

**CHAPTER 12**  
**THE NOTARIES PUBLIC AND COMMISSIONERS**  
**FOR OATHS ACT**  
[PRINCIPAL LEGISLATION]  
ARRANGEMENT OF SECTIONS

*Section Title*

1. Short title.
2. Interpretation.
3. Persons entitled to practise as Notaries Public and Commissioners for oaths.
4. Enrolment and granting of certificates.
5. Suspension or removal from roll.
6. Penalty for unlawfully practising.
7. Bar on Commissioner for Oaths practicing when interested.
8. Jurat to state when oath is taken.
9. Fees for certificates.
10. Certain public officers to have powers of Notary Public and Commissioner for Oaths.
11. Foreign service officers to have powers of Notary Public.
12. Minister may empower foreign diplomatic or consular officers to exercise powers of Notaries.
13. Chief Justice may make rules.
14. Amendment of Schedules.
15. Saving provisions.

SCHEDULES

## CHAPTER 12

### THE NOTARIES PUBLIC AND COMMISSIONERS FOR OATHS ACT

An Act relating to Notaries Public and Commissioners for Oaths.

[27<sup>th</sup> January, 1928]

Ords. Nos.	Acts Nos.	GN. Nos.
5 of 1928	49 of 1964	22 of 1928
38 of 1955	1 of 1966	50 of 2012
46 of 1961	29 of 1967	308 of 2014
[R.L. Cap.12]	13 of 1972	
	9 of 1996	
	4 of 2016	

Short title      1. This Act may be cited as the Notaries Public and Commissioners for Oaths Act.

Interpretation  
Ord. No.  
38 of 1955 s. 2      2. In this Act, unless the context otherwise requires-  
“practise as a Commissioner for Oaths” means perform, *mutatis mutandis*, the functions and duties commonly performed by a Commissioner for Oaths in England;  
“practise as a Notary Public” means perform, *mutatis mutandis*, the functions and duties commonly performed by a Notary Public in England; and  
“roll” means the roll of Notaries Public and Commissioners for Oaths kept by the Registrar of the High Court in accordance with the provisions of section 4.

Persons entitled to practise as Notaries Public and Commissioners for oaths  
Ord. No.  
38 of 1955 s. 3  
Act No.  
9 of 1996 Sch.      3.-(1) Any of the following persons shall, except as provided in subsection (2), be entitled to practise as a Notary Public and Commissioner for Oaths in Mainland Tanzania in accordance with the provisions of this Act and to levy fees in accordance with the First Schedule-  
(a) an advocate; and  
(b) a person entitled to practise as a Notary Public in England, Scotland, Northern Ireland or the Republic of Ireland.

(2) The following persons shall not be entitled to practise as Notaries Public or Commissioners for Oaths:

- (a) any advocate who is suspended from practice until the period of suspension ends;
- (b) any person whose name is removed from the roll of advocates otherwise than at his own request, until his name is restored to the roll of advocates;
- (c) any person whose name is removed from the roll of Notaries Public and Commissioners for Oaths or who is suspended from practice as a Notary Public or Commissioners for Oaths in any reciprocating Commonwealth country for professional misconduct, until his name is restored to the roll.

Cap. 341

(3) In this section the expression “advocate” has the same meaning as in the Advocates Act, and the expression “roll of advocates” means the roll of advocates kept by the Registrar of the High Court in accordance with the provisions of Part II of the Advocates Act.

Enrolment and  
granting of  
certificates  
Ord. No.  
38 of 1955 s. 4

4.-(1) A person mentioned in section 3 who is entitled to practise as a Notary Public and Commissioner for Oaths shall, on application to the Registrar of the High Court and payment to him of the prescribed fee, and upon signing a roll to be kept by the Registrar, be granted a certificate in the form prescribed in the Second Schedule, which certificate shall, subject to the provisions of section 5, entitle him to practise as a Notary Public and Commissioner for Oaths in Mainland Tanzania so long as it is in force.

