

CHAPTER 341
THE ADVOCATES ACT
[PRINCIPAL LEGISLATION]
ARRANGEMENT OF SECTIONS

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**CHAPTER 341
THE ADVOCATES ACT**

An Act to provide for the law relating to advocates and for connected matters.

[1st January, 1955]

Ords. Nos.
25 of 1954
18 of 1957
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C.A. 2 of 1962
16 of 1963
39 of 1969
11 of 1971
22 of 1983
12 of 1990
9 of 1996
31 of 1997
G.Ns. Nos.
347 of 1961
433 of 1961
490 of 1962
154 of 1971
92 of 1975
515 of 1991

**PART I
PRELIMINARY PROVISIONS (ss 1-3)**

1. Short title

This Act may be cited as the Advocates Act.

2. Interpretation In this Act, unless the context otherwise requires—

"advocate" means any person whose name is duly entered as an advocate upon the Roll;

"client" includes any person who, as a principal or on behalf of another, or as a trustee or personal representative, or in any other capacity, has power, expressed or implied, to retain or employ, and retains or employs or is about to retain or employ, an advocate and any person who is or may be liable to pay to an advocate any costs;

"Committee" means the Advocates Committee established under section 4;

"costs" includes fees, charges, disbursements, expenses and remuneration;

"Council" means the Council of Legal Education established by section 5A;

"East African country" means the United Republic of Tanzania, Kenya and Uganda;

"Law Society" means the Tanganyika Law Society established under the Tanganyika Law Society Act *;

"Minister" means the Minister responsible for justice;

"parastatal organisation" means—

- (a) a body corporate established by or under any written law other than the Companies Act *;
- (b) a trade union registered under the Trade Unions Act;
- (c) a company registered under the Companies Act * not less than fifty *per centum* of the issued share capital of which is owned by the Government, a local government authority or a parastatal organisation or, where the company is limited by guarantee, a company in respect of which the amount that the Government, a local government authority or a parastatal organisation or, where the company is limited by guarantee, a company in respect of which the amount that the Government, a local government authority or a parastatal organisation has, as member, undertaken to contribute in the event of the company being wound up, is not less than fifty *per centum* of the aggregate amount which all the members have undertaken to contribute; and references in this paragraph to a parastatal organisation include references to any such company;

"practising certificate" means a certificate issued by the Registrar to an advocate, authorising him to practise as such within Tanzania, pursuant to the provisions of Part VI;

"Registrar" means the Registrar of the High Court;

"Remuneration Committee" means the Committee established under the provisions of Part VIII;

"Roll" means the list of advocates kept in accordance with the provisions of Part IV;

"taxing officer" means the taxing officer of the High Court.

3. Certain officers exempt from provisions of the Act (1) Every officer to whom this section applies shall, in connection with the duties of his office, be entitled to practise as an advocate in the High Court or in any court subordinate thereto constituted under the Magistrates' Courts Act * and to perform any of the functions which, in England, may be performed by a member of the Bar as such or by a solicitor of the Supreme Court of Judicature as such, and provided, be subject to the provisions of this Act.

(2) The officers to whom this section applies are—

- (a) the Attorney-General, Parliamentary Draftsmen and State Attorneys, and any person duly qualified holding office in the Attorney-General's Chambers;
- (b) the legal secretary Income Tax Department;
- (c) any person duly qualified holding office in any municipality established under the Local Government (Urban Authorities) Act * or any township authority established under the Local Government (District Authorities) Act *;
- (d) the Registrar-General, Administrator-General, Public Trustee, Official Receiver, Commissioner for Lands and any person duly qualified holding office in the office of the Registrar-General, or of the Administrator-General, or of the Official Receiver or the Land Officer;
- (e) any person duly qualified holding office in such parastatal organisation as the Minister may, by order published in the *Gazette*, designate for the purposes of this section.

(3) For the purposes of this section "person duly qualified" means a person who

is the holder of one of the professional qualifications set out in paragraph (a) of subsection (1) of section 8.

PART II

ADVOCATES COMMITTEE (ss 4-5)

4. Establishment of an Advocates Committee (1) There shall be established for the purposes of this Act a committee to be called the Advocates Committee consisting of—

- (a) a Judge of the High Court of the United Republic nominated by the Chief Justice;
- (b) the Attorney-General, or the Deputy Attorney-General or Director of Public Prosecutions;
- (c) a practising advocate nominated by the Council of the Law Society.

(2) During the temporary incapacity or absence from Tanzania of the member nominated by the Council of the Law Society, such Council may nominate any practising advocate to act as a temporary member in the place of such member until his recovery from incapacity or his return, as the case may be, or until the expiration of his period of office, whichever first occurs.

(3) During the temporary incapacity or absence from Tanzania of the High Court Judge nominated by the Chief Justice, the Chief Justice may nominate another Judge of the High Court to act as a member of the Committee and such Judge may so act.

(4) The High Court Judge shall be the chairman of the Committee and shall preside at all meetings of the Committee. In the absence from any meeting of the High Court Judge duly nominated by the Chief Justice either under subsection (1) or subsection (3), the Attorney-General, the Deputy Attorney-General or the Director of Public Prosecutions, shall be the chairman of the meeting.

(5) Two members of the Committee, one of whom shall be the Attorney-General or the Deputy Attorney-General, and the Director of Public Prosecutions shall form a quorum.

(6) Any question before the Committee shall be decided by a majority of votes of the members present and voting; in the event of equality of votes the chairman of the meeting shall, in addition to his deliberative vote as a member of the Committee, have a casting vote.

(7) Where the conduct of the member nominated by the Council of the Law Society is the subject matter of an application or allegation made under the provisions of section 13, such member shall be disqualified to sit as a member of, or vote at, any meeting during which such application or allegation is considered or determined by the Committee, and in any such case the Committee may nominate any practising advocate to act as a temporary member in the place of such nominated member for the purposes of such meeting.

(8) The Committee may appoint any public officer to be a secretary to the Committee.

5. Attorney-General to fix times and places for meetings of Committee

Meetings of the Committee shall be held at such times and places as the Attorney-General shall fix.

PART III

COUNCIL OF LEGAL EDUCATION (ss 5A-5B)

5A. Establishment and procedure of Council (1) There is hereby established a Council of Legal Education which shall consist of—

- (a) the Chief Justice or his representative;
- (b) the Attorney-General or his representative;

- (c) the Dean of the Faculty of Law of the University of Dar es Salaam or his representative; and
 - (d) two practising advocates elected by the Law Society.
- (2) The members of the Council elected by the Law Society shall hold office for such period, not exceeding three years, as the Law Society may determine and shall be eligible for re-election.
- (3) The meetings of the Council shall be held at such times and places as the Chairman may determine.
- (4) At any meeting of the Council three members thereof, of whom one shall be either the Chairman or the Attorney-General or his representative, shall constitute a quorum.
- (5) Questions coming before the Council shall be determined by a majority of votes of the members present and voting but the Chairman shall have no casting vote.
- (6) Subject to the provisions of this section the Council may regulate its own procedure.

5B. Functions of Council The functions of the Council shall be to exercise the functions conferred upon it by or under this or any other law and to exercise general supervision and control over legal education in Tanzania for the purposes of this Act and to advise the Government in relation thereto.

PART IV ROLL OF ADVOCATES (ss 6-9)

6. Registrar to keep the Roll of advocates

The Registrar shall keep, in accordance with the provisions of this Act and of any regulations made thereunder, a Roll of all advocates.

7. Roll and precedence of existing advocates

The Registrar shall enter upon the Roll the name of every person who is qualified to practise as an advocate in Tanzania; and the order of entry of such names shall be according to the precedence of such persons as between themselves.

8. Admission and enrolment of advocates (1) A person may apply to the Chief Justice to be admitted as an advocate—

- (a) if he holds one of the following professional qualifications, that is to say—
 - (i) if he is the holder of a degree in law granted after examination by the University of East Africa or the University of Dar es Salaam by such other university or other institution as may be recognised by the Council for the purposes of this section;
 - (ii) if he is a legal practitioner (by whatever name called) and thereby has a right of audience before any court having unlimited jurisdiction in civil and criminal matters in any Commonwealth country or in any other country designated by the Minister for the purposes of this section;
 - (iii) if he is a Solicitor of the Supreme Court in England, Northern Ireland or the Republic of Ireland, a Writer to the Signet, a Solicitor in the Supreme Court of Scotland, or a person admitted or deemed to have been admitted as a solicitor under the Solicitors (Scotland) Act, 1933, of the United Kingdom, or if he is the holder of any similar qualification which is accepted by the Council as a professional qualification for the purposes of this subparagraph; and
- (b) subject to the provisions of subsection (2), if either—
 - (i) he has complied with such requirements (whether relating to instruction or examination or otherwise) as to the acquisition of professional experience as may be specified in regulations made hereunder by the Council; or

(ii) he has been in continuous practice as an advocate in Kenya, Uganda or Zanzibar during the five years immediately preceding his application.

(1A) The Council may exempt any person from all or any of the requirements specified under subparagraph (i) of paragraph (b) of subsection (1).

(2) Every application made under this section shall be by petition to the Chief Justice in such form and manner and on payment of such fee as may be prescribed.

(3) Upon an application being made under this section and upon proof to his satisfaction of the qualification and suitability of the applicant, the possession by the applicant of an adequate knowledge of the language of the Court, and upon production of such testimonials as to character as he may require, the Chief Justice shall, unless cause to the contrary is shown to his satisfaction, by writing under his hand and in such manner and form as he may, from time to time, think fit, admit the applicant as an advocate.

(3A) There shall be endorsed on each certificate of admission issued by the Chief Justice words to the effect that the certificate in itself is not a licence to practise as an advocate.

(4) The Registrar, upon production of an admission certificate signed by the Chief Justice, and on payment to the Registrar of the prescribed fee, shall enter on the Roll the name of the person so admitted.

(5) Nothing in this section shall prejudice or affect the qualification or status of any person who immediately before the commencement of this Act was qualified to practise as an advocate according to the law then in force.

(6) All reports and communications under this section shall be absolutely privileged.

9. Precedence of advocates Advocates shall take precedence among themselves according to the order of entry of their respective names on the Roll:

Provided that the Attorney-General shall take precedence over all other advocates:

And provided further that any person admitted to the Roll, who was, immediately before his application for admission to the Roll, the holder of an office to which the provisions of section 3 apply, may be accorded by the Chief Justice, with the consent of the Committee, precedence commensurate with the period immediately preceding the date of such application during which he held any such office within Tanzania.

PART V

REMOVAL FROM AND RESTORATION TO THE ROLL (ss 10-33)

10. Meetings of Committee The Attorney-General may at any time, and shall, when requested to do so by the chairman of the Committee, convene a meeting of the Committee for the purpose of enquiring into any allegation of misconduct made against any advocate.

11. Information upon which Attorney-General may act In the exercise of his power under section 10, the Attorney-General may act upon information which is brought to his notice in any manner whatsoever.

12. Authority of Attorney-General to require affidavit of allegations of misconduct

The Attorney-General may, instead of or in addition to summoning before the Committee any person who makes allegations of misconduct against any advocate, require that person to support such allegations by an affidavit setting out the facts on which he relies as proof of misconduct.

13. Powers of Committee (1) The Committee shall have jurisdiction to hear and determine—

- (a) any application by an advocate to procure the removal of his name from the Roll;
- (b) any application by any person to remove the name of any advocate from the Roll; or
- (c) any allegation of misconduct made against any advocate by any person.

(2) Where an application or allegation of misconduct is made under paragraph (b) or paragraph (c) of subsection (1), the Committee shall have power to require the advocate in respect of whom such application is made, or in respect of whom such allegation is made, to show cause why his name should not be removed from the Roll of advocates or to answer the allegation made, as the case may be:

Provided that where, in the opinion of the Committee, an application under paragraph (b) of subsection (1), or an allegation under paragraph (c) of that subsection does not disclose a *prima facie* case, the Committee may refuse such application or may dismiss the allegation without requiring the advocate to whom the application or allegation relates to show cause why his name should not be removed from the Roll or to answer the allegation, as the case may be.

(3) On the hearing of an application under paragraph (b) of subsection (1) or any allegation under paragraph (c) of that subsection—

- (a) the Committee shall give the advocate to whom the application relates or against whom the allegation is made an opportunity to appear and be heard by it, and for that purpose shall, not less than seven days before the date fixed for the hearing, inform him of such date and of the particulars of the application or allegation, furnish to him a copy of any affidavit made in respect of the application or allegation, and notify him of the time and place when and where he may inspect and make a copy of any other document in the possession of the Committee which it deems relevant to the application or allegation;
- (b) the Committee may in the course of the hearing, hear such witnesses and receive such documentary evidence as in its opinion may assist it in coming to a conclusion as to the truth or otherwise of any allegation made against the advocate.

(4) Upon the conclusion of a hearing subsection (3) the Committee may, if it is satisfied of the truth of the allegations upon which an application under paragraph (b) of subsection (1) is founded or of any allegation of misconduct made against the advocate—

- (a) direct that the name of the advocate be removed from the Roll;
- (b) admonish the advocate; or
- (c) suspend the advocate from practising for such period as the Committee may direct.

(5) In any proceedings under this section the Committee shall have power to make any such order as to payment by any party of any costs or witness expenses as it may think fit, and any such order shall be deemed to be an order of the High Court and may be enforced in like manner.

(6) If in the course of any hearing before the Committee after the whole or any part of the evidence has been heard and recorded, there is for any reason a change of the members of the Committee, the Committee may act on the evidence so recorded before such change, or partly recorded before and partly recorded after such change, as the case may be, or the Committee may re-summon the witnesses and recommence the hearing:

Provided that the advocate whose misconduct is the subject matter of the proceedings may, when the Committee resumes its proceedings after such change, demand that all the witnesses or any of them be re-summoned and reheard and shall be

informed of such right by the Committee when it so resumes its proceedings.

14. Rules governing Committee (1) The Committee, with the approval of the Chief Justice, may from time to time make rules for regulating the making, hearing and determination of applications to the Committee under this Part.

(2) For the purposes of any application made to it under this Part, the chairman of the Committee may administer oaths and may issue summonses under his hand directing any person named therein to attend at the time and place therein mentioned to give evidence or to produce documents therein specified or to do both.

(3) Every proceeding before the Committee under section 13 shall, for the purposes of Chapter XI of the Penal Code *, be deemed to be judicial proceeding.

15. Disobedience to summons and refusal to give evidence

If any person upon whom a summons issued under the provisions of section 13 has been served refuses or omits without sufficient cause to attend at the time and place mentioned in the summons, or refuses without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief all questions put to him by or with the concurrence of the Committee, or refuses or omits without sufficient cause to produce any documents in his possession or under his control which are mentioned in the summons, he shall be liable on conviction to a fine not exceeding one thousand shillings:

Provided that no person giving evidence before the Committee shall be compellable to incriminate himself, and that every such person shall, in respect of any evidence given by him or any document he is required to produce, be entitled to all the privileges to which a witness in a trial before the High Court is entitled in respect of evidence given by him or a document he is required to produce before such court.

16.-21. Repealed

[Repealed by Act No. 39 of 1969 s. 7.]

22. Disciplinary powers of Judges and High Court apart from inquiry by Committee

(1) Nothing in this Act contained shall supersede, or interfere with the powers vested in the Chief Justice or any of the Judges of the High Court to deal with misconduct or offences by advocates.

