

**THE TANGANYIKA LAW SOCIETY ACT**

**(CAP 307)**

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**THE TANGANYIKA LAW SOCIETY (ETHICS) REGULATIONS, 2022**

**(G.N. NO.602 published on 14/10/2022**

***(Made under section 31 (1) (f))***

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**RULES**

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**THE TLS ETHICS COMMITTEES DISCIPLINARY PROCEEDINGS RULES, 2023**

**PART I**

**PRELIMINARY PROVISIONS**

1. Citation
2. Application
3. Interpretation

**PART II**

**PROCEEDINGS AGAINST AN ADVOCATE**

4. Form, language and contents of a Complaint
5. Service
6. Reply to the Complaint
7. Setting date of hearing
8. Mediation or Reconciliation
9. Appearance
10. Effect of non-appearance
11. Evidence and language
12. Application of the Evidence Act
13. Burden and standard of proof
14. Decision
15. Appeal

**PART III**

**GENERAL PROVISIONS**

16. Recording of proceedings of the Committee
17. Withdrawal
18. Adjournment
19. Effect of death/ inability to act
20. Dress Code
21. Extension of time
22. Custody of filed documents
23. Copies of decision
24. Non-compliance with Rules
25. Power to regulate procedures

**PART I**

**PRELIMINARY PROVISIONS**

**Marginal Notes**

**Sections**

*Citation*

These Rules may be cited as ‘The TLS Ethics Committees Disciplinary Proceedings Rules, 2023’

*Application*

(i) These Rules shall apply in respect of proceedings in complaints against an advocate and at the instance of an advocate or any member of the public to the Ethics Committees.

(ii) These Rules shall be read together with the Tanganyika Law Society (Ethics) Regulations 2022, [GN. 602 of 2022].

**INTERPRENTATION**

*Interpretation  
Cap. 307*

1. In these Rules unless the context requires otherwise-

“Act” means the Tanganyika Law Society Act;

“Advocate” has the same meaning as in the Advocate Act, Cap 341;

“Chairperson” means the Chairperson of the Panel for purposes of conducting a hearing;

“Committee” means the National and Chapter Ethics Committees established under Regulation 9 and 19 of the TLS Ethics Regulations;

“Complaint” means an allegation of professional misconduct against an advocate;

“Duly recognized agent” includes an advocate, a legal representative, next friend or guardian *ad litem*;

“Member” means a member of the Panel;

“Panel” means a panel constituted by the Chairperson and two Committee members for the purpose of conducting a hearing.

**PART II**

**PROCEEDINGS AGAINST AN ADVOCATE**

*Form, language  
and contents of  
a Complaint*

2. (1) A complaint may be in writing or oral; in Kiswahili or English; signed and made to the Secretary of the Chapter Ethics Committee or the National Ethics Committee.

(2) Where a complaint is made orally, the secretary shall reduce it in writing and cause it to be signed by the complainant or to affix a thumb print thereon.

(3) The complaint may contain the following details-

- (a) the physical and postal addresses of the complainant and the advocate including their phone numbers and email addresses, if any or known;
- (b) a clear description of the substance of the complaint leveled against the advocate;
- (c) the location where the alleged misconduct occurred;
- (d) any evidence in support of the complaint; and
- (e) the reliefs sought by the complainant.

(4) The Secretary upon receipt of the complaint shall open a file and assign a number to the complaint.

(5) The Secretary shall keep a register of all complaints filed.

*Service*

3. (1) The Secretary shall, within seven days after a complaint has been admitted, serve a notice to reply upon the advocate against whom the complaint is made.

(2) The notice shall be in the Form No.1 set out in the First Schedule to these Rules.

(3) The complaint shall be served upon the advocate by the secretariat, on any of the following modes;

- a) the advocate's physical address;
- b) the advocate's postal address or registered mail;
- c) serving at the place of conduct of business of the advocate;
- d) serving electronically by way of email or facsimile using the addresses previously disclosed by the advocate found in any official document including the Directory published by the Society or Wakili database;
- e) by Courier service.
- f) Substituted Notice by way of publication in newspaper of wide circulation.

*Reply to the complaint*

4. (1) An advocate against whom a complaint has been made shall, within seven days after being served with a copy of the complaint, file a reply.

(2) A reply shall contain the following:

- a) Name and roll of the advocate;
- b) the physical and postal addresses of the advocate including his email address;
- c) a brief statement of the defence to the complaint;
- d) the prayers of the advocate.

(3) Four copies of the reply shall be duly signed and submitted to the Secretary.

