

SUBSIDIARY LEGISLATION

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THE TANGANYIKA LAW SOCIETY (ELECTIONS)
REGULATIONS, 2018

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SCHEDULE

THE TANGANYIKA LAW SOCIETY ACT
(CAP. 307)

REGULATIONS

(Made under section 31)

THE TANGANYIKA LAW SOCIETY (ELECTIONS) REGULATIONS, 2018

PART I
PRELIMINARY PROVISIONS

- | | |
|----------------|--|
| Citation | 1. These Regulations may be cited as the Tanganyika Law Society (Elections) Regulations, 2018 and shall be deemed to have come into operation on 1 st day of January, 2018. |
| Interpretation | 2. In these Regulations, unless the context otherwise requires- |
| Cap. 307 | “Act” means the Tanganyika Law Society Act; |
| Cap. 341 | “advocate” shall have the meaning ascribed to it under the Advocates Act; |
| | “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 |

GN No. 13 of
2017

- Meeting of the Chapter as specified in the Tanganyika Law Society Chapter Regulations;
- “annual period” means the period from the end of one Annual General Meeting of Tanganyika Law Society until the end of the next Annual General Meeting of the Tanganyika Law Society;
- “Chief Executive Officer” means an employee of the Tanganyika Law Society who is the head of the Secretariat;
- “Chapter” means the Chapter of the Tanganyika Law Society;
- “Chapter Convener” means the head of a Tanganyika Law Society Chapter;
- “Committee” means a Standing Committee or 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” means the President, Vice President and Honorary Treasurer;
- “Honorary member” means any member elected as such by the Council under section 9 of the Act;
- “mailed ballot” means an election procedure in which the vote is conducted by way of a written ballot;
- “member” means a Tanganyika Law Society member in good standing;
- “member in good standing” means a member who has renewed his membership by paying the subscription fees and complies with all the requisite conditions for renewal of membership of a particular year;
- “Member of Council” mean those members of Council who are elected as specified in these Regulations;
- “office bearer” includes members of the Council, Elected or appointed Chapter leaders, elected or appointed Committee members, elected or appointed chairperson of the Committee, and the Tanganyika Law Society representatives to

- various bodies;
- “nonpractising 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;
- “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 stipulated under section 7 of the Act;
- “President” means the President of the Society;
- “Returning Officer” means Chairperson of the Nomination Committee or Vice Chairperson in the absence of the Chairperson of Nomination Committee;
- “Nomination Committee Chairperson” means a person who has been a member of the Society for at least ten years and is appointed by the Council to oversee the elections of the office bearers of the Society;
- “Society” means the Tanganyika Law Society established under section 3 of the Act;
- “Treasurer” means the Treasurer of the Society;
- “Vice-President” means the Vice-President of the Society; and
- “year of practice” means the period which an advocate is in practice from the date of admission on the Roll of Advocates.

PART II NOMINATION COMMITTEE

Establishment of
the Nomination
Committee

3.-(1) There shall be a Nomination Committee which shall be established by the Council of the Tanganyika Law Society.

(2) The Council shall appoint the Nomination Committee within six weeks before the Annual General Meeting or at any other time at the discretion

of the Council.

Composition of
the Nomination
Committee

- of:
- 4.-(1) The Nomination Committee shall consist
- (a) Chairperson who shall be a past President who is not contesting for any post;
 - (b) Vice Chairperson who is a retired judge and an active member of the Society appointed by the Council;
 - (c) Chairperson of the Ethics Committee of the Society;
 - (d) a member of the Society in good standing appointed by the Council; and
 - (e) a past Chapter Convener nominated by the Council.

(2) A returning Officer during the TLS elections at the General Meeting shall be the Chairperson of the Nomination Committee.

(3) In absence of the Chairperson, the Vice Chairperson shall stand in as a Returning Officer.

(4) In the absence of both the Chairperson and Vice Chairperson, a Member of the Committee who is the most senior shall act as the Chairperson or Returning Officer.

