

# The Tanganyika Law Society

## CAUTION TO FOREIGN LAWYERS PRACTICING LAW IN TANZANIA WITHOUT PRACTICING LICENCES

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1. The Governing Council of the Tanganyika Law Society has recently received reports from members of the Society on the presence of foreign lawyers who are practicing law in Tanzania Mainland without having practicing certificates and who have not taken up membership with the Tanganyika Law Society. Names of some of such persons have been given to the Council and they are reported to be operating under the cover of law firms as consultants. Some have their names appearing in international directories of lawyers, holding themselves out as qualified Tanzanian law practitioners.

2. Preliminary investigations into the matter have revealed that such legal consultants have:-

(a) Drafted documents/instruments which the law expressly prohibits them from drawing and have earned fees through the firms in which they are accommodated; and

(b) Prepared and filed pleadings in proceedings in regular courts and arbitral tribunals;

This is not only illegal but also a window for unfair competition with genuine Tanzanian lawyers. These lawyers are a segment of the legal profession in the Tanzanian jurisdiction which has remained outside the Tanganyika Law Society and defied regulation. This has to stop immediately.

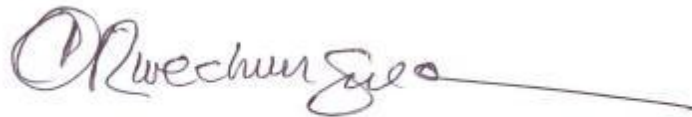
3. The TLS Council hereby advises all such foreign lawyers that the procedure for the admission of foreign lawyer to the bar in Tanzania Mainland is clear and unambiguous. These are under sections 8 and 39 of the Advocates Act [Cap 341 R.E 2002] and Regulations made thereunder and any person intending to practice law in Tanzania Mainland must comply with the said provisions. The concerned must read the law and comply within an amnesty period of one month from the date of publication of this notice.

4. The general public is hereby notified that Section 43 of the Advocates Act classifies as "unqualified persons" all lawyers whose names are not in the Roll of Advocates and who do not hold practicing certificates. Apart from prohibiting such persons from practicing law in courts, the Act further makes it a criminal offence for such persons to "...either directly or indirectly, draw or prepare any instrument:-

(a) Relating to movable or immovable property or any legal proceedings;

- (b) For or in relation to the formation of any limited liability company whether private or public; and
- (c) For or in relation to the making of a deed of partnership or the dissolution of a partnership.
5. Law Firms, Firms, Companies, Organizations and Institutions employing foreign Lawyers who are practicing law in Tanzania mainland are advised to assist to disclose the names of such lawyers to the Tanganyika Law Society so that the Secretariat assists them to comply with the aforesaid provisions of the law within the given time frame.
6. Tanganyika Law Society intends to take appropriate legal action upon expiry of the said grace period and hence encourage all foreign lawyers to regularize their status immediately. That will give us all a Happy New Year.

**SIGNED AND ISSUED AT DAR ES SALAAM THIS 06<sup>TH</sup> DAY OF JANUARY 2016  
UNDER MY HAND FOR AND ON BEHALF OF THE GOVERNING COUNCIL OF THE  
TANGANYIKA LAW SOCIETY.**

A handwritten signature in dark ink, appearing to read 'CRwechungura', with a long horizontal line extending to the right.

**Charles Rwechungura  
President**