POSITION PAPER IN RESPECT OF ADVOCATES AND THEIR CATEGORIES IN TANZANIA

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# **INTRODUCTION**

Advocates in Tanzania are creature of statutes.[[1]](#footnote-1) The Advocates Act[[2]](#footnote-2) requires the Registrar of the High Court of Tanzania to keep a Roll of Advocates. Any person who has the qualifications prescribed by the Advocates Act is entitled to be registered as an Advocate in Tanzania. However, the applicant must satisfy the Chief Justice that he/she has met all professional requirements and qualifications and has adequate legal knowledge as well as the language of the court which is English and must also produce the relevant certificates plus testimonials of character. A person who desires to be registered as an advocate in Tanzania must petition to the Chief Justice.

# **THE QUALIFICATION PROCESSES OF ADVOCATES IN (T) MAINLAND**

The qualifying process for one to be an Advocate in Tanzania mainland is provided for under the Advocates Act[[3]](#footnote-3) and the Law School of Tanzania Act of 2007.[[4]](#footnote-4) In Tanzania there are differences qualifying processes and procedures between candidates who graduated their Bachelor of Laws Degrees before and after 2007. The differences emerged after the enactment of the Law School Act in 2007. In order to be able to qualify as an advocate, those who graduated before 2007 need to have undergone internship, make a petition to the Chief Justice; appear for an interview before the Council of Legal Education (the CLE), interview before Chief Justice followed by admission ceremony and afterward the respective advocates are enrolled in the Roll of Advocates. While those who graduated after 2007 are required to go through Law School of Tanzania and upon attaining the Post Graduate Diploma in Legal Practice have to lodge their petitions to the Chief Justice, followed by **scrutiny conducted by the Council of Legal Education (the CLE)** and finally an interview by the Chief Justice and last admission ceremony. Under section 39(1)[[5]](#footnote-5), one cannot be an advocate after the completion of the degree in law and/or a postgraduate certificate in legal practice from the Law School of Tanzania without submitting to the Council of Legal Education necessary documents including his/her **petition, certificates of secondary schools (both ‘O’ level and ‘A’ level), University Academic transcripts, Bachelor of Law Degree, a certificate of character, Deed Poll (if any) and a letter from employer.** According to Section 39(1) of the Advocates Act *supra,* no person shall be qualified to practice as an advocate unless his name is in the Roll, holding a practicing certificate and with a valid business license. Every advocate admitted for entry of his name to the Roll under the provisions of subsection (4) of section 8 of the Act[[6]](#footnote-6), shall be responsible to pay; twenty thousand shillings for East African Citizens; and one hundred US Dollars or its equivalent in Tanzanian shillings for non-East African Citizens. In the above regard, every advocate to be able to practice as an advocate in Tanzania must pay fee payable for a practising certificate under the provisions of Part VI of the Act.[[7]](#footnote-7)

# **REQUIREMENTS FOR ADMISSION AS AN ADVOCATE IN TANZANIA**

In Tanzania mainland, the requirements for admission as an advocate are provided for under section 8 of the Advocates Act[[8]](#footnote-8) as follows;

That the petitioner must be either;

* Holder of a degree in law, granted after examination by the University of East Africa or University of Dar es Salaam or by such other university or other institution as may be recognized by the CLE or a Postgraduate Diploma in Legal Practice from the Law School of Tanzania;
* Legal practitioner (by whatever name called) and thereby has a right of audience before any court having unlimited jurisdiction in civil and criminal matters in any Commonwealth country or in any other country designated by the Minister for the purposes of this section;
* Solicitor of the Supreme Court in England, Northern Ireland or the Republic of Ireland, a Writer to the Signet, a Solicitor in the Supreme Court of Scotland, or a person admitted or deemed to have been admitted as a solicitor under the Solicitors (Scotland) Act, 1933, of the United Kingdom, or if he is the holder of any similar qualification which is accepted by the CLE as a professional qualification for the purposes of this sub-paragraph; and
* He has complied with such requirements (whether relating to instruction or examination or otherwise) as to the acquisition of professional experience as may be specified by the CLE; or
* He has been in continuous practice as an advocate in Kenya, Uganda or Zanzibar during the five years immediately preceding his application.
* A person who is not a practitioner enrolled in Tanzania Mainland upon special permission by the Chief Justice can be allowed to appear and prosecute or defend a specific case. (ad hoc admission).

