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**THE ATTORNEY GENERAL (DISCHARGE OF DUTIES)
REGULATIONS, 2006**

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SCHEDULE
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THE OFFICE OF THE ATTORNEY GENERAL
(DISCHARGE OF DUTIES) ACT, 2005

(No. 4 of 2005)

REGULATIONS

(Made under section 29)

THE ATTORNEY GENERAL (DISCHARGE OF DUTIES) REGULATIONS, 2006

PART I

PRELIMINARY PROVISIONS

1. These Regulations may be cited as the Attorney General (Discharge of Duties) Regulations, 2006. Citation

2. These Regulations shall apply in respect of persons who perform or discharge legal functions in the Office of the Attorney General and other offices in the public service who, by virtue or nature of their job description, are required to seek or consult for legal advice from the Office of the Attorney General. Application

3. In these Regulations, unless the context otherwise requires—
"Act" means the Office of the Attorney General (Discharge of Duties) Act, 2005; Interpre-
tation
Act No. 4
of 2005
"Code of Ethics" means the Code of Ethics for Law Officers, State Attorneys and Legal Officers in the public service;
"Court" means a court of law and includes a tribunal;
"internship" means practical training undertaken by a law student who has completed tutorial training at an institute of higher learning;
"Law Officer" has the meaning ascribed to it under the Interpretation of Laws Act; Cap. I

"legal officer" means a holder of duly recognized degree in law by whatever title employed in the public service, other than the Office of the Attorney General and includes a solicitor;

"State Attorney" means a person appointed as such under sections 24 or 25 of the Act.

PART II

RECRUITMENT OF LAW OFFICERS, STATE ATTORNEYS AND LEGAL OFFICERS

Discharge
of duties
of the
Attorney
General

4.-(1) A person shall be qualified for appointment as a Law Officer, a State Attorney or a Legal Officer who has a degree in law from the University or an institute of higher learning duly recognized by the Government and has completed internship or has attended training in advocacy at an institute recognized by the Attorney General.

(2) A person shall not practise as a Law Officer or a State Attorney unless that person has been appointed by the Attorney General to practise as such.

(3) A Legal Officer may practise as Law Officer or State Attorney in relation to the discharge of the duties of the Office of the Attorney General if such Legal Officer has been appointed to perform the functions of a Law Officer or a State Attorney pursuant to subsection (1) of section 25 of the Act.

Conduct
for the
discharge
of duties

5.-(1) In the discharge of the duties of the Office of the Attorney General in relation to matters of the criminal, civil, constitutional nature or in drafting legislative instruments, Law Officers, State Attorneys and Legal Officers shall be guided by the requirements of Part III of the Act.

(2) In the performance of their functions, the Law Officers, State Attorneys and Legal Officers shall adhere to the requirement to seek directions of the heads of respective Directorates Department, Agency, Ministerial Department or Ministry.

(3) Without prejudice to sub-regulation (2), a Law Officer, a State Attorney or a Legal Officer shall be required to seek specific directions from the head of the Directorate, the Department or the Agency of which the subject relates.

Attorney General (Discharge of Duties)

G.N. No. 154 (Contd.)

(4) The Law Officer, State Attorney and Legal Officer shall at all the time discharge the duties of the Office of the Attorney General fairly and dispassionately and shall, in that respect, not compromise personal interest to the Government and generally the public interest or interest of the client.

6.-(1) Every Law Officer, State Attorney and Legal Officer shall have the duty and obligation to maintain respect to the legal profession and to observe the Code of Ethics.

Duties,
rights and
privileges

(2) With a view to maintaining respect to the legal profession, the Law Officer, State Attorney and Legal Officer shall, while appearing in the Court or Tribunal for purposes of the conduct of proceedings, be neat and dressed in court attire in accordance with the norms of the legal profession.

(3) It shall be the right of a Law Officer, a State Attorney and a Legal Officer to enjoy all privileges attached to advocates save for charging and receiving reward in a form of fees and to the extent prohibited or restricted by the Act and laws governing employment in the public service.

(4) The Law Officer, State Attorney or Legal Officer who contravenes the provisions of this Regulation shall be liable to disciplinary actions including but not limited to de-registration, dismissal, termination and reprimand.

7.-(1) The Law Officer, a State Attorney or a Legal Officer who has interest in any matter to which he is assigned shall be required to declare that interest.

Conflicts
of interest

(2) Interest shall be assumed to exist where the matter involves a spouse, a child, a father or a mother, a relative, a friend or an employer other than the Attorney General.

8.-(1) The Law Officer, a State Attorney and a Legal Officer shall desist from engaging in a matter that is most likely to adversely affect the public confidence in the Office of Attorney General.

Promotion
of public
confidence

Attorney General (Discharge of Duties)

G.N. No 154 (Contd.)

