

The Draconian of Ministerial Power to extend time to file Suits in Tanzania: What are the expectations after Joram Lwehabura Bashange Case?

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Abstract

Time limitation is a crucial element to be considered before a prospective litigant decides to file his or her suit. Such aspect has its rationale in two Latin maxims of '*interest rei publicae finit lituum*' and '*Vigilantibus non dormientibus subvenit lex*'. To address the issue the Tanzanian Parliament passed the Law of Limitations Act in the year 1971. Such law which has its remnants in Indian Law of Limitations Act, 1908 stipulates for time within which a suit has to be filed; when the time start to run; what to do in case one finds himself constrained with issue of time and the consequences of commencing proceedings that are time barred among others. Under the said law, the power to extend time to file suit that is out of time is placed upon the Minister Responsible for Constitutional and Legal Affairs. Feeling something was not right with the law, the petitioner *Joram Lwehabura Bashange* decided to seek court redress on constitutionality of such provision. The petition was against the Minister himself and the Attorney General. Having considered the rival submission by both parties the High Court proceeded to declare the provision unconstitutional. The Court went further to direct responsible authorities to change the provision within a year. Now therefore, considering the time provided by the court is almost a year this article seek to address the expectations in the legal fraternity as well as the legal effect of the decision if nothing is done thereto.

Keywords: *Time Limitation, extension by the Minister, Condonation of Delay, Accrual of Right to sue, Bashange.*

Introduction

Time limit is one of essential factor to consider when it comes to suits, applications and appealsⁱ. The notion 'time limitation' stands for the maximum period within which a person can initiate legal action. In Tanzania the term 'Person' means any word or expression descriptive of a personⁱⁱ. As per the same statute the notion person includes a public body or association of persons, corporate or unincorporatedⁱⁱⁱ. In most jurisdictions there are statutes of limitations for the matter^{iv}. Such statutes set time limitation for claims. *Without much ado*, the time set by the law varies depending on type of dispute and state jurisdiction involved. For instance while the maximum time for suits founded on breach of contracts is six years Tanzania^v, the maximum duration for contract disputes in India is three years^{vi}. Likewise, while the time limit for suits founded on tort is three years in Tanzania^{vii}, the time limit to bring such an action is six years in UK^{viii}

Rationale for law of Limitation

The underlying objective for statutes of limitation is two-fold. One, the Public interest which requires that all litigations must have an end and two, the rule that litigant has to be vigilant of rights^{ix}. In Latin language, the first rule popularly referred to as '*interest rei publicae ut sit finit lituum*'^x while the second is referred to as '*Vigilantibus non dormientibus jura-subveniunt*'^{xi}. Under the first the central issue is that the public interest encourages the presence of legal system in which litigation comes to an end. Such stance is for the sake of saving time, costs and energy of the parties as well as decision makers on time barred actions while under the second, parties are reminded not to sleep over their rights as the law works for those who do not sleep on their rights but instead seek to enforce them zealously. This is because the law often assists the active rather than those who sleep over their rights (the law assists the supports the waking, not the sleeping).

The Law of Limitation in Tanzania

There is plethora of laws depending on nature of proceedings^{xii}. The major statute in Tanzania is the Law of Limitations Act, 1971^{xiii}. This Act repealed and replaced the application of the Indian Limitation Act of 1908 which is also no longer in use in India^{xiv}. In doing so, it describes the time limit in which a civil case or Proceedings may be filed to the court through its schedule^{xv}. Part I of the schedule prescribe time limit for suits, part II set out time limit for appeals and part III is specific for time limit for applications^{xvi}.

In Part I; suits for recovery of land are instituted within twelve years^{xvii}, time for suits to redeem land in possession of mortgagee is also twelve years^{xviii}, time for suit founded on judgment twelve years^{xix}, suit by or on behalf of government the time is sixty years^{xx}, suit to recover areas of rent six years^{xxi}, suits founded on contract six years^{xxii}, suit for an account six years^{xxiii}, suits founded on tort three years^{xxiv}, suit to recover contribution from a joint tortfeasor has two years^{xxv}, suit to enforce an award six years^{xxvi} and the maximum time for any suit not provided for is six years^{xxvii}

As per part II; time limit for appeals under the Civil Procedure Code where the period of limitation is not provided by any written law is ninety days (90)^{xxviii} while appeal under other law, other than the Code where period of limitation is not provided by any law is forty five (45) days^{xxix}. An example for the former is appeals from the District Court to the High Court of Tanzania where the District Court was exercising original jurisdiction.

