

THE LAW SCHOOL OF TANZANIA ACT, 2007

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SCHEDULE
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THE UNITED REPUBLIC OF TANZANIA



No. 18 OF 2007

I ASSENT,
Jakaya Mshwili Kilimete
.....
President
Jakaya Mshwili, 2007
.....

An Act to establish the Law School of Tanzania; to provide for its functions, management and control and to provide for related matters.

ENACTED by Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

1.-(1) This Act may be cited as the Law School of Tanzania Act, 2007.

Short title
and
commencement

(2) This Act shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

2. This Act shall apply to every person who is a law graduate from an accredited University or other Higher Learning Institution, awarding bachelor degree in law desiring to practice law in the United Republic of Tanzania, either as a public servant, and or as an advocate of the High Court of Tanzania and Courts subordinate thereto.

Application

Interpre-
tation

3. In this Act, unless the context requires otherwise -

Cap. 431

- “Committee” means the Practical Legal Training and Examination Committee established under section 9 and includes a sub-committee;
- “Council” means the Council of Legal Education established under section 5A of the Advocates Act;
- “Directorate” means a Directorate of the School pursuant to the provisions of section 7;
- “degree” means an award of a bachelor degree in law of a full academic and, or professional qualification and competence upon successful completion of a duration of not less than three years for full time students and five years for distance learners;
- “Governing Board” means the Board established by section 15;
- “member” means a member of the Governing Board and Committee;
- “Minister” means the Minister responsible for legal affairs;
- “practical legal training” means a training programme managed by the School aimed at imparting to a candidate practical legal skills, knowledge, ethics and etiquette;
- “Principal” means the Principal of the School appointed under section 13;
- “School” means the Law School of Tanzania established under section 4.

PART II

THE LAW SCHOOL

Establis-
hment of
the School

4.-(1) There is hereby established a School to be known as the Law School of Tanzania.

(2) The School shall be a body corporate and shall-

- (a) have perpetual succession and an official seal;**
- (b) in its corporate name be capable of suing and being sued;**
- (c) be capable of entering into contract, holding, purchasing or otherwise acquiring in any other way, movable property or immovable property and disposing of any of its property; and**
- (d) have power to borrow money or property as may be required for efficient and proper performance of its functions.**

5. The functions of the School shall be to-Functions
of the
School

- (a) offer, conduct, manage and impart practical legal training programmes as may be prescribed by the Council;
- (b) promote and provide opportunities and facilities for the study of and for the training in legal practice and allied subjects;
- (c) conduct examinations and grant awards of the Governing Board in practical legal training and allied subjects;
- (d) sponsor, arrange and provide facilities for conferences, seminars, workshops, meetings and consultations on matters relating to legal practice and allied subjects;
- (e) arrange for the publication and general dissemination of materials produced in connection with the work and activities of the Governing Board;
- (f) conduct legal research in priority areas as determined by the Governing Board;
- (g) apply research findings for the betterment of practical legal training, literature and for continued enrichment of the curriculum and teaching;
- (h) provide consultancy services in legal matters to the Government, public and private organizations, individuals and other clients within and outside Tanzania;
- (i) arrange for publication and dissemination of legal practice literature generated from the activities of the School as may be determined by the Governing Board;
- (j) sponsor and provide facilities for short courses and seminars according to internal and public demand;
- (k) establish relationship or association with other colleges, and institutions both nationally and internationally; and
- (l) do such acts and things and enter into contracts and transactions as are, in the opinion of the Governing Board, expedient or necessary for efficient and proper performance of the functions of the School.

Establishment of Branches and Campuses

6. The School may for the purposes of extending its services establish branches and campuses as it deems fit.

Directorates of the School

7.-(1) The School shall have such number and kind of directorates as the Governing Board may determine.

(2) The Governing Board shall, after determining which directorates should be established, appoint a Director for each directorate.

Functions of the Directors

8. The functions of Directors shall be prescribed in the By-laws.

Establishment of Practical Training and Examination Committee

9-(1) There shall be a Practical Legal Training and Examination Committee which shall consist of-

- (a) one member from Judiciary;
- (b) one member from Tanganyika Law Society;
- (c) one member from Attorney Generals' Chambers; and
- (d) two members representing faculties of law of accredited universities in Tanzania being-
 - (i) one representing public universities;
 - (ii) one representing private universities.

(2) The Principal shall be a Secretary to the Committee.

(3) Members of the Committee shall be appointed by the Governing Board.

(4) The tenure of office of members of the Committee shall be determined by the Governing Board.

