

THE HIGH COURT ACT

ARRANGEMENT OF SECTIONS

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I ASSENT



ALI HASSAN MWINYI  
THE PRESIDENT OF ZANZIBAR AND  
CHAIRMAN OF THE REVOLUTIONARY  
COUNCIL

15.2.1985

AN ACT TO REPEAL AND REPLACE THE HIGH COURT  
DECREE, 1964, TO CONSOLIDATE CERTAIN LAWS  
RELATING TO HIGH COURT AND OTHER MATTERS  
RELATED THEREWITH AND INCIDENTAL THERETO

ENACTED BY THE HOUSE OF REPRESENTATIVES OF ZANZIBAR.

Short title  
and commence-  
ment.

1. This Act may be cited as the High Court  
Act and shall come into operation retrospectively on the  
12th day of January, 1985.

Interpre-  
tation.

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

"the Constitution" means the Constitution of  
Zanzibar;

"Court of Appeal" means the Court of Appeal  
for Tanzania established under the  
Constitution of the United Republic and  
as referred to in the Constitution.

"High Court" means the High Court of Zanzibar  
as established under the Constitution;

"Subordinate Court" means any Court established  
under or referred to in section 5 of this Act;

Continuation  
of existence  
of High Court.

3. (1) The High Court for Zanzibar shall continue  
to exist and shall as heretofore have:-

(a) unlimited jurisdiction to hear and  
determine any civil or criminal proceedings  
under any law in force in Zanzibar;

(b) in its discretion and at the instance of any interested person, power to inquire into and determine any existing, future or contingent right or obligation, notwithstanding that such person cannot claim any relief consequential upon the determination; and

(c) such jurisdiction and powers as may be conferred on it by this Act or any other law.

Seal.

4. The High Court shall have a seal bearing the style of the Court and a device approved by the Chief Justice.

Establishment of Subordinate Courts.

5. There shall be Courts subordinate to the High Court as follows:-

- (a) Resident Magistrate Courts;
- (b) District Magistrates' Court;
- (c) Kadhis' Courts; and
- (d) Juvenile Courts.

Appointment of Registrar and other officers of the High Court.

6. (1) There is hereby established the office of Registrar who shall be appointed by the Judicial Service Commission.

(2) The Chief Justice may assign duties to and confer powers on persons appointed as Registrars, Clerks, bailiffs, interpreters and other officers of the High Court as he thinks fit and such persons shall have the powers so conferred.

(3) Any Registrar of the High Court and any other Officer of the Court designated in that behalf by the Chief Justice may administer oaths and take affidavits, declarations and affirmations.

(4) Any act which under any enactment is required to be done by the Registrar may be performed by an Assistant Registrar.

Powers on  
appeal.

7. (1) The High Court shall be a Court of Appeal from all subordinate courts in Zanzibar with full power:-

- (a) to reverse and vary all judgments, decisions and orders, civil and criminal, of any of the subordinate courts;
- (b) to order a new trial of any case heard or decided in any of the subordinate courts and to direct, if necessary, that such new trial shall be heard in the High Court;
- (c) to send back any case heard and decided in a subordinate court with such instruction as to any further proceedings as the High Court may deem necessary; and
- (d) to impose such punishment (whether more or less severe than, or of a different nature from, the punishment imposed by the subordinate court) as in the opinion of the High Court to have been imposed at the trial.

(2) When considering a criminal appeal and notwithstanding that a point raised might be decided in favour of the accused, no conviction or sentence shall be set aside or altered by reason of any irregularity or defect in the record of proceedings, unless it appears to the High Court that a failure of justice has in fact resulted therefrom.

(3) Appeals in criminal and civil matters under this section shall be heard by one or more judges of the High Court as the Chief Justice may from time to time direct.

Provided that this section shall not apply to any case where the constitution or other law directs a specified number of Judges to constitute a quorum.

Powers of  
review and  
supervision.

