:

- (a) send to the election officer a copy of the petition together with a notice in the prescribed Form B set out in the First Schedule to these Rules;
- (b) cause to be served upon each respondent a copy of the petition together with a notice in the prescribed Form C set out in the First Schedule to these Rules;
- (c) post on the court's notice board a certified copy of the petition.

(2) Service of the documents referred to in subrule (1)(b) shall be effected by personal service.

(3) Where the court is satisfied that:

- (a) the respondent cannot be found;
- (b) the respondent has refused to accept service of the documents;
- (c) personal service cannot be effected without considerable delay or expense; or
- (d) it is otherwise desirable to do so,

it may direct service of documents by substituted service in such manner as the court may direct.

(4) Unless the respondent does not intend to oppose the petition, he shall, upon being served with the copy of the

petition, file in the court his reply within fourteen days from the date of service of the petition.

Electronic filing and service of documents GN.148 of 2018

11. Where these Rules require the filing of a document in the court or its service, the filing or service as the case may be, may be effected electronically and the Judicature and Application of Laws (Electronic Filing) Rules, shall apply *mutatis mutandis*.

Security for costs

12.-(1) The petitioner shall, within fourteen days after filing a petition, make an application for determination of the amount payable as security for costs.

(2) The procedure for deposit of security for costs shall be as provided for under section 111 of the Act.

(3) Where a petitioner is financially able and willing to deposit five million shillings which is the maximum amount of security for costs provided for under section 111(2) of the Act, he shall not be required to make an application for determination of the amount payable as security for costs under section 111(3) of the Act but he shall, within fourteen days of filing the petition deposit that amount.

Cap. 21

(4) No security for costs shall be payable by a petitioner who has been granted legal aid under the Legal Aid Act.

PART III
LIST OF OBJECTED VOTES AND COMPLAINTS ON POLLING
STATION ELECTION RESULTS

List of objected votes

13.-(1) Where scrutiny under the provisions of section 116 (1) (d) of the Act is sought either by the petitioner or a respondent, the party seeking such scrutiny shall, in not less than six days before the day fixed for the hearing of the petition, lodge with the Registrar a list of votes intended to be objected by him and of the objections to each vote; and no evidence shall be adduced at the trial against the validity of any vote or in support of any head of objection not specified in the list, save with the leave of the court and upon such terms as the court may order.

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(2) The party lodging a list in accordance with the provisions of subrule (1) shall at the same time deliver to the Registrar two copies of the list and such additional number of copies as there may be parties to the petition.

(3) The Registrar shall cause a copy of the list to be sent to the Returning Officer and to every other party to the petition.

Complaints
on polling
station
election result

14.-(1) Where the petitioner intends to allege that, any candidate other than the respondent was elected, he shall, in not less than six days before the day fixed for the hearing of the petition, lodge with the Registrar a list of the polling station election results upon which he intends to rely.

(2) Where a petitioner lodges with the Registrar a list in accordance with the provisions of subrule (1), he shall supply the Registrar with two copies of such list and such additional number of copies as there may be parties to the petition.

(3) The Registrar shall cause a copy of the list to be sent to the Returning Officer and to every other party to the petition.

(4) No petitioner shall be heard in support of any ground of complaint not set forth in the list required to be lodged under this rule, save by leave of the court and upon such terms as the court may order.

Fixing of
hearing date

15.-(1) Subject to these Rules, upon completion of pleadings, the Registrar shall, as soon as practicable, arrange for the parties or their advocates to appear before him for the purpose of fixing a date for the hearing of the petition.

(2) Where any party fails to appear before the Registrar upon being required by him to do so, the Registrar shall proceed to fix a hearing date in the absence of such party and shall inform the party in writing of the date of hearing so fixed.

(3) Notwithstanding any other provision of these Rules, where the matter is required to be heard or where parties are required to appear before the court, such hearing or appearance, as the case may be, may be through:

(a) the video conference system hosted or approved by the Judiciary of Tanzania; or

(b) teleconference.

(4) The hearing by video conference or teleconference

Cap.6 shall be in accordance with the Evidence Act.

PART IV
TRIAL AND ELECTION PETITIONS PROCEDURE

Place and time of trial 16.-(1) Subject to the provisions of section 110 (1) of the Act, the trial of a petition shall be held at such time and place as the Registrar may determine.