(2) Every certificate shall cease to be in force after the 31<sup>st</sup> December next following the date of issue, unless it is renewed.

(3) Every certificate shall be renewed, by endorsement, upon the application of the holder and payment of the prescribed fee.

(4) The granting of a certificate under this section and its renewal shall be recorded in the roll.

(5) Where a certificate granted under this section is lost, destroyed or mutilated it shall be replaced by a fresh certificate upon the application of the person entitled to it and payment of the prescribed fee.

Suspension or  
removal from roll  
Ord. No.  
38 of 1955 s. 5  
Act No.  
9 of 1996 Sch.

5.-(1) A Notary Public and Commissioner for Oaths may be suspended from practising or his name may be removed from the roll by order of a judge of the High Court if he is guilty of unprofessional conduct or if he otherwise becomes a person who, under section 3(2), would not be entitled to practise as a Notary Public or Commissioner for Oaths:

Provided that, such order shall not be made until the Notary Public and Commissioner for oaths has had opportunity of showing cause against such order.

(2) Proceedings to suspend or remove from the roll the name of a Notary Public and Commissioner for Oaths shall be commenced by an application to a judge of the High Court in chambers for a rule to issue to the Notary Public and Commissioner for Oaths named to show cause why he should not be suspended or why his name should not be removed from the roll, as the case may be.

(3) The application may be made by the Attorney General or by the person aggrieved by the action of the Notary Public and Commissioner for Oaths complained against.

(4) In the event of a Notary Public or Commissioner for Oaths being suspended from practice or his name being removed from the roll in proceedings under subsection (3), any certificate issued to him under the provisions of section 4 shall be deemed to be suspended for the duration of such period of suspension or, in the case of the removal of his name from the roll, to be cancelled.

(5) A person suspended or whose name has been removed from the roll shall be at liberty to appeal to the Court of Appeal against the order of suspension or removal of his name within thirty days of the making of the order.

(6) Pending the hearing of the appeal, any person who has been suspended from practise or whose name has been removed from the roll shall not be entitled to practise except where the period of suspension ends before the hearing of the appeal, in which event he shall be at liberty to resume his practice after the period of suspension has ended.

(7) On appeal to the Court of Appeal, the Court may confirm or set aside the order appealed against or, in the case of an order of suspension, may vary the period and may make any incidental order that it may deem necessary.

(8) The Registrar of the High Court shall send to the High Court of a reciprocating Commonwealth country a certified copy of every order, including orders made on appeal, made under or by virtue of this Act as to-

- (a) removing the name of any person from the roll;
- (b) restoring the name of any person to the roll;
- (c) suspending any person from practice.

(9) In subsection (8), the expression “reciprocating Commonwealth country” has the same meaning as in section 25 of the Advocates Act.

Cap. 341

Penalty for  
unlawfully  
practising  
Ord. No.  
38 of 1955 s. 6

**6.**—(1) Subject to the provisions of section 10, any person who holds himself out to be a Notary Public or Commissioner for Oaths or receives any fee or reward as a Notary Public or Commissioner for Oaths, unless he holds a valid certificate granted under this Act, commits an offence and on conviction, shall be liable to a fine not exceeding one thousand shillings and for a second or any subsequent offence to imprisonment for a period not exceeding six months or to a fine not exceeding two thousand shillings or to both.

(2) This section shall not be construed as exempting any person from any prosecution under the provision of any other law to which he would otherwise be liable:

Provided that, a person shall not be punished twice for the same offence.

Bar on  
Commissioner for  
Oaths practicing  
when interested

**7.** A Commissioner for Oaths shall not exercise any of his powers as a Commissioner for Oaths in any proceedings or matter in which he is advocate to any of the parties or he is interested.

