

CHAPTER 307

THE TANGANYIKA LAW SOCIETY ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

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CHAPTER 307

THE TANGANYIKA LAW SOCIETY ACT

An Act to establish the Tanganyika Law Society and to provide for other related matters.

[1st January, 1955]

Ord. No.
30 of 1954
Acts Nos.
42 of 1961
7 of 2018
1 of 2020
11 of 2023

PART I PRELIMINARY PROVISIONS

Short title

1. This Act may be cited as the Tanganyika Law Society Act.

Interpretation
Act No.
1 of 2020 s. 46
Cap. 341

2. In this Act, unless the context requires otherwise-

“advocate” has the same meaning as in the Advocates Act;

“Chapter” means Chapter established under section 19;

“Chapter zones” means chapter zones established under the provision of section 19;

“Council” means the council established under the provisions of section 15;

“former society” means the society known as the Tanzania Law Society existing in Tanganyika immediately before the enactment of this Act;

“member” means a member of the Tanganyika Law Society;

“member in good standing” means a member with good ethical standards and has renewed his membership by paying the subscription fees and complies with the requisite conditions for renewal of membership for a particular year;

“Minister” means the Minister responsible for legal affairs;

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“non-practicing advocate” means a member of the Tanganyika Law Society who does not possess a practicing certificate issued under the provisions of section 44 of the Advocates Act;

“practising certificate” means a practising certificate issued under the provisions of section 44 of the Advocates Act;

“Secretariat” means Tanganyika Law Society Secretariat established under section 21;

“Society” means the society established under section 3;

“special resolution” means a resolution passed by a majority of not less than two-thirds of any members of the Society who, being entitled so to do, vote in person or by proxy at a general meeting of the Society, duly convened with full notice of the intention to propose that resolution.

PART II ESTABLISHMENT

Establishment of
Tanganyika Law
Society

3. There is hereby established a body corporate to be known as the Tanganyika Law Society with perpetual succession, a common seal and with power to sue and be sued in its corporate name.

Objects
Act No.
1 of 2020 s. 47

4. The objects for which the Society is established are-

- (a) to maintain and improve the standards of conduct and learning of the legal profession in Tanzania;
- (b) to facilitate the acquisition of legal knowledge by members of the legal profession and others;
- (c) to assist the Government, Parliament and the courts in matters affecting legislation, and the administration and practice of the law in Tanzania;
- (d) to represent, protect and assist members of the legal profession in Tanzania as regards conditions of practice and otherwise;
- (e) to protect and assist the public in Tanzania in matters touching, ancillary or incidental to the law;

- (f) to acquire, hold, develop or dispose of properties of kinds, whether movable or immovable and to derive capital or income from them, for any of the foregoing objects;
- (g) to raise or borrow money for any of the foregoing objects in any manner and upon any security which may be determined by the Society;
- (h) to invest and deal with moneys of the Society not immediately required in any manner which may from time to time be determined by the Society;
- (i) to do other things which are incidental or conducive to the attainment of the foregoing objects or any of them.

Dissolution and vesting of assets of former society

5. The property and assets of the former society shall be and are hereby, from the date of commencement of this Act, vested in the Society and soon as formalities connected with the transfer of the property and assets, the Society shall be declared by the president and the secretary of the former society to have been completed, the former society shall automatically be dissolved.

PART III MEMBERSHIP

Membership Act No. 1 of 2020 s. 48

6. The membership of the Society shall consist of the following-
- (a) advocates who are members of the Society by reason of the provisions of section 7;
 - (b) persons admitted to membership of the Society under section 8;
 - (c) persons elected as honorary members of the Society under section 9.
 - (d) persons who are admitted in the roll and have sought suspension to practice and have received approval of the Chief Justice.

Practising advocate to be member of Society

7.-(1) An advocate who has in force a practising certificate shall without election, admission or appointment, become a

member of the Society from the date on which the practising certificate is issued to him and be subject to any provision of the law for the time being affecting that member:

Provided that, the advocate to whom a practising certificate is issued before the first day of February of each year shall, where he was an advocate on the first day of January of that year, be deemed to have been a member of the Society as from the first day of January of that year.

(2) The advocate who becomes a member of the Society under subsection (1) shall, subject to the provisions of subsection (3), remain a member until the end of the current year.

(3) When the advocate who is a member of the Society by reason of the provisions of subsection (1) has his name, whether at his own request or otherwise, removed from the roll, he shall immediately cease to be a member of the Society.

(4) The advocate who is a member of the Society by reason of the provisions of subsection (1) and suspended from practice shall not be entitled during the period of that suspension to any of the rights and privileges of membership.

