

SUBSIDIARY LEGISLATION

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THE TANGANYIKA LAW SOCIETY (CHAPTER) REGULATIONS,
2017

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SCHEDULE

THE TANGANYIKA LAW SOCIETY ACT,
(CAP. 307)

REGULATIONS

(Made under section 31)

THE TANGANYIKA LAW SOCIETY (CHAPTER) REGULATIONS, 2017

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the Tanganyika Law Society (Chapter) Regulations, 2017 and shall be deemed to have come into operation on 1st of January 2016.
- Interpretations 2. In these Regulations, unless the context requires otherwise-
- Cap. 341 “Act” means the Tanganyika Law Society Act;
“Advocate” shall have the meaning as defined under the Advocates Act;
- Cap. 307 “Annual General Meeting” means the Annual General Meeting of the Tanganyika Law Society as provided for under the Act;
“annual meeting of the Chapter” means the annual meeting of the Chapter as specified in these Regulations;
“Audit Committee” means the Audit Committee of the Tanganyika Law Society;
“Chapter” means the Chapter of the Tanganyika Law Society;
“Chapter Convenor” means the head of a Tanganyika Law Society Chapter;
“Chapter Treasurer” means the Treasurer of the Chapter;
“Chief Executive Officer” means the Chief Executive Officer of the Tanganyika Law Society;
“Committee” means a standing committee and a special

- committee of the Tanganyika Law Society;
- “Council” means the Governing Council of the Tanganyika Law Society as defined under section 15 of the Act;
- “Executive Committee” mean the President, Vice President and Honorary Treasurer of the Tanganyika Law Society;
- “immediate Past Chapter Convenor” means the person who last held the office of Chapter Convenor and has not been elected to the office in the current year;
- “member” means a Tanganyika Law Society member in good standing;
- “non practising member” means any public practitioner or any other person, other than an honorary member, who has applied for and has been granted membership of the Tanganyika Law Society;
- “past President” means a person who was a President of the Tanganyika Law Society;
- “practising member” means an advocate who is required by the Act to have and has a practicing certificate in force in order to practice law in Tanzania Mainland as per section 7 of the Act;
- “President” means the President of the Society;
- “Society” means the Tanganyika Law Society established under section 3 of the Act;
- “Treasurer” means the Treasurer of the Tanganyika Law Society; and
- “Vice-President” means the Vice-President of the Tanganyika Law Society.

PART II
ESTABLISHMENT OF CHAPTERS

Qualification to
form a Chapter

- 3.-(1) Any region of Tanzania Mainland qualifies to be a Chapter if it has -
- (a) thirty five or more resident Advocates; and
 - (b) a High Court registry in the region.
- (2) In order to be recognized as a Chapter-
- (a) the members of the region shall communicate

- to the Chief Executive Officer their willingness to be recognized as a Chapter;
- (b) the communication shall list the names, addresses and signatures of the resident Advocates in the region;
- (c) the Chief Executive Officer shall present the request to the Council of the Society;
- (d) if approved, the Chief Executive Officer shall write on behalf of the Council to the Chapter; and
- (e) the Chapter shall be confirmed at the General Meeting.

Member of Chapter

4. Members of the Chapter shall be a member of the Tanganyika Law Society and whose residence or place of business is in the respective Chapter.

Objects and Functions

5.-(1) The objects of the Chapters are to serve as branches of the Society and in so doing the Chapters shall, in consultation with the Council-

- (a) address issues of Legal practice and welfare of members in the Chapter;
- (b) implement the objects of the Society at Chapter level as may be determined or directed by the Council from time to time.
- (c) inform the Council of any matter that affect members in the chapter and needs the Council's consideration.

(2) The functions of the Chapter shall be to assist the Council to-

- (a) coordinate members of the Society at Chapter level;
- (b) convene and conduct meetings of members at Chapter level;
- (c) implement activities of the Society at Chapter level as may be determined from time to time;
- (d) link the Society with other stakeholders at Chapter level;
- (e) promote the administration of justice at Chapter level;

- (f) protect the members of the public in matters relating to practice of law;
- (g) facilitate the acquisition of continuing legal knowledge by members of the Chapter;
- (h) uphold the standards of professional practice and ethical conduct;
- (i) represent, protect and assist members of the TLS in matters relating to conditions of practice and welfare;
- (j) raise and manage funds to run the affairs of Chapter in accordance with the Act and guidelines made by the Society; and
- (k) perform any other function as may be directed.

PART III
CHAPTER GOVERNANCE

Establishment
of Chapter
Executive
Committee

6.-(1) There shall be established a Committee known as the Chapter Executive Committee.

(2) The Chapter Executive Committee shall consist of-

- (a) the Chapter Convenor who shall be the Chairperson;
- (b) the Vice Chapter Convenor
- (c) the Chapter Treasurer;
- (d) chairperson of the Chapter Ethics Committee;
- (e) chair of the Chapter Pro bono Committee;
- (f) chair of the Chapter Continuing Legal Education Committee; and
- (g) one member appointed amongst members of the Chapter.

Functions of
the Chapter
Executive
Committee

7. The Chapter Executive Committee shall have the following functions-

- (a) to ensure that the objects and functions of the Chapter are properly carried out;
- (b) to ensure that directives from the Council are carried out;
- (c) implement the annual business plan of the Society;

- (d) to prepare and submit to the Council for approval such financial information as may be required;
- (e) to establish such chapter committees as it considers appropriate;

Meetings of
the Chapter
Executive
Committee

- 8.-(1) The Chapter Executive Committee shall-
- (a) meet in between calendar Council Meetings, a total of four meetings in a year;
 - (b) regulate its meetings as it may think fit, from time to time and in advance of the meetings;
 - (c) fix rules that will regulate the quorum necessary for transaction of its business but a simple majority shall always be the minimum; and
 - (d) fix rules that regulate the meetings of the Chapter Executive Committee, and all minutes of the Chapter Executive Committee must be forwarded to the Chief Executive Officer.

