

GOVERNMENT NOTICE NO 13 published on 27/01/2017

THE TANGANYIKA LAW SOCIETY (CHAPTER) REGULATIONS,
2017

ARRANGEMENT OF REGULATIONS

Regulations Title

PART I
PRELIMINARY PROVISIONS

1. Citation.
2. Interpretation.

PART II
ESTABLISHMENT OF CHAPTERS

3. Qualification to Form a Chapter.
4. Membership.
5. Objects and Functions.

PART III
CHAPTER GOVERNANCE

6. Chapter Executive Committee.
7. Chapter Convenor.
8. Chapter Treasurer.
9. Chapter Committees.
10. Immediate Past Chapter Convenor.
11. Chapter Coordinator.

PART IV
CHAPTER ANNUAL GENERAL MEETING

12. General meeting.

PART V
GENERAL

13. Chapter Public Relations Policy.
14. Chapter Financial Procedures.
15. Code of Conduct for Chapter Office Bearers.
16. Commitment Between Chapters and Society Headquarter.

SCHEDULES

THE TANGANYIKA LAW SOCIETY ACT,
(CAP. 307)

REGULATIONS

(Made under section 31)

THE TANGANYIKA LAW SOCIETY (CHAPTER) REGULATIONS, 2017

PART I
PRELIMINARY PROVISIONS

Citation	1. These Regulations may be cited as the Tanganyika Law Society (Chapter) Regulations, 2016 and shall be deemed to have come into operation on 2017.
Interpretations	2. In these Regulations, unless the context requires otherwise-
	“Act” means the Tanganyika Law Society Act;
Cap. 341	“Advocate” shall have the meaning as defined under the Advocates Act;
Cap. 307	“Annual General Meeting” means the Annual General Meeting of the Tanganyika Law Society as provided for under the Act;
	“Annual Meeting of the Chapter” means the Annual Meeting of the Chapter as specified in the Council in these Regulations;
	“Audit Committee” means the Audit Committee of the Tanganyika Law Society;
	“Chapter” means the Chapter of the Tanganyika Law Society;
	“Chapter Convenor” means the head of a Tanganyika Law Society Chapter;
	“Chapter Treasurer” means the Treasurer of the Chapter;

“Chief Executive Officer” means the Chief Executive Officer of the Tanganyika Law Society;

“Committee” Means a Standing Committee and a Special Committee of the Tanganyika Law Society;

“Council” means the Governing Council of the Tanganyika Law Society as defined under section 15 of the Act;

“Executive Committee” shall mean the President, Vice President and Honorary Treasurer of the Tanganyika Law Society;

“Immediate Past Chapter Convenor” means the person who last held the office of Chapter Convenor and has not been elected to the office in the current year;

“Member” means a Tanganyika Law Society member in good standing;

“Non Practising Member” shall mean any public practitioner or any other person, other than an Honorary member, who has applied for and has been granted membership of the Tanganyika Law Society;

“Past President” means a person who was at one time the President of the Tanganyika Law Society;

“Practising Member” shall mean an advocate who is required by the Act to have and has a practicing certificate in force in order to practice law in Tanzania Mainland as per section 7 of the Act;

“President” means the President of the Society;

“Society” shall mean the Tanganyika Law Society established under section 3 of the Act;

“Treasurer” means the Treasurer of the Tanganyika Law Society; and

“Vice President” means the Vice President of the Tanganyika Law Society.

PART II

ESTABLISHMENT OF CHAPTERS

Qualification to
Form a Chapter

3.-(1) Any region of Tanzania Mainland qualifies to be
a Chapter if-

- (a) it has 35 or more resident Advocates; and
 - (b) it has a High Court registry in the region.
- (2) In order to be recognized as a Chapter-
- (a) the members of the region shall communicate to the Chief Executive Officer their willingness to be recognized as a Chapter;
 - (b) the communication shall list the names, addresses and signatures of the resident Advocates in the region;
 - (c) the Chief Executive Officer shall present the request to the Council of the Society;
 - (d) if approved the Council will official write to the Chapter; and
 - (e) the Chapter will be confirmed at the coming General Meeting.

(3) The Council may, for reasonable grounds, recognize an application to form a Chapter even where the criteria as stipulated in regulation 3(1) has not been met.

Membership

4. Members of the Chapter shall be those members who have renewed their annual membership in accordance with Society laws, rules and regulations, and whose recent address show their place of business is in the respective Chapter

Objects and
Functions

5.-(1) The object and functions of the Chapters are to serve as branches of the Society, in so doing the Chapters shall-

- (a) address issues of Legal practice and welfare of members in the Chapter; and
- (b) inform the Council of any matter that affect members in the chapter and needs the Council's

consideration.

