

CHAPTER 216

THE LAND DISPUTES COURTS ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

Section Title

PART I

PRELIMINARY PROVISIONS

1. Short title.
2. Interpretation.

PART II

ESTABLISHMENT AND JURISDICTION OF LAND COURTS

3. Institution of land disputes.
4. Jurisdiction of magistrates' courts.

PART III

THE VILLAGE LAND COUNCIL

Functions and Powers of the Village Land Council

5. Composition of village land council.
6. Registrar.
7. Functions of village land council.
8. Procedure for mediation.
9. Reference of dispute to ward tribunal.

PART IV

THE WARD TRIBUNALS

Jurisdiction, Powers and Procedure of the Ward Tribunal

10. Ward tribunal.
11. Composition of Ward Tribunal.
12. Qualification of members.
13. General jurisdiction.
14. Procedure for mediation.
15. Repealed.
16. Repealed.
17. Reference of disputes to tribunal.
18. Appearance by advocate prohibited.



19. Appeals from ward tribunal.
20. Repealed.
21. Repealed.

PART V

THE DISTRICT LAND AND HOUSING TRIBUNAL

A. Establishment of the District Land and Housing Tribunal

22. Establishment of District Land and Housing Tribunal.
23. Composition.
24. Opinion of assessors.
25. Appointment of Chairman.
26. Appointment of assessors.
27. Qualification of assessors.
28. Appointment of Registrar.
29. Appointment of tribunal brokers and process servers.
30. Establishment of Committee.
31. Power to make rules.
32. Places and times of meetings.
33. Proceedings and representation of parties.
34. Registers and returns.
35. Repealed.

B. Jurisdiction and Powers of the Tribunal

36. General jurisdiction.
37. Hearing of appeals.
38. Powers of District Land and Housing Tribunal.
39. Revision.

PART VI

THE HIGH COURT

40. Original jurisdiction of High Court.
41. Appeals of matters originating from Ward Tribunal.
42. Procedure for Appeal.
43. Powers of Registrar on appeal.
44. Appeals and revision.
45. Extended jurisdiction.
46. Powers of High Court on appeals.
47. Supervisory and revisional powers.
48. Powers of Registrar on revision.
49. Substantial justice.

50. Representation of parties.
51. Appeal from High Court.

PART VII
APPEALS TO THE COURT OF APPEAL OF TANZANIA

52. Appeals.

PART VIII
MISCELLANEOUS PROVISIONS

53. Laws to be applied.
54. Application of Customary Law.
55. Admissibility of evidence.
56. Limitation.
57. Disestablishment of tribunals.
58. Savings.
59. Protection of members and others.
60. Power to make regulations.
61. Amendment of other written laws.

SCHEDULE

CHAPTER 216

THE LAND DISPUTES COURTS ACT

An Act to provide for establishment of Land dispute settlement machinery and for matters incidental thereto.

[1st October, 2003]

[GN. No. 223 of 2003]

Acts Nos.		GN. No.
2 of 2002	13 of 2017	225 of 2003
12 of 2004	8 of 2018	
11 of 2005	1 of 2021	
2 of 2010	5 of 2021	
4 of 2016	11 of 2023	

PART I

PRELIMINARY PROVISIONS

Short title

1. This Act may be cited as the Land Disputes Courts Act.

Interpretation
Acts Nos
2 of 2010 s. 19
13 of 2017 s. 4
5 of 2021 s. 44

2. In this Act, unless the context otherwise requires-

“assessor” means a person appointed to serve as an assessor under section 26(2);

“Chairman” means the chairman of a Village Land Council, a Ward Tribunal, District Land and Housing Tribunal or person who presides at proceedings of the Village Land Council, the Ward Tribunal or District Land and Housing Tribunal;

Cap. 287
Cap. 288

“Council” has the meaning ascribed to it under the Local Government (District Authorities) Act and the Local Government (Urban Authorities) Act;

Cap. 113

“court” has the meaning ascribed to it by the Land Act;

Cap. 11

“Court of Resident Magistrate” has the meaning ascribed to it by the Magistrates’ Courts Act;

Cap. 1

“Customary Law” has the meaning ascribed to it by the Interpretation of Laws Act;

“decision” includes a judgment, finding or ruling;

“dispute” includes any case where a person complains of and is aggrieved by the actions of another person, or any case in which a complaint is made in an official capacity or is a complaint against an official act;

Cap. 11 “District Court” has the meaning ascribed to it by the Magistrates’ Courts Act;

Cap. 113 “District Land and Housing Tribunal” has the meaning ascribed to it by the Land Act;