As per Part III; an application for leave to appear and defend a summary suit has to be made within twenty one (21) days^{xxx}, an application to set aside an award under the Civil procedure Code has thirty days^{xxxi} while an application to review judgment or order under the CPC has to be made within thirty (30) days^{xxxii}. Under the same Part III an application to set aside dismissal order under the Code or the Magistrate Courts Act has thirty days^{xxxiii}.

Same thirty days is also the time limit to seek for re-admission of an appeal dismissed for want of prosecution, setting aside sale in execution of a decree as well as seeking to set aside a decree made *ex parte*^{xxxiv}. moreover, where no time limit to make an application under Code, the Magistrates' Courts Act or other written law is specified item 21 came into play with the *sixty days rule*^{xxxv}. It should be noted that such timeline stipulated for appeals and applications do not apply when an appeal is pending before the Court of Appeal of Tanzania^{xxxvi}.

This is to say, for the Court of Appeal of Tanzania, one need to make him or herself conversant with the Court of Appeal Rules^{xxxvii}. For instance the time to lodge notice of appeal is thirty days from the date of an impugned decision^{xxxviii}, where an appeal is subject to leave to appeal, an application for leave has to be made within the same thirty days^{xxxix}. You start by seeking leave from the High Court and when it is refused you seek it by way of second bite from the Court of Appeal itself. Timeframe to lodge memorandum of appeal and record of appeal is sixty days from the date of lodging the notice of appeal^{xl} while timeframe to file written submission in support of the appeal is sixty days from the date of lodging the memorandum of appeal^{xli}.

However, we must also not take for granted of the Law of Limitations Act at all since appeals to the Court of Appeal which are subject to certificate on Point of Law involves an application to the High Court to certify the case is fit for Appeal which is within its exclusive jurisdiction^{xlii} and the time limit will be as provided under the Law of Limitation Act 1971^{xliii}.

Such a stance as far as the concept of the Law of Limitation in Tanzania is concerned has its root under section 43 (f) of the Law of Limitation Act which reads '*this Act shall not apply to any proceedings in which a period of limitation is prescribed by any other written law*'^{xliv}. This means where there is timeframe specified under the other law we follow such other law. For example, time limit for judicial review application six months^{xlv}. In another example as far as proceedings are before the Primary Courts, it is the Magistrates' Courts (*Limitation of Proceedings under Customary Law*) Rules, 1964, which is relevant when it comes to proceedings for the enforcement of a claim under customary law^{xlvi}.

A good example is that as per item 5 thereof, period of limitation for a dispute founded on a contract in writing is six (6) years while period of limitation for contract not in writing is three (3) years^{xlvii}. Under the same rules applications to restore proceedings dismissed for non appearance or to set aside decisions or orders made *ex parte* has to be made within six weeks^{xlviii}. Another notable example is under the Labour disputes where a person who alleges about unfair termination must go to the Commission for Mediation and Arbitration within *thirty days*^{xlix} while for other labour related disputes such as claims for salary arrears the time limit is *sixty days*^l. The Employment and Labour Relations Act also stipulates for six weeks as the maximum time to challenge the Commission decision by way of revision before the High Court^{li}.

Lastly to note, the Law of Limitations Act also doesn't apply in Criminal Proceedings, Proceedings by government to recover land, tax, interest or any penalty; as well as proceedings for forfeiture of a ship^{lii}.

Accrual of right of action

The concept is vital as it helps to determine if an action is barred or not. Legally, accrual of right of action depends on nature of a claim or dispute. The general rule is that the right of action accrues on the date the cause of action arises^{liii}. The term cause of action means a bundle of essential facts which it is necessary for the plaintiff to prove in order to succeed in the suit^{liv}. Such a cause of action is therefore nothing but the reason to sue^{lv}. So, from the moment the right to sue arises we say a right of action has accrued.

