

GOVERNMENT NOTICE No. 589 Published On 16/8/2019

THE OFFICE OF THE ATTORNEY GENERAL (DISCHARGE OF DUTIES) ACT,  
(CAP.268)

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**REGULATIONS**

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*(Made under section 16A(4))*

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THE PUBLIC BAR ASSOCIATION (MANAGEMENT AND ORGANISATION) REGULATIONS,  
2019

ARRANGEMENT OF REGULATIONS

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THE PUBLIC BAR ASSOCIATION  
(MANAGEMENT AND ORGANISATION) REGULATIONS, 2019

**PART I  
PRELIMINARY PROVISIONS**

- Citation                    1. These Regulations may be cited as the Public Bar Association (Management and Organisation) Regulations, 2019.
- Application                2. These Regulations shall apply in Mainland Tanzania in respect of members of the Public Bar Association.
- Interpretation            3.-(1) In these Regulations, unless the context otherwise requires-
- Cap.268                    "Act" means the Office of the Attorney General (Discharge of Duties) Act;  
"allied members" means officers discharging duties that are connected or related to legal duties in the public service other than Law Officers or State Attorneys;  
"associate members" means members referred to in regulation 4;  
"Association" means the Public Bar Association established pursuant to section 16A of the Act;  
"Attorney General" means the Attorney General of the United Republic;  
"Chairman" means the Chairman of the Committee elected in terms of regulation 10;  
"Committee "means the Committee established pursuant

- to regulation 10;
- "Doyen" means the head of the Association elected in accordance with regulation 8;
- "honorary member" means a person invited as such in terms of regulation 4;
- "member" means a member of the Association;
- "Minister" means the Minister responsible for legal affairs;
- "officer" means an officer of the Association appointed in terms of these Regulations;
- "Public Bar" means a constituent of Law Officers and State Attorneys in the public service;
- "Vice-Chairman" means a Vice-Chairman of the Committee elected in terms of regulation 10(2);
- "Vice Doyen" means the Vice Doyen elected in terms of regulation 8(1).
- (2) Any issue relating to the interpretation of these Regulations shall be settled by the Doyen and in the event of continued disagreement, the issue shall be referred to the Attorney General and copy to the Minister.

## PART II COMPOSITION AND OBJECTIVES OF THE ASSOCIATION

Establishment  
and  
composition of  
Association

- 4.-(1) There is established a Public Bar Association pursuant to section 16A of the Act which shall be composed of-
- (a) Law Officers and State Attorneys employed in the public service;
  - (b) allied members;
  - (c) honorary members; and
  - (d) associate members.
- (2) A person approved by the Committee to be of high standing and repute in the legal community may be invited by the Doyen to become a honorary member of the Association.
- (3) Associate membership and allied membership shall be open to any person interested in the activities of the Association or to any organization approved or recognized pursuant to these Regulations.
- (4) Honorary members, associate members and allied members shall be entitled to participate in all activities of the Association other than voting.
- (5) Honorary members, associate members and allied members shall not be eligible for election to the

Committee or appointment as officers.

Subscription fees

5.-(1) A member of the association shall pay annual subscription fees of the amount agreed by members during the Annual General Meeting.

(2) Subscription fees shall be payable on or before the 1<sup>st</sup> day of October each year.

(3) A member whose subscription is more than three months in arrears shall be reported to his employer and cease to enjoy the rights and privileges accruing to a member, but the rights and privileges shall be reinstated forthwith upon payment of such arrears.

Objectives

6. The objectives of the Association shall be to-
- (a) provide a forum for discussion of matters or issues of common interests among members;
  - (b) ascertain and represent the views of members on matters relating to and affecting professional their interests;
  - (c) promote the efficiency of the legal system in matters that affect public legal services, in particular, and the public, in general;
  - (d) further the study, understanding and development of public legal service through continuing legal education, training and other available avenues; and
  - (e) do any other act or acts in furtherance of the objectives of the Association or other matters ancillary thereto.