Cap. 2 “High Court” means the High Court of Tanzania established by Article 108 of the Constitution of the United Republic of Tanzania;

“land” includes the surface of the earth and the earth below the surface and all substances other than minerals and petroleum forming part of or below the surface, things naturally growing on the land, buildings and other structures permanently affixed to land;

Cap. 11 “magistrates’ court” has the meaning ascribed to it by the Magistrates’ Courts Act;

“member” means a member of a Village Land Council or Ward Tribunal;

“Minister” means the Minister responsible for land;

“order” includes warrant, summons or other process, and a decree, revisional or confirmatory order and any other formal expression of the division of a court or tribunal;

Cap. 11 “Primary Court” and “Primary Court Magistrate” have the meaning ascribed to them by the Magistrates’ Courts Act;

Cap. 2 “Principal Judge” has the meaning ascribed to it by the Constitution of the United Republic of Tanzania;

“proceedings” includes any application, reference, cause, matter, suit, trial, appeal or revision, whether final or interlocutory, and whether or not between parties;

“Registrar” means the Registrar or Deputy Registrar of the High Court and includes the Registrar or Assistant

- Registrar appointed under section 28 and the Registrar of Villages appointed under the Local Government (District Authorities) Act;
- Cap. 287 “tribunal” means the ward tribunal established under the Ward Tribunals Act or, as the case may be, the District Land and Housing Tribunal established under this Act;
- Cap. 206 “Ward Committee” means a ward committee established under the Local Government (Urban Authorities) Act;
- Cap. 288 “village”, “village council”, “village land council”, “villager” have the meaning ascribed to them by the Village Land Act.
- Cap. 114

PART II

ESTABLISHMENT AND JURISDICTION OF LAND COURTS

- Institution of land disputes
Act No.
2 of 2010 s. 19
Cap. 113
Cap. 114
- 3.**—(1) Subject to section 177 of the Land Act and section 62 of the Village Land Act, every dispute or complaint concerning land shall be instituted in the court having jurisdiction to determine land disputes in a given area.
- (2) The courts of jurisdiction under subsection (1) include—
- (a) the village land council;
 - (b) the ward tribunal;
 - (c) the District Land and Housing Tribunal;
 - (d) the High Court; or
 - (e) the Court of Appeal of Tanzania.
- Jurisdiction of magistrates' courts
Cap. 11
Cap. 113
Cap. 114
- 4.**—(1) Unless otherwise provided by the Land Act, no magistrates' court established by the Magistrates' Courts Act shall have civil jurisdiction in any matter under the Land Act and the Village Land Act.
- (2) Magistrates' courts established under the Magistrates' Courts Act shall have and exercise jurisdiction in all proceedings of a criminal nature under the Land Act and the Village Land Act.

PART III

THE VILLAGE LAND COUNCIL

Functions and Powers of the Village Land Council

Composition
of village land
council

5.—(1) The village land council shall consist of seven members of whom three shall be women, and each member shall be nominated by the village council and approved by the Village Assembly.

(2) Qualification for nomination and appointment of members to the village land council shall be as stipulated under section 60 of the Village Land Act.

Cap. 114

Registrar
GN. No.
225 of 2003
Cap. 287

6. The Registrar of village appointed under section 23 of the Local Government (District Authorities) Act shall be responsible for the total administrative functions of all village land councils and ward tribunals and shall-

- (a) be the Chief Executive of all village land councils and ward tribunals;
- (b) be responsible for estimates and expenditure; and
- (c) advise local authorities on any matter regarding the functions of village land councils and ward tribunals in their respective areas of jurisdiction.

Functions of
village land
council
Cap. 114
GN. No.
225 of 2003

7. Subject to section 61 of the Village Land Act, the functions of the village land council shall include-

- (a) receiving complaints from parties in respect of land;
- (b) convening meetings for hearing of disputes from parties; and
- (c) mediating between and assisting parties to arrive at a mutually acceptable settlement of disputes on any matter concerning land within its area of jurisdiction.

Procedure for
mediation
Cap. 114

8. Procedures for mediation by the village land council shall be as stipulated under section 61 of the Village Land Act.

Reference of
dispute to ward
tribunal

Cap. 114

9. Where the parties to the dispute before the village land council are not satisfied with the decision of the Council, the dispute in question shall be referred to the ward tribunal in accordance with section 62 of the Village Land Act.

