

CHAPTER 425

THE LAW SCHOOL OF TANZANIA ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 425

THE LAW SCHOOL OF TANZANIA ACT

An Act to establish the Law School of Tanzania; to provide for its functions, management and control and to provide for related matters.

[2nd May, 2007]

[GN. No. 87 of 2007]

Acts Nos.
5 of 2007
3 of 2009
6 of 2020

PART I

PRELIMINARY PROVISIONS

Short title

1.–(1) This Act may be cited as the Law School of Tanzania Act.

(2) [Omitted]

Application
Act No.
6 of 2020 s. 43

2.–(1) This Act shall apply to every person who is a law graduate from an accredited University or other Higher Learning Institution, awarding bachelor degree in law desiring to practice law in the United Republic of Tanzania, either as a public servant, and or as an advocate of the High Court of Tanzania and Courts subordinate thereto.

(2) Notwithstanding subsection (1), the Chief Justice may, upon application, exempt from the requirements of subsection (1)-

- (a) any law officer;
- (b) any judicial officer of the rank of senior officer and above; or
- (c) any legally qualified lawyer in the public service of the rank equivalent to senior state attorney or above,

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who holds the professional qualifications set out in section 16(1)(a) of the Advocates Act.

- (3) The Chief Justice may make rules prescribing for-
- (a) procedures and manner of application for exemption;
 - (b) practical experience necessary for exemption; and
 - (c) modality of scrutinising the applications.

Interpretation

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

“Committee” means the Practical Legal Training and Examination Committee established under section 9 and includes a sub-committee;

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“Council” means the Council of Legal Education established under section 10 of the Advocates Act;

“Directorate” means a Directorate of the School pursuant to the provisions of section 7;

“degree” means an award of a bachelor degree in law of a full academic and, or professional qualification and competence upon successful completion of a duration of not less than three years for full time students and five years for distance learners;

“Governing Board” means the Board established by section 15;

“member” means a member of the Governing Board and Committee;

“Minister” means the Minister responsible for legal affairs;

“practical legal training” means a training programme managed by the School aimed at imparting to a candidate practical legal skills, knowledge, ethics and etiquette;

“Principal” means the Principal of the School appointed under section 13;

“School” means the Law School of Tanzania established under section 4.

PART II

THE LAW SCHOOL

Establishment of School

4.-(1) There is hereby established a School to be known as the Law School of Tanzania.

(2) The School shall be a body corporate and shall-

- (a) have perpetual succession and an official seal;

- (b) in its corporate name, be capable of suing and being sued;
- (c) be capable of entering into contracts, holding, purchasing or otherwise acquiring in any other way, movable property or immovable property and disposing of any of its property; and
- (d) have power to borrow money or property as may be required for efficient and proper performance of its functions.

Functions of
School

5. The functions of the School shall be to-

- (a) offer, conduct, manage and impart practical legal training programmers' as may be prescribed by the Council;
- (b) promote and provide opportunities and facilities for the study of and for the training in legal practice and allied subjects;
- (c) conduct examinations and grant awards of the Governing Board in practical legal training and allied subjects;
- (d) sponsor, arrange and provide facilities for conferences, seminars, workshops, meetings and consultations on matters relating to legal practice and allied subjects;
- (e) arrange for the publication and general dissemination of materials produced in connection with the work and activities of the Governing Board;
- (f) conduct legal research in priority areas as may be determined by the Governing Board;
- (g) apply research findings for the betterment of practical legal training, literature and for continued enrichment of the curriculum and teaching;
- (h) provide consultancy services in legal matters to the Government, public and private organisations, individuals and other clients within and outside Tanzania;
- (i) arrange for publication and dissemination of legal practice literature generated from the activities of the School as may be determined by the Governing Board;

- (j) sponsor and provide facilities for short courses and seminars according to internal and public demand;
- (k) establish relationship or association with other colleges and institutions, both nationally and internationally; and
- (l) do such acts and things and enter into contracts and transactions as are, in the opinion of the Governing Board, expedient or necessary for efficient and proper performance of the functions of the School.

Establishment of branches and campuses

6. The School may for the purposes of extending its services establish branches and campuses as it deems fit.

Directorates of School

7.-(1) The School shall have such number and kind of directorates as the Governing Board may determine.

(2) The Governing Board shall, after determining which directorates shall be established, appoint a Director for each directorate.

