

A Summary of the principal legislation titled;

Administrator-General (Powers and Functions) Act Chapter 27 RE,2025

Introduction

The principal legislation titled, “An Act to make provision for the administration of small estates, for the administration of estates generally by the Administrator-General, and for purposes connected with the matters aforesaid.”

The Administrator-General (Powers and Functions) Act Chapter 27 R.E,2023 of the laws of Tanzania is the principal legislation which makes provisions for the appointment and duties an Administrator General. It was first enacted in 1921 during the colonial period to provide a legal framework for the administration of estates in cases where no executor, administrator, or family member was willing or able to do so. Over time, it has been revised and consolidated in the Revised Editions of the Laws (R.E. 2002 and R.E. 2019, but the principal Act remains the 1921 enactment

This Article discusses the rationale for enactments of the statute with the guiding principles that underpin the law, key amendments, revisions and organizational structure.





1.1. Synopsis of Administrator-General (Powers and Functions) Act, Cap 27, R.E,2023

1.1.1. Purpose of Enactment

The Act was originally enacted to provide a formal mechanism for the appointment and duties of an Administrator-General as a statutory official responsible for managing estates when individuals die intestate, lack executors, or in situations where executors fail to administer the estate. This legal structure helps protect beneficiaries' and creditors' interests by ensuring estate administration is handled properly

1.1.2 Historical Context of the Legislation

When we talk about the beginning of garage doors, we can date back to thousands of years, about 3500 BC or even earlier when the first wheels were created. Ever since wheels were used as means of transportation, people began to look for places for keeping their vehicles.

1.2. Amendments, Revisions, and Repeals

Under this part we cover the various amendments, revisions and repeals that the Act has undergone:

1.2.1. Amendments

The Act has been modernized through successive amendments, including major revisions under the Written Laws (Miscellaneous Amendments) Act, 2009 and a later one in 2018, specifically targeting Chapter 27. These updates reflect the evolving needs of estate administration, procedural clarity, and alignment with contemporary legal standards.



1.2.2. Revisions & Consolidations

The Attorney General's Office has periodically executed comprehensive revisions and consolidations e.g., by July 2002 and again as of November 2019) to integrate all amendments and ensure the Act's provisions are current and cohesive.

1.2.3. Repeals

While portions of Chapter 27 have been superseded or replaced via amendments, no wholesale repeal been effectuated to date. Rather than nullifying the Act, the legal framework has evolved by building upon and refining its existing structure.

2.0. Organizational Structure of the Act

The Act is organized in the following format

2.1. Definition and Appointment

Establishes the Administrator-General and assistants), their legal status as corporation sole, and qualifications.

2.2 .Estate Administration Protocols

Outlines when and how the Administrator-General assumes control—for example, when a person dies intestate, or appointed executors cannot serve. Procedures for notifying heirs, creditors, and applying for letters of administration are detailed here.

2.3. Asset Management and Liability

Governs estate asset pooling, creditor claim notifications, distribution, and stipulations about liability for debts.



3.0. Financial Management

Sets rules for managing estate funds, banking, fixed deposits, interest handling, and handling of residual balances e.g., where small amounts remain after distribution, these may go to public revenue.

4.0. Legal Formalities

These include provisions for verification, court procedures, and non-liability regarding bond or security requirements when administering estates.

4.1. Notable Cases that have interpreted or Applied the Administrator-General (Powers and Functions) Act, Cap 27 RE, 2023

4.1.1 THE MOST SIGNIFICANT DECISION IN THIS REGARD IS THAT OF EMMANUEL MARANGAKIS (AS ATTORNEY OF ANASTASIOS ANAGNOSTOU) V ADMINISTRATOR-GENERAL (HCT, CIVIL CASE NO. 1 OF 2011, 13 MAY 2011) ”

This was a landmark holding that a non-citizen beneficiary can inherit Tanzanian land by transmission on death, and the Administrator-General (AG) must effect that bequest—inheritance is neither an “allocation” nor a “grant” under the Land Act. Clarifies the AG’s duties and limits of discretion when distributing estate assets.



FOR CITIZENS

TANZANIA

The Court of appeal has recently adopted a firm stance stating that non -citizens are not allowed to inherit land in the United Republic of Tanzania. The Court of Appeal issued a landmark decision in Attorney General vs Emmanuel Marangakisi & Others (Civil Application No. 278/01 of 2023), which decisively overturned the earlier High Court ruling that had permitted non-citizens to inherit land via transmission.

