



2025

Law Firm Profile



DARSTATE
ATTORNEYS

www.darstateattorneys.co.tz

Introduction

DARSTATE ATTORNEYS is a duly registered law firm (Registration Number 586216) registered pursuant to and in accordance with the provisions of the Business Names (Registration) Act and the Rules made thereunder. The firm consists of professionals specializing in national and international business matters. The team skills are based on experience in studying various national and international law, reading books, reading court decisions and pursuing legal journals in relation to commercial and corporate, intellectual property and real estate, banking and finance. Also, team skills and experience come from managing clients' cases in court and advising national and multinational business entities on various legal aspect of business such as local content requirements, employment matters, company management and helping them to establish place of business in Tanzania and Zanzibar.

About Us

Darstate Attorneys' practice areas include Intellectual Property, Private Funds, Banking & Finance, Securities & Capital Market, Merger & Acquisition & Finance, Corporate, Bankruptcy, Restructuring & Liquidation, Labor & Employment, Real Estate & Construction, Criminal Compliance, Foreign-related Legal Affairs, Shipping & Maritime, Environment, Energy & Resources, and Litigation & Arbitration.

What we Do!

The firm services range from the provision of legal advices on purchase of real properties, banking (security documentation), insurance matters, trade and service marks, lending and loan recoveries and other related issues. The firm is further dealing with provision of company's secretarial services, drafting and reviewing various legal documents including contracts, transfer deeds in relation to real properties, registration of trade and service marks, security documentation, share purchase agreements and attending to registration of these documents at the respective Registries.

We Provide Intellectual Property Services



Simplifying Intellectual Property Management with efficiency and sensitivity, DARSTATE ATTORNEYS, the trusted IP agent in Tanzania; Zanzibar and Africa, specializes resolving discrepancies for optimal customer satisfaction.

Intellectual Property

Intellectual Property is one of Darstate Attorney's basic practice areas. Darstate Attorney passionately coordinating global intellectual property filing programs for clients in Tanzania, Zanzibar; before the African Regional Intellectual Property Organisation (ARIPO) and in other African Countries such as Democratic republic of Congo, Kenya, Malawi, Uganda, Burundi, Rwanda, Zambia, Mozambique and South Africa and giving training in the area of Intellectual property.

Darstate Attorneys consist Senior Intellectual Property, brand protection/anti-counterfeiting lawyers for Global Companies and Individual. The firm dedicates their work on advising on enforcement of intellectual property rights on civil and administrative procedures and measures; provisional measure; special requirements related to border measures and criminal procedures.

Darstate team directly involves in negotiating and drafting license, franchise and assignments agreements; memorandum of understanding, contractual agreements and any other legal documents applicable in intellectual property transaction.

Scope of Services

- IP Portfolio Management services
- Freedom to operate analysis
- IP Audits and due diligence
- Drafting and negotiating license agreements, distribution agreements, franchise agreements, agency agreement and assignments.
- Advising on breach of privacy and breach of confidence claims
- Advising brands including many globally recognized names on implementations anti-counterfeiting strategies both in Tanzania and international.
- Coordinating global intellectual property filing programs for clients
- Advising on various policy options and how each on the options can effectively strengthen, protect and nurture Traditional Knowledge and Folklore
- Brand watch services
- Searching, filing, prosecution and maintenance of patents, trademarks and designs.
- IP policy formulation and policy review
- IP opposition and litigation

We Provide Corporate and Commercial Legal Services



We provide comprehensive legal support for businesses of all sizes both local and international in Tanzania and Zanzibar. We shall help you in the creation, governance, and dissolution of corporations.

Corporate and Commercial

This is the basic services offered by Darstate Attorneys. The firm specialized lawyers have helped local and international entrepreneurs to set up companies in Tanzania & Zanzibar within 1 to 3 working days. Our team focus on both local and international laws that might be relevant for our clients doing business in Tanzania & Zanzibar. If you are planning to set up, run, or relocate your business to Tanzania or Zanzibar, then Darstate Attorneys will be your trusted legal partner.

Darstate corporate skills and experience come from managing different client cases in court and before arbitration councils; advising national and multinational business entities on various legal aspect of business such as local content requirements, employment matters, company management and helping them to establish place of business in Tanzania.