(2) Without prejudice to the generality of the foregoing subsection, notwithstanding that no inquiry may have been made by the Committee—

- (a) the Chief Justice or the High Court shall have power, for any reasonable cause to admonish any advocate or to suspend him from practising during any specified period or make an order of removing his name from the Roll;
- (b) any Judge of the High Court shall have power to suspend any advocate in like manner temporarily, pending a reference to, or disallowance of such suspension by, the High Court;
- (c) any advocate aggrieved by any decision or order of the Chief Justice or a judge of the High Court made in pursuance to paragraph (a), may, within thirty days of such decision or order appeal—
 - (i) in the case of a decision or order by a judge of the High Court, to the Advocates' Committee; and
 - (ii) in the case of a decision or order of the Chief Justice, to the Court of Appeal:

Provided that where the decision or order appealed against was made by a judge of the High Court nominated by the Chief Justice to be a member of the Advocates' Committee under section 4(1)(a) of this Act, such judge shall not sit at the hearing of the appeal by the Committee, and in such case, the Chief Justice may nominate another judge of the High Court as provided under subsection (3) of section 4

of this Act; and save further that in an appeal to the Court of Appeal against a decision or order of the Chief Justice the latter shall not sit to hear the appeal.

23. Repealed

[Repealed by Act No. 39 of 1969 s. 7.]

24. Orders of the High Court to be noted on the Roll and copy to be sent to other East African countries

(1) Where, in proceedings under or by virtue of this Act, any advocate is admonished, or an order is made by the Committee removing his name from the Roll, or suspending him from practice, or as to the payment by him of costs, the Registrar shall cause a note of the effect of such admonition or order to be entered against the name of the advocate on the Roll and, where the order so directs, shall remove his name from Roll.

(2) The Registrar shall send to the Supreme Court or High Court, as the case may be, of each East African country a certified copy of every order (including orders made on appeal) made under or by virtue of this Act as to removal of the name of an advocate from the Roll, as to replacing the name of an advocate on the Roll or as to suspending an advocate from practice.

24A. Appeals(1) Any advocate aggrieved by any decision or order of the Committee under this Act may, within thirty days of such decision or order, appeal to the High Court against such decision or order.

(2) On any appeal under this section the High Court may affirm, reverse or vary the decision or order appealed against, and may in addition thereto exercise all the powers conferred upon the High Court by the Civil Procedure Code *, in relation to an appeal from civil suits.

(3) In any appeal under this section the Committee shall be made a party thereto and shall have a right to be represented at the hearing and to oppose the appeal.

(4) Every appeal under this section shall be heard by a full bench of the High Court composed of not less than three Judges:

Provided that where the proceedings concern a decision or order made by a judge of the High Court under paragraph (a) of subsection (2) of section 22 such judge shall not sit to hear the appeal before the full bench of the High Court.

(5) [Omitted].

25. Reciprocal enforcement of suspensions and striking-off in East African countries

(1) If any advocate who is also an advocate or legal practitioner, (by whatsoever name or style designated, of, or is entitled to practise as such in, any reciprocating Commonwealth country, is suspended from practice in such country by order of a competent court or other competent authority of or in such country, a note of such suspension shall be entered by the Registrar against the name of the advocate on the Roll, and thereupon such advocate shall be suspended from practice as an advocate in Tanzania for the period for which his suspension from practice in such country remains effective, or until the note of such suspension is deleted in accordance with the provisions of subsection (3) of this section, as the case may be.

(2) If the name of any such advocate as aforesaid is, by order of a competent court or other competent authority of or in any reciprocating Commonwealth country made otherwise than on the application or at the request of the advocate himself, removed or struck from or off the Roll or list of advocates or legal practitioners of such country, or if by any such order as aforesaid, made otherwise than on the application or at the request of the advocate himself, such advocate is disbarred, or otherwise disentitled to practise as an advocate or legal practitioner, by whatsoever name or style designated, in such country, the name of such advocate shall be removed from the Roll by the Registrar.

(3) Notwithstanding anything in this Act contained the Chief Justice may, if he

thinks fit, either on his own initiative or on the recommendation of the Committee at any time—

- (a) order that a note of the suspension from practice of any advocate in an reciprocating Commonwealth country shall not be entered by the Registrar against the name of the advocate on the Roll;
- (b) order that the name—
 - (i) of any advocate which by order of a competent court or other competent authority of or in any reciprocating Commonwealth country made otherwise than on the application or at the request of the advocate himself has been removed or struck from or off the roll or list of legal practitioners of such country; or
 - (ii) of any advocate who by any such order as in subparagraph (i) of this paragraph is disbarred or otherwise disentitled to practise as an advocate or legal practitioner, by whatsoever name or style designated in such country, shall not be removed from the Roll by the Registrar;
- (c) order the Registrar to replace on the Roll the name of any advocate whose name has been removed from the Roll in accordance with the provisions of this section; or
- (d) order the Registrar to delete from the Roll any note of the suspension from practice of any advocate in an East African country entered against the name of such advocate on the Roll.

(4) If in any case to which the provisions of this section apply the name of an advocate is restored to the Roll or list of advocates or legal practitioners in any East African country, or if he otherwise becomes entitled again to practise as aforesaid in such country, his name shall, subject to the provisions of this Act, be replaced on the Roll by the Registrar.

(5) In this section, the expression "reciprocating commonwealth country" means any Commonwealth Country in respect of which the Minister declares, by order published in the *Gazette*, that he is satisfied that reciprocal effect will be given under the law of that country to any order made under this Act for the suspension of advocates from practice or the removal of their names from the Roll.

26. Effect of disciplinary action

Where under any provision of this Act the name of an advocate has been removed from the Roll or an advocate has been suspended from practice, his practising certificate (if any) shall be deemed forthwith to have been cancelled, or, in the case of suspension for a period less than the unexpired period to which his practising certificate relates, to have been suspended for such lesser period.

27. Limitation of time for certain applications to remove name from the Roll

Subject as hereinafter provided, no advocate shall be liable to have his name removed from the Roll on account of any defect in his admission and enrolment, unless the application to remove his name from the Roll is made within six months after the date of his enrolment:

Provided that this section shall not apply to any case where fraud is proved to have been committed in connection with the admission or enrolment.

28. Persons suspended or disbarred may apply for variation of order (1)

Subject to the provisions of subsection (2), any person who, in accordance with the provisions of this Act or otherwise by the High Court, has been suspended from practising during a specified time or whose name has been removed from the Roll, may apply to the High Court for an order, in the former case, to set aside the order or to reduce the period of suspension and, in the latter case, to set aside the order or for re-admission.

(2) The right to apply under subsection (1) shall be subject to the following limitations—

- (a) in the case of an order of suspension, no application shall be made until after the expiration of two years from the date of such order or of half the period of suspension, whichever is the less, and when an application has been made and determined no further application shall be made until after the expiration of two years from the date of such determination; and
- (b) in the case of an order removing a name from the Roll, no application shall be made until after the expiration of two years from the date of such order and when an application has been made and determined, no further application shall be made until after the expiration of two years from the date of such determination and, in the case of subsequent applications, until after the expiration of two years from the date of the determination of the last previous application:

Provided that in the event of any new material fact coming to light since the making of the original order of suspension or removal from the Roll, which fact might have influenced the Court or the Committee in making the order, the person affected may, at any time, apply to a Judge in Chambers for permission to apply for reconsideration of the original order, and if the Judge is of the opinion that such fact should be placed before the Court or the Committee which made the original order, whether or not he considers that such fact would have influenced the original decision, he may grant such application, and where such application is granted —

- (a) if the original order was an order made by the High Court, the High Court shall proceed to reconsider the order;
- (b) if the original order was an order made by the Committee, the Committee shall proceed to reconsider the order.

29. Application by petition supported by affidavit and served on Attorney-General

(1) Every application under section 28 shall be by petition and shall be accompanied by an supported affidavit setting forth the grounds upon which the applicant relies.

(2) A copy of such petition and affidavit shall be served upon the Attorney-General not less than seven days before the day of hearing.

30. Hearing in open court

The petition shall be heard in open court and the petitioner and the Attorney-General may appear or be represented.

31. Hearing of petition and decision thereon

The High Court at the hearing of the petition may require any statement made by or on behalf of the petitioner to be verified on oath or may require further evidence either orally or by affidavit in respect of any specified matters or after hearing the petitioner and the Attorney-General in reply may adjourn the determination of the petition for a period not exceeding two years and may require to be supplied at a specified time or times during the adjournment with any such information relating to the petition as the Court may think necessary; or the Court may—

- (a) in the case of an application to set aside the order of suspension or to reduce the period of suspension—
 - (i) set aside the order of suspension; or
 - (ii) reduce the period of suspension for a specified time or to a specified date; or
- (iii) decline to make any order; and

- (b) in the case of an application to set aside an order removing a name from the Roll or for re-admission—
 - (i) set aside the original order; or
 - (ii) direct the Registrar to re-admit the petitioner either forthwith or at some future date; or
 - (iii) decline to make any order; and
- (c) make such order relating to the Roll and otherwise as the Court thinks fit.

32. Costs where application unsuccessful

Where the High Court, in the case of an application to have an order of suspension set aside or to have the period of suspension reduced, refuses to make an order setting aside or reducing the period of suspension and, in the case of an application to have an order removing a name from the Roll set aside or for re-admission, declines to make any order setting aside or for re-admission, the High Court may direct that the applicant do pay to the Attorney-General his taxed costs or such sum in lieu of taxed costs as the Court may specify.

33. Proceedings under this Part in addition to other remedies

(1) No proceedings, whether civil or criminal, and whether pending or terminated, shall be a bar to any proceedings under this Part based on the same or substantially the same facts as those to which such civil or criminal proceedings relate and no such proceedings, howsoever determined, shall in any way derogate from the power of the High Court to admonish an advocate, or make an order removing his name from the Roll or suspending him from practice or from the powers of the High Court or a judge under the provisions of section 22.

(2) No proceedings under this Part, whether pending or terminated, shall be a bar to any civil or criminal proceedings or other remedy based on the same or substantially the same facts as those to which the proceedings under this Part relate.

PART VI

PRACTISING CERTIFICATES (ss 34-38)

34. Registrar to issue practising certificates

It shall be the duty of the Registrar to issue in accordance with the provisions of this Part certificates authorising the advocates named therein to practise as advocates.

35. Application for practising certificates (1) Every advocate applying for a practising certificate shall—

- (a) deliver or send to the Registrar a written declaration in the prescribed form in duplicate stating the name and place of business of the applicant and the date of his admission and signed by the applicant or his partner;
- (b) pay to the Registrar the prescribed fee; for the practising certificate; and
- (c) pay into the funds of the Law Society the annual subscription for the current year prescribed under the Tanganyika Law Society Act *.

(2) The Registrar shall cause all the particulars contained in the declaration to be entered in a register kept for that purpose, and any person may inspect such register during office hours without payment.

(3) Subject to the provisions of section 36, the Registrar, if satisfied that—

- (a) the name of the applicant is on the Roll and he is entitled to practise in Mainland Tanzania;
- (b) he has paid his annual subscription for the current year into the funds of the Law Society;
- (c) he has paid the prescribed fees for the practising certificate;
- (d) he has paid for the business licence; and
- (e) if he is employed or committed otherwise than as an advocate, he has obtained

approval from his employer or such other principal to practise as an advocate, shall, after the expiration of six days from the delivery to him of the declaration, deliver to the applicant or his agent upon demand a practising certificate in such form as may be prescribed.

(4) If in any case, not being a case to which section 36 applies, the Registrar on application duly made to him refuses or neglects to issue a practising certificate, the applicant may apply to a Judge of the High Court who may make such order in the matter, including an order for payment of costs by or to either the Registrar or the applicant, as shall be just.

(5) Notwithstanding the provisions of the Business Licensing Act * every business licence granted to an advocate under that Act shall expire on the thirty first day of December next following the date of issue.

36. Discretion of Chief Justice to refuse certificate in special cases

(1) In any of the following cases, that is to say, where an advocate—

- (a) applies for a practising certificate, having neglected to obtain such a certificate within six months after the expiration of the last certificate issued to him;
- (b) applies for a practising certificate whilst he is an undischarged bankrupt; or
- (c) having been suspended from practice or had his name removed from the Roll, first applies for a practising certificate after the expiration of his suspension or after his re-admission to the Roll, as the case may be,

he shall, unless the Chief Justice otherwise orders, give to the Registrar, at least six weeks before the application is made, notice of his intention to make the application, and the Chief Justice in his discretion may refuse the application.

37. Adjudication in bankruptcy to suspend practising certificates

(1) An adjudication in bankruptcy of an advocate shall operate immediately to suspend the practising certificate (if any) of such advocate for the time being in force, and such suspension shall continue in operation until the certificate expires or the adjudication in bankruptcy is annulled, and an office copy of the order annulling the adjudication has been served upon the Registrar or the suspension is terminated by order of the Registrar or the Chief Justice under subsections (2), (3), (4) or (5), whichever shall first happen.

(2) At any time before the certificate would, apart from any suspension hereunder, have expired, and (in the case of adjudication in bankruptcy) notwithstanding that the adjudication has not been annulled, such advocate may apply to the Registrar to terminate the suspension, and the Registrar, in his discretion, may decide to terminate by order the suspension unconditionally or subject, to such terms and conditions as he may in his discretion think fit or may refuse the application.

(3) If the Registrar shall refuse the application to terminate the suspension subject to any terms or conditions, such advocate may appeal against such decision to the Chief Justice who may either affirm the decision of the Registrar or by order vary any terms or conditions imposed by the Registrar or terminate the suspension unconditionally or subject to such terms and conditions as he may think fit.

(4) When the practising certificate of an advocate has become suspended by virtue of his adjudication in bankruptcy or by virtue of an order of the Chief Justice, the Registrar shall forthwith cause a notice of such suspension to be entered against the name of such advocate in the Roll.

(5) When the suspension of the practising certificate of an advocate has been terminated by annulment of the adjudication in bankruptcy of the advocate and service upon the Registrar of an office copy of the order annulling the adjudication or by order of the Registrar or Chief Justice under this section the Registrar shall forthwith cause a note of the termination of the suspension to be entered against the name of such

advocate in the Roll.

38. Date and period of validity of practising certificates

(1) Every practising certificate shall, subject as hereinafter provided, take effect on the day on which it is issued by the Registrar:

Provided that every practising certificate issued between the first day of January and the first day of February in any year to an advocate who held a valid practising certificate on the thirty-first day of December of the preceding year shall have effect for all purposes from the first day of January in that year.

(2) Every certificate shall continue in force from the day on which it has been taken or takes effect in accordance with this section until the thirty-first day of December next following (both days inclusive) and shall then expire.

(3) The Registrar shall cause to be entered upon the Roll a note of the date of issue to any advocate of a practising certificate.

PART VII

**PRIVILEGES, RESTRICTIONS AND OFFENCES IN CONNECTION WITH PRACTICE
(ss 39-48)**

39. Qualifications for practising as advocate (1) Subject to the provisions of section 3 no person shall be qualified to act as an advocate unless—

- (a) his name is on the Roll;
- (b) he has in force a practising certificate; and
- (c) he has a valid business licence,

and a person who is not so qualified is in this Part referred to as an "unqualified person".

(2) Notwithstanding anything to the contrary contained in this Part, the Chief Justice may, upon payment to the High Court of the prescribed fee admit to practise as an advocate for the purpose of any one case any of the persons mentioned in subsection (1) of section 8 who has come or intends to come to Tanzania for the purpose of appearing in such case.

(3) The fee prescribed for the purposes of subsection (2) may relate to the case as a whole or to any day on which such case continues or both.

(4) Any person who is admitted to practise as an advocate for the purpose of any one case under the provisions of subsection (2) shall be deemed to be subject to the provisions of this Act as if he were an advocate.

40. Rights of practising advocate Every advocate who has in force a practising certificate may practise as an advocate in the High Court or in any court subordinate thereto constituted under the Magistrates' Courts Act * and may perform any of the functions which, in England, may be performed by a member of the Bar as such or by solicitor of the Supreme Court of Judicature as such.

