

# **TLS ANNUAL GENERAL MEETING**

**HELD AT AICC-ARUSAH-15/04/2021**

## **CONSOLIDATING UNITS AMONG TLS MEMBERS: PUBLIC AND PRIVATE PRACTITIONERS**

### **1.0 Introduction**

The legal profession in Tanzania can be divided into three sections: The Bench, the Private Bar and the Public Bar. The Bench is composed of at least 5 Court of Appeal judges, at least 15 High Court judges, and several Resident, District and Primary Court magistrates. The Private Bar is composed of the advocates engaged in private practice in law while the Public Bar is made up of Law officers and State Attorneys who act on behalf of the Government and are employed in the Attorney General's chambers. This presentation focuses on the Private and Public Bar in Tanzania mainland.

### **2.0 The Private Bar**

The Private Bar in Tanzania Mainland is under the lead of Tanganyika Law Society (TLS), founded in 1954 by an Act of Parliament – the Tanganyika Law Society Ordinance 1954. The Tanganyika Law Society is currently governed by the Tanganyika Law Society Act, Cap 307 R.E. 2002.

The Private Bar is composed of private legal practitioners known as advocates. The Advocates Act Cap 341 R.E 2019 requires the Registrar of the High Court to keep the Roll of Advocates. Any person who has the qualifications prescribed by the Act is entitled to be registered. These qualifications are provided for under section 8 of

the Act;<sup>1</sup> such as a law degree or the applicant must be a legal practitioner with a right of audience before any court of unlimited civil and criminal jurisdiction in any Commonwealth country or any other country designated by the Minister for Legal Affairs. In addition, the applicant must satisfy the Chief Justice that he has adequate knowledge of the language of the court which is English and must also produce testimonials of character. A person wanting to be registered as an advocate in Tanzania must petition the Chief Justice.

The Private Bar in Tanzania is the one which is engaged in assisting and representing private individuals in both criminal and civil proceedings before the court.

### **3.0 The Public Bar**

This comprises of Law Officers and State Attorneys employed the public service such as in the ministries, local government authorities, independent departments, agencies and other similar public institutions. All these are under the supervision of the Attorney General.

The Public Bar Association was established in 2019 under Regulation 4 of the Public Bar Association (Management and Organization) Regulations, 2019. The Regulations were enacted by the Minister for Constitutional and Legal Affairs under section 16A (4) of the Office of the Attorney General (Discharge of Duties) Act.<sup>2</sup>

Currently in Tanzania Mainland there are 1763 Law Officers and State Attorneys according to the Attorney General (Appointment of Law Officers and State Attorneys) Notice, 2020.<sup>3</sup> This Public Bar Association has its own system of electing leaders under Regulation 8 of the Regulations.<sup>4</sup>

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<sup>1</sup> The Advocates Act Cap 341 R.E 2019

<sup>2</sup> Cap 268 R.E 2019

<sup>3</sup> Schedule to the Attorney General (Appointment of Law Officers and State Attorneys) Notice, 2020.

<sup>4</sup> The Public Bar Association (Management and Organization) Regulations, 2019

Before the establishment of the Public Bar Association in Tanzania Mainland, all advocates in Tanzania Mainland were under the Regulation of the Advocates Act and its established Advocates Committee. All lawyers used to meet in Arusha to conduct the Annual General meeting and elect their own leaders. It is the fact that, existence of two Bar Associations may necessitate unnecessary disunity among lawyers.

### **Consolidating Units among Lawyers**

The following engagements will strengthen unit among private legal practitioners and lawyers in public service.

- To conduct lobbying with the office of the Attorney General in order to have a single leadership of lawyers
- To resume the annual general meeting that was previously held in Arusha Tanzania
- To provide a forum for discussion of matters or issues of common interests among members
- To further the study, understanding and development of public legal service through Continuing legal education, training and other available avenues
- To adopt the best practice from other countries like Kenya where all lawyers are under same leadership
- Have joint task force-study/review laws, practice and alike
- Fight for the plight of units by resolving the underlying challenges between the two parties

## TLS Chapters

Currently, TLS has 21 Chapters, with a total of 10128 Members in Tanzania Mainland.



## Conclusion

Units between private legal practitioners and lawyers in public service will ensure prosperity of the legal profession in Tanzania. And, it should be noted that, all lawyers work for the betterment of the rule of law, good governance and for a justice society. **NB:** United we stand, divided we fall.

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