# **THE QUALIFICATION PROCESSES OF ADVOCATE IN ZANZIBAR BEFORE THE ENACTMENT OF ACT NO. 1 OF 2020[[9]](#footnote-9).**

Legal practice is not a union matter. Therefore, Zanzibar has its **own** laws governing the legal profession. In Zanzibar, the requirements for admission are provided under Rule 3 and 4 of the Legal Practitioners Rules[[10]](#footnote-10) as follows;

Under rule 3, the petitioner must be either a practitioner in:-

* The Bar of Scotland, England or Northern Ireland;
* Solicitors in the Supreme Court of England or Northern Ireland;
* Law Agents admitted in Scotland;
* Solicitors, Attorneys, Agents in Scotland, England or Northern Ireland;
* Pledges or Advocates authorized to practice in the Common wealth or Pakistan.

Under rule 4, the Petitioner must satisfy the Chief Justice that he has any of the above qualifications and also he must be:-

* A person of good character;
* Must have resided in the Isles for not less than six months;
* Been in continuous practice in Kenya, Tanganyika, Malawi or Uganda for 5 years;
* Payment of a prescribed fee;
* The Chief Justice can also admit a person on ad hoc *(case to case)* basis upon payment of the specified fee;
* Vakils are allowed to practice.

# **THE QUALIFICATION PROCESSES OF ADVOCATE IN ZANZIBAR AFTER THE ENACTMENT OF ACT NO. 1 OF 2020[[11]](#footnote-11).**

Any person may apply to the Chief Justice to be admitted as an advocate in Zanzibar as per the new Advocates Act if he holds the following qualifications:-

1. First Degree in Law from a university recognized by the Government;
2. Post Graduate Diploma in Legal Practice from the Law School of Zanzibar or other similar law school recognized by the Bar Council; and
3. Other qualifications as the Bar Council may prescribe.

However, all lawyers graduated in Law Degree from universities recognized by the Government within a period of two years prior to the commencement of this Act, shall not be obliged to comply with the provisions of section 14(1) (b) of this Act.

However, a Vakil is as well permitted under section 15 of the Act to apply to the Chief Justice to be admitted as a vakil if he:

1. Holds a Diploma in Law from a university or an institution recognized by the Government;
2. Has undergone a special training on legal matters for a period of not less than three months from the Law School of Zanzibar or similar law school recognized by the Bar Council; and
3. Other qualifications as the Chief Justice may prescribe.

Furthermore, any person, other than an advocate in Tanzania Mainland, shall, in addition to the requirements of subsection (3) of this section, undergo such training for a period not exceeding three months, as the Bar Council may prescribe for the purpose of adapting to the practice of law in Zanzibar. In other ways around, a foreign advocate who is not enrolled in Zanzibar but has come or intends to come to Zanzibar for the purpose of appearing in a case as an advocate, may apply to the Chief Justice for permission to appear in that case.

# **LAWS GOVERNING ADVOCATES IN TANZANIA**

There are so many laws governing advocates in their qualifying processes and their daily duties before the courts of law and to the public in general as hereunder:-

* The Advocates Act *supra* and its rules and regulations:-
	+ The Advocate’s (Admission and Practicing Certificate) Regulations[[12]](#footnote-12);
	+ The Advocate’s (Disciplinary and Other Proceedings) Regulations[[13]](#footnote-13);
	+ The Advocates (Professional Conduct and Etiquette) Regulations[[14]](#footnote-14);
	+ The Advocate’s (Professional Requirements) Regulations; and
	+ The Advocates Remuneration Order GN 264 of 2015.
* The Law School of Tanzania Act No. 18 of 2007 *supra*.
* The Judiciary Administration Act No. 4 of 2011.[[15]](#footnote-15)
* The Constitution of the United Republic of Tanzania of 1977.[[16]](#footnote-16)
* The Notaries Public and Commissioner for Oaths Act.[[17]](#footnote-17)
* Office of the Attorney General (Discharge of Duties) Act, 2005.[[18]](#footnote-18)
* The National Prosecution Services Act, No. 27 of 2008.[[19]](#footnote-19)
* Tanganyika Law Society Act.[[20]](#footnote-20)
* The Court of Appeal Rules, 2009.[[21]](#footnote-21)
* Business Names (Registration) Act.[[22]](#footnote-22)