8. (1) The High Court shall have full power, jurisdiction and authority to review the proceedings of all subordinate courts of justice within Zanzibar, and if necessary to set aside or correct the same.

(2) This power, jurisdiction and authority may be exercised in open court or in open court or in chambers in the discretion of the judge.

(3) The High Court shall exercise general powers of supervision over all subordinate courts.

High Court proceedings when within subordinate courts' jurisdiction.

9. No civil cause or action within the jurisdiction of a subordinate court shall be instituted into or removed from the High Court save:-

- (a) by a judge of the High Court acting of his own motion; or
- (b) with the leave of a judge upon application made to him in Chambers, and after notice to the other party.

Assessors.

10. (1) The High Court may call to its assistance at any civil or criminal trial or appeal not more than four assessors, whose duty shall be to give either in open court or otherwise, such assistance and advice as the judge may require, but the decision shall be vested exclusively in the judge.

(2) The agreement or disagreement of the assessor or assessors with the decision of the judge shall be noted on the record.

(3) This section shall not apply to Muslim cases originating from the Kadhis' Courts.

Place of sittings.

11. The High Court shall hold its sittings in the High Court building or in such other place as the Chief Justice may appoint.

Sessions of Court.

12. (1) The dates and times of sitting of the High Court (hereinafter called "sessions") shall be determined by the Chief Justice.

(2) At the sessions, of all criminal business shall as far as practicable be tried and determined in priority to all other business.

Distribution  
of business.

13. The Chief Justice shall regulate the distribution of business in the court, and all actions and proceedings before the Court shall be heard and determined by a single judge, unless the Chief Justice otherwise directs or where the law provides otherwise.

Proceedings  
to be in  
open Court.

14. (1) Save as otherwise provided in this Act, the pleadings and proceedings of the High Court shall be carried on and the sentences, decrees, judgments and orders thereof pronounced and declared in open court, but a judge may, if he thinks fit and at any time of the proceedings, order the court to be cleared or order any person or class of persons to leave the court.

(2) The language to be used in the High Court shall be both Kiswahili and English, and the proceedings shall be taken in either Kiswahili or English as the Chief Justice may direct.

No Judge to  
hold other  
office of  
profit.

15. (1) No Chief Justice or Judge shall accept or perform any other office or place of profit or emoluments not authorised by law.

(2) Subsection (1) shall not apply to a judge who may be temporarily appointed under provisions of the Constitution.

Appeals from  
High Court.

16. (1) Subject to the provisions of this Act or any other law, an appeal shall lie to the Court of Appeal from any judgment of the High Court in the exercise of its original or appellate jurisdiction:-

- (a) in civil suits, in the cases prescribed by the Civil Procedure Decree;
- (b) in criminal proceedings, in the cases prescribed by the Criminal Procedure Decree; and
- (c) in any other proceedings, in such cases and in such manner as may be prescribed by any law.

(2) In this section "judgment" includes decree, order, conviction, sentence and decision.

Power of High Court to reserve question of law for opinion of Court of Appeal.

17. (1) Where under the provision of any law a Judge of the High Court is empowered to reserve for consideration by the Court to Appeal, on a case to be stated by him, any question of law which may arise in any original proceedings before him the Court of Appeal shall have power to hear and determine every such question.

(2) The power to reserve any such question for consideration by the Court of Appeal shall be in addition and without prejudice to any right of appeal conferred by this Act or any other law.

Protection of Judges, etc.

18. (1) No Judge, or any other person acting judicially shall be liable to be sued in any civil Court for any act done or ordered to be done in the discharge of his judicial duty whether or not within the limits of his jurisdiction if he at the time in good faith believed himself to have jurisdiction to do or order the act complained of.

(2) No officer of any Court or other person bound to execute the lawful warrants or orders of any judge, or other person acting judicially shall be liable to be sued in any civil Court for the execution of any warrant or order which he would be bound to execute if within the jurisdiction of the person issuing the same.

Power to make Rules of Court.

19. (1) Subject to the provisions of this Act or any other law, the Chief Justice may make Rules of Court:-

- (a) for regulating the pleading, practice and procedure in the Courts hereby constituted with respect to all matters within the respective jurisdictions of such Courts;
- (b) for regulating the practice where any party wishes to appeal from a decision of a Subordinate Court;
- (c) for regulating the means by which particular facts may be proved in any of the Courts hereby constituted;
- (d) for prescribing any forms to be used;

- (e) for prescribing, enforcing or remitting the fees to be taken;
- (f) for prescribing scales of costs and regulating any matter in connection therewith;
- (g) for prescribing the allowances to be made in criminal cases to complainants, witnesses, assessors, interpreters, medical practitioners and other persons assisting the Courts in the administration of justice and the conditions upon which such allowances shall be paid;
- (h) for prescribing or regulating the duties of the officers of the said Courts;
- (i) for regulating the mode in which advocates are to be admitted to practise as such and the mode in which the right to practice may be withdrawn or suspended on the ground of misconduct.

Repeal of  
Decree 2/64  
and 4/70,  
savings and  
Transitional.

20. (1) The High Court Decree No. 2 of 1964 and the Supreme Council Decree No. 4 of 1970 are hereby repealed.

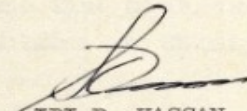
- (2) (a) any law, practice or procedure made or established under the repealed Decree shall continue in force until other similar provision is made under this Act;
- (b) all appointments of officers made under the repealed Decree shall continue in force notwithstanding such repeal;
- (c) all legal proceedings begun in or before any court constituted by or under the repealed Decree shall if such proceedings are pending at the date of commencement of this Act, continue as if this Act had not been enacted;
- (d) all Rules of Court, directions and other provisions made or given by or under the repealed Decree shall continue in force until other similar provisions is made under this Act.



(3) Any fresh proceedings pending immediately before the date of commencement of this Act before the High Court may be continued before the High Court constituted by the Constitution and as provided under this Act.

(4) All legal proceedings begun in or before any Court constituted by the repealed Decree and adjudicated or finalised before the commencement of this Act shall be barred from commencing afresh under this Act or any other law.

Passed in the House of Representatives on  
22nd January, 1985.

  
IDI P. HASSAN  
CLERK TO THE HOUSE OF  
REPRESENTATIVES  
ZANZIBAR

SHERIA YA MAHKAMA KUU  
YA 1985.

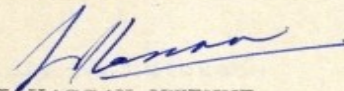
SEHEMU:

1. Jina fupi na tarehe ya kuanza.
2. Tafsiri.
3. Kuendelea kuwepo Mahkama Kuu.
4. Muhuri.
5. Kuanzishwa kwa Mahkama za Chini.
6. Uteuzi wa mrajis na maofisa wengine wa Mahkama Kuu.
7. Uwezo katika rufaa.
8. Uwezo wa kupitia na kusimamia.
9. Kesi za Mahkama Kuu zinapokuwa katika mamlaka ya Mahkama za Chini.
10. Washauri.
11. Pahala pa Vikao.
12. Vikao vya Mahkama.
13. Ugawaji wa shughuli.
14. Kesi ziwe katika Mahkama zilizohadharani na lugha ya kutumika Mahkama.
15. Jaji asifanye kazi nyengine.
16. Rufaa kutoka Mahkama Kuu.
17. Uwezo wa Mahkama Kuu kuacha suala la sheria kwa kupata mawazo ya Mahkama ya Rufaa.
18. Kinga ya Majaji, n.k.
19. Uwezo wa kuweka Kanuni.
20. Kufutwa kwa sheria ya 2/1964, na 4/1970 na mambo yaambatanayo.

SERIKALI YA MAPINDUZI ZANZIBAR

NAM 2 YA 1985

NAKUBALI



ALI HASSAN MWINYI  
RAIS WA ZANZIBAR NA MWENYEKITI WA  
BARAZA LA MAPINDUZI.