41. Unqualified person not to act as advocate

(1) No unqualified person shall act as an advocate, or agent for suitors or, as such, issue out any summons or other process, or commence, carry on or defend any action, suit or other proceeding in the name of any other person or in his own name, in any court of civil or criminal jurisdiction, or act as an advocate in any cause or matter, civil or criminal.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence against this Act and of contempt of the court in which the action, suit, cause, matter or proceeding in relation to which he so acts is brought or taken and may be punished accordingly, and shall be incapable of maintaining any action for any costs in respect of anything done by him in the course of so acting, and shall, in addition to any other penalty or forfeiture and any disability to which he may be subject, be liable on conviction to a fine not exceeding two thousand shillings.

42. Penalty for pretending to be an advocate Any unqualified person who wilfully pretends to be, or takes or uses any name, title, addition or description, or uses any title which corresponds to the title of a legal practitioner in any Commonwealth country, implying that he is qualified to act as an advocate, shall be liable on conviction to a fine not exceeding one million shillings or twelve months imprisonment or both.

43. Penalty for unqualified persons preparing certain instruments (1) Any unqualified person who, unless he proves that the act was not done for, or in expectation of, any fee, gain or reward, either directly or indirectly, draws or prepares any instrument—

- (a) relating to movable or immovable property or any legal proceeding;
- (b) for or in relation to the formation of any limited liability company whether private or public;
- (c) for or in relation to the making of a deed of partnership or the dissolution of a partnership,

shall be liable on conviction to a fine not exceeding one million shillings or twelve months imprisonment or both and shall be incapable of maintaining any action for any costs in respect of the drawing or preparation of such instrument or any matter connected therewith.

(2) This section shall not extend to—

- (a) any public officer drawing or preparing instruments in the course of his duty; or
- (b) any person employed merely to engross any instrument, application or proceeding.

(3) For the purposes of this section and section 44 the expression "instrument" does not include—

- (a) a will or other testamentary instrument;
- (b) an agreement under hand only which does not and is not intended to operate as a deed under the Land Act *;
- (c) a letter of power of attorney; or
- (d) a transfer of stock or shares containing no trust or limitation thereof.

44. Instruments to be endorsed with name and address of drawer

(1) Every person who draws or prepares any instrument in contravention of section 43 shall endorse or cause to be endorsed thereon his name and address; and any such person omitting so to do or falsely endorsing or causing to be endorsed any of the said requirements shall be liable on conviction to a fine not exceeding two hundred shillings.

(2) It shall not be lawful for any registering authority to accept or recognise any instrument unless it purports to bear the name of the person who prepared it endorsed thereon.

45. Offences by bodies corporate

If any act is done by a body corporate or by any director, officer or servant thereof, of such a nature or in such a manner as to be calculated to imply that the body corporate is qualified, or recognised by law as qualified, to act as an advocate, such body corporate shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred shillings, and, in the case of an act done by any director, officer or servant of such body corporate, he shall, without prejudice to the liability of the corporation, be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred shillings.

46. Power to exclude touts from precincts of courts

(1) The Chief Justice may, by order under his hand exclude from the precincts of the High Court or any court subordinate thereto any person declared by him to be a tout

for such period as may be specified in such order:

Provided that no such order shall be made unless the person concerned shall have had opportunity of showing cause against such order.

(2) No person in respect of whom any order has been made under subsection (1) shall, while such order is in force, enter or remain within the precincts of the High Court or any court subordinate thereto without leave of a judge for special cause.

47. Acting as tout prohibited

Any person who, on behalf of any advocate, or for his own account, acts as a tout shall be liable to a fine not exceeding one thousand shillings and to imprisonment for a term not exceeding six months.

48. Offence of, and penalty for, inducing clients to abandon their advocates

Any person who induces or attempts to induce any client or prospective client of any advocate to cease to be the client of such advocate in order to become the client of the advocate whom such person serves as secretary, clerk or messenger or in any other capacity, shall be liable to a fine not exceeding one thousand shillings and to imprisonment for a term not exceeding six months.

PART VIII

REMUNERATION OF ADVOCATES (ss 49-65)

49. Power to make general orders as to remuneration of advocates

(1) For the purposes of this Part there shall be a Committee to be known as the Remuneration Committee which shall consist of five advocates elected by the Law Society of whom three shall form a quorum.

(2) The Chief Justice or the Remuneration Committee may make orders prescribing and regulating in such manners as he or it may think fit the remuneration of advocates in regard to both contentious and non-contentious business.

(3) Any order made under the provisions of this section shall be submitted to the President for approval together with, in the case of an order made by the Chief Justice, the observations, if any, of the Remuneration Committee, and in the case of an order made by the Remuneration Committee, the observations, if any, of the Chief Justice.

(4) Any order made and submitted under the provisions of this section shall, if approved, be published in the *Gazette* and shall come into force on the date of such publication or such later date as may be specified in such order.

50. Scales of rates of commission and percentage

Any order made under section 49 may as regards the mode of remuneration, prescribe that it shall be according to a scale of rates of commission or percentage, varying or not in different classes of business, or by a gross sum, or by a fixed sum for each document prepared or perused, without regard to length, or in any other mode, or partly in one mode and partly in another, and may regulate the amount of remuneration with reference to all or any of the following, among other, considerations, that is to say—

- (a) the position of the party for whom the advocate is concerned in the business, that is, whether as vendor or purchaser, lessor or lessee, mortgagor or mortgagee, charger or chargee, and the like;
- (b) the place where, and the circumstances in which, the business or any part thereof is transacted;
- (c) the skill, labour and responsibility involved therein on the part of the advocate;
- (d) the number and importance of the documents prepared or perused, without regard to length.

51. Security for payment of remuneration and regulating interest

An order made under section 49 may authorise and regulate—

- (a) the taking by an advocate from his client of security for payment of any

remuneration, to be ascertained by taxation or otherwise, which may become due to him under any such order; and

- (b) the allowance of interest.

52. Taxation of bills of costs

As long as any order made under section 49 is in operation the taxation of bills of costs of advocates shall, subject to the subsequent provisions of this Part with respect to agreements as to remuneration, be regulated by that order.

53. Agreements with respect to remuneration for non-contentious business

(1) Whether or not any order is in force under section 49, an advocate and his client may, either before or after or in the course of the transaction of any non-contentious business by the advocate, make an agreement in writing as to the remuneration of the advocate in respect thereof.

(2) The agreement may provide for the remuneration of the advocate by a gross sum, or by commission, or percentage, or by salary, or otherwise and it may be made on the terms that the amount of the remuneration therein stipulated for shall, or shall not include all or any disbursements made by the advocate in respect of searches, plans, travelling, stamps, fees or other matters.

(3) The agreement shall be signed by the person to be bound thereby or his agent in that behalf.

(4) The agreement may be sued and recovered on or set aside in the like manner and on the like grounds as an agreement not relating to the remuneration of an advocate:

Provided that if on any taxation of costs the agreement is relied on by the advocate and objected to by the client as unfair or unreasonable, the taxing officer may inquire into the facts and certify them to the High Court and if on that certificate it appears just to the High Court that the agreement should be cancelled, or the amount payable thereunder reduced, the High Court may order the agreement to be cancelled, or the amount payable thereunder to be reduced, and may give such consequential directions as it thinks fit.

54. Powers to make agreements as to remuneration for contentious business

Whether or not any order is in force under section 49 an advocate may make an agreement in writing with his client as to his remuneration in respect of any contentious business done or to be done by him, providing that he shall be remunerated either by a gross sum or by salary, or otherwise.

55. Miscellaneous provisions as to agreements with respect to costs of contentious business

(1) An agreement made pursuant to section 54—

- (a) shall not affect the amount of, or any rights or remedies for the recovery of, any costs payable by the client to, or to the client by, any person other than the advocate, and that person may, unless he has otherwise agreed, require any such costs to be taxed according to the rules for the time being in force for the taxation thereof:

Provided that the client shall not be entitled to recover from any other person under any order for the payment of any costs to which the agreement relates more than the amount payable by him to his advocate in respect thereof under the agreement; and

- (b) shall be deemed to exclude any claim by the advocate in respect of the business to which it relates other than—
 - (i) a claim for the agreed costs; or
 - (ii) a claim for such costs as are expressly excepted therefrom.

(2) A provision in such an agreement that the advocate shall not be liable for negligence, or that he shall be relieved from any responsibility to which he would otherwise be subject as an advocate, shall be void.

(3) No action shall be brought upon any such agreement, but the High Court, after hearing the Remuneration Committee if it wishes to be heard, may, on the application of any person who is a party to, or the representative of a party to, the agreement, or who is, or who is alleged to be, liable to pay, or who is or claims to be entitled to be paid, the costs due or alleged to be due in respect of the business to which the agreement relates, enforce or set aside the agreement and determine every question as to the validity or effect thereof.

(4) On any such application, the High Court—

- (a) if it is of opinion that the agreement is in all respects fair and reasonable, may enforce it;
- (b) if it is of opinion that the agreement is in any respects unfair or unreasonable, may declare it void and may order it to be given up to be cancelled and may order the costs covered thereby to be taxed as if the agreement had never been made;
- (c) in any case, may make such orders as to the costs of the application as it thinks fit.

56. In certain circumstances the taxing officer may reduce amount payable under agreement

(1) If the business covered by any agreement made pursuant to section 54 is business done, or to be done, in any action, the amount payable under the agreement shall not be received by the advocate until the agreement has been examined and allowed by a taxing officer of the High Court, and if the taxing officer is of the opinion that the agreement is unfair or unreasonable, he may require the opinion of the Remuneration Committee to be taken thereon and may on receipt of such opinion reduce the amount payable thereunder, or order the agreement to be cancelled and the costs recovered thereby to be taxed as if the agreement had not been made.

(2) When the amount agreed upon under any such agreement has been paid by or on behalf of the client or by any person entitled so to do, the person making the payment may at any time within twelve months after payment apply to the High Court and the High Court, if it appears to it that the special circumstances of the case require the agreement to be re-opened, may, on such terms as may be just, re-open the agreement and may order the costs covered thereby to be taxed and the whole or any part of the amount received by the advocate to be repaid by him.

(3) Where any such agreement is made by the client as the guardian or committee of, or as a trustee under a deed or will for, any person whose property will be chargeable with the whole or any part of the amount payable under the agreement, the agreement shall, before payment, be laid before the taxing officer of the High Court and that officer shall examine the agreement and may disallow any part of it or may require the opinion of the High Court to be taken thereon.

(4) Any such client as is mentioned in subsection (3) who pays the whole or any part of the amount payable under the agreement without the agreement having been allowed by the taxing officer or by the High Court, shall be liable at any time to account to the person whose property is charged with the whole or any part of the amount so paid for the sum so charged, and the advocate who accepts the payment may be ordered by the High Court to refund the amount received by him.

57. Death or incapacity of advocate

(1) If, after some business has been done under an agreement made pursuant to section 54 but before the advocate has wholly performed it, the advocate dies or

becomes incapable of acting, then any party to, or the representative of any party to, the agreement, may apply to the High Court and the High Court shall have the same jurisdiction as to enforcing the agreement so far as it has been performed, or setting it aside, as it would have had if the advocate had not died or become incapable of acting:

Provided that the High Court may, notwithstanding that it is of opinion that the agreement is in all respects fair and reasonable, order the amount due in respect of the business done thereunder to be ascertained by taxation, and in that case—

- (a) the taxing officer, in ascertaining that amount, shall have regard so far as may be to the terms of the agreement; and
- (b) payment of the amount found by him to be due may be enforced in the same manner as if the agreement had been completely performed.

(2) The provisions of subsection (1) shall apply in the event of the client changing his advocate before the conclusion of the business to which the agreement relates in the same manner as they apply when the advocate dies or is incapacitated:

Provided that, if an order is made for the taxation of the amount due to the advocate in respect of the business done under the agreement, the High Court shall direct the taxing officer to have regard to the circumstances under which the change of advocate has taken place, and the taxing officer, unless he is of opinion that there has been no default, negligence, improper delay or other conduct on the part of the advocate affording to the client reasonable ground for changing his advocate, shall not allow to the advocate the full amount of the remuneration agreed to be paid to him.

58. Agreement excludes taxation

Save as provided in the foregoing provisions, the costs of an advocate in any case where an agreement has been made shall not be subject to taxation or to the subsequent provisions of this Part of this Act with respect to the signing and delivery of an advocate's bill.

59. Miscellaneous provisions as to remuneration for contentious business

Nothing in sections 57, 58, 59, 60 or 61 shall give validity to—

- (a) any purchase by an advocate of the interest or any part of the interest, of his client in any action, suit or other contentious proceeding; or
- (b) any agreement by which an advocate retained or employed to prosecute any action, suit or other contentious proceeding stipulates for payment only in the event of success of that action, suit or proceeding; or
- (c) any disposition, contract, settlement, conveyance, delivery, dealing or transfer which is under the law relating to bankruptcy invalid against a trustee or creditor in any bankruptcy or composition.

60. Power of High Court to order advocate to deliver his bill and to deliver up deeds

(1) The jurisdiction of the High Court to make orders for the delivery by an advocate of a bill of costs and for the delivery up of, or otherwise in relation to, any deeds, documents or papers in his possession, custody or power, is hereby declared to extend to cases in which no business has been done by him in the High Court.

(2) In this section and in sections 61, 62 and 63, the expression "advocate" includes the executors, administrators, and assignees of the advocate in question.

61. Action to recover advocates' costs

(1) Subject to the provisions of this Act, no action shall be brought to recover any costs due to an advocate until one month after a bill thereof has been delivered in accordance with the requirements of this section:

Provided that, if there is probable cause for believing that the party chargeable with the costs is about to depart from Tanzania, or to become a bankrupt, or to compound with his creditors, or to do any other act which would tend to prevent or delay

the advocate obtaining payment, the High Court may, notwithstanding that one month has not expired from the delivery of the bill, order that the advocate be at liberty to commence an action to recover his costs and may order those costs to be taxed.

(2) The following are the requirements referred to in subsection (1)–

- (a) the bill must be signed by the advocate or, if the costs are due to a firm, one partner of that firm, either in his own name or in the name of the firm, or be enclosed in, or accompanied by, a letter which is so signed and refers to the bill; and
- (b) the bill must be delivered to the party to be charged therewith, either personally or by being sent to him by post to, or left for him at, his place of business, dwelling house, or last known place of abode, and where a bill is proved to have been delivered in compliance with those requirements, it shall not be necessary in the first instance for the advocate to prove the contents of the bill, which shall be presumed until the contrary is shown, to be a bill *bona fide* complying with this Act.

62. Taxation of bills on the application of the party chargeable or the advocate

(1) On the application, made within one month of the delivery of an advocate's bill, of the party chargeable therewith, the High Court shall, without requiring any sum to be paid into Court, order that the bill shall be taxed and that no action shall be commenced thereon until the taxation is completed.

(2) If no such application is made within the period mentioned in subsection (1), then, on the application either of the advocate, or the party chargeable with the bill, the High Court may, upon such terms, if any, as it thinks fit (not being terms as to the costs of the taxation), order–

- (a) that the bill shall be taxed;
- (b) that, until the taxation is completed, no action shall be commenced on the bill, and any action already commenced be stayed:

Provided that–

- (i) if twelve months have expired from the delivery of the bill, or if the bill has been paid, or if a decree, judgment or order has been obtained in a suit for the recovery of the costs covered thereby, no order shall be made on the application of the party chargeable with the bill except in special circumstances and, if an order is made, it may contain such terms as regards the costs of the taxation as the High Court may think fit;
- (ii) in no event shall any such order be made after the expiration of twelve months from the payment of the bill.

(3) Every order for the taxation of a bill shall require the taxing officer to tax not only the bill but also the costs of the taxation and to certify what is due to or from the advocate in respect of the bill and in respect of the costs of the taxation.