Jurat to state  
when oath is  
taken  
Act No.  
4 of 2016 s. 47

**8.** Every Notary Public and Commissioner for Oaths before whom any oath or affidavit is taken or made under this Act shall insert his name and state truly in the jurat of attestation at what place and on what date the oath or affidavit is taken or made.

Fees for  
certificates  
Act No.  
4 of 2016 s. 48

**9.** The fees in the Third Schedule are hereby prescribed for the matters set out in that Schedule.

Certain public  
officers to have  
powers of Notary  
Public and  
Commissioner for  
Oaths  
Acts Nos.  
49 of 1964 s. 2  
29 of 1967 s. 3  
13 of 1972 Sch.  
9 of 1996 Sch.  
Cap.341  
GN. Nos.  
32 of 1971

**10.**—(1) Every officer to whom this section applies shall have the powers and duties of a Notary Public in respect of administering oaths, taking affidavits, attesting signatures and certifying copies of documents, and shall also have all the powers and duties of a Commissioner for Oaths under this Act.

(2) This section shall apply to—

- (a) any person employed by the Government of the United Republic and who, under the provisions of section 3 of the Advocates Act, is entitled to practise as an advocate of the High Court;
- (b) any person employed by the Tanzania Legal Corporation established by the Tanzania Legal Corporation (Establishment) Order, and who, under the provisions of section 3 of the Advocates Act, is entitled to practise as an advocate of the High Court;
- (c) the Registrar of the Court of Appeal, the Registrar of the High Court and every Deputy Registrar;
- (d) a magistrate;
- (e) an Administrative Officer in the service of the Government of the United Republic.

(3) Any fee taken by an officer to whom this section applies for any matter under this Act shall be paid by such officer-

- (a) where such officer is an employee of the Tanzania Legal Corporation into the general revenue of that Corporation;
- (b) in any other case, into the general revenue of the United Republic.

Foreign service  
officers to have  
powers of Notary  
Public  
Ord. No.  
46 of 1961 s.2;  
Act No.  
1 of 1966 s.2

**11.**-(1) Every foreign service officer exercising his functions in any country or place outside Tanzania may in that country or place administer any oath and take any affidavit, and also do any notarial act which any person entitled to practise as a Notary Public and Commissioner for Oaths in Tanzania can do in that part of Tanzania in which he is so entitled, and every oath, affidavit and notarial act administered, sworn or done by or before any such person shall be as effectual as if duly administered, sworn or done by or before any lawful authority in Tanzania.

(2) Any document purporting to have affixed, impressed, or subscribed on or to it the seal or signature of any person authorised by this section to administer an oath in testimony of any oath, affidavit, or act being administered, taken, or done by or before him, shall be admitted in evidence without proof of the seal or signature being the seal or signature of that person, or of the official character of that person.

(3) This section shall extend to Tanzania Zanzibar as well as to Mainland Tanzania.

[s. 10A]

Minister may  
empower foreign  
diplomatic or  
consular officers  
to exercise powers  
of Notaries  
Act No.  
1 of 1966 s. 3

**12.**-(1) Where an arrangement is made between the Government of the United Republic and the Government of any other State that members of the diplomatic, consular or other foreign service of that State shall perform services on behalf of the Government of the United Republic in a country or place in which for the time being the United Republic has no diplomatic, consular or other foreign service representative, the Minister for the time being responsible for foreign affairs may, by order published in the *Gazette*, authorise members of the diplomatic, consular or other foreign service of that

State while exercising their functions as such in that country or place to administer any oath, take any affidavit and do any notarial act which any person entitled to practise as a Notary Public and Commissioner for Oaths in Tanzania can do within that part of Tanzania in which he is so entitled; and every oath administered, affidavit sworn or notarial act done by or before any such person shall be as effectual as if duly administered, sworn or done by or before a lawful authority in Tanzania.