For instance, in suit for an account, *the right of action is deemed to accrue on the date of the last transaction^{lvi}*; in suit by a person against whom an order has been made on an objection proceeding the right to sue *shall be deemed to have accrued on the date on which the order was made^{lvii}* while in suit founded upon a judgment, *the right of action shall be deemed to have accrued on the date on which the judgment was delivered*. For malicious prosecution suits, *the right of action accrued on the date of acquittal of the plaintiff*; in case of a suit on a bill of exchange payable on demand, *the right of action accrues on the date of the bill of exchange^{lviii}*

In case of an application for leave to appear and defend a suit under the summary procedure, *the right of action accrues on the date on which the summons was served*; in the case of an application under the Civil Procedure Code by a purchaser of immovable property at a sale in execution of a decree for delivery of possession, *the right of action accrue on the date the sale is made absolute^{lix}*.

As to right of claim against joint tortfeasor the date shall be the date the judgment is given^{lx}, For person interested in land whether under will or intestacy, *the right of action accrues on the date of death^{lxi}* while for suit to recover land; *the right of action accrues on the date of the dispossession^{lxii}*.

Effect of Proceedings barred by the law

Without much ado such suit and proceedings shall be dismissed irrespective of whether the same has been set as defence or not^{lxiii}. The relevant part is section 3 of the Law of Limitation Act which reads “*Subject to the provisions of this Act, every proceeding described in the first column of the Schedule to this Act and which is instituted after the period of limitation prescribed therefore opposite thereto in the second column, shall be dismissed whether or not limitation has been set up as a defence*”. The position is even backed by case laws which states that ‘*jurisdiction is a creature of statute and the law of limitation know no sympathy rather it is just a merciless sword that cuts across and deep into all those who get caught in its web are out of exceptions to the overriding objective*^{lxiv}. It should be noted that the dismissal amounts to a conclusive determination of the suit and the same cannot be re-filed^{lxv}.

Procedure to be followed when the Suit is time barred?

An intended plaintiff had to seek for extension of time from the Minister Responsible For Constitution and legal Affairs. Ordinarily, this has been done through writing of an official letter to the minister. Such a letter shall be accompanied by documents such as the intended plaint and documents showing sufficient reason for the delay^{lxvi}.

The relevant part of the law reads ‘*Where the Minister is of the opinion that in view of the circumstances in any case, it is just and equitable so to do, he may, after consultation with the Attorney-General, by order under his hand, extend the period of limitation in respect of any suit by a period not exceeding one-half of the period of limitation prescribed by this Act for such suit*^{lxvii}. As per section 43 of Law of Limitations Act, duration starts to run immediately upon expiry of the period prescribed by the same legislation^{lxviii}. Moreover, the time extended to file any suit shall not exceed one-half of the period of limitation prescribed which means any grant to the contrary shall be *ultra vires* and ineffectual^{lxix}. It should be noted that there neither time line within which the minister has to extend the time nor remedy in case of refusal by the minister which might be one of the reason to see the provision draconian and obsolete.

Condonation of Delay by the Court

This is another way of stating extension of time by the court. The power has nothing to do with suits but rather only related to appeals and applications^{lxx}. The said section stipulates

that “Notwithstanding the provisions of this Act, the court may, for any reasonable or sufficient cause, extend the period of limitation for the institution of an appeal or an application, other than an application for the execution of a decree, and an application for such extension may be made either before or after the expiry of the period of limitation prescribed for such appeal or application”. This means the provision is invoked when there has already been proceeding or suit in court and one find him or herself barred by the law^{lxxi}. In other words, whenever one is out of time to file an appeal or application he or she can resort to seek extension of time from the court.

Condonation of delay Vis a Vis use of section 93 of the Code

Sometimes litigants mix the use of section 14 of the law of limitation Act and Section 93 of the Civil Procedure Code but the later is used when there has been period fixed or granted by the court to do an act prescribed by the code itself^{lxxii}. it reads ‘where any period is fixed or granted by the court for the doing of any act prescribed or allowed by this Code, the court may, in its discretion, from time to time, enlarge such period, even though the period originally fixed or granted may have expired^{lxxiii}. A good example would be failure to file the Defence within twenty one days (21) prescribed and any other time extended by the court^{lxxiv}

Condonation of delay Vis a Vis Order VII rule 6 of the Code

Unlike the former the latter permits direct institution of a suit provided there was exemption as to time limit. The relevant part reads “where the suit is instituted after the expiration of the period prescribed by the law of limitation, the plaintiff shall show the ground upon which exemption from such law is claimed”. Such grounds include;

