



**THE ATTORNEY GENERAL'S CHAMBERS (DISCHARGE OF DUTIES)
ACT NO. 6 OF 2013**

ARRANGEMENTS OF SECTIONS

SECTIONS

TITLE

**PART I
PRELIMINARY PROVISIