

THE UNITED REPUBLIC OF TANZANIA



CHAPTER 34

THE OATHS AND STATUTORY DECLARATIONS ACT

[PRINCIPAL LEGISLATION]

REVISED EDITION OF 2019

This Edition of the Oaths and Statutory Declarations Act, Chapter 34, has been revised up to and including 30th November, 2019 and is printed under the authority of section 4 of the Laws Revision Act, Chapter 4.

Dodoma,
30th November, 2019

ADELARDUS L. KILANGI
Attorney General

CHAPTER 34

THE OATHS AND STATUTORY DECLARATIONS ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 34

THE OATHS AND STATUTORY DECLARATIONS ACT

An Act to make provision for the administration of oaths and affirmations in judicial proceedings and for statutory declarations.

[1st MAY, 1967]
[GN. No. 132 of 1967]

Act No.
59 of 1966

PART I **PRELIMINARY PROVISIONS**

Short title

1. This Act may be cited as the Oaths and Statutory Declarations Act.

Interpretation

2. In this Act, unless the context otherwise requires-
"court" includes every person or body of persons having by law or consent of parties authority to receive evidence upon oath or affirmation but does not include a court-martial established under the National Defence Act;
"judicial proceedings" means proceedings before any court;
"Minister" means the Minister responsible for legal affairs.

Cap. 192

Authority to administer oaths and affirmations

3. Every court shall have the authority, itself or by an officer duly authorised by it in that behalf, to administer an oath or affirmation to any person whom it may lawfully examine upon oath or affirmation.

Persons who may be required to make oath or affirmation

4. Subject to any provision to the contrary contained in any written law, an oath shall be made by-

- (a) any person who may lawfully be examined upon oath or give or be required to give evidence upon oath by or before a court;
- (b) any person acting as interpreter of questions put to and evidence given by a person being examined by or giving evidence before a court:

Provided that, where any person who is required to make an oath professes any faith other than the Christian faith or objects to being sworn, stating, as the ground of such objection, either that he has no religious belief or that the making of an oath is contrary to his religious belief, such person shall be permitted to make his solemn affirmation instead of making an oath and such affirmation shall be of the same effect as if he had made an oath.

Forms of oaths and affirmations

5. Every oath or affirmation made under this Act shall be made in the manner and in the form prescribed by rules made under section 8.

Power of court to tender certain oaths

6. Where any party to or witness in any judicial proceedings offers to give evidence on oath or affirmation in any form common amongst, or held binding by, persons of the community or persuasion to which he belongs and not repugnant to justice or decency, and not purporting to affect any third person, the court may, if it thinks fit, notwithstanding the provisions of sections 4 and 5, administer or direct its officer to administer such oath or affirmation to him.

A party may offer to be bound by certain oaths or affirmations

7.-(1) Where, in any judicial proceedings of a civil nature, the parties agree that one of them would be bound by an admission or denial of any fact in issue between them in such proceedings such admission or denial made

by the other party under an oath or other party under an oath or affirmation in such form as may be accepted by a court under section 6, the court may, if it thinks fit, invite such other party to make such admission or denial under such oath or affirmation.

(2) Where the party invited by the court to make an admission or denial in accordance with subsection (1) makes such admission or denial, the admission or denial shall be binding upon the other party and the parties concerned shall thereupon be deemed not to be at issue with regard to the fact so admitted or denied.

Rules

8.-(1) The Chief Justice may, with the consent of the Minister, make rules prescribing forms of oaths and affirmations and the manner in which the same may be made.

(2) Rules made under this section may prescribe different forms for different courts or for different classes of persons.

Irregularity not
to affect validity
of oath

9. Where in any judicial proceedings an oath or affirmation has been administered and taken, such oath or affirmation shall be deemed to have been properly administered or taken, notwithstanding any irregularity in the administration or the taking thereof, or any substitution of an oath for an affirmation, or of an affirmation for an oath, or of one form of affirmation for another.

PART III **STATUTORY DECLARATIONS**

Statutory
declaration to be
in prescribed
form

10. Where under any law for the time being in force any person is required or is entitled to make a statutory declaration, the declaration shall be in the form prescribed in the Schedule to this Act:

Provided that, where under any written law a form of statutory declaration is prescribed for use for the

purposes of that law such form may be used for that purpose.

Power to take
statutory
declarations
Cap.12

11. It shall be lawful for any person entitled under the provisions of the Notaries Public and Commissioners for Oaths Act to exercise the powers of a Notary Public or a Commissioner for Oaths to take a statutory declaration of any person voluntarily making and subscribing the same before him.

Omitted

12.-15. Omitted.

SCHEDULE

(Made under section 10)

I, A. B. do solemnly and sincerely declare as follows:
(here state the matters declared)

I, the said A. B., make this declaration conscientiously believing the same to be true and in accordance with the provisions of the Oaths and Statutory Declarations Act.

This, Declaration is made and subscribed by the
said A. B. who is known to me personally
(or who has been identified to me by)
the latter being known to me personally
this day of

} (Signature of the person
taking the declaration)

(Signature, qualification and address of the person taking the declaration)