10. The functions of the Committee shall be to-

Functions
of the
Exami-
nation
Committee

- (a) conduct all examinations;
- (b) satisfy itself with regard to the content and standard of the relevant course of study offered by the School;
- (c) advise the Governing Board on the standards of proficiency to be obtained in each examination conducted at the School;
- (d) recommend to the Governing Board the names of the candidates who have the standards of proficiency required; and
- (e) advise the Governing Board on matters relating to the practical legal training, code of conduct and etiquette of the legal profession.

11.-(1) A person is eligible to undertake a programme of practical legal training conducted by the School for the purposes of this Act if that person has obtained-

Admission
and fees

- (a) a bachelor degree in law; or
- (b) other qualifications from an accredited institution which the Council considers to be equivalent to a bachelor degree in law.

(2) All students admitted to the School shall pay fees as prescribed by Governing Board from time to time.

12.-(1) The practical legal training requirement for purpose of this Act shall be a completion of a programme of study at the School for a period of not less than one academic year.

Practical
legal
training

(2) A student who completes the programme referred to under subsection (1) shall be awarded a Post Graduate Diploma in Legal Practice.

(3) The Post-graduate Diploma in Legal Practice issued by the School shall, upon the clearance by the Chief Justice, qualify and entitle the holder to practice as an advocate of the High Court and courts subordinate thereto or employment in the public service.

PART III
ADMINISTRATION

Appoint-
ment of
the
Principal

13.-(1) The Minister shall, upon recommendation of the Governing Board, appoint a person who is suitable to be a principal of the school.

(2) Before making recommendations, the Governing Board, shall consult the Attorney General.

(3) The Principal appointed under subsection (1) shall hold office upon such terms and conditions as may be specified in relation to his office.

(4) The Principal shall-

- (a) be the Chief Executive and Accounting Officer of the School and shall be responsible to the Governing Board for overall coordination of the School;
- (b) exercise such functions of the School as the Governing Board may delegate to enable him to transact all the day-to-day business of the School;
- (c) subject to any directions or restrictions given or imposed by the Governing Board, have the power to exercise supervision and control over acts and proceedings in relation to all staff of the School and to decide upon questions relating to the terms and conditions of service of the staff of the School, having due regard to the Schemes of Service.
- (d) propose to the Governing Board policies, programmes and operations relating to practical legal training, development, upkeep, maintenance and development of the School's assets and facilities,
- (e) supervise the management of the School's finances including budgeting, and control of expenditure;
- (f) promote staff and student's welfare, good relations between the School and the Government, the public, other institutions and bodies within and outside the country; and

(g) undertake and promote other activities of interest to the School as the Governing Board may direct.

(5) In the exercise of the powers vested in him under this section, the Principal shall comply with directions given to him by the Governing Board and shall not without the prior approval of the Governing Board depart or permit departure from the approved estimates of expenditure or the approved establishment of the School or the normal procedure in dealing with any particular matter.

(6) Without prejudice to the provisions of the preceding subsection, the Governing Board may enter into an agreement with any other institution for the provision of practical legal training for the purposes of this Act.

14. The Governing Board may, from time to time appoint on such terms and conditions such practical training instructors and administrative staff of the School as it may consider necessary for the proper performance of the functions of the School.

Em-
plo-
y-
ment of
Staff

15.-(1) There is hereby established a Governing Board of the School which shall consist of-

Estab-
lishment of
the
Governing
Board

- (a) the Deputy Attorney General who shall be the Chairman;
- (b) the Principal Judge;
- (c) the President of Tanganyika Law Society;
- (d) the Dean of the Faculty of Law of the University of Dar es Salaam;
- (e) one member representing Tanganyika Law Society; and
- (f) one member representing Legal Aid Schemes.

(2) The Principal shall be the Secretary of the Governing Board.

(3) Members of the Governing Board referred to in paragraphs (e) and (f) of subsection (1) shall be appointed by the Minister.

(4) The Schedule to this Act, shall have effect as to the tenure of office, termination of their appointments, the proceedings of the Governing Board and other matters in relation to the Governing Board and its members.

16.-(1) The Governing Board shall have powers to give directions on matters relating to the management of the School.

(2) The Governing Board shall make rules for regulation of its activities.

(3) Subject to the provisions of this Act, the governance and control of the School shall be vested in the Governing Board.

