

GOVERNMENT NOTICE NO. 50 published on 13/02/2018

THE CONSTITUTION OF THE UNITED REPUBLIC OF TANZANIA
OF 1977

(CAP.2)

INSTRUMENT

(Made under Article 36 (1))

WHEREAS Article 36 (1) of the Constitution of the United Republic of Tanzania of 1977, Cap.2 vests in the President powers to establish and disestablish such offices in the Services of the Government of the United Republic;

AND WHEREAS the Government of the United Republic desires to enhance and strengthen the role mandate and capacity of institutions charged with representing the Central Government, independent departments, executive agencies and local government authorities in courts of law, arbitral tribunals in any suit or case of ordinary civil, human rights or constitutional nature to which the Central Government, independent department, agency or a local government is a party or has interest;

AND MINDFUL of the spirit of Article 59 and 59A of Constitution, the need and desire of separating the role of appointment, disciplinary and supervision of officers and other staff within the Office of the Solicitor-General in the day to day discharge of duties and performance of functions by the Attorney-General;

NOW THEREFORE I, JOHN POMBE JOSEPH MAGUFULI, the President of the United Republic of Tanzania, in the exercise of the

powers conferred on the President by Article 36(1) and all other powers enabling the President under the law in that behalf, orders as follows:

OFFICE OF THE SOLICITOR-GENERAL (ESTABLISHMENT)
ORDER, 2018

Citation

1. This Order may be cited as the Office of the Solicitor-General (Establishment) Order, 2018.

Office of
Solicitor-General

2. (1) There shall be the Office of the Solicitor-General within the organisation structure of the Office of the Attorney-General.

(2) The Office of the Solicitor-General shall be autonomous from the Office of the Attorney-General.

Objectives

3. The objectives of establishing the Office of the Solicitor-General shall be to-

- (a) enhance and strengthen the Government ability to litigate civil cases including human rights and constitutional matters in courts of law and undertake arbitral proceedings in tribunals;
- (b) enhance effective supervision of civil cases in courts of law including human rights and constitutional matters; and
- (c) carry out the general coordination of the conduct of civil litigation and arbitral proceedings on behalf of the Central Government, independent departments, executive agencies and local government authorities.

Functions of
Office of
Solicitor-General

4.-(1) The functions the Office of the Solicitor-General shall be to-

- (a) take and conduct civil litigation and arbitration on behalf of the Government and for that purpose, to direct Law Officers, State

- Attorneys and Legal Officers who conduct civil litigation or arbitration proceedings;
- (b) coordinate civil litigation in the courts of law and arbitral tribunals on matters to which the Central Government, independent department executive agency or local government is a party or has interest;
 - (c) prepare and institute suits, claims in subordinate courts, the High Court, the Court of Appeal and arbitral tribunals in that behalf;
 - (d) carry out the general supervision of Law Officers, State Attorneys and other officers or staff appointed, employed or designated for the Office of the Solicitor-General;
 - (e) administer legal functions performed by Law Officers, State Attorneys and other Officers or staff of the Office of the Solicitor-General;
 - (f) summon any public officer to give explanation, or information regarding any matter which is or likely to be the subject of civil litigation or arbitration;
 - (g) prepare and submit bi-annual report to the Minister and a copy to the Attorney-General on matters and duties discharged of functions performed by the Office of the Solicitor-General;
 - (h) intervene and take over at any stage civil proceedings, appeal, execution or any incidental proceedings before any court of law or arbitral tribunal in which the Central Government, independent departments, agencies or a local government authorities have interest;
 - (i) issue directives to any public officer performing functions relating to civil litigations in courts of law or arbitral tribunals; and
 - (j) appoint or employ and discipline Law Officers,

State Attorneys and other officers or staff of the Office of the Solicitor-General.

(2) For the purpose of paragraph(1), all matters instituted, filed, taken and conducted in courts of law or arbitral tribunal by the Solicitor General, Deputy Solicitor General, Law Officers, State Attorney or Legal Officers shall be in the name of the Attorney General.

(3) All claims against the Central Government, independent departments, executive agencies and local government authorities to which the Attorney General is a party, shall be taken and conducted in that behalf by the Solicitor-General.

Appointment of
Solicitor-General

5.-(1) There shall be a Solicitor-General who shall be appointed by the President.

(2) There shall be a Deputy Solicitor-General appointed by the President who shall be the principal assistant to the Solicitor-General.

(3) A person shall qualify for appointment as Solicitor-General or Deputy Solicitor-General who has fifteen years of proven experience in litigation in courts of law or tribunals and has unqualified competence and integrity.

(4) The Solicitor-General and Deputy Solicitor-General shall have *locus standi* to appear before courts of law and arbitral tribunals.

(5) Functions and powers of the Solicitor-General may be performed or exercised by Law Officers, State Attorneys, any officer or staff designated as such by the Solicitor-General.