(2) The Registrar may, and shall, if so directed by the court, give notice of the day, time and place of the trial to each party, and post such notice on the court's notice board or in such newspapers as he may think fit or, as the court may direct.

(3) Every petition shall be tried in open court.

Consolidation of petitions 17. Where two or more petitions are presented in relation to the same election, the court may direct that some or all of such petitions be consolidated and tried as one petition.

Trial by more than one Judge 18.-(1) Where, in the opinion of the Chief Justice, a petition is likely to raise complicated questions of law or of fact, he may direct that the petition shall be tried by more than one Judge.

(2) Where a petition is tried by more than one Judge, the petition shall be determined in accordance with the decision of the majority of the judges.

Production of documents 19.-(1) The parties or their advocates shall produce, at the first hearing of the petition, all the documentary evidence of every description in their possession or power, on which they intend to rely and which has not already been filed in court, and all documents which the court has ordered to be produced.

(2) The court shall receive the documents so produced provided that they are accompanied by an accurate list thereof prepared in such form as the court may direct.

Cap. 33 and Cap. 8 (Zanzibar) (3) The procedure for production of documents shall be regulated, as nearly as possible, in accordance with Order XIII of the Civil Procedure Code or Order XV of the Civil Procedure Decree, as the case may be.

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Preliminary hearing

20.-(1) As soon as the pleadings are complete, the court shall conduct a preliminary hearing in the presence of the parties or their advocates to consider such matters as are not in dispute between the parties and which will promote a fair and expeditious trial.

(2) The court shall ascertain from the parties and pleadings, as to which legal or factual material propositions are not in dispute.

(3) At the conclusion of the preliminary hearing under this rule, the court shall prepare a memorandum of matters agreed and such memorandum shall be read over and explained to the parties or their advocates.

(4) The memorandum made under sub-rule 3 shall be signed by the parties or their advocates and the Judge.

(5) Any fact or document admitted or agreed in a memorandum filed under this rule shall be deemed to have been duly proved; save that if, in the course of the trial, the court is of the opinion that the interests of justice so demand, it may direct that any fact or document admitted or agreed in a memorandum filed under this rule be formally proved.

Framing of issues

21.-(1) After the conclusion of preliminary hearing, the court shall further ascertain matters of which the parties are at variance and shall thereupon proceed to frame and record issues on which the right decision of the petition appears to depend.

Cap. 33 and
Cap. 8
(Zanzibar)

(2) The framing of issues shall be regulated, as nearly as possible, in accordance with Order XIV of the Civil Procedure Code or Order XVI of the Civil Procedure Decree, as the case may be.

Hearing of petition

22.-(1) Hearing of election petitions before the court shall be by way of witness statement in lieu of evidence-in-chief.

(2) Witnesses shall be summoned and sworn in the same manner as nearly as circumstances admit, as in a trial by the court in the exercise of its original civil jurisdiction and shall, without prejudice to the provisions of any other written law, be subject to the same penalties for giving false evidence or for non-attendance.

(3) After preliminary hearing, the petitioner shall, in not less than forty-eight hours before the time fixed by court for trial of an election petition deliver at the Office of the Registrar a statement by each witness whom he intends to call at the trial, setting out the substance of his evidence.

(4) The respondent shall, within forty-eight hours of the closure of the petitioner's case deliver at the Office of the Registrar a statement by each witness whom he intends to call in defence, setting out the substance of his evidence.

(5) A witness statement under this rule shall:

- (a) be made on oath or affirmation;
- (b) contain the name, age, address and occupation of the witness;
- (c) so far as reasonably practicable, be in the intended witness own words;
- (d) sufficiently identify any document to which the statement refers without repeating its contents unless it is necessary in order to identify the document;
- (e) not include matters of information or belief which are not admissible and where admissible, shall state the source of matters of information or belief;
- (f) neither contain lengthy quotation from documents or engage in legal or other arguments;
- (g) include a statement by the intended witness that he believes the statements of fact in it to be true;
- (h) be dated and signed or otherwise authenticated by the intended witness;
- (i) be in numbered paragraphs; and
- (j) be in the language of the court.

(6) Where the witness is not conversant with the language of the court, but can make himself understood and can understand the written language of the court, the statement need not be in his own words:

Provided that, these matters are indicated in the statement itself and recorded so as to express as accurately as possible the substance of his evidence.

(7) The witness statement shall be substantially in Form D set out in the First Schedule to these Rules.