Functions of Directors

8. The functions of Directors shall be prescribed in By-laws.

Establishment of Practical Legal Training and Examination Committee

9.-(1) There shall be a Practical Legal Training and Examination Committee which shall consist of-

- (a) one member from the Judiciary;
- (b) one member from the Tanganyika Law Society;
- (c) one member from the Office of the Attorney General; and
- (d) two members representing faculties of law of accredited universities in Tanzania being-
 - (i) one representing public universities; and
 - (ii) one representing private universities.

(2) The Principal shall be a Secretary to the Committee.

(3) Members of the Committee shall be appointed by the Governing Board.

(4) The tenure of office of members of the Committee shall be determined by the Governing Board.

Functions of
Examination
Committee

10. The functions of the Committee shall be to-

- (a) conduct all examinations;
- (b) satisfy itself with regard to the content and standards of the relevant course of study offered by the School;
- (c) advise the Governing Board on the standards of proficiency to be obtained in each examination conducted at the School;
- (d) recommend to the Governing Board the names of the candidates who have the standards of proficiency required; and
- (e) advise the Governing Board on matters relating to the practical legal training, code of conduct and etiquette of the legal profession.

Admission and
fees

11.-(1) A person is eligible to undertake a program of practical legal training conducted by the School for the purposes of this Act if that person has obtained-

- (a) a bachelor degree in law; or
- (b) other qualifications from an accredited institution which the Council considers to be equivalent to a bachelor degree in law.

(2) All students admitted to the School shall pay fees as prescribed by Governing Board.

Practical legal
training

12.-(1) The practical legal training requirement for purpose of this Act shall be a completion of a program of study at the School for a period of not less than one academic year.

(2) A student who completes the program referred to under subsection (1) shall be awarded a Post Graduate Diploma in Legal Practice.

(3) The Post Graduate Diploma in Legal Practice issued by the School shall, upon clearance by the Chief Justice, qualify and entitle the holder to practice as an advocate of the High Court and courts subordinate thereto or employment in the public service.

PART III

ADMINISTRATION

Appointment of
Principal

13.—(1) The Minister shall, upon recommendation of the Governing Board, appoint a person who is suitable to be a Principal of the School.

(2) Before making the recommendation, the Governing Board, shall consult the Attorney General.

(3) The Principal appointed under subsection (1) shall hold office upon such terms and conditions as may be specified in relation to his office.

(4) The Principal shall-

- (a) be the chief executive and accounting officer of the School and shall be responsible to the Governing Board for overall coordination of the School;
- (b) exercise such functions of the School as the Governing Board may delegate to enable him to transact all the day-to-day business of the School;
- (c) subject to any directions or restrictions given or imposed by the Governing Board, have the power to exercise supervision and control over acts and proceedings in relation to all staff of the School and to decide upon questions relating to the terms and conditions of service of the staff of the School, having due regard to the Schemes of Service;
- (d) propose to the Governing Board policies, program and operations relating to practical legal training, development, upkeep, maintenance and development of the School's assets and facilities;
- (e) supervise the management of the School's finances including budgeting, and control of expenditure;
- (f) promote staff and student's welfare, good relations between the School and the Government, the public, other institutions and bodies within and outside the country; and

(g) undertake and promote other activities of interest to the School as the Governing Board may direct.

(5) In the exercise of the powers vested in him under this section, the Principal shall comply with directions given to him by the Governing Board and shall not without the prior approval of the Governing Board depart or permit departure from the approved estimates of expenditure or the approved establishment of the School or the normal procedure in dealing with any particular matter.

(6) Without prejudice to the provisions of the preceding subsection, the Governing Board may enter into an agreement with any other institution for the provision of practical legal training for the purposes of this Act.

Employment of staff

14. The Governing Board may appoint training instructors and administrative staff of the School on such terms as it may consider necessary for the proper performance of the functions of the School.

Establishment of Governing Board
Act No.
3 of 2009 s. 20

15.—(1) There is hereby established a Governing Board of School which shall consist of-

- (a) the Deputy Attorney General who shall be Chairman;
- (b) the Registrar of the Court of Appeal;
- (c) the President of Tanganyika Law Society;
- (d) the Dean of School of Law of the University of Dar es Salaam;
- (e) one member representing Tanganyika Law Society;
- (f) one member representing Legal Aid Schemes; and
- (g) one member representing students.

(2) The Principal shall be the Secretary of Governing Board.

(3) Members of Governing Board referred to in paragraphs (e) and (f) of subsection (1) shall be appointed by the Minister.

