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THE TANGANYIKA LAW SOCIETY ACT,
(CAP. 307)

REGULATIONS

(Made under section 31)

TANGANYIKA LAW SOCIETY (CHAPTER AND CHAPTER ZONE) REGULATIONS, 2020

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THE TANGANYIKA LAW SOCIETY ACT,
(CAP. 307)

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TANGANYIKA LAW SOCIETY (CHAPTER AND CHAPTER ZONE) REGULATIONS, 2020

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the Tanganyika Law Society (Chapter and Chapter Zone) Regulations, 2020 and shall be deemed to have come into operation on 1st day of March, 2020.
- 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 as defined under the Advocates Act;
- "Annual General Meeting" or "AGM" means the Annual General Meeting of the Society as provided for under the Act;
- "Annual Meeting" means the Annual Meeting of members of the Chapter Zone or the Annual Meeting of members of the Chapter as the case may be;
- "Audit Committee" means the Audit Committee of the Society;
- "Chapter" means a Chapter established by the Society as per the Act;
- "Chapter Zone" means a Chapter Zone as established by the Society as per the Act;
- "Chapter Convener" means the head of a Chapter of the Society;
- "Chapter Executive Committee" means the Committee

- governing affairs of a Chapter;
- “Council” means the Council of the Society as provided for under the Act;
- “Committees” means committees of the Chapter established by the Chapter Executive Committee;
- “Executive Director” means an employee of the Society who is the head of the Secretariat;
- “General Meeting of the Society” means the meeting of all members of the Society as provided for under the Act;
- “Honorary member” means any member elected as such by the Council under the Act;
- “meeting” includes the ordinary meeting of the Chapter members, meeting of the Chapter Executive Committee, meeting of the Chapter committees, ordinary meeting of members of Chapter Zone and meeting of the Zonal Executive Committee;
- “member” means a member of the Society in good standing;
- “member in good standing” means a member who has renewed membership by complying with requisite conditions for renewal of membership of a particular year and who has not been suspended on any disciplinary matter;
- “member of Council” means a member of the Council as provided by the Act;
- “non practising member” means a member other than an honorary member who has applied for and has been granted membership of the Society;
- “Office bearer” includes members of the Council; members of the Chapter Executive Committee, elected and appointed Chapter leaders and Chapters AGM representatives; members of the AYL Executive Committee; Zonal leader, members of Zonal Executive Committee and Chapter Zones AGM representatives; elected and appointed Committees members; National Ethics Chairperson, Trustees of the DATF and Wakili Trust and the Society representatives in various bodies;

- “practising member” means an advocate who has a practising certificate as stipulated under the Act;
- “President” means the President of the Society;
- “Society” means the Tanganyika Law Society established under the Act;
- “years of practice” means the period during which an advocate is in practice as private or public practitioners or judicial officer from the date of admission on the Roll of Advocates;
- “young lawyer” means a member of the Society as provided for under the Tanganyika Law Society (Association of the Young Lawyers) Regulations;
- “Zonal Executive Committee” means the Committee governing affairs of a Chapter Zone; and
- “Zonal leader” means the head of the Chapter Zone who is a Council member of the Society.

PART II
ESTABLISHMENT OF CHAPTERS AND CHAPTER ZONES

A. Establishment of Chapters

Qualifications
for chapter
formation

3.-(1) There shall be established Chapters of the Society clustered in seven Chapter zones.

(2) Any region or district of Mainland Tanzania qualifies to be a Chapter if it has-

- (a) thirty five or more advocates having place of business in the said region or district; and
- (b) a High Court Registry in the region.

(3) The Council may establish a Chapter in any region or district of Mainland Tanzania whenever it deems fit and necessary in accordance with the number of members, needs, strategic position and availability of resources.

(4) In order to be recognised as a Chapter-

- (a) members of the region or district shall communicate to the Executive Director their request to be recognised as a Chapter;
- (b) the communication shall list the names, address and signatures of the advocates in the said

- region or district;
- (c) the Executive Director shall present the request to the Council of the Society;
- (d) if the request is approved, the Executive Director shall communicate such approval to the Chapter on behalf of the Council;
- (e) the Council shall notify the members on the establishment of the Chapter; and
- (f) elections of respective Chapter office bearers shall be carried out and regulated by the Tanganyika Law Society (Elections) Regulations as any other existing Chapter.

Member of
Chapter

4. A member of the Chapter shall be a member of the Society who has a place of business in the respective Chapter:

Provided that, a member who has branch offices in more than one Chapter shall be registered in the Chapter where there is his or her headquarter office.