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(8) Each witness statement shall be enclosed in a sealed envelope together with sufficient certified true copies for each Judge, all other petitioners in the same petition and the respondents, and shall be opened by the court when the witness who has given a statement is called to give evidence.

Procedure
during
hearing

23.-(1) A party on whose behalf a witness statement has been filed shall cause the attendance of his witness during the hearing for the purpose of formal production of his statement and tendering of exhibits, if any.

(2) When a witness appears for formal production of his statement and tendering of exhibits, he shall be sworn in the manner prescribed by the law in force as to swearing of witnesses.

(3) Once the witness statement has been formally produced in court, it shall form part of the record of the trial and it shall be read loudly by or on behalf of the witness.

(4) The witness whose statement has been formally produced may be cross-examined and re-examined.

(5) A witness whose statement has not been delivered under rule 22 (3), (4) or has been delivered in contravention of rule 22 (8) shall not be permitted to give evidence without leave of the court, and the court shall not grant such leave unless good cause is shown for such failure.

Court witness

24.-(1) In the course of the trial of an election petition under the Act, the court may, by order, compel the attendance of any person as a witness who appears to the court to have been involved in the election to which the petition refers.

(2) The court may examine any witness compelled to attend under sub-rule (1) and after the examination of such witness by the court, the witness may be cross examined by or on behalf of the petitioner, the respondent and the Attorney General or his representative, if present, or any of them; and

(3) Any person refusing to obey an order of the court under sub-rule (1) commits an offence of contempt of court under the Penal Code and Penal Act.

Cap. 16 and
Act No. 6 of
2018
(Zanzibar)

(4) The provisions of rule 22 and 23 of these Rules shall not apply to a witness summoned by the court under this rule.

Application of
Civil
Procedure
Code

25.-(1) Subject to the provisions of the Act and of these Rules, the hearing, practice and procedure in respect of a petition shall be regulated, as nearly as may be, by the rules regulating the practice and procedure in a civil suit.

Cap. 33 and
Civil
Procedure
Decree, Cap.
8 (Zanzibar)

(2) Without prejudice to the generality of the provisions of subrule (1) the provisions of the First Schedule to the Civil Procedure Decree, as the case may be, which relate to the discovery and inspection of documents, admissions, production, impounding and returning of documents, transfer of proceedings, settlement of issues and determination of suits, summoning of witnesses, awarding of costs, judgments and execution of decrees, shall apply *mutatis mutandis* to the proceedings on a trial of a petition and to the enforcement of orders for costs made by the court.

Grounds not
pleaded

26. The petitioner shall not, save with the leave of the court, argue or be heard in support of any ground not set forth in the petition:

Provided that the court shall not, in determining a petition, be confined to the grounds set forth in the petition.

Postponement
of trial

27.-(1) The court may, by order made on the application of a party to a petition and supported by an affidavit, and after notice to the other parties or of its own motion by notice in such form as the court may direct, postpone the commencement of the trial to such day as it may specify.

(2) A copy of the notice and of the order issued under the provisions of subrule (1) shall be sent by the Registrar to each party to the petition and another copy shall be posted on the court's notice board.

(3) Where by reason of the absence of the Judge, the trial cannot commence or where it has commenced, cannot proceed on the day appointed for the trial or continuation with the trial, it shall stand adjourned to the following day, or any

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date convenient to the court until a Judge is available to try the petition.

(4) Where the commencement of the trial has been postponed under the provisions of subrule (3) and there is no likelihood that the assigned Judge will be available within the next thirty days, another Judge shall be re-assigned to proceed with the trial.

Prohibition of adjournments

28. When the hearing of the petition has commenced, it shall be continued from day to day until all the witnesses in attendance have been examined, unless the court finds the adjournment of the hearing beyond the following day to be necessary for reasons to be recorded.

Inability of Judge

29.-(1) Where the Judge who has begun the trial of a petition is prevented by reason of illness, death or other reasonable cause from concluding the trial, another Judge may be re-assigned the petition within fourteen days and such successor Judge may deal with any evidence or memorandum taken down as if such evidence or memorandum has been taken down or made by him and may proceed with the petition from the stage at which his predecessor left it.

(2) A successor Judge shall record the reasons for taking over before he proceeds with the trial.

Failure of petitioner to appear

30.-(1) Where the petitioner fails to appear when the petition is called on for hearing, the court may dismiss the petition.

(2) Where a petition has been dismissed under subrule (1) the court may, upon application, re-admit it if the petitioner satisfies the court that his failure to appear on the day of the hearing was due to a reasonable cause.