# **LAWS GOVERNING ADVOCATES IN ZANZIBAR**

The Advocates Act, No. 1 of 2020 repealed the Legal Practitioners Decree Cap. 2 and the Notaries Public Decree Cap. 29 and enact the Advocates Act and other matters related thereto.[[23]](#footnote-23) Some of the laws repealed are:-

* The Legal Practitioners Decree Chapter 28 of the laws of Zanzibar.
* Legal Practitioners Rules GN 239 of 1946.
* The Notaries Public Decree Chapter 29 of the laws of Zanzibar.
* Laws governing Professional Conduct and Ethics in Tanzania mainland (Advocates (Professional Conduct and Etiquette) Regulations, 2018.[[24]](#footnote-24)

# **FEES PAYABLE BY ADVOCATES**

In the cause of a need to practice in Tanzania Mainland, Tsh. 50,000/= (Fifty Thousand shillings) is payable by an advocate with less than five years practising experience; and Tsh. 100,000/= one hundred thousand shillings for an advocate with five years practising experience. However, the fee payable for admission to practice as an advocate in Tanzania in the Advocates Act[[25]](#footnote-25) is stipulated under subsection (2) of section 39 of the Act *supra* as hereunder-

(a) five hundred thousand shillings for each case, in the case of a person so admitted to practice before the Court of Appeal or any court or tribunal from an appeal lies to the Court of Appeal; and

(b) four hundred thousand shillings for any other case.

However, an advocate who fails to obtain a practising certificate within six months after the expiration of the last certificate issued to him shall, upon being granted leave to renew the certificate out of time, pay the fees for renewal of the certificate plus half that the amount as penalty for default:

 Provided that the Chief Justice may upon good cause being shown, waive the penalty.

# **STATEMENT OF THE PROBLEM**

Different statutes governing Advocates in Tanzania has given various categories of Advocates. The Advocates Act provides two categories while the Tanganyika Law Society provides four categories. On the other hands, the Office of Registrar, High Court of Tanzania way back put in place others categories of Advocates within the frame work of categories provided under Laws governing Advocates in Tanzania. The categories that have been put in place include Practicing Advocates, Non-Practicing Advocates, Deceased Advocates, Struck off Advocates, Deferred Advocates, Suspended Advocates, Non-Profit Advocates and Unknown Advocates.

In 2017 the Judiciary moved from physical based Advocate Management to online Advocates Management System (TAMS) as way of embracing technology and keep in pace with the advancement of technology with the view to manage Advocates effectively and efficiently as well as availing the public sufficient information easily wherever they are without going to Court to search such information. The categories defined during physical / paper-based epoch were also uploaded in the Tanzania Management System. The Categories however need to be mitigated to suit the current needs and eradicate other categories which seem to be of less significance. It has to be noted that The Advocate Management System (TAMS) is the main source of information to lawyers in the legal fraternity and to the public. In that regard, the Office of Registrar, High Court of Tanzania sought it is pertinent to mitigate categories of Advocates which appears on the system in view of Managing Advocates in Tanzania and  have in place categories that are in line with Advocates Act and The Tanganyika Law Society and categories that can be easily understood by the public.

The Office of the Registrar is of view that there is no point to have for instance Deferred Advocates since some of members in this category are not advocates by virtue of the governing law and have never qualified to be advocates. In that regard, it is unfounded and vexatious to have such kind of advocates. Further, deceased and unknown categories of Advocates are neither no longer useful at the material time nor need to be portrayed in the system. These two categories may be worthwhile to be placed in Inactive Category of advocates and not exposed to TAMS Dashboard.

**OBJECTIVES AND PURPOSES**

A particular purpose of this position paper is to mitigate categories of Advocates and point out the difficulties which result from the different meanings available from categories of advocates in Tanzania. The essence is to make sure that the public understands better different categories of advocates in Tanzania, their role and status. The clarification will assist on general understanding of advocates and their status publicly and when any person is searching for an advocate status in the TAMS.

