

**THE TANGANYIKA LAW SOCIETY ACT
(CAP 307)**

REGULATIONS

Made under section 31

**THE ADVOCATES (CONTINUING LEGAL EDUCATION) AMENDED
REGULATIONS, 2012**

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(Adopted by Resolution by Members of the Tanganyika Law Society in the Annual General Meeting of 18th February, 2012)

**PART I
PRELIMINARY PROVISIONS**

Citation **1.** These Regulations may be cited as the Advocates (Continuing Legal Education) Amended Regulations of 2012.

Interpretation **2.** In these Regulations, save where the context otherwise requires-

“Accredited Course or Programme” means a course or programme that is in conformity with these Regulations and has received advance accreditation or approval by the Continuing Legal Education Committee as constituting continuing legal education and shall include any course or programme organised by TLS for purpose of continuing legal education;

“Accredited Provider” means an institution, association or other person accredited by the CLE Committee and endorsed by Council to provide any accredited course or programme;

“CLE” means continuing legal education provided in pursuant to these Regulations;

“CLE Activity” means any such activity as the CLE Committee may determine from time to time; including but not limited to

- i. Attending CLE Courses
- ii. Making written presentation at a CLE Course or Programmes/ Seminars/ workshops organized by national, regional or

- international Bar Associations or judicial bodies and any other body recognized by the CLE Committee
- iii. Publishing an article in a TLS Publication or recognized law journal or text book
 - iv. Holding membership in the TLS Council or Committees
 - v. Presentation of paper at an accredited course or programme
 - vi. Participating on TLS Legal Aid either by taking legal brief or taking part in a Legal Aid Day.

“CLE Committee” means the Continuing Legal Education Committee for the purpose of administering continuing legal education;

“CLE Guidelines” means such guidelines as prepared by the CLE Committee under these Regulations and endorsed by the Council;

“CLE Points” means some measurements awarded to a participating member of the Society by the CLE Committee in recognition of his/her attendance to an accredited or non accredited course or programme or CLE activity;

“CLE Seminar” means a form of academic instruction focusing on a particular subject;

“Council” has the meaning ascribed to it by the Tanganyika Law Society Act;

“Course or Programme” means a course or lecture dealing with a subject intended to run for a short duration of at least two hours but not exceeding one day, whereas a programme is a series of courses constituting a module running for more than one day;

“One Year” for purposes of CLE point accumulation means a period from the first day of the month of January to the last day of the month of December;

“Newly Admitted Advocate or Advocates” means an advocate or advocates as the case may be, admitted on the roll of advocates but who has or have not commenced practicing as such;

“TLS” or “the Society” means the Tanganyika Law Society.

Purpose and Objectives

- 3.** The purpose of these Regulations is to regulate the operations and management of CLE. Their objective is to establish the minimum requirements for each advocate to comply and provide the framework for continuing legal education for TLS members in Tanzania Mainland.

**PART II
MANDATE OF THE CLE COMMITTEE**

Approval of programmes

4. The CLE Committee may approve and accredit CLE course or programme and conduct educational and other public service programmes, as may from time to time be deemed necessary

CLE for new advocates

5. The CLE Committee shall organize a compulsory CLE seminar for newly admitted advocates after every admission ceremony concerning Professional Ethics and Etiquette.

Number of Points

6. (1) The CLE Committee is vested with the power to determine the number of CLE points to be awarded to any accredited course or programme.

(2) The CLE Committee may in cooperation with an accredited provider issue certificates of attendance to all participants of a CLE course or programme.

Guidelines

7. The CLE committee may prepare guidelines for the conducting, approving and accreditation of CLE courses, programmes or activities.

**PART III
TLS SECRETARIAT**

Record of participation

8. The Secretariat shall record and keep a record of participants in any accredited course, programme or CLE activity, showing whether or not each participant has successfully completed his/her course, programme or CLE activity, as the case may be.

Accredited providers

9. The Secretariat shall keep a record of all accredited providers showing description of their courses and programmes as well as their sponsoring agencies, if any.