(2) The Law Officer, a State Attorney or a Legal Officer shall not become a practicing advocate and the Law Officer, a State Attorney or a Legal Officer who accepts a court brief on a matter in which the Government is concerned or is adversely or may be adversely affected shall be deemed to be engaged in a matter that adversely affect the public confidence and jeopardize the credit and integrity of the legal profession and the public service.

(3) The Law Officer, a State Attorney or a Legal Officer who conduct himself contrary to Regulation 6 or 7 shall be deemed to have breached the Code of Ethics and shall be liable for deregistration from the Register.

PART III

REGISTRATION OF LAW OFFICERS, STATE ATTORNEYS AND LEGAL OFFICERS

Registra-
tion of
Law
Officers,
State
Attorneys
and Legal
Officers

9.-(1) The Deputy Attorney General shall enter into the Register particulars of the Law Officers, State Attorneys and Legal Officers.

(2) The Register shall be in such form and manner and shall be styled as Form AG-1 specified in the Schedule to these Regulations.

(3) The particulars referred to under sub-regulations (1) shall include:

- (a) name and address;
- (b) title and designation;
- (c) professional qualifications;
- (d) date of appointment; and
- (e) any other relevant additional qualification or information.

(4) Without prejudice to the preceding provisions of this Regulation, the Law Officers and the State Attorneys employed prior to the 1st day of July, 2005 shall, and without further requirement, be deemed to have been registered as such and shall be issued with an instrument of appointment in accordance with the provisions of section 24 of the Act.

(5) An instrument of appointment for a Law Officer and a State Attorney shall be made in Form AG -2 specified in the Schedule to these Regulations.

10.—(1) Subject to the provisions of section 25 of the Act, the Permanent Secretary, and the Chief Executive Officer of the Independent Department or Agency who employs a Legal Officer shall furnish the Deputy Attorney General with particulars of that person.

Submission
of
particulars
of a legal
officer

(2) The particulars required for purposes of sub-regulation (1) shall include:

- (a) name and address;
- (b) title and designation;
- (c) professional qualifications;
- (d) date of appointment; and
- (e) any other relevant qualification or information which may be necessary in the circumstance.

(3) The employer shall further be required to submit to the Deputy Attorney General any change of particulars where there is such change, in order to allow the update of particulars of the Legal Officer concerned in the Register

(4) An instrument of appointment of a Legal Officer to discharge the functions of Attorney General shall be made in Form AG -3 specified in the Schedule to these Regulations.

11.—(1) The Deputy Attorney General shall make change of particulars of the Law Officers, the State Attorneys and the Legal Officers in the Register when circumstances requires to do so.

Correction
of errors
in the
Register

(2) Where there is an error in the Register, the Deputy Attorney General shall correct the error and keep the record update.

12.—(1) The Law Officer, a State Attorney or a Legal Officer who is deregistered shall not be entitled to discharge the duties of the Office of Attorney General or enjoy any right or privilege attached with the discharge of the duties of the Attorney General.

De-regi-
stration

(2) In the case of de-registration of a Legal Officer, that Legal Officer shall also be disqualified from further discharging duties of a legal nature within the public service.

(3) Upon deregistration of a Law Officer, a State Attorney or a Legal Officer, as the case may be, such Officer shall be required to surrender the instrument of appointment to the Deputy Attorney General.

(4) Where, following de-registration, a Law Officer, a State Attorney or a Legal Officer fails to surrender an instrument of appointment that instrument shall, in any case, cease to have effect and, in case of continued use of such instrument, a Law Officer, a State Attorney or a Legal Officer concerned shall be deemed to have contravened these Regulations and the regulations governing the use of official documents.

(5) A person who is aggrieved by the decision to de-register his name from the Register may petition the Attorney General for review of the decision.

PART IV

DELIVERY OF ADVICE AND OPINION

Provisions
relating to
delivery
of advice

13.-(1) An advice or an opinion from the Office of the Attorney General shall be given in writing and shall, in no way, be communicated verbally.

(2) Any person being a public officer shall seek the advice or an opinion of the Office of the Attorney General in writing and shall, in relation to the advice or an opinion sought:

- (a) ensure that the full facts of the subject matter are given to the Attorney General and draw attention to any previous legal opinions which have a bearing on the matter;
- (b) set out in a separate paragraph the specific question or questions of law on which the advice or opinion is desired;
- (c) in the case where it is necessary for a legal advice or an opinion to be sought by a personal approach, an appointment shall be made with a Law Officer or a State Attorney from whom the advice is sought and advance notice of the questions upon which a legal advice or opinion is desired to be given; and
- (d) except for routine matters such as scrutinizing of minor documents, requests for legal advice shall be made by a public officer of or above the rank of a Director or an Assistant Director.