PART IV

THE WARD TRIBUNALS

Jurisdiction, Powers and Procedure of the Ward Tribunal

Ward tribunal
Act No.
13 of 2017 s. 5
Cap. 113
Cap. 114
Cap. 206

10.—(1) Each ward tribunal established under the Ward Tribunals Act shall be a court for the purpose of this Act, the Land Act and the Village Land Act and shall have jurisdiction and powers in relation to the area in which it is established.

(2) The provisions of the Ward Tribunals Act shall apply as appropriately modified by this Act, and in the event of conflict between this Act and the Ward Tribunals Act in relation to ward tribunals, the provisions of this Act shall apply.

Composition
of Ward Tribunal
Cap. 206

11. Each tribunal shall consist of not less than four nor more than eight members of whom three shall be women who shall be elected by a ward committee as provided for under section 4 of the Ward Tribunals Act.

Qualification
of members
Cap. 206

12. Qualification of members to the tribunal, tenure of membership, and appointment of secretary shall be as provided for under the provisions of sections 5 and 6 of the Ward Tribunals Act.

General
jurisdiction
Act No.
5 of 2021 s. 45
Cap. 206

13.—(1) Subject to the provisions of subsection (1) of section 8 of the Ward Tribunals Act, the primary function of each tribunal shall be to secure peace and harmony in the area for which it is established, by mediating between and assisting parties to arrive at a mutually acceptable solution on any matter concerning land within its jurisdiction.

(2) The tribunal shall, in performing its function of mediation, have regard to-

- (a) any customary principles of mediation;
- (b) natural justice in so far as any customary principles of mediation do not apply;
- (c) any principles and practices of mediation in which members have received any training.

(3) The tribunal shall, in all matters attempt to reach a settlement by mediation and may adjourn any proceedings relating to dispute in which it is exercising jurisdiction if it thinks that by so doing a just and amicable settlement of the dispute may be reached.

(4) Notwithstanding subsection (1), the District Land and Housing Tribunal shall not hear any proceeding affecting the title to or any interest in land unless the ward tribunal has certified that it has failed to settle the matter amicably:

Provided that, where the ward tribunal fails to settle a land dispute within thirty days from the date the matter was instituted, the aggrieved party may proceed to institute the land dispute without the certificate from the ward tribunal.

(5) The Minister responsible for legal affairs may, in consultation with the Minister responsible for ward tribunals and Minister responsible for lands, make rules prescribing the conduct and procedure of mediation of land disputes.

Procedure for
mediation

14.-(1) The tribunal shall in all matters of mediation consist of three members at least one of whom shall be a woman.

(2) The Chairman to the tribunal shall select all three members including a convenor who shall preside at the meeting of the tribunal.

(3) In the event of the equality of votes, the member presiding shall have a casting vote in addition to his deliberative vote.

(4) The ward tribunal shall, immediately after settlement of a dispute record the order of mediation.

Repealed **15.** [Repeal by Act No. 5 of 2021, s. 46]

Repealed **16.** [Repeal by Act No. 5 of 2021, s. 46]

Reference of
disputes to
tribunal
Cap. 114
Cap. 206

17.—(1) A person may, subject to section 61 of the Village Land Act, and sections 11, 12 and 13 of the Ward Tribunals Act, make a complaint to the Secretary of the tribunal.

(2) When a complaint is made to the Secretary under subsection (1), that Secretary shall cause it to be submitted to the Chairman of the tribunal who shall immediately select three members of the tribunal to mediate.

(3) Where the complaint is received orally from the complainant, the Secretary shall immediately put it in writing and produce a copy for a complainant.

Appearance
by advocate
prohibited
GN. No.
225 of 2003

18.—(1) No advocate as such may appear and act for any party in a ward tribunal.

(2) Subject to the provisions of subsections (1) and (3) of this section, a ward tribunal may permit any relative or any member of the household of any party to any proceeding, upon request of such party to appear and act for such party.

(3) In a proceeding in a ward tribunal to which a body corporate is a party, its director, secretary, member or a person in the employment of the body corporate and duly authorised in that behalf, other than an advocate, may appear and act on behalf of that party.

Appeals from
ward tribunal

19. A person aggrieved by an order or decision of the ward tribunal may appeal to the District Land and Housing Tribunal.

Repealed **20.** [Repeal by Act No. 5 of 2021, s. 47]

Repealed **21.** [Repeal by Act No. 5 of 2021, s. 47]

PART V

THE DISTRICT LAND AND HOUSING TRIBUNAL

A. Establishment of the District Land and Housing Tribunal

Establishment of
District Land and
Housing Tribunal
Cap. 113
Cap. 114

22.—(1) The Minister shall, subject to section 177 of the Land Act and section 62 of the Village Land Act, establish in each district, region or zone, as the case may be, a court to be known as the District Land and Housing Tribunal.