Failure of respondent to appear

31. Where the respondent fails to appear when the petition is called on for hearing, the court may proceed to try the petition in his absence.

Appearance by advocate

32. For the purposes of these Rules, appearance by an advocate shall be deemed to be appearance by the party he

represents.

Withdrawal of
petition

33.-(1) The petitioner may, at any stage after the petition has been lodged and before a decision has been delivered, by notice in writing addressed to the Registrar, withdraw the petition subject to such terms relating to costs as the court may deem fit to order.

(2) Where a petitioner withdraws a petition, he shall not be entitled to file a fresh petition in respect of the same election:

Provided that, where the court is satisfied that the petition was withdrawn for the reason that it would have been defeated on the ground of any procedural irregularity, the court may allow the petitioner to lodge a fresh petition in respect of the same election subject to the law of limitation.

(3) Where there are two or more petitioners, the petition shall not be withdrawn save on application in writing by all the petitioners.

Abatement of
petition

34.-(1) A petition shall abate upon the death of a sole petitioner or of the sole surviving petitioner and where the petition seeks:

- (a) a declaration that the election is void;
- (b) a declaration that the nomination of the person elected was invalid; or
- (c) a declaration that any candidate was duly elected, by the death of the successful candidate.

(2) Where a petition abates by reasons prescribed under subrule (1), the court may, if it considers just to do so, award to the respondent or, where there are two or more respondents, to each respondent, such costs as the court may deem proper:

Provided that, the amount of costs awarded to a respondent under this rule shall not exceed the amount of costs for which the petitioner had given as security in respect of that respondent.

Petition not to
be dismissed
for reason of
irregularity

35.-(1) Save as expressly provided for to the contrary in these Rules, no petition shall be dismissed only for the reason of non-compliance with any of the provisions of these Rules or any other procedural irregularity unless the court is of the opinion

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that such non-compliance or irregularity has resulted or is likely to result in a miscarriage of justice.

(2) Where there has been any non-compliance with any of the provisions of these Rules or any other procedural irregularity, the court may require the petitioner, subject to such terms as to costs or otherwise as the court may direct, to rectify the non-compliance or irregularity in such manner as the court may order.

(3) Where the order has been made under subrule (2) and the petitioner fails to comply with such order within such time as the court may specify, the court may dismiss the petition.

Fees

36.-(1) The fees prescribed in the Second Schedule to these Rules shall be payable in respect of matters specified in the Schedule in relation to the fees.

Cap.21 and
Act No.
13 of 2018
(Zanzibar)

(2) No fees shall be payable by a party who has been granted legal aid under the Legal Aid Act.

Revocation
GN. No. 447
of 2010

37. The National Elections (Election Petitions) Rules, 2010 are hereby revoked.

—————
FIRST SCHEDULE
—————

(Made under rule 5, 10 and 22)
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FORM A

IN THE HIGH COURT OF TANZANIA/ZANZIBAR

..... District Registry

At

ELECTION PETITION No. OF 20.....

In the matter of Election Petition under the National Elections
Act and the National Elections (Election Petitions) Rules

..... Petitioner (s)

versus

..... Respondent (s)

ELECTION PETITION

[Rule 5 (1)]

FORM B

IN THE HIGH COURT OF TANZANIA/ZANZIBAR

..... District Registry

At

ELECTION PETITION No. OF 20.....

In the matter of Election Petition under the National Elections Act and the National Elections (Election Petitions) Rules

..... Petitioner (s)

versus

..... Respondent (s)

NOTICE OF FILING ELECTION PETITION

[Rule 10 (1) (a)]

To: The Director of Elections
The National Electoral Commission,
DODOMA.

Take notice that the petition, a copy of which is enclosed herewith, was lodged in the Court at on the day of 20.....

Date:.....

.....
Registrar

FORM C

IN THE HIGH COURT OF TANZANIA/ZANZIBAR

..... District Registry

At

ELECTION PETITION No. OF 20.....

In the matter of Election Petition under the National Elections Act and the National Elections (Election Petitions) Rules

..... Petitioner (s)

versus

..... Respondent (s)

NOTICE OF FILING REPLY TO ELECTION PETITION AND APPEARANCE

[Rule 10 (1) (b)]

To:
.....
.....(Name and address of the Respondent).

Take notice that the petition, a copy of which is annexed hereto, was lodged in this court on the day of of 20.....