Qualifications for
membership
Act No.
1 of 2020 s. 49

8.-(1) The following persons who apply for membership of the Society in the prescribed manner shall be admitted as members of the Society, that is to say-

- (a) the Attorney-General, Director of Public Prosecutions, Solicitor General, Parliamentary Draftsman and State Attorneys in the public service, for the time being resident in Tanzania, and any other person duly qualified holding office in the Office of the Attorney-General, National Prosecutions Service and the Office of the Solicitor General;
- (b) the Registrar-General, Administrator-General, Public Trustee, Official Receiver, Land Officer and any person duly qualified holding office in the department of the Registrar-General Administrator-General, Official Receiver or Land Office;
- (c) [Omitted].

(d) any other legally qualified person, for the time being resident in the Tanzania, as may be determined by special resolution:

Provided that, subject to the provisions of section 7, a person who has been expelled from the membership of the Society shall not, after the expulsion, be admitted again as a member without the authority of a special resolution.

(2) For the purposes of this section, "person duly qualified" means a person holding any of the qualifications set out in paragraphs (i), (ii), (iii) and (iv) of subsection (1) of section 8 of the Advocates Act.

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Honorary
membership
Act No.
1 of 2020 s. 50

9. The Council may appoint a person as honorary members of the Society as it may think fit, either for life or for any period which the Council may in any case deem appropriate.

Annual
subscription

10. The members of the Society shall pay into the funds of the Society any annual subscription which may be prescribed:

Provided that, a honorary member shall not be liable to pay a subscription.

Entrance fee

11. An entrance fee shall not be payable by any person on becoming a member of the Society.

Resignation

12. A member of the Society shall not resign or be permitted to resign his membership at any time while he is entitled to practise as an advocate, but, save as aforesaid, and subject to section 7, a member of the Society may resign his membership in any manner which may be prescribed.

Expulsion

13. A member of the Society, other than an honorary member, may be expelled from the society in a manner, and upon the grounds, after being given a reasonable opportunity to answer allegations made against him, which may be prescribed:

Provided that, a member of the Society who is entitled to practice as an advocate shall not be expelled from the Society at any time while entitled to practise.

Members ceasing to be qualified for membership

14. A member of the Society, other than an honorary member, who ceases to be qualified for membership, shall automatically cease to be a member.

PART IV COUNCIL

Constitution of Council
Acts Nos.
7 of 2018 s.106
1 of 2020 s. 51
11 of 2023 s. 86

15.—(1) For the proper governance of the affairs of the Society, there shall be a Council consisting of a President, Vice- President, Honorary Treasurer and eight other members, of whom shall be members of the Society duly elected during the Society's General Election.

(2) The eight members of the Council referred to in subsection (1) shall comprise of seven zonal leaders and one member representing an association of young lawyers.

(3) Without prejudice to any other written law, a person shall not be elected to be a member of the Council unless a person-

- (a) is a citizen of the United Republic;
- (b) has not been formally certified to be of unsound mind;
- (c) has not been declared bankrupt; and
- (d) is a senior member of the Society with ten or more years of experience and who either run or manages a law firm which has five or more employees or has served in any recognized governing board, save for a member representing the association of young lawyers; and
- (e) has appeared before the Nomination Committee and been certified to be of good professional standing to contest for membership to the Council.

(4) A person shall not be elected to be a member of the Council where a person is-

- (a) a public servant;
- (b) a Ward Counsellor;
- (c) a Member of Parliament; or
- (d) a leader of a political party.

(5) The President, Vice President, Honorary Treasurer and the eight other members shall be elected for a term of three years and eligible for re-election for one further term.

(6) The President, the Vice-President, Honorary Treasurer and other members of the Council shall assume office immediately after being sworn-in and hold office until expiration of the tenure,

Provided that-

- (a) in the event of death, resignation, removal or disqualification of the President, Vice President or Honorary Treasurer during his term of office, the vacancy created shall be filled by qualified persons who are members of the Council and in the case of absence of a qualified member, the Nomination Committee shall appoint a qualified member to fill the vacancy;
- (b) in the occurrence of death, resignation, removal or disqualification of any other member of the Council during his term of office, the Nomination Committee shall appoint a qualified member to fill the vacancy.

Prohibition of
political activities
Act No.
7 of 2018 s. 107

16.-(1) A member of the Council shall observe political neutrality and shall not engage in political activities while serving as a member of the Council.

(2) For the avoidance of doubt, political activities in relation to a member of the Council include the following:

- (a) contesting for a political post within a political party as defined by the Political Parties Act or in any other partisan elections;
- (b) campaigning for or against a candidate in partisan elections;
- (c) making campaign speeches;
- (d) collecting contributions or raising funds for any political party;
- (e) organising or managing political rallies or meetings; or
- (f) holding office in political parties.