(4) The Schedule to this Act shall have effect as to tenure of office, termination of their appointments, the proceedings of the Governing Board and other matters in relation to the Governing Board and its members.

Powers and duties
of Governing
Board

16.—(1) The Governing Board shall have powers to give directions on matters relating to the management of the School.

(2) The Governing Board shall make rules for regulation of its activities.

(3) Subject to the provisions of this Act, the governance and control of the School shall be vested in the Governing Board.

(4) Without prejudice to generality of subsection (3), the Governing Board shall have powers to—

- (a) administer the properties of the School, both movable and immovable;
- (b) administer funds and other assets of the School;
- (c) consider and approve annual budget estimates any supplementary budget, annual balance sheet and any statement of accounts;
- (d) signify the acts of the School by using official seal;
- (e) advise the Attorney General on all matters relating to examinations;
- (f) on behalf of the School, receive gifts, donations, grants or other monies and make disbursements to other persons or bodies;
- (g) employ officers and staff of the School;
- (h) provide for the welfare of the students and staff of the School;
- (i) formulate Schemes of service for officers and staff of the School;
- (j) prescribe fees and other charges of the School;
- (k) establish directorates within the School;
- (l) establish committees and sub-committees as may deem necessary;
- (m) approve examination results recommended by the Committee;
- (n) decide on matters relating to pass or fail of candidate and matters related thereto; and
- (o) exercise such powers as is necessary for the effective performance of the functions of the School and for the purpose of this Act.

Remuneration **17.** Members of the Governing Board shall be entitled to and be paid such remuneration, as the Minister may, on the recommendations of the Governing Board, prescribe.

Delegation of powers by Governing Board **18.**—(1) The Governing Board may, except for matters specified under subsection (4) of section 16, by writing and subject to such terms, conditions and restrictions as it may specify, delegate to any Committee performance of its functions or person the exercise of, and powers conferred or imposed by this Act.

(2) Where any delegation is so made, the delegated function, power or duty may be performed or exercised by the person so delegated.

(3) The delegation made under subsection (1) shall be made by office and not by name and in every case where delegation is so made, each successive holder of the office in question and any person who occupies or performs the duty of that office shall, without any further authority, perform or exercise the delegated function, power or duty in accordance with the delegation made by the Governing Board.

(4) The Governing Board may revoke a delegation made by it under this section.

(5) A delegation made under this section shall not prevent the Governing Board from performing or exercising the power, function or duty so delegated.

(6) A delegation made under this section shall be published in the *Gazette* and upon its publication, shall be judicially noticed and presumed to be in force unless the contrary is proved.

(7) The Governing Board shall not have powers to delegate its power of delegation.

Indemnity of members and officers **19.** An act or omission done by any member of the Governing Board, Committee or officer of the School shall not, if done *bona fide* in the execution of the functions conferred upon such member or officer by this Act or by rules made under this

Act, render such member or officer personally liable for such act or omission.

Rules of school administration

20.—(1) The Governing Board may, after consultation with the Attorney General, make rules-

- (a) governing practical legal training and the management of the school;
- (b) prescribing enrolment fees and other charges;
- (c) prescribing the terms and conditions of service, including the appointment, dismissal, salaries and retirement benefits of the members of the staff of the School; and
- (d) regulating discipline among members of staff and students.

(2) The Governing Board may consult with other institutions providing legal training on matters relating to implementation of the programs of the School.

(3) Where any rule made under this section is not published in the *Gazette*, the Governing Board shall, in such manner as it may determine, bring or cause the rule to be brought to the notice of any person who is likely to be affected by the rules.

PART IV FINANCIAL PROVISIONS

Funds of School

21. The funds and resources of the School shall consist of-

- (a) fees payable to the School;
- (b) such sums as may be appropriated by Parliament for the purposes of the School;
- (c) such sums as the Governing Board may borrow for the purposes of the School;
- (d) such sums as may be received by the School through donations, grants, contributions, endowments and such other similar financial inputs; and
- (e) such sums as may, in any manner, become payable to or vested in the School as a result or in the course of discharging its functions.

Annual budget estimates

22.–(1) In this Act, “financial year” means any period not exceeding twelve consecutive months designated in that behalf by the Governing Board.

(2) At least two months before the commencement of any financial year budgeting circle, the Principal shall prepare or cause to be prepared for the consideration of the Governing Board estimates of the revenue and expenditure of the School for the ensuing financial year.