Darstate teams takes the time to understand clients' business needs in order to provide an effective and tailored approach to each case. Our detailed understanding of litigation procedure, dynamic manner of advocating for our clients, and high attention to detail ensure that our clients feel confident throughout any dispute resolution process.

Scope of Services

- Corporate formation and alteration
 - Corporate consolidation and division
 - Bankruptcy, liquidation, business transaction, merge
 - Shareholding reform and equity reconstruction
 - Corporate governance
 - Employee incentive arrangements
 - Profit-sharing plan
 - Independent legal advice in conflict situations
 - Contentious and non-contentious labour and employment law issues
 - Due diligence
- Commercial negotiation and contract
 - Dispute resolution and litigation

We Provide Litigation & Arbitration Services



*Litigation and **Arbitration***

We excel in civil litigation and debt recovery. We shall represent you before Primary court, District Magistrate court, Resident Magistrate court, High court, Court of Appeal and before tribunals like District land and Housing Tribunal, Fair Competition Commission, etc.

We provide arbitration and alternative dispute resolution (ADR) services. We shall help you resolve your corporate and commercial, debt recovery, insolvency, employment, technology, IPRs and banking disputes in amicable ways.

Darstate's Litigation & Arbitration team is comprised of experienced lawyers which has gained a wealth of experience in litigation and arbitration (Contract, tort, marriage, inheritance, intellectual property, labor and employment, equity, real estate, property, financial and maritime disputes, criminal and administrative cases. Commercial arbitration).

Darstate has participated in numerous landmark cases, possessing a reputation for quality and effectiveness.

Scope of Services

- Civil litigation such as tort actions
- Commercial litigation such as breach of contract
- Administrative procedure such as judicial review
- Commercial arbitration
- Foreign-related litigation- such as enforcement of foreign arbitral awards
- International arbitratio

We Provide Labour and Employment Legal Services



We handle and manages any labour and employment issue on a national, international or local basis.

Labour and Employment

Freedom of employment is guided and protected by laws, regulations and guidelines of the relevant ministry.

This means that the employer and the employee must always follow these guidelines.

Doing this, will help the institution grow and progress more and more. At Darstate, our job is to help you ensure that you follow the laws, regulations and guidelines of employment and labour relations at all times.

Scope of Services

- ❑ Employment Handbook
- ❑ Employment contracts
- ❑ Cross-border labor and employment issues such as Work and resident Permits
- ❑ Service period agreements & confidentiality agreements
- ❑ Employee record, and declarations and payments of social insurance premiums
- ❑ Executives recruitment
- ❑ Employee incentive plans
- ❑ Labour Dispute resolutions and litigation
- ❑ it must start with drafting and reviewing

We Provide Banking and Finance Legal Services



We offer advice and counselling to banks and other lenders, borrowers and businesses on all aspects of financing across a wide range of business industries from manufacturing to hospitality.

Banking and Finance

Banking and Finance is a sensitive thing. Its sensitivity is based on the way they drive business stability and the welfare of society in general. Knowing the importance of this sector which requires great attention of knowing the law and monitoring changes in laws, regulations and guidelines issued from time to time, at Darstate we are proud to have a team that is well knowledgeable in this financial sector. Our experience is based on study and daily practice in court and regular advice we give to individuals, companies and institutions in and outside the country.

Scope of Services

- Legal due diligence
- General outside counsel for financial institutions
- Compliance, risk identification and risk control system building
- Drafting, revision and review of standardized documents for financial business
- Commercial loans, policy-backed loans, syndicated loans, import and export credit, project financing, real estate financing and other forms of trade financing
- Founding of commercial banks, letter of credit business and a variety of bill business
- Trading futures, options and other derivatives
- Non-performing assets disposition, debt and assets restructuring, investment and M&A for financial institutions
- Financial innovation-related legal matters and relevant dispute resolution

We Provide Investment and Merger & Acquisition Legal Services



Our M&A lawyers represent both buyers and sellers, including their financial advisers in a M&A transaction, including: Entity formation, equity transfer, Asset dispositions and spinoffs; Joint ventures & Leveraged buyouts.