(2) The court established under subsection (1) shall exercise jurisdiction within the district, region or zone in which it is established.

Composition
Act No.
13 of 2017 s. 6
GN. No.
225 of 2003

23.—(1) The District Land and Housing Tribunal established under section 22 shall be composed of at least a Chairman and not less than two assessors.

(2) The District Land and Housing Tribunal shall be duly constituted when held by a Chairman and two assessors who shall be required to give out their opinion before the Chairman reaches the judgment.

(3) Notwithstanding the provisions of subsection (2), if in the course of any proceedings before the tribunal, either or both assessors of the tribunal who were present at the commencement of proceedings is or are absent, the Chairman and the remaining assessor, if any, may continue and conclude the proceedings notwithstanding such absence.

Opinion of
assessors

24. In reaching decisions, the Chairman shall take into account the opinion of the assessors but shall not be bound by it, except that the Chairman shall in the judgment give reasons for differing with such opinion.

Appointment of
Chairman
Acts Nos.
12 of 2004 Sch.
5 of 2021 s. 48
Cap. 298

25.—(1) The Chairman of District Land and Housing Tribunal shall be appointed from amongst legally qualified persons in accordance with the Public Service Act.

(2) The names of persons appointed as Chairmen under this section shall be published in the *Gazette*.

(3) The Chairman of the Tribunal shall before holding office take an oath before a Judge of the High Court.

(4) The provisions of subsection (3) shall not apply where a Resident Magistrate is appointed to be Chairman to the tribunal.

Appointment of assessors

26.—(1) The Minister shall, after consultation with the Regional Commissioner, appoint not more than seven assessors three of whom shall be women for each established District Land and Housing Tribunal.

(2) Subject to exemptions of section 27, any persons above the age of twenty-one years shall be eligible to serve as assessors.

(3) An assessor appointed under subsection (1) shall hold office for a term of three years and may be eligible for re-appointment.

(4) The Minister shall, from time to time, make rules-

- (a) regulating the area within which a person may be summoned to serve as assessors;
- (b) prescribing the constitution and composition of panels of assessors;
- (c) prescribing forms for the purposes of summoning assessors;
- (d) prescribing the conditions and other matters in respect of the service of assessors.

Qualification of assessors

27. A person shall not be eligible to be nominated as an assessor or continue as an assessor if he is-

- (a) not ordinarily resident in the district;
- (b) a member of the National Assembly, district council, village council, village land council or ward tribunal;
- (c) a mentally unfit person;
- (d) a person who has been convicted of a criminal offence involving violence, dishonesty or moral turpitude; or
- (e) not a citizen of the United Republic.

Appointment of Registrar
Act No.
13 of 2017 s. 7

28.—(1) There shall be a Registrar who shall be appointed by the President.

(2) A person shall not be appointed to be the Registrar unless he holds a degree in law from a recognised university and has experience in the field of law for the period of not less than ten years.

GN. No.
225 of 2003

(3) The Registrar appointed under subsection (1) shall-

- (a) be responsible for the total administrative functions of the District Land and Housing Tribunal;
- (b) be the Chief Executive of the District Land and Housing Tribunal;
- (c) be responsible for estimates and expenditure;
- (d) advise the Minister on the fees payable for the services of the District Land and Housing Tribunal; and
- (e) perform any other duties as may be determined by the Minister.

(4) There shall be an Assistant Registrars appointed by the Minister who shall perform all such duties as may be determined by the Registrar.

(5) The Ministers shall have the power to appoint such other staff of the tribunal to perform functions as may be required.

Appointment of
tribunal brokers
and process
servers
GN. No.
363 of 2017
Act No.
5 of 2021 s. 49

29. There shall be such number of tribunal brokers and process servers appointed by the Committee from amongst court brokers and process servers registered under the Court Brokers and Process Service (Appointment, Remuneration and Disciplines) Rules, for execution of decrees or orders falling within the jurisdiction of the tribunal.

[s. 28A]

Establishment of
Committee

30.-(1) There shall be established a committee to be known as the Appointment and Disciplinary Committee for Tribunal Brokers and Process Servers.

(2) The Committee shall be composed of the following members appointed by the Minister:

- (a) a senior judicial officer representing Jaji Kiongozi who shall be a Chairman;
- (b) a law officer representing the Attorney General;

- (c) a senior officer with experience in land matters from the Ministry responsible for lands;
 - (d) a senior officer from the Ministry responsible for home affairs;
 - (e) a senior officer from the President's Office Public Service and Good Governance; and
 - (f) one member representing court brokers.
- (3) The Registrar shall be the secretary to the Committee.