The Court held that non-citizens cannot inherit landed property in Tanzania, except when it's for investment purposes as regulated under the Tanzania Investment Act. This ruling emphasizes that inheritance of land by non-citizens is not permissible under ordinary circumstances and must align with public policy favoring Tanzanian ownership.

4.1.2. EORGIA ANAGNOSTOU & ANOTHER V EMMANUEL MARANGAKIS & 3 OTHERS (HCT, CIVIL CASE NO. 225 OF 2013, 1 FEB 2018)

Part of the same succession saga: records that the Court of Appeal had replaced a private administrator with the AG and discusses the AG's role in administering and distributing the estate thereafter. Good context on when courts prefer the AG as administrator.

4.1.3. DIGNA VALERIAN KANJE V JUSTINE VALERIAN KANJE (HCT, CIVIL APPLICATION NO. 28 OF 2022, 27 JUN 2024)



The High Court struck out an application seeking the court to appoint the AG on a private party's motion, holding there is no procedure allowing an individual to directly petition for the AG's appointment; if the family opts for the AG, the AG must petition under its own Act/procedure. Clarifies who may move the court under Cap 27 (and PAEA).

4.1.4. NYAKILAGO ALOYCE V ADMINISTRATOR-GENERAL & ANOTHER (HCT, 20 MAR 2020)

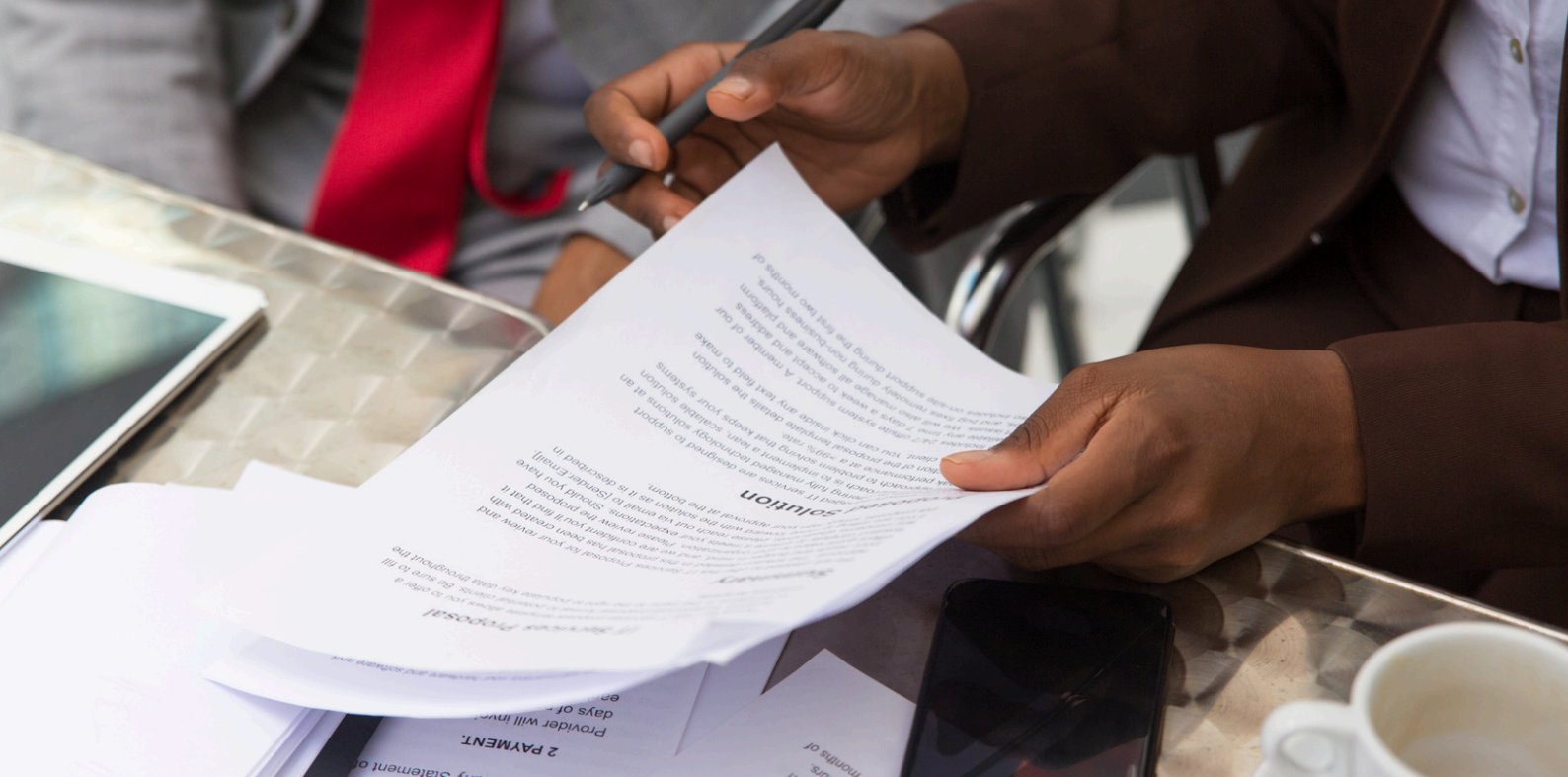
A challenge to the AG's power to sell estate property during administration; the AG defended the sale. Cited for the scope of the AG's oversight powers and decision making under Cap 27 when liquidating assets.

