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

GUIDELINES

(Made under section 17A(4))

THE OFFICE OF THE ATTORNEY GENERAL (DISCHARGE OF DUTIES)
GUIDELINES FOR PRACTISING STATE ATTORNEYS AND LAW OFFICERS, 2020

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THE OFFICE OF THE ATTORNEY GENERAL (DISCHARGE OF DUTIES)
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THE OFFICE OF THE ATTORNEY GENERAL (DISCHARGE OF DUTIES)
GUIDELINES FOR PRACTISING STATE ATTORNEYS AND LAW OFFICERS, 2020

- Citation 1. These Guidelines may be cited as the Office of the Attorney General (Discharge of Duties) Guidelines for Practising State Attorneys and Law Officers, 2020.
- Application 2. These Guidelines shall apply to all Law Officers and State Attorneys employed in the public service.
- Interpretation 3. In these Guidelines, unless the context otherwise requires-
- Cap. 268 “Act” means the Office of the Attorney General (Discharge of Duties) Act;
“Government Legal Team” means a team established under section 25 of the Act;
- Cap. 1 “Law Officer” has the meaning ascribed to it under the Interpretation of Laws Act;
- Cap. 12 “practice as a Commissioner for Oaths” means perform, *mutatis mutandis*, the functions and duties commonly performed by a commissioner for oaths in England;
- Cap. 12 “practice as a notary public” means perform, *mutatis mutandis*, the functions and duties commonly performed by a notary public in England;
“public service” includes service in a Government Ministry, Local Government Authority, Independent Department, Agency, Public Corporation, Parastatal Organisation or any other Government Organisation;
“State Attorney” has the meaning ascribed to it under the Act; and
- Cap. 341 “qualified person” means a person who has been admitted as an advocate under the Advocates Act.

Office of The Attorney General (Discharge of Duties) Guidelines for Practising State Attorneys and Law Officers

GN. No. 1008 (contd.)

Restriction on issuance of certificate for practising as an advocate
Cap. 341

4.-(1) Subject to section 34 of the Advocates Act, a Law Officer or State Attorney shall not, for the whole period of service as a Law Officer or State Attorney, be issued with practising certificate as an advocate.

(2) Notwithstanding the prohibition under subparagraph (1), the Attorney General may, where special reasons exist, grant permission for a Law Officer or State Attorney to be issued with practising certificate as an advocate.

(3) Special reasons for a Law Officer or State Attorney to be issued with practising certificate shall include-

- (a) satisfaction of the Attorney General that the employer of the said Law Officer or State Attorney needs services of an advocate;
- (b) satisfaction of the Attorney General that there is no conflict of interests; or
- (c) any other reason that the Government Legal Team may deem fit.

(4) A Law Officer or State Attorney who wishes to be issued with a practising certificate shall apply to the Attorney General for permission by filling the application form set out in the First Schedule to these Guidelines.

(5) The application referred to under subparagraph (4) shall state clearly the reasons for the application.

(6) The Attorney General shall, upon receipt of the application made under subparagraph (4), forward the application to the Government Legal Team for scrutiny.

(7) The Government Legal Team shall, when scrutinising the application referred to it under this paragraph, consider the following:

- (a) the implication of permission sought with the present role of the applicant;
- (b) potential conflict of interest which may arise;
- (c) approval from the applicant's employer to allow a Law Officer or State Attorney to practise as an advocate; and
- (d) any other matter that the Government Legal team may deem fit to consider.

(8) The Government Legal Team shall, after scrutinising the application, recommend to the Attorney General-

- (a) to grant permission for the applicant to be issued with practising certificate as an advocate; or
- (b) to reject the application with reasons to be provided to the applicant.

Office of The Attorney General (Discharge of Duties) Guidelines for Practising State Attorneys and Law Officers

GN. No. 1008 (contd.)

(9) The Attorney General shall, within thirty days from the date of decision of the Government Legal Team, inform the applicant on the decision of his application.

(10) The Attorney General shall not, without reasonable cause, withhold the permission for a Law Officer or State Attorney whom the Government Legal Team has recommended to practise as an advocate pursuant to subparagraph (8).

Qualifications to practise as notary public or commissioner for oaths
Cap. 341

5.-(1) A Law Officer or State Attorney shall be qualified to practise as Notary Public or Commissioner for Oaths where such Law Officer or State Attorney-

- (a) is admitted as an advocate under the Advocates Act;
- (b) has met all professional requirements governing Notary Public and Commissioner for Oaths; and
- (c) has complied with any other written laws governing Notary Public and Commissioner for Oaths.

