

GOVERNMENT NOTICE NO. 617 published on 19/7/2024

THE LAW SCHOOL OF TANZANIA ACT,
(CAP. 425)

BY-LAWS

(Made under section 27(2)(d))

THE LAW SCHOOL OF TANZANIA (EXAMINATION AND APPEALS) BY-LAWS, 2024

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SCHEDULE



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(CAP. 425)

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THE LAW SCHOOL OF TANZANIA (EXAMINATION AND APPEALS)
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PART I
PRELIMINARY PROVISIONS

Citation

1. These By-Laws may be cited as the Law School of Tanzania (Examination and Appeals) By-laws, 2024.

Interpretation

2. In these By-laws, unless the context otherwise requires-

“Board” means the Governing Board of the School established under section 15 of the Act;

“Committee” has the meaning ascribed to it under the Act;

“Director” means the Director of Practical Legal Training Support Services;

“Principal” has the meaning ascribed to it under the Act;

“module” means an independent package of learning related to an academic programme undertaken by a student for a fixed number of hours during the semester;

“coordinator” means an instructor appointed by the Principal to coordinate a specific training programme;

“invigilator” means a person given the responsibility to ensure that the examination is conducted in accordance with these By-laws;

- Cap. 425
- “internal examiner” means an instructor employed by the School for lecturing purposes;
- “external examiner” means an instructor who undertake lecture but who has not been employed by the School for lecturing purposes;
- “candidate” means a person who is eligible and registered to sit for examination;
- “module instructor” means a Tutorial Assistant, Assistant Lecturer, Lecturer, Senior Lecturer, Associate Professor or Professor;
- “student” means a person dully registered by the School to pursue a program within the specified period of training;
- “programme” means training run by the School according to a specific curriculum;
- “Act” means the Law School of Tanzania Act;
- “School” has the meaning ascribed to it under the Act;
- “assessment” means evaluation of a student's academic performance during the course of study and includes assessment by coursework, examination, or placement;
- “continuous assessment” means a combination of modes of assessment used to test a student’s academic performance in a module during the semester excluding end of semester examination;
- “Moderation Team” means a team established under paragraph 3;
- “award” means any award designated by the Board for grant or conferment upon student who qualify in accordance with these By-laws; and
- “Minister” has the meaning ascribed to it under the Act.

PART II

EXAMINATION SETTING AND MODERATION

Establishment
of Moderation

3.-(1) There shall be a Moderation Team for

Team verification of examinations comprising of at least three members.

(2) Members of the Moderation Team shall be appointed by the Principal based on their expertise in the respective module.

(3) Members of the Moderation Team shall serve for a period of three years and may be eligible for re-appointment once.

(4) Members of the Moderation Team may, upon approval by the Principal, co-opt an expert for the purpose of moderation.

(5) The Moderation Team shall be responsible for moderation of examination paper and marked script to ensure compliance with quality standards prescribed by the School.

Examination
setting and
moderation

4.-(1) The course coordinator shall set and submit examination to the Moderation Team five days before the date set for conduct of the examination.

(2) The Moderation Team shall moderate and return the examination to the course coordinator within two days from the date of receipt.

(3) Every examination shall be moderated by at least two members of the Moderation Team.

(4) The Moderation Team shall, after moderation of examination, prepare a report and submit to it to the Principal.

(5) The course coordinator shall be required to take into accounts comments made by the Moderation Team.

(6) The course coordinator shall make sure that moderated examination is processed two days prior to the conduct of the examination.

Custodian of
examinations

5. The Director shall be in charge of the examination process and the custodian of examinations records.

Date of
examination

6.-(1) All semester examinations shall be held at date prescribed under the School's Almanac.

(2) Notwithstanding the provision of subparagraph (1), the School may, where circumstances so demand, alter the examinations date and communicate the same to the Students.

PART III STUDENT'S ASSESSEMENT

Individual
continuous
assessment

7.-(1) There shall be an individual continuous assessment for students in each core modules.

