
THE UNITED REPUBLIC OF TANZANIA

SPECIAL SUPPLEMENT

No. 2

13th February, 2018

to the Gazette of the United Republic of Tanzania No. 3 Vol. 99 dated 13th February, 2018

Printed by the Government Printer, Dar es Salaam by Order of Government

GOVERNMENT NOTICE NO. 48 published on 13/2/2018

THE CONSTITUTION OF THE UNITED REPUBLIC OF TANZANIA OF 1977
(CAP. 2)

INSTRUMENT

(Made under Article 36 (1))

WHEREAS Article 36 (1) of the Constitution of the United Republic of Tanzania of 1977, hereinafter referred to as “the Constitution” vests in the President powers to establish and disestablish such offices in the Service of the Government of the United Republic;

MINDFUL of the spirit of Articles 59,59A and 59B of the Constitution, the Office of the Attorney General (Discharge of Duties) Act, the National Prosecutions Services Act the need and desire to re-structure the office of the Attorney General with a view to enhance, strengthen capacity to efficiently discharge duties it has become necessary to separate mandates and roles of appointment, disciplinary and supervision of officers and staff currently discharging duties under the National Prosecutions Services from the day to day supervision by Office of the Attorney General;

Constitution of the United Republic of Tanzania (Office of the Attorney-General (Re-Structure))

GN. No. 48 (contd.)

FURTHER MINDFUL of the need and desire to enhance and strengthen the role, mandate and capacity of institutions charged with representing the Central Government, independent departments, agencies and local government authorities in courts of law, arbitral tribunals in any suit or case of ordinary civil, human rights or constitutional nature to which the Central Government, independent departments, agencies or a local government authority is a party or has interest;

CONCERNED with the need and desire to enhance and strengthen the legal sector capacity to respond to challenges in the emerging legal jurisprudence, technological, advancement, skills and craft by halving off functions of supervising civil litigation and arbitral proceedings as well as criminal prosecution and civilianization from direct supervision of the Attorney-General and placing such matters under direct control of the Solicitor-General and the Director of Public Prosecutions respectively, and to further placing non-litigant matters relating to constitutional and human rights under direct superintendent of the Minister responsible for constitutional and legal affairs;

NOW THEREFORE I, JOHN POMBE JOSEPH MAGUFULI, the President of the United Republic of Tanzania, in the exercise of the powers conferred on the President by Article 36(1), and all other powers enabling the President under the law in that behalf, restructures the Office of the Attorney General and Orders as follows:

OFFICE OF THE ATTORNEY-GENERAL (RE-STRUCTURE)
ORDER, 2018

Citation 1. This Order may be cited as the Office of the Attorney-General (Re-structure) Order, 2018.

Office of the Attorney-General 2.-(1) The Office of Attorney-General shall be re-structured for purposes stipulated under this Order and shall continue to assume mandates in terms of Article 59 of the Constitution and discharge duties subject to the terms, conditions and the manner provided for under this Order.

Cap. 268 (2) The administration of the Office of the

Constitution of the United Republic of Tanzania (Office of the Attorney-General (Re-Structure))

GN. No. 48 (contd.)

Attorney-General, the discharge of duties, the exercise of the powers and the relationship of the Office of the Attorney General with other officers discharging legal duties in the public service shall be governed by this Order, the Office of the Attorney General (Discharge of Duties) Act, the National Prosecutions Services and other laws governing the public service.

Objectives

3. The objectives for the re-structure of the Office of the Attorney-General shall be to-

- (a) enhance and strengthen the capacity to deliver advice on matters of law to the Ministries, independent departments, agencies and the local government;
- (b) enhance and strengthen capacity for efficiency in drafting of legislative instruments and draft resolutions for debate by the National Assembly;
- (c) enhance and strengthen ability and capacity of the Government in dealing with matters instituted or filed in courts of law or arbitral tribunals;
- (d) enhance efficiency and strengthen capacity to deliver advice to Ministries, independent departments, Agencies and the local government on legislative process; and
- (e) enhance and strengthen the Government capacity in the negotiation of agreements of commercial or political nature both local or international in which the Government is a party or has interest.

Functions of the Office of Attorney-General

4. Without prejudice to the generality of Articles 59, 59A and 59B of the Constitution, the duties of the Office of the Attorney General shall be to:

- (a) advice Ministries, Independent Departments, Agencies and other Government institution and organization on or legislative process and legal opinion on general issues;