[s. 28B]

Power to make rules

31. The Minister may, in consultation with the Chief Justice, make rules prescribing for-

- (a) the general guidance and control of tribunal brokers and process servers;
- (b) matters relating to tenure of office of members, termination of appointment, proceedings of the Committee and other procedural matters of the Committee; and
- (c) generally for regulating affairs of tribunal brokers and process servers.

[s. 28C]

Places and times of meetings

32. A District Land and Housing Tribunal-

- (a) may be held at any place within its local limits of jurisdiction; and
- (b) shall sit at such times as may be necessary for the convenient and speedy discharge of the business of the tribunal.

[s. 29]

Proceedings and representation of parties

33. Proceeding of the District Land and Housing Tribunal shall be held in public and a party to the proceedings may appear in person or by an advocate or any relative or any member of the household or authorised officer of a body corporate.

[s. 30]

Registers and
returns

- 34.** Every District Land and Housing Tribunal shall-
- (a) keep such register or registers of all the proceedings filed, heard and determined in the tribunal as the Minister may, by regulations published in the *Gazette*, prescribe;
 - (b) submit to the Minister annual returns of all proceedings; and
 - (c) use seals or stamp of such nature and pattern as the Minister may direct.
- [s. 31]

Repealed

- 35.** [Repeal by Act No. 1 of 2021, s. 7]
- [s. 32]

B. Jurisdiction and Powers of the Tribunal

General
jurisdiction
Act No.
13 of 2017 s. 8
Cap. 113
Cap. 114
Cap. 377
Cap. 267
GN. No.
225 of 2003

- 36.**-(1) The District Land and Housing Tribunal shall have and exercise original jurisdiction-
- (a) in all proceedings under the Land Act, the Village Land Act, the Customary Leaseholds (Enfranchisement) Act and the Regulation of Land Tenure (Established Villages) Act; and
 - (b) in all such other proceedings relating to land under any written law in respect of which jurisdiction is conferred on a District Land and Housing Tribunal by any such law.
- (2) The jurisdiction conferred under subsection (1) shall be limited-
- (a) in proceedings for the recovery of possession of immovable property, to proceedings in which the value of the property does not exceed three hundred million shillings; and
 - (b) in other proceedings where the subject matter is capable of being estimated at a money value, to proceedings in which the value of the subject matter does not exceed two hundred million shillings,

Cap. 377
Cap. 267

Provided that, the pecuniary jurisdiction of the tribunal shall be unlimited in proceedings under the Customary Leaseholds (Enfranchisement) Act and the Regulation of Land Tenure (Established Villages) Act.

(3) The District Land and Housing Tribunal shall have powers to execute its own orders and decrees.

[s. 33]

Hearing of
appeals

37.—(1) The District Land and Housing Tribunal shall, in hearing an appeal against any decision of the ward tribunal sit with not less than two assessors, and shall-

- (a) consider the records relevant to the decision;
- (b) receive such additional evidence if any; and
- (c) make such inquiries, as it may deem necessary.

(2) A party to any proceeding appealed against may appear-

- (a) personally; or
- (b) by an advocate or any relative or any member of the household or authorised officer of a body corporate.

[s. 34]

Powers of
District Land and
Housing Tribunal

38.—(1) A District Land and Housing Tribunal hearing an appeal may-

- (a) confirm the decision;
- (b) reverse, or vary in any manner the decision;
- (c) quash any proceedings; or
- (d) order the matter to be dealt with again by the ward tribunal, and may, if it deems appropriate, give an order or direction as to how any defect in the earlier decision may be rectified.

(2) The District Land and Housing Tribunal shall immediately after making the decision on appeal, record the decision and the reasons thereof.

[s. 35]

Revision

39.—(1) A District Land and Housing Tribunal may call for and examine the record of any proceedings of the ward tribunal for the purpose of satisfying itself as to whether in such proceedings the tribunal's decision has-

- (a) not contravened any Act of Parliament, or subsidiary legislation; or
- (b) not conflicted with the rules of natural justice; and whether the tribunal has been properly constituted or has exceeded its jurisdiction, and may revise any such proceedings.

(2) In the exercise of its revisional jurisdiction, a District Land and Housing Tribunal shall have all the powers conferred upon it in the exercise of its appellate jurisdiction.

