

GOVERNMENT NOTICE NO. 49 published on 13/02/2018

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, Cap.2 vests in the President powers to establish and disestablish such offices in the Services of the Government of the United Republic;

AND WHEREAS the Government of the United Republic desires to strengthen the role of the National Prosecutions Services of representing interests of sovereign of United Republic of Tanzania in courts of law in criminal cases and any other public office undertaking public prosecution on behalf of the United Republic or any other government institution including but not limited to the local government or any criminal appeal to which the United Republic is a party or has interest in prosecuting, defending or advising the Government of the United Republic on matters of a trans-border in nature including but not limited to piracy, terrorism, trafficking in persons, drugs and illicit trafficking in drugs, money laundering, corruption and corrupt practices and mutual assistance in criminal matters;

AND MINDFUL of the spirit of Article 59 and 59B of the Constitution, and need and desire to separate roles of appointment, disciplinary and supervision of officers and other staff of the National Prosecutions Services in day to day discharge of duties and performance of functions of the office of the Attorney General;

*Constitution of the United Republic of Tanzania of 1977 (The National
Prosecutions Services (Establishment))*

GN No. 49 (contd.)

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), establish and declare that there shall be an independent and autonomous National Prosecutions Services and orders as follows:

THE NATIONAL PROSECUTIONS SERVICES (ESTABLISHMENT)
ORDER, 2018

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| Citation | 1. This Order may be cited as the National Prosecutions Services (Establishment) Order, 2018. |
| Independence of the NPS | 2.-(1) There shall be the National Prosecutions Services as an independent and autonomous public office. |
| Objectives | 3. Subject to the National Prosecutions Services Act, the objectives for the National Prosecutions Services shall be to- <ul style="list-style-type: none">(a) manage all criminal cases and related or connected matters as provided or as may further be provided by law;(b) enhance and strengthen the Government ability to conduct public prosecution in courts of law as stipulated under the relevant laws;(c) enhance effective civilization of criminal prosecution in courts of law as stipulated under the relevant laws; and(d) enhance and strengthen general supervision and coordination of the conduct of criminal prosecution on behalf of the sovereign of the United Republic, the Central Government, independent departments, executive |

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agencies and local government
authorities.

Functions

Caps 2

4. Subject to Article 59B of the Constitution and the National Prosecutions Services Act, duties and functions of the National Prosecutions Services shall be to:

- (a) take and conduct criminal cases on behalf of the sovereign of the United Republic, the Central Government, independent departments, executive agencies and the local government and for that purpose, to direct Law Officers, State Attorneys and legal officers who conduct criminal cases in that behalf;
- (b) coordinate and supervise criminal investigation and conduct of criminal prosecution in courts of law;
- (c) carry out the general supervision of Law Officers, State Attorneys and other officers or staff appointed or employed in the National Prosecutions Services;
- (d) administer legal functions performed by Law Officers, State Attorneys and other officer or staff of the National Prosecutions Services;
- (e) summon any public officer to give explanation, or information regarding any matter which is or likely to be the subject of criminal prosecution;
- (f) prepare and submit bi-annual report to the Minister and a copy to the Attorney-General on matters and functions performed by the National Prosecutions Services;
- (g) intervene and take over at any stage of criminal proceedings, appeal, execution

*Constitution of the United Republic of Tanzania of 1977 (The National
Prosecutions Services (Establishment))*

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or any incidental proceedings before any court of law to which the Central Government, independent department, agency or a local government has interest;

- (h) issue directives to any public officer performing functions relating to conduct of criminal prosecution in courts of law; and
- (i) appoint or employ and discipline Law Officers, State Attorneys and other staff of the National Prosecutions Services.

Appointment of
Director of Public
Prosecutions

5.-(1) There shall be the Director of Public Prosecutions who shall be appointed by the President pursuant to Article 59B of the Constitution.

(2) The Director of Public Prosecutions shall be the head of the National Prosecutions Services.

(3) There shall be the Deputy Director of Public Prosecutions appointed by the President who shall be the principal assistant to the Director of Public Prosecutions.

(4) A person shall qualify for appointment as the Director of Public Prosecutions or Deputy Director of Public Prosecutions who possesses qualifications stipulated under the Constitution in relation to appointment of the Director of Public Prosecutions and has unqualified competence and integrity.

(5) Functions and powers of the Director of Public Prosecutions may be performed or exercised by a Law Officer, State Attorney, a legal officer or such other public officer designated as such by the Director of Public Prosecutions and are further provided for under any other laws.