(2) Any document purporting to have affixed, impressed or subscribed to it the seal or signature of any person authorised under this section in testimony of any oath or affidavit or other notarial act administered, sworn or done by or before him and containing in the jurat of attestation a statement of the date and place thereof and the full name and capacity in which such person is serving shall be admitted in evidence without proof of the seal or signature being the seal or signature of that person or of the facts included in that statement.

(3) This section shall extend to Tanzania Zanzibar as well as to Mainland Tanzania.

[s. 10B]

Chief Justice may  
make rules  
Act No.  
4 of 2016 s. 49

**13.** The Chief Justice may make rules for carrying into effect the objects of this Act.

Amendment of  
Schedules  
Act No.  
4 of 2016 s. 50

**14.** The Chief Justice may, by notice published in the *Gazette*, amend any Schedule to this Act.

Saving provisions  
Act No.  
4 of 2016 s. 50

**15.** Notwithstanding section 8, the requirements to insert name of the Notary Public and Commissioner for Oath in the jurat of attestation shall not affect any decision delivered regarding an affidavit or any affidavit filed in court before 8<sup>th</sup> July 2016.



GN Nos.  
50 of 2012  
308 of 2014

## FIRST SCHEDULE

*(Made under section 3(1))*

### FEES

S/N.	Item	Fee
1.	Fees for notarial acts:	
	(a) For any protest, filing the original and furnishing one certified copy if required. (This is to be exclusive of any fee for drawing, if required, the body of the protest)	Tshs. 100,000
	(b) For administering an oath, or receiving a declaration or affirmation without attestation of signature.	Tshs. 20,000
	(c) For administering an oath or receiving a declaration or affirmation with attestation of signature.	Tshs. 20,000
	(d) For every exhibit relating to item (c).	Tshs. 5,000
	(e) For attesting a signature, or administering an oath or receiving a declaration or affirmation, for the purpose of obtaining relief from income tax.	Tshs. 10,000
	(f) For each signature attested by a Notary Public in any document not otherwise provided for.	Tshs. 20,000
	(g) For certifying a copy of any document, if not exceeding 100 words.	Tshs. 20,000
	(h) If the document or part of a document exceeds 100 words, for every additional 100 words or part thereof.	Tshs. 5,000
	(i) For directing search for, or obtaining, from a public record office or elsewhere, extracts from local registers, or copies of wills, deeds, or other matters, in addition to expenses incurred and any fees for attestation.	Tshs. 300,000
	(j) For affixing notarial signature and seal, if required, to any document not otherwise provided for in this Schedule.	Tshs. 20,000
	(k) For every Notary Public seal affixed to a document, packet or article, when no signature is required.	Tshs. 20,000
	(l) Any other notarial act not specified above.	Tshs. 20,000
	Fees which may be levied by Commissioners for Oaths:	
	(a) For taking an affidavit or declaration.	Tshs. 10,000
	(b) For every exhibit to an affidavit or declaration.	Tshs. 5,000
	(c) For attending to administer an oath or affirmation or to take a declaration elsewhere than at the office or place of business of the Commissioner for Oaths, in addition to expenses incurred and the ordinary fee thereof.	Tshs. 50,000

**SECOND SCHEDULE**

*(Made under section 4(1))*

**FORM OF CERTIFICATE**

**THE NOTARIES PUBLIC AND COMMISSIONERS FOR OATHS ACT  
(CAP.12)**

**THE HIGH COURT OF TANZANIA**

Certificate to practise as a Notary Public and Commissioner for Oaths  
in Mainland Tanzania.

It is hereby certified that.....  
has this day been admitted to practise as a Notary Public and  
Commissioner for Oaths in Mainland Tanzania.

This Certificate expires on the 31<sup>st</sup> December, 20..... unless  
renewed.

Registrar of the High Court

Fee paid Shs. 60.00.

Renewed until.....

Fee paid Shs. 40.00

20..... (L.S)

Registrar of the High Court

(Repeat form of renewal as often as required.)