(2) Individual continuous assessment shall include-

- (a) class work;
- (b) assignment;
- (c) mock trial;
- (d) portfolio; and
- (e) attendance.

(3) The individual continuous assessment shall have a total of fifty *percetum* of the Marks.

(4) The School may, where considers necessary, in addition to or in replacement of any of the mode prescribed under subparagraph (2), adopt any other practical and preferable mode of individual continuous assessment.

(5) Where the individual continuous assessment is undertaken in writing it shall be done for not more than two hours.

Written
practical
assessment

8.-(1) There shall be written practical assessment for all core courses at the end of the first semester.

(2) The written practical assessment shall be undertaken for five hours.

(3) During the five hours referred to under subparagraph (2) a student shall be required to carry out

individual research and answer the questions.

(4) Students shall be allowed to consult authorised materials only during examination.

(5) At the end of five hours, a student shall be required to submit the answer booklet and examination paper.

End of course
practical
examination

9.-(1) There shall be end of the course practical examination for both core and non-core courses.

(2) The end of the course practical examination shall be undertaken at the end of the first semester for non-core courses and second semester for core courses.

(3) The end of the course practical examination for core courses shall constitute-

(a) written practical examination, which shall be conducted for a duration not exceeding three hours; and

(b) oral practical examination which shall be done for not more than twenty minutes.

(4) The oral practical examination shall be conducted by a panel of three examiners comprising of both internal and external examiners.

(5) Questions for the oral practical examination shall focus on practical legal areas as per the curriculum.

(6) During oral practical examination the student shall be assessed on his attire, correctness of answers, audibility, calmness and confidence in responding to the questions.

PART IV EXAMINATION GUIDELINES

Invigilator

10.-(1) Before commencement of examination session, an invigilator shall-

(a) collect sealed envelopes containing examination papers and answer booklet from examination

office;

- (b) be present in the examination room at least thirty minutes before the commencement of the examination;
- (c) ensure that each student possesses a valid student identity card; and
- (d) ensure that students are reminded about-
 - (i) not to possess any unauthorised material;
 - (ii) not to do anything that may amount to examination irregularity;
 - (iii) checking whether they are in possession of the correct examination paper; and
 - (iv) adhering to examination bylaws and guideline.

(2) During the examination, the invigilator shall ensure that-

- (a) all candidates sign the attendance sheet at the submission of their examination;
- (b) examination in his custody are safe;
- (c) candidates in the examination room are not leaved unattended while the examination is in progress; and
- (d) where he apprehends any danger or insecurity, takes appropriate measures, including to inform relevant authorities in the event.

(3) An invigilator shall have power to-

- (a) inspect the candidate during the examination as may deem necessary;
- (b) arrange and re-arrange the sitting position of the candidate; and
- (c) confiscate any unauthorised material brought into the examination room.

(4) After completion of examination, immediately an invigilator shall-

- (a) collect and ensure that booklets or scripts submitted by the candidates match with the

number of candidates that have attempted the examination; and

- (b) submit in a prescribed manner all booklets or scripts, invigilation report, and signed attendance sheet to the examination office.

Candidate

11.-(1) Candidate eligible to sit for examination shall, before and during the examination, observe and comply with the following instructions and guidelines:

- (a) to have a valid student's identity card;
- (b) observe examination timetable and venue;
- (c) arrive in the examination room thirty minutes before starting time;
- (d) inspect the surrounding environment for presence of any unauthorised item or object and report or handle over to the invigilator prior to the commencement of the examination;
- (e) listen from invigilator's instructions;
- (f) read carefully all instructions issued in the examination question paper and in the examination booklet;
- (g) observe silence and order in the examination room;
- (h) not to have any kind of communication without permission of the invigilator;
- (i) not to write names or any mark anywhere in the examination booklet or scripts that may reveal his identity;
- (j) not to write or draw anything on the question paper;
- (k) write examination number in the answer booklet;
- (l) sign-in the attendance sheet during the examination and submitting to the invigilator the examination booklet;
- (m) not to leave the examination room with

examination papers and answer booklet; and

(n) not to leave the examination room without invigilators permission.