Legal propriety

7. The Association shall-
- (a) be a non-profit making organization;
  - (b) use any surpluses of income over expenditure for the maintenance and improvement of its activities in pursuance of the Association's objectives; and
  - (c) handover any surpluses to the Head of the Attorney General event the Association ceases its activities.

### PART III ADMINISTRATION AND ELECTIONS

Leadership of Association

8.-(1) There shall be a Doyen and Vice-Doyen of the Association who shall be elected by the Annual

General Meeting to be the head of the Association.

(2) A person shall not be elected as Doyen or Vice Doyen unless that person-

(a) is a member of the Association; and

(b) is a Law Officer.

(3) The Doyen and Vice-Doyen shall hold office for one year and shall be eligible for reelection for one further term.

Meetings

9.-(1) Meetings of the Association shall be chaired by the Doyen or in the absence of the Doyen, the Vice-Doyen.

(2) Where both the Doyen and Vice-Doyen are absent, the meeting shall elect one member, from amongst the members present, to chair the meeting.

Establishment of Committee

10.-(1) There shall be an Administration Committee of the Association whose members shall be elected during the Annual General Meeting.

(2) The members of the Committee shall be as follows-

(a) the Chairman, Vice-Chairman, Treasurer, and Secretary;

(b) one member from each region nominated by the members from the respective region.

(2) The Committee may co-opt not more than three members of the Association whose presence is, in its opinion, desirable to attend and participate in the deliberation of a meeting of the Committee but such members shall have no right to vote.

Tenure of members of Committee

11.-(1) Half of the nominated Members of the Committee shall retire each at the Annual General Meeting whereby election shall take place to replace them.

(2) Elections at the Annual General Meetings shall be by ballot of members present and voting, including those voting by proxy.

(3) Each candidate for election shall be proposed and seconded by at least five members of the Association.

Contested election

12. In the event of a contested election there shall be postal or electronic ballot of the entire membership of the Association conducted within two weeks of the

meeting.

Function of  
Committee

13.-(1) The Committee shall, in the performance of its administrative functions, assist the Association in its day to day activities.

(2) The Committee shall, in the performance of its functions, be accountable to the Annual General Meeting.

Officers of  
Association

14.-(1) There shall be appointed such number of officers of the Association who shall assist the Committee in its day to day activities.

(2) The officers under subregulation (1) shall be appointed by the Committee from amongst members of the Association.

Representation  
of Association

15.-(1) The Committee may, where the need arises, appoint members to represent the Association on any forum.

(2) A member appointed to represent the Association in terms of subregulation (1) shall, upon completion of his duty, prepare and submit a report to the Committee.

Conduct of  
business

16.-(1) For the purpose of conducting its business, the Committees' place of sitting shall be the Chairman's office.

(2) In order to facilitate easy communication and transactions, the Committee shall establish and use electronic communication systems.

#### PART IV MEETINGS OF THE ASSOCIATION

Quorum and  
decision of  
Committee

17.-(1) A quorum of a Committee meeting shall be the Chairman and Secretary (or their designates) and half of the members representing respective regions.

(2) Decisions of the Committee shall be arrived at through consensus.

(3) Where consensus is not reached, the matter shall be decided by a majority of the votes of members present and in the event of an equality of votes, the Chairman shall have a casting vote in addition to his deliberative vote.

Annual General Meeting

18.-(1) An Annual General Meeting of the Association shall be held each year between the months of October and November.

(2) The agenda for the Annual General Meeting shall include-

- (a) receiving, deliberating and adopting the Annual Report of the Association for the financial year that ended in June;
- (b) appointment of auditors for the next financial year;
- (c) deliberation on plans and programmes for the next financial year;
- (d) consideration of motions to be put before the Annual General Meeting;
- (e) election of Doyen and Vice-Doyen;
- (f) election of members of the Committee; and
- (g) any other relevant business which the Secretary is made aware of at least seven days before the meeting.

(3) A Half-Annual General Meeting may be held each year between the months of January and February if there are important agenda that cannot wait until the Annual General Meeting in October or November.