[s. 36]

PART VI THE HIGH COURT

Original
jurisdiction of
High Court
Acts Nos.
11 of 2005 s. 29
13 of 2017 s. 9
GNs. Nos.
41 of 1992
225 of 2003
Cap. 38
Cap. 113
Cap. 118

40.—(1) Subject to the provisions of this Act, the High Court shall have and exercise original jurisdiction-

- (a) in proceedings for the recovery of possession of immovable property in which the value of the property exceeds three hundred million shillings;
- (b) in other proceedings where the subject matter capable of being estimated at a money value in which the value of the subject matter exceeds two hundred million shillings;
- (c) in all proceedings under the Tanzania Investment Act, the Land Act and the Land Acquisition Act in respect of proceedings involving the Government;
- (d) in all proceedings involving Public Corporations specified in the Rent Restriction (Exemption) (Specified Parastatals) Order; and in such other disputes of national interests which the Minister may by notice published in the *Gazette*, specify; or

(e) in all such other proceedings relating to land under any written law in respect of which jurisdiction is not limited to any particular court or tribunal.

(2) Where the High Court is not operational within any given district, the Land and Housing Tribunal shall have the jurisdiction to determine disputes involving public corporations specified under subsection (1)(d).

[s. 37]

Appeals
of matters
originating from
Ward Tribunal

Act No.
2 of 2010 s. 21

41.-(1) A party who is aggrieved by a decision or order of the District Land and Housing Tribunal in the exercise of its appellate or revisional jurisdiction, may within sixty days after the date of the decision or order, appeal to the High Court:

Provided that, the High Court may for good and sufficient cause extend the time for filing an appeal either before or after such period of sixty days has expired.

(2) Every appeal to the High Court shall be by way of petition and shall be filed in the District Land and Housing Tribunal from the decision, or order of which the appeal is brought.

(3) Upon receipt of a petition under this section, the District Land and Housing Tribunal shall, within fourteen days dispatch the petition together with the record of the proceedings in the ward tribunal and the District Land and Housing Tribunal to the High Court.

[s. 38]

Procedure for
Appeal
Act No.
2 of 2010 s. 19
Cap. 11

42.-(1) Appeal to the High Court under section 41 shall be heard by one Judge.

(2) In any appeal, to the High Court under this section in which any rule of Customary Law is an issue or relevant, the High Court may refer any question of Customary Law to an expert or panel of experts constituted in accordance with rules under the Magistrates' Courts Act, but the High Court shall not be bound by the opinion of such expert or experts in determining the appeal.

[s. 39]

Powers of
Registrar on
appeal
Cap. 33
Act No.
2 of 2010 s. 21

43. Where an appeal is received in the High Court, a Registrar of the Court may exercise the powers as conferred upon him under the Civil Procedure Code.

[s. 40]

Appeals and
revision
Acts Nos.
2 of 2010 s. 21
4 of 2016 s. 41

44.—(1) Subject to the provisions of any law for the time being in force, all appeals, revisions and similar proceeding from or in respect of any proceeding in a District Land and Housing Tribunal in the exercise of its original jurisdiction shall be heard by the High Court.

(2) An appeal under subsection (1) may be lodged within forty-five days after the date of the decision or order:

Provided that, the High Court may, for good cause, extend the time for filing an appeal either before or after the expiration of such period of forty-five days.

[s. 41]

Extended
jurisdiction
Act No.
8 of 2018 s. 8

45.—(1) Notwithstanding section 44, the Chief Justice may, after consultation with the Minister responsible for legal affairs and the Attorney General, by order published in the *Gazette*, vest any resident magistrate with the appellate or revisional jurisdiction ordinarily exercisable by the High Court under this Act.

(2) For the purpose of any appeal from or revision in the exercise of jurisdiction referred to under subsection (1), the resident magistrate with extended jurisdiction shall be deemed to be the judge of the High Court, and court presided over by him while exercising such jurisdiction shall be deemed to be the High Court.

(3) The High Court may direct that an appeal or revision instituted in the High Court be transferred to and be heard by a resident magistrate upon whom extended jurisdiction has been conferred by this section.

[s. 41A]

Powers of High
Court on appeals
Act No.
2 of 2010 s. 21

46. The High Court shall in the exercise of its appellate jurisdiction have power to take or to order the District Land and Housing Tribunal to take and certify additional evidence and whether additional evidence is taken or not, to confirm, reverse, amend or vary in any manner the decision or order appealed against.