(3) The Governing Board shall, after receiving the estimates report under subsection (2), consider and adopt the estimates subject to such modifications and amendments as the Governing Board may consider appropriate.

(4) The annual budget estimates shall contain provisions for all the estimated expenditure for the ensuing financial year and in particular-

- (a) the payment of salaries, allowances and other charges in respect of the staff, and the Governing Board and the Committee;
- (b) the payment of construction, improvement, maintenance and replacement of any building or other immovable property of the School;
- (c) the proper maintenance and replacement of the furniture, equipment and other supplies of the School;
- (d) the management and implementation of practical training program; and
- (e) the creation of such reserve funds to meet future contingent liabilities as the Governing Board may think fit.

(5) Expenditure shall not be incurred for the purposes of the School except in accordance with the provisions of the annual budget estimates or any supplementary budget estimates adopted by the Governing Board.

(6) A copy of the annual budget and of every supplementary budget estimate, if any, shall, immediately after the Governing Board adoption be forwarded to the Minister.

(7) The Minister shall, upon receipt of the annual budget estimates or any supplementary budget estimates, approve

or disapprove the same or may approve subject to such amendments as he may deem fit.

(8) Where the Minister has approved any annual budget estimates or any supplementary budget estimates, such budget estimates shall be binding on the Governing Board which subject to subsection (9) shall confine the disbursement within the items and the amounts contained in the budget estimates or supplementary budget estimates as approved by the Minister.

(9) The Governing Board may-

- (a) make disbursement with the sanction in writing of the Minister notwithstanding that such disbursement is not provided for in any budget;
- (b) transfer a sum from the amount of expenditure provided for in any budget in respect of any item, to any other item contained in such budget; or
- (c) adjust expenditure limits to take account of circumstances not reasonably foreseeable at the time the budget was prepared, subject to submission of supplementary budget to the Minister within two months of such alteration of expenditure.

Accounts and
audit

23.-(1) The Governing Board shall cause to be provided and kept proper books of accounts and records with respect to the receipt and expenditure of money by and other financial transactions of the School, and shall cause to be made for every financial year a balance sheet showing the details of the income and expenditure of the School and all its assets and liabilities.

(2) Within three months after the close of each financial year, the accounts including the balance sheet of the School in respect of that financial year shall be submitted to and audited by the Controller and Auditor-General.

(3) Such audited balance sheet shall be placed before a meeting of the Governing Board and, if adopted by the Governing Board, shall be endorsed with a certificate that it has been so adopted.

(4) As soon as the accounts of the School have been audited and in any case not later than six months after the close of the financial year, the Governing Board shall submit to the Minister a copy of the audited statement of the accounts together with a copy of the report made by the auditor on the statements of accounts.

Financial report **24.**—(1) The Minister shall after receiving the report, lay it before the National Assembly.
 (2) The report shall contain—
 (a) a copy of audited accounts of the School;
 (b) a copy of audited report, if any; and
 (c) a copy of report regarding the activities of the School in the preceding financial year.

Investments of School **25.** The Governing Board shall, with the approval of Minister responsible for finance, have power to invest the funds of the School.

PART V MISCELLANEOUS PROVISIONS

Amendment of Schedule **26.** The Minister may, by order published in the *Gazette*, amend, vary or alter the Schedule.

By-laws **27.**—(1) The Governing Board may, with the approval of the Minister, make by-laws for the better carrying out of the purposes of this Act.

(2) Without prejudice to the generality of subsection (1), the Governing Board may make by-laws—

- (a) prescribing awards which may be conferred or granted by the School;
- (b) prescribing the conditions which may be satisfied before the grant of particular award;
- (c) prescribing instructions for programmes to be provided by the School;
- (d) regulating the conduct of examinations; and

- (e) fixing the duration and number of practical training terms.

Transitional provisions

28. Law graduates who have undergone internship program conducted by the Office of the Attorney General or externship program conducted under the auspices of the University of Dar es Salaam shall, from the 2nd day of May, 2007 be exempted from the requirements of this Act.

PART VI TRANSITIONAL AND CONSEQUENTIAL AMENDMENTS

Omitted

29–30. [Omitted.]

SCHEDULE

(Made under section 15(4))

MATTERS RELATED TO THE GOVERNING BOARD

Tenure of office

1.–(1) Subject to the provisions of this Schedule, every member of the Governing Board shall hold office for a period of three years from the date of his appointment but may be eligible for re-appointment for another period of three years.