(4) Attendance to the Annual General Meeting may either be-

- (a) in person;
- (b) by proxy; or
- (c) by video conference.

(5) All documents prepared for deliberation by the Annual General Meeting shall be served electronically to all members at least two weeks before the Annual General Meeting.

Notice of meetings

19. The Secretary shall, upon consultation with the Chairman, give twenty one days notice of the Annual General Meeting to the members.

Quorum

20. A quorum for the Annual General Meeting shall be half of the members.

Casting vote

21. The decision of the Annual General Meeting shall be by majority of votes of members present and in the case of equality of votes, the Doyen or the Vice-Doyen, as the case may be, or in their absence the member elected to chair the meeting, shall have a



casting vote in addition to his deliberative vote.

Minutes of  
Annual General  
Meeting

22.-(1) During the meeting of the Annual General Meeting, minutes of the meeting shall be recorded and kept by the Secretary of the Committee for approval in the next Annual General Meeting.

(2) The minutes of the meeting under subsection (1) shall be recorded and kept in the format prescribed in the Schedule to these Regulations, with modifications where necessary.

(3) The Minister shall, for the purpose of efficiency, have power to amend or vary the contents of the Schedule as may be required.

#### PART IV REPORTS OF THE ASSOCIATION

Report of  
Association

23.-(1) The Association shall prepare and submit to the Minister a report on its operations containing information that gives an accurate description of the activities and operations of the Association during the previous financial year.

(2) Without limiting the generality of subregulation (1), the report of the operations of the Association shall, to the extent applicable-

- (a) contain a statement which reviews the performance of the Association against the association plan including outcomes in relation to the strategic indicators included in the association plan;
- (b) contain information on-
  - (i) legislative, economic or other factors which have had an impact on the Association performance;
  - (ii) major initiatives taken by the association;
  - (iii) major works undertaken or completed by or for the Association;
  - (iv) major changes which have taken place during the financial year being reported in relation to the functions of the Association or to the Association's structure, the methods of carrying out its objectives and functions and the

- reasons for those changes;
- (v) any other major operations and achievements of the Association;
- (c) contain information on the nature and range of activities undertaken by the Association, including-
  - (i) services provided by the Association;
  - (ii) the members or sections of the community served by the Association;
- (d) contain list of names of all office bearers and their dates of election and retirement;
- (e) contain information on the administrative structure of the Association, including-
  - (i) the names, occupation and brief curricula vitae of the Doyen and Vice-Doyen;
  - (ii) the names of the occupants of senior offices, together with a brief description of the area of responsibility of each officer;
  - (iii) a chart setting out the organization structure of the Association;
- (f) set out the addresses, telephone numbers, fax numbers and e-mail addresses of offices of the Association;
- (g) contain a list of the documents submitted with the report and a summary thereof; and
- (h) where the Association was directed or required to implement a specific program by the Government, contain-
  - (i) a statement of the objectives and indicators of the program;
  - (ii) a description and analysis of action taken to develop and implement the program;
  - (iii) an assessment of the objectives;
  - (iv) financial statement for the year ended in 30<sup>th</sup> June.

Certification  
of report

24. The Doyen and the Chairman of the Committee shall certify the report in the following form-

"In our opinion, the accompanying report has been prepared diligently and truthfully and consistent with the Public Bar Association (Management and Organisation) Regulations, 2019 and the Charter of

the Association.”

PART V  
FINANCIAL PROVISIONS

Financial year                    25. The Financial Year of the Association shall commence on the                    1<sup>st</sup> July and end on the 30<sup>th</sup> June of each year.

Mobilisation of resources                    26.-(1) The Committee shall regularly mobilise resources for the Association’s activities in the form of-

- (a) donations;
- (b) grants;
- (c) members contributions;
- (d) allocation by different authorities such as ministries, departments, agencies, local government authorities, public parastatals and organisations, including development partners, and
- (e) any other means as may be approved by the Annual General Meeting.