[s. 42]

Supervisory and
revisional powers
Act No.
2 of 2010 s. 21

47.—(1) In addition to any other powers in that behalf conferred upon the High Court, the High Court—

- (a) shall exercise general powers of supervision over all District Land and Housing Tribunals and may, at any time, call for and inspect the records of such tribunal and give directions as it considers necessary in the interests of justice, and all such tribunals shall comply with such direction without undue delay;
- (b) may in any proceedings determined in the District Land and Housing Tribunal in the exercise of its original, appellate or revisional jurisdiction, on application being made in that behalf by any party or of its own motion, if it appears that there has been an error material to the merits of the case involving injustice, revise the proceedings and make such decision or order therein as it may think fit.

(2) In the exercise of its revisional jurisdiction, the High Court shall have all the powers in the exercise of its appellate jurisdiction.

[s. 43]

Powers of
Registrar on
revision
Acts Nos.
2 of 2010 s. 21
13 of 2017 s. 10

48.—(1) A Registrar of the High Court may, for the purpose of satisfying himself as to the correctness, legality or propriety of any decision or order and as to the regularity of the proceeding, call for and inspect the record of any proceedings in a District Land and Housing Tribunal and examine the records or registers thereof.

(2) Where the Registrar in any case after making the inspection and examination of the records under subsection

(1), is of the opinion that, any decision or order is illegal or improper or any proceedings are irregular, may forward the record together with the report to the High Court so that it may consider whether or not to exercise its powers of revision.

(3) Where the High Court has made any findings as to the correctness, legality or propriety of any decision, order or regularity of any proceedings on the matter forwarded to it under subsection (2), the High Court shall remit the file to the District Land and Housing Tribunal within fourteen days from the date of the order.

[s. 44]

Substantial justice **49.** A decision or order of a ward tribunal or District Land and Housing Tribunal shall not be reversed or altered on appeal or revision on account of any error, omission or irregularity in the proceedings before or during the hearing or in such decision or order or on account of the improper admission or rejection of any evidence unless such error, omission or irregularity or improper admission or rejection of evidence has in fact occasioned a failure of justice.

[s. 45]

Representation of parties
Cap. 33
Act No.
2 of 2010 s. 21
GN. No.
225 of 2003

50. In any proceeding in the High Court, parties may appear in person or by an advocate or other representatives in accordance with the Civil Procedure Code.

[s. 46]

Appeal from High Court
Acts Nos.
2 of 2010 s. 21
8 of 2018 s. 9
11 of 2023 s. 47

51.—(1) A person who is aggrieved by the decision of the High Court in the exercise of its original Appellate or revisional jurisdiction may appeal to the Court of Appeal in accordance with the provisions of the Appellate Jurisdiction Act.

(2) Where an appeal to the Court of Appeal originates from the ward tribunal, the appellant shall be required to seek for the certificate from the High Court certifying that there is point of law involved in the appeal.

GN. No. 368 of 2009 (3) The procedure for appeal to the Court of Appeal under this section shall be governed by the Court of Appeal Rules. [s. 47]

PART VII APPEALS TO THE COURT OF APPEAL OF TANZANIA

Appeals
Act No.
2 of 2010 s. 21
Cap. 113
Cap. 114
Cap. 141

52.—(1) Subject to the provisions of the Land Act and Village Land Act, the Court of Appeal shall have jurisdiction to hear and determine appeals from the High Court.

(2) The Appellate Jurisdiction Act shall apply to proceedings in the Court of Appeal under this section.

[s. 48]

PART VIII MISCELLANEOUS PROVISIONS

Laws to be
applied
Act No.
2 of 2010 s. 21
Cap. 113

53. In the exercise of their respective jurisdictions, the village land council, ward tribunal, District Land and Housing Tribunal, High Court and the Court of Appeal shall apply the laws set out in section 190 of the Land Act.

[s. 49]

Application of
Customary Law
Act No.
2 of 2010 s. 21

54.—(1) In the exercise of its customary law jurisdiction, a ward tribunal shall apply the customary law prevailing within its local jurisdiction, or if there is more than one such law, the law applicable in the area in which the act, transaction or matter occurred or arose, unless it is satisfied that some other customary law is applicable but it shall apply the customary law prevailing within the area of its local jurisdiction in matter of practice and procedure to the exclusion of any other customary law.

(2) In the exercise of their respective jurisdictions, the High Court and the District Land and Housing Tribunals shall not refuse to recognise any rule of customary law on the grounds

that it has not been established by evidence but may accept any statement thereof which appears to it to be worth of belief which is contained in the record of proceedings or from any other source which appears to be credible or may take judicial notice thereof.

