



THE UNITED
REPUBLIC OF TANZANIA



THE OFFICE OF THE ATTORNEY GENERAL (DISCHARGE OF DUTIES) (REGIONAL AND DISTRICT LEGAL ADVISORY SERVICES) PRACTICE NOTES, 2024

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

PRACTICE NOTES

(Made under section 21)

THE OFFICE OF THE ATTORNEY GENERAL (DISCHARGE OF DUTIES) (REGIONAL
AND DISTRICT LEGAL ADVISORY SERVICES) PRACTICE NOTES, 2024

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THE OFFICE OF THE ATTORNEY GENERAL (DISCHARGE OF DUTIES) ACT,
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Caps. 2 and 268 **WHEREAS** under Article 59(3) of the Constitution of the United Republic of Tanzania and section 8 of the Attorney General (Discharge of Duties) Act, the Attorney General is the chief legal adviser to the Government on all legal matters;

Cap. 268 **AND WHEREAS** under section 21 of the Attorney General (Discharge of Duties) Act, the Attorney General has powers to issue directives or practice notes to State Attorneys and Law Officers in Public Service for the purpose of maintaining standards and uniformity;

AND WHEREAS as a result of the stated constitutional and legal obligation, the Attorney General has a duty to ensure all State Attorneys who provide legal advice on behalf of the Attorney General wherever they are in the Public Service, participate effectively in providing such services in regions and districts in order to reduce legal disputes against the Government, and ensuring adherence to the rule of law;

AND WHEREAS in ensuring State Attorneys in regional and district levels discharge duties accordingly, the Attorney General has recognized the need to prepare these Practice Notes as an efficient mechanism in providing legal advice through advisory committees.

NOW THEREFORE I, ELIEZER MBUKI FELESHI, the Attorney General of the United Republic of Tanzania, hereby issues the following Practice Notes:

**PART I
PRELIMINARY PROVISIONS**

Citation **1.** These Practice Notes may be cited as the Office of the Attorney General (Discharge of Duties) (Regional and District Legal Advisory Services) Practice Notes, 2024.

Application

2. These Practice Notes shall apply to all State Attorneys and Legal Advisory Committees formed under these Practice Notes at the regional and district level.

PART II LEGAL ADVISORY COMMITTEES

Legal Advisory
Committees

Cap. 268

3.-(1) There shall be a Regional Legal Advisory Committee and a District Legal Advisory Committee for each Region and District in Mainland Tanzania for the purpose of assisting State Attorneys and Law Officers in discharging their duties under the Act.

(2) The committees shall exist on *ad hoc* basis and shall exercise advisory roles without having any mandate to impose legal sanctions or using coercive force.

(3) The Regional Legal Advisory Committee shall consist of the following members:

- (a) a Regional State Attorney within the region or State Attorney in Charge from the Office of Solicitor General or in absence of both, the Regional Prosecution Officer who shall be the Chairperson;
- (b) a Head of Legal Service Unit from the Regional Secretariat who shall be the Secretary to the Committee;
- (c) a State Attorney from National Prosecution Services;
- (d) a State Attorney from Office of Solicitor General;
- (e) two representatives from Defence Forces, security or law enforcement organs who shall be lawyers and shall be appointed by the Regional Commissioner;
- (f) State Attorneys from other Government institutions located within the Region;

(4) The Chairperson may co-opt two members who are not State Attorneys depending on the nature of complaints.

(5) The District Legal Advisory Committee shall consist of the following members:

- (a) a representative from the Office of the Attorney General or Office of the Solicitor General or National Prosecution Service or in their absence, a Head of the Legal Service Unit from the City, Municipal, Town or District Council, who shall be the Chairperson;
- (b) a State Attorney from the District Office of the Prevention and Combating of Corruption Bureau or any co-opted State Attorney from the Government Institution located within the district, who shall be the Secretary;
- (c) a State Attorney from National Prosecution Service;
- (d) a State Attorney from Office of Solicitor General;
- (e) two representatives from Defence Forces, security and law enforcement organs who shall be lawyers and shall be appointed by the District Commissioner;

(f) a State Attorney from other Government institutions located within the district;

(6) The Chairperson may coopt two members who are not State Attorneys depending on the nature of complaints.

(7) The Regional Legal Advisory Committee may summon any officer from any Government institution that is subject of complaint to provide clarification.

Functions of
Regional and
District Legal
Advisory
Committees

4.-(1) Functions of the Regional and District Legal Advisory Committees shall be to-

- (a) ensure State Attorneys in regions and districts provide consistent and effective legal services;
- (b) enable State Attorneys to effectively reduce legal disputes against the Government before such disputes are referred to courts of law;
- (c) enable State Attorneys in the Public Service to ensure adherence to the rule of law in regions and districts;
- (d) coordinate State Attorneys to share legal knowledge in handling grievances and complaints by the public against the Government;
- (e) provide a forum for State Attorneys to provide collective legal advice to Government leaders to comply with the laws, regulations and rules when discharging their duties;
- (f) enable State Attorneys to cooperate with other stakeholders in providing legal advice, education and awareness to leaders, public servants and the general public over the importance of abiding by the laws so as to reduce litigation against the Government;
- (g) advise the public to pursue their rights where possible in order to reduce public complaints facing the Government;
- (h) simplify the provision of legal services and awareness to Government leaders, executive officers in the regions and districts levels and general public in order to improve peace and order;
- (i) enhance cooperation amongst State Attorneys in dealing with legal challenges facing the Government within their areas of duties;
- (j) enable State Attorneys to cooperate with other stakeholders in the relevant regions and districts in order to supervise legal aid services;
- (k) enable State Attorneys to cooperate with Legal Aid Committees formed by the Ministry of Constitutional and Legal Affairs in the provision of legal aid in regions and districts; and
- (l) enable State Attorneys to discharge other Government duties in the respective regions and districts as may be required by the Attorney General.