(2) All financial resources of the Association shall be put in the Association’s bank account to be maintained in a bank approved by the Committee.

(3) All non-financial resources of the Association shall be inventoried and entered in a Register to be kept in the safe custody of the Secretary of the Committee.

PART VI  
GENERAL PROVISIONS

Invitation of other categories of membership                    27.-(1) The Association may, by resolution at an Annual General Meeting, determine persons to be invited to the Association as honorary members, associate members or allied members and the rates of any subscription fees payable by such members.

(2) For purpose of subregulation (1), the Annual General Meeting may, upon such terms and conditions as it may determine, delegate its power to the Committee-

- (a) to offer a subscription fees rebate, to impose an additional fee or conditions upon the means by which the subscription fee is to be paid; and
- (b) to offer a reduced or no subscription fee to any category of member for a limited period.

Role of employers

28.-(1) The employer shall, upon application by a member, facilitate such member to attend meetings, continuing legal education and other approved trainings conducted or supervised by the Association.

(2) Application under subregulation (1) shall be accompanied by a letter of invitation to attend the meeting or letter of admission to attend continuing legal education or other training.

Removal of members

29.-(1) The Committee shall have power to remove any member from the membership of the Association where it considers it in the interests of the Association to do so.

(2) A person may be removed from membership of the Association where that person-

(a) is relieved from public service or ceases to be an employee of the public service for any reason; or

(b) is appointed as a Judge of the High Court.

Continuing legal education

30.-(1) The Committee shall put in place a programme and calendar for continuing legal education of members for every calendar year and notify the members during the Annual General Meeting.

(2) The programme developed by the Committee in accordance with subregulation (1) shall indicate components of the programme which are:

(a) compulsory;

(b) optional;

(c) restricted to members only; or

(d) open to the general public.

(3) For the purpose of subregulation (2), members and their respective employers shall plan and set aside resources to effect attendance to the programme.

(4) The fees for each component of the programme developed shall be approved by the Annual General Meeting.

Management of disputes

31. Any dispute that may arise in relation to the Association or its members shall be settled amicably through negotiations.

Forms and templates

32. The Minister may issue or amend forms, templates or any other tools necessary to facilitate smooth implementation of these Regulations..

Amendment  
of regulations

33. The Minister may, in consultation with the  
Attorney General, amend these Regulations.

SCHEDULE

*(Made under regulation 22(2))*

FORMAT OF MINUTES OF THE ANNUAL GENERAL MEETING

Meeting Number: \_\_\_\_\_

Time:

Date:

Place:

Chairperson:

Minutes taker/Recorder:

AGENDA ITEM 1: Welcome, attendees and apologies.

1.1 Chair

(Name of person who chaired the meeting)

1.2 Attendees:

Name	Position	Participation method

1.3 Apologies.

1.4 Opening of the Meeting.

The chair declared the meeting open at [click and enter time] and that the quorum was present.

AGENDA ITEM 2: Proxy appointments.

The Chairman of the meeting received the report on proxy holders.

Proxy holder's name	Number of proxy votes held

AGENDA ITEM 3: Minutes of previous meeting and matters arising.

3.1 Confirmation of minutes

Proposed resolution: That the minutes of the general meeting held on [date] be accepted.

Moved by: Enter name of the person(s) who proposed or moved the resolution

Seconded by: Enter name of person(s) who seconded it.

Decision: Resolution [Minutes confirmed as they are or subject to minor corrections]

3.2 Matters arising from the previous minutes

Item number	Action item title	Responsible person	Proposed (or actual) date of completion	Status and resolutions (update on progress and any further resolutions on the item)

AGENDA ITEM 4: ANNUAL REPORTS

4.1 Report of the Association

Documentary/s tabled: [enter the reference number or title of any paper/s tabled].

Documentary/s presented by: [enter name of person who presented report].

Seconded by: [enter name of person who seconded it].

Key points: [enter key points about the report].

