



THE ROLE OF A CLAN MEETING IN PROBATE PROCEEDINGS IN TANZANIA

By Winnerleah Amiel

INTRODUCTION

In Tanzania, a clan meeting plays an important role in the probate process. Probate is the legal process of administering the estate of a deceased person. In traditional Tanzanian society, the clan, or extended family, is an important social unit and the clan meeting is where important decisions, such as the distribution of a deceased person's property, are made.

When a person dies in Tanzania, their property is usually inherited by their children or other close relatives. However, in some cases, a clan meeting may be called to discuss the distribution of the deceased person's property. This is particularly true if there is a dispute among family members or if the deceased person did not leave a will.

During a clan meeting, family members gather to discuss the distribution of the deceased person's property. The clan leader, or elder, presides over the meeting and makes decisions based on the traditions and customs of the clan. The clan meeting may also involve the input of a traditional healer or other community leader to provide guidance.

The decisions made at the clan meeting are considered binding and are often recognized by the government and courts. However, if there is a dispute that cannot be resolved at the clan meeting, it may be taken to the courts for a final decision.

CASES

A clan meeting plays an important role in the probate process in Tanzania, serving as a forum for family members to discuss and decide on the distribution of a deceased person's property in accordance with tradition and custom, and these decisions are binding and are often recognized by government and courts.

In the case of ***Elias Madata Lameck Vs Joseph Makoye Lameck***, where ***Hon. Kahyoza J***, stated, "I wish to point out that there is no legal requirement that once a person dies interstate the deceased's clan member must convene and appointing a person to administer



THE ROLE OF A CLAN MEETING IN PROBATE PROCEEDINGS IN TANZANIA

that person's estate".

Also in the case of ***Masubi Jacob Vs Rosemary Bega William***, where ***M. Mnyukwa J***, stated that; "A clan meeting is a good practice that is to be cherished as it reduces conflicts among the deceased's heirs and saves court's time in prosecuting unnecessary objections that may arise if the clan meeting was not convened. "

CONCLUSION

After the clan or family meeting the proposed administrator must go to court of competent jurisdiction, so as he can petition for letters as per section 33 of the Probate and Administration of Estates Act, Rule 39 of the Probate and Administration of Estates Rules.