Functions and
Powers of the
Nomination
Committee

5. The Nomination Committee shall have the following functions and powers:

- (a) to ensure that the qualified candidates for all elective positions comply with all requirements of these Regulations regarding experience, geographic distribution, gender balance and age by considering the best interest of the Society;
- (b) to prepare a report on the nominations and vetting process;
- (c) to organize and conduct elections by supervising and oversee election including chapters' elections with assistance of the chapter conveners, chapter coordinator and

- TLS Secretariat staff responsible for Elections; and
- (d) to hear and determine objections on the vetting, elections process and elections results.

PART III
QUALIFICATIONS FOR MEMBERS OF THE GOVERNING
COUNCIL

Position for members of the Council

6. Subject to the provisions of the Act, and as provided for under these Regulations, the positions for Elected Members of the Council shall consist of:
- (a) President;
 - (b) Vice President;
 - (c) Honorary Treasurer; and
 - (d) Seven Council Members.

Positions for chapter's office bearers

7. The positions for elected Chapter office bearers shall consist of:
- (a) Chapter Convener;
 - (b) Vice Chapter Convener; and
 - (c) Chapter Treasurer.

Qualifications for Presidential Position

8. A member shall be eligible to be elected or nominated as the President of the Society if that member:
- (a) at the time of submission of a nomination form, is an active member of the Society;
 - (b) has attained the required minimum number of points as required by the Continuing Legal Education Regulations in force at the time of submission of nomination form;
 - (c) has not been convicted of any criminal offence for which he has served an

equivalent of custodial sentence of not less than six months;

- (d) is of good ethical standing;
- (e) is not a public servant, a member of Parliament, a Ward counsellor or holding a leadership position in a registered political party;
- (f) is of sound mind; and
- (g) has been practicing as an Advocate for a period of not less than ten years, and has served as a member of the Council or Serving in a senior position in any other organization.

Qualifications
for Vice
President
Position

9. A member shall be eligible to be elected or nominated as the Vice President of the Society if that member:

- (a) at the time of submission of a nomination form, is an active member of the Society;
- (b) has attained the required minimum number of points as required by the Continuing Legal Education Regulations in force at the time of submission of nomination form;
- (c) has not been convicted of any criminal offence for which he has served an equivalent of custodial sentence of not less than six months;
- (d) is of good ethical standing;
- (e) is not a public servant, a member of Parliament, a Ward counsellor or holding a leadership position in a registered political party;
- (f) is of sound mind; and
- (g) has been practicing as an Advocate for a period of not less than ten years, and has served as a member of the Council or Serving in a senior position in any other organization.

Qualifications
for Honorary
Treasurer
Position

10. A member shall be eligible to be elected or nominated as the Honorary Treasurer of the Society if that member:

- (a) at the time of submission of a nomination form, is an active member of the Society;
- (b) has attained the required minimum number of points as required by the Continuing Legal Education Regulations in force at the time of submission of nomination form;
- (c) has not been convicted of any criminal offence for which he has served an equivalent of custodial sentence of not less than six months;
- (d) is of good ethical standing;
- (e) is of sound mind;
- (f) has been practicing as an advocate for a period of not less than seven years and has served as a member of the Council or Serving in a senior position in any other organization;
- (g) is not a public servant, a member of Parliament, a Ward counsellor or holding a leadership position in a registered political party; and
- (h) has academic or professional qualifications or demonstrated experience in accounting, finance, economics or business administration.

Qualifications
for
Member of
Council

11. A member shall be eligible to be elected or nominated as a member of the Council of the Society if that member:

- (a) at the time of submission of a nomination form, is an active member of the Society;
- (b) has attained the required minimum number of points as required by the Continuing Legal Education Regulations in force at the time of submission of nomination form;

- (c) has not been convicted of any criminal offence for which he has served an equivalent of custodial sentence of not less than six months;
- (d) is of good ethical standing;
- (e) is of sound mind;
- (f) is not a public servant, a member of Parliament, a Ward counsellor or holding a leadership position in a registered political party; and
- (g) has been practicing as an Advocate for a period of not less than three years, and has served as a member of the Council or as an office bearer of the Society or Serving in a senior position in any other organization.

