

GOVERNMENT NOTICE NO. 110 published on 1/2/2019

JUDICATURE AND APPLICATION OF LAWS ACT,
(CAP. 358)

RULES

(Made under section 4)

JUDICATURE AND APPLICATION OF LAWS (PRACTICE AND PROCEDURE IN CASES INVOLVING VULNERABLE GROUPS) RULES, 2019

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**PART I
PRELIMINARY PROVISIONS**

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| Citation | 1. These Rules may be cited as the Judicature and Application of Laws (Practice and Procedure of Cases Involving Vulnerable Groups) Rules, 2019. |
| Application | 2. These Rules shall apply to all proceedings in all courts within Mainland Tanzania with a view to accelerating the determination of cases involving vulnerable groups. |
| Interpretation | 3. In these Rules unless the context requires otherwise-
"braille" means communication in braille writings to be readable by a visually impaired person as a means of communication;
"desk officer" means an officer duly designated, generally or specifically, by the Chief Justice, the Principal Judge, judge in charge or magistrate in charge of a court of resident magistrate or a district court or a primary court as the case may be; |
| Cap.183 | "persons with disabilities" has the meaning ascribed to it under the Persons with Disabilities Act;
"sign language interpreter" means a person who is competent in |

sign language interpretation understood and accepted by a deaf person;

"vulnerable groups" means particular groups of people who, due to adverse social, economic, cultural and practices present in society are weak and marginalized or have traditionally been victims of violations and these include widows, children, elderly people and persons with disabilities.

PART II

PRACTICE AND PROCEDURE OF CASES INVOLVING VULNERABLE GROUPS

Time limit

4. Any case involving persons from a vulnerable group shall be finalized within six months from the date of commencement of the hearing.

Provided that, the court may, in exceptional circumstances, extend the time for not more than three months.

Hearing and determination of cases

5. The presiding judge or magistrate of a case involving a person from a vulnerable group shall, at all stages of the case including admission, hearing and determination, give such case a priority over all other cases.

Duty and power of court to call sign language interpreter

6.-(1) Where, in criminal or civil proceedings the presiding judge or magistrate is assigned to hear and determine any case involving a deaf and dumb person either as an accused, witness or victim, such person shall be entitled to be availed with sign language interpretation services to enable such person to follow up the proceedings.

(2) The court shall have the power to order the sign interpreter to be hired by the Judiciary or recruited from existing institutions.

(3) The costs of hiring an interpreter shall be paid by the Judiciary.

Where premises are not friendly to accommodate vulnerable groups

7.-(1) Where the court premises are not friendly to persons from vulnerable groups-

(a) the court shall take necessary steps or actions to

Judicature and Application of Laws (Practice and Procedure in Cases Involving Vulnerable Groups)

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	accommodate the person during hearing and determination of his case; and
	(b) the presiding judge or magistrate, as the case may be, shall arrange suitable places for handling cases involving persons from vulnerable groups.
Cap.13	(2) Where a case involves a child, the proceedings shall be conducted in accordance with the Law of the Child Act.
Designated person to handle cases involving vulnerable groups	8.-(1) It shall be the duty of every court to designate a desk officer to handle matters involving vulnerable groups and related needs. (2) Functions of a desk officer shall be to- (a) identify cases and parties and communicate such information to the assigned judge or magistrate; (b) identify the persons with vulnerability; (c) establish and maintain a database of cases related to vulnerable groups; (d) sensitize and guide other staff on vulnerability issues; and (e) carry out any other duties as may be directed by the judge or magistrate in charge.
Judgment, order, decree to be delivered in braille format in timely manner	9. Where a case involving a visually impaired person is concluded, the court shall strive to provide, in braille format, copies of the judgment, ruling, decree, order and proceedings, as the case may be, to the person without charge, in any case within thirty days from the date of judgment, ruling or order.
Legal aid in proceedings involving vulnerable groups	10. Where in any civil or criminal matter, it appears to the presiding judge or magistrate that in the interest of justice, a person with vulnerability should have legal aid, that judge or magistrate shall cause such person to obtain legal aid in accordance with the Legal Aid Act.
Act No. 1 of 2017	

*Judicature and Application of Laws (Practice and Procedure in Cases Involving
Vulnerable Groups)*

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Matters not
provided for in
these Rules

11. Where any matter or thing is not provided for in these Rules, the practice and procedure provided for in other written laws or rules governing vulnerable groups shall apply *mutatis mutandis*.

Dar es Salaam,
22nd January, 2019

IBRAHIM HAMIS JUMA
Chief Justice