Firstly, when there is continuing breach^{lxxv}. Under this a person can seek refuge Order VII rule 6 of the Civil Procedure Code when his or her action or suit is time barred upon narrating facts showing prevalence of continuing breach. There has to be continuing form of breach not otherwise^{lxxvi}

Secondly, when there was Legal disability^{lxxvii}. The section reads “If on the date on which a right of action for a suit or an application for the execution of a decree accrues, the person to whom it accrues is under a disability, the action may be brought at any time before the expiry of the period of limitation prescribed for such action computed from the date when the person ceases to be under a disability or dies, whichever event first occurs”. Such aspect of disability

need be indicated on the Plaint and the Plaintiff has to plead or claim exemption from the Law of Limitation.

Thirdly, where the defendant is absent in Tanzania^{lxxviii}. Under this the time during which the defendant has been absent from the United Republic shall be excluded.

Fourthly, when there was Proceedings pending bonafide in court without jurisdiction^{lxxix}. Under this all the time during which the plaintiff prosecutes, with due diligence, another civil proceeding, whether in a court of first instance or in a court of appeal, against the defendant, is excluded. What matters is that, it has to be proved not only that there were proceedings in court without jurisdiction but also those proceedings were pursued in good faith.

In addition to that, where the time during which proceedings to set aside execution sale are pending^{lxxx} and sixth, where it happen that there has been acknowledgement of debt or part payment^{lxxxi}. Suffice to say Order VII rule 6 has to do with exemptions not extension of time to file suits. The latter involves scenarios were the right to bring an action is barred and the claimant has to seek permission before he or she would proceed with his or her claims in courts or tribunals.

Therefore, in order to invoke the provisions of Order VII rule 6 of the Code, either of the exemption ground as provided by the Law of Limitation Act must be there or the same must be pleaded or indicated on the plaint. This can also be seen in the case of *Fortunatus Lwanyantika Masha and another vs. Claver Motors Ltd*^{lxxxii} were the suit for recovery of land filed beyond twelve (12) years was defeated and appellants were reminded by the Court of Appeal of Tanzania that they were supposed to comply with the requirements of Order VII rule 6 of the Code so as to rescue their suit. In the instant case, communications or negotiations between parties was held not to be a ground for stopping running of time.

The Bashange Case^{lxxxiii}

The case is centred on the petition challenging the ministerial power to extend time to institute time barred suits in Tanzania. To be specific, the petitioner was challenging constitutionality of section 44 (1) and (2) of the Law of Limitations Act. The humble petitioner claimed that the provisions empowering the minister to do so are unconstitutional, absurd, they violates rules of natural justice as well as contravening the doctrine of separation of power. The petition

which was vehemently opposed by the respondent who averred that so many claims were thrown out for being time barred and that was the mischief the provision has intended to cure^{lxxxiv}. Having considered the arguments of the parties the court held that the power by the minister to extend time to file suits is no longer constitutional. The reason being the provisions pose absurdity for lacking procedural safeguards against abuse of discretionary powers granted to the minister.

Practice in Other Jurisdictions

I had an opportunity to examine practice in UK, India, Uganda, Kenya and South Africa. In UK under the Law of Limitations Act, 1980 there is nothing like extension by the Minister rather than automatic extension or postponement of time by a statute in some circumstances^{lxxxv}. A good example is that there would be postponement of limitation period in case of fraud, concealment or mistake^{lxxxvi}.

The law in UK is also to the effect that in some instances such as actions in respect of personal injuries or death the court has discretion to equitably allow a time barred action to proceed which means in certain instances a time barred suit is filed and it remains upon the court to proceed with it or not^{lxxxvii}.

In India, also there is no clause for extension of time by the minister^{lxxxviii}. As per the Case laws, the Plaintiff duty is to convince the court that his suit is within time, if it is out of time he must plead and prove grounds such as acknowledgements to save limitations. Any failure to do so the court is duty bound to dismiss the suit even at appellate stage^{lxxxix}. This stem from the fact that provision of section 3 which reads '*subject to the provisions contained in sections 4 to 24 (inclusive), every suit instituted, appeal preferred, and application made after the prescribed period shall be dismissed, although limitation has not been set up as a defence*' is absolute and mandatory. This means, once an action is barred by the law of limitation no court shall proceed with it.