15.2.1985

SHERIA KWA AJILI YA KUIBADILISHA NA BADALA  
YAKE, KUWEKA UPYA SHERIA YA MAHKAMA KUU, YA  
1964, KUZIWEKA PAMOJA SHERIA ZOTE ZINAZO-  
HUSIANA NA MAHKAMA KUU NA MAMBO MENGINE  
YANAYOHUSIANA NA HAYO.

"IMETUNGWA NA BARAZA LA WAWAKILISHI"

Jina fupi  
na tarehe  
ya kuanza.

1. Sheria hii itajuilikana kama Sheria ya  
Mahkama Kuu na itanza kutumika tarehe 12 Januari,  
1985.

Tafsiri.

2. Katika sheria hii, ila iwapo itahitajika  
vyenginevyo -

"Katiba" maana yake ni Katiba ya Zanzibar;

"Mahkama ya Rūfaa" maana yake ni Mahkama ya  
Rūfaa ya Tanzania kama ilivyoanzishwa na  
Katiba ya Jamhuri ya Muungano na kama  
ilivyoelezewa chini ya Katiba.

"Mahakama ya Chini" maana yake ni Mahkama yoyote  
ilivyoanzishwa chini ya kifungu cha 5 cha  
sheria hii.

/2...

Kuendelea  
kuwepo  
Mahkama  
Kuu.

3. Mahkama Kuu ya Zanzibar itaendelea kuwepo, na itakuwa ni mahkama pekee ya kumbukumbu, na itakuwa na-

- (a) mamlaka yote ya kusikiliza kesi za jinai na hukukia kwa mujibu wa sheria zote za Zanzibar;
- (b) kwa kadiri ya inavyohisi, na kutokana na ombi la mtu yeyote anaehusika, uwezo wa kuchunguza haki ya lalamiko liliopo, la baadae au wajibu unaolazimika bila ya kujali kwamba mtu huyo hatoweza kudai tena maslahi yanayotokana na kuchunguzwa kwa ombi hilo;
- (c) uwezo na mamlaka mengine ambayo inaweza kupewa kwa sheria hii au sheria nyengine yoyote.

Muhuri.

4. Mahkama Kuu itakuwa na muhuri utaokuwa na alama ambayo itakubalika na Jaji Mkuu.

Kuanzishwa  
kwa Mahkama  
za chini.

5. Kutakuwa na Mahkama zitazokuwa chini ya Mahkama Kuu kama ifuatavyo -

- (a) Mahakama za Hakimu Mkaazi;
- (b) Mahakama za Hakimu wa Wilaya;
- (c) Mahakama za Kadhi; na
- (d) Mahakam za Kitoto.

Uteuzi wa  
mrajiis na  
naofisa  
wengine wa  
Mahkama Kuu.

6. (1) Panaanzishwa Afisi ya Mrajiis wa Mahkama Kuu ambae atateuliwa na Tume ya Uajiri ya Mahkama.

(2) Jaji Mkuu anaweza akatoa kazi pamoja na uwezo kwa mrajiis, karani, watapta, wapelekaji notisi na naofisa wengine wa Mahkama Kuu kama atavyohisi inafaa na watu hao watakuwa na uwezo huwo waliopewa kisheria.

(3) Mrajiis wa Mahkama Kuu, na Afisa mwengine wa Mahkama aliepewa dhamana hiyo anaweza kuwaapisha watu na kuchukua viapo, ahadi pamoja na vitu vinavyohusiana na hayo.

(4) Kitu chochote ambacho chini ya sheria yeyote kinapaswa kifanywe na Mrajis, kinaweza kufanywa na Naibu Mrajis wa Mahkama Kuu.

Uwezo katika rufaa.