Qualifications for other posts

12.-(1) A member shall be eligible to be elected or nominated as a Chairperson of the Ethics Committee, member of the Advocates Remuneration Committee, TLS representative in the Advocates Committee, or TLS representatives in the Council for Legal Education if that member:

- (a) at the time of submission of a nomination form, is an active member of the Society;
- (b) has attained the required minimum number of points as required by the Continuing Legal Education Regulations in force at the time of submission of nomination form;
- (c) has not been convicted of any criminal offence for which he has served an equivalent of custodial sentence of not less than six months;
- (d) is of good ethical standing;
- (e) is of sound mind;
- (f) is not a public servant, a member of Parliament, a Ward counsellor or holding a leadership position in a registered political party; and
- (g) has been practicing as an Advocate for a

period of not less than ten years.

(2) Tanganyika Law Society representatives in the Council for Legal Education shall be two in numbers and shall hold the office for three years and shall be eligible for re-election.

(3) Chairperson of the Ethics Committee and Tanganyika Law Society Representative in the Advocates Committee shall hold office for two years and shall be eligible for re-election.

(4) Members of the Advocates Remuneration Committee shall be five in numbers and they shall hold office for two years shall be eligible for re-election.

(5) The Nomination Committee shall have power to call for nomination, set qualifications and conduct elections of any other position in the Society or affiliate institution or organization that is not specifically provided for in these Regulations.

Qualifications for
chapters' office
bearers

13. A person shall not be eligible to be elected or nominated as a Chapter Convener, Vice Chapter Convener or Chapter Treasurer of the Society unless that person-

- (a) at the time of submission of a nomination form, is an active member of the Society;
- (b) has attained the required minimum number of points as required by the Continuing Legal Education Regulations in force at the time of submission of nomination form;
- (c) has not been convicted of any criminal offence for which he has served an equivalent of custodial sentence of not less than six months;
- (d) is of good ethical standing;
- (e) is of sound mind;
- (f) is not a public servant, a member of Parliament, a Ward counsellor or holding a leadership position in a registered political party; and

- (g) has been practicing as an Advocate for a period of not less than five years provided that the Nomination Committee shall not be precluded from nominating members with less than five years of practice if it deems necessary to do so.

PART IV
NOMINATIONS

Right of
Nomination

14. Member, in good standing, may nominate oneself if he meets the qualifications criteria set out in these Regulations or nominate a member of the Society to be elected as a Member of the Council or as an office bearer of the Society by submitting to the Tanganyika Law Society Secretariat a nomination form, as provided in the Schedule to these Regulations.

Right of members
to be elected

15. Subject to the provisions of these Regulations, every member of the Society who has the rights and privileges of membership shall be eligible for election to any post in the Society in accordance with these Regulations.

Procedures for
nominations

16. The Nomination Committee shall ensure adherence to the following procedures:

- (a) issue notice to all members and the public through widely circulated newspapers or media advising that the nominations are open to all elected positions for the ensuing year;
- (b) the notice referred to under paragraph (a) shall be issued two months before the date of the Elections;
- (c) all nominations shall be received at the Tanganyika Law Society Secretariat not

- later than three weeks from the date of releasing the notice;
- (d) nominations shall be in writing as prescribed in the Schedule to these Regulations, signed by the nominator and nominee and seconded by at least five members for the Presidential and Vice President Position and the Honorary Treasurer and two members of the Council, Chapter Officers and other posts;
 - (e) in case the nominator has nominated himself or herself, the form shall be signed by him or her and seconded by at least five members for the Presidential and Vice-President position, and the Honorary Treasurer and two members of the Council, chapter office bearers and other posts;
 - (f) the nominations shall specify the position for which the candidate is contesting;
 - (g) the nominations for Chapter Officers shall specify the Chapter for which the candidate is nominated and in each case the candidate and all the members who have signed the nomination form shall either be residing, practising, or employed in the Chapter;
 - (h) ensure that there is sufficient number of candidates nominated to fill in every elected vacant position;
 - (i) may extend the deadline for receipt of the nominations but shall not exceed seven days;
 - (j) where the number of nominated candidates is insufficient after the lapse of the deadline for which nominations may be received, the Nomination Committee shall seek authorization from the Council to nominate any additional candidate;
 - (k) gender balance while nominating

candidates and take into account the best interest of the Society;

- (l) prepare a list of nominated candidates for each elected positions and deliver the list to the Council; and
- (m) make any other procedure as the Committee may deem necessary for the best interest of the Society.