*Setting date of hearing*

7. Where the Committee is of the opinion that a *prima facie* case-

- a) has not been established, it shall reject the complaint or dismiss the complaint and notify the complainant;
- b) has been established, it shall fix a date of hearing and notify the complainant and the advocate against whom the complaint is made through notice of hearing in Form No.2 as set out in the First Schedule of these Rules.

*Mediation or Reconciliation*

8. The Committee may mediate on or reconcile the parties to the complaint, failure of which the matter shall proceed to hearing.

- Appearance*
9. (1) A hearing may be conducted either physically or virtually through video link or any other available electronic means.  
(2) The Complainant may appear before the Committee in person and/or by duly recognized agent.  
(3) The Advocate shall appear before the Committee in person and may be accompanied by a legal representative.  
(4) Where a party to the complaint is-  
(a) not a resident of the United Republic of Tanzania or for good cause is unable to appear, he may be represented by a legal representative; or  
(b) a body corporate, it may be represented either by a duly recognized agent, a director, manager or secretary.
- Effect of non-appearance*
10. (1) Where on the day fixed for the hearing, the complainant does not appear, the Committee may dismiss the complaint, unless it deems fit to adjourn the hearing.  
(2) Where the complainant appears and the advocate fails to appear, the hearing of the complaint shall proceed in the absence of the advocate, unless the Committee deems fit to adjourn the hearing.  
(3) Where a complaint has been dismissed the party in whose absence was determined, may within 14 days, apply for restoration of the complaint upon show of good cause.
- Evidence and language*
- 11.-(1) The evidence before the Committee may be adduced by a party to the complaint or any other person who has been called upon to testify.  
(2) The Committee may direct that the evidence before it be adduced orally subject to cross examination and re-examination.  
(3) The Committee may summon any person to adduce evidence or may seek expert opinion for proper determination of the matter before it.  
(4) The language of the Committee shall be either English or Kiswahili.
- Provided that any other language used during the proceedings shall be translated by a translator approved by the Committee after concerned party has paid translation fees.
- (5) A party introducing a witness who speaks a language other than English or Kiswahili shall bear the costs of translation.  
(6) The Committee may issue Notice to appear. The Notice shall have the same status as summons of the High Court.  
(7) The Notice shall be in Form No.2 as set out in the First Schedule of these Rules.
- Application of the Evidence Act Cap.6 & the Civil Procedure Code Cap.33 R.E 2022 & Criminal Procedure Act Cap. 20 R.E. 2022*
12. Where these Rules do not provide the manner of handling any aspect pertaining to evidence or procedure the Committee may invoke the provisions of the Evidence Act, the Civil Procedure Code or the Criminal Procedure Act.

- Burden and standard of proof Decision* 13. It shall be the duty of the complainant to establish his complaint against the advocate on a balance of probabilities.
- Appeal* 14. The Committee shall deliver its decision within thirty (30) days after completion of hearing.
15. any party aggrieved by the decision of the Committee may appeal to the High Court within thirty (30) days.

**PART III  
GENERAL PROVISIONS**

- Recording of Proceedings of the Committee* 16. The proceedings of the Committee shall be recorded by the Secretary or a person appointed by the Committee.
- Withdrawal* 17. The Complainant may withdraw the complaint at any time before a decision is rendered.
- Adjournment* 18. The Committee may, on its own motion or upon application by either party, adjourn the hearing on such terms as it deems fit and just.
- Effect of death/inability to act* 19. (1) The Complaint shall not abate by death of the complainant.  
(a) Where a person by whom a complaint might have been made under these Rules has died or is, for any sufficient reason unable to act for himself, the complaint may be made or proceeded by his legal representative.  
(2) Where a complaint-  
(a) is against an advocate and the advocate is dead, the Committee shall record the fact of such death and the proceedings against the deceased advocate shall abate.  
(b) is against more than one advocate and one of the advocates is dead, the Committee may continue the Complaint against the other advocates unless it has a reason to decide otherwise.
- Dress code* 20. An advocate against whom a complaint is made or who has filed a complaint to the Committee shall, when appearing before the Committee, be dressed in attire prescribed for advocates when appearing before subordinate courts.
- Extension of time* 21. The Committee may, upon good cause shown, extend the time limited by these Rules for the doing of any act authorized or required by these Rules, whether before or after the expiration of that time.
- Custody of filed documents* 22. All documents shall be filed to and kept by the Secretary.
- Copies of Decision* 23. The Secretary may upon request send or provide to each of the parties to the proceedings, a certified copy of the decision, or order free of charge.