Act No.  
4 of 2016 s. 51

**THIRD SCHEDULE**

*(Made under section 9)*

**FEEES FOR CERTIFICATES**

FEEES FOR CERTIFICATES	AMOUNT
(a) Fee payable on application for a certificate to practice as a Notary Public and Commissioner for Oaths.	Tshs.30,000/=
(b) Fee payable on each annual application for renewal of the certificate.	Tshs.40,000/=
(c) Fee payable on application for lost, destroyed or mutilated certificate to be replaced.	Tshs.10,000/=

**CHAPTER 13**  
**THE LAW OF THE CHILD ACT**  
**[PRINCIPAL LEGISLATION]**  
**ARRANGEMENT OF SECTIONS**

*Section Title*

**PART I**  
**PRELIMINARY PROVISIONS**

1. Short title.
2. Application.
3. Interpretation.

**PART II**  
**RIGHTS AND WELFARE OF THE CHILD**

*(a) Right of a Child*

4. Construction of child.
5. Non- discrimination.
6. Right to name and nationality.
7. Right to grow up with parents.
8. Duty to maintain child.
9. Parental duty and responsibility.
10. Right to parental property.
11. Right of opinion.
12. Harmful employment.
13. Protection from torture and degrading treatment.
14. Penalty for contravention.

*(b) General Duty of the Child*

15. Duty and responsibility of child.

**PART III**  
**CARE AND PROTECTION OF A CHILD**

16. Meaning of child care and protection and grounds for care orders.
17. Child protection.
18. Care order of court to be of benefit to child.
19. Supervision order of court.
20. Duties of social welfare officer.
21. Home visits.

22. General provisions on orders.
23. Discharge of orders.
24. Care order and adoption.
25. Object of care order.
26. Child rights where parents separate.

#### **PART IV FOSTER CARE AND PLACEMENTS**

27. Parental responsibility of patron, manager or foster parent.
28. Exclusion order.
29. Enforcement of exclusion order.
30. Offence to remove child without authority.
31. Social investigation report.
32. Conditions for foster care.
33. No publication of information or photograph of child.

#### **PART V PARENTAGE, CUSTODY, ACCESS AND MAINTENANCE**

34. Application for parentage.
35. Evidence of parentage.
36. Medical test.
37. Custody.
38. Access.
39. Considerations for custody or access.
40. Unlawful child removal.
41. Duty to maintain child.
42. Application for maintenance order.
43. Maintenance order against alleged biological father.
44. Considerations for maintenance orders.
45. Request for social inquiry report.
46. Persons entitled to administer maintenance order.
47. Duration of maintenance order.
48. Continuation of maintenance orders in certain cases.
49. Court may vary or discharge orders.
50. Non-custodial parent to have access to children.
51. Offences under this Part.

**PART VI**  
**FOSTERAGE AND ADOPTION**

52. Person who can foster.
53. Conditions for foster care placement.
54. Powers to make adoption order.
55. Application for adoption.
56. Restrictions on making adoption orders.
57. Consent of parent and guardian.
58. Other consent.
59. Conditions for adoption order.
60. Interim order.
61. Knowledge of adoption by child.
62. Application by non-resident.
63. Children previously adopted.
64. Effect of adoption on parental rights.
65. Devolution of property on intestacy.
66. Testamentary disposition.
67. Supplementary provisions on intestacy and testamentary disposition.
68. Adoption order and customary law.
69. Adopted Children Register.
70. Registration of adoptions.
71. Amendment of orders and rectification of registers.
72. Prohibition of payment and reward on adoption.
73. Notice to be given to send child abroad.
74. Adoption by foreigners.
75. Rules for adoption.
76. Restriction on publication of advertisement.