(6) For the purpose of paragraph (5), the Solicitor-General shall, by instrument, appoint or designate any Law Officer, State Attorney or a Legal Officer to perform the functions or exercise powers of the Solicitor-General.

(7) Without prejudice to sub-paragraph (6), any person who was a Law Officer, State Attorney or a Legal Officer appointed or designated to perform the functions

Constitution of the United Republic of Tanzania (Office of the Solicitor-General (Establishment))

GN. No. 50 (contd.)

or exercise powers of a Law Officer or State Attorney shall be deemed to have been appointed or designated as such by the Solicitor-General.

Staff

6.-(1) There shall be appointed or employed to the Office of the Solicitor-General such number of public officers as may be necessary for proper and effective performance of the functions and exercise of powers of the Solicitor-General.

(2) The Deputy Solicitor-General shall be the accounting officer of the Office of the Solicitor-General and shall be responsible in managing day to day affairs and shall be a disciplinary authority of employees appointed or designated to carry duty within the Office of the Solicitor-General terms of this Order and laws governing the public service.

Organizational
Structure

7.-(1) Organizational structure, governance and accountability within the Office of the Solicitor-General shall be as provided in the schedule.

(2) Despite of subparagraph (1), the number and responsibilities of directorates and units under the Office of the Solicitor-General may be reviewed in accordance with the laws governing the public service.

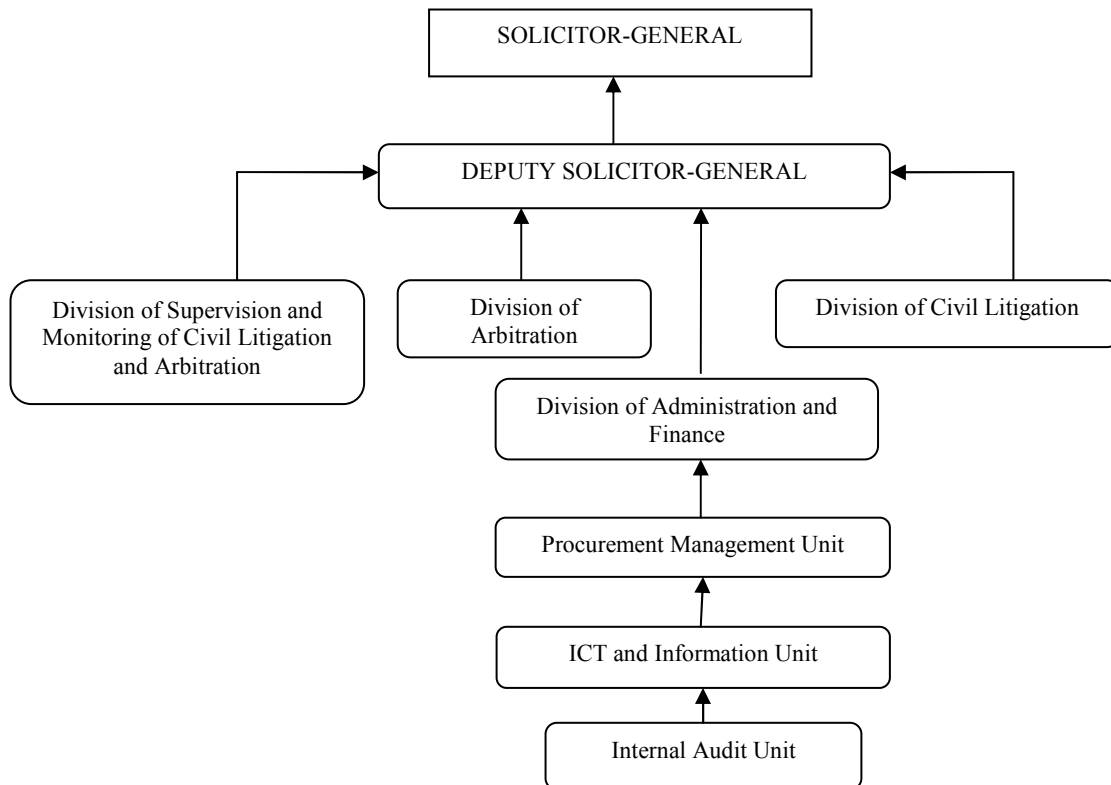
Constitution of the United Republic of Tanzania (Office of the Solicitor-General (Establishment))

GN. No. 50 (contd.)

SCHEDULE

(Made under paragraph 7(1))

OFFICE OF THE SOLICITOR-GENERAL



Dar es Salaam,
12th February, 2018

JOHN P. J. MAGUFULI,
President

*Constitution of the United Republic of Tanzania (Office of the Solicitor-General
(Establishment))*

GN. No. 50 (contd.)