**PART IV
APPLICATION FOR ACCREDITATION AS PROVIDER**

Application for accreditation

10. 1) Any person, institution or association seeking to provide a CLE course or programme as an accredited provider shall make an

application in that regard to the Secretary of TLS in a prescribed form. Such application shall be made annually.

- 2) The application shall state that the applicant meets the following standards;
 - a) experience in providing legal professional training;
 - b) demonstrated ability to organize and present, efficiently, CLE ; and in particular, the extent to which persons with legal training or education experience are involved in the planning, instruction or supervision of the CLE;
 - c) each instructor or facilitator must be qualified, in terms of practical or academic experience, to lecture in a particular subject; and
 - d) any other matters as shall be important for accreditation purposes

When application made for courses

- 11.** Any application for accreditation for provision of CLE course shall be sought at least sixty days prior to the occurrence of the course except in extenuating circumstances and with prior approval of the CLE Committee.

When application made for programmes

- 12.** Any application for accreditation for provision of CLE programme shall be sought at least three months prior to the occurrence of the programme except in extenuating circumstances and with prior approval of the CLE Committee.

Approval of programme or courses

- 13.** The Committee may, upon application by an advocate made at least thirty days before the date of the programme or course, approve a specific programme or course offered by a person who is not an accredited provider, if the programme or course meets the standards set out in these regulations.

Relevant factors for approval of courses and programmes

- 14.** 1) The CLE Committee shall consider application for accreditation and may approve a course or programme and assign the appropriate number of points, having regard to the following;
 - i. The relevance of the course or programme to the practice of an advocate;
 - ii. the expertise and practical experiences and ability to deliver the course or programme by the applicant or the applicant's resource person(s);

- iii. the relevance with regard to improvement of professional competence and skills or ethics of members;
 - iv. the proposed methods of deliverance of the course or programme;
 - v. the duration of the course or programme;
 - vi. the appropriateness of the suggested venue for purpose of such course or programme;
 - vii. any other matter as may appear relevant to the CLE committee.
- 2) The Committee shall accredit a person, association or institution as an accredited provider and/or approval a course or programme upon being satisfied and there upon shall issue a letter of accreditation.

Standards for programmes or courses

- 15.** A programme or course shall meet the following standards;
- a) the content shall be designed so as to improve the professional standards, ethics and competence of the participants;
 - b) the trainer or facilitator shall possess the practical or academic experience necessary to conduct the programme or course effectively;
 - c) resource materials shall be of high quality, useful and properly prepared;
 - d) the programme or course shall be presented in a suitable setting, conducive to a good education environment.

Cessation of accreditation

- 16.** Notwithstanding grant of accreditation or approval of a course or programme, the CLE Committee may declare any accredited provider or approved course or programme as incapable of obtaining the goals of continuing legal education or as incompatible with objectives and purposes of these regulations in which case such an accredited provider or course or programme shall cease being accredited or approved as the case may be as from the date appointed under such declaration. However, before making such declaration, the Committee shall afford a right to be heard to the person concerned.

Period of accreditation

- 17.** Once an applicant has been granted an accredited provider status, the continuing legal education courses or programmes

proposed to be delivered by that provider are presumptively approved for an accreditation period of one year from the date of the grant of such status.

Fees apportioned to TLS

18. Every accredited provider shall pay to the TLS Secretariat ten *percent (10%)* of the total amount of fees collected during every course or programme in five calendar days of completion of the said course or programme.

Reports of providers

19. Every accredited provider shall file a written report including the names of participants of the course or programme provided by them to the TLS Secretariat. Such report shall be in such detail and form as it may be required by the CLE Committee or the Secretariat.

Duty of the provider to state approval

20. Every accredited provider shall state that the course or programme has received accreditation and accorded a specific number of CLE points on each of the following documents:

- i. Certificate of attendance (if any);
- ii. Brochures;
- iii. Invitation letter or announcement; and
- iv. Any other information regarding the course or programme.

Ethics and professional competence

21. All CLE programmes or courses conducted by the Council or an accredited provider or any other person shall emphasize ethics as well as practical competence and professional standards in legal practice.

