

Civil Procedure Code (Approved Forms) (Amendment)

GOVERNMENT NOTICE No. 355 published on 20/5/2022

THE CIVIL PROCEDURE CODE,
(Cap. 33)

NOTICE

(Made under section 101)

THE CIVIL PROCEDURE CODE (APPROVED FORMS) (AMENDMENT) NOTICE, 2022

Citation
GN. No.
388 of
2017

1. This Notice may be cited as the Civil Procedure (Approved Forms) (Amendment) Notice, 2022 and shall be read as one with the Civil Procedure (Approved Forms) Notice, 2017 hereinafter referred to as the "principal Notice".

Amendm
ent of
GN. No.
388 of
2017

2. The principal Notice is amended by inserting between Form C/12 and Form D/1 the following new form:

THE UNITED REPUBLIC OF TANZANIA
JUDICIARY
IN THE OF
AT.....
CIVIL CASE NO.....OF.....
.....

PLAINTIFF(S)
VERSUS

.....DEFENDANT(S)

Witness Statement

(O. XVIII, r 2(5) of the Civil Procedure Code)

For..... (Insert the name of the party for whom the statement is made) by:

..... of

1st/2nd/3rd/4th/6th/ or 7th witness statement

Body of the statement

.....
.....

Documents/objects referred to:

i.
.....

ii.
.....

iii.
..... etc.

Verification (Statement of Truth)

I.....verify
that.....

Signature.....

Date.....

Jurat

SWORN/AFFIRMED at.....by
the said..... who is known to me
personally/identified to me by.....
.....
the latter being known to me personally
DEPONENT
this.....day of....., 20.....

Before Me:

Name.....

Signature.....

Qualification.....

Address:

1. Body of Witness Statement

1.1. Unless it is impracticable, the witness statement shall be in the intended witness's own words, the statement shall be expressed in the first person and shall also state:

- (a) The full name of the witness, his place of residence and if he is making the statement in his professional, or occupational capacity, the address at which he works, the position he holds and the name of his firm or employer; and

- (b) The fact that he is a party to the proceedings.
- 2. A witness statement shall indicate:
 - (a) Which of the statements in it are made from the witness's own knowledge and which are matters of information or belief; and
 - (b) The source of information or basis of belief in the relevant paragraphs.
- 3. Reference to documents or objects
 - 3.1. Documents/objects used in conjunction with a witness statement shall be verified and identified by the witness and remain separate from the witness statement.
 - 3.2. Where a witness refers to a document or object, he shall state "I refer to the
(description of document/object) marked
 - 3.3. At the top right end corner of the first page (and on the back sheet) of each document/object there shall be clearly written:
 - (a) the party on whose behalf it is sought to be tendered;
 - (b) the initials and surname of the witness;
 - (c) the number of the witness statement in relation to that witness; and
 - (d) the identifying initials and number of each document/object referred to.
 - 3.4. Where a witness makes more than one witness statement to which there are documents/objects, in the same proceedings, the numbering of the documents/objects shall run consecutively throughout and not start again with each witness statement.
- 4. Format of witness statement
 - 4.1. A witness statement shall:
 - (a) be produced on durable quality A4 paper with a 3.5cm margin;
 - (b) be fully legible and shall normally be typed on

- one side of the paper only;
 - (c) Where possible, be bound securely in a manner which would not hamper filing, or otherwise each page shall be endorsed with the case number and shall bear the initials of the witness;
 - (d) Have the pages numbered consecutively as a separate statement (or as one of several statements contained in a file);
 - (e) Be divided into numbered paragraphs;
 - (f) Have all numbers, including dates expressed in figures, and
 - (g) Give the reference to any document or documents mentioned either in the margin or in bold text in the body of the statement.
- 4.2. A witness statement shall follow the chronological sequence of the events or matters dealt with. Each paragraph shall as far as possible be confined to a distinct portion of the subject.
5. Verification (Statement of Truth)
- 5.1. A witness statement is the equivalent of the oral evidence which that witness would, if called, give in evidence; it must include a statement by the intended witness that he believes the facts in it are true.
- 5.2. To verify a witness statement, the statement of truth shall be as follows: 'I verify that the facts stated in this statement are true'

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6. Jurat

Every Commissioner for Oaths before whom the witness statement is taken or made shall insert his name and state truly in the jurat of attestation at what place and on what date the statement is taken or made and shall affix his stamp.

Dar es Salaam,
2nd May, 2022

IBRAHIM HAMIS JUMA
Chief Justice