*Ethics Committee (Rules of Proceedings)*

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*Non-compliance  
with Rules*

24. Non-compliance with any requirements of these Rules does not vitiate the proceedings.

*Power  
regulate  
procedures* to

25. The Committee shall subject to these Rules have powers to regulate its own procedures.

**FIRST SCHEDULE**

**FORMS**

*(Made under rule 6(1)(2))*

**FORM NO. 1**

**IN THE MATTER OF THE TANGANYIKA LAW SOCIETY ACT, CAP.307 R.E. 2020  
AND  
IN THE MATTER OF THE TANGANYIKA LAW SOCIETY (ETHICS) REGULATIONS, 2022  
[G.N. NO.602 OF 2022]**

**THE ..... ETHICS COMMITTEE**

**AT .....**

**IN THE MATTER OF ETHICAL COMPLAINT NO. .... OF .....**

**BETWEEN**

**ABC.....COMPLAINANT**

**VERSUS**

**XYZ.....RESPONDENT**

TO,

.....,  
.....,  
.....

**NOTICE TO FILE REPLY**

NOTICE IS HEREBY GIVEN that attached herewith find a complaint by the aforementioned individual which has been lodged against you.

You are hereby required to prepare your REPLY hereof within seven [7] days from the date hereof.

If you fail to reply, The Committee shall proceed ex parte without any further notice.

Kindly address your reply to ..... Ethics Committee at the Tanganyika Law Society Secretariat, ..... of P.O. Box ..... or email your reply through

.....

Issued on ..... day of ....., 20....

.....

Secretary of the Committee



**FORM NO. 2**

*(Made under rule 7(b))*

**IN THE MATTER OF THE TANGANYIKA LAW SOCIETY ACT, CAP.307 R.E. 2020  
AND  
IN THE MATTER OF THE TANGANYIKA LAW SOCIETY (ETHICS) REGULATIONS, 2022  
[G.N. NO.602 OF 2022]**

**THE ..... ETHICS COMMITTEE**

**AT .....**

**IN THE MATTER OF ETHICAL COMPLAINT NO. .... OF .....**

**BETWEEN**

**ABC.....COMPLAINANT**

**VERSUS**

**XYZ.....RESPONDENT**

TO,

.....,  
.....,  
.....

**NOTICE OF HEARING**

**NOTICE IS HEREBY GIVEN** that the above complaint has been fixed for hearing before the National Ethics Committee of Tanganyika Law Society/.....Chapter Ethics Committee on ..... day of ....., ..... from ..... at .....

**YOU ARE** hereby required to appear before the Committee without fail and you may produce any other documents or witness(es) upon which you intend to rely in support of your Complaint.

In appearing before the Committee, you are urged to be in the court dress code as you appear before Resident or District Court.

Issued on ..... day of ....., 20.....

\_\_\_\_\_  
Secretary of the Committee

**FORM NO. 3**

*(Made under rule 5(3)(f))*

**IN THE MATTER OF THE TANGANYIKA LAW SOCIETY ACT, CAP.307 R.E. 2020**

**AND**

**IN THE MATTER OF THE TANGANYIKA LAW SOCIETY (ETHICS) REGULATIONS, 2022**

**[G. N. NO.602 OF 2022]**

**THE ..... ETHICS COMMITTEE**

**AT .....**

**IN THE MATTER OF ETHICAL COMPLAINT NO. .... OF .....**

**BETWEEN**

**ABC.....COMPLAINANTS**

**AND**

**XYZ.....RESPONDENT**

**SUBSTITUTED NOTICE**

**TO ADVOCATE ..... ROLL .....**

**[Insert Advocates picture ]**

**(Through Ewakili)**

**TAKE NOTE that**, on ..... following your non-appearance at hearing of the said complaint, the Tanganyika Law Society National Ethics Committee decided to issue a Substituted Notice against you. By this Notice you are hereby required to appear before the Committee on ..... from ..... at ..... without fail.

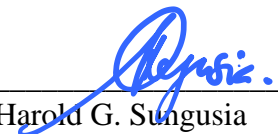
**AND FURTHER TAKE NOTE THAT**, you are required to bring your defense and that if you fail to appear on the said date, the Committee shall proceed without your presence (Ex-parte) and issue the requisite Ruling and Orders as it deems fit.

Issued at Dar es Salaam this ..... day of ....., **20**.....

Issued under instructions of the Committee

.....  
Secretary to the Committee

Approved by the Governing Council and signed on behalf by:

  
\_\_\_\_\_  
Harold G. Sungusia  
**TLS-President**

15<sup>th</sup> December, 2023.  
Date