# **PROPER MEANINGS OF CATEGORIES OF ADVOCATES**

Proper meaning of categories of advocates have been ascribed in the two statutes of Tanzania Mainland as amended day to days whilst revised up to November, 2019 (the Advocates Act and the Tanganyika Law Society Act). In the two statutes aforementioned, there are several categories of advocates detailed in there as ascribed hereunder:-

## **DIFFERENT CATEGORIES OF ADVOCATES IN TANZANIA**

## **Categories under the Advocates Act[[26]](#footnote-26)**

* **Practicing Advocate:**

The Advocate Act provides that any person shall not qualify to act as an advocate where:

1. His name is not on the Roll;
2. He has not paid the prescribed fees for the practicing certificate;
3. He has not paid for the business license;
4. He has not paid his annual subscription for the current year into the funds of the Law Society; and
5. If he is employed or committed otherwise than as an advocate and he has not obtained approval from his employer or such other principal to practice as an advocate.

Following compliance of the qualification processes, the Advocate who has fulfilled all requirements as stated herein above is therefore referred to as *“practicing advocate”.* A person who is not so qualified under the circumstances provided herein above is therefore referred to as an "unqualified person" under the Advocates Act.[[27]](#footnote-27)

* **Unqualified Advocates:**

Under the Advocate Act,[[28]](#footnote-28) it provides for the category of unqualified Advocates basing on different circumstances. There are more than one category of unqualified advocates which this position paper is addressing. All the circumstances categorizing Unqualified Advocates are of two nature, one is where the Advocates become unqualified to renew practicing certificates, for example;

1. Having been suspended from practice;
2. Having been removed from the Roll.
* **Suspended Advocate:**

The Advocate may be suspended from practicing on the following reasons:

1. He is bankrupt;[[29]](#footnote-29) or
2. He is found liable for misconduct by the Chief Justice, any Judge of the High Court or the Advocates Committee.[[30]](#footnote-30)

A suspension of Advocate may cause an affected Advocate not to proceed practicing on the circumstance where he is removed from the Roll of Advocates. Tanganyika Law Society Act describes two circumstances where an Advocate may be removed from the roll, that is;[[31]](#footnote-31)

1. He is so requesting at his own; or
2. He is found liable for misconduct

## **Categories under the Tanganyika Law Society Act**[[32]](#footnote-32)

The Tanganyika Law Society Act, (herein after referred as TLS Act) and the Tanganyika Law Society (Annual Subscription Regulations) of 2017 describes four categories of membership.

1. Practicing Members;
2. Non-practicing Members;
3. Membership by qualifications;
4. Honorary Members.
* **Practicing Members:**

These category of Advocates are those who become members of the Tanganyika Law Society from the date their practicing Certificate is issued subject to any provision of the law . [[33]](#footnote-33)His name may be removed from the Roll either by the request from practicing members himself or otherwise and in that regard he shall immediately cease to be a member of the Society.[[34]](#footnote-34)

* **Non- practicing Members:**

This category of Advocates can only be effected after application by the Advocate himself and has to apply to the Law Society and if so allowed he is not allowed to charge fees or appear in court save for legal aid matters. This category of Advocates pays lesser amount of the annual subscription fee to the Law Society and to the Registrar. A manner of which an application can be made has not been clearly prescribed by the law though the practices connote that applicant may apply to the Chief Justice vide the Registrar of High Court.

* **Membership by qualifications:**

Under the Tanganyika Law Societies Act, membership by qualifications has been provided for in different criteria:[[35]](#footnote-35)

1. The Attorney-General, Parliamentary Draftsman and State Attorneys, for the time being residing in Tanzania, and any other person duly qualified to hold office in the Attorney-General's Department;
2. Any person holding office in a local government authority;
3. The Registrar-General, Administrator-General, Public Trustee, Official Receiver;
4. Land Officer and any person holding office in the department of the Registrar-General, Administrator-General, Official Receiver or the Land Office;
5. Any other legally qualified person, for the time being resident of Tanzania, as may from time to time be determined by special resolution.
* **Honorary Members:**

These are other Advocates and members elected by TLS Council for such persons as it may think fit.[[36]](#footnote-36)

## **CATEGORIES OF ADVOCATE IN OTHER JURISDICTIONS**

# **KENYA**

Legal practice in Kenya is governed by the Advocates Act, Cap 16 of the laws of Kenya. To be an advocate in Kenya which is concurrent with being a member of the Law Society of Kenya one must complete a law degree from recognized university in the commonwealth and attend the Kenya School of Law for Postgraduate Diploma in Legal Practice. He must complete six months mandatory articles of pupilage under a lawyer of five years standing experience. Upon completion of the requisite academic and practical training one can petition to the Chief Justice for admission to the bar.