7. (1) Mahkama Kuu itakuwa Mahkama ya rufaa kwa kesi zote zinazotoka Mahkama za chini katika Zanzibar pamoja na kuwa na nguvu kamili za -

- (a) kubatilisha au kubadilisha hukumu zote, maamuzi na amri katika kesi za hukukia na jinaia kutoka Mahkama yeyote ya chini;
- (b) kuamrisha usikilizwaji mpya wa suala lolote lililosikilizwa na kuamuliwa katika mahkama zozote za chini na kuagiza, ikiwa inahitajika kwamba usikilizwaji huo mpya uwe Mahkama Kuu;
- (c) kuirejesha kesi yeyote iliyosikilizwa na kuamuliwa katika Mahakama ya Chini pamoja na maelezo au amri yeyote kwa ajili ya usikilizaji mwengine kama Mahkama Kuu itavyoona inafaa;
- (d) kutoa adhabu yeyote (kama ni kubwa au ndogo kuliko , au ya aina nyengine ikilinganishwa na adhabu iliotolewa na Mahkama ya Chini) kama itavyoonekana na Mahkama Kuu inafaa.

(2) Wakati wa kusikiliza rufaa ya jinai, na bila ya kujali, kwamba suala linalozungumzwa linaweza kuamuliwa kwa upande wa mshtakiwa, hakuna hukumu au adhabu itayoachiwa au kubadilishwa kwa suala la kwamba kuna matatizo au kosa katika kumbukumbu za kesi mpaka pale itapoonekana na Mahkama Kuu kwamba kwa kweli imesababisha kunyimwa haki ya muhusika.

(3) Rufaa katika mambo ya jinai na hukukia inaweza kusikilishwa na Jaji mmoja au zaidi kama Jaji Mkuu atavyoagiza mara kwa mara.

(4) Maelezo yaliyo ainishwa katika kijifungu (3) hayatohusika na kesi yo yote ambayo Katiba au sheria nyengineyo imeweka idadi maalumu ya majaji wataosikiliza kesi hiyo.

Uwezo wa kupitia na kusimamia.

8. (1) Mahakama Kuu itakuwa na uwezo kamili, uhuru na mamlaka ya kupitia na kusimamia uendeshaji wa kesi zote za Mahkama ya chini na ikiwa inahitajika hata kuzibatilisha au kuzisahihisha.

(2) Uwezo huo, uhuru na mamlaka unaweza kutekelezwa katika Mahkama ya wazi au katika chemba ikitegemea uamuzi wa Jaji anaehusika.

(3) Mahkama Kuu itakuwa na uwezo kamili wa usimamizi kwa mahakama zote za chini.

Kesi za Mahkama Kuu zinapokuwa katika mamlaka ya Mahkama za chini.

9. Hakuna kesi ya hukukia iliopo katika mamlaka ya Mahkama ya chini itayo pelekwa au itayoondolewa kutoka mahkama ya chini mpaka -

- (a) jaji wa Mahkama Kuu amuru hivyo; au
- (b) kutokana na ombi la muhusika litalopelekwa katika chemba ya jaji, na jaji huyo akubali na baada ya kupewa taarifa mhusika mwengine.

Washauri.

10. (1) Mahkama Kuu inaweza kuwaita kwa kupata msaada, katika kesi yeyote ya jinai au hukukia, washauri wasiozidi wanne, ambao kazi yao itakuwa kutowa msaada wa mawazo, fikra na ushauri utaotakiwa na Jaji, lakini uamuzi utategemea jaji mwenyewe tu.

(2) Makubaliano au kutokukubaliana kwa mshauri au washauri na uamuzi wa jaji utaandikwa katika kumbukumbu.

(3) Kifungu hichi hakitohusu kesi za Kiislaam zilizoanzia mahkama za Kadhi.

Pahala la vikao.

11. Mahkama Kuu itafanya vikao vyake katika jengo la Mahkama Kuu au pahala pengine popote ambapo Jaji Mkuu atateua.

Vikao vya  
Mahkama.

12. (1) Tarehe na wakati wa vikao vya Mahkama Kuu (humu ikijuilikana kama vikao) zitawekwa na Jaji Mkuu.