(2) In furtherance of Society objects as provided for in the Act, Chapter shall-

- (a) assist the Government in matters relating to legislation;
- (b) assist the courts in administration of justice;
- (c) uphold the constitution of the United Republic of Tanzania and advance rule of law;
- (d) ensure that the practice of law in Tanzania meet the standards of learning, professional competence and conduct;
- (e) protect the members of the public in matters ancillary or relating to law;
- (f) facilitate the acquisition of legal knowledge by members of the Society in the Chapter and continuously improve the standards of learning for the legal profession;
- (g) enhance and maintain the standards of professional practice and ethical conduct;
- (h) represent, protect and assist members of the TLS in matters relating to conditions of practice and welfare;
- (i) facilitate the realization of the transformed legal profession that is cohesive, accountable, efficient and independent;
- (j) attending the representative functions, including the promotion of collegiality;
- (k) establish mechanism necessary for the provision of equal opportunities for all legal practitioners in Tanzania;
- (l) protect and promote the interest of consumers of legal services;
- (m) appoint or nominate as the case may be, a person for the office of Chapter Executive Committee;

and

- (n) discharge such other functions as are from time to time delegated to the Branch by the Council.

PART III

CHAPTER GOVERNANCE

Chapter
Executive
Committee

of-

6.-(1) Chapter Executive Committee shall be made up

- (a) the Chapter Convenor;
- (b) the Vice Chapter Convenor
- (c) the Chapter Treasurer;
- (d) chair of the Chapter Ethics Committee;
- (e) chair of the Chapter Pro bono Committee;
- (f) chair of the Chapter Continuing Legal Education Committee; and
- (g) the immediate Past Chapter Convenor.

(2) The Chapter Executive Committee shall assist the President and the Council, it shall endorse and provide a report on the Chapters activities at each ordinary Meeting of the Council, and shall have the powers to establish special Chapter Committees, set the terms of reference, and appoint the Committee Members.

(3) The Chapter Executive Committee shall have the following functions:

- (a) to ensure that the functions of the Chapter are properly carried out;
- (b) to ensure that directives from the Council are carried out;
- (c) to prepare and submit to the Council for approval such financial information as may be required;
- (d) to establish such chapter committees as it

considers appropriate;

(4) The Chapter Executive Committee shall keep informed on all the issues affecting the Chapter including legislations and direct study of such issues by the appropriate committee, and it shall ensure that results and recommendations from the studies or reports are communicated to the Council and eventually to the appropriate government office or agency.

(5) The Chapter Executive Committee shall-

- (a) meet in between calendar Council Meetings, a total of four meetings in a year;
- (b) regulate its meetings as it may think fit, from time to time and in advance of the meetings;
- (c) fix rules that will regulate the quorum necessary for transaction of its business but a simple majority shall always be the minimum; and
- (d) fix rules that regulate the meetings of the Chapter Executive Committee, and all minutes of the Chapter Executive Committee must be forwarded to the Chief Executive Officer.

(6) In consultation with the Chapters, the Council shall develop and adopt business plan for the Chapters on annual basis. The Chapter shall implement the Council's adopted business plan.

Chapter
Convenor

7.-(1) The Chapter Convenor shall be the representative of the President in the Chapters, and he shall preside in all meetings of the Chapter Executive Committee as the Chairperson.

(2) The term of office of the Chapter Convenor shall be one year.

(3) The Chapter Convenor shall submit a written report on the work of the Chapter to the Annual General Meeting of the Branch and the same report shall then be submitted to the Annual General Meeting of the Tanganyika Law Society.

- (4) The Chapter Convenor shall-
 - (a) be responsible for the activities and progress of the work of the Chapter Committees;
 - (b) advise the Council on Strategic Planning and Governance matters; and
 - (c) be one of the signatories of Society Chapter Account.

Chapter
Treasurer

8. The Chapter treasurer shall be the Chapter chief financial officer and a signatory to the Society Chapter Account. The Chapter Treasurer shall be responsible for the Society financial affairs in the Chapter. The Chapter Treasurer shall always liaise with the Chapter Convenor, Honorary Treasurer, and the Chief Executive Officer on financial affairs of the Chapter.

Chapter
Committees

9.-(1) The Chapters shall have three Committees such as the Ethics Committee, the Continuing Legal Education Committee, and the Pro bono Committee, whereas the National Committees will be in charge of policy issues, the Chapter Committee will be responsible for ensuring that respective programs in the Chapters are delivered in the desired standards.

(2) The Chapter Committees shall be responsible for ensuring local ownership of the development, delivery and outcome of the programs within the Chapters.

(3) The Chapter Committee Chair will advise the National Committee Chairs on the respective policy issues.

(4) The Chapter Convenor shall be an ex-officio member of all Chapter Committees meetings and shall receive notice of all committee meetings.