(3) A member of the Council who contravenes the provisions of subsection (2) commits a gross misconduct and the Attorney General may petition to the Advocates Committee for the removal of the member from the Roll of Advocates.

[s. 15A]

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Powers and duties
of Council
Act No.
1 of 2020 s. 52

17. The Council shall have the powers to-

- (a) exercise powers of governance for and on behalf of the Annual General Meeting;
- (b) govern the affairs of the Society;
- (c) establish chapters and chapter zones;
- (d) employ the Executive Director of the Society;
- (e) approve the Society's strategic plans, action plans and budget of the Society;
- (f) oversee the implementation of the Society's strategic initiatives and its functioning within the agreed framework, in accordance with relevant statutory and regulatory structures;
- (g) ensure the adequacy of financial, operational systems and internal controls;
- (h) ensure the implementation of corporate ethics and the Code of Conduct;
- (i) convene Annual General Meetings; and
- (j) perform any other duty in relation to the affairs of the Society subject to this Act or regulations made hereunder.

[s. 16]

Committees and
delegation

18. The Council may appoint Committees consisting of members of the Society; and except as otherwise expressly provided by this Act or by any regulations made under this Act, may delegate the powers of the Council to the Committees.

[s. 17]

Chapters of
Society
Act No.
1 of 2020 s. 53

19.-(1) There shall be Chapters of the Society in designated regions as the Council may consider necessary.

(2) There shall be chapter zones established by the Council for proper governance and management of the affairs of the Chapters.

(3) In establishing chapter zones under this section, the Council shall, for the purpose of ensuring representation of Advocates in a chapter zone, have regards to the proportionality of the size of the zone and the number of Advocates in that zone.

(4) The Council may make rules to govern the conduct and operations of chapters and chapter zones.

[s. 17A]

Procedure

20. The procedure of the Council, and of a Committee appointed as aforesaid, shall be as may be prescribed.

[s. 18]

PART V SECRETARIAT¹

Secretariat of
Society
Act No.
1 of 2020 s. 55

21.—(1) There shall be a Secretariat of the Society which shall be responsible for the day to day management and administration of the affairs of the Society.

(2) The functions of the Secretariat shall be to-

- (a) implement decisions of the Council;
- (b) assist the Council in the preparation of reports and any other information for the members or stakeholders;
- (c) support the committees, chapters, zones and other bodies of the Society to discharge their functions;
- (d) organise conferences of the Society;
- (e) raise funds and manage the financial affairs of the Society within the limits of its approved budget;
- (f) keep proper books and records of financial affairs of the Society;
- (g) keep proper minutes and activity reports of the Society;
- (h) keep up to date records and database of members of the Society;
- (i) develop and implement projects aimed at realizing the objects of the Society and its strategic plans; and
- (j) perform any other activities in the attainment of the Society's objectives.

¹ Amended by Act No. 1 of 2020 s. 54

(3) Council shall employ a person from amongst members or officers of the Society to be the Executive Director of the Secretariat.

(4) The Executive Director shall be employed by the Council through a transparent and competitive recruitment process.

(5) The Executive Director shall be the chief executive officer and the accounting officer of the Society and in particular shall-

- (a) be responsible for the recruitment of staff of the Secretariat;
- (b) be responsible for the preparation of periodic strategic plans, annual action plans and budget;
- (c) be responsible for the supervision and monitoring of the day to day implementation of objectives and functions of the society;
- (d) be responsible for raising funds of the Society;
- (e) be the Secretary to the Council;
- (f) be accountable to the Council; and
- (g) perform any other duties for the proper management and administration of the affairs of the Society.

(6) A person shall not be eligible to be employed as the Executive Director of the Society unless the person-

- (a) is an advocate of the High Court of Tanzania and the courts subordinate thereto, with at least ten years of practice;
- (b) is of good moral standing in the society; and
- (c) has demonstrated experience in management of the same position or its equivalent.

(7) A person employed as Executive Director shall hold office for a term of five years and may be eligible to serve for one further term subject to good standing performance.

(8) The Executive Director may be removed from office by the Council by votes of at least two thirds of the members on any of the following grounds-

- (a) inability to perform functions of the office due to mental or physical infirmity;

- (b) gross misconduct;
 - (c) incompetence;
 - (d) has been adjudged bankrupt;
 - (e) desertion of office or duty; or
 - (f) has been convicted of a criminal offence punishable by imprisonment for a period of not less than two years.
- (9) The Council shall, before removing the Executive Director-
- (a) notify the Executive Director, in writing, of the reasons for the intended removal; and.
 - (b) afford the Executive Director an opportunity to be heard in defence of allegations brought against him.
- [s. 19]

Committees
Cap. 341

22. The representatives of the Society on the Advocates Committee or on the Remuneration Committee established under the Advocates Act, shall be elected by the Society in general meeting.