(4) Without prejudice to the generality of subsection (3), the Governing Board shall have powers to-

- (a) administer the properties of the School, both movable and immovable;
- (b) administer funds and other assets of the School;
- (c) consider and approve the annual budget estimates any supplementary budget, the annual balance sheet and any statement of accounts;
- (d) signify the acts of the School by using the official seal;
- (e) advise the Attorney General on all matters relating to examinations;
- (f) on behalf of the School receive gifts, donations, grants or other monies and make disbursements to other persons or bodies;
- (g) employ officers and staff of the School;
- (h) provide for the welfare of the students and the staff of the School;
- (i) formulate Schemes of service for officers and staff of the School;
- (j) prescribe fees and other charges of the School;

- (k) establish directorates within the School;
- (l) establish committees and sub-committees as may deemed necessary;
- (m) approve examination results recommended by the Committee;
- (n) decide on matters relating to pass or fail of candidate and matters related thereto; and
- (o) exercise such powers as is necessary for the effective performance of the functions of the School and for the purpose of this Act.

17.- Members of the Governing Board shall be entitled to and be paid such remuneration, as the Minister may, on the recommendations of the Governing Board, prescribe.

Remuneration

18.-(1) Except for matters specified under subsection (4) of section 16, the Governing Board may, by writing and subject to such terms, conditions and restrictions as it may specify, delegate to any Committee performance of its functions or person the exercise of, and powers conferred or imposed by this Act.

Delegation of powers by the Governing Board

(2) Where any delegation is so made, the delegated function, power or duty may be performed or exercised by the person so delegated.

(3) The delegation made under subsection (1) shall be made by office and not by name and in every case where delegation is so made, each successive holder of the office in question and any person who occupies or performs the duty of that office shall, without any further authority, perform or exercise the delegated function, power or duty in accordance with the delegation made by the Governing Board.

(4) The Governing Board may revoke a delegation made by it under this section.

(5) No delegation made under this section shall prevent the Governing Board from performing or exercising the power, function or duty so delegated.

(6) A delegation made under this section shall be published in the *Gazette* and upon its publication, shall be judicially noticed and presumed to be in force unless the contrary is proved.

(7) The Governing Board shall not have powers to delegate its power of delegation.

19. An act or omission done by any member of the Governing Board, Committee or officer of the School shall not, if done *bona fide* in the execution of the functions conferred upon such member or officer by this Act or by Rules made under this Act, render such member or officer personally liable for such act or omission.

20.-(1) The Governing Board may, after consultation with the Attorney General, make rules-

- (a) governing practical legal training and the management of the school;
- (b) prescribing enrolment fees and other charges;
- (c) prescribing the terms and conditions of service, including the appointment, dismissal, salaries and retirement benefits of the members of the staff of the School; and
- (d) regulating discipline among members of staff and students.

(2) The Governing Board may consult with other institutions providing legal training on matters relating to implementation of the programmes of the School.

(3) Where any rule made under this section is not published in the *Gazette*, the Governing Board shall in such manner as it may determine, bring or cause the rule to be brought to the notice of any person who is likely to be affected by the Rules.

Indemnity
of
members

Rules for
school
admini-
stration

PART IV
FINANCIAL PROVISIONS

21. The funds and resources of the School shall consist of-

Funds of
the
School

- (a) fees payable to the School;
- (b) such sums as may be appropriated by Parliament for the purposes of the School;
- (c) such sums as the Governing Board may from time to time borrow for the purposes of the School;
- (d) such sums as may be received by the School through donations, grants, contributions, endowments and such other similar financial inputs; and
- (e) such sums as may, in any manner become payable to or vested in the School as a result or in the course of discharging its functions.

22.-(1) In this Act “financial year” means any period not exceeding twelve consecutive months designated in that behalf by the Governing Board.

Annual
budget
estimates

(2) At least two months before the commencement of any financial year budgeting circle, the Principal shall prepare or cause to be prepared for the consideration of the Governing Board estimates of the revenue and expenditure of the School for the ensuing financial year.

(3) The Governing Board shall, after receiving the estimates report under subsection (2), consider and adopt the estimates subject to such modifications and amendments as the Governing Board may consider appropriate.

(4) The annual budget estimates shall contain provisions for all the estimated expenditure for the ensuing financial year and in particular-

- (a) the payment of salaries, allowances and other charges in respect of the staff and the Governing Board and the Committee;

- (b) the payment of construction, improvement, maintenance and replacement of any building or other immovable property of the School;
- (c) the proper maintenance and replacement of the furniture, equipment and other supplies of the School;
- (d) the management and implementation of practical training programmes; and
- (e) the creation of such reserve funds to meet future contingent liabilities as the Governing Board may think fit.

(5) No expenditure shall be incurred for the purposes of the School except in accordance with the provisions of the annual budget estimates or any supplementary budget estimates adopted by the Governing Board.

(6) A copy of the annual budget and of every supplementary budget estimate, if any shall, immediately after the Governing Board adoption be forwarded to the Minister.