**PART VII**  
**EMPLOYMENT OF A CHILD**

*(a) Employment of the Child*

77. Child's right to work.
78. Prohibition of exploitative labour.
79. Prohibition of night work.
80. Prohibition of forced labour.
81. Right to remuneration.
82. Hazardous employment.
83. Prohibition of sexual exploitation.
84. Application.
85. Registration of child in industrial undertakings.
86. Enforcement.

*(b) Apprenticeship*

87. Right to acquire vocational skills.
88. Minimum age for apprentices.
89. Responsibilities of craftsman.
90. Apprenticeship agreement.
91. Duties of apprentice.
92. Release of apprentice.
93. Disputes resolution.

**PART VIII****SUPPORT SERVICES FOR A CHILD BY LOCAL GOVERNMENT AUTHORITIES**

94. Duty of local government authorities to safeguard children.
95. Duty to report infringement of child's rights.
96. Investigation by department.

**PART IX****CHILD IN CONFLICT WITH LAW***(a) Juvenile Court*

97. Establishment of juvenile court.
98. Jurisdiction of juvenile court.
99. Procedure in juvenile court.
100. Proceedings in juvenile court.
101. Opinion and recommendation of social welfare officer.
102. Bail for child.
103. Association with adults whilst in custody.
104. Juvenile court may dispose of all cases other than homicide.
105. Children may be remanded to care of fit person or institution.
106. Court's duty to explain charge.
107. Accused to be asked to show cause.
108. Accused may be convicted on plea of guilty.
109. Attendance, appearance and hearing in Juvenile Court.
110. Cross-examination of witness.
111. Defence.
112. Procedure upon conviction.
113. Attendance at court of parent of child charged with offence.
114. Determination of age.
115. Persons appearing to be of age of eighteen years or more.

*(b) A child as a Witness*

116. Child witness.

*(c) Custodial Sentence*

- 117. Probation orders.
- 118. Provision in case of child failing to observe conditions of release.
- 119. Power to order parent to pay fine instead of child.

*(d) Alternative Sentences*

- 120. Prohibition of custodial sentence and alternative punishments.
- 121. When approved school order may be made.

**PART X**  
**APPROVED SCHOOLS**

- 122. Approved schools.
- 123. Appointment of Board of Visitors.
- 124. Power of Board.
- 125. Approved school orders.
- 126. Suspension of approved school orders.
- 127. Authority for detention.
- 128. Extension of period of detention.
- 129. Power of manager to bring persons detained before court.
- 130. Discharge and transfer from approved school.
- 131. Time for appeal.
- 132. Approved school order to take effect pending consideration by High Court.
- 133. Power to make rules.

**PART XI**  
**INSTITUTIONALISED CARE**

*(a) Approved Residential Homes or Institutions*

- 134. Approval of residential home, etc..
- 135. Monitoring of homes and institutions.
- 136. Power of Commissioner to give directives to homes, etc..
- 137. Inspection of homes, etc.
- 138. Admission of children to approved residential home, etc..
- 139. Parental responsibility of staff of approved residential homes, etc..
- 140. Power of court to order contribution.
- 141. Cancellation of licence for approved homes.
- 142. Right to be heard.
- 143. Reasons for decision to be given.
- 144. Adoption for children in homes or institutions.
- 145. Mother in prison with child.

146. Minister to make regulations for homes, etc..

147. Offences and penalties.

*(b) Day-care Centres and Crèches*

148. Application to operate day-care centre and crèche.

149. Prohibition of certain persons to operate day-care centre.

150. Registration of owners of centres.

151. Register of day-care centres and crèches.

152. Department to inspect.

**PART XII**

**MISCELLANEOUS PROVISIONS**

153. By-laws and guidelines.

154. Directives.

155. Existing operators.

156. Offences and penalties.

157. Appeals.

158. Regulations.

159. General prohibition.

160. Prohibition of female genital mutilation on child.

161. General penalty.

162. Repeal and savings.

**PART XIII**

**CONSEQUENTIAL AMENDMENTS**

163-194. Omitted.

**SCHEDULE**