

CHAPTER 307

THE TANGANYIKA LAW SOCIETY ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

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CHAPTER 307

THE TANGANYIKA LAW SOCIETY ACT

An Act to establish the Tanganyika Law Society and to provide for other related matters.

[1st January, 1955]

Ord. No. 30 of 1954

Act No. 42 of 1961

PART I

PRELIMINARY (ss 1-2)

[PCh307s1]1. Short title

This Act may be cited as the Tanganyika Law Society Act.

[PCh307s2]2. Interpretation

In this Act, unless the context otherwise requires—

"advocate" has the same meaning as in the Advocates Act *;

"Council" means the council established under the provisions of section 15;

"former society" means the society known as the Tanzania Law Society existing in Tanganyika immediately before the enactment of this Act;

"practising certificate" means a practising certificate issued under the provisions of section 35 of the Advocates Act *;

"Society" means the society established by section 3;

"special resolution" means a resolution passed by a majority of not less than two-thirds of any members of the Society who, being entitled so to do, vote in person or by proxy at a general meeting of the Society, duly convened with full notice of the intention to propose that resolution.

PART II

ESTABLISHMENT (ss 3-5)

[PCh307s3]3. Establishment of Tanganyika Law Society

There is hereby established a body corporated by the name of the Tanganyika Law Society with perpetual succession and a common seal, with power to sue and be sued in its corporate name.

[PCh307s4]4. Objects

The objects for which the Society is established are—

- (a) to maintain and improve the standards of conduct and learning of the legal profession in Tanzania;
- (b) to facilitate the acquisition of legal knowledge by members of the legal profession and others;
- (c) to assist the Government and the Courts in all matters affecting legislation, and the administration and practice of the law in Tanzania;
- (d) to represent, protect and assist members of the legal profession in Tanzania as regards conditions of practice and otherwise;

(e) to protect and assist the public in Tanzania in all matters touching, ancillary or incidental to the law;

(f) to acquire, hold, develop or dispose of properties of all kinds, whether movable or immovable, and to derive capital or income from them, for all or any of the foregoing objects;

(g) to raise or borrow money for all or any of the foregoing objects in any manner and upon any security which may from time to time be determined by the Society;

(h) to invest and deal with moneys of the Society not immediately required in any manner which may from time to time be determined by the Society;

(i) to do all other things which are incidental or conducive to the attainment of the foregoing objects or any of them.

[PCh307s5]5. Dissolution and vesting of assets of Former Society

All property and assets of the Former Society shall be and are hereby, as at the date of commencement of this Act, vested in the Society and so soon as all formalities connected with the transfer of all the property and assets to the Society shall be declared by the president and the secretary of the Former Society to have been completed, the Former Society shall automatically be dissolved.

PART III

MEMBERSHIP (ss 6-14)

[PCh307s6]6. Membership

The membership of the Society shall consist of the following—

(a) all advocates who are members of the Society by reason of the provisions of section 7;

(b) all persons admitted to membership of the Society under section 8;

(c) all persons elected as honorary members of the Society under section 9.

[PCh307s7]7. Practising advocate to be member of society

(1) Every advocate who has in force a practising certificate shall without election, admission or appointment, become a member of the Society from the date on which the practising certificate is issued to him and be subject to any provision of the law for the time being affecting that member:

Provided that every advocate to whom a practising certificate is issued before the first day of February of each year shall, if he was an advocate on the first day of January of that year, be deemed to have been a member of the Society as from the first day of January of that year.

(2) Every advocate who becomes a member of the Society under subsection (1) shall, subject to the provisions of subsection (3), remain a member until the end of the current year.

(3) When an advocate who is a member of the Society by reason of the provisions of subsection (1) has his name, whether at his own request or otherwise, removed from the Roll, he shall immediately cease to be a member of the Society.

(4) An advocate who is a member of the Society by reason of the provisions of subsection (1) and who is suspended from practice shall not be entitled during the period of that suspension to any of the rights and privileges of membership.