4.1.5. JAMES KONSEL WAMBURA & EDITH KONSEL WAMBURA (HCT, 5 MAR 2020)

Application to revoke the AG's appointment as administrator. Discusses the standards for revocation and the interface between the PAEA and Cap 27 when the AG is already in office.

4.1.6. SELINA STEVEN MALLYA V ADMINISTRATOR-GENERAL & ANOTHER (HCT, 7 MAR 2023)

Addresses efforts to revoke the AG's appointment and references those mere failures like accounting defaults aren't, by themselves, automatic grounds to dislodge the AG—helpful on the durability of the AG's mandate once appointed.



4.1.7. ZAWADI MANYIRIZU V ADMINISTRATOR-GENERAL (AS ADMINISTRATOR OF ESTATE OF LEONARD T. KAIRU) (HCT, 17 JUN 2022)

An application involving the AG as administrator; contains discussion of procedural posture and rights of appeal when the AG is a party useful for litigation strategy in matters where the AG administers.

4.1.8. THE MATTER OF THE ESTATE OF THE LATE HAMZA ABEID UWEJE (HCT, 13 FEB 2024)

Notes a long-standing court appointment of the AG to administer (since 2004), illustrating the court's reliance on the AG for complex/contested estates and the longevity of such appointments.

4.1.9. THE ADMINISTRATOR-GENERAL, ZANZIBAR V MEGHJI & OTHERS (EACA, 27 MAY 1959)

Classic East African authority involving the Administrator-General's capacity in litigation; often cited historically for the AG's standing to sue or be sued and corporation-sole status background that aligns with Cap 27 section on the AG being able to sue/appear.

5.0. CONCLUSION

Chapter 27 exists to ensure the orderly administration of estates, particularly when no executor is available or when disputes arise. Over the decades, it has been amended, revised, and consolidated to remain functional and relevant rather than repealed outright. Its structured organization ensures clarity in estate management across a variety of scenarios.

REFERENCE

Digna Valerian Kanje v Justine Valerian Kanje (HCT, Civil Application No. 28 of 2022, 27 Jun 2024

Emmanuel Marangakis (as Attorney of Anastasios Anagnostou) v Administrator-General (HCT, Civil Case No. 1 of 2011.

Georgia Anagnostou & Another v Emmanuel Marangakis & 3 Others (HCT, Civil Case No. 225 of 2013,

The Attorney General vs Emmanuel Marangakisi & Others (Civil Application No. 278/01 of 2023)

Zawadi Manyirizu v Administrator-General (as Administrator of Estate of Leonard T. Kairu) (HCT, 17 Jun 2022)

James Konsel Wambura & Edith Konsel Wambura (HCT, 5 Mar 2020)

Nyakilago Aloyce v Administrator-General & Another (HCT, 20 Mar 2020

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Selina Steven Mallya v Administrator-General & Another (HCT, 7 Mar 2023

The Administrator-General, Zanzibar v Meghji & Others (EACA, 27 May 1959)

The Estate of the Late Hamza Abeid Uweje (HCT, 13 Feb 2024))

Written Laws (Misc. Amendments) Act No. 7 of 2018).

Written Laws (Misc. (Amendments), 2009,2018



LYSON LAW GROUP

Advocates & Legal Consultants



+255 742850702



info@lysonlaw.co.tz