(2) The candidate shall not be allowed to enter and sit for examination after lapse of thirty minutes from start of examination.

(3) Except in exemptional circumstances, the permission stated in subparagraph (1)(n), shall not be granted-

(a) within thirty minutes from start of examination; and

(b) within thirty minutes before end of examination.

Duty of course coordinator

12. The course coordinator of the respective module shall during examination session shall have duty to assist the invigilators to clarify any issues that may not be clear in the examination paper.

PART V EXAMINATION IRREGULARITIES

Examination irregularities

13. Acts which may constitute examination irregularity includes:

(a) possession of an unauthorised material in examination room which includes but not limited to notes, magazine, book, any object with written information, or information written on any part of the body or cellular or mobile phone, smart watch, radio, radio cassette or other types of cassette, DVD or VCD players, air pods, computer, iPod, iPad, tablet, recording apparatus, annotated document, laws, handbag, pouch, purse, and wallet;

(b) causing any form of disturbance or nuisance in or near any examination room without compelling reason;

- (c) any form of dishonesty or falsification for the purpose of gaining unfair advantage in examination;
- (d) destruction or refusal to hand over any unauthorised material to the invigilator when ordered to do so;
- (e) getting out of the examination room without prior permission from the invigilator;
- (f) impersonation in the examination;
- (g) stealing, aiding, abetting or causing leakage of examination;
- (h) making false accusation against the invigilator in relation to an examination;
- (i) ordering, soliciting, inducing, inciting, facilitating, aiding, abetting, assisting the commission of examination irregularity;
- (j) copying a work of another person;
- (k) walking out of an examination room in protest;
- (l) inciting or instigating other candidates to protest or refuse to do an examination;
- (m) taking part in any act of refusal or protest against examination, implicitly or explicitly;
- (n) detaching a part of examination booklet; or
- (o) doing any act that is expressly prohibited in the conduct of examination in accordance with these By-laws.

Procedure for
handling
unauthorised
materials

14.-(1) Where a candidate is found with unauthorised materials, the invigilators shall ask the candidate to sign the form set out in the Schedule for confirmation that they belong to such candidate.

(2) Where a candidate refuses to sign the form, the invigilator shall state to that effect in the report.

(3) The invigilator shall submit a signed written report in respect of all cases of contravention of these By-laws to the Principal including full details of the alleged

contravention.

(4) The Principal shall, upon receipt of the report, direct the Deputy Principal Training Research and Consultancy to convene an *Ad hoc* Committee which shall be composed of-

- (a) Dean of Students;
- (b) Head of Legal Unit;
- (c) Director; and
- (d) TASBA representative.

(5) The *Ad hoc* Committee meeting shall, upon receipt of the report, immediately deliberate on the alleged irregularity and make the appropriate decision.

(6) Student or candidate involved in cheating shall continue writing his examination pending the decision of the *Ad-hoc* Committee.

(7) The candidate or student who was caught cheating or committing examination irregularity under these By-laws shall, immediately, be expelled from the training.

(8) Notwithstanding subparagraph (7), where the *Ad-hoc* Committee found that there is no sufficient evidence against the candidate or student, shall allow such candidate or student to continue with the examination.

(9) Student or candidate who is dissatisfied with the decision of *Ad-hoc* Committee may appeal to the Committee within five working days from the date of the decision.

(10) A student or candidate who is discontinued for reasons of examination irregularities may be considered for re-admission after three years from such discontinuation and shall be required to fulfill admission requirements for the programme.

Irregularity
other than
cheating

15. Without prejudice to the generality of provisions of paragraph 13, in the case of an examination irregularity other than cheating, the invigilator may, at his discretion

take any action which in his view is necessary and reasonable under the circumstances.