In Uganda, there is also no provision as to extension by Minister^{xc}. However, where the action is based upon fraud of the defendant the period of limitation shall be postponed. Postponement in sense that the claimant is given more time to file his lawsuit. Examples are where the claimant is a minor or person of unsound mind^{xci} and absence of defendant from Uganda^{xcii}. As per section 15 thereof the court has discretion as in UK, to extend the time to

file a Suit especially were the plaintiff has made effort to bring the suit but failed for reasons beyond control^{xciii}.

In Kenya their law is even strict in sense that, there is no requirement to seek for extension of time from the executive so as to file suit in Court^{xciv}. Moreover, If it happens a person has filed a suit that is barred the court will reject the claim and any remedy or relief thereof. Meanwhile there is no need to seek for extension of time during disability, acknowledge of payment as the law automatically extends time during those moments.

In South Africa there is also no such powers as their law encourage parties to pursue claims promptly as well as ensuring finality of proceedings^{xcv}. A person must institute his claims within three (3) years when they are related to damages, breach of contract, tort, for personal injury or claims for debt recovery. For ownership of land the prescription period is thirty (30) years. There are also provisions for suspension of prescription when claims relates persons subjected to minor state, mental incapacity or absence from South Africa.

Schools of thought on extension by the minister

There are two schools. One is a school for and the other is against. As per the 1st School minister is part of executive. He is likely to be biased in extending time for suits^{xcvi}. It is also against the law to let the executive deal with matters of interpretation of law. Moreover, there are no procedures or checks on how such powers are exercised hence there is a risk for abuse of such power.

The impugned section does not also provide for right to appeal when the minister after consultation with the attorney general declines to extend time. It is also unclear whether there could be judicial review against such decision^{xcvii}. As per the 2nd School the law was made with and objective that should not be defeated^{xcviii}.

They essentially say that courts used to throw out cases that were time barred. They also say conditions are there. One, the minister must deem the extension just and equitable; two, the Minister must make consultation with the Attorney General and three the extension granted need not exceed one half of the period of limitation for such a suit.

Suggestions and Recommendations/the expectations in legal fraternity

Firstly, the government may agree with the decision of the court in *Bashange case* and proceed to repeal the said provision completely. In doing so, there will no longer be need to seek extension of time from the Minister. However, if this is done, the effect will be no action which is time barred shall be brought to court for redress.

Secondly, the government may agree with the decision of the court and proceed to amend the provision by giving guidance as to how the power to extend time by the Minister needs to be exercised. In doing so, the doubts as to such immense uncontrolled discretionary power will be narrowed down. Prospective litigants will continue to write letters seeking for extension of time from the Minister but at least they can be allowed to challenge the decision (*if any*)

Thirdly, the government may agree with the decision and proceed to enact a provision in which extension is left to the court discretion. wisdom can be borrowed from primary courts where there is a rule which reads “*where any proceeding is brought for the enforcement of a claim under customary law for which no period of limitation is prescribed by these Rules, the court may reject the claim if it is of the opinion that there has been unwarrantable delay in bringing the proceeding and that the just determination of the claim may have been prejudiced by that delay^{xcix}*”. In case this is done, then time barred suits will be filed in court and the Court will have discretion to decide to proceed to decline the matter as in UK.

Fourthly, the government can amend the provision and cloth the court with powers to entertain applications for extension of time to file suits. Here, wisdom can also be borrowed within Tanzania itself where on issues of an application for Prerogative writs of *mandamus*, *certiorari* and *prohibition* the time line is six months, and where it happens that the six months have lapsed while no application to seek leave to file application for judicial review has been preferred by the applicant, the proper course is to move the High Court for an extension of time to file application for leave to seek judicial review showing sufficient reasons for failure to do so.

Lastly, there could be repeal of the provision and then the government embarks on addition of grounds in which provisions of Order VII rule 6 will be invoked. This would be useful to

avoid throw out of cases other than those to which Order VII rule 6 of the Civil Procedure Code applies as of now.

