

*Court Brokers and Process Servers (Appointments Remuneration and Discipline)  
(Amendment)*

GOVERNMENT NOTICE No. 764 published on 28/11/97

THE JUDICATURE AND APPLICATION OF LAWS ORDINANCE

(CAP. 453)

**RULES OF COURT**

*Made under section 4*

THE COURT BROKERS AND PROCESS SERVERS (APPOINTMENTS, REMUNERATION  
AND DISCIPLINE) (AMENDMENT) RULES, 1997

1. These Rules may be cited as the Court Brokers and Process servers  
(Appointments, Remuneration and Discipline)(Amendment) Rules,  
1997 and shall be read as one with the Court Brokers and Process Servers  
(Appointments, Remuneration and Discipline) Rules, 1997, in these  
Rules, referred to as "the principal Rules".

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No. 315 of  
1997

2. The principal Rules and these Rules shall both be deemed to have  
come into operation on the 1st day of December, 1997.

3. The principal Rules are hereby amended in rule 11 by adding after  
sub-rule (4) the following new sub-rule:

"5 Where a court broker dies or is suspended or his licence is revoked  
or not renewed, any property attached by him before that occurrence  
may be transferred by the court to another court broker on such terms  
as the court may deem fit."

4. The Second Schedule to the principal Rules is hereby deleted and  
replaced by the following Second Schedule.

**"SECOND SCHEDULE**

**PART I**

**ATTACHMENT**

*Item No.*

*Fees*

1. For attaching or taking possession of movable  
property and keeping possession of the same for 30 days  
or part thereof, when the estimated value of the pro-  
perty (in accordance with the executing officer's  
inventory furnished under rule 6) —

(a) does not exceed shs. 200,000/- ..... 5% but not exceeding shs. 10,000/-

(b) exceeds shs. 200,000/- but does not exceed  
shs. 2,000,000/-

shs. 10,000/- plus 2% of the amount  
in excess of shs. 200,000/-

*Court Brokers and Process Servers (Appointments Remuneration and Discipline)  
(Amendment)*

*G.N. No. 764 (contd.)*

**SCHEDULE—(contd.)**

- |  |   |
|--|---|
| (c) exceeds shs. 2,000,000/- but does not exceed shs. 50,000,000/- | shs. 30,000/- plus 1% of the amount in excess of shs. 2,000,000/-     |
| (d) exceeds shs. 50,000,000/-                                      | shs. 100,000/- plus 0.5% of the amount in excess of shs. 50,000,000/- |

Provided that where it is considered necessary to hold the property for longer period, the executing officer shall, in addition to the fee calculated on the basis of the above schedule, be reimbursed for the additional costs/expenses which in the opinion of the Registrar or Magistrate, are properly incurred.

2. For attaching immovable property where the amount of the decree in execution of which the property is attached—

- |  |   |
|--|---|
| (a) does not exceed shs. 200,000/-                               | 5% but not exceeding shs. 10,000/-                                    |
| (b) exceeds shs. 200,000/- but does not exceed shs. 2,000,000/-  | shs. 10,000/- plus 2% of the amount in excess of shs. 200,000/-       |
| (c) exceeds shs. 2,000,000 but does not exceed shs. 50,000,000/- | shs. 30,000/- plus 1% of the amount in excess of shs. 2,000,000/-     |
| (d) exceeds shs. 50,000,000/-                                    | shs. 100,000/- plus 0.5% of the amount in excess of shs. 50,000,000/- |

3. For attending to, attaching or taking possession of movable property, where no property is found after diligent inquiries, the executing officer shall be paid 1% of the decretal amount and be reimbursed for actual expenses incurred in the exercise.

**PART II**

**SALE**

4. For selling movable property where the amount realised—

- |  |   |
|--|---|
| (a) does not exceed shs. 200,000/-                               | 5% but not exceeding shs. 10,000/-                                    |
| (b) exceeds shs. 200,000/- but does not exceed shs. 2,000,000/-  | shs. 10,000/- plus 2% of the amount in excess of shs. 200,000/-       |
| (c) exceeds shs. 2,000,000 but does not exceed shs. 50,000,000/- | shs. 30,000/- plus 1% of the amount in excess of shs. 2,000,000/-     |
| (d) exceeds shs. 50,000,000/-                                    | shs. 100,000/- plus 0.5% of the amount in excess of shs. 50,000,000/- |

5. For selling immovable property, where the amount realised—

- |  |   |
|--|---|
| (a) does not exceed shs. 200,000/-                             | 5% but not exceed shs 10,000/-                                  |
| (b) exceeds shs. 200,000/- but does not exceed shs. 2,000,00/- | shs. 10,000/- plus 2% of the amount in excess of shs. 200,000/- |

*Court Brokers and Process Servers (Appointments Remuneration and Discipline)  
(Amendment)*

G.N. No. 764 (contd.)

SCHEDULE—(contd.)

<i>Item No.</i>	<i>Fees</i>
(c) exceeds shs. 2,000,000/- but does not exceed shs 50,000,000/-	shs. 30,000/- plus 1% of the amount in excess of shs 2,000,000/-
(d) exceeds shs. 50,000,000/-	shs. 100,000/- plus 0.5% of the amount in excess of shs. 50,000,000/-
6. Where an order of sale has been made but the executing officer is informed by the Registrar or Magistrate that the attachment is deemed to have been withdrawn or has ceased or that the order for the sale has been set aside or the sale has been postponed by the Court or the property was for any other reason unsold or where the decretal amount and costs (including the costs of the sale) are tendered to the executing officer or proof is given to his satisfaction that such amount and costs have been paid into the court—	
(a) before commencement of sale	NIL
(b) after commencement of sale where estimated value of property ordered to be sold—	
(i) does not exceed shs 200,000/-	5% but not exceeding shs. 10,000/-
(ii) exceeds shs. 200,000/- but does not exceed shs. 2,000,000/-	shs. 10,000/- plus 2% of the amount in excess of shs. 200,000/-
(iii) exceeds shs. 2,000,000/- but does not exceed shs. 50,000,000/-	shs. 30,000/- plus 1% of the amount in excess of shs. 2,000,000/-
(iv) exceeds shs. 50,000,000/-	shs. 100,000/- plus 0.5% of the amount in excess of shs. 50,000,000/-

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5. The Attachment and Sale (Brokers and Fees) Rules, 1997, are hereby revoked.

Dar es Salaam,  
27th November, 1997

F. L. NYALALI,  
Chief Justice