Deferment of
examination
sitting

16.-(1) A student may apply to the Principal to defer sitting for examinations for a reason of ill-health evidenced by a certificate from a qualified medical doctor or any other reasonable ground.

(2) The Principal may, upon being satisfied with the reasons, grant the application.

(3) The period allowed for the deferment of examinations shall be up to one year.

(4) The Principal may, upon application and where he deems necessary, extend the period referred to under subparagraph (2) for a period of one year.

Examination
marking

17. The Director of Practical Legal Training Support Services shall, upon completion of examinations, make necessary arrangements for the marking of the examinations.

Verification
Committee

18.-(1) There shall be a Verification Committee which shall be composed after examinations marking is complete.

(2) The Committee shall be comprised of-

- (a) the Director of Practical Legal Training Support Services who shall be a Chairperson;
- (b) not less than three instructors;
- (c) not less than two academic officers; and
- (d) one ICT officer.

(3) The Verification Committee shall be responsible for-

- (a) tally marks on an examination script;
- (b) ascertain whether questions required to be answered were answered, marked and assessed;
- (c) ascertain whether the marks were properly computed; and

(d) do any other act connected to the above functions.

(4) The Verification Committee shall not have the powers to re-mark an examination script.

(5) The Verification Committee shall prepare a report and send to the Principal who upon receipt of the report shall give directives.

Internal and
external
examiners

19.-(1) There shall be external examiners appointed by the Board from qualified academicians and professionals from outside the School.

(2) The appointed external examiners shall serve for three consecutive years renewable once.

(3) The Practical Legal Training Support Services Directorate shall ensure that as soon as practicable all examination booklets and marking guides are sent to the appointed external examiner for moderation.

(4) Each external examiner shall prepare a report after moderation of the examination booklets for the moderated module.

(5) Where necessary the appointed external examiner may make available any comments to the internal examiner.

(6) After moderation by external examiners, the Principal shall convene a meeting of panel of internal examiners to deliberate on the results in line with the external examiner's reports and thereafter make appropriate recommendations to the Committee.

(7) All internal examiners shall constitute the panel of internal examiners as stated in subparagraph (6), and where necessary the Principal may invite external examiner to attend.

Release of
examinations
results

20.-(1) The Director of Practical Legal Training Support Services shall, immediately after deliberation of the Committee, declare the results provisionally.

(2) The Committee recommendations shall be submitted to the Board for approval.

Preservation of
booklet

21. The School shall preserve the candidates' examination booklets after publication of the results for a period of five years and after such period the booklets may be disposed.

PART VI SUPPLEMENTARY AND SPECIAL EXAMINATIONS

Failure of
examination
and
supplementary
examinations

22.-(1) A Post Graduate Diploma in Legal Practice candidate shall be eligible to supplement a failed course if he passes at least four modules excluding clinical law.

(2) A Post Graduate Diploma in Legal Practice candidate who fails seven modules or more excluding clinical law shall be deemed to have failed and may re-apply for admission into the programme.

(3) A curriculum of a respective programme shall be followed in determining a GPA.

(4) Supplementary examinations shall be conducted during regular examination session or at such other times as the Principal may determine.

(5) Every candidate who intends to sit for supplementary examination shall-

(a) register for the said examination at least fourteen days before the date of the examination; and

(b) obtain a supplementary identity card.

(6) Where a candidate passes a supplementary examination, the mark shall be recorded as a pass equivalent to fifty percent and awarded grade "C".

(7) A candidate shall be allowed to sit for supplementary examination within three years from the date of publication of first sitting results.

(8) A candidate who fails to sit for supplementary examination for a period of three years from the date of

publication of the results or who has sat for supplementary examination in the failed component and fails within three years shall repeat the programme.

(9) A candidate who is sitting for supplementary for the second time or more shall be required to pay supplementary fee for each examinable component as prescribed by the Board.