[PCh307s8]8. Qualifications for membership

(1) Any of the following persons who applies for membership of the Society in the prescribed manner shall be admitted as a member of the Society, that is to say–

(a) the Attorney-General, Parliamentary Draftsman and State Attorneys, for the time being resident in Tanzania, and any person duly qualified holding office in the Attorney-General's Department;

(b) any person duly qualified holding office in a local government authority;

(c) the Registrar-General, Administrator-General, Public Trustee, Official Receiver, Land Officer and any person duly qualified holding office in the department of the Registrar-General, Administrator-General, Official Receiver or the Land Office;

(d) [Omitted under Cap. 4 s. 7.]

(e) any other legally qualified person, for the time being resident in the Tanzania, as may from time to time be determined by special resolution:

Provided that subject to the provisions of section 7 no person who has been expelled from the membership of the Society shall after the expulsion be admitted again as a member without the authority of a special resolution.

(2) For the purposes of this section "person duly qualified" means a person holding any of the qualifications set out in paragraphs (i), (ii), (iii) and (iv) of subsection (1) of section 8 of the Advocates Act *.

[PCh307s9]9. Honorary membership

The Council may elect as honorary members of the Society such persons as it may think fit, either for life or for any period which the Council may in any case deem appropriate.

[PCh307s10]10. Annual subscription

The members of the Society shall pay into the funds of the Society any annual subscription which may from time to time be prescribed:

Provided that no honorary member shall be liable to pay a subscription.

[PCh307s11]11. No entrance fee payable

No entrance fee shall be payable by any person on becoming a member of the Society.

[PCh307s12]12. Resignation

No member of the Society shall resign or be permitted to resign his membership at any time while he is entitled to practise as an advocate, but, save as aforesaid, and subject to section 7, any member of the Society may resign his membership in any manner which may be prescribed.

[PCh307s13]13. Expulsion

Any member of the Society, other than an honorary member, may be expelled from the society in any manner, and upon any grounds, after being given a reasonable opportunity to answer all allegations made against him, which may from time to time be prescribed:

Provided that no member of the Society who is entitled to practise as an advocate shall be expelled from the Society at any time while entitled so to practise.

[PCh307s14]14. Members ceasing to be qualified for membership

Any member of the Society, other than an honorary member, who ceases to be qualified for membership shall automatically cease to be a member.

PART IV

COUNCIL (ss 15-18)

[PCh307s15]15. Constitution of the Council Ord. No. 27 of 1956

For the proper management of the affairs of the Society, there shall be a Council consisting of a President, a Vice-President, a Treasurer and seven other persons; all of whom shall be members of the Society and elected annually by the Society in a general meeting.

[PCh307s16]16. Powers of the Council

Except as otherwise expressly provided by this Act, or by any regulations made under this Act, the Council may exercise all the powers of the Society; and no regulations made under this Act shall invalidate any prior act of the Council which would have been valid if those regulations had not been made.

[PCh307s17]17. Committees and delegation

The Council may from time to time appoint Committees consisting of members of the Society; and may, except as otherwise expressly provided by this Act or by any regulations made under this Act, delegate to any Committee all or any of the powers of the Council.

[PCh307s18]18. Procedure

The procedure of the Council, and of every Committee appointed as aforesaid, shall be as may be prescribed from time to time.

PART V

OTHER OFFICERS (ss 19-20)

[PCh307s19]19. Officers Ord. No. 27 of 1956

(1) The Council shall appoint a Secretary and may from time to time appoint any other officers of the Society whom the Council may consider necessary.

(2) The Council may pay the Secretary and such other officers any remuneration which it may deem fit.

[PCh307s20]20. Committees

All representatives of the Society on the Advocates Committee or on the Remuneration Committee established under the Advocates Act *, shall be elected by the Society in general meeting.

PART VI

GENERAL MEETINGS (ss 21-26)

[PCh307s21]21. General meetings

The Council shall meet within six weeks after the 30th day of June and the 31st day of December in each year, and may at any other time or times at the discretion of the Council, convene a general meeting of the Society.