Objects and
functions of
Chapters

5.-(1) The objects of the Chapters shall be to serve as branches of the Society and in so doing the Chapters shall, in written consultation with the Council through Zonal Executive Committee:

- (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; and
- (c) inform the Council, through the relevant Zonal Executive Committee, of any matter that affects 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 education and knowledge by members of the Chapter in accordance with the Continuing Legal Education Regulations;
- (h) uphold the standards of professional practice and ethical conduct;
- (i) represent, protect and assist members of the Society 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.

(3) The Chapters shall submit to the Council through Zonal Executive Committee narrative, financial and any other reports as may be required on a quarterly basis.

B. Establishment of Chapter Zones

Establishment
of Chapter
Zones

6.-(1) There shall be established seven Chapter Zones based on the proportionality of the size of the Chapter Zone and the number of members registered in Chapters within the Chapter Zone.

(2) A member of the Chapter Zone is a member who has a place of business in any Chapter within the respective Chapter Zone.

(3) The seven Chapter Zones referred to under subregulation (1) shall be-

- (a) Mzizima Zone;
- (b) Bagamoyo Zone;
- (c) Northern Zone;
- (d) Central Zone;

- (e) Western Zone;
 - (f) Lake Zone; and
 - (g) Southern Zone
- (4) The Council may distribute Chapters in the respective Chapter Zones as they will be established from time to time.
- (5) The roles of Chapter Zones shall be-
- (a) ensuring proper governance and management of affairs of the Chapters within the respective Chapter Zone;
 - (b) enhancing coordination of Chapters within the respective Chapter Zone; and
 - (c) enhancing equitable representation of Chapter Zone members in all of its decision-making organs.
- (6) The Chapter Zones shall submit to the Council through their Zonal leader narrative, financial and any other report as may be required on a quarterly basis.

PART III

CHAPTER AND CHAPTER ZONE GOVERNANCE

A. Chapter Governance

Establishment
of Chapter
Executive
Committee

- 7.-(1) There shall be established a Committee known as the Chapter Executive Committee which shall consist of -
- (a) the Chapter Convener who shall be the Chairperson;
 - (b) the Vice Chapter Convener;
 - (c) the Chapter Treasurer;
 - (d) the Chairperson of the Chapter Ethics Committee;
 - (e) the Chairperson of the Chapter Pro bono Committee;
 - (f) the Chairperson of the Chapter Continuing Legal Education Committee; and
 - (g) one member appointed from amongst members of the Chapter.
- (2) The procedure for nomination and elections of

the members of the Chapter Executive Committee shall be regulated by the Tanganyika Law Society (Elections) Regulations.

(3) Members of the Executive Committee shall be elected for a term of two years and shall be eligible for re-election for one further term.

Functions of
Chapter
Executive
Committee

8. The Chapter Executive Committee shall perform the following functions:

- (a) ensuring that the roles and functions of the Chapter are properly carried out;
- (b) ensuring that directives from the Council are carried out;
- (c) participating in development and implementation of the Society's Annual Business Plan and Strategic Plan;
- (d) preparing and submitting to the Council Chapter budget for approval and any other financial information as may be required;
- (e) establishing Chapter standing committees as may be considered appropriate;
- (f) mobilising resources of the Chapter in consultation with the Council and in accordance to the Society's financial regulations and policy;
- (g) submitting activities and financial reports to the Zonal Executive Committee on quarterly basis and annually; and
- (h) conducting Chapter Annual Meetings and presenting the annual narrative and financial reports to members of the Chapter.

Chapter
Convener

9.-(1) The Chapter Convener shall be the head of the Chapter.

(2) The Chapter Convener shall be elected for a term of two years and shall be eligible for re-election for one further term.

(3) The Chapter Convener shall submit a written report on the activities of the Chapter both narrative and financial to the Annual Meeting of the Chapter and the

said report shall be submitted to the Zonal Executive Committee for preparation of the Chapter Zone Annual report.

- (4) The Chapter Convener shall-
- (a) be responsible for the Chapter committees' activities and work progress status;
 - (b) advise the Council on strategic planning and governance matters; and
 - (c) be one of the signatories of the Chapter's bank account.

Chapter
Treasurer

10. The Chapter Treasurer shall be-

- (a) responsible for the Society's financial affairs in the Chapter; and
- (b) one of the signatories of the Chapter's bank account.

Chapter
Committees

11.-(1) The Chapter Executive Committee shall establish, among others, the following Committees:

- (a) Ethics Committee;
- (b) Continuing Legal Education Committee;
- (c) Pro bono Committee; and
- (d) Members Welfare Committee.