(2) The Committees may perform its functions in collaboration with the Office of the Regional Commissioner and District Commissioner.

Meetings

5. The Regional Legal Advisory Committee and District Legal Advisory Committee shall each ordinarily meet at least once a quarter, and, in case of an urgent matter, such committees may hold extra-ordinary meetings.

Quorum

6.-(1) A Chairperson, Secretary and three other members shall constitute a quorum at any meeting of the Regional Legal Advisory Committee and District Legal Advisory Committee.

(2) The Regional Legal Advisory Committee and District Legal Advisory Committee may invite to its meeting, or seek assistance from, any person to give information, details or documents which may assist the Regional Legal Advisory Committee and District Legal Advisory Committee in providing legal advice.

Request for advice

7. Requests or complaints requiring legal aid or legal advice shall be submitted in writing to the Secretary of the Regional Legal Advisory Committee or District Legal Advisory Committee.

Procedure for provision of legal advice

8.-(1) The Regional Legal Advisory Committee and the District Legal Advisory Committee shall abide by the procedures established under these Practice Notes in the provision of legal advice or legal awareness to leaders, executive officers, public servants, and the general public.

(2) The Regional Legal Advisory Committee shall coordinate with District Legal Advisory Committee within the respective region.

(3) The Regional Legal Advisory Committee and the District Legal Advisory Committee shall not, in the discharge of its duties, be interfered with save that, the Attorney General may issue specific directives to that effect and the Regional Legal Advisory Committee or District Advisory Committee shall comply with such directives.

(4) The Regional Legal Advisory Committee and the District Legal Advisory Committee shall deal with complaints or request for an advice of legal nature that contain adequate information about an act or omission complained of, and circumstances under which the act or omission was committed.

(5) The complaints or request for legal advice shall be submitted to the Secretary of the Regional Legal Advisory Committee or the District Legal Advisory Committee orally or in writing, and where the complaint or request is submitted orally, it shall be reduced to writing by the Secretary.

(6) Upon receipt of the complaint or request, the Secretary shall keep the records for transmission to the Regional Legal Advisory Committee or the District Legal Advisory Committee on the day the meeting is scheduled.

(7) Upon receipt of the complaint, the Regional Legal Advisory Committee or the District Legal Advisory Committee shall analyse and deliberate on issues complained of or advice sought.

(8) Where necessary, the Regional Legal advisory Committee or the District Legal Advisory Committee may require the person or representative of the institution of which the complaint is made to attend the meeting for inquiry.

(9) Upon completion of the inquiry, the Regional Legal Advisory Committee or the District Legal Advisory Committee shall review the findings and take necessary steps to resolve the matter against the Government amicably before it is referred to a court of law.

Submission of
legal advisory
report

9.-(1) The District Legal Advisory Committee shall submit its report on a quarterly basis to the Regional Legal Advisory Committee and a copy of the same to the District Administrative Secretary.

(2) Notwithstanding subparagraph (1), the Chairperson of the District Legal Advisory Committee shall inform the Chairperson of the Regional Legal Advisory Committee on the legal complaints or advice that require the attention of the Regional Legal Advisory Committee.

(3) The Regional Legal Advisory Committee shall prepare and submit biannual report to the Attorney General for a necessary action and copy the same to the Regional Administrative Secretary.

(4) Notwithstanding subparagraph (3), the Chairperson of the Regional Legal Advisory Committee shall inform the Office of the Attorney General on the complaints that require the attention of the Attorney General.

(5) Format of submission of the report shall be as provided for in the Schedule.

SCHEDULE

(Made under paragraph 9(5))

The Format of the Report Writing by the Regional Legal Advisory and District Legal Advisory Committees

| S/N | DATE OF RECEIVING THE COMPLAINT/REQUEST | NAME OF COMPLAINANT/ REQUEST | NAME OF THE PERSON /INSTITUTION COMPLAINT IS MADE AGAINST | COMPLAINT/ REQUEST | HOW THE COMPLAINT/REQUEST WAS HANDLED BY THE COMMITTEE | DATE OF HANDLING THE COMPLAINT/REQUEST | GENERAL COMMENTS OF DISTRICT LEGAL ADVISORY COMMITTEE | GENERAL COMMENTS BY REGIONAL LEGAL ADVISORY COMMITTEE |
|------------|------------------------------------------------|-------------------------------------|------------------------------------------------------------------|---------------------------|---------------------------------------------------------------|-----------------------------------------------|--------------------------------------------------------------|--------------------------------------------------------------|
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Dodoma,
....., 2024

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