[PCh307s22]22. Requisition

(1) Any fifteen members of the Society may at any time requisition a general meeting by written notice in that behalf signed by them, specifying the object of the proposed meeting, and deposited with the Secretary of the Society; and then the Council shall convene a general meeting of the Society accordingly.

(2) If the Council fails for fourteen days after that deposit to convene a general meeting in accordance with the requisition, the requisitioning members may themselves convene that general meeting to be held at any time within two months after such deposit.

[PCh307s23]23. Voting

(1) At every general meeting of the Society, every member subscribing present shall have one vote and the Chairman of that meeting shall also have a casting vote.

(2) A member not present at a general meeting may, on any resolution before that meeting, vote by proxy in such manner and subject to such conditions as may be prescribed.

[PCh307s24]24. General meeting to act by simple majority

Except for any purpose for which a special resolution is expressly required by this Act or by any regulation made under this Act, all resolutions of the Society in general meeting shall be by simple majority vote.

[PCh307s25]25. Alterations of resolutions

No resolution of the Society in general meeting shall be altered or rescinded within nine months after it is passed otherwise than by a special resolution of the Society.

[PCh307s26]26. Convening and procedure

The manner of convening general meetings of the Society, and the procedure at that meeting, shall, subject to the preceding provisions, be as may from time to time be prescribed.

PART VII

COMMON SEAL (s 27)

[PCh307s27]27. Custody and use of Seal

The common Seal of the Society shall be kept in custody and used in the manner which may from time to time be prescribed.

PART VIII

MINUTES, ACCOUNTS AND REPORTS (ss 28-30)

[PCh307s28]28. Minutes

The Council shall cause proper minutes of all general meetings of the Society, and of all meetings of the Council and of Committees appointed by the Council, to be taken and recorded; and shall make all the minutes available for inspection by any member of the Society at any reasonable time, on demand.

[PCh307s29]29. Accounts to be kept Act No. 42 of 1961

The Council shall also cause proper accounts of all funds, property and assets of the Society to be kept, and to be audited, by an auditor approved by the Minister for Finance, as on the 31st day of December in every year. The audited accounts shall be presented by the Council to the general meeting convened in accordance with the provisions of section 21, within six weeks after the 31st day of December in each year. A copy of the audited accounts, together with the auditor's report, shall be delivered to the

Minister for Finance by the Council, at the same time as the accounts are presented to the general meeting.

[PCh307s30]30. Reports and accounts

Within six weeks after the 30th day of June and the 31st day of December in each year, the Council shall present to the Society in general meeting a full report of the activities of the Society.

PART IX

REGULATIONS (s 31)

[PCh307s31]31. Regulations

(1) The Council may, subject to the provisions of this Act, make regulations binding on members of the Society, prescribing all or any of the following matters—

- (a) annual subscriptions;
- (b) manner of application for membership of the Society;
- (c) grounds for expulsion of members from the Society and procedure for expulsion;
- (d) resignation of members;
- (e) regulation of powers exercisable by the Council and Committees, and delegation of powers;
- (f) manner or convening meetings of the Council and Committees, and quorums and procedure at meetings;

(g) manner of convening general meetings of the Society, and quorums and procedure at general meetings;

(h) the manner in which and conditions subject to which any member not present at a general meeting may vote by proxy on any resolution before that meeting;

(i) manner of election, removal and replacement of the President, Vice-President and other members of the Council, and of representatives of the Society on the Advocates Committee and the Remuneration Committee established under the Advocates Act *;

(j) custody and use of the common seal;

(k) arbitration in disputes; and

(l) any other matters as may be deemed by the Council to be necessary for the proper conduct and regulation of the affairs of the Society.

(2) Regulations made by the Council under the provisions of this section shall be submitted to the first meeting of the Society to be held after the month of December of the year in which those regulations are made; and any regulations shall, unless approved by a special resolution of the Society at that meeting, cease to have effect as from the time of the conclusion of the meeting, without prejudice to anything done or suffered under them prior to their expiry pursuant to the provisions of this subsection.