## The roll of advocates of Kenya has the following practicing categories:-

1. **Active Advocates:-** These are Advocates certified to practice for the indicated year.
2. **Inactive Advocates:-** These Advocates are not certified for the indicated year. Inactive Advocates shall give the Registrar and the Law Society Secretary not less than six weeks’ notice before making an application for practicing certificate.
3. **Dormant Advocate:-** This is an Advocate who has not been certified to practice over one year. Dormant Advocates shall give the Registrar and the Law Society Secretary not less than six weeks’ notice before making an application for practicing certificate.
4. **Struck off:-** These are Advocates who are struck off from the Advocates’ Roll by order of the Disciplinary Tribunal and is not permitted to practice.
5. **Suspended Advocates:-** Are Advocates suspended by order of the Disciplinary Tribunal or by reason of his adjudication in bankruptcy such advocate is temporarily not permitted to practice.
6. **Unknown Advocates:-** the Advocate status is unknown.

Renewing of Practicing Certificates

Section 25 of the Advocate Act of Kenya Cap.267 provides that the Registrar may issue practicing certificate in special cases; it provides that;

1. “Subject to subsection (3) and to section 28(5), subsection (2) shall have effect where an advocate applies for a practicing certificate;
2. when for twelve months or more he has ceased to hold a practicing certificate in force; or
3. whilst he is an un-discharged bankrupt or a receiving order in bankruptcy is in force against him; or
4. when, having been suspended from practice or having had his name removed from or struck off from the Roll, the period of his suspension has expired or his name has been restored to the Roll, as the case may be; or
5. not having held a practicing certificate in force within twelve months next following the date of his admission as an advocate; or
6. whilst he is a person to whom the powers and provisions of the Mental Health Act (Cap. 248) relating to management and administration apply; or
7. without having paid a penalty or costs ordered by the Disciplinary Committee to be paid by him; or
8. after having been adjudicated a bankrupt and obtained his discharge or after having entered into a composition with his creditors or a deed of arrangement for the benefit of his creditors; or
9. after having had given against him any judgment which involves the payments of moneys, not being a judgment;
10. limited to the payment of costs; or (ii) as to the whole effect of which upon him he is entitled to indemnity or relief from some other person; or (iii) evidence of the satisfaction of which, within seven days of the giving of such judgment, has been produced to the Registrar.
11. The applicant shall give to the Registrar and to the secretary of the Society not less than six weeks before his application for a practicing certificate notice of his intention to apply therefore.

## **ZAMBIA**

There are two main categories of Advocates in Legal Practitioners Act Chapter 30 of the Laws of Zambia:-

1. **Practicing Advocate:-** The Advocate who has fulfilled all requirements as stated in Section 11, 12, 35 and 36 of the Advocates in Legal Practitioners Act Chapter 30 of the Laws of Zambia is referred to as “practicing advocate”. A person who is not so qualified he is referred to as an "unqualified person" (Sections 42 and 49 of the Legal Practitioners Act Chapter 30 of the Laws of Zambia).
2. **Unqualified Advocates:-** Section 22, 32, 33 and 49 of Legal Practitioners Act Chapter 30 of the Laws of Zambia provides for the category of Unqualified Advocates where categorized when there are two circumstances such as where the Advocates become unqualified to renew practicing certificates, such as;
3. Having been suspended from practice,
4. Having been removed from the Roll (S.32 & 33 of the Advocates in Legal Practitioners Act Chapter 30 of the Laws of Zambia).

# Renewing of practicing certificates

Section 37(1) of the Legal Practitioners Act Chapter 30 of the Laws of Zambia provides for circumstances where practicing certificates can be issued,. it provides that in any of the following cases, that is to say, where a practitioner applies for a practising certificate: It is the discretion of Association to refuse certificate in special cases like:-

