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SPECIAL BILL SUPPLEMENT

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THE LAW SCHOOL OF TANZANIA (AMENDMENT) ACT, 2024

ARRANGEMENT OF SECTIONS

Section Title

PART I
PRELIMINARY PROVISIONS

1. Short title.

PART II
AMENDMENT OF VARIOUS PROVISIONS

2. Amendment of section 2.
3. Amendment of section 5.
4. Amendment of section 8.
5. Amendment of section 9.
6. Addition of section 13A.
7. Amendment of section 15.
8. Amendment of section 17.

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NOTICE
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This Bill to be submitted to the National Assembly is published for general information to the public together with a statement of its objects and reasons.

Dodoma,
8th January, 2024

MOSES M. KUSILUKA
Secretary to the Cabinet

A Bill
for

An Act to amend the Law School of Tanzania Act.

ENACTED by the Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

Short title
Cap. 425

1. This Act may be cited as the Law School of Tanzania (Amendment) Act, 2024 and shall be read as one with the Law School of Tanzania Act, hereinafter referred to as the “principal Act”.

PART II
AMENDMENT OF VARIOUS PROVISIONS

Amendment
of section 2

2. The principal Act is amended in section 2 by deleting subsection (1) and substituting for it the following:

“(1) This Act shall apply to every person desiring to practice law in the United Republic, either as a state attorney, a magistrate or as an advocate of the High Court of Tanzania and courts subordinate to it.”.

Amendment
of section 5

- 3.** The principal Act is amended in section 5, by-
- (a) adding immediately after paragraph (j) the following:
 - “(k) provide other specialised training in the legal sector;”;
 - (b) renaming paragraphs (k) and (l) as paragraphs (l) and (m) respectively.

Amendment
of section 8

- 4.** The principal Act is amended in section 8 by deleting the word “By-laws” and substituting for them the words “the Scheme of Service of the School”.

Amendment
of section 9

- 5.** The principal Act is amended in section 9-
- (a) in subsection (1), by-
 - (i) deleting paragraph (d) and substituting for it the following:
 - “(d) one member representing faculties of law or schools of law from a recognised higher education institution;” and
 - (ii) adding immediately after paragraph (d) the following:
 - “(e) one member from the institution responsible for regulating technical and vocational education and training.”;
 - (b) in subsection (2), by deleting the word “Principal” and substituting for it the words “Deputy Principal responsible for training”; and
 - (c) in subsection (4), by deleting the words “determined by the Governing Board” and substituting for them the words “three years and may be renewed for one further term”.

Addition of
section 13A

- 6.** The principal Act is amended by adding immediately after section 13 the following:

“Deputy Principals

13A.-(1) There shall be two Deputy Principals of the School to be appointed by the Governing Board, one

responsible for training affairs and the other for administrative affairs.

(2) The Deputy Principal responsible for training affairs shall be the immediate assistant of, and accountable to the Principal for all matters pertaining to the training activities of the School.

(3) The Deputy Principal responsible for administrative affairs shall be the immediate assistant of, and accountable to the Principal for all matters pertaining to the administrative activities of the School.

(4) The Deputy Principals shall hold office for a term of four years and may be eligible for re-appointment.”.

Amendment
of section 15

7. The principal Act is amended in section 15, by-
(a) deleting subsection (1) and substituting for it the following:

“(1) There is hereby established a Governing Board of the School which shall consist of the following members:

- (a) Deputy Attorney General, who shall be the Chairman;
- (b) Registrar of the Court of Appeal;
- (c) Director responsible for legal services from the Ministry responsible for legal affairs;
- (d) Dean of Faculty of Law or School of Law from a recognised higher education institution;
- (e) one member from the Governing Council of Tanganyika Law Society;

- (f) one member representing the Trade Union of the School;
 - (g) one member representing the Public Bar Association;
 - (h) one member representing students; and
 - (i) one member who possesses a at least a bachelor degree in the field of finance, planning, human resources or administration obtained from a recognised higher education institution.”; and
- (b) deleting the words “paragraphs (e) and (f)” appearing in subsection (3) and substituting for them the words “paragraphs (d) to (i)”.

Amendment
of section 17

8. The principal Act is amended in section 17 by deleting the words “as the Minister may, on the recommendation of the Governing Board, prescribe” and substituting for them the words “as may be prescribed by the relevant authority”.

OBJECTS AND REASONS

This Bill proposes to amend the Law School of Tanzania Act, Cap. 425. Generally, the proposed amendments aim at addressing various challenges observed in the implementation of the Act.

The Bill is divided into Two Parts.

Part I deals with preliminary provisions which include the title of the Bill and the manner in which the laws proposed to be amended are amended in their respective Parts.

Part II of the Bill deals with amendments proposed to various sections of the Act as follows:

Section 2 is proposed to be amended by specifying the persons to whom the Act applies. Section 5 is proposed to be amended so as to widen the scope of functions of the Law School to include provision of other specialised training in the legal sector. Section 8 is proposed to be amended by removing the requirement of prescribing for functions of the Directors in by-laws and stating that such functions shall be stated in the Scheme of Service of the School. The purpose of this amendment is to make reference to the correct instrument which provides for the functions of the Directors.