Effect of the Provision if it is not amended

As per the Constitution, if nothing is done then from 13th March, 2025 the provision will cease to have effect unless the government successfully challenges the decision in *Bashange Case*. The relevant provision reads “*where in any proceedings it is alleged that any law enacted or any action taken by the Government or any other authority abrogates or abridges any of the basic rights, freedoms and duties set out in Articles 12 to 29 of this Constitution, and the High Court is satisfied that the law or action concerned, to the extent that it conflicts with this Constitution, is void, or is inconsistent with this Constitution, then the High Court, if it deems fit, or if the circumstances or public interest so requires, instead of declaring that such law or action is void, shall have power to decide to afford the Government or other authority concerned an opportunity to rectify the defect found in the law or action concerned within such a period and in such manner as the High Court shall determine, and such law or action shall be deemed to be valid until such time the defect is rectified or the period determined by the High Court lapses, whichever is the earlier*”^c.

Conclusion

Irrespective of the route which shall be taken, the decision of the High Court of Tanzania in *Bashange Case* is useful when it comes to an issue of time limit to file suits in Tanzania and therefore it is the high time the score is settled.

Endnotes

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- i There are consequences for filing a suit, appeal or application that is time barred
- ii Section 4 of the Interpretation of Laws Act, Cap. 1 R.E 2019
- iii *ibid*
- iv The Law of Limitations Act 1971 in Tanzania, the Limitation Act, 1980 in UK and the Limitation Act, 1963 in India
- v See item 7 of Part I of the Schedule to the Law of Limitations Act, Cap. 89 R.E 2019
- vi See section 54 of the Limitation Act, 1963 (Supra)
- vii See item 6 of Part I of the Schedule to the Law of Limitations Act, Cap. 89 R.E 2019
- viii See section 2 of the Limitation Act, 1980
- ix See C.K Takwani "Civil Procedure, with Limitation act, 1963, 7th Edition, Eastern Book Company, at Page 782
- x <https://www.lawinsider.com>> (accessed on 7th January, 2025)
- xi *ibid*
- xii Sometimes the Law of Limitation is used, and other times there are specific legislations setting time limit for actions
- xiii Cap. 89 R.E 2019
- xiv *Ibid* at section 47
- xv See part I, II & III of the Schedule
- xvi *ibid*
- xvii See item 22 of Part I of the Schedule to the Law of Limitation Act
- xviii *Ibid* at item 17
- xix *Ibid* at item 16
- xx *Ibid* at item 23
- xxi *Ibid* at item 13
- xxii *Ibid* at item 7
- xxiii *Ibid* at item 12
- xxiv *Ibid* at item 6
- xxv *Ibid* at item 3
- xxvi *Ibid* at item 22
- xxvii *Ibid* at item 24
- xxviii See item 1 of Part II of the Schedule to the Law of Limitations Act
- xxix *Ibid* at item 2
- xxx See item 1 of Part III of the Schedule to the Law of Limitations Act
- xxxi *Ibid* at item 2
- xxxii *Ibid* at item 3
- xxxiii *Ibid* at item 4
- xxxiv See items 5,7 and 9 of Part III of the Schedule to the Law of Limitation Act (Supra)
- xxxv See item 21 of Part III of the Schedule to the Law of Limitation Act
- xxxvi Section 43 (b) of the Law of Limitation Act, Cap. 89 R.E 2019
- xxxvii GN 368 of 2009
- xxxviii *Ibid* at Rule 83
- xxxix *Ibid* at Rule 45
- xl *Ibid* at Rule 90
- xli *Ibid* at Rule 106
- xlii *Eustace Kubalyenda vs. Venancia Daud*, Civil Appeal No. 70 of 2011, CAT Mwanza (Unreported)
- xliii See Robert J in *Rose Nestory Kabumbile vs. Gibson Kabumbile*, Application no. 127 of 2021, HCT Mwanza, TANZLII. See also *Omari Rwechungura Kakweke vs. Evarist Magoti*, Misc. Land Application No. 1 of 2022, HCT Mwanza, TANZLII
- xliv Section 43 (f) of the Law of Limitation Act,
- xlv See Rule 6 of the Law Reform (Fatal Accidents and Miscellaneous Provisions) (Judicial Review Procedure and Fees) rules, GN 324 of 2014
- xlvi GN 311 of 1964
- xlvii *ibid*
- xlviii See item 1 of the Schedule to the Magistrates' Courts (Limitation of Proceedings under Customary Law), GN 311 of 1964