(5) Each Committee shall consist of not less than three members and not more than five members including the Chairperson, and the Committee members' term shall exist for one year term but the Chapter Executive Committee may extend the term for one more year, the Chapter Executive Committee

shall appoint the Committee members.

(6) A Committee shall meet at the call of its Chair or the Chapter Convenor, and the term shall be one year but subject to renewal.

Immediate Past
Chapter
Convenor

10. The Immediate Past Chapter Convenor is the most recent Chapter Convenor whose term has expired. The incumbent shall remain a member of the Chapter Executive Committee in order to provide continuity and guidance to the Chapter.

Chapter
Coordinator

11.-(1) A Chapter Coordinator shall be hired by the Council to manage the affairs of the Chapter, and he shall reside at the Chapter Offices.

(2) The Chapter Coordinator shall be responsible to the Chapter Convenor and shall work closely with the Programme Officer - Chapter Liaison at the Society Headquarters.

(3) The Chapter Coordinator shall administer the general affairs of the Chapter in accordance with Society policies, advise and assist the Chapter Executive Committee and all Chapter Committees in their responsibilities of office, maintain and disseminate minutes of the Chapter General Meeting, minutes of the Chapter Executive Committee and the Chapter Committees.

(4) The Chapter Coordinator shall exercise full authority over and the responsibility of the Chapter office and staff.

(5) The Chapter Coordinator, with the prior approval of the Chief Executive officer, may engage such other persons to assist in the management and administration of the office of the Chapter as are considered desirable and the Coordinator with the approval of the Chief Executive Officer may terminate the engagement of any of those persons.

PART IV

CHAPTER ANNUAL GENERAL MEETING

General meeting

12.-(1) The General Meeting of the Chapter shall take place once a year at a time and place that the Chapter Executive Committee chooses.

(2) The Chapter Executive Committee may call for special meeting of the Chapter at a time and place it chooses.

(3) The Chapter Coordinator shall give or cause to be given to each member not less than fourteen days notice of a meeting of the Chapter.

(4) A special annual meeting of the Chapter may be requisitioned by a written requisition of ten members or one percent of the members of the Chapter, such requisition must specify the intended purpose of the meeting. In that case the Chapter Executive Committee shall call a special meeting at the earliest practical time.

(5) The Quorum for any annual or other meetings of the Chapter shall be one third of the members who are either present personally or by proxy.

(6) Every appointment of proxy must be in a form, writing, signed by the appointer and witnessed, and it must specify that it is valid the specified meeting and any adjournments to the meeting, the form must be received at the Chapter Offices forty eight hours before the time fixed for the commencement of the meeting.

(7) The Chair at any general meeting will be the Chapter Convenor or any other member of the Chapter Executive Committee appointed by the Chapter Executive Committee.

(8) The Chapter Executive Committee in consultation with the Secretariat shall make arrangements for the annual meeting of the Chapter and shall prepare a programme for it.

(9) The Election of Chapter Office Bearers shall be

conducted in accordance with the TLS Election Rules in force at the time, confirmed by the Chapter General Meeting and sworn-in at the TLS Annual General Meeting.

PART V
GENERAL

Chapter Public
Relations Policy

13. No member or a group of members may make a statement or submissions on behalf of a Committee, Chapter or Council of the Society except-

- (a) where the statement purported to be made on behalf of a committee may deal only with a subject under the mandate or study by the committee and to the knowledge of the President, the Chapter Convenor, the National Committee Chairperson and the Chief Executive Officer, it must be to the satisfaction of the President of the TLS that the statement made represent the majority of the views of the Committee members, and that the statement clearly states that it represent the views of the Committee and not of the whole Chapter or the Society;
- (b) where the Chapter Convenor may make statements and submissions only with the prior consent of either the Council or members at the meeting of the Chapter;
- (c) however if the Council is not in session and the matter is time sensitive such that, in the opinion of the Chapter Convenor acting reasonably, the procedure laid in b) above should not be followed, then the President may give consent on behalf of the Council; and
- (d) the Chapter Convenor may make statements on behalf of the Chapter if the statement is known

and in accordance with the views of the Council.

Chapter
Financial
Procedures

14.-(1) From time to time the Audit Committee may, if requested by the Chapter, the Secretariat or the Council, propose to the Council but in consultation with the Chapter and the Secretariat, policies relating to the Chapter financial affairs.

(2) Council shall approve, disapprove or amend the proposed policies and once approved, disapproved or amended, the policies shall be incorporated into the Financial Policy of the Society.

(3) A Chapter shall conduct itself on all financial matters in accordance with the Financial Policy Manual of the Society.

(4) Chapters shall maintain Chapter Accounts. Where necessary, the Auditor appointed by the General Meeting shall audit the Chapter Accounts.