Investment and Merger & Acquisition

Darstate Attorneys' team proud ourself knowing Investment procedures, guidelines, regulations and the laws in Tanzania. Darstate is well knowledgeable on the investment opportunities available in Tanzania and the requirement of each sector of investment.

The firm involves direct in advising national and international investors on general legal requirements for investment, administration and dispute resolutions mechanism.

Scope of Services

- Company setups for investment purposes
- Fund structuring
- Fund raising
- A full set of transaction documents
- Legal opinions on investment and M&A registration and filing
- Legal due diligence
- Drafting, negotiation and review of transaction documents
- Coordination between funds and projects
- Transaction structure, security mechanism and tax planning
- Post-investment fund management
- Investment fund exit through M&A and listing
- Fund compliance, legal risk management
- Investment dispute settlement

We Provide Foreign-related Legal Affairs Services



Providing clients with one-stop solution for cross-border investment and financing such as international arbitration or litigation

Foreign-related Legal Affairs

We are a leading provider of immigration advice operating on a global scale across multiple countries and continents. Our employees collectively have years of experience in dealing with cases just like you the client will be experiencing. Therefore, we know that no matter what the case, there is a Darstate Attorneys Foreign-related Legal Affairs Lawyer that can help you.

It doesn't matter what your desired outcome is to study, join your family, settle or find permanent residence, either way you will need access to the best legal advice you can get, which is exactly what we can provide. We also offer untimed remote advice sessions, over the phone or via web meeting.

Scope of Services

- Foreign investment accessibility assessment
- Establishment of joint ventures and commercial associated negotiations
- Domestic and cross-border financing of FIEs and capital restructuring
- Establishment of foreign investment/holding companies
- Cross-border M&A
- Ongoing post-delivery legal services
- Initial investment structuring
- Establishment of regional headquarters or and representative offices for multinational corporations
- Consolidation, division, bankruptcy and liquidation
- Due diligence and business negotiations
- Civil and commercial litigation within the jurisdiction of Tanzania and Zanzibar
- International commercial arbitration
- Visa, work and resident permits

We Provide Real Estate & Construction Legal Services



We provide legal services in all aspect of the industry from construction contracts to project management, lease agreements and real estate guarantee contracts.

Real Estate & Construction

We are among a few advocates in the country who have knowledge and proven experience in this field, particularly on security and securities documentation as well as undertaking the recovery process.

Scope of Services

- Land acquisition for investment
- Lease
- Primary land development
- Bidding and tendering, auction and granting of land use rights
- Project initiation documentation and the setting up of project companies
- M&A of Project company
- Project acquisition and bidding and tendering for project transfer
- Project design, execution and supervision
- Project settlement
- Property marketing, transfer, leasing and management
- Commercial property management
- Real estate investment funds
- Real estate project financing
- Comprehensive legal risk management for property development projects

Starting a Business in Tanzania.

The system of doing business in Tanzania has been legally simplified. You can do business as a sole proprietor, partnership or through a company. If you decide to work as a sole proprietor or partnership, you are advised to register your business name with a Registrar of business name. The advantage is that you will protect your name from being used by others

If you decide to do business through a company, then you will have to be more than one person where each one will have to have a share as well as two directors. The beauty is that the same shareholders can be directors.

If you need more information/assistance on the best way to do business in Tanzania, please do not hesitate to contact us.



Customs Protection Of Intellectual Property Rights In Tanzania



To date, no regulation has been enacted to facilitate customs recordal of intellectual property rights (such as trade/service marks, patents, industrial designs, copyrights and related rights) despite having a law that restricts the use of marks and trade description in relation to merchandise (The Merchandise Marks Act of 1963).

The current method is to register a trademark with the Registrar of Trade and Service Marks and thereafter collaborate with The Fair Competition Commission (FCC) which is charged with protecting the intellectual property rights in Tanzania.

If counterfeit goods are discovered, the proprietor or his/her agent is responsible for notifying the FCC immediately of the presence of such products/goods. Once the FCC receives complainant, they will liaise with other institutions such as the Customs department, the police and even national security agency to conduct an investigation and ban the pirated products immediately.