Section 9(2) is proposed to be amended by removing the Principal from being the Secretary of the Practical Legal Training and Examination Committee and replacing with the Deputy Principal responsible for training. The purpose of this amendment is to enhance the functions of the Committee as the Deputy Principal responsible for training is particularly responsible for training and examination matters of the School. Further, section 9(4) is proposed to be amended by specifying the tenure of office of the members of the Practical Legal Training and Examination Committee. The purpose of this amendment is to define the term of service of the members of the Committee. Section 13A is proposed to be added in order to recognize in the Act the positions of Deputy Principal responsible for training affairs and the Deputy Principal responsible for administrative affairs. The purpose of this amendment is to recognise key positions in the

administration of the School whose designations are yet to be reflected in the Act.

Section 15 is proposed to be amended by altering the composition of members of the Governing Board of the School by including members who are non-lawyers. Further, section 15(3) is proposed to be amended in order to specify the appointing authority for members of the Governing Board other than the ex-officio members. Section 17 is proposed to be amended by specifying that the members of the Governing Board shall be entitled to such remunerations as may be prescribed by the Treasury Registrar. The purpose of this amendment is recognise the role of the Treasury Registrar in the determination of remuneration for members of the Board.

MADHUMUNI NA SABABU

Muswada huu unapendekeza marekebisho katika Sheria ya Shule ya Sheria Tanzania, Sura ya 425. Kwa ujumla marekebisho yanayopendekezwa yanakusudia kuboresha changamoto mbalimbali zilizobainika katika utekelezaji wa masharti ya Sheria.

Muswada huu umegawanyika katika Sehemu Mbili.

Sehemu ya Kwanza inahusu masharti ya utangulizi ambayo yanajumuisha jina la Muswada na namna ambavyo masharti mbalimbali ya Sheria yanapendekezwa kurekebishwa.

Sehemu ya Pili ya Muswada inahusu marekebisho yanayopendekezwa katika vifungu mbalimbali vya Sheria kama ifuatavyo:

Kifungu cha 2 kinarekebishwa ili kubainisha watu wanaosimamiwa na Sheria hiyo. Kifungu cha 5 kinapendekezwa kurekebishwa kwa kupanua wigo wa majukumu ya Shule ya Sheria ili kujumuisha jukumu la kutoa mafunzo mengine mahsusi katika sekta ya sheria. Kifungu cha 8 kinapendekezwa kurekebishwa kwa kuondoa takwa la majukumu ya Wakurugenzi kuainishwa katika kanuni na badala yake kuainishwa katika skimu ya utumishi. Lengo la marekebisho haya ni kuhakikisha kuwa Sheria inarejea nyaraka sahihi inayoainisha majukumu ya Wakurugenzi.

Kifungu cha 9(2) kinapendekezwa kurekebishwa kwa kumuondoa Mkuu wa Taasisi kuwa katibu wa Kamati ya Mafunzo ya Uanasheria kwa Vitendo na Mitihani na badala yake kumuweka Naibu Mkuu wa Taasisi anayehusika na mafunzo. Madhumuni ya marekebisho haya ni kuimarisha utekelezaji wa majukumu ya Kamati kwa kuwa Naibu Mkuu wa Taasisi anayehusika na mafunzo ndiye mwenye jukumu mahsusi la kusimamia masuala ya mafunzo na mitihani katika Shule ya Sheria. Kifungu cha 9(4) kinapendekezwa kurekebishwa kwa kubainisha muda wa ujumbe wa wajumbe wa Kamati ya Mafunzo ya Uanasheria kwa Vitendo na Mitihani. Lengo la marekebisho haya ni kuhakikisha kuwa muda wa wajumbe kuhudumu unatamkwa bayana katika Sheria. Kifungu kipyua cha 13A kinapendekezwa kuongezwa ili kutambua katika Sheria nafasi ya Naibu

Mkuu wa Taasisi anayehusika na mafunzo na Naibu Mkuu wa Shule ya Sheria anayehusika na utawala. Marekebisho haya yanalenga kutambua nafasi hizi muhimu katika uongozi wa shule hiyo ambazo kwa sasa hazijatambuliwa katika Sheria.

Kifungu cha 15 kinapendekezwa kurekebisha kwa kubadili muundo wa Bodi ya Shule ya Sheria ili kujumuisha wajumbe ambao si wanasheria. Aidha, kifungu kidogo cha (3) cha kifungu hicho pia kinarekebisha ili kuainisha mamlaka ya uteuzi ya wajumbe wa Bodi ambao hawaingii kwa nafasi zao za madaraka. Kifungu cha 17 kinapendekezwa kurekebisha kwa kubainisha kuwa wajumbe wa Bodi watalipwa ada kadri itakavyoamuliwa na Msajili wa Hazina. Lengo la marekebisho haya ni kutambua nafasi ya Msajili wa Hazina katika kuamua ada na stahili za wajumbe wa Bodi.

Dodoma,
7th January, 2024

PINDI H. CHANA,
*Minister for Constitutional and
Legal Affairs*