(7) The Minister shall, upon receipt of the annual budget estimates or any supplementary budget estimates, approve or disapprove the same or may approve subject to such amendments as he may deem fit.

(8) Where the Minister has approved any annual budget estimates or any supplementary budget estimates, such budget estimates shall be binding on the Governing Board which subject to subsection (9) shall confine the disbursement within the items and the amounts contained in the budget estimates or supplementary budget estimates as approved by the Minister.

(9) The Governing Board may-

- (a) make disbursement with the sanction in writing of the Minister notwithstanding that such disbursement is not provided for in any budget;
- (b) transfer a sum from the amount of expenditure provided for in any budget in respect of any item, to any other item contained in such budget; or

- (c) adjust expenditure limits to take account of circumstances not reasonably foreseeable at the time the budget was prepared, subject to submission of supplementary budget to the Minister within two months of such alteration of expenditure.

23.-(1) The Governing Board shall cause to be provided and kept proper books of accounts and records with respect to the receipt and expenditure of money by and other financial transactions of the School, and shall cause to be made for every financial year a balance sheet showing the details of the income and expenditure of the School and all its assets and liabilities.

Accounts
and audit

(2) Within three months after the close of each financial year the accounts including the balance sheet of the School in respect of that financial year shall be submitted to and audited by the Controller and Auditor General.

(3) Such audited balance sheet shall be placed before a meeting of the Governing Board and, if adopted by the Governing Board shall be endorsed with a certificate that it has been so adopted.

(4) As soon as the accounts of the School have been audited and in any case not later than six months after the close of the financial year, the Governing Board shall submit to the Minister a copy of the audited statement of the accounts together with a copy of the report made by the auditor on the statements of accounts.

24.-(1) The Minister shall after receiving the report, lay it before the National Assembly.

Financial
report

(2) The report shall contain-

- (a) a copy of the audited accounts of the School;
- (b) a copy of the audited report, if any; and
- (c) a copy of the report regarding the activities of the School in the preceding financial year.

25. The Governing Board shall, with the approval of the Minister responsible for finance, have power to invest the funds of the School.

Investments of
the
School

PART V
MISCELLANEOUS PROVISIONS

Amendment
of the
Schedule

26. The Minister may, by order published in the *Gazette*, amend, vary or alter the Schedule.

By-Laws

27.-(1) The Governing Board may, with the approval of the Minister, make By-laws for the better carrying out of the purposes of this Act.

(2) Without prejudice to the generality of subsection (1), the Governing Board may make By-laws-

- (a) prescribing awards which may be conferred or granted by the School;
- (b) prescribing the conditions which may be satisfied before the grant of particular award;
- (c) prescribing instruction for programmes to be provided by the School;
- (d) regulating the conduct of examinations; and
- (e) fixing the duration and number of practical training terms.

Transitional
provisions

28. Upon commencement of this Act, law graduates who have undergone internship programme conducted by the office of the Attorney General or externship programme conducted under the auspices of the University of Dar es Salaam shall be exempted from the requirements of this Act.”

PART VI
TRANSITIONAL AND CONSEQUENTIAL AMENDMENTS

29. This Part shall be read as one with the Advocates Act hereinafter referred to as the “principal Act”.

Const-
ruction
Cap.341

30. The principal Act is amended by inserting the following provisions immediately after section 5B;

Amend-
ment of
Section 5

5C.-(1) There shall be a Permanent Secretariat which shall be responsible for the day to day administration and management of the Council.

“Establish-
ment of the
Permanent
Secretariat

(2) During the interim period, the Permanent Secretariat shall be responsible for allocation of law graduates from accredited universities for purposes of undertaking practical legal training.”

(3) The “interim period” referred to in Subsection (2) means a period commencing from the date of coming into operation of the Law School of Tanzania Act, 2007 up to a date on which the conduct of practical legal training shall commence.”

5D. The functions of the Permanent Secretariat shall be to provide logistical and technical support to the Council in monitoring and control of practical legal training programme in Tanzania.

Functions
of the
Permanent
Secretariat
in relation
to the Law
School.

SCHEDULE

MATTERS RELATED TO THE GOVERNING BOARD

(Made under section 15(4))

Tenure of office

1.-(1) Subject to the provisions of this Schedule every member of the Governing Board shall hold office for a period of three years from the date of his appointment but may be eligible for re-appointment for another period of three years.

(2) Notwithstanding subparagraph (1) of this paragraph, a member may resign at any time by giving notice in writing to the appointing authority and from the date specified in the notice or, if no date is so specified in the notice, from the date of the receipt of the notice by the appointing authority; he shall cease to be a member.