You are hereby required to file a reply to the petition within fourteen days from the date of service of the petition and appear before me at Court/Registry on the day of, at

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o'clock in the forenoon for the purpose of fixing a date for the hearing of the petition.

Date:

Registrar

Copy to: (Name and address of the Petitioner).

FORM D

IN THE HIGH COURT OF TANZANIA/ZANZIBAR

.....District Registry

At

ELECTION PETITION No. OF 20.....

In the matter of Election Petition under the National Elections Act and the National Elections (Election Petitions) Rules

..... Petitioner (s)

versus

..... Respondent (s)

WITNESS STATEMENT

[Rule 22 (7)]

For..... (Insert the name of the party for whom the statement is made) By: Mr/Mrs/Ms.....
Of P.O. BOX

National Elections (Election Petitions)

1st / 2nd/3rd/4th/6th/7th

Witness statement

Documents/objects referred to

Date

1. Body of Witness Statement

- 1.1. Unless it is impracticable, the witness statement shall be in the intended witness's own words, the statement shall be expressed in the first person and shall also state:
- (a) The full name of the witness, his place of residence and if he is making the statement in his professional, or occupational capacity, the address at which he works, the position he holds and the name of his firm or employer; and
 - (b) The fact that he is a party to the proceedings.

2. A witness statement shall indicate:

- (a) Which of the statements in it are made from the witness's own knowledge and which are matters of information or belief; and
- (b) The source of information or basis of belief in the relevant paragraphs.

3. Reference to documents/objects

- 3.1. Documents/objects used in conjunction with a witness statement shall be verified and identified by the witness and remain separate from the witness statement.
- 3.2. Where a witness refers to a document or object, he shall state "I refer to the (description of document/object) marked".
- 3.3. At the top right end corner of the first page (and on the back sheet) of each document/object there shall be clearly written:
- (a) the party on whose behalf it is sought to be tendered;
 - (b) the initials and surname of the witness;
 - (c) the number of the witness statement in relation to that witness; and
 - (d) the identifying initials and number of each document/object referred to.
- 3.4. Where a witness makes more than one witness statement to which there are documents/objects, in the same proceedings, the numbering of the

documents/objects shall run consecutively throughout and not start again with each witness statement.

4. Format of witness statement

4.1. A witness statement shall:

- (a) be produced on durable quality A4 paper with a 3.5cm margin;
- (b) be fully legible and shall normally be typed on one side of the paper only;
- (c) Where possible, be bound securely in a manner which would not hamper filing, or otherwise each page shall be endorsed with the case number and shall bear the initials of the witness;
- (d) Have the pages numbered consecutively as a separate statement (or as one of several statements contained in a file);
- (e) Be divided into numbered paragraphs;
- (f) Have all numbers, including dates expressed in figures, and
- (g) Give the reference to any document or documents mentioned either in the margin or in bold text in the body of the statement.

4.2. A witness statement shall follow the chronological sequence of the events or matters dealt with. Each paragraph shall as far as possible be confined to a distinct portion of the subject.

5. Statement of Truth

5.1. A witness statement is the equivalent of the oral evidence which that witness would, if called, give in evidence; it must include a statement by the intended witness that he believes the facts in it are true.

5.2. To verify a witness statement the statement of truth shall be as follows: 'I verify that the facts stated in this statement are true'

6. Jurat

Every Commissioner for Oaths before whom the witness statement is taken or made shall insert his name and state truly in the jurat of attestation at what place and on what date the statement is taken or made and shall affix his stamp.

National Elections (Election Petitions)

SECOND SCHEDULE

(Made under rule 36)

FEES

1.	On filing a petition	Tshs. 200,000/=
2.	On filing an amended petition or on amending a petition	Tshs. 50,000/=
3.	On filing a reply to the petition	Tshs. 100,000/=
4.	On filing an amended reply to a petition	Tshs. 50,000/=
5.	On the filing of an application for determination of security for costs	Tshs. 50,000/=
6.	On the filing a counter affidavit	Tshs. 20,000/=
7.	On filing a list under rule 13 (1)	Tshs. 50,000/=
8.	On filing a list of objections under rule 14 (1)	Tshs. 50,000/=
9.	For any other matter	The same fee as payable for a corresponding matter in a civil suit before the court.

Dar es Salaam,
16th September, 2020

IBRAHIM HAMIS JUMA
Chief Justice