

Tanzania

Public Corporations Act

Tanzania Legal Corporation (Establishment) Order, 1971 Government Notice 32 of 1971

Legislation as at 31 July 2002

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Tanzania Legal Corporation (Establishment) Order, 1971 (Government Notice 32 of 1971)
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[Note: This legislation was revised and consolidated as at 31 July 2002 and 30 November 2019 by the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. All subsequent amendments have been researched and applied by Laws.Africa for TANZLII.]

[Sections 3, 5 and 10; G.N.s. Nos. 32 of 1971; 162 of 1972; 96 of 1976; 366 of 1985]

1. Citation

This Order may be cited as the Tanzania Legal Corporation (Establishment) Order.

2. Interpretation

In this order unless the context otherwise requires—

"**Act**" means the Public Corporations Act¹;

"**Board**" means the Board of Directors provided for in paragraph 5;

"**Corporation**" means the Tanzania Legal Corporation established by paragraph 3;

"**legal services**" means the services which an advocate would be expected to render to his client in the ordinary course of his business and any other services which the Board may approve;

"**Minister**" means the Minister responsible for legal affairs;

"**parastatal organisation**" means—

(a) a body corporate established by or under any written law other than—

(i) a company incorporated under the Companies Act²;

(ii) a body corporate established by or under any Act of the Community;

(iii) a Local Authority;

(b) any company registered under the Companies Act, not less than fifty *per centum* of the issued share capital of which is owned by the Government, a Local Authority or any parastatal organisation or, where the company is limited by guarantee, a company in respect of which the amount that the Government, a local Authority or a parastatal organisation which is a member of that company has undertaken to contribute in the event of the company being wound up is not less than fifty *per*

1

[Cap. 257](#)

2

[Cap. 212](#)

centum of the aggregate amount which all members have undertaken to contribute; and references in this paragraph to a parastatal organisation include references to that company;

- (c) any body of persons, whether corporate or unincorporated, which is designated by the Minister by Notice published in the *Gazette* to be a parastatal organisation for the purposes of this Order.

3. Establishment of Corporation

There is hereby established a public corporation to be known as the Tanzania Legal Corporation.

4. Functions

- (1) The functions of the Corporation shall be—
 - (a) to provide legal services to parastatal organisations on such terms and conditions as may be agreed upon between the Corporation and the parastatal organisations;
 - (b) to provide any legal services to the Government which the Attorney-General may direct;
 - (c) subject to the directions of the Attorney-General, to provide legal services to members of the public on any terms and conditions which the Chief Corporation Counsel may deem fit;
 - (d) subject to the directions of the Attorney-General, to provide legal services to members of the public and other persons on any terms and conditions as the Chief Corporation Counsel may deem fit.
- (2) The Corporation shall perform its functions in accordance with the best professional standards.
- (3) The Corporation shall be entitled to charge any parastatal organisation to which it renders any legal service any fee which may be prescribed by any written law or, where no fee is prescribed for that service, any fee which may be agreed upon between the parties or which may be determined by the Attorney-General to be a reasonable fee.

5. Management of Corporation

- (1) The management of the Corporation is hereby vested in a Board of Directors.
- (2) The Board shall consist of—
 - (a) a Chairman who shall be nominated by the President;
 - (b) any other members, being not less than three nor more than five, whom the Minister may, after consultation with the Attorney-General, appoint.
- (3) The Minister shall appoint from amongst the members of the Board, a Vice-Chairman.
- (4) There shall be a Chief Corporation Counsel who shall be appointed by the Minister and who shall be the Chief Executive Officer of the Corporation.
- (5) The Board may, from time to time, appoint on such terms and conditions as it may think fit, any number of Corporation Counsel and other employees of the Corporation who may be necessary for conducting the business of the Corporation.
- (6) The Chairman and other members of the Board shall be entitled to the allowances and at the rates which the Minister may, from time to time, prescribe.
- (7) The Minister may make regulations with respect to—
 - (a) the appointment of, the tenure of and the vacating of office by, the members of the Board;
 - (b) the quorum, proceedings and meetings of the Board and determinations of the Board.
- (8) Subject to the provisions of any regulations made under subparagraph (7) the Board shall have power to regulate its own procedure.

6. Salaries, etc., to be paid out of Corporation's funds

All salaries, fees and other allowances whatsoever payable to the Chairman of the Board, a member of the Board, the Chief Corporation Counsel, Corporation Counsel and other employees of the Corporation shall be paid out of the funds of the Corporation.

7. Seal of Corporation

- (1) The seal of the Corporation shall be affixed by the Chairman, the Vice-Chairman or the Chief Corporation Counsel, and witnessed by one other member of the Board.
- (2) All contracts, guarantees, agreements, bonds, authorities, mortgages, charges, bills of exchange, promissory notes, bank drafts, letters of credit, securities or any other instruments to which the Corporation is a party, shall be executed on behalf of the Corporation either by the Chief Corporation Counsel or by any other officer of the Corporation whom the Chief Corporation Counsel may, by writing under his hand, appoint in that behalf.

8. Board may act notwithstanding vacancy

Subject to the provisions of any regulations relating to quorum made under subparagraph (7) of paragraph 5, the Board may act notwithstanding any vacancy in its membership and no act or proceeding of the Board shall be invalid by reason only of some defect in the appointment of a member or a person who purports to be a member or, where the regulations provide for the appointment of an alternate member, in the appointment of that alternate member or a person who purports to be the alternate member.

9. Borrowing powers of Corporation

The Corporation may from time to time borrow such sums of money as it may require to meet any of its obligations or for the purposes of its business.

10. Delegation of powers

- (1) The Minister is hereby designated as the Minister for the purposes of the provisions of section 35 of the Act which relates to the accounts of a public corporation.
- (2) *[Superseded by section 7 of R.E. Cap. 257.]*