1. When for twelve months or more he has ceased to hold a current practising certificate; or
2. Whilst he is an un-discharged bankrupt or a receiving order in bankruptcy is in force against him; or
3. When, having been suspended from practice or having had his name struck off the Roll, the period of his suspension has expired, or his name has been restored to the Roll, as the case may be; or
4. Not having held a practising certificate within the twelve months next following the date of his admission to the Roll; or
5. Whilst he is a person in respect of whom an adjudication order under the Mental Disorders Act is in force; or Cap. 305;
6. Without having paid a penalty or costs ordered by the Disciplinary Committee under this Act to be paid by him; or
7. After he has been invited by the Council to give an explanation in respect of any matter affecting his conduct and has failed to give to the Council an explanation in respect of that matter which the Council regard as sufficient and satisfactory, and has been notified in writing by the Council that he has so failed; or
8. After having had an order made against him for the issue of a writ of attachment; or
9. After having been adjudicated a bankrupt and obtained his discharge or after having entered into a composition with his creditors or a deed of arrangement for the benefit of his creditors; or
10. After having had given against him any judgment which involves the payment of moneys, other than costs, and is not a judgment as to the whole effect of which upon him he is entitled to indemnity or relief from any other person and without having produced to the Association evidence of the satisfaction of such judgment;

he must, unless the Association or the Chief Justice otherwise orders, give to the Association, at least six weeks before the application is made, notice of his intention to make the application, and the Association may in its discretion grant or refuse the application, or decide to issue a certificate to the applicant, subject to such terms and conditions as the Association may in its discretion think fit and in the last-mentioned case may, if it thinks fit, postpone the issue of the certificate pending the hearing and determination of an appeal under this section.

# **NEW SOUTH WALES**

In New South Wales, after admission to the Australian legal profession as an Australian Lawyer, one can apply for practicing certificate depends on his choice/category of practicing. Ceasing practicing in this jurisdiction is quite simple as it requires notification to the Law Society of New South Wales in writing and allows for refund in certain circumstances. Reasons for ceasing of practicing can either be shift to another category, change of jurisdiction, retirement, illness, money pressure or simply that they have had enough.

From the foregoing, it is pertinent to note that there are various categories of Advocates depending on a particular jurisdiction and how the said jurisdiction defines the meaning of such categories of Advocates. Hence, in the light of the above observations, the following are categories of Advocates in Tanzania and Other Jurisdictions as hinted above:-

# In Tanzania the difference aligned on the following categories:-

* **Practicing Advocates, Non - Practicing Advocates, Deceased Advocates, Struck off Advocates, Deferred Advocates, Suspended Advocates, Not-for-Profit-Practicing Members.**

## In other jurisdictions the difference aligned on the following categories:-

* **Practicing Advocates, Active and inactive Advocates, Dormant Advocates, Struck off Advocates, Suspended Advocates, Unqualified Advocates and Unknown Advocates.**

# **CONCLUSION AND RECOMMENDATIONS**

Instant desk research has observed that there are different categories of advocates based on practice of which their definitions and meaningful are uncertain to the public. As hinted above, there have been no prior definitions in terms of different categories of advocates in Tanzania and their proper meaning. The uncertainties/differences resulted in terms of words used to categorize these Advocates such as practicing Advocates, non-practicing Advocates, whether Suspended or Suspending Advocates from practicing, Deferred Advocates, Struck off Advocates, Deceased Advocates and Advocates whose current status are Unknown. On the other hand, the use of internet based system on Tanzania Advocates Management Systems (TAMS) has attracted the Advocates Section to come up with a clear meaning of the categories of Advocates in the system for clarity of these categories of Advocates so as do away with the available ambiguities of the meaning of Advocates.

Therefore, due to the challenges that have been observed in categories and conducts of Advocates and Notaries Public and Commissioner for Oaths, it is hereby recommended that different categories of Advocates in Tanzania should be aligned in the TAMS on the following categories:-