(2) Katika vikao, kesi zote za jinai zitapewa uzito wa mwanzo ukilinganisha na kesi nyengine zozote.

Ugawaji wa  
shughuli.

13. Jaji Mkuu atashughulikia na ugawaji wa shughuli za Mahkama, na kesi zote ziliopo Mahakamani zitasikilizwa na kuamuliwa na Jaji mmoja ila pale Jaji Mkuu atapoamua vyenginevyo au pale sheria itapotaka vyenginevyo.

Kesi ziwe  
katika  
Mahakama  
zilizo-  
hadharani  
na lugha  
ya kutumika  
mahkama.

14. (1) Ila pale ihitajiwapo vyenginevyo na sheria hii kesi zote zitasikilizwa, na uamuzi wowote, amri, hukumu na maelekezo yatatolewa hadharani, lakini jaji, ikiwa ataona inafaa, na wakati wowote wa kesi ataamrisha watu walio Mahkamani waondoke, au ataamuru mtu au watu wasiohusika waondoke Mahkamani.

(2) Lugha itayotumika Mahkama Kuu itakuwa ya kiswahili na kiingereza, na kesi yote itaandikwa kwa lugha ya kiswahili au kiingereza kama itavyoamuliwa na Jaji Mkuu.

Jaji  
asifanye  
kazi  
nyengine.

15. (1) Si Jaji Mkuu au Jaji ataruhusiwa kufanya kazi nyengine ya kulipwa ikiwa haikuhalalishwa kisheria.

(2) Kijifungu cha (1) hakitomhusu Jaji alieteuliwa kwa muda chini ya vifungu vya Katiba.

Rufaa kutoka  
Mahkama Kuu.

16. (1) Bila ya kuathiri masharti ya sheria hii, au sheria nyengine yeyote, rufaa inaweza kupelekwa katika Mahkama ya Rufaa kutokana na hukumu yeyote ya Mahkama Kuu katika kesi ambazo imetumia uwezo wake wa mwanzo au kama ni uwezo wake wa rufaa -

- (a) katika kesi hukukia kwa mujibu wa sheria iliowekwa inayohusu mwenendo wa kesi za hukukia;
- (b) katika kesi jinaia kwa mujibu wa sheria iliowekwa inayohusu mwenendo wa kesi za jinaiya;
- (c) katika kesi nyengine zozote, kwa mujibu wa sheria iliowekwa inayohusiana na kesi hiyo.

(2) Katika kifungu hichi, hukumu inajumuisha, kanuni, amri, uamuzi na kutiwa hatiani.

Uwezo wa Mahkama Kuu kuacha suala la sheria kwa kupata mawazo ya Mahakama ya Rufaa.

17. (1) Pale ambapo kwa mujibu wa sheria yeyote, Jaji wa Mahkama Kuu anaruhusika kuweka au kuwacha suala la sheria kwa kupata mawazo ya Mahkama ya Rufaa katika kesi ambayo anawajibika aitaje, suala lolote la kisheria litalojitokeza katika usikilizaji wa mwanzo wa kesi hio, basi Mahkama ya Rufaa itakuwa na uwezo kusikiliza na kuamua suala lolote la aina hiyo.

(2) Uwezo wa kuweka suala kwa kusikilizwa Mahkama ya Rufaa itakuwa na ziada ya ule uwezo wa Mahkama ya Rufaa kwa kusikiliza Rufaa ya Kesi hiyo kwa mujibu wa sheria hii au sheria nyengine yeyote.

Kinga ya majaji, n.k.

18. (1) Hakuna Jaji, au mtu yeyote anaefanya shughuli za Mahkama Kuu ataeshitakiwa katika kesi za hukukia kwa kitendo chochote alichokifanya au alichoaamriwa kukifanya katika kutekeleza wajibu wake iwe katika mamlaka yake au vyenginevyo ikiwa wakati huo, na kwa nia njema alikuwa akiamini kwamba anao uwezo wa kufanya au kuamrisha kufanywa kwa kitendo hicho kinachodaiwa.