If the client has already registered his trademark, we can enter into an agreement with him to make a watch service that will include checking all products entering the market and new trademark requested to be registered.



***“Your matter is
our priority”***

Reach Us Direct!

DARSTATE ATTORNEYS

Email: info@darstateattorneys.co.tz

Website: <https://www.darstateattorneys.co.tz/>

Location : 6th Floor, 3D Building adjacent Watumishi House,
Magomeni, Usalama, Dar es Salaam, Tanzania.

Phone No. +255 769 782 926



TIC CERTIFICATE OF INCENTIVES

TIC Certificate of Incentives is a certificate issued to the investor by the Tanzania Investment Center (TIC) which provides tax exemptions, concessional tax rates or any benefits that may be available to the investor under any law for the time being in force.

The certificate once granted will be valid for a period not exceeding five years from the date of issuance for fiscal incentive. This period may be extended upon application for a further period as the TIC may determine.
In respect of non-fiscal incentives, be valid for the entire period of the project implementation.

Who is an Investor?

The law recognizes two groups of investors. Local and foreign investors.

Local Investor

Can be either

- i) a natural person who is a citizen of Tanzania;
- ii) a company incorporated under the laws of Tanzania in which the majority of the shares are held by a person who is a citizen of Tanzania and
- iii) a partnership in which the partnership controlling interest is owned by a person who is a citizen of Tanzania

Foreign investors.

- i) a natural person who is not a citizen of Tanzania,
- ii) a company incorporated under the laws of any country other than Tanzania,
- iii) a company incorporated under the laws of Tanzania in which more than fifty percent of the shares are held by a person who is not a citizen of Tanzania,
- iv) a partnership in which the partnership controlling interest is owned by a person who is not a citizen of Tanzania

Investment Size Thresholds and Requirements.

Not every natural person, company or partnership qualifies to be called an investor. In order to qualify to be an investor, you must reach the investment thresholds which are categorised into three i.e. normal, strategic and special strategic investors.

- i) Normal Investors:
Foreign investors USD 500,000,
Local investors USD 50,000
- ii) Strategic Investors:
Foreign investors or a joint venture USD 50,000,000;
Local investors USD 20,000,000

Apart from the above thresholds, a business enterprise must meet the following requirement for it to be regarded as strategic investment:

At least one thousand local employment is created with satisfactory number of senior positions in projects that do not require high and sophisticated technology;

- Capability to export at least fifty percent of goods produced or produce import substitution goods
- Capability of stimulating production by establishing industrial parks in various social and economic sectors
- Enhances technical know-how by imparting new technology to the tanzanians;
- Spe capability to produce goods or render services necessary for development in the social and economic sectors considering priorities for the time being.

iii) Special Strategic Investors: USD 300,000,000

Other condition for this category is as follows: -

- investment capital transaction should be undertaken through a registered local financial and insurance institution;
- at least one thousand five hundred direct local employment is created with satisfactory number of senior positions in projects that do not require high and sophisticated technology &
- capability to significantly generate foreign exchange earnings, produce significant import substitution goods or supply of important facilities necessary for development in the social, economic or financial sector.

Investment Incentives scheme.

The followings are the incentives available to a business enterprise with TIC Certificate of Incentives:

- a) Exemption on Project Capital goods
 - i. Zero Import Duty on capital goods.
 - ii. Zero Import Duty on raw material.
- b) Tax Relief on Deemed Capital Goods - Import Duty exempted by 75%
- c) Reduced corporate tax to 20% for the first 5 consecutive years on Manufacturing of pharmaceuticals, Textile or leather products.
- d) Capital Allowance on Agriculture (100%), Mining - first 5 years (20%), Hotels (50%), Fish farming (50%), Tourist services (50%);
- e) Reduced corporate tax to 10% for the First 5 consecutive year on Assembly of motor vehicles, tractors, fishing boats or out boat engine;
- f) Depreciation Allowance (37.5% - 5%)



Other Non-Fiscal Incentives includes the followings

- a) Automatic Immigration Quota: Initially 10 expatriates during project implementation. Additional, one expatriate for every 10 jobs created;
- b) Unconditional (Free repatriation) transferability of funds of any currency of: Net profits, Repayment of foreign loans, Royalties, Fees charges in respect of foreign technology, Remittance of proceeds; and Payment of emolument.