(2) Subject to the provisions of sub regulation (1) the Chapter Executive Committee shall submit reports of its quarterly meetings to the Council.

Chapter
Convenor

9.-(1) The Chapter Convenor shall be the representative of the President in the Chapters.

(2) The term of office of the Chapter Convenor shall be one year.

(3) The Chapter Convenor shall submit a written report on the activities of the Chapter to the Annual General Meeting of the Chapter and the same report shall be submitted to the Annual General Meeting of the Tanganyika Law Society.

- (4) The Chapter Convenor shall-
- (a) be responsible for the activities and progress of the work of the Chapter Committees;
 - (b) advise the Council on Strategic Planning and Governance matters; and
 - (c) be one of the signatories of Society Chapter Account.

Chapter
Treasurer

10.-(1) The Chapter Treasurer shall be a signatory to the Society Chapter Account.

(2) The Chapter Treasurer shall be responsible for the Society financial affairs in the Chapter.

Chapter
Committees

11.-(1) The Chapter shall consist three Committees as follows-

- (a) the Ethics Committee,
- (b) the Continuing Legal Education Committee, and
- (c) the Pro bono Committee.

(2) Notwithstanding the provisions of sub regulation (1), the Chapter Executive Committee may constitute any other committee as it deems necessary.

(3) Each Committee shall consist of not less than three members and not more than five members including the Chairperson.

(4) The tenure of the members of the Committee shall be for a period of three years.

(5) A Committee shall meet at the call of its Chair.

Chapter
Secretariat

12. The Council may establish a Chapter Secretariat as it may be determined from time to time based on the need and availability of resources.

(3) The Society may employ any other staff to assist the Chapter Officer in Charge as it may be determined from time to time.

(2) In circumstances where the Council establishes a Secretariat such Secretariat shall be headed by a Chapter Officer in Charge who shall be an employee of the Society.

(4) The Chapter Officer in Charge shall administer the general affairs of the Chapter in accordance with Act and other policies and guidelines of the Society, advise and assist the Chapter Executive Committee and all Committees.

(5) The Chapter Officer in Charge shall be the Secretary to the chapter Executive Committee.

PART IV
CHAPTER ANNUAL GENERAL MEETING

General meeting of
the Chapter

13.-(1) The General Meeting of the Chapter shall take place once a year at a time and place that the Chapter Executive Committee chooses.

(2) Subject to the provision of sub-regulation (1), the Chapter Officer in Charge or any other person appointed by the Chapter Executive Committee shall give a notice of not less than twenty one days to the members on the meeting of the Chapter.

(3) Where there is any emergency matter the Chapter Executive Committee may call for a meeting of the Chapter at a time and place it chooses.

(4) The Quorum for any annual meeting or other meetings of the Chapter shall be one third of the members who are either present personally or by proxy.

(5) Every appointment of proxy shall be in a prescribe form, written, signed by the appointer and witnessed.

(6) The proxy form shall be received at the Chapter Offices forty eight hours before the time fixed for the commencement of the meeting.

(7) The Chairperson at any general meeting shall be the Chapter Convenor or his representative from within the Chapter Executive Committee.

PART V
GENERAL

Code of Conduct
for Chapter Office
Bearers

14.-(1) The Chapters shall be guided by a Code of Conduct as provided for under the Schedule.

(2) The code of conduct shall detail commitment to the highest principles of fairness, honesty, and integrity in the supervision and execution of Chapter governance, management and operations.

(3) The Code of Conduct shall aim at promoting confidence and credibility among TLS members, staff and the public.

Conflicts:

The Society will enable Chapter leadership, volunteers, staff and members to confidentially bring to the attention of the Chief Executive Officer any allegations and evidence of misconduct on the part of any Society staff or leadership. Allegations concerning staff will be referred and dealt with by the Chief Executive Officer. Allegations concerning Chapter leadership will be dealt with by the President.

The President or the Chief Executive Officer, as the case may be, shall attempt to resolve disputes quickly and informally to the satisfaction of both parties and in a manner consistent with the principles enshrined in this Code. Any investigation and resolution of conflict shall observe the following:

1. Confidentiality
2. Observance of the general principles of this Code
3. The Value of Apology
4. Recognition of the serious implications for reputation due to unsubstantiated complaints
5. Proportionality with respect to the alleged misconduct; harm done to the workplace, Society work and to the individuals involved; and the risk of future adverse outcomes if the misconduct is not addressed.

Confidentiality of Information:

In the course of day to day business, Chapter leaders, volunteer and staff may receive sensitive information relating to, among other things, Society Plans, practices, programs, methodology, pricing, finances, customers, members database and volunteer and staff private information. This information must be kept confidential.

No one shall seek access to private information of Society members without due compliance with the Society Privacy Policy. No one shall seek access to private information of staff without clear and relevant purpose pertaining to Society business. All such request shall first be directed to the Chief Executive Officer.

Display of this Code:

This Code shall be displayed near the entrance of all Society Offices and Society website.

Dar es Salaam,
....., 2017

CHARLES RWECHUNGURA,
President
Council of the Tanganyika
Law Society