PART V NON ACCREDITED COURSES AND PROGRAMMES

Discretionary powers of CLE Committee

22. Notwithstanding anything contained in these Regulations the CLE Committee may approve for award of CLE points for a member's attendance at a course, programme or seminar that has been delivered by a body that is not an accredited provider under these regulations if;

- i. the member proves, to the satisfaction of the CLE Committee his attendance at the course, programme or seminar; and
- ii. that the course, programme or seminar meets the requirements for accreditation as set out under these Regulations.

Procedure for application

23. To apply for award of points under Regulation 22, a member shall do so in writing by providing;

- i. proof of attendance at a course, programme or seminar;
- ii. written description of the course, programme or seminar;
- iii. the name of the body or person who offered the course, programme or seminar, and
- iv. any other material information as may be required by the committee.

Proof of attendance in a course or programme

24. To ensure that all CLE courses or programme are meaningful to members, participating members shall sign two attendance sheets. One at the venue where a course or programme is conducted before commencement or not later than fifteen minutes after commencement of the course or programme and the second after closing the session.

PART VI FEES AND CLE COMPLIANCE

Council may prescribe fees

25. The Council, with the consultation of the CLE Committee, may prescribe a fee payable by participants in a CLE course, programme or activity as the case may be. However, an accredited provider in consultation with the Secretariat may propose an amount of fee he/she wishes to charge per course or programme.

Minimum CLE points for practicing

26. 1) Subject to regulation 27, every practicing advocate shall complete a programme of continuing legal education spread over or any other CLE activity to cover a minimum of ten (10) CLE points in each year.

2) To qualify for renewal of one's practicing certificate for the next following year, every advocate shall have accumulated in the year preceding the year to which the renewal of the certificate relates, a minimum CLE points stated in this regulation.

Exemption from undertaking CLE

27. 1) The following persons are exempted from undertaking CLE;

- a) an advocate who files a letter of retirement with the Committee certifying that he or she has retired from legal practice as an advocate;

- b) an advocate holding a public office and who certifies to the Committee by statutory declaration, that he or she is not engaged in legal practice as an advocate;
- c) a judicial officer;
- d) an advocate suspended from legal practice or whose name has been struck off the roll of advocates.

2) An advocate, other than an advocate referred to in sub-regulation (1), may apply to the Council to be exempted from undertaking CLE. The application shall state;

- a) the name and address of the applicant;
- b) the reasons for seeking the exemption; and
- c) the required period of exemption.

3) The Council may, if satisfied with the reasons for exemption, grant the applicant the exemption, for a period specified in the exemption.

Provided that any advocate who will give false information so as to be exempted from CLE requirements shall be liable to pay a fine as shall be determined by the Committee with the approval of the Council in that particular year.

Points carried over from previous year

28. The CLE Committee may determine the number of points a member may carry over from the preceding year after reaching the required minimum points, provided that such points shall not exceed four points.

Duty of advocate to maintain record of own CLE status

29. 1) Each advocate shall have a duty to maintain records sufficient to establish compliance with the CLE requirement in the event of a dispute with the final compliance report.

2) If a member disagrees with the final compliance status, that member shall within 10 days of publication of the CLE status notify the CLE Committee in writing setting forth the matter in dispute. Such a member shall make personal efforts to follow up the matter with the Secretariat or the CLE committee towards resolving a dispute.

Publication of defaulting advocates

30. The names of Advocates who fail to accumulate the minimum CLE points in the current year of practice may be published in any media between 15th and 31st December and submitted to the Registrar of the High Court with a request to him to withhold renewal of their practicing certificates for the next following year.

Evidence of compliance for renewal of practicing certificate

31. 1) Every application for renewal of practicing certificate to the Registrar shall be accompanied by evidence that a member has accumulated the requisite CLE points in the preceding year.