(4) If after due notice of any taxation, either party thereto fails to attend, the taxing officer may proceed with the taxation *ex parte*.

(5) Unless–

- (a) the order for taxation was made on the application of the advocate and the party chargeable does not attend the taxation; or
- (b) the order for taxation otherwise provides,

the costs of the taxation shall be paid according to the event of the taxation, that is to say, if one-sixth of the amount of the bill is taxed off, the advocate shall pay the costs, but otherwise the party chargeable shall pay the costs:

Provided that the taxing officer may certify any special circumstances relating to the bill or the taxation thereof to the High Court, and the High Court may make thereon

any such order as it thinks fit respecting the payment of the costs of the taxation.

63. Taxation on application of third parties and beneficiaries under trust, etc.

(1) Where a person other than the person who is the party chargeable with the bill for the purposes of section 62, has paid, or is, or was, liable to pay, the bill either to the advocate or to the party chargeable with the bill, that person or his administrators, executors or assignees may apply to the High Court for an order for the taxation of the bill as if he were the party chargeable therewith, and the High Court may make thereon the same order, if any, as it might have made if the application had been made by that party:

Provided that in cases where the High Court has no power to make an order except in special circumstances the High Court may, in considering whether there are special circumstances sufficient to justify it in making an order, take into account circumstances affecting the applicant, but which do not affect the party chargeable with the bill.

(2) If a trustee, executor or administrator has become liable to pay the bill of an advocate, the High Court may, upon the application of any person interested in the property out of which the trustee, executor or administrator has paid, or is entitled to pay, the bill, and upon such terms, if any, as it thinks fit, order the bill to be taxed, and may order such payments, in respect of the amount found due to or from the advocate, or to the executor, administrator or trustee, as it thinks fit:

Provided that, in considering any such application, the High Court shall have regard to—

- (a) the provisions of section 62 as to applications by the party chargeable with the taxation of an advocate's bill so far as they are capable of being applied to an application made under this subsection;
- (b) the extent and nature of the interest of the applicant.

(3) If an applicant under subsection (2) pays any money to the advocate, he shall have the same right to be paid that money by the trustee, executor or administrator chargeable with the bill as the advocate had.

(4) The following provisions shall apply to applications made under this section—

- (a) except in special circumstances no order shall be made for the taxation of a bill which has already been taxed;
- (b) the High Court may, if it orders taxation of a bill, order the advocate to deliver to the applicant a copy of the bill upon payment of the costs of that copy.

64. General provisions as to taxation

(1) Every application for an order for the taxation of an advocate's bill or for the delivery of such a bill and the delivering up of any deeds, documents and papers by an advocate shall be made in the matter of that advocate.

(2) The certificate of the taxing officer by whom any bill has been taxed shall, unless it is set aside or altered by the High Court, be final as to the amount of the costs covered thereby, and the High Court may make such order in relation thereto as it thinks fit, including, in a case where the retainer is not disputed, an order that judgment be entered for the sum certified to be due with costs.

65. Charging orders

Any court in which an advocate has been employed to prosecute or defend any suit, matter or proceeding may at any time declare the advocate entitled to a charge on the property recovered or preserved through his instrumentality for his taxed costs in reference to that suit, matter or proceeding, and may make such orders for the taxation of the said costs and for raising money to pay or for paying the said costs out of the said property as it thinks fit, and all conveyances and acts done to defeat, or operating to defeat, that charge shall, except in the case of a conveyance to a *bona fide* purchaser

for value without notice, be void as against the advocate:

Provided that no order shall be made if the right to recover the costs is barred by limitation.

PART IX MISCELLANEOUS PROVISIONS (ss 66-72)

66. Advocates to be officers of High Court

Any person duly admitted as an advocate shall be an officer of the High Court and shall be subject to the jurisdiction thereof.

67. Payment of expenses of Committee

(1) Any expenses certified to have been incurred by the Committee in carrying out any of the provisions of this Act or in supporting any report before the High Court shall, subject to the provisions of subsection (2), be paid out of the general revenue of the United Republic.

(2) The High Court may, on the application of the Committee, order that any such expenses shall be paid to the Permanent Secretary to the Treasury by the advocate concerned or by any party on whose application such expenses had been incurred.

(3) Where any such expenses have been paid in accordance with an order made under subsection (1), they shall form part of the general revenue of the United Republic.

68. Authentication of Regulations and other documents

All regulations, orders, certificates, notices and other documents made or issued by the Committee or the Remuneration Committee for any purpose whatsoever may be signed on behalf of the Committee concerned by the chairman or such member or other person as the Committee may for that purpose appoint.

68A. Fees for admission and practising certificates to be paid to Law Society

(1) The Registrar shall retain in a separate account all fees paid under the provisions of subsection (2) of section 8, subsection (1) of section 35 and subsection (2) of section 39, and shall pay the balance standing to the credit of that account on the first day of January, the first day of April, the first day of July and the first day of October in each year to the Law Society, and the Law Society may apply the same for any of the purposes for which the funds of the Society may be applied.

(2) The receipt of the Secretary of the Law Society, or of any other officer of the Law Society authorised by the Council thereof in that behalf, shall be a sufficient discharge to the Registrar for any payment made by him under this section.

69. Regulations

The Committee, with the approval of the Chief Justice, may make regulations for the better carrying out of the provisions and purposes of this Act and, in particular but without prejudice to the generality of the foregoing, may make regulations with respect to the following matters—

- (a) the keeping of accounts by advocates;
- (b) the acts or omissions which shall constitute misconduct on the part of an advocate;
- (c) practice and etiquette of advocates;
- (d) prescribing anything which under this Act is to be prescribed.

70. Saving of other laws

Nothing in this Act shall prejudice or affect—

- (a) the provisions of any other law empowering any person, not being an advocate to conduct defend or otherwise act in relation to any proceedings;
- (b) the provisions of any other law prohibiting any person or class of persons from conducting, defending or otherwise acting in relation to any proceedings; or

- (c) any existing rules touching the remuneration of advocates, except only so far as they conflict or are inconsistent with any of the provisions of this Act or orders made thereunder. Such existing rules shall, except only as aforesaid, be deemed to be an order made pursuant to the provisions of section 49 until amended, revoked or repealed by orders made under the said section.

71. Transitional provisions

[Transitional provisions.]

72. Repeal

[Repeals F.R.L. Cap. 10 and F.R.L. Cap. 11.]

CHAPTER 341
THE ADVOCATES' ACT
[SUBSIDIARY LEGISLATION]
INDEX TO SUBSIDIARY LEGISLATION

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ORDERS
THE APPOINTMENT OF TAXING OFFICERS ORDER
(Section 69)

G.N. No. 375 of 1985

1. This Order may be cited as the Appointment of Taxing Officers Order.
2. Every Resident Magistrate in charge of a Region is hereby appointed as a Taxing Officer in respect of the Region where he is posted.

THE ADVOCATES' ACT (APPLICATION OF SECTION 3 TO THE TANZANIA LEGAL CORPORATION) ORDER
(Section 3(2))

G.N. No. 154 of 1971

1. This Order may be cited as the Advocates' Act (Application of Section 3 to the Tanzania Legal Corporation) Order.
2. The provisions of subsection (1) of section 3 of the Advocates' Act shall apply to the Chief Corporation Counsel, every Senior Corporation Counsel, every Corporation Counsel and every Assistant Corporation Counsel, employed by the Tanzania Legal Corporation established by the Tanzania Legal Corporation (Establishment) Order, 1970 * made under the Public Corporations Act *.

REGULATIONS
THE ADVOCATES (ADMISSION AND PRACTISING CERTIFICATE) REGULATIONS
(Section 69)

G.Ns. Nos.
121 of 1955
92 of 1975

1. Citation

These Regulations may be cited as the Advocates (Admission and Practising Certificate) Regulations.

2. Fees for admission

The fee payable for the entry of an admitted person's name on the Roll under the provisions of subsection (4) of section 8 of the Act shall be six hundred shillings.

3. Fees for practising certificate

The fee payable for a practising certificate issued to an advocate under the provisions of Part VI of the Act shall be one hundred and twenty shillings.

4. Fees for practising advocate

The fee payable for admission to practise as an advocate in any one case under the provisions of subsection (2) of section 39 of the Act shall be—

- (a) in the case of a person so admitted who is entitled to practise before any court from which an appeal lies to the Court of Appeal, one hundred and fifty shillings for each case; and
- (b) in the case of any other person so admitted, four hundred shillings for each case.

5. Declaration forms

The form of declaration to be made by an advocate applying for a practising certificate under Part VI of the Act and the form of such practising certificate shall be respectively as set out in Form I and Form II in the Schedule to these Regulations.

SCHEDULE

FORMS

FORM I

DECLARATION

THE HIGH COURT OF TANZANIA
THE ADVOCATES' ACT (CAP. 341)
(Section 35)

I, of
..... do hereby declare that—

- (a) my place of business is
- (b) the date of my admission was
- (c) I have paid to the Law Society the annual subscription therefor for the year

Witness my hand this day of 20.....

.....
Advocate /Partner

FORM II

PRACTISING CERTIFICATE

IN THE HIGH COURT OF TANZANIA
THE ADVOCATES' ACT (CAP. 341)
(Section 35)

I hereby certify that, an Advocate of the High Court of Tanzania, having complied with the provisions of subsection (1) of section 35 of the Advocates' Act, is entitled to practise before the said High Court and before the Courts subordinate thereto (but not Primary Courts) up to the thirty-first day of December, 20..... inclusive, upon the terms and subject to the conditions set forth in the aforesaid Act as amended from time to time and any legislation having validity thereunder.

Dated this day of 20..... at Dar es Salaam.

.....
Registrar of the High Court

THE ADVOCATES (ACCOUNTS) REGULATIONS
(Section 69)

G.N. No. 207 of 1956

1. Citation

These Regulations may be cited as the Advocates (Accounts) Regulations.

2. Advocate to keep book of accounts

Every Advocate shall keep such book or books of accounts as may be necessary to show and distinguish in connection with his practise as an advocate—

- (a) moneys received from or on account of and the moneys paid to or on account of each of his clients; and
- (b) the moneys received and the moneys paid on his own account.

3. Advocate to pay money into a deposit account

Every advocate who holds or receives money on account of a client (save money hereinafter expressly exempted from the application of this Regulation) shall, without undue delay, pay such money into a current or deposit account at a bank, to be kept in the name of the advocate in the title of which the word "Client" shall appear (hereinafter referred to as a "client account"). An advocate may keep one client account or as many such accounts as he thinks fit:

Provided that when an advocate receives a cheque or draft representing in part money belonging to the client and in part money due to the advocate he may, where practicable, split the cheque or draft and pay to the client account that part only which represents money belonging to the client. In any case he shall pay the whole of such cheque or draft into the client account.

4. No money to be paid into clients account

No money shall be paid into a client account other than—

- (a) money held or received on account of a client;
- (b) such money belonging to the advocate as may be necessary for the purpose of opening or maintaining the account;
- (c) money for replacement of any sum which may, by mistake or accident, have been drawn from the account in contravention of regulation 5 of these Regulations;
- (d) a cheque or draft received by the advocate representing in part money belonging to the client and in part money due to the advocate, when such cheque or draft has not been split as provided by regulation 3 of these Regulations.

5. No money to be drawn from clients account

No money shall be drawn from a client account other than—

- (a) money properly required for payment to or on behalf of a client or for or towards payment of a debt due to the advocate from a client or money drawn on the client's authority, or money in respect of which there is a liability of the client to the advocate, provided that the money so drawn shall not in any case exceed the total of the money so held for the time being for such client;
- (b) such money belonging to the advocate as may have been paid into the account under regulation 4(b) or 4(d) of these Regulations;
- (c) money which may by mistake or accident have been paid into such account in contravention of regulation 4 of these Regulations.

6. Regulation not to apply

- Regulations 3, 4 and 5 of these Regulations shall not apply to money which—
- (a) the client for his own convenience requests an advocate to withhold from a client account;
 - (b) an advocate pays into a separate account opened or to be opened in the name of a client or some person named by that client or the duly authorised agent of that client;
 - (c) in the ordinary course of business upon receipt is paid on behalf of the client to a third party;
 - (d) is upon receipt paid to the client;
 - (e) is paid to an advocate expressly on account of costs;
 - (f) the Committee upon an application made to them in writing by an advocate specifically authorises to be withheld or withdrawn from a client account.

7. Committee may require an advocate to produce his books of accounts

(1) In order to ascertain whether these Regulations have been complied with, the Committee acting either on their own motion or written complaint lodged with them by an aggrieved party, may require any advocate to produce at some convenient time and place, his books of account, bank passbooks, statement of accounts, vouchers and any other necessary documents for the inspection of any person appointed by the Committee and such person shall prepare for the information of the Committee a report on the result of such inspection.

(2) A report made under subregulation (1) proceedings under Part V of the Act.

(3) Before making an appointment under subregulation (1) the Committee shall consider any objection made by any such advocate to the appointment of a particular person on personal or other proper grounds or on the ground that such person practises in the same locality.

(4) Before instituting an inspection on a complaint made by a third person, the Committee shall require *prima facie* evidence that a ground of complaint exists, and may require the payment by such person to the Committee of a reasonable sum to be fixed by them to cover the costs of the inspection, and the costs of the advocate against whom the complaint is made. The Committee may deal with any sum so paid in such manner as they think fit.

8. Authorisation by the Committee

Every requirement, authorisation and notification to be made or given by the Committee to an advocate under these Regulations shall be made in writing under the hand of such person as may be appointed by the Committee for the purpose and sent by registered post to the last address of the advocate appearing in the records of the Law Society, and when so made and sent shall be deemed to have been received by the advocate within one week of the time of posting.

9. An advocate not to be deprived of recourse or right

Nothing in these Regulations shall deprive an advocate of any recourse or right, whether by way of lien, set-off counter-claim, charge or otherwise, against moneys standing to the credit of a client's account.

THE ADVOCATES (PROFESSIONAL REQUIREMENTS) REGULATIONS

(Section 8(1)(b))

G.N. No. 395 of 1963

1. These Regulations may be cited as the Advocates (Professional Requirements) Regulations.

2. Before making application to the Chief Justice to be admitted as an advocate, the applicant shall, subject to the provisions of subsection (1A) of section 8 of the

Advocates' Act, have—

- (a) after obtaining one of the professional qualifications prescribed by paragraph (a) of subsection (1) of section 8 of the Advocates' Act, or within one year before obtaining such qualification, or partly before and partly after obtaining such qualification, read as a pupil of an advocate, or of an advocate in Uganda, Kenya or Zanzibar, for not less than six months, or been employed in the service of the Republic in a professional capacity for not less than six months; and
- (b) satisfied the Council that he has a sufficient knowledge of the laws of Tanzania and the practice and procedures of the courts.

RULES

THE ADVOCATES (DISCIPLINARY AND OTHER PROCEEDINGS) RULES

(Section 14)

G.N. No. 135 of 1955

PART I

PRELIMINARY PROVISIONS (rules 1-2)

1. Citation

These Rules may be cited as the Advocates (Disciplinary and Other Proceedings) Rules.

2. Omitted

[Omitted. *Vide* s. 4(8) of the Advocates' Act.]

PART II

APPLICATIONS AGAINST ADVOCATES (rules 3-10)

3. Advocate's Committee to remove a name from the Roll

An application to the Advocates Committee to remove the name of an advocate from the Roll or to require an advocate to answer allegations shall be in writing under the hand of the applicant in Form I set out in the Schedule and shall be sent to the Secretary to the Committee together with an affidavit by the applicant stating the matters of fact on which he relies in support of his application.

4. Committee to require further information

Before fixing a day for the hearing, the Committee may require the applicant to supply such further information and documents relating to the allegations as it thinks fit.