Electronic filing of nomination form

17. Nomination forms may be submitted by means of electronic communication, as long as the hard copy of the original form is provided to the Chairperson and the Secretariat within fourteen days after the lapse of the deadline for receipt of the nominations.

Nomination Committee to publish names of nominees

18. The Chairperson of the Nomination Committee shall cause to be sent to every member of the Society the names of all members who have been nominated and the positions for which they are nominated.

Vetting process

19. Nomination Committee shall conduct vetting process to determine eligibility of members nominated in all positions.

Nomination Committee to publish names of qualified candidates

20. The Chairperson of the Nomination Committee shall, immediately after completion of vetting process, cause to be sent to every member of the Society the names of all candidates eligible to vie for elections and the positions for which they are seeking for elections.

Objection and Appeal against vetting process

21.-(1) A candidate or member who is not satisfied with the vetting process may apply for review to the Nomination Committee via TLS Secretariat explaining the grounds for review with sufficient proof within three days from the day the vetting results are announced by the Nomination Committee.

(2) Every application for review made shall be in writing and shall be submitted to the Secretariat.

PART V
PROCEDURE FOR ELECTIONS

Election
procedure

22. The Nomination Committee shall conduct an election if it is satisfied that there are candidates to vie for vacant positions.

Campaign by
candidates

23.-(1) Prior to an election conducted under these Regulations, candidates shall be allowed to conduct campaigns for the position they are vying for.

(2) Subject to these provisions candidates and their supporters shall not, during campaign and on election day, conduct themselves as member of any registered political party.

(3) The Nominations committee shall ensure that:

- (a) campaigning time is announced according to the timing schedule planned by the Nomination Committee as it deems fit;
- (b) all the candidates are provided with equal opportunity to campaign and post information about their candidature on the Society's website;
- (c) the Secretariat is neutral throughout the elections and the member of staff do not take position during the campaigns;
- (d) candidates and their supporters do not conduct themselves in a manner contrary to the Code of Conduct governing Advocates and the legal profession generally including use violence, bad language or any other conduct that may harm their own standing or personality of other candidates; and
- (e) candidates are observing the time set by the Nominations Committee for campaigning.

(4) Subject to the provisions of these

Regulations, the Nominations Committee may disqualify any candidate who violates the provisions of these Regulations.

(5) Final campaigning shall be conducted on the day preceding the Elections.

Provided that the Nomination Committee shall have discretion to decide otherwise on the deadline for the final campaigning depending on the situation.

(6) The Nomination Committee shall, before disqualifying any candidate, give him the right to be heard.

Right to vote and
be voted

24.-(1) Every member of the Society in good standing has a right to vote at the General Meeting and during chapter's elections, if he resides to that chapter.

(2) Every member of the Society in good standing who has been vetted and qualified for elections is entitled to be voted in the Election.

Voters' list

25.-(1) The Council shall, in every year of election, prepare a list of members who are eligible to vote.

(2) The list of voters shall be in a manner prescribed in the Roll of Advocates.

(3) A member of the Society may examine the voter list at the Society office during normal office hours or on the Society's website.

(4) A member of the Society who has a reason to believe that a voter list improperly includes or omits his name, or contains an error in respect of the Chapter in which a member is entitled to vote may, before the election, report the error to the Chief Executive Officer.

(5) The Chief Executive Officer shall promptly investigate a report made and correct any error that exists.

(6) A member of the Society, who is not satisfied with the action taken by the Chief Executive

Officer under sub-regulation (5), may apply in writing to the Chairman of the Nominations Committee for a review.

(7) The Nominations Committee shall promptly review an application made under sub-regulation (6), and shall-

(a) confirm the decision of the Chief Executive Officer; or

(b) order the Chief Executive Officer to correct the voter list as the Committee directs.

Member to be nominated in one elected position

26.-(1) A person may be nominated, or run in an election, for only one elected position at a time.

(2) Subject to sub-regulation (1) if it happens that a person has been nominated in more than one elected position, then the Nomination Committee shall advise that candidate to accept one nomination.

Voting by secret ballot or electronically

27.-(1) Voting for Council members and Chapter Officers shall be by secret ballot.