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- xlx Rule 10 (1) of the Labour Institutions (Mediation and Arbitration) Rules, GN No. 64 of 2007
- l Rule 10 (2) of the Labour Institutions (Mediation and Arbitration) Rules, GN No. 64 of 2007
- li section 91 (1) of the Employment and Labour Relations Act, 2004
- lii See section 43 (a) (c) and (e) of the Law of Limitation Act, 1971
- liii Section 5 of the Law of Limitation Act
- liv *John Mwombeki Byombarilwa vs. Agency Maritime Internationale (T) Ltd* (1983) TLR 1
- lv *Edina John Mgeni vs. National Bank of Commerce* (2016) TLR 446
- lvi Section 6 (a) of the Law of Limitation Act Cap. 89
- lvii *Ibid* at Section (6) (b)
- lviii See section 6 (c), (d) (e) (f) and (g) of the Law of Limitation Act, 1971
- lix See section 6 (k), (l) and (m) of the Law of Limitation Act, 1971
- lx *Ibid* at Section 8
- lxi *Ibid* at Section 9 (1)
- lxii *Ibid* at Section 9 (2)
- lxiii *Ibid* at Section 3
- lxiv *John Cornel vs. A Grevo (T) Limited*, Civil Case no. 70 of 1998 (Unreported)
- lxv *Olam Uganda Limited suing through its Attorney Youth Shipping Company limited v. Tanzania Habours Authority*, Civil Appeal no. 57 of 2002 CAT (Unreported).
- lxvi This has been the Practice and Procedure for Years and Years
- lxvii S. 44 (1) of the Law of Limitation Act, 1971
- lxviii S. 44 (2) of the Law of Limitation Act, 1971
- lxix *Rajabu Hassan Mfaume (the Administrator of Estate of the Late Hija Omari Kipara) vs. Permanent secretary, Ministry of health, Community Development, Gender, Elderly & Children ; the Board of Trustees of St. Walburg's Nyangao Hospital, the Attorney General and the District Executive director Lindi Rural*, Civil Appeal No. 287 of 2019, TANZLII
- lxx See section 14 of the Law of Limitation Act, 1971
- lxxi Msalaba Kaunda Bernard, (2022) '*Handbook of Civil Procedure Law*' Tridax Africa Company Limited.
- lxxii Section 93 of the Civil Procedure Code Cap. 33 R.E 2019
- lxxiii *ibid*
- lxxiv *Joseph Roman Selasini vs. James Francis Mbatia*, Misc Civil Application No. 541 of 2022, HCT Dsm, TANZLII
- lxxv S. 7 of the Law of Limitation Act, 1971
- lxxvi *Zaidi Baraka & 2 Others vs. Exim Bank (Tanzania) Limited*, Civil Appeal No. 194 of 2016, CAT Dsm, TANZLII
- lxxvii S. 15 of the Law of Limitation Act, 1971
- lxxviii S. 20 of the Law of Limitation Act, 1971
- lxxix S. 21 (1) of the Law of Limitation Act, 1971
- lxxx *Ibid* at S. 23
- lxxxi *Ibid* at S. 27
- lxxxii Civil Appeal No. 144 of 2019, CAT Mwanza (Unreported)
- lxxxiii Misc. Civil Cause No. 12 of 2023, HCT Dar es Salaam, TANZLII
- lxxxiv Parliamentary Hansard, 1971
- lxxxv the Law of Limitation Act, 1980
- lxxxvi *Ibid* at S. 32
- lxxxvii section 33 of the Limitation Act, 1980
- lxxxviii The Limitation Act, 1963
- lxxxix *Craft Centre v. Koncherry Coir Factories* (1990)
- xc See the Limitation Act, Cap. 80
- xcI Section 5 of the Limitation Act, Cap. 80
- xcii Section 9 of the Limitation Act, Cap. 80
- xciii *ibid*
- xciv See the Limitation of Actions Act (Cap. 22)
- xcv See the Prescription Act, 1969 (Act No. 68 of 1969)
- xcvi *Bashange Case* (Supra)
- xcvii See Rumisha J in *Nandhira Engineering and Construction Company Limited vs. the Minister for Constitutional and Legal Affairs and the Attorney General*, Misc. Civil Cause no. 8968 of 2024, HCT Main registry at Dodoma
- xcviii See *Bashange Case* (Supra)
- xcix Rule of GN 311 of 1964
- c Article 30 (5) of the Constitution
-