(2) Hakuna Afisa yeyote wa Mahkama Kuu yeyote alieamrisha kutekelezwa hati au amri halali zilizo-  
tolewa na Jaji, au mtu mwingine yeyote anaetimiza  
wajibu wake ataeshtakiwa kwa kosa la hukukia katika  
Mahkama yeyote kwa kutekeleza amri hizo ambazo  
anawajibu kuzitekeleza katika mamlaka ya mtu aliezitoa.

19. (1) Bila ya kuathiri kifungu chochote  
cha sheria hii, au sheria nyengine yeyote, Jaji Mkuu  
anaweza kuweka Kanuni kwa ajili ya -

- (a) kwa ajili ya kuweka kanuni na mwenendo  
wa Mahkama za Chini kwa ajili ya mambo  
yote ambayo yamo katika mamlaka yao;
- (b) kwa kuweka kanuni na mwenendo wa mtu anaetaka  
kukata rufaa kutoka mahkama za chini;
- (c) kwa kuweka njia ambazo shauri fulani  
linapaswa kuhakikishwa katika mahkama  
yeyote inayohusika;
- (d) kwa kuweka fomu zozote zinazotakiwa kutumika;
- (e) kwa kuweka masharti ya utoaji wa ada  
maalumu zitakiwazo;
- (f) kwa kuweka viwango vya dhinia zinazohusiana  
na kesi hizo;
- (g) kwa kuweka posho zitazotolewa kwa kesi za  
jinaia kwa walalamikaji, mashahidi, washauri,  
watapta, waganga na watu wengine wanaosaidia  
Mahkama katika kutafuta haki, pamoja na  
masharti ya vipi posho hilo litalipwa;
- (h) kwa kuweka kazi na dhamana za maofisa  
wa Mahkama hizo;
- (i) kwa kuweka njia ambazo mawakili wanaweza  
kuruhusika kutetea na njia ambazo wakili  
huyo anaweza kuzuiliwa kutokana na utovu  
wa nidhamu.

Kufutwa kwa sheria ya 2/1964, na 4/1970 na mambo yaambatanayo.

20. (1) Sheria ya Mahkama Kuu, Nambari 2 ya 1964 na Sheria nambari 4 ya 1970 ya Baraza la Juu zinafutwa.

(2) (a) Sheria yeyote, kanuni au mwenendo uliowekwa chini ya sheria iliofutwa itaendelea kutumika hadi hapo sheria hio, kanuni au mwenendo huo utapofanywa upya kwa mujibu wa sheria hii;

(b) uteuzi wa maofisa wote utaendelea kuwa uteuzi wa halali licha ya kufutwa kwa sheria hiyo;

(c) kesi yeyote ambayo imeanza katika Mahkama yeyote iliyoanzishwa na sheria iliyofutwa na ikiwa bado kumalizika, wakati wa kuanza sheria hii itaendelea kama kwamba sheria hii haikutungwa;

(d) Kanuni zote, maelekezo, amri na mambo mengine yaliyotolewa au kufanywa chini ya sheria iliofutwa yataendelea hadi kanuni nyengine, maelekezo, amri au mambo hayo mengine yafanywe kwa mujibu wa sheria hii.

(3) Kesi yeyote mpya ambayo ilikuweco Mahkama Kuu kabla ya kuanza sheria hii inaweza kuendelezwa na Mahkama Kuu kama ilivyoelekezwa na sheria hii.

(4) Kesi zote zilizoanza kabla au baada ya kuanza sheria zilizofuatwa na kumalizika kabla ya kuanza kwa sheria hii hazitoanzishwa upya katika Mahkama yeyote ile.

IMEPITISHWA KATIKA BARAZA LA WAWAKILISHI  
TAREHE 22 JANUARI, 1985.



IDDI PANDU HASSAN  
KATIBU  
BARAZA LA WAWAKILISHI,  
ZANZIBAR.