(2) Notwithstanding the requirements of subparagraph (1), a Law Officer or State Attorney employed in the Office of the Attorney General, the National Prosecutions Service or the Office of the Solicitor General shall be entitled to practise as Notary Public and Commissioner for Oaths by virtue of the stamps of their respective offices only.

Unqualified person

6.-(1) Any action, suit, cause, matter or proceeding involving the Government in relation to which an unqualified person so acts shall be invalid.

(2) An unqualified person shall be incapable of maintaining any action for any costs incurred in respect of anything done by him in the course of so acting.

Remuneration
GN No.
263 of 2015

7. Remuneration of Law Officers and State Attorneys for services rendered under these Guidelines shall be as prescribed under the Advocates Remuneration Order.

Stamp on documents

8. A Law Officer or State Attorney may, after attesting or administering a document, stamp the same using the stamp bearing his name, title and institution in a manner prescribed in the Second Schedule to these Guidelines.

Attestation of document

9.-(1) Every attestation or administration of oaths shall be conducted diligently and with caution so as not to cause

*Office of The Attorney General (Discharge of Duties) Guidelines for Practising
State Attorneys and Law Officers*

GN. No. 1008 (contd.)

conflict of interests with the Government.

Cap. 12

(2) Every document shall be attested in accordance with the Notaries Public and Commissioners for Oaths Act.

(3) For the purpose of these Guidelines, a matter shall be deemed to cause potential conflict of interest with the Government where it casts doubt on one's ability to act objectively on the matter when the Government's interest is at stake.

(4) For the purpose of collecting Government revenue, a State Attorney or Law Officer shall be liable to pay tax.

(5) The Commissioner General of Tanzania Revenue Authority shall prescribe means through which the payable tax shall be collected from State Attorneys and Law Officers.

Disciplinary
measures

10. Any person who contravenes the provisions of these Guidelines commits a disciplinary misconduct and shall be liable to the disciplinary measures prescribed under the Office of the Attorney General (Discharge of Duties) Act.

Cap.268

FIRST SCHEDULE

(Made under paragraph 4(4))

APPLICATION FORM FOR PERMISSION TO BE ISSUED A PRACTISING CERTIFICATE

1. Particulars of the Applicant:

Name of applicant:.....
Physical address of the applicant:.....
P. O. Box:
Telephone No.:
Mobile No.....
Email address:
District
Region

2. Particulars of the Employer:

Name of employer:
Physical address of the applicant:.....
P. O. Box:
Telephone No.:

*Office of The Attorney General (Discharge of Duties) Guidelines for Practising
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GN. No. 1008 (contd.)

Mobile No.....
Email address:
District
Region

3. Approval from applicant's employer to allow the State Attorney or Law Officer to practice as an advocate

Name of the approving officer
Title of the approving officer
Signature of the approving officer
Stamp/seal of applicant's employer

4. Terms and conditions:
The applicant shall comply with standards, terms and conditions for the permission granted.

5. Specify distinctly the reasons for the application sought
.....
.....
.....

6. Declaration:
I have read, understood and agreed to abide with the terms and conditions of this Application.
Signature: Date: Official Seal:

FOR OFFICIAL USE ONLY

OBSERVATION OF THE GOVERNMENT LEGAL TEAM:

RECOMMENDATION(S):

APPROVAL OF THE ATTORNEY GENERAL

GRANT/REJECTION OF PERMISSION SOUGHT

Pursuant to the provision of paragraph 4(4) of the Guidelines for Practising State Attorneys and Law Officers, I do hereby, grant/reject the application by for permission to be issued a practising certificate.
Grounds for rejection (if any) are:

Dated this day of20.....

ATTORNEY GENERAL

*Office of The Attorney General (Discharge of Duties) Guidelines for Practising
State Attorneys and Law Officers*

GN. No. 1008 (contd.)

SECOND SCHEDULE

(Made under paragraph 8)

STAMP

NAME OF THE LAW OFFICER/STATE ATTORNEY

Title.....

Institution.....

Address.....

Date.....

Notary Public and Commissioner for Oaths

Dodoma,
26th November, 2020

ADELARDUS L. KILANGI
Attorney General