(5) The Financial Manual, as much as possible shall detail the budget process and the involvement of the Chapters in the Budget Process.

Code of Conduct
for Chapter
Office Bearers

15.-(1) The Chapters shall be guided by a Code of Conduct as provided for under the second schedule. The Code of Conduct will supplement governing principles for Office Bearers in the Chapters.

(2) The code of conduct will detail commitment to the highest principles of fairness, honesty, and integrity in the supervision and execution of Chapter governance, management and operations. The Code of Conduct will aim at promoting confidence and credibility among TLS members, staff and the public.

(3) Each Office Bearer will be required to sign two copies of the Code of Conduct and retain one copy.

(4) The Council may, from time to time, amend the Code Conduct.

G.N. No. 13 (contd.)

Commitment
Between
Chapters and
Society
Headquarter

16. The relationship and operations between the Society Headquarter and the Chapter Offices will be based on the following commitments:

- (a) adherence to the principles of good governance;
- (b) enhancing collaboration between the Chapters and the Society Headquarters;
- (c) encouraging continued innovation on the new ways that are cost effective but efficient in delivery of services in the Chapters;
- (d) jointly contributing resources for the operation of the Chapter and determine the best strategic use of the existing resources;
- (e) Jointly and aggressively searching for other potential partners and funders to ensure the sustainability and rigorous expansion of the chapter services;
- (f) Consultatively developing sound policies for the management of the Chapters; and
- (g) Facilitating the sharing of best practices and lessons learnt amongst Chapters.

SCHEDULES

FIRST SCHEDULE

(Made under regulation 6(6))

**DESCRIPTION OF KEY ACTIVITIES TO BE DONE BY THE CHAPTER
OFFICES:**

1. Institutional Development:

- i. Ensure that the Chapter obtain and maintains its own premises
- ii. Ensure that the Chapter is adequately staffed to undertake its activities.

2. Pro bono Legal Aid Services:

- i. Improve and expand the legal aid services in prisons by providing a regular visit to identified prisons, at least once in a week; assisting in bail application and securing sureties; follow up of pending investigations at the police stations; couching remandees before hearings and assist in drafting of memorandum of appeal.
- ii. Expand pro bono representation to civil legal aid targeting the most underrepresented sections of the society and the extremely marginalized groups including workers, PLHIV, Children, the disabled, women and students.
- iii. Expanding the pool of Advocates participating in the project specifically targeting young lawyers within the Chapter.
- iv. Improve collaborations with grassroots organizations working the poor and the marginalized to provide a backup in legal aid and representation needs.
- v. Improve the management of pro bono representation by developing and ensuring consistent use tools that aim at ensuring regular case progress reporting from participating Advocates and rapid disposal of cases.
- vi. Establishing an efficient and transparent system of reimbursing transport costs to advocates participating in the pro bono work.
- vii. Plan and execute a cost effective and efficient Legal Aid Day in the Chapter annually.
- viii. Provide support in monitoring of the paralegal activities
- ix. Provide referral services for the paralegal activities

3. Membership Development & Compliance:

- i. To be a centre for member services (collecting bank slips for membership subscription fees and submitting the same to the headquarters, collect and submit practicing certificates for renewal)
- ii. To update members in the Chapters on any necessary information from the Headquarters and convey information from the Chapters to the Headquarters.
- iii. Build and sustain a solid, efficient working relationship among Chapter members.
- iv. Facilitate Bench-Bar relationship with a view to defend the independence and the integrity of the Judiciary and the legal profession alike.
- v. To lay down proper structures for training of legal practice students from the Law School of Tanzania.
- vi. To organize and conduct Continuing Legal Education (CLE) seminars annually in accordance with the annual CLE calendar, and the CLE curriculum of the TLS.
- vii. To coordinate Ethics Committee Hearing sessions within the Chapter.

4. Visibility:

- i. Improve on the dissemination of knowledge and project impact to the legal profession, stakeholders and the public.
- ii. To improve relationship with the Media in order to promote the image of the Society in the Chapter.

SECOND SCHEDULE

(Made under Rule 15(1))

CODE OF CONDUCT FOR CHAPTERS

Purpose:

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

The aim of this Code is to promote confidence and credibility in the Society among Chapter members, TLS staff, volunteers, partners and the general public. The Code is also intended to ensure that the key players identified in these Rules 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 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 programmes 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 talents 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 leadership, volunteers, staff and members to confidentially bring to the attention of the Chief Executive Officer 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 Chief Executive Officer. Allegations concerning Chapter leadership will be dealt with by the President.

The President or the Chief Executive Officer, 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
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 leaders, volunteer 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 Chief Executive Officer.

Display of this Code:

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

Dar es Salaam,
....., 2016

CHARLES RWECHUNGURA,
President
Council of the Tanganyika Law Society