(10) A candidate shall not be allowed to sit for examination prior to publication of pending examination results in respective component or subject which he has written examination.

(11) A candidate who fails to comply with the provisions of subparagraph (10), his second sitting examination shall be disregarded and any fees paid shall not be refunded.

PART VII APPEALS

Appeal

23. A candidate may appeal against examination results on reasonable grounds that may raise suspicion of unfair marking on the part of examiner or on the ground of wrongful computation of marks.

Appeal
procedure

24.-(1) Appeals shall be lodged in the prescribed form or letter stating the grounds of appeal accompanied by the payment receipts of the appeal fee to the Principal within fourteen days after the publication of provisional examination results.

(2) Failure to comply with provision of subparagraph (1) shall result in rejection of the appeal.

(3) Notwithstanding the provisions of subparagraph (1), the Principal may, on sufficient cause, extend the period for lodging an appeal.

Independent
external

25.-(1) There shall be a panel of independent

reviewer

external reviewers appointed by the Principal and who are experts in legal matters.

(2) The Director of Practical Legal Training Support Services shall send the appeal to the independent external reviewer within ten working days from the date of submission deadline for determination.

(3) The independent external reviewer shall work on appeal within ten working days and send the report to the Principal.

(4) The Principal shall, within ten working days from the date of receipt of the external reviewer's report, submit the appeal results report to the Committee for determination.

(5) Upon receipt of the independent external reviewer's report, the Committee shall determine the merit of the appeal.

(6) The decision of appeal by the Committee shall be communicated in writing to the candidates within five working days from the date it was made.

Appeal to
Board

26.-(1) A candidate who is not satisfied with the Committee's decision may appeal to the Board in writing stating the ground of appeal.

(2) The appeal shall be lodged within seven days after communication of appeal decision.

(3) Upon receipt of the appeal from the candidate, the appeal shall be submitted to the Board's meeting within forty-five days from the date of lodging of the appeal.

(4) The Board shall go through the appeal and make decision.

(5) Subject to subparagraph (4), the Board shall determine the appropriate way of handling the appeal, taking into consideration the Committee's proceedings and report.

(6) The Board's decision shall be final and

conclusive.

Revocation,
savings and
transition
GN. No.
172 of 2011

27.-(1) The Law School of Tanzania (Students' Performance Assessment and Awards) By-Laws, 2011 are here by revoked.

(2) The revocation of the Law School of Tanzania (Students' Performance Assessment and Awards) By-Laws, 2011 shall not affect or invalidate anything lawfully done under or pursuant to the revoked By-Laws.

(3) Notwithstanding the revocation of the Law School of Tanzania (Students' Performance Assessment and Awards) By-Laws, 2011, where, at the commencement of these By-Laws, a student is required to supplement and clear any failed course component, such student shall clear such course component within the period of five years from the date of commencement of these By-Laws, and in accordance with the provisions of the revoked By-Laws.

(4) Where the period of five years prescribed under subparagraph (3) expires, the supplement and clearance of failed courses under the revoked By-Laws shall cease and the student shall be required to repeat the training in accordance with existing By-laws.

SCHEDULE

(Made under paragraph 14(1))

IRREGULARITY FORM

1. BACKGROUND INFORMATION

i. NAME:

.....

ii. REG. NO.:

iii. GENDER:

.....

iv. MOBILE NO.:

v. EMAIL:

vi. INVIGILATOR NAME:

2. COMMITTED IRREGULARITY

Offence:

Student Signature:

Invigilator signature:

Date:

3. EXHIBITS

Document(s) found:

Other things (apart from document):

Student signature:

Invigilator signature:

Date:

Dodoma,
....., 2024

KENNEDY G. GASTORN
Chairman of the Board

I APPROVE,

Dodoma,
....., 2024

PINDI H. CHANA
Minister for Constitutional and Legal Affairs