5. Notice to be served

In any case in which, in the opinion of the Committee, a *prima facie* case is shown, the Committee shall fix a day for hearing (which shall be not less than seven days after service on the advocate of the notice hereinafter mentioned) and the Secretary shall serve notice thereof on the applicant and on the advocate and shall also serve on the advocate a copy of the application and affidavit in support together with copies of any other documents supplied under the provisions of rule 4 of these Rules. The notice to the applicant shall be in Form 2 set out in the Schedule and the notice to the advocate shall be in Form 3 set out in the Schedule.

6. Secretary to be furnished with documents

The notices shall require the applicant and the advocate respectively to furnish the Secretary and to each other a list of all documents on which they respectively propose to rely. Such list shall, unless otherwise ordered by the Committee, be furnished by the applicant and by the advocate respectively on or before a date mentioned in the notice.

7. Inspection of documents

Upon receipt of the notice served under rule 5 of these Rules either party may inspect the documents included in the list furnished by the other; and a copy of any document mentioned in the list of either party shall, on the application and at the

expense of the party requiring it, be furnished to that party by the other within three days of the receipt of such application.

8. Determination of the hearing

If either party fails to appear at the hearing the Committee may, upon proof of service of the notice of hearing, proceed to hear and determine the application in his absence.

9. Issuance of summons

A summons issued under subsection (2) of section 14 of the Act may be either in Form 4 or Form 5 set out in the Schedule with such variations as circumstances may require.

10. Omitted

[Omitted.]

PART III

APPLICATION AT THE INSTANCE OF AN ADVOCATE HIMSELF (rules 11-15)

11. Application to remove a name

An application at the instance of an advocate himself to procure his name to be removed from the Roll shall be in writing in Form 6 set out in the Schedule and shall be verified by an affidavit in Form 7 set out in the Schedule.

12. Application and affidavit to be sent to the Secretary

The application and affidavit shall be sent to the Secretary and, unless the Committee otherwise directs, letters from two practising advocates to whom the applicant is known shall be sent in support thereof.

13. Advocate to give notice of application

The Committee may, if it thinks fit, require the advocate to give notice of his application by advertisement or otherwise, as it may direct, and of the date appointed for the hearing.

14. Notice of objection

If any person desires to object to the application he shall give notice in writing to the advocate and to the Secretary at least seven days before the day fixed for hearing, specifying the grounds of his objection.

15. Inquiry to take place

If the objector appears on the day fixed for the hearing and if the Committee is of opinion, after considering the notice of objection, and after hearing the advocate, if it thinks fit so to do, that the notice discloses a *prima facie* case for inquiry, it shall direct an inquiry to take place and shall give directions relating thereto, including directions as to the party on whom the burden of proof shall lie. Any such inquiry shall be held in accordance with the rules contained in Part II of these Rules.

PART IV

GENERAL PROVISIONS (rules 16-24)

16. Hearing of applications

The Committee shall hear all applications in private.

17. Application not to be withdrawn

No application shall be withdrawn after it has been sent to the Secretary except by leave of the Committee. The Committee may grant such leave subject to such terms as to costs or otherwise as it shall think fit or it may adjourn the matter under rule 18 of these Rules.

18. Adjournment

The Committee may of its own motion, or upon the application of either party, adjourn the hearing upon such terms as to costs, or otherwise, as to the Committee shall appear just.

19. Amendment of applications

If upon the hearing of an application it shall appear to the Committee that the allegations in the affidavit in support of such application require to be amended, or added to, the Committee may permit such amendment or addition, and may require the same to be embodied in a further affidavit, if in the judgment of the Committee such amendment or addition is not within the scope of the original affidavit:

Provided always that if such amendment or addition shall be such as to take the advocate by surprise or prejudice the conduct of his case, the Committee shall grant an adjournment of the hearing upon such terms as to costs or otherwise, as to the Committee shall appear just.

20. Shorthand notes

Shorthand notes of proceedings may be taken by a person appointed by the Committee; and any party who appeared at the proceedings shall be entitled to inspect the transcript thereof. The Secretary shall, if required, supply to any person entitled to be heard upon an appeal against an order of the Committee or upon the consideration of a report of the Committee, and to the Society, but to no other person, a copy of the transcript of such notes on payment of his charges. If no shorthand notes be taken, the Chairman, or some member of the Committee authorised by him in that behalf, shall take a note of the proceedings, and the provisions of this rule as to inspection and taking of copies shall apply to such note accordingly.

21. Service of notice

Service of any notice or document required by these Rules may be effected by registered letter addressed to the last known place of abode or business of the person to be served, and proof that such letter was so addressed and posted shall be proof of service. Any notice or document required to be given or signed by the Secretary may be given or signed by him or by any other person duly authorised by the Committee in that behalf.

22. Committee may dispense with requirements

The Committee may dispense with any requirements of these Rules respecting notices, affidavits, documents, service, or time, in any case where it appears to the Committee to be just so to do.

23. Extension of time

The Committee may extend the time for doing anything under these Rules.

24. Affidavits to be filed

All affidavits shall be filed with and kept by the Secretary.

SCHEDULE

FORMS

FORM 1

FORM OF APPLICATION AGAINST AN ADVOCATE

(Rule 3)

To the Secretary of the Advocates Committee constituted under the Advocates' Act (Cap. 306).

In the matter of C.D. an advocate

and

In the matter of the Advocates' Act

I, the undersigned A.B. hereby make application that C.D. 1 an advocate, be required to answer the allegations contained in the affidavit which accompanies this application 2 and that his name may be removed from the Roll of Advocates 3.

In witness whereof I have hereunto set my hand this day of 20.....

(Signature)

(Address)

.....
(Profession, business or occupation)

FORM 2
FORM OF NOTICE TO APPLICANT BY THE SECRETARY TO THE ADVOCATES
COMMITTEE
(Rule 5)

In the matter of C.D. an advocate

and

In the matter of the Advocates' Act

To A.B. of

The day of is the day fixed for the hearing of your application in the matter of C.D. advocate, by the Advocates Committee constituted under the Advocates' Act.

The Committee will sit at at o'clock in the noon.

You are required by the Advocates (Disciplinary and Other Proceedings) Rules, to furnish to the said C.D. and to me at at least days before the said day of a list of all the documents on which you propose to rely.

Either party may inspect the documents included in the list furnished by the other, and a copy of any document mentioned in the list of either party must, on the application and at the expense of the party requiring it, be furnished to that party by the other within three days after receipt of the application.

In the event of the advocate complained of not appearing, and of the Committee being asked to proceed in his absence, you must be prepared to prove service in accordance with the Rules of the list of documents and any other notice or correspondence since the lodging of the application.

You are requested to acknowledge receipt of this notice without delay.

Dated this day of 20.....

.....
Secretary to the Committee

(N.B. A copy of the Rules may be inspected at the office of the Secretary.)

FORM 3
FORM OF NOTICE TO ADVOCATE BY THE SECRETARY TO THE ADVOCATES
COMMITTEE
(Rule 5)

In the matter of C.D. an advocate

and

In the matter of the Advocates' Act

To C.D. of Advocate.

Application has been made by A.B. of to the Advocates Committee constituted under the Advocates' Act, that you be required to answer the allegations contained in the affidavit, a copy whereof accompanies this notice 1 and that your name be removed from the Roll of Advocates 2.

The day of is the day fixed for the hearing of the application by the Committee. The Committee will sit at at o'clock. If you fail to appear, the Committee may, in accordance with the Advocates (Disciplinary and Other Proceedings) Rules, proceed in your absence.

You are required by the Rules to furnish to the said A.B. and to me, at least days before the said day of, a list of all the documents on which you propose to rely.

Either party may inspect the documents included in the list furnished by the other, and a copy of any document mentioned in the list of either party must, on the application and at the expense of the party requiring it, be furnished to that party by the other within three days after receipt of the application.

You are requested to acknowledge receipt of this notice without delay.

Dated this day of 20.....

.....
Secretary to the Committee

(N.B. A copy of the Rules may be inspected at the office of the Secretary.)

FORM 4
FORM OF SUMMONS TO GIVE EVIDENCE
(Rule 9)

In the matter of C.D. an advocate
and
In the matter of the Advocates' Act

Whereas your attendance is required to give evidence on behalf of
..... in the above matter, you are hereby required to appear before the
Advocates Committee on the day of 20..... at
o'clock

1 (and to bring with you the undermentioned document(s))

And herein fail not.

Given under my hand at Dar es Salaam this day of 20.....

.....
Chairman (or Deputy Chairman)
Advocates Committee

FORM 5
FORM OF SUMMONS TO PRODUCE DOCUMENTS
(Rule 9)
LIST OF DOCUMENT(S)

In the matter of C.D. an advocate
and
In the matter of the Advocates' Act

You are required in the above matter to—

1 (a) attend and produce personally before the Advocates Committee on the
day of 20..... at o'clock the undermentioned document(s); or

2 (b) cause to be produced to the Advocate Committee on or before the day
of 20..... at o'clock the undermentioned document(s).

And herein fail not.

.....
Chairman (or Deputy Chairman)
Advocates Committee

FORM 6
FORM OF APPLICATION BY AN ADVOCATE FOR REMOVAL
OF NAME FROM ROLL
(Rule 11)
LIST OF DOCUMENT(S)

*In the matter of C.D. an advocate
and
In the matter of the Advocates' Act*

I, the undersigned C.D., an advocate, hereby make application that my name may be removed from the Roll of Advocates.

I make this application for the following reasons—
(here set out the reasons for the application)

In witness whereof I have hereunto set my hand this day of
20.....

Signature

Address and place of business.....
.....

FORM 7
FORM OF AFFIDAVIT BY AN APPLICANT, BEING AN ADVOCATE
(Rule 11)

*In the matter of C.D. an advocate
and
In the matter of the Advocates' Act*

I, C.D. of make oath and say as follows—

1. I was admitted as an advocate on the day of and practised under certificate from the year to the year
2. The reasons set out in my application that my name be removed from the Roll of Advocates, which application is now produced by me and marked A, are true.
3. I am not aware of, and do not know of any cause for, any other application to the Court or to the Advocates Committee constituted under the Advocates' Act, that my name be removed from the Roll, or that I may be required to answer allegations contained in an affidavit.
4. I do not make this application for the purpose of evading any adverse application, or of defeating or delaying any claim against me as an advocate.

Sworn by the said CD. at on the
day of 20.....
before me

THE ADVOCATES' REMUNERATION AND TAXATION OF COSTS RULES
(Section 69)

G.N. No. 515 of 1991

PART I
GENERAL PROVISIONS (rules 1-16)

1. Citation

These Rules may be cited as the Advocates' Remuneration and Taxation of Costs Rules.

2. Application

These Rules shall apply for the purposes of the remuneration of an advocate of the High Court by his client as well as for the taxation of costs in contentious matters in the High Court and in courts subordinate to the High Court.

3. Taxing Officer

The Taxing Officer for the taxation of bills under these Rules shall be the Registrar, a District or Deputy Registrar of the High Court or such other officer of the court as the Chief Justice may appoint.

4. Notice of taxation to be given by Taxing Officer

Whenever an advocate shall have lodged a bill for taxation with the necessary papers and vouchers, the Taxing Officer shall thereupon issue a notice fixing the time at

which the taxation shall take place.

5. Objection to taxation procedure

(1) Where any party objects to a decision of the Taxing Officer, he may refer his objection for the decision of a judge of the High Court.

(2) The objector shall proceed by way of chamber application, supported by an affidavit to be filed within 21 days after the issue of the certified copy of the officer's decision and to be served upon all other parties who were entitled to appear on such taxation.

6. Extension of time

(1) The High Court may by order extend the time fixed under Rule 5.

(2) An application for such an order shall be made by a chamber application giving other interested parties notice in writing or in any other way as the court may direct in not less than seven clear days before the application comes up for hearing.

7. Reference to High Court

With the consent of both parties the Taxing Officer may refer any matter in dispute arising out of the taxation of a bill for the opinion of the High Court.

8. Bills not to be altered after being lodged

No addition or alteration shall be made in costs after a bill has been lodged for taxation except by consent of the parties or by permission or direction of the court or Taxing Officer.

9. Taxation of costs as between advocate and client, on application of either party

(1) In all cases the Taxing Officer may tax costs as between advocate and client without any order for the purpose, upon the application of the client on a written undertaking to pay any balance which the Taxing Officer may certify.

(2) One notice of the date fixed for taxation shall be given to the other party who shall be at liberty to attend and be heard upon such application.

10. Default of advocate to attend taxation notice

Any advocate who, without reasonable excuse after due notice, fails to appear on the date fixed for taxation or any date to which such taxation is adjourned, or who in any way delays or impedes the taxation, or puts any other party to any unnecessary or improper expenses relative to such taxation shall, unless the Taxing Officer otherwise directs, forfeit the fees to which he would otherwise be entitled for drawing his bill of costs and attending the taxation, and shall in addition be liable to pay for any unnecessary or improper expenses to which he has put any party.

11. Discretion of Taxing Officer

Notwithstanding anything contained in these Rules, on every taxation, whether in respect of non-contentious matters or contentious proceedings, the Taxing Officer shall allow all such fees, costs, charges and expenses as shall appear to him to have been necessary and proper, but, save as against the party who incurred the same, no costs shall be allowed which appear to the Taxing Officer to have been incurred or increased through overcaution, negligence or mistake, or by payment of special charges or expenses to witnesses or other persons, or by other unusual expenses.

12. Refusal of remuneration

No advocate shall agree or accept remuneration more than that provided by these Rules.

13. Additional remuneration

(1) Where any business requires and receives exceptional despatch or at the request of the client is attended to after normal business hours the advocate shall be allowed such additional remuneration as is appropriate in the circumstances.

(2) Such additional remuneration, except in special circumstances, shall be allowable only as between advocate and client.

14. Special fee in certain circumstances

In business of exceptional importance or unusual complexity, an advocate shall be entitled to receive and shall be allowed as against his client, a special fee in addition to the remuneration prescribed in these Rules:

Provided that in assessing the special fee regard shall be had to—

- (a) the nature of the place and the circumstances in which the business or part thereof is transacted;
- (b) the nature and extent of the pecuniary or other interest involved;
- (c) the nature and quality of labour and responsibility entailed;
- (d) the number, complexity and importance of documents prepared or examined;
- or
- (e) any other relevant circumstances that may exist.

15. Security for money to become due

An advocate may accept from his client and his client may give to his advocate security for the amount to become due to the advocate for the remuneration and disbursements in business to be transacted or being transacted by him for interest as prescribed under rule 16 on such amount, but that interest is not to commence until the amount, due is ascertained either by agreement or taxation.

16. Interest charges

An advocate may charge interest at 12% per annum on his disbursements and allowable costs from the delivery of his bill to the client, provided that such claim for interest is raised before the amount of the bill has been paid or tendered in full.

PART II

NON-CONTENTIOUS MATTERS (rules 17-38)

17. Remuneration of advocate certain non-contentious matters

The remuneration of an advocate as such in respect to business connected with in sales, purchases, leases, mortgages, settlements and other matters of conveyancing and other business not being business in any action or transaction in any court or in chambers of any judge, registrar or magistrate shall be regulated as follows—

- (a) in respect of sales, agreements for leases or conveyances the remuneration of the advocate having the conduct of the business shall be prescribed in Schedule I and II of these Rules and shall be subject to the Rules therein contained;
- (b) in respect of leases, agreements for leases or conveyances reserving rents or agreements for the same, when the transaction shall have been completed, the remuneration of the advocate having the conduct of the business shall be that prescribed in Schedule III of these Rules;
- (c) in respect of any business referred to in paragraphs (a) and (b) which is not completed and in respect of business not hereinbefore provided for, connected with any transaction the remuneration for which if completed is prescribed in Schedules I, II and III hereto but which is not in fact completed, and in respect of other deeds or documents the remuneration for which is not prescribed in Schedules I, II and III, the remuneration shall be regulated according to Schedule VIII hereto, save in the following matters—
 - (i) in respect of business in connection with proceedings in probate and administration, remuneration shall be regulated by Schedule X hereto;
 - (ii) in respect of business in connection with floating of companies, the remuneration shall be regulated by Schedule V hereto;

- (iii) in respect of business in connection with registration of trade marks, inventions and designs, the remuneration shall be regulated by Schedules VI and VII.