(2) The ballot papers shall be prepared in the format recommended by the Nomination Committee.

(3) The order of names on a ballot shall be in alphabetical order starting from letter “a” until the placing of all candidates' names on the ballot has been determined.

Vote by Proxy

28. During the Elections, Voting by Proxy is allowed unless provided otherwise by Special Resolution made by members during the General Meeting.

Procedures for Elections of Members of the Council

29. The election of members of Council at the General Meeting shall be held in accordance with the following procedure:

(a) the Chief Executive Officer shall publish in the TLS official communication tools a

- short description of each candidate in whatever format as the Nomination Committee may prescribe from time to time;
- (b) the Returning Officer or any officer designated by the Returning Officer shall ensure that the number of ballot is equal to the number of members entitled to vote as appearing in the Voters list;
 - (c) ballots for different elective positions shall be differentiated by colours and shall be casted into different boxes or any other devices as determined by the Committee;
 - (d) only ballots received at the General Meeting and before the closure of voting session by the Returning Officer shall be counted;
 - (e) subject to the provision of these Regulations, each member shall have one vote for each elected position;
 - (f) a member who submits more than one ballot for one elected position shall have his ballots rejected;
 - (g) the candidate with the highest number of votes shall be elected to that office.

Elections of
chapters' office
bearers

30.-(1) Every member of each Chapter is eligible to vote for the Chapter Convener, Vice Chapter Convener and Chapter treasurer in their respective Chapters during elections conducted in their respective chapter.

(2) A member who is in the record of the Chapter and whose name is listed in the voters' list is eligible to vote.

(3) A member referred to in subsection (2) shall cast only one vote for any particular candidate.

(4) A candidate with the highest number of votes for the position of Chapter Convener, Vice

Chapter Convener and Chapter treasurer in his respective Chapter shall be elected to Chapter Convener, Vice Chapter Convener and Chapter Treasurer respectively.

Candidate's right to have agent

31. Candidate has the right to have agent during the voting process and counting of the votes.

Conditions and guidelines for Agents

32. Agents shall be guided by the following procedures and conditions:

- (a) an agent shall be an advocate of sound mind with no political affiliation;
- (b) polling agents are restricted to use telephone during counting, after counting and before announcement of the election results;
- (c) polling agents are restricted to announce election results before formal announcement of the election results by the Returning Officer;
- (d) nomination Committee Chairperson may expel an agent who acts contrary to the procedures and conditions issued by the Nomination Committee during the whole Election process including counting session.

Counting of ballots

33. The cast ballots shall be counted in accordance with the following procedures:

- (a) for each elective position, the ballots are opened and removed from the box or any other device as determined by the Committee;
- (b) each voter declaration shall be read aloud;
- (c) all votes are counted and recorded unless void or contained in a rejected ballot; and
- (d) ballots which are rejected shall kept separate.

Rejection of ballots

34.-(1) A ballot shall be rejected if it:

- (a) contains or is enclosed in an envelope that contains a marking that identifies the voter;
 - (b) contains votes for more candidates than the number to be elected;
 - (c) is not similar to the ballots issued by the Nominations Committee; or
 - (d) is received by the Nomination Committee after the election time.
- (2) A vote is void if it is:
- (a) casted for a candidate whose name does not appear on the ballot as printed by the Society; or
 - (b) ambiguous or unclear as to the candidate voted for.

Elections to be fair and in accordance with procedures

35. The Chairperson of the Nominations Committee or a person appointed by the Chairperson of the Nominations Committee shall supervise the counting of votes and ensure that the elections are fair and conducted in accordance with the procedures stipulated in these Regulations.

Where there is equal number of votes

36. Where in the election of any position the number of votes ties between the first two candidates, the Chairperson of the Nomination Committee shall call for election re-run,

Provided that only the first two candidates shall be eligible for election re-run.

Attendance of Elections proceedings in person

37.-(1) A candidate shall attend the election proceedings in person unless he has valid and strong reasons for non-attendance.

(2) The Committee has discretion to decide whether to consider, or not, the ground tabled by the candidate for non-attendance.

Right to withdraw from contesting

38. Candidates shall have right to withdraw from contesting position within fourteen days before election process by informing the Chairman of the

Nomination Committee in writing.