Action required or resolutions arising from the report:

(a) action required to [enter what's required, who will be responsible for it and by when]

(b) the Secretary's report for the year ended 30 June [year] was taken as received.

Decision:

4.2 Financial Report

Document/s tabled: [enter the reference number of title of any paper/s tabled].

Moved/presented by: *[enter name of person who presented the report].*  
Seconded by: *[enter name of person who seconded it].*  
Key points: *[enter key points about the report].*

Action required or resolutions arising from the report:

- (a) action required to *[enter what's required, who will be responsible for it and by when]*
- (b) the Directors' Report for the year ended 30 June [year] was taken as received.

Decision:

#### 4.3 Auditors Report

Document/s tabled: *[enter the reference number or title of any paper/s tabled].*  
Moved/presented by: *[enter name of person who presented the report].*  
Seconded by: *[enter name of person who seconded it].*  
Key points: *[enter key points about the report].*

Action required and/or resolutions arising from the report:

- (a) Action required to *[enter what's required, who will be responsible for it and by when][delete if not relevant]*
- (b) The financial report for the year ended 30 June [year] was taken as received

Decision:

#### 4.4 Continuing Education Report.

Document/s tabled: *[enter the reference number or title of any paper/s tabled].*  
Moved/presented by: *[enter name of person who presented the report].*  
Seconded by: *[enter name of person who seconded it].*  
Key points: *[enter key points about the report].*

Action required or resolution arising from the report:

- (a) action required to *[enter what's required, who will be responsible for it and by when]*
- (b) the Auditor's Report for the year ended 30 June [year] was taken as received.

Decision:

#### AGENDA ITEM 5: QUESTIONS

The chair invited all those present to ask questions about how the Association is managed.

If relevant enter the questions raised, key discussion points and resolutions [if any] or that there were no questions.

#### AGENDA ITEM 6: APPOINTMENT OF AUDITORS

Proposed resolution: That *[enter name of auditor/audit firm/audit team]* be appointed as auditor(s) for the year ended 30 June [year]

Moved by: *[enter name of person who moved the resolution].*  
Seconded by: *[enter name of person who seconded it].*

Decision:

#### AGENDA ITEM 7: ELECTION OF COMMITTEE MEMBERS

Expiring/vacant positions

The terms of appointment for the following people expired.

- (a) [enter outgoing director's name]
- (b) [enter outgoing director's name]
- (c) [enter outgoing director's name]

Nominations

The chair advised that nominations in writing were received prior to the meeting for the following people or the chair called for nominations for the vacant positions and the following people were nominated:

- (a) [enter nominee's name and position]
- (b) [enter nominee's name and position]
- (c) [enter nominee's name and position]

AGENDA ITEM 8: SPECIAL RESOLUTION/S(IF RELEVANT)

Document/s tabled: [enter the reference number or title of any paper/s tabled].

Special resolution proposed: [enter the wording of the resolution].

Moved by: [enter name of person who proposed/moved the resolution].

Seconded by: [enter name of person who seconded it].

Discussion: [enter key discussion points (if relevant)].

Decision:

AGENDA ITEM 9: ANY OTHER BUSINESS

The Chairman invited all those present to raise any matters of relevance that may have not been dealt with on the agenda.

[Enter the business raised, key discussion point and resolutions (if any) or that there were no other items of business raised]

AGENDA ITEM 10: NEXT MEETING

The next meeting of members will be held within five months after the end of the Association's next financial year, or sooner if a purpose arises that requires a general meeting to be held. The Committee will determine the time, date and location closer to the date and issue a notice.

AGENDA ITEM 11: MEETING CLOSE

The meeting was declared closed at [enter time the meeting ended].

Confirmation of the minutes.

These minutes are a true and accurate record of the meeting.

Signed by: (either the Doyen or person who chaired the meeting or the subsequent meeting which confirmed the minutes)

.....  
(Signature)

.....  
(Name)

.....  
(Date)

Dodoma,  
26<sup>th</sup> July, 2019

AUGUSTINE P. MAHIGA  
Minister for Constitutional and Legal Affairs