

TANGANYIKA



No. 16 OF 1963

I ASSENT,

Julius K. Nyerere
President

16TH MAY, 1963

An Act to amend the Advocates Ordinance

[.....]

ENACTED by the Parliament of Tanganyika.

1. This Act may be cited as the Advocates Ordinance (Amendment) Act, 1963, shall be read as one with the Advocates Ordinance (hereinafter called the Ordinance) and shall come into operation on such date as the Minister may by notice in the *Gazette* appoint.

Short title, construction and commencement
Cap. 341

2. Section 2 of the Ordinance is hereby amended by inserting therein in the appropriate alphabetical positions the following new definitions:—
“‘Council’ means the Council of Legal Education established by section 5A;

Section 2 of Cap. 341 amended

‘Minister’ means the Minister for the time being responsible for legal affairs;”.

3. Section 3 of the Ordinance is hereby amended by deleting subsection (3) thereof and substituting therefor the following new subsection:—

Section 3 of Cap. 341 amended

“(3) For the purposes of this section ‘person duly qualified’ means a person who is the holder of one of the professional qualifications set out in paragraph (a) of subsection (1) of section 8.”.

4. The Ordinance is hereby amended by inserting immediately after Part I thereof the following new Part IA:—

New Part IA inserted in Cap. 341

“PART IA

COUNCIL OF LEGAL EDUCATION

Establishment and procedure of Council

5A.—(1) There is hereby established a Council of Legal Education which shall consist of:—

- (a) the Chief Justice or his representative, who shall be Chairman of the Council;
- (b) the Attorney-General or his representative;

(c) the Dean of the Faculty of Law of the University College, Dar es Salaam or his representative; and

(d) two practising advocates elected by the Law Society.

(2) The members of the Council elected by the Law Society shall hold office for such period, not exceeding three years, as the Law Society may determine and shall be eligible for re-election.

(3) The meetings of the Council shall be held at such times and places as the Chairman may determine.

(4) At any meeting of the Council three members thereof, of whom one shall be either the Chairman or the Attorney-General or his representative, shall constitute a quorum.

(5) Questions coming before the Council shall be determined by a majority of votes of the members present and voting but the Chairman shall have no casting vote.

(6) Subject to the provisions of this section the Council may regulate its own procedure.

Functions
of Council

5B. The functions of the Council shall be to exercise the functions conferred upon it by or under this or any other law and to exercise general supervision and control over legal education in Tanganyika for the purposes of this Ordinance and to advise the Government in relation thereto."

Section 8
of Cap. 341
amended

5. Section 8 of the Ordinance is hereby amended as follows:—

(a) by deleting subsection (1) thereof and substituting therefor the following new subsections to be numbered respectively (1) and (1A):—

Act 1963
No. 16

"(1) With effect from the date of coming into operation of the Advocates Ordinance (Amendment) Act, 1963, a person may apply to the Chief Justice to be admitted as an advocate—

(a) if he holds one of the following professional qualifications, that is to say—

(i) if he is the holder of a degree in law granted after examination by the University of East Africa or by such other university or other institution as may be recognized by the Council for the purposes of this section;

(ii) if he is a 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;

(iii) if he is a 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

23 and 24,
Geo. V, c. 21

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 Council as a professional qualification for the purposes of this sub-paragraph; and

- (b) subject to the provisions of subsection (1A), if either—
- (i) 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 in regulations made hereunder by the Council; or
 - (ii) he has been in continuous practice as an advocate in Kenya, Uganda or Zanzibar during the five years immediately preceding his application.

(1A) The Council may exempt any person from all or any of the requirements specified under sub-paragraph (i) of paragraph (b) of subsection (1).”;

- (b) in subsection (2) thereof, by inserting a fullstop immediately after the word “prescribed” in the third line and by deleting the remainder of the subsection; and
- (c) in subsection (3) thereof—
- (i) by deleting from the first and second lines the words “and after considering the confidential report submitted by the Committee”; and
 - (ii) by deleting from the eighth line the words “by the said confidential report or otherwise”.

6.—(1) The provisions of section 4 shall not in any way prejudice or affect the qualifications or status as an advocate of any person whose name was on the Roll immediately prior to the date of coming into operation of this Act. ^{Transitional, etc., provisions}

(2) Where on the date of coming into operation of this Act any application made prior to such date under section 8 of the Ordinance for admission as an advocate has not been determined such application shall for the purpose of its being determined be dealt with in every respect as if this Act had not been enacted.

Passed in the National Assembly on the twenty-fourth day of April, 1963.


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Clerk of the National Assembly