18. Remuneration not to include stamps, auctioneers' charges, etc.

The remuneration prescribed in this Part does not include stamps, auctioneers' or valuer's charges, agency fees or travelling and hotel expenses, extracts from any register, record or roll, cost of photocopies, stationery, copies of letters and other disbursements reasonably and properly incurred, but includes charges and allowances for the time of the advocate and his clerks.

19. Definition of "folio"

The word "folio" in these Rules shall mean 100 words, and a single figure or group of figures up to five in number, or an item in account shall for this purpose be counted as one word.

20. Remuneration for conveyance on a sale by auction

The remuneration for deducing title, perusing and completing conveyance on a sale by auction shall be chargeable on each lot of property except that where property held under the same title is divided into lots for convenience of sale and the same purchaser buys several such lots and takes one conveyance and only one abstract of title is delivered, the commission shall be chargeable upon the aggregate prices of the lots.

21. Remuneration on attempted sale by auction

(1) The remuneration on an attempted sale by auction in lots shall be chargeable on the aggregate of the reserved prices.

(2) When property offered for sale by auction is bought in and terms of sale are afterwards negotiated and arranged by the advocate he shall be entitled to charge according to scales in Schedule I on the reserved price for negotiating the same.

(3) When property is bought in and afterwards offered by auction by the same advocate he shall only be entitled to the scale in Schedule I for the first attempted sale, and for each subsequent sale ineffectually attempted he may charge only according to Schedule II hereto.

(4) In case of a subsequent effectual sale by auction the full remuneration for an effectual sale shall be chargeable in addition less one half of the remuneration previously allowed on the first attempted sale.

22. Charges where advocate is concerned for both mortgagor and mortgagee or vendor and purchaser

(1) Where an advocate is concerned for both mortgagor and mortgagee he shall be entitled to charge the mortgagee's advocate's charges and one half the mortgagor's charges.

(2) Where an advocate acts for both vendor and purchaser he shall be entitled to charge purchaser's advocate's charges and one half the vendor's advocates charges, and such charges shall be pooled and paid by the vendor and purchaser equally.

23. Scale charges

Scale charges shall include all work ordinarily incidental to a transaction, and in the case of a conveyance, transfer or mortgage it shall include—

- (a) taking of instructions to prepare the necessary deed or document;
- (b) investigation of title;
- (c) report of title to the client;
- (d) preparation or approval or adjustment of the deed or document;
- (e) settlement of transaction if in the town of the advocate's practice;
- (f) obtaining by correspondence any necessary consent;

- (g) registration of deed; or
- (h) correspondence between advocate and client:
Provided that such charge shall not include—
 - (i) prior negotiation necessary or leading to the completion of a bargain;
 - (ii) tracing of title deeds or obtaining certified copies thereof;
 - (iii) payment of withholding tax or obtaining of exemption thereof;
 - (iv) completion of valuation forms for assessment of stamp duties and tax;
 - (v) adjudication of stamp duties;
 - (vi) personal attendance in obtaining any necessary consent under subparagraph (i);
 - (vii) extra work occasioned by special circumstances; or
 - (viii) extra work occasioned by change of circumstances emerging while an item of business is in progress, e.g. the death or the bankruptcy of a party to a transaction.

24. Calculation of scale

In the calculation of scale charges, the basis of a charge shall, unless charges otherwise provided in the Schedules to these Rules, and irrespective of the number of titles involved or documents required to be prepared or approved, be the sum set forth in the deed or document as the price or consideration or, where only a nominal price or consideration is set forth, the value of the subject matter affected by the deed which shall be deemed to be—

- (a) the value fixed for the purpose of stamp duties; or
- (b) the sum at which the property affected has last been passed for estate duty; or
- (c) the last price at which a sale has taken place within 10 years from the date of transaction; or
- (d) the estimated average market value during the preceding three years.

25. Charges where conveyance and mortgage are prepared by one advocate

(1) Where a conveyance and mortgage of the same property are completed at the same time and are prepared by the same and advocate he shall be entitled to charge only half the fees in Schedule I, for investigating of title and preparing the mortgage deed as shown in Schedule I.

(2) Where a conveyance and mortgage of the same property are completed at the same time, the respective advocate acting for the vendor and purchaser shall charge two-thirds of the appropriate scale fee on the conveyance for preparing and approving the mortgage.

26. Charges for approving draft on behalf of several parties having different interests

If an advocate approves a draft on behalf of several parties having distinct interests proper to be separately represented, he shall be entitled to one thousand five hundred shillings additional for each such party after the first.

27. Scale, how reckoned where property is sold subject to incumbrances

Where a property is sold subject to incumbrances it is to be deemed part of the purchase money except where the mortgagee purchases, in which case the charge of his advocate shall be calculated upon the price of the equity of redemption.

28. Scale: how reckoned on transfers of mortgages

(1) The above scale as to mortgages shall apply to transfers of mortgages where the title was investigated by the same advocate on the original mortgage or on any previous transfer, but it shall not apply to further charges where the title has been so previously investigated.

(2) On transfers and further charges the remuneration shall be regulated

according to Schedule VIII hereto, but the scale for negotiating the loan shall be chargeable on such transfers and further charges where it is applicable.

29. Scale for conducting a sale by auction

(1) The scale for conducting a sale by auction shall apply only in cases where a no commission be paid by the client to an auctioneer, the advocate's remuneration in respect of the auction shall be regulated by Schedule VIII.

(2) The scale for negotiating shall apply to cases where the advocate of a vendor or purchaser arranges the sale or purchase and the price, terms and conditions thereof, and no commission is paid by the client to an auctioneer, estate or other agent, but as to a mortgagee's advocate, it shall only apply subject as hereinafter provided to cases where he arranges and obtains the loan from a person for whom he acts.

30. Abstract of title furnished by vendor

Where the vendor or lessor furnishes an abstract of title it shall be charged for according to Schedule VIII.

31. Where advocate is concerned for both vendor and purchaser or lessor and lessee

Where an advocate is concerned for both vendor and purchaser or lessor and lessee, he may charge the vendor's or lessor's advocate's charges and one half of that of the purchaser's or lessee's advocate's charges.

32. Where a mortgagor joins in a conveyance or lease

Where a mortgagor or mortgagee joins in a conveyance or lease the vendor's or lessor's advocate may charge one thousand two hundred shillings extra.

33. Where a party other than vendor or lessor joins a conveyance and is represented by a separate advocate

Where a party other than a vendor or lessor joins in a conveyance or lease and is represented by a separate advocate the charges of such separate advocate shall be dealt with under Schedule VIII.

34. Where consideration for conveyance or lease consists of premium and rent

Where a conveyance or lease is partly in consideration of a money payment or premium and partly of a rent then in addition to the remuneration hereby prescribed in respect of the rent there shall be paid a further sum equal to the remuneration on a purchase at a price equal to such money payment or premium.

35. Conveyancing documents

Unless otherwise agreed, all conveyancing documents shall be prepared by the advocate for the parties as follows—

- (a) *conveyance or transfer*:
advocate of the purchaser or party to whom property is conveyed, transferred or assigned;
- (b) *mortgage or charge*:
advocate of mortgagee or chargee;
- (c) *release or discharge*:
advocate or party in whose favour release or discharge is given;
- (d) *lease*:
advocate of lessor; and
- (e) *all other documents*:
advocate of the guarantee or obligee unless express provision to the contrary is made elsewhere in these Rules.

36. Advocate acting on behalf of a building society mortgagee

(1) Where an advocate acting on behalf of a building society mortgagee makes use of a printed or stereo-typed form of engrossment, mortgage or discharge, the fee

payable to the mortgagee's advocate under Schedule I shall be reduced by one-third but not in excess of half of the scale fee.

(2) For the purpose of this Rule, a building society shall be deemed to include an association, corporation or company acting in the making of an advance or the lending of money on the security of, or for the purposes of purchasing of building, domestic or residential property.

37. Advocate acting on behalf of a lessor in two or more leases

Where an advocate acting on behalf of a lessor who is granting or proposing to grant two or more leases in common form makes use of printed or stereo-typed form engrossment of lease, the fee payable to such advocate in respect of each such lease under Schedule II shall be reduced by one third.

38. Bills of costs

Bills of costs shall be drawn in accordance with scales provided in the Schedules to these Rules.

PART III

TAXATION OF COSTS IN CONTENTIOUS PROCEEDINGS (rules 39-72)

39. Application of Part III

This Part shall apply to costs as between advocate and client and between party and party.

40. Costs in High Court and subordinate courts

Bills of costs incurred in contentious proceedings in the High Court of Tanzania and subordinate courts shall be taxable according to the rates in the Tenth, Eleventh and Twelfth Schedules to these Rules.

41. Costs may be taxed as between party and party or as between advocate and client

The costs of any matter or application shall be taxed and paid as the court may direct either as between party and party or as between advocate and client or to be borne by the estate of a minor, lunatic, bankrupt or deceased person, or full costs, charges and expenses may be allowed, or the court may fix a sum to be paid in lieu of taxed costs.

42. Costs on an opposed motion

In the absence of any express direction costs of an opposed motion shall follow the event, and shall be taxed as between party and party.

43. Court may determine amount in lieu of taxed costs, etc.

The Court may at its own motion fix a sum to be paid in lieu of taxed costs and shall at the request of all parties to any proceedings, record as an integral part of the court's final order or judgement therein, the agreement of the parties as to the amount of costs to be paid in pursuance of the order or judgement, unless the court for reasons to be recorded, considers the amount so agreed as exorbitant or unreasonable.

44. Application for costs when not made at the time of the proceeding

(1) Where any party to, or person affected by, any proceeding desires to make an application for an order that he be allowed his costs, or any part of them incident to such proceeding, and such application is not made at the time of the proceedings, such party or person shall serve notice of his intended application on all parties interested, who may appear on such application and object thereto.

(2) No cost of or incident to such application shall be allowed to the applicant unless the court is satisfied that the application could not have been made at the time of the proceeding.

45. Bills to be taxed on prescribed scale

All bills of costs shall be taxed on the prescribed scale, unless a Judge of the High Court certifies on special grounds scale arising out of the nature and importance,

or the difficulty, or urgency of the case that they are to be taxed on the higher scale.

46. Excessive claim

When more than one-sixth of the total amount of a bill of costs exclusive of court fees is disallowed, the party presenting the bill for taxation shall not be entitled to the costs of such taxation:

Provided that, at the discretion of the Taxing Officer any instruction fee claimed, may be disregarded in the computation of the amount taxed of that fee in the computation of the one-sixth.

47. Costs of more than one advocate be certified by the Judge

The costs of more than one advocate may be allowed in cases or matters in which, the Judge at the trial, in the case to of a plaintiff, having regard to the amount recovered or paid in settlement or the relief awarded or the nature, importance or difficulty of the case and, in case of the defendant having regard to the amount sued for or the relief claimed, or the nature, importance or difficulty of the case has certified under his hand that more than one advocate was reasonable and proper, and such certificate may be granted in respect of two members or employees of the same firm.

48. Costs improperly incurred by advocate

(1) Where it appears to the Court or a Judge that costs have been improperly or without reasonable cause incurred or by reason of—

- (a) undue delay in proceeding under any judgement or order; or
- (b) any misconduct or default of the advocate,

any costs properly incurred have nevertheless proved fruitless to the person incurring the same, the court or a Judge may call on the advocate by whom such costs have been so incurred to show cause why such costs should not be disallowed as between the advocate and his client, and also as the case may require why the advocate should not repay any costs which his client may have been ordered to pay to any other person, and thereupon may make such order as the justice of the case require.

(2) The court or Judge may, if it or he thinks fit, refer the matter to a Taxing Officer for inquiry and report and direct the advocate in the first place to show cause before such taxing officer.

49. When upon an award may be taxed

Costs may be taxed upon an award in an arbitration notwithstanding that the time for setting aside the award has elapsed.

50. No notice where defendant has not appeared

Notice of taxation of costs shall not be necessary in any case in which the defendant has not appeared in person or by advocate.

51. Official Receiver in bankruptcy to have notice

In bankruptcy matters every person whose bill or charges is or are to be taxed shall, in all cases, give reasonable notice of appointment to tax the same to the Official Receiver, and shall on application furnish him with a copy thereof on payment at the ordinary copying rate per folio, which payment may be charged to the estate.

52. Refusal or neglect in lodging bills

When any party entitled to costs refuses or neglects to bring in his costs for taxation or to procure the same to be taxed and thereby prejudices any other party, the taxing officer shall be at liberty to certify the costs of other parties and certify such refusal or neglect bills or may allow such party refusing or neglecting a nominal sum or other sum for such costs so as to prevent any other party being prejudiced by such refusal or neglect.

53. Manner of preparing bills for taxation

(1) Bills of costs shall be prepared in five columns, as follows—

- (a) the first or left hand column for dates showing year, month and days;
- (b) the second for the number of items;
- (c) the third for the particulars of the service charged for;
- (d) the fourth for the professional charges;
- (e) the fifth for the Taxing Officer's deduction; and
- (f) disbursements shall be shown separately at the foot of the bill.

(2) Every bill of costs which shall be lodged for taxation shall be endorsed with the name and address of the advocate by whom it is lodged, and also the name and address of the advocate (if any) for whom he is agent.

54. Advocate of petitioner to give credit for deposit

The Advocate in the matter of a bankruptcy petition presented by the debtor against himself shall, in his bills of costs, give credit for such sum or security, if any, as he may have received from the debtor, as a deposit on account of the costs and expenses to be incurred in and about the filing and prosecution of such petition and the amount of any such deposit shall be noted by the Taxing Officer in his certificate of taxation.

55. Vouchers to be produced on taxation

(1) Receipts or vouchers for all disbursements charged in a bill of costs together with all documents or drafts or copies thereof shall be produced on taxation.

(2) The preparation of drafts and other documents which are charged for by the folio shall have the folios consecutively numbered in the margin of the same, and the number of the folios shall be endorsed therein in figures.

(3) The length of all documents not vouched by attested copies or other satisfactory evidence shall be certified by the advocate, and if such certificate be erroneous the Taxing Officer may disallow the cost of the document so erroneously certified or any part thereof.

56. Certificate of Taxing Officer on bills taxed under special order

When a bill of costs is taxed under any special order of the court, and it appears by such order that the costs are to be paid otherwise than out of the estate of a bankrupt, minor, lunatic or deceased person the Taxing Officer shall note in his certificate of taxation by whom or the order manner in which such costs are to be paid.

57. Reasonable charges and expenses of witnesses

The Taxing Officer shall allow reasonable charges and expenses incurred by witnesses called to give evidence.

58. Costs where the same advocate is employed by two or more plaintiffs or defendants

Where the same advocate is employed by two or more plaintiffs or defendants and separate pleadings are delivered or other proceedings had by or for two or more of such plaintiffs or defendants separately, the Taxing Officer shall consider in the taxation of such advocate's bills of costs, either between party and party or between advocate and client, whether such separate pleadings or other proceedings were necessary or proper, and if he is of opinion that any part of the costs occasioned thereby have been unnecessarily or improperly incurred, the same shall be disallowed.