2) In addition to other documents submitted to the Registrar for renewal of the practicing certificate, as from commencement date of these regulations, the applicant shall be required to submit to the Registrar a clearance instrument from the TLS Secretariat as evidence of having accumulated the minimum CLE points in the preceding year. Provided that the TLS Secretariat may issue the clearance instrument in case where a carryover has been permitted under regulation 32.

*Sanctions for
non compliance*

32. 1) Where an advocate does not comply with the requirement of these regulations the Council shall, upon shown sufficient reasons, either order carryover of the missing points, or report to the Registrar to withhold renewal of a member's certificate.

2) In any event the Council shall be guided as follows:

- i. It may order a carryover of the missing CLE points for a member who misses *two* CLE points.
- ii. It may order a carryover of the missing CLE points for a member who misses *four* CLE points.
- iii. Any member who has been allowed to carry over the missing CLE points under sub rule 2(i) and 2(ii) shall not be allowed to carry over the said points for more than one year.
- iv. It may decide to forward a name to the Registrar of the High Court seeking refusal for renewal of a practicing certificate for a member who misses five CLE points or more.
- v. A member whose renewal of certificate has been refused may accumulate the necessary points at any time thereafter and apply to the CLE Committee for the instrument of clearance in order to apply for renewal of his certificate of practice to the Registrar.

PART VII MISCELLANEOUS

33. Any person aggrieved by a decision of the CLE Committee with regard to any matter provided for herein may apply for a

Revision

revision of such decision to the Council in thirty days from the date of communication of such decision.

Delegation

- 34.** The CLE Committee may delegate in writing any or all of its functions under these regulations to the TLS Secretariat.

Made by the Council of the Tanganyika Law Society

Charles Rwechungura, President-Tanganyika Law Society

SCHEDULE

Regs. 10(1); 13

Form "A"

APPLICATION FORM

1. Name: _____

Postal address: _____

Physical address: _____

Telephone: _____

Fax: _____

Email: _____

2. Is applicant accredited/Not accredited: _____

3. Are you applying as an Accredited provider? _____

4. Title of course or programme _____

5. Date when the course or programme will begin _____

6. Location/Venue _____

7. Method of Presentation _____

[....] Lecture method; [....] Audiotape presentation; [....]; videotape presentation; [....] Discussion with facilitator; Any other please

specify _____

8. Method of Evaluation: _____

[....] Evaluation forms; [....] Participants critique; [...] Independent evaluator; [...] Any other

Please specify _____

9. Names and Qualifications of Proposed Trainers/Facilitators (attach their CVs)

Other Required Attachment: Course description, course outline and brochures (if any).

10. Total hours of instruction, excluding breaks, meals or introductions

This application is submitted by:

Name: _____

Address: _____

Cell phone: _____

Email: _____

PROVIDER'S OBLIGATION: The applicant acknowledges and agrees to comply with all applicable regulations and guidelines of the Committee. The applicant further agrees to permit the Committee or its designee to monitor any accredited programme or course at no charge.

Signature of the authorized official and seal _____

Signed this Day of..... 20....

FORM "B"

ACCREDITATION FORM1¹

Application No: _____

(To be completed by the Committee/Secretariat and returned to the applicant)

The Council of the Tanganyika Law Society hereby accredits _____ to offer accredited course(s)/Programmes(s) as applied on for the year..... With the condition that 10% of the amount or fees collected during the course(s) or Programme(s) shall be paid to the TLS Secretariat immediately after the end of the said course(s) or Programme(s).

Any other Conditions:

(i).....

(ii).....

(iii).....

Each course/programme* is accredited forCLE Points.

Provided this.....day of.....20.....

.....

CHAIRMAN

.....

SECRETARY

OFFICAL SEAL

¹ The form shall be modified in case the application is made for approval of course or programme

FORM "C"

REJECTION FORM

Application No: _____

(To be completed by the Committee/Secretariat and returned to the applicant)

The Council of the Tanganyika Law Society hereby rejects your application to conduct the applied course(s)/Programme(s) due to the following reason(s);

i.

ii.

iii.

iv.

v.

Rejected this.....day of.....20.....

.....
.....

CHAIRMAN

SECRETARY

OFFICIAL SEAL