

CHAPTER 28

THE SUCCESSION (NON-CHRISTIAN ASIATICS) ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

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CHAPTER 28

THE SUCCESSION
(NON-CHRISTIAN ASIATICS) ACT

An Act to regulate succession on death to property of Non-Christian Asiatics.¹

[30th March, 1923]

Ords. Nos.
12 of 1923
2 of 1943
44 of 1947
Act No.
5 of 1971
[R.L. Cap. 112]

PART I
PRELIMINARY PROVISIONS

Short title
Act No.
5 of 1971 Sch.

1. This Act may be cited as the Succession (Non-Christian Asiatics) Act.

Repealed

2-5. [Repealed by Act No. 5 of 1971 Sch.]

Succession to
property of
deceased Non-
Christian Asiatics

6.-(1) Subject to the provisions of this Act or any other Act or applied Act in force in Mainland Tanzania, the succession to the movable property in Mainland Tanzania of a deceased Non-Christian Asiatic who at the time of death is domiciled in Mainland Tanzania and to the immovable property in Mainland Tanzania of such a Non-Christian Asiatic whether or not domiciled in Mainland Tanzania at the death, shall be regulated by the law of the religion professed by that Non-Christian Asiatic at death:

Provided that-

(a) so much of the law of any religion as deprives any person of a right of succession to property by reason of

¹ Long title was amended by Act No. 5 of 1971 Sch.

that person having renounced or having been excluded from the communion of any religion or having been deprived of caste shall not be in force in Mainland Tanzania; and

- (b) every creditor shall have the same rights and remedies against the estate of a deceased Non-Christian Asiatic, including the right to follow assets, as the creditor has against the estate of a deceased Christian.

(2) This section shall apply to the estate of a Non-Christian Asiatic who died before the commencement of this Act in like manner as it applies to the estate of a Non-Christian Asiatic who dies after the commencement of this Act:

Provided that, no part of an estate which has been distributed before the commencement of this Act shall be recoverable by reason only of any alteration in the law effected by this Act.

- (3) This section shall not apply to Jews.

Saving of titles
acquired for value

7. Alteration in law effected by this Act shall not affect any title to property acquired for value before the commencement of this Act.

Ascertainment of
law of religion

8.-(1) For the purposes of this Act, the law of the religion of any person shall be that law subject to any special custom recognised and adopted by persons of that religion domiciled in Tanzania, or, in the case of a Hindu, by members of the caste so domiciled.

(2) A court may ascertain the law of any religion or any custom by any means which it thinks fit, and may act on information which appears to the court to be credible though it is not legal evidence, and in case of doubt or uncertainty the court may decide as the principles of justice, equity, and good conscience may dictate.