59. Where parties agree to the costs to be paid

(1) If, after the disposal of any proceedings by the court, the parties thereto agree to the amount of costs to be paid in pursuance of the court order or judgement therein, the parties may, instead of filing a bill of costs and proceeding to taxation thereof, request the Registrar by letter to record the agreement and, unless he considers the amount agreed upon to be exorbitant, the Registrar shall do so upon payment of the same court fee as is payable on the filing of any document for which no

special fee is prescribed.

(2) The agreement when recorded shall have the same force and effect as a certificate of taxation of a Taxing Officer:

Provided that, if the Taxing Officer considers the amount so agreed upon to be exorbitant, he may direct the said cost to be taxed according to these Rules.

60. Final advocate to draw the bill for the whole matter

(1) Where there has been a change of an advocate or more than one change of advocates, the advocate finally on the record shall draw a single bill for the whole of the matter in respect of which costs have been awarded.

(2) On taxing the bill the taxing officer shall take into account that the bill shall not be larger than if a single advocate had been employed, and that the party taxing the bill shall not obtain indemnity for costs which he has not paid.

61. Costs between party and party where joint executors or trustees defend separately

In taxing the costs between party and party of joint executors or trustees who defend separately the Taxing Officer shall, unless otherwise ordered by the court or judge, allow but one set of costs for such defendants when he is of the opinion that they ought to have joined in their defence, such costs to be apportioned among them as the Taxing Officer shall deem fit.

62. Appearance in court or chambers of party not interested

Where any party appears upon any application or proceeding in court or in chambers, in which he is not interested or upon which, according to the practice of the court, he ought not to attend, he shall not be allowed any costs of such appearance unless the court or Judge shall otherwise order.

63. Notice to be given to the Taxing Officer

At any time after fourteen days from making an order for the payment forthwith of costs when taxed, any party liable to pay the costs may give not less than one calendar month's notice to the party entitled to tax his bill to do so, and the notice shall be filed and delivered.

64. Certificate of costs of suit

Notwithstanding anything to the contrary in the these Rules, when a judge of the High Court enters judgment under Order 35 of the Civil Procedure Code *, he may, on application in writing, and without the filing or taxation of any bill of costs, or of notice to any party, sign a certificate of the costs of the suit.

65. Discretion of Taxing Officer in default of appearance of one of the parties or his advocate

The Taxing Officer may proceed to taxation *ex parte* in default of appearance of one of the parties or his advocate, and to limit or extend the time to any proceedings before him and, for proper cause, to adjourn the hearing of any taxation from time to time.

66. Instructions to include attendance on deponent

The allowances for "instructions" and "drawing an affidavit in answer to interrogatories" and other special affidavits shall include all attendances on the deponent to settle.

67. Discretion of Taxing Officer in allowing witnesses

(1) The Taxing Officer shall not be absolutely bound by the scale but shall allow just and reasonable charges and expenses as appear to have been properly incurred in procuring evidence.

(2) A party who is a material and necessary witness may be allowed for his loss of time and expenses as if a stranger to the suit.

(3) When taxing costs, witnesses' expenses shall be supported by a statement signed by the advocate and filed with the bill of costs stating—

- (a) the place of abode and the condition, quality, occupation; or
- (b) rank in life of the witnesses or intended witnesses charged for; or
- (c) the distance they have had to travel, the mode of travel, and if by rail the class in which such witness travelled for the purpose of attending the trial; and
- (d) whether to the knowledge or belief of the deponents they attended as witnesses in any other cause or came upon any other business; and
- (e) also that they were material and necessary witnesses for the party on the trial of the cause, and the notes of their evidence must be produced on taxation.

(4) The allowances in respect of fees to any accountants, merchants, engineers, actuaries and scientific persons to whom any question is referred shall, save where the court or Judge shall otherwise order, be regulated by the Taxing Officer subject to review by the court.

68. No advocate's costs for suit without notice

If the plaintiff in any action has not given the defendant notice of his intention to sue, and the defendant pays the amount claimed or found due at or before the first hearing, no advocate's costs will be allowed except on a special order of the Judge.

69. Special reasons for departure from prescribed costs

The Judge may for special reasons to be certified by him allow costs in addition to the costs provided by the scale or may refuse to allow an advocate's costs or may allow costs at a lower rate than that provided by the scale.

70. Summary proceedings

(1) Summary proceedings relate to suits under Order XXXVII of the Civil Procedure Code * or any law substituted therefor, and all action in which the plaintiff has proceeded under a specially endorsed summons.

(2) The sum allowed in the scale shall be in addition to the sum disbursed for court costs in accordance with the scale of court fees for the time being in force prescribing the fees leviable in civil suits.

71. Revocation of Rules

[Revokes the Advocate's Remuneration and Taxation of Costs Rules 1920 - 1961.]

72. Application of Rules

Upon the commencement of these Rules they shall apply in all proceedings pending, whether in the High Court or in subordinate courts, and without prejudice to the validity of anything previously done but—

- (a) if and so far as it is impracticable in any of those proceedings to apply the provisions of these Rules, the previous practice and procedure shall be followed;
- (b) in any case of difficulty or doubt a Judge or the Registrar may informally give directions as to the procedure to be adopted.

SCHEDULE I

SCALE OF CHARGE ON SALES, PURCHASE AND MORTGAGES

<i>Vendors' Advocate:</i>	<i>Scale Fee</i>
(i) For negotiating a sale of immovable property by private contract	3% of the subject matter
(ii) For deducing title to immovable property and perusing and completing conveyance (including preparation of contract of conditions of sale, if any), the scale shall be as shown here below.	

Purchaser's Advocate:

(i) For negotiating a purchase of property by private contract	Scale as shown below
(ii) For investigating title to immovable leasehold property, and preparing and completing conveyance (including perusal and completion of contract, if any)	Scale as shown below
<i>Amount</i>	<i>Fees</i>
Up to 200,000/=	15%
Between 200,000/= - 300,000/=.....	10%
Between 300,000/= - 500,000/=	8%
Between 500,000/= - 1 million/=.....	5%
Between 1 million/= - 3 million/=	3%
Over 3 million shall be charged as if it were for 3 million.	
Discharge of mortgages:	one-fifth of the fees for mortgages
Assignment of mortgages:	same fees as for mortgages
Equitable mortgages:	same fees as for mortgages
Discharge of equitable mortgages:	one-fifth of the fees for mortgages.

SCHEDULE II
SCALE OF FEES FOR LEASES OR AGREEMENTS FOR LEASES

<i>Amount</i>	<i>Fees</i>
Up to 20,000/=	30%
Between 20,000/= - 50,000/=	25%
Between 50,000/= - 100,000/=	20%
Between 100,000/= - 200,000/=	15%
Between 200,000/= - 300,000/=	12%
Between 300,000/= - 500,000/=	10%
Between 500,000/= - 1 million	8%
Between 1 million - 3 million	5%
Over 3 million	3%
For leases of, or over five years, the fees should be increased by one-third.	

SCHEDULE III
SCALE FEES FOR CONVEYANCES RESERVING A RENT

1/2% of the fees prescribed under Schedule II.

SCHEDULE IV
SCALE OF FEES FOR DEBENTURES

<i>Amount</i>	<i>Fees</i>
Up to 200,000/=	15%
Between 200,000/= - 300,000/=	10%
Between 300,000/= - 500,000/=	8%
Between 500,000/= - 1 million	5%
Between 1 million - 3 million	3%
Between 3 million - 100 million	3%
Over Shs. 100 million shall be charged as if it were for Shs. 100 million.	

SCHEDULE V
SCALE OF FEES FOR FORMATION OF COMPANIES

<i>Share Capital</i>	<i>Fees</i>
Up to 100,000/=	A minimum of 10,000/=
Shs. 100,000/= - 1 million	10,000/=
Shs. 1 million - 10 million	5%

Over Shs. 10 million shall be charged as if it were Shs. 10 million.

SCHEDULE VI
SCALE OF FEES FOR TRADE MARKS: INSTRUCTIONS, etc.

<i>1. Applications:</i>	<i>Shs.</i>	<i>Cts.</i>
(a) Instructions to register one trade mark in one class	1,300	00
(b) Instructions to register second and further trade marks in the name of the same proprietor simultaneously per trade mark in one class	3,100	00
<i>2. Registered Users:</i>		
(a) Instructions to file an application to enter one registered user of one registered trade mark or more than one registered trade mark of the same proprietor incorporated and subject to the same conditions and restrictions in each case:		
(i) For the first or single registered trade mark	2,600	00
(ii) For the second registered trade mark and any subsequent registered trade mark	1,100	00
(b) Drawing statement of case statutory declaration in support and application depending on the amount of work involved but not less than	2,100	00
(c) Drawing registered user agreement depending on the amount of work involved but not less than	3,100	00
(d) Instruction to file an application for cancellation of a registered user in respect of one registered trade mark or more than one registered trade mark of same proprietor–		
(i) For the first or single registered trade mark	1,600	00
(ii) For the second registered trade mark and any subsequent registered trade mark	1,100	00
(e) Drawing application for cancellation and statement of grounds depending on amount of work involved but not less than	1,100	00
(f) And for each subsequent trade mark included in the same application for cancellation the ground for cancellation being the same	400	00
(g) Instructions to file an application for variation of term of appointment of registered user	2,600	00
<i>3. Assignments:</i>		
(a) Instruction to file an application to register subsequent proprietor of one registered trade mark (or more than one registered trade mark standing in the same name under the same devolution of title and filed simultaneously with or without goodwill)–		
(i) For the first registered trade mark	1,600	00
(ii) For the second registered trade mark and any subsequent registered trade mark	1,100	00

(b)	Instructions to file application for directions by the Registrar for advertisement of the assignment of trade marks in use without goodwill and according to the advertisement thereof—		
	(i) For one registered trade mark assigned	1,600	00
	(ii) For every other registered trade mark assigned under the same devolution of title simultaneously	1,100	00
(c)	Instructions to apply for extensions of time in which to apply for directions to advertise	1,100	00
	<i>4. Renewals:</i>		
(a)	Instructions to renew the registration of one trade mark in one class	1,600	00
(b)	Instructions to renew the registration of a good and further trade mark in the name of the same proprietor simultaneously	1,100	00
(c)	Instructions to restore the registration of one trade mark in one class	2,100	00
	<i>5. Change of Name:</i>		
(a)	Instructions to register change of name of the registered proprietor in respect of one trade mark in one class	1,100	00
(b)	Instruction to register change of name of the registered proprietor in respect of second and further trade marks simultaneously for each change of name per trade mark in one class	600	00
	<i>6. Change of Address:</i>		
(a)	Instructions to register change of address of the registered proprietor in respect of one trade mark in one class	1,600	00
(b)	Instructions to register change of address of the registered proprietor in respect of second and further trade marks simultaneously for each change of address per trade mark in one class	600	00
	<i>7. Alterations or Amendments:</i>		
(a)	Instructions to amend or alter one registered trade mark in one class	1,600	00
(b)	Instructions to amend or alter second and further registered trade marks simultaneously in one class per trade mark per class	600	00
	<i>8. Searches and Copies:</i>		
(a)	Attendance to search the register or a file at the registry and advising thereon per quarter hour or part thereof by—		
	(i) an advocate	750	00
	(ii) an unqualified employee	600	00
(b)	Instructions to obtain Registrar's preliminary advice including drawing the prescribed form	1,100	00
(c)	Instructions to obtain registry certified copies of documents—		
	(i) one copy of any document	1,100	00

(ii) second and additional copies of same document obtained simultaneously	400	00
<i>9. Opposition and Rectification Proceedings:</i>		
(a) Instructions to enter opposition or to defend opposition proceedings or to apply for rectification or to defend rectification proceedings whose such opposition or proceedings are conducted before the Registrar, such fee as the Taxing Officer in the exercise of the discretion and taking into consideration the nature and importance of the opposition of rectification, the value of the trade mark to the parties concerned, the amount of evidence filed and the time required for the preparation thereof, the general conduct of the proceedings and all other relevant circumstances shall decide but not less than	5,100	00
(b) Attendance before the Registrar conducting opposition or rectification proceedings		
(i) every whole day	3,100	00
(ii) every half day or part thereof	1,600	00
(c) On interlocutory matters, taking judgement, etc. every 15 minutes or part thereof	850	00
<i>10. Miscellaneous Matters:</i>		
(a) Instructions to advise on registrability of a mark or on a point of law of practice such fee as may be reasonable in the circumstances, but not less than	300	00
(b) Attendance on the Registrar for every fifteen minutes or part thereof—		
(i) for argument	850	00
(ii) for filing papers	300	00
(c) Correspondence where charged for separately—		
(i) per letter	200	00
or per folio	70	00
(ii) receiving and perusing letters per letter	60	00
or per folio	35	00
(d) Drawing all other necessary documents (notices of opposition statutory declaration, counter statements etc) per folio	250	00
(e) Perusing documents, pleadings, statutory declarations etc.	35	00
(f) All other necessary attendance (including attendances to take minutes of evidence of witnesses other than the party for whom the advocate is acting) per quarter hour or part thereof	850	00

The fees in items 1, 2, 3, 4, 5, 6 and 7 above are inclusive, unless otherwise provided, of drawing statutory forms and authorisations as necessary and of all necessary routine correspondence with the client but they do not cover additional matters shown in items 8 and 9 and work occasioned by objections or queries by the Registrar or third parties or by any other complication or unusual delay which matters shall be charged for separately.

SCHEDULE VII
SCALE OF FEES FOR TRADE MARKS:
REGISTRATION, ASSIGNMENT, EXTENSION, etc.

<i>1. Registrations:</i>		
Instructions to register a patent including form of authorisation and stamping it, drawing and lodging application	2,100	00
<i>2. Assignments:</i>		
Instruction to register an assignment of a patent including drawing form of authorisation and stamping it and assignment, drawing and lodging application	1,600	00
<i>3. Extensions:</i>		
Instructions to register an extension of a patent including drawing term of authorisation and stamping it and making application for extension	1,600	00
<i>4. Searches:</i>		
Attending for searching at the Registry of patents for every 15 minutes—		
(i) by an advocate	850	00
(ii) by an unqualified employee	600	00

SCHEDULE VIII
SCALE OF FEES IN RESPECT OF BUSINESS THE REMUNERATION
FOR WHICH IS NOT OTHERWISE PRESCRIBED

<i>1. Instructions:</i>		
Such fee for instructions as having regard to the care and labour required, the number and length of the papers to be perused, the nature or importance of the matter, the amount or value of the subject matter involved, the interests of the parties, complexity of the matter and all other circumstances of the case as it may be fair and reasonable, but so that due allowance shall be given for other charges raised under this Schedule.		
<i>2. Drawing and Perusing etc.</i>		
	<i>Per folio</i>	
	<i>Shs. Cts.</i>	
For drawing	250.00	
For engrossing	50.00	
For fair copying	40.00	
For perusing	50.00	
<i>3. Attendance:</i>		
(i) In ordinary cases, per 15 minutes or part thereof	750.00	
(ii) On routine telephone calls within Tanzania for 3 minutes or part thereof (in other cases the Taxing Officer may increase or diminish the charges if for any special reason he sees fit)	200.00	
<i>4. Time Engaged:</i>		
Where charge is so based in lieu of charges per item of work done per hour or part thereof	3,000.00	
<i>5. Correspondence:</i>		
Letters	80.00	
or per folio	80.00	
Receiving and perusing letters	60.00	
or per folio	40.00	
<i>6. Opinions:</i>		

For formal written opinion, such fee as may be reasonable in the circumstances, having regard to the same considerations as set out above for the assessment of instructions.

7. Journey from Home:

For every day of not less than seven hours employed 10.00

Provided that the Taxing Officer may increase or diminish the above allowance if for any special reason he sees fit.