* **Practicing Advocates:-** Should denotea lawyer who holds the license to practice law after paying practicing fee and obtain a certificate issued under the provisions of Part VI of the Advocates Act (Regulation 3 of The Advocates (Admission And Practicing Certificate) Regulations, 2015 and engages himself in the practice of law as an independent lawyer or joins a firm to undertake the practice collectively.
* **Non - Practicing Advocates:-** Should signifya lawyers who retains the same rights as practicing members meanwhile not appearing before the courts of law, save for the right to practice law or to act as notaries public or commissioners for taking affidavitswho are still working with the Government till their termination, resignation or retirement age. A good example are Judges, Magistrate, State Attorneys, Government employees save for those who have been employed by the Universities and/or having obtained an exemption from the relevant Authority.
* **Deceased Advocates:-** This category of Advocates should indicate those Advocates who are no longer alive following his or her demise while having his/her own Roll number.
* **Struck off Advocate:- T**his category of Advocates should imply those Advocates whose status and its whereabouts are unknown and for long time have totally ceased to do legal works. It should also include names of Advocates who have been removed from the official register (Roll of Advocates).
* **Deferred Advocates**:- This category of Advocates should signify Advocates whose their practicing status are withheld due to some genuine reasons like medical grounds, failure to timely renew their practicing certificates, pursuing further studies outside the Country, working with other institutions, international institutions, companies or privates entities on a special contract or temporary basis, etc.
* **Suspended Advocates**:- This category of Advocates should denote all Advocates that have been suspended from practicing as advocates for a specified period of time on the grounds of ethical issues and misconduct or found guilty of unprofessional conducts, or their names have been removed from the Roll by order of the Advocates Committee, the Chief Justice or Judge of the High Court; as the case may be. In addition thereto, this category should comprises of Advocates suspended by any Judge of the High Court in like manner temporarily, pending a reference to, or disallowance of such suspension by the High Court.
* **Not for Profit Practicing Member:-** This category of Advocates comprises of Advocates whose age are 65 years or above and have ceased to appear before the court to practice due to their old age(s) upon exempted from paying the relevant fees by the Tanganyika Law Society. This kind of Advocates should stand as an impartial adviser to a court of law in particular case (Amicus Curiae) and Notary Public and Commissioner for Oaths.
1. The Advocates Act Cap. 341 and the Law Scho

ol Act, Cap 425. [↑](#footnote-ref-1)
2. Ibid Cap. 341. [↑](#footnote-ref-2)
3. Ibid. [↑](#footnote-ref-3)
4. Cap. 425. [↑](#footnote-ref-4)
5. Ibid, Cap. 341. [↑](#footnote-ref-5)
6. Ibid, Cap. 341. [↑](#footnote-ref-6)
7. Ibid, Cap. 341. [↑](#footnote-ref-7)
8. Ibid. [↑](#footnote-ref-8)
9. An Act to Repeal the Legal Practitioners Decree Cap. 28 and the Notaries Public Decree Cap. 29 and Enact

the Advocates Act and Other Matters Related Thereto. [↑](#footnote-ref-9)
10. GN. No. 239 of 1946. [↑](#footnote-ref-10)
11. An Act to Repeal the Legal Practitioners Decree Cap. 28 and the Notaries Public Decree Cap. 29 and Enact

the Advocates Act and Other Matters Related Thereto. [↑](#footnote-ref-11)
12. GN. No. 62 of 2015. [↑](#footnote-ref-12)
13. GN. No. 120 of 2018. [↑](#footnote-ref-13)
14. GN. No. 118 of 2018. [↑](#footnote-ref-14)
15. Cap. 237. [↑](#footnote-ref-15)
16. Sura ya 2 as amended time to times. [↑](#footnote-ref-16)
17. Cap. 12. [↑](#footnote-ref-17)
18. Cap. 268. [↑](#footnote-ref-18)
19. Cap. 430. [↑](#footnote-ref-19)
20. Cap 307. [↑](#footnote-ref-20)
21. GN. No. 368 of 2009 as amended by GN. No. 362 of 2017 and GN No. 344 of 2019. [↑](#footnote-ref-21)
22. Cap. 213. [↑](#footnote-ref-22)
23. See section 64 of the Advocate Act No. 1 of 2020 - Zanzibar. [↑](#footnote-ref-23)
24. GN. No. 118 of 2018. [↑](#footnote-ref-24)
25. Section 39(2). [↑](#footnote-ref-25)
26. As revised November, 2019. [↑](#footnote-ref-26)
27. See Sections 35 (3) and 40. [↑](#footnote-ref-27)
28. See Section 39. [↑](#footnote-ref-28)
29. Section 37 (1) of the Advocate Act. [↑](#footnote-ref-29)
30. Section 13 (4) (c) and 22 (2) (a) of the Advocate Act. [↑](#footnote-ref-30)
31. See Section 13 (4) (a) of the Advocate Act of the Advocate Act and Section 22 (2) and Section 3(2) (b) of Notaries Public and Commissioners for Oaths Act, Cap. 12 and Section 7 (3) of the [↑](#footnote-ref-31)
32. Cap 307. [↑](#footnote-ref-32)
33. See Section 7 of the TLS Act. [↑](#footnote-ref-33)
34. Ibid, Section 7(1). [↑](#footnote-ref-34)
35. See Section 8. [↑](#footnote-ref-35)
36. See Section 9. [↑](#footnote-ref-36)