(2) Notwithstanding the provisions of subregulation (1), the Chapter Executive Committee may establish any other Committee as it deems necessary.

(3) Each Committee shall consist of five members including the respective Chairperson.

(4) The tenure of the Committees' members shall be two years and members shall be eligible for re-election for one further term.

Chapter
Secretariat

12.-(1) The Council shall, in consultation with the respective Chapter Executive Committee, establish a Chapter Secretariat whenever it deems fit and necessary in accordance with the number of members, needs, strategic position and availability of resources.

(2) In circumstances where a Secretariat is established, the Secretariat shall be headed by a Chapter Officer in Charge who shall be an employee of the

Society.

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

(4) The Chapter Officer in charge shall be the Secretary of the Chapter Annual Meeting, Chapter Executive Committee and all Committees of the Chapter.

(5) The Society may employ other staff to assist the Chapter Officer in Charge in the discharge of his or her duties.

B. Chapter Zone Governance

Establishment
of Zonal
Executive
Committee

13.-(1) There shall be established a Committee known as the Zonal Executive Committee which shall consist of-

- (a) the Zonal leader, who shall be the Chairperson;
- (b) the Chapter conveners of a respective Chapter Zone;
- (c) one senior representative of the Chapter Zone;
- (d) one young lawyer representative of the Chapter Zone who shall be a member of the Association of Young Lawyers Executive Committee;
- (e) one female lawyer representative of the Chapter Zone; and
- (f) one member with disability representative of the Chapter Zone.

(2) Subject to the provisions of the Act, the term of office of members of the Zonal Executive Committee, save for the Zonal leader, shall be two years and the members may be eligible for re-election for one further term.

(4) The procedure for nomination and elections of members of the Zonal Executive Committee shall be regulated by the Tanganyika Law Society (Elections) Regulations.

Functions of
Zonal Executive

14. The Zonal Executive Committee shall perform the following functions:

Committee

- (a) ensuring that the roles and functions of Chapters within the Chapter Zone are properly carried out;
- (b) overseeing implementation of the Society's Business Plan and Strategic Plan in their respective Chapter Zone;
- (c) ensuring that directives from the Council are carried out in their respective Chapter Zone;
- (d) preparing Chapter Zone quarterly and annual reports to be duly submitted to the Council;
- (e) conducting Chapter Zone Annual Meeting; and
- (f) presenting Chapter Zone annual narrative and financial reports to the Zonal Annual Meeting.

Zonal leader

15.-(1) The Zonal leader shall be the head of the respective Chapter Zone and a Council member of the Society.

(2) The term of office of the Zonal Leader shall be one year and such leader may be eligible for re-election for one further term.

(3) The Zonal Leader shall-

- (a) submit a written annual financial and narrative report of the activities of the Chapter Zone to the Zonal Annual Meeting and the said reports shall be submitted to the Council for preparation of the Society Annual report;
- (b) be responsible for the activities and progress of the work of the Zonal Executive Committee; and
- (c) advise the Council on strategic planning and governance matters.

Chapter Zone Secretariat

16.-(1) The Council may establish a Chapter Zone Secretariat at a selected Chapter within the respective Chapter Zone for coordination of all Chapters within the respective Chapter Zone.

(2) The Chapter Zone Secretariat shall be headed by Zonal Officer in charge who shall be an employee of the Society.

(3) The Zonal Officer in charge shall administer

the general affairs of the Zone in accordance with the Act and policies or guidelines of the Society, advise and assist the Zonal Executive Committee.

(4) The Zonal Officer shall be the Secretary to the Zonal Annual Meeting and the Zonal Executive Committee.

PART IV

CHAPTER AND CHAPTER ZONE ANNUAL MEETING AND OTHER MEETINGS

Chapter and
Chapter Zone
Annual
Meetings

17. Chapter Annual Meeting and the Chapter Zone Annual Meeting shall be conducted in accordance with the Tanganyika Law Society (Meetings) Regulations.

Chapter
Executive
Committee
meetings

18.-(1) The Chapter Executive Committee shall-

- (a) meet, at a call of the Chairperson, four times annually provided that such meetings shall be held within the Zonal Executive Committee calendar;
- (b) draft procedures that will regulate its meetings including quorum necessary for transition of its business; and
- (c) ensure that all minutes of the Zonal Executive Committee are forwarded to the Zonal Executive Committee and the Executive Director.

(2) Notwithstanding subregulation (1)(a), any member of the Chapter Executive Committee may, at any time, request the Chairperson to cause a meeting to be called.