(3) A person who is a member by virtue of his holding some other office shall cease to be a member upon his cessation to hold the office by virtue of which he is a member.

Termination of appointment

2. Where any member of the Governing Board absents himself from three consecutive meetings of the Governing Board without reasonable excuse, the Governing Board shall advise the appointing authority who may terminate the appointment of such a member and appoint a new member in his place.

Where a member ceases to be a member

3. Where any member of the Governing Board ceases to be such a member by resignation or death or is unable to perform his functions as such member by reason of his absence from the United Republic or by reason of any infirmity of body or mind or where the appointing authority terminates his appointment under paragraph 2, the appointing authority may appoint another member in his place and the member so appointed shall, subject to the provisions of this Schedule, hold office for the remainder of the term of his predecessor.

Temporary member

4. Where any member of the Governing Board other than Chairman is by reason of illness, infirmity or absence from the United Republic or is unable to attend any meeting of the Governing Board, the appointing authority may appoint a temporary member in his place and such temporary member shall cease to hold office upon resumption of the substantive member.

Vice-Chairman

5. The Governing Board shall elect one of its members to be a Vice-Chairman, and any member elected as a Vice Chairman shall, subject to his continuing to be a member hold office of Vice-Chairman for a term to be fixed by the Governing Board, and shall be eligible for re-election after the end of that period.

Powers of Chairman and Vice-Chairman

6.-(1) The Chairman shall preside at all meetings of the Governing Board.

(2) Where at any meeting of the Governing Board the Chairman is absent the Vice-Chairman shall preside.

(3) In the absence of both the Chairman and Vice-Chairman at any meeting of the Governing Board the members present may from amongst their number elect a temporary Chairman who shall preside at that meeting.

(4) The Chairman, Vice-Chairman or temporary Chairman presiding at any meeting of the Governing Board shall have a vote and in the event of an equality of votes, shall have a casting vote in addition to his deliberative vote.

7.-(1) Subject to any general or specific direction of the Chairman, the Governing Board shall meet not less than four times during every financial year and at such additional times as may be fixed by the Chairman or if he is absent from the United Republic or unable for any reason to act, the Vice-Chairman shall preside over the meetings.

Meeting
and
procedure
of the
Governing
Board

(2) The Secretary to the Governing Board shall give to each member of the Board fourteen days notice of the time, date and place of every meeting of the Governing Board.

8. One half of the total number of members shall form a quorum for a meeting of the Governing Board but certain decisions may require a high number of members.

Quorum

9. Subject to the provisions relating to a casting vote, all questions at the meeting of the Governing Board shall be determined by the majority of the votes of the members present; and if any member refuses or fails to vote on any question, he shall be deemed to have cast a negative vote.

Decision
by vote

10.-(1) Notwithstanding the provisions of this Schedule decisions may be made by the Governing Board without a meeting by circulation of the relevant papers among the members and the expression of the views of the majority thereof in writing.

Decision
by
circulation
of papers

(2) Any member of the Governing Board shall be entitled to require that any decision made under subparagraph (1) be deferred and the subject matter be considered at a meeting of the Governing Board.

11.-(1) The seal of the School shall be of such shape, size and form as the Governing Board may determine.

Seal of the
School

(2) The seal shall be authorized by the signature of the Principal or any other officer of the School authorized by the Principal in that behalf.

12. All documents to which the School is a party other than documents required by law to be under seal and all decisions of the Governing Board, may be signified under the hand of the Principal or other officer of the School authorized by the Principal in that behalf.

Execution
of
document

13.-(1) Minutes in proper form of each meeting of the Governing Board shall be kept and shall be confirmed by the Governing Board at the meeting and signed by the Chairman of the meeting.

Records of
proceedings
of the
Governing
Board

(2) The Governing Board shall cause minutes of all proceedings of meetings of the Governing Board to be entered in a book kept for that purpose.

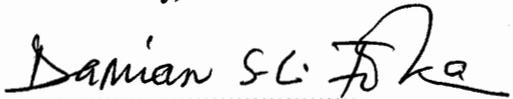
14. No act or proceeding of the Governing Board shall be invalid by reason of the number of members not being complete at the time of such act or proceedings or of any defect in the appointment of any member or the fact that any member was at the time disqualified or disentitled to act as such.

Proceedings
not to be
invalidated
by
irregularity

15. Subject to the provisions of this Schedule the Governing Board may regulate its own proceedings.

Governing
Board to
regulate
its
proceedings

Passed in the National Assembly on the 8th February, 2007.


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Clerk of the National Assembly