(2) Notwithstanding subparagraph (1) of this paragraph, a member may resign at any time by giving notice in writing to the appointing authority, and from the date specified in the notice or, if no date is so specified in the notice, from the date of the receipt of the notice by the appointing authority; he shall cease to be a member.

(3) A person who is a member by virtue of his holding some other office shall cease to be a member upon his cessation to hold the office by virtue of which he is a member.

Termination of appointment

2. Where any member of the Governing Board absents himself from three consecutive meetings of the Governing Board without reasonable excuse, the Governing Board shall advise the appointing authority who may terminate the appointment of such a member and appoint a new member in his place.

Where member ceases to be member

3. Where any member of the Governing Board ceases to be such a member by resignation or death or is unable to perform his functions as such member by reason of his absence from the United Republic or

by reason of any infirmity of body or mind or where the appointing authority terminates his appointment under paragraph 2, the appointing authority may appoint another member in his place and the member so appointed shall, subject to the provisions of this Schedule, hold office for the remainder of the term of his predecessor.

Temporary member

4. Where any member of the Governing Board other than Chairman is by reason of illness, infirmity or absence from the United Republic or is unable to attend any meeting of the Governing Board, the appointing authority may appoint a temporary member in his place and such temporary member shall cease to hold office upon resumption of the substantive member.

Vice-Chairman

5. The Governing Board shall elect one of its members to be a Vice-Chairman and any member elected as a Vice Chairman shall, subject to his continuing to be a member, hold office of Vice Chairman for a term to be fixed by the Governing Board, and shall be eligible for re-election after the end of that period.

Powers of Chairman and Vice-Chairman

6.-(1) The Chairman shall preside at all meetings of the Governing Board.

(2) Where at any meeting of the Governing Board the Chairman is absent the Vice Chairman shall preside.

(3) In the absence of both the Chairman and Vice Chairman at any meeting of the Governing Board, the members present may from amongst their number elect a temporary Chairman who shall preside at that meeting.

(4) The Chairman, Vice Chairman or temporary Chairman presiding at any meeting of the Governing Board shall have a vote and in the event of an equality of votes, shall have a casting vote in addition to his deliberative vote.

Meetings and procedure of Governing Board

7.-(1) Subject to any general or specific direction of the Chairman, the Governing Board shall meet not less than four times during every financial year and at such additional times as may be fixed by the Chairman or if he is absent from the United Republic or unable for any reason to act, the Vice Chairman shall preside over the meetings.

(2) The Secretary to the Governing Board shall give to each member of the Board fourteen days notice of the time, date and place of every meeting of the Governing Board.

Quorum

8. One half of the total number of members shall form a quorum for a meeting of the Governing Board but certain decisions may require a high number of members.

Decision by vote

9. Subject to the provisions relating to a casting vote, all questions at the meeting of the Governing Board shall be determined by the majority of

the votes of the members present; and if any member refuses or fails to vote on any question, he shall be deemed to have cast a negative vote.

Decision by circulation of papers

10.—(1) Notwithstanding the provisions of this Schedule, decisions may be made by the Governing Board without a meeting by circulation of the relevant papers among the members and the expression of the views of the majority thereof in writing.

(2) Any member of the Governing Board shall be entitled to require any decision made under subparagraph (1) be deferred and the subject matter be considered at a meeting of the Governing Board.

Seal of School

11.—(1) The seal of the School shall be of such shape, size and form as the Governing Board may determine.

(2) The seal shall be authorised by the signature of the Principal or any other officer of the School authorised by the Principal in that behalf.

Execution of document

12. All documents to which the School is a party other than documents required by law to be under seal and all decisions of Governing Board may be signified under the hand of the Principal or other officer of the School authorised by the Principal in that behalf.

Records of proceedings of Governing Board

13.—(1) Minutes in proper form of each meeting of Governing Board shall be kept and shall be confirmed by the Governing Board, at the meeting and signed by the Chairman of the meeting.

(2) The Governing Board shall cause minutes of all proceedings of meetings of the Governing Board to be entered in a book kept for that purpose.

Proceedings not to be invalidated by irregularity

14. An act or proceeding of the Governing Board shall not be invalid by reason of the number of members not being complete at the time of such act or proceedings or of any defect in the appointment of any member or the fact that any member was at the time disqualified or disentitled to act as such.

Governing Board to regulate its proceedings

15. Subject to the provisions of this Schedule, the Governing Board may regulate its own proceedings.