How to obtain TIC Certificate of Incentives

Certificate of incentives is issued to new investment or to rehabilitate or expand an existing enterprise or both. The application is made to the Tanzania Investment center.

- a) Application for new investment
 - I. A dully filled TIC application forms;
 - II. Project's Business Plan/Feasibility Study;
 - III. Company's Memorandum and Articles of Association.
 - IV. A certified Certificate of company Incorporation
 - V. Evidence of sufficient finance capital available to implement the project
 - VI. Evidence of land ownership for the location of the project (depending on the project, certified lease agreement of minimum of 3 years or certified copy of title deed).
 - VII. Company Board Resolution to register the project with TIC.
 - VIII. TIC Receipts as evidence of payment of \$1,100 cost of the Application form and Certificate of Incentives.
 - IX. An overall covering letter to which all the above are attached.
- b) Application for rehabilitate or expand an existing enterprise
 - I. A dully filled TIC application forms
 - II. Certified copy of Articles of Association
 - III. A certified Certificate of company Incorporation
 - IV. Project' Business Plan
 - V. A statement of audited accounts for three previous years or any other prescribed period for a business enterprise which has not attained three years since its establishment
 - VI. The nature of rehabilitation or expansion;
 - VII. Evidence of sufficient finance capital available to implement the project
 - VIII. Company Board Resolution to register the project with TIC.
 - IX. An undertaking that the expansion or rehabilitation shall be implemented as indicated in the projection
 - X. TIC Receipts as evidence of payment of \$1,100 cost of the Application form and Certificate of Incentives.
 - XI. An overall covering letter to which all the above are attached.

If you need more information/ assistance on certificate of incentives in Tanzania, please do not hesitate to contact us.

COMPANY WINDING UP IN TANZANIA

Just like opening a company where there are procedures and criteria to consider, dissolving a company also has procedures and steps to follow. These procedures and criteria are set by law for the aim of creating a good business environment for the company's shareholders, beneficiaries and creditors.

In Tanzania, the procedures for dissolving a company is regulated under the Companies Act. The Act provides two ways of winding up of company, voluntary winding up and winding up by court. Each method can be used depending on the surrounding circumstances.

The difference between voluntary winding up and court winding up is that voluntary winding up is done by the shareholders themselves. It is an internal process of passing resolution and appointing a dully qualified person to act as a liquidator to take the process of dissolving a company. Winding up by court is vested to the High Court of Tanzania although it may transfer the proceedings to Resident Magistrates' Court.



Termination Of Contract In Tanzania.

When two parties have entered into a contractual agreement, it is expected that each party will fulfill its contractual obligations. Termination of contract means the end contractual relationship between parties to the contract. This can occur due to various grounds and reasons. The contract laws in Tanzania recognize various circumstances that may lead to the termination of a contract. Some of those reasons are as follows: -

- Mutual Agreement, this happen when both parties agree to end their contractual relationship. Here the parties may agree to substitute a new contract for it, or to rescind or alter it. If the parties agree to substitute a new contract for it, or to rescind or alter it, the original contract need not be performed.
- Breach of terms of contract -This happens when one party has failed to fulfill its obligations within the contract. In these circumstances, the party who suffers by such breach is entitled to receive, from the party who has broken the contract, compensation for any loss or damage caused to him thereby, which naturally arose in the usual course of things from such breach, or which the parties knew, when they made the contract, to be likely to result from the breach of it.
- Lapse of Fixed Term, a contract is terminated due to the lapse or end of the agreed fixed term of the existence of the contractual relationship. When a party to a contract promises to do a certain thing at or before a specified time, or certain things at or before specified times, and fails to do any such thing at or before the specified time, the contract or so much of it as has not been performed, becomes voidable at the option of the promisee, if the intention of the parties was that time should be of the essence of the contract.
- Occurrences of unnatural events. occurrence of unforeseeable events that obscure fulfillment of the contract can lead to termination of the contract such as war, flood & tsunami
- Completion of the Contractual Task/s, a contract is terminated once parties complete the agreed contractual task or obligations, thus the contract automatically comes to an end or is terminated.