Announcement of
Elections results

39. Upon the completion of the counting of the ballots the Chairperson of the Nominations Committee shall announce the results.

Swearing of the
candidates elect

40.-(1) The elected members of the Council and Chapter office bearers, elected during chapters' elections, shall be sworn in at the General Meeting immediately after the election by the most Senior Counsel present at the General Meeting.

(2) The persons elected under sub-regulation (1) shall take office after the completion of the Annual General Meeting.

Keeping records
of the Elections
results

41.-(1) The Nomination Committee shall ensure that the number of votes received by each candidate are kept and reported in the next annual report.

(2) The information referred to in sub regulation (1) shall be public information.

Complaints on
elections process
and results

42.-(1) A candidate who complains about the election process may apply to the Nominations Committee for a review of the election immediately after the election and before the results are announced.

(2) The application under sub regulation (1) may be made orally or in writing.

(3) The Nominations Committee shall promptly review the election in that particular position and determine the complaint immediately before the next stage of the election process.

(4) On determination of the application, the Nomination Committee shall either:

(a) dismiss the application where it is not meritorious; or

(b) rescind the election process and start that particular process afresh.

Tanganyika Law Society (Elections)

GN. No. 116 (contd.)

(5) The decision made by the Nominations Committee under sub regulation (4) shall be final and conclusive.

First Council Meeting to appoint standing Committee

43. Within thirty days of being elected, the President shall convene a meeting of the Council and during that meeting the Council shall appoint members of all standing committees.

Maximum term to serve in the position

44. A member elected as the President, Vice President, and the Treasurer shall not be eligible to serve for more than two terms in their respective positions.

Minimum number of voters

45.-(1) For the purpose of passing election results, minimum number of the voters shall be two third of members on the voters' list.

(2) If number of voters is less than two third of the number of voters in the voters' list, the Nomination Committee shall have the discretion to decide in majority on whether to proceed with the voting process or not as far as the quorum is so concerned.

(3) For the purpose of this section "voters list" means the list of all members who have registered for the particular meeting of TLS in which the voting shall take place.

Revocation of GN No. 332 of 2016

46. The Tanganyika Law Society (Elections) Regulations, 2016 are hereby revoked.

Tanganyika Law Society (Elections)

GN. No. 116 (contd.)

SCHEDULE

(Made under Regulation 14 and 16(d))

PART A

FORM No. TLS-E.1

NOMINATION FORM FOR ELECTION TO THE GOVERNING COUNCIL

I, Roll no., being a live member of the Society, hereby nominate myself /* for the post of President/ Vice President/ Treasurer/ member of the Council* for the year of

.....
NOMINATOR

.....
CANDIDATE

Date:.....

Date:

Seconded by;

1. Roll no.

Signature: Date :

2. Roll no.

Signature: Date :

3. Roll no.

Signature: Date :

4. Roll no.

Signature: Date :

5. Roll no.

Signature: Date :

*Delete whichever does not apply

PART B

FORM No.TLS-E.2

NOMINATION FORM FOR CHAPTER OFFICE BEARERS

I,..... Roll no. being a live member of the Society residing in Chapter, hereby nominate myself/.....* to the post of Chapter Convener/Vice Chapter Convener/ Chapter Treasurer* of Chapter for the year.....

.....
NOMINATOR

.....
CANDIDATE

Date:.....

Date:

Seconded by;

1. Roll no.

Signature: Date :

2. Roll no.

Signature: Date :

*Delete whichever does not apply

PART C

FORM No.TLS-E.3

NOMINATION FORM FOR OTHER POSTS

(Chairperson of the Ethics Committee/Member of the Advocates Remuneration Committee/TLS Representative in the Advocates Committee /TLS Representative in the Council for Legal Education)

I, Roll no....., being a live member of the Society residing in Chapter, hereby nominate myself/* for the post offor the year

.....
NOMINATOR

.....
CANDIDATE

Date:.....

Date:

Seconded by;

1. Roll no.

Signature: Date :

2. Roll no.

Signature: Date :

*Delete whichever does not apply

Dar es Salaam,
09th February, 2018

TUNDU ANTIPHAS LISSU
President Tanganyika Law Society