(6) For the purpose of paragraph (4), the Director of Public Prosecutions shall by instrument appoint or designate any Law Officer, State Attorney or

*Constitution of the United Republic of Tanzania of 1977 (The National
Prosecutions Services (Establishment))*

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Legal Officer to perform the functions or exercise powers of the Director of Public Prosecutions.

(7) Without prejudice to sub-paragraph (5), any person who was a Law Officer, State Attorney or a Legal Officer appointed or designated to perform the functions or exercise powers of a Law Officer or State Attorney shall be deemed to have been appointed or designated as such.

Staff

6.-(1) There shall be appointed or employed to the Office of National Prosecutions Services such number of public officers as may be necessary for proper and effective performance of the functions and exercise of powers of the Director of Public Prosecutions.

(2) The Deputy Director of Public Prosecutions shall be an accounting officer and responsible for managing day to day affairs and be a disciplinary authority of employees in accordance with the terms of this Order and laws governing the public service.

Organizational
Structure

7.-(1) Organizational structure, governance and accountability within the National Prosecutions Services shall be as provided in the Schedule:

(2) The number and responsibilities of directorates and units under the National Prosecutions Services may be reviewed in accordance with the law governing the public service.

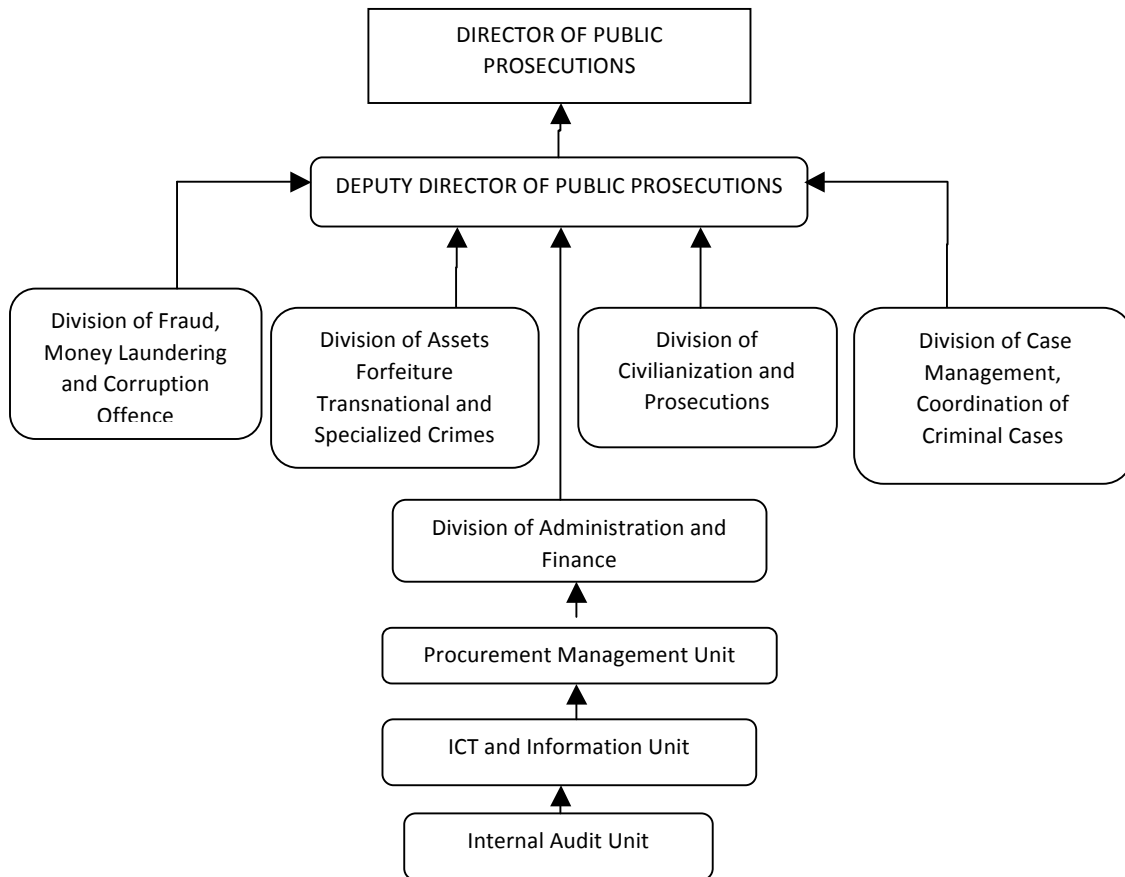
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SCHEDULE

(Made under paragraph 7(1))

THE NATIONAL PROSECUTIONS SERVICES



Dar es Salaam,
12th February, 2018

JOHN P. J. MAGUFULI,
President