Debt Collection Laws and Rules In Tanzania.

In Tanzania, there are no specific laws or regulations that have been enacted to manage debt collectors. But since the debtor collectors stand as the agent of the principal, Part X of the Law of Contract Act, Cap. 345 regulate commercial relations between the agent (debt collector) and the principal (creditor).

Who is an Agent?

The Law of Contract Act describes the agent as a person employed to do any act for another or to represent another in dealings with third persons and the person for whom such act is done, or who is so represented, is called the "principal".

In response to this interpretation of the law, agent

- a. A person whether natural or legal
- b. Employed by the principal to do act or to represent him/her
- c. Deal with another person's whether natural or legal

Power of Attorney

The commercial relationships between an Agent and Principal to deal with another person are done using documents called Power of Attorney (PoA). In PoA basically, the principal must declare and identify the agent that he recognizes him and that he appoints him as his representative to carry out the necessary action.

The PoA must be signed by the principal and sometimes the agent will be required to sign to show that he agrees with the responsibilities given to him by the principal. However, the PoA is an external document that must be shown to the debtor. So, since it is not wise and healthy to debtor to know secrets information such payment between the agent and the principal, the principal and the agent are advised to sign another contract that shows the manner of their payment and other basic things.

Extent of agent's authority

- a. An agent having an authority to collect debt has authority to do every lawful thing which is necessary in order to recover the debt.
- b. An agent having authority to carry on a business has authority to do every lawful thing necessary for the purpose, or usually done in the course of conducting such business.

Agent's duty to communicate with principal

It is the duty of an agent, in cases of difficulty, to use all reasonable diligence in communicating with his principal, and in seeking to obtain his instructions.

The enforcement of agency contracts and their consequences in Tanzania.

Contracts entered into through an agent and obligations arising from acts done by an agent, may be enforced in the same manner, and will have the same legal consequences as if the contracts had been entered into and the acts done by the principal in person.

ENFORCEMENT OF FOREIGN JUDGMENT AND ARBITRAL AWARD IN TANZANIA.

Tanzania follows the English common law legal system. Laws have established a good mechanism for Recognition and Enforcement of Foreign Judgments and Awards relating civil and commercial matters. Any judgement of a superior court of a foreign countries giving reciprocal treatment or order given or made by a court in any civil proceedings, or a judgement or order given or made by a court in any criminal proceedings, for the payment of a sum of money in respect of compensation or damages to an injured party are enforceable in Tanzania.

There are two ways of enforcing foreign Judgments.

01

Direct Judgement enforcement: this is where there is reciprocal arrangement between the country of origin in which the original court is situated and Tanzania for mutual recognition and enforcement of their judgment. The President of Tanzania should, by Order, have' included that country in the list of those countries whose judgements from superior courts would be recognized and enforced in Tanzania. (S. 3 of the Reciprocal Enforcement of Foreign Judgements Act, Cap. 8)

02

Instituting a fresh suit in the competent court in Tanzania: Instituting a fresh case in Tanzania foreign judgment creditor instituting a fresh suit in the competent court in Tanzania attaching the foreign judgment in his suit and thereby bringing it to the attention of the Tanzanian court that there exists an obligation by the Defendant as expressed in the attached foreign judgment which obligation remains unfulfilled and thus the plaintiff is suing the defendant on the basis of his failure to fulfil his obligations under the foreign judgment. (Afriglobal Commodities D.M.C. Vs. Nesch Mintech Tanzania Limited, Commercial Case No. 112 of 2023.

Pre-Requisite for Enforcement of Foreign Judgment

Three conditions must be met before applying for enforcement of foreign judgment in Tanzania.

01

The judgement pronounced by a Court of competent authority must be final and conclusive as between the parties thereto. It must be obtained by following the prescribed rules and procedure hence not obtained by fraud. A judgement shall be deemed to be final and conclusive notwithstanding that an appeal may be pending against it, or that it may still be subject to appeal, in the courts of the country of the original court.