8. Debt Collection:

In respect of non-contentious debt collection matters an advocate may enter into a general agreement with a client to charge therefor upon the following inclusive scale in lieu of charging per item for work done:

Provided that in any case where not more than one letter of demand has been written the scale shall be reduced by one-half subject to a minimum fee of Shs. 1,000/= and provided further that where the letter of demand is followed by the institution of proceedings at the instance of the same advocate, the scale for debt collections shall be 5% of the total debt to be collected. The scales for DEBENTURES should apply to CHATTELS TRANSFERS.

9. Summary Suits

3% of the value of the subject matter of the suit both in the High Court and subordinate courts.

**SCHEDULE IX
SCALE OF FEES FOR CONTENTIOUS PROCEEDINGS
FOR LIQUIDATED SUM IN ORIGINAL AND APPELLATE JURISDICTION**

<i>Amount</i>	<i>Fees</i>
For any claim not exceeding 20,000/=	25% - 30%
Between 20,000/= and 50,000/=	20% - 25%
Between 50,000/= and 100,000/=	15% - 20%
Between 100,000/= and 200,000/=	12% - 15%
Between 200,000/= and 500,000/=	8% - 10%
Between 500,000/= and 1 million	5% - 8%
Between 1 million and 3 million	3% - 7%
Over 3 million	3%

Provided that where the defendant does not dispute the claim and does not file a defence, the scale of fees should be two-thirds of the fees above.

**SCHEDULE X
SCALE OF FEES FOR PROBATE AND ADMINISTRATION**

1. Instruction Fees

(a) To apply for grant of probate of written will, or proof of oral will, or letters of administration with or without will annexed, the proceedings not being contested, where the gross capital value of property comprised in the grant—

<i>Amount</i>	<i>Exceeds</i>	<i>But does not exceed</i>	<i>Fees</i>
		100,000/=	5,100/=
	100,000/=	500,000/=	10,000/=
	Over 1 million		2%

(b)	To apply for re-sealing a grant, the proceedings not being contested:	four-fifths of the fee provided under paragraph (a).
(c)	To lodge a caveat or a renunciation of a right	2,100.00
(d)	To lodge an objection to a grant, or a citation or other application or proceeding under any provision of the law of probate and administration not otherwise provided for in this Schedule, such sum as the taxing officer shall consider reasonable, but not less than	2,100.00
(e)	To render an inventory on account, including estate duty affidavit, corrective estate duty affidavit and inventory included in or annexed to an affidavit in support of petition	1% of net estate
	<i>2. Drawing:</i>	
	Each form or document prescribed under or required by the law of probate and administration	160.00
	<i>3. Copies:</i>	
	Per folio	30.00
	<i>4. Perusing</i>	30.00 per folio
	<i>5. Letters and Attendances:</i>	
	Including those necessary in ascertaining the particulars, extent and identity of an estate, and the raising and settlement of estate duty—	
	(a) Letters despatched.....	110.00
	or per folio.....	70.00
	(b) Letters received and perused	50.00
	or per folio.....	30.00
	<i>(c) Attendances—</i>	
	(i) in ordinary cases of 15 minutes or part thereof	760.00

(ii) routine telephone calls within Tanzania for three minutes or part thereof 110.00

(iii) in other cases the taxing officer may increase or reduce the above charges if, for any special reason, he sees fit.

6. *Actual Administration of a Testamentary or Other Estate or Trust:*

(a) Such annual or semi-annual fee as may be reasonable in the circumstances, having regard to the care and labour required, the number and length of the papers to be perused, the value and complexity of the estate, the interests of the parties and all other relevant circumstances; or by agreement of client and advocate.

(b) An annual commission of such amount as the taxing officer shall consider reasonable, having regard to all the circumstances, but not exceeding in aggregate the following rates—

- (i) on the estimated net capital value of the estate 1½% per annum
- (ii) on the amount of the income of the estate 2% per annum
- (iii) on the capital value of any portion of the estate which is realised or invested 3% per annum

..... or by agreement of client and advocate.

(c) An amount based upon Schedule VIII provided that—

- (i) in relation to a shorter period than a year or half year, a fee under paragraph (b)(i) shall be calculated with reference to that period;
- (ii) a fee charged under paragraph (a) or (b) shall include all necessary correspondence received and sent and attendance relative thereto and the preparation of the set of inventory and accounts for that year but any additional inventories or accounts required or formal documents filed or proceedings taken under the Probate and Administration of Estates Act * shall be charged for separately under the appropriate paragraphs of this Schedule.

SCHEDULE XI

COSTS OF PROCEEDINGS IN THE HIGH COURT AND SUBORDINATE COURTS

1. *Instruction Fees:*

The fee for instructions in the suit shall be as prescribed in these paragraphs. Shs.

(a) To present or oppose a petition for winding up a company 10,000.00

(b)	To support a petition for winding up a company	2,100.00
(c)	To present a petition for dissolution of marriage, nullity, judicial separation—	
	(i) Where the proceedings are not defended	5,100.00
	(ii) Where the proceedings are defended or to defend such proceedings: such sum as the Taxing Officer shall consider reasonable but not less than	10,100.00
	(iii) To apply for ancillary relief— if application heard together with petition or answer, as the case may be	2,100.00
	if application not heard together with petition or answer as the case may be	3,100.00
	(iv) To apply for custody or access	3,100.00
(v)	To present or defend an application to a judge under the Law of Marriage (Matrimonial Proceedings) Rules or the Adoption of Children Act * covered by the above	2,100.00
	(d) To present or oppose such an application for adoption—	
	(i) such sum as the Taxing Officer shall consider reasonable but not less than	10,100.00
	(ii) to present or oppose an application under the Adoption Ordinance or substitute legislation	5,100.00
(e)	To institute and conduct or to defend garnishee proceedings: Such sum as the Taxing Officer in his discretion shall consider proper but not less than	510.00
(f)	To present an application for leave for a prerogative order: Such sum as the Taxing Officer shall consider reasonable but not less than	2,100.00
(g)	To present or oppose an application for a prerogative order: Such sum as the Taxing Officer shall consider reasonable but not less than	6,100.00
(h)	To sue or defend in any case not provided for above: (as shown below)	
(i)	To present or oppose an appeal in any case not provided for above: (as shown below)	
(j)	For applications, notices of motion or chamber applications, (including appeals from taxation) (as shown below)	
	- unopposed	1,100.00
	- opposed	3,100.00
	Provided that—	
	(i) The Taxing Officer, in the exercise of his discretion, shall take into consideration the other fees and allowances to the advocate (if any) in respect of the work to which any such allowance applies, the nature and importance of the cause or matter, the amount involved, the interest of the parties, the general conduct of the proceedings, and all other relevant circumstances;	
	(ii) in any case in which a certificate for more than one advocate shall have been given by the judge, the instructions fee allowed on taxation as between party and party shall be increased by one third and other charges shall be doubled where requisite;	

(iii) for the purpose of assessing an instructions fee in a suit for the possession of premises with or without a claim for arrears of rent or mesne profits, the value of the subject matter shall be taken to be one year's rent of the premises (or, where no rent has been shown but mesne profits) together with the arrears of rent or mesne profits (if any) is found due.

2. Copies:

- (a) Complaint, written statement of defence, affidavit, petition of appeal, cross objections to petition, interrogatories, replies to interrogatories, agreement in satisfaction of suit, or for reference to arbitration, exhibit, bill of costs and every other document (whether for court or opposing party) per folio 30.00
- (b) The actual cost of copies of judge's notes bespoken from day to day as a case proceeds may be allowed if certified for by the trial judge.
- (c) Printing actual costs, supported by vouchers, shall be allowed (subject to Rule 56).
- (d) In special cases in addition to preparing and making copies of any account or other document, not being notes or observations relating to the evidence of witnesses only, which may be necessary for the judge's or advocate's use at trial; such sum as may be reasonable not exceeding per folio 110.00
- (e) Other copies: per folio 30.00

3. Service:

- (a) Within three kilometres of the court 70.00
- (b) Every additional kilometre over these: 30.00
such amount as is reasonable, not exceeding per kilometre
- (c) By post, if authorised 40.00

4. Plans, Models, etc.

Plans, charts, photographs or models for use of judge at trial: such sum as may be reasonable under the circumstances.

5. Translation:

Such sum as is reasonable but not less than per folio 70.00

6. Costs in Unopposed Execution Proceedings:

Costs in execution proceedings which are not opposed except on the grounds of the judgement debtor's inability to pay or grounds analogous thereto—

- (a) Instructions to execute decree and drawing necessary application .. 1,100.00
- (b) Attendance at court filing application..... 110.00
- (c) Attending court to peruse order..... 160.00

**SCHEDULE XII
BANKRUPTCY PROCEEDINGS:
PETITIONING DEBTOR'S ADVOCATE'S COSTS
INSTRUCTIONS FOR PETITION
INSTRUCTION FEES AS PRESCRIBED IN CONTENTIOUS MATTERS IN SCHEDULE
IX**

Shs.

Instructions to apply for discharge 1,100.00

A Certificate of the Official Receiver as to the value which the assets are likely to realise shall be produced to the Taxing Officer and the allowance for instructions for petition made accordingly.

In cases where a composition is accepted and confirmed by the court the value of the assets shall be taken at the amount required for the purposes of composition.

PETITIONING CREDITOR'S ADVOCATE'S BILL OF COSTS

Instructions for petition to adjudicate debtor bankrupt	As per scales prescribed in contentious matters
Instructions for appointment of interim receiver of a bankrupt's estate	210.00
Where the debtor disputes the statements in the petition, further instruction	610.00

DEBTOR'S ADVOCATE'S COSTS

Where the court allows costs to the debtor on dismissal of petition in bankruptcy: Instruction to oppose petition	1,100.00
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The scale of costs in bankruptcy matters is supplemental to all other scales of costs as provided by rules of court for taxation, and the Taxing Officer shall in taxing bills of costs in such matters tax all acts, appearances, and work done not provided for in the above scale according to such scale or scales in force for the time being for the taxation of costs.

BANKRUPTCY PROCEEDINGS DRAWING

Concise statement, plaint, written statement, interlocutory application, notice of motion or chamber application originating summons, affidavit, petition of appeal, interrogatories, agreement for compromise, adjustment or satisfaction of suit, or for reference to arbitration (under two folios)	160.00
The like over two folios additional per folio after the first two	70.00
Drawing creditor's or debtor's petition that debtor be adjudicated bankrupt per folios Shs. 30/= but not less than	110.00
Drawing notice of objections by debtor to creditor's petition where the court allows costs to the debtor on dismissal of creditor's petition, per folio Shs. 30/= but not less than	110.00
All other necessary documents under two folio	70.00
The like over two folios, per folio	30.00
Every agreement raising questions of law or fact for the decision of the court (unless certified by the judge to be allowed at a higher rate)	410.00
Bill of costs, per folio	30.00

COPIES

Of plaint, written statement, affidavit, petition of appeal, cross objections to petition, interrogatories, replies to interrogatories, agreement in satisfaction of suit, or for reference to arbitration, exhibit, bill of costs and every other necessary document (whether for court or opposing party) per folio	30.00
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The actual cost of copies of Judge's notes from day to day as a case proceeds may be allowed if certified by the trial Judge. Actual cost of printing supported by vouchers shall be allowed.

ATTENDANCES

(a) On any necessary application to or attendance on the Registrar ...	760.00
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(b)	Where there are several deponents, or it is necessary for the purpose of having an affidavit sworn or to employ an agent: Reasonable allowance may be made on special grounds by the Taxing Officer.	
(c)	To inspect or produce for inspection, pursuant to a notice per half hour or part thereof provided that no allowance shall be made for any notice or inspection where it is shown that there was not good and sufficient reasons for giving the same	310.00
(d)	At office of court or upon opposite party on his advocate not otherwise provided for, which may be necessary: such fee as is reasonable but not less than	20.00
(e)	Where in consequence of anything done by the opposite party it becomes necessary to advise or receive instructions from a client in the progress of an action or matter, for each necessary attendance: Such fee as is reasonable but not less than	210.00
(f)	At court on settlement of issues or for order, to make or oppose any application or motion before the Judge or District Registrar in chambers	300.00
(g)	For the second or any further day's attendance on any such application or motion, if specially allowed by the order of the Judge or Registrar	300.00
(h)	At a meeting of creditors of a bankrupt per half hour or part thereof	300.00
(i)	On behalf of petitioning creditor at court on presentation of petition that debtor be adjudicated bankrupt	750.00 per 30 mi nut es
(j)	On petitioning creditor or receiver after receiver appointed and giving him all necessary information	750.00 per 30 mi nut es
(k)	In court or in chambers on any matter on a date fixed by the court for hearing when case cannot be taken and notice has been given on the previous day that case will not be taken.....	750.00 per 30 mi nut es
(l)	To hear a deferred judgement or to obtain judgement on an arbitrator's award or commissioner's report when the award or report is not disputed	750.00 per 30 mi nut es
(m)	In court on order day when summons unserved.....	750.00 per 30 mi nut es
(n)	In court to ask for judgement where claim admitted before the hearing	750.00 per 30 mi nut es

(o)	In court for orders if defendant served and plaintiff proves his case or defendant appears and admits the claim and judgement is given	750.00 per 30 mi nut es
(p)	At office of court or Registrar to bespeak or receive copies of proceedings or approving draft decree	750.00 per 30 mi nut es
(q)	With judge or with judge and assessors on a view out of court: The same fees as for attendance in court conducting case, in addition to all expenses properly incurred in getting to and from the place viewed	750.00 per 30 mi nut es
(r)	Before a commissioner for adjustment of accounts	750.00 per 30 mi nut es
(s)	Before an arbitrator: Same fees as for conducting a case in court ...	750.00 per 30 mi nut es
(t)	Before Taxing Officer on taxation	750.00 per 30 mi nut es
(u)	Special not otherwise provided for at Taxing Officer's discretion	750.00 per 30 mi nut es
(v)	Examining and taking minutes of evidence of each witness afterwards allowed on taxation	750.00 per 30 mi nut es
	In special cases, in addition, for preparing and making copies of any account or other documents not being notes or observations relating to the evidence of witnesses only which may be necessary for the judge's or advocate's use at the trial: Such sum as may be reasonable, not exceeding	750.00 per 30 mi nut es

PERUSALS

(a)	Of pleadings, memo of appeal interrogatories and answers thereto, notice to admit or produce, petition to wind up company, petition in bankruptcy, notice of motion in court, originating summons or other necessary document not specifically provided for	30.00
	or per folio	30.00
(b)	Of affidavits, per folio 25 cents but not less than	25.00
(c)	Of notices and other formal documents	30.00

- (d) Of necessary letter 30.00
Exhibits attached to affidavits will not as a rule be allowed for unless they are required to be read in detail as part of the affidavit.
- (e) For reading and correcting proofs of printed matter per folio 30.00

COSTS IN SUITS FOR DEBT OR LIQUIDATED DEMAND

The cost of a suit for a debt or liquidated demand in money with or without interest due on a contract expressed or implied where the amount claimed is paid either into court or to the plaintiff before the date fixed in the summons for the first attendance of the defendant:

- (a) Where there is one defendant 2,100.00
- (b) For each defendant after the first 210.00
- (c) If substituted service is effected the following additional costs shall be charged 1,300.00
In the event of the suit being defended these costs shall not apply.

SERVICE

- (a) Within three kilometres of the court 70.00
- (b) Every additional kilometre over three: such amount as is reasonable
- (c) By post if authorised 40.00

PLANS, MODELS ETC.

Plans, charts, photographs or models for use of judge at trial: Such sum as may be reasonable.

TRANSLATION

Of necessary documents or accounts, per folio..... 70.00

ALLOWANCE TO WITNESSES

The allowance shall be for the number of days a witness was necessarily absent from home for the purpose of the trial in going, remaining and returning—

- (1) Public employees: According to their allowances while on official duty.
- (2) Others: According to their income.
- (3) Professional men in practice: 1600.00 per day.

GENERAL MATTERS

Consultation fees 250.00 per
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