(3) Where there is any dispute or uncertainty as to any customary law whether by reason of anything contained in the record of the proceedings, the grounds of appeal or otherwise, the High Court or the District Land and Housing Tribunal shall not be required to accept as conclusive or binding any evidence contained in the record but shall-

- (a) in any case of dispute, determine the customary law applicable, and give judgment thereon, in accordance with what it conceives to be the best and most credible opinion or statement which is consistent with the provisions of such customary law as are undisputed; and
- (b) in any case of uncertainty, determine the appeal and give judgment thereon, in such manner as accords as near as may be to the provisions of such customary law as are established and certain.

[s. 50]

Admissibility of
evidence
Act No.
2 of 2010 s. 20
Cap. 33
Cap. 6
GN. No.
225 of 2003
Cap. 33

55.-(1) In the exercise of its jurisdiction, the High Court shall apply the Civil Procedure Code and the Evidence Act and may, regardless of any other laws governing production and admissibility of evidence, accept such evidence and proof which appears to be worthy of belief.

(2) The District Land and Housing Tribunals shall apply the regulations made under section 56 and where there is inadequacy in those regulations it shall apply the Civil Procedure Code.

[s. 51]

Limitation
Act No.
2 of 2010 s. 21
GN. No.
311 of 1964
Cap. 89

56.-(1) The Customary Law (Limitation of Proceedings) Rules shall apply to proceedings in the ward tribunal in the exercise of its compulsive jurisdiction.

(2) The Law of Limitation Act shall apply to proceedings in the District Land and Housing Tribunal and the High Court in the exercise of their respective original jurisdiction.

[s. 52]

Disestablishment
of tribunals
Cap. 377

57. The following tribunals are hereby disestablished-

- (a) the Customary Land Tribunal established under the Customary Leaseholds (Enfranchisement) Act;
- (b) the Regional Housing Tribunal and the Housing Appeal Tribunal established under the Rent Restriction Act;
- (c) the Customary Land Appeals Tribunal established under the Customary Leasehold (Enfranchisement) Act.

Act No.
17 of 1984

Cap. 377

[s. 53]

Savings
GN. No.
225 of 2003

58.-(1) Notwithstanding the provisions of section 57, proceedings or appeals commenced in the High Court, the Magistrates' Courts, Regional Housing Tribunal, Housing Appeals Tribunal, Customary Land Tribunal and the Customary Land Appeals Tribunal which are pending on the date of commencement of this Act shall be continued, concluded and decisions and orders made thereon shall be executed accordingly as if this Act had not been passed.

(2) Every decision or order of the High Court, the Magistrates' Court, Regional Housing Tribunal, Housing Appeals Tribunal, or Customary Land Tribunal or Customary Land Appeal Tribunal, which shall not have been fully executed or enforced before the date of commencement of this Act, may be executed and enforced after that day as if this Act had not been passed.

(3) All proceedings or appeals under this section shall be concluded within the period of two years from the date of commencement of this Act.

(4) Where the High Court or the Magistrates' Court fails to hear and conclude the proceedings or appeals within the period specified in subsection (3), the Chief Justice may, upon

application by the Registrar, extend the time to such other time as he may determine.

(5) Where the tribunal fails to hear and conclude the proceedings or appeals within the period specified in subsection (3), the Minister may upon application by the relevant Registrar, extend the time to such other time as he may determine.

[s. 54]

Protection of
members and
others
Act No.
13 of 2017 s. 11
GN. No.
225 of 2003

59. A matter or thing done by a Chairman, member, officer, servant or agent of a Village Land Council or Ward Tribunal and District Land and Housing Tribunal shall not if done in good faith in the execution or purported execution of the provisions of this Act or of regulations made thereunder, subject any such person to any action, liability or demand whatsoever.

[s. 55]

Power to make
regulations
Acts Nos.
13 of 2017 s. 12
5 of 2021 s. 50
GN. No.
225 of 2003

60.—(1) The Minister may make regulations for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make in respect of the District Land and Housing Tribunal regulations prescribing-

- (a) the practice and procedure for execution of decisions and orders thereof;
- (b) the practice and procedure for hearing and determining appeals;
- (c) the manner in which appeals may be presented or filed;
- (d) the manner in which revisional jurisdiction may be exercised;
- (e) costs and fees;
- (f) forms to be used in the proceedings;
- (g) allowances for Chairman presiding at the District Land and Housing Tribunal, assessors and witnesses to the disputes;
- (h) procedures for appointment and removal of the Chairman and assessors from the office;

- (i) the conduct of Chairman and assessors; and
 - (j) any other matter or thing, which requires to be prescribed under this Act.
- (3) Regulations made under this section shall be published in the *Gazette*.

[s. 56]

Amendment of
other written laws

61. [Omitted].

[s. 57]

SCHEDULE

[Omitted]