02

There is payable thereunder a sum of money, not being a sum payable in respect of taxes or other charges of a like nature or in respect of a fine or other penalty; and

03

It is given after the coming into operation of the order of the president directing that country in the list of those countries whose judgements from superior courts would be recognized and enforced in Tanzania extend to that foreign country.

Procedural Mechanisms for Enforcement of Foreign Judgment

01.

For direct judgment enforcement, judgment creditor should file an application in the High Court of Tanzania which is the acceptable court competent to determine and entertain cases relating to enforcement of foreign judgment in the country. However, before filing an application for enforcement of judgment, the creditor needs to take into consideration the following crucial issues: -

- a. whether the judgment is final and conclusive as between the parties thereto;
- b. whether the judgement is within six years from the date of the pronouncement of the judgment;
- c. The competence of the original court pronouncing a foreign judgment and
- d. whether there is payable thereunder a sum of money not being a sum payable in respect of taxes or other charges of a like nature or in respect of a fine or other penalty

02.

For enforcement through instituting a fresh suit in the competent court in Tanzania- the creditor must institute a fresh suit in the High court attaching the foreign judgment in his suit and thereby bringing it to the attention of the Tanzanian court that there exists an obligation by the Defendant as expressed in the attached foreign judgment which obligation remains unfulfilled and thus the plaintiff is suing the defendant on the basis of his failure to fulfil his obligations under the foreign judgment.

As in direct judgment enforcement, the creditor (plaintiff) will need to prove the following things in his plaint.

- a. whether the judgment is final and conclusive as between the parties thereto;
- b. whether the judgement is within six years from the date of the pronouncement of the judgment;
- c. the competence of the original court pronouncing a foreign judgment;
- d. whether there is payable thereunder a sum of money not being a sum payable in respect of taxes or other charges of a like nature or in respect of a fine or other penalty

NOTE: Where a decree has been obtained or entered up in the High Court of Kenya, the High Court of Uganda, the High Court of Malawi or in the High Court of Zanzibar or in any court subordinate to any of those courts from Kenya, Uganda, Malawi or Zanzibar

Enforcement Of Foreign Arbitral Award In Tanzania

Foreign award refers to an award where the juridical seat of arbitration is in a territory or state other than the United Republic of Tanzania. This arbitral award is recognised as binding and enforceable upon application in writing to the High court. In order for a foreign arbitral award to be enforceable in Tanzania, it should

- a. It has been made pursuant to an arbitration agreement that was valid under the law by which it was governed;
- b. it has been made by the tribunal provided for in the agreement or constituted in the manner agreed upon by the parties;
- c. it has been made in conformity with the law governing the arbitration procedure;
- d. it has become final in the country in which it was made; and
- e. it has been made in respect of a matter that may lawfully be referred to arbitration under the law of Tanzania and its enforcement is not contrary to the public policy of or the law of Tanzania.

Our Logo **Our Values**

Maroon

Tradition and Prestige

Silver

Modernity and Innovation:

*Represents progress and contemporary values,
making it a fitting color for areas of law that focus on technology,
intellectual property, or digital rights.*

Navy Blue

Professionalism, Authority, and Trustworthiness



“Your matter is our priority”

The background image shows a man in a blue polo shirt sitting at a desk. He is looking down at some papers. To his left, another person's arm and hand are visible, pointing at a document. On the desk, there is a silver laptop with the Apple logo, several papers, and a pen. The entire image has a red overlay.

Contents Information

DARSTATE ATTORNEYS

Email: info@darstateattorneys.co.tz

Website: <https://www.darstateattorneys.co.tz/>

Location : 6th Floor, 3D Building adjacent Watumishi House,
Magomeni, Usalama, Dar es Salaam, Tanzania.

Phone No. +255 769 782 926



Rech us Direct !

DARSTATE ATTORNEYS

Email: info@darstateattorneys.co.tz

Website: <https://www.darstateattorneys.co.tz/>

linkedin: [Darstate Attorneys](#)

Location : 6th Floor, 3D Building adjacent Watumishi House,
Magomeni, Usalama, Dar es Salaam, Tanzania.

Phone No. +255 769 782 926