Zonal Executive
Committee
meetings

19.-(1) The Zonal Executive Committee shall-

- (a) meet, at a call of the Chairperson, four times annually provided that such meetings shall be held within the Council calendar;
- (b) draft procedures that will regulate its meetings including quorum necessary for transition of its business; and

(c) ensure that all minutes of the Zonal Executive Committee are forwarded to the Council and the Executive Director.

(2) Notwithstanding subregulation (1)(a), any member of the Zonal Executive Committee may, at any time, request the Chairperson to cause a meeting to be called.

Chapter
Committee
meetings

20.-(1) The Chapter Committee shall-

(a) meet, at a call of the Chairperson, a maximum of four ordinary meetings annually;

(b) draft procedures that will regulate its meetings including quorum necessary for transition of its business; and

(c) ensure that all minutes of the Chapter Committee are forwarded to the respective Society Committee.

(2) Notwithstanding subregulation (1)(a), any member of the Chapter Committee may, at any time, request the Chairperson to cause a meeting to be called.

PART V

GENERAL PROVISIONS

Code of conduct
for Chapter and
Chapter Zones

21.-(1) Chapters and Chapter Zones shall adhere to the Code of Conduct stipulated in the Schedule to these Regulations.

(2) The Code of Conduct shall detail the commitment to the principles of fairness, honesty, and integrity in the supervision, execution, governance, management and operations of Chapters and Chapter Zones.

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

(4) The Council may, from time to time, amend the Code of Conduct stipulated in the Schedule.

Relationship
between

22. The relationship and operations between the Society Headquarters, Chapter and Chapter Zone offices

Chapter,
Chapter Zone
and Society
Headquarter

shall be based on the following commitments:

- (a) adherence to the principles of good governance;
- (b) enhancing collaboration between Chapters, Chapter Zones and the Society headquarters;
- (c) encouraging continued innovation of new ways that are cost effective but efficient in delivery of services in the Chapters;
- (d) jointly contributing resources for the operation of the Chapters and Chapter Zones and determining the best strategic use of the existing resources;
- (e) joint resource mobilisation and management to ensure sustainability and improvement of Chapter services;
- (f) consultatively developing sound guidelines for the management of the Chapters; and
- (g) facilitating the sharing of best practices and lessons learnt amongst Chapters and Chapter Zones.

Revocation of
GN No.
13 of 2017

23. The Tanganyika Law Society (Chapter) Regulations of 2017 are hereby revoked.

SCHEDULE

(Made under regulation 21)

CODE OF CONDUCT FOR CHAPTERS AND CHAPTER ZONES

Purpose:

The Tanganyika Law Society is committed to the principles of fairness, honesty and integrity. This Code of Conduct (the “Code”) applies specifically to programs and activities discharged at Chapter and Chapter Zone level and supplements the governing policies and Regulations of the Society.

The aim of this Code is to promote confidence and credibility in the Society among Chapter and Chapter Zone members, SOCIETY staff, volunteers, partners and the general public. The Code is also intended to ensure that the key players identified in these Regulations are all treated as valuable and integral part of Society governance, management and operations within the Chapters.

Scope:

The Code applies to all officers of the Society in any capacity, whether staff, volunteers or elected official, to the extent that it does not conflict with any other Society policies and regulations.

General Principles:

1. To act with integrity, honesty, transparency, and in good faith in the Society best interests;
2. To comply with Society policies and bylaws;
3. To seek consensus through open and candid discussion and debate, with appropriate consideration and respect for legitimate dissent;
4. To participate in the Society programs and activities constructively, in cooperation with Society leadership, staff, members, stakeholders, and partners;
5. To respect the fundamental premise that volunteers in the Secretariat and members through Committee works give generously their time and expertise for the benefit of Society and the public;
6. To refrain from making inappropriate, undue, and unwarranted demands on the Society resources including time of staff and members, financial and information technology resources, and physical facilities and infrastructures.
7. To promote new talent, gender equity and equality, professionalism, diversity and professional solidarity in support of Society Core values;
8. To treat Society staff, members and guests with courtesy, respect and dignity.

Conflicts:

The Society will enable Chapter and Chapter Zone leadership, volunteers, staff and members to confidentially bring to the attention of the Executive Director 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 Executive Director. Allegations concerning Chapter leadership will be dealt with by the President.

The President or the Executive Director, 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; and
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 and Chapter Zone office bearers, volunteers 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 Executive Director.

Display of this Code:

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

Dar es Salaam,
1st July, 2020

RUGEMELEZA A. K. NSHALA
President of the Tanganyika Law Society