[s. 20]

PART VI GENERAL MEETINGS

Annual General Meeting
Act No.
1 of 2020 s. 56

23.-(1) The Council shall, in at least the second week of April of each calendar year, convene an Annual General Meeting of the Society.

(2) The Council may, where circumstances permit, convene other general meetings of the Society.

(3) The Annual General Meeting shall be convened by way of representation.

(4) The Annual General Meeting shall be duly constituted where it is composed of-

- (a) members of the Council;
- (b) members of Standing Committees;
- (c) Chapter leaders including members of their Standing Committees;

- (d) four members from each Chapter comprising of representatives of young lawyers, female lawyers, senior lawyers and persons with disability, elected annually by Chapter members in the Chapter general meetings;
 - (e) members of the Zonal Executive Committees;
 - (f) two members from the chapter zones elected from the zone members during zonal annual general meeting; and
 - (g) any other person as the Council may consider necessary to invite.
- (5) Annual General Meetings shall be conducted as prescribed by Council.

[s. 21]

Requisition
Act No.
1 of 2020 s. 57

24.—(1) Notwithstanding section 23, the Council may convene a general meeting of the Society where at least one third of members of good standing consisting of equal percentage representative from each Chapter, at any time requisition a general meeting by written notice in that behalf signed by them, specifying the object of the proposed meeting, and deposit with the Executive Director.

(2) Where the Council fails for fourteen days after that deposit to convene a general meeting in accordance with the requisition, the requisitioning members may themselves convene that general meeting to be held at any time within two months after such deposit.

[s. 22]

Voting

25.—(1) At a general meeting of the Society, a member subscribing present shall have one vote and the Chairman of that meeting shall also have a casting vote.

(2) A member not present at a general meeting may, on any resolution before that meeting, vote by proxy in a manner and subject to conditions as may be prescribed.

[s. 23]

General meeting to act by simple majority **26.** Except for any purpose for which a special resolution is expressly required by this Act or by any regulation made under this Act, resolutions of the Society in general meeting shall be by simple majority vote.

[s. 24]

Alterations of resolutions **27.** A resolution of the Society in general meeting shall not be altered or rescinded within nine months after it is passed otherwise than by a special resolution of the Society.

[s. 25]

Convening and procedure **28.** The manner of convening general meetings of the Society, and the procedure at that meeting, shall, subject to the preceding provisions, be as may be prescribed.

[s. 26]

PART VII COMMON SEAL

Custody and use of seal **29.** The common seal of the Society shall be kept in custody and used in the manner which may be prescribed.

[s. 27]

PART VIII MINUTES, ACCOUNTS AND REPORTS

Minutes Act No. 1 of 2020 s. 58 **30.**—(1) The Council shall cause proper minutes of general meetings of the Society, and meetings of the Council and Committees appointed by the Council, to be taken and recorded; and make the minutes available for inspection by any member of the Society at any reasonable time, on demand.

(2) The Council shall submit to the Minister report of the Annual General Meeting or general meeting as the case may be within two months after the report has been confirmed by the Annual General Meeting or general meeting respectively.

[s. 28]

Accounts of
Society
Act No.
1 of 2020 s. 59

31.—(1) The Council shall cause proper accounts of funds, property and assets of the Society to be kept, and audited by an auditor approved by the Annual General Meeting from amongst auditors approved by the Minister responsible for finance.

(2) The Council shall present the audited accounts, together with the auditor's report to the Annual General Meeting convened at a time and manner prescribed in accordance with section 23.

(3) The Council shall serve a copy of the audited accounts together with the auditor's report to the Minister and the Minister responsible for finance within six weeks after the report is presented at the Annual General Meeting.

[s. 29]

Reports and
accounts
Act No.
1 of 2020 s. 60

32.—(1) The Council shall, in the Annual General Meeting, present to the Society an annual report of the activities of the Society.

(2) The Council shall deliver a copy of the annual report to the Minister within six weeks after being presented at the Annual General Meeting.

[s. 30]

PART IX REGULATIONS

Regulations
Act No.
7 of 2018 s. 108

33.—(1) The Council may, in consultation with Attorney General, make regulations for the better carrying out of the objectives of the Act.

(2) The Regulations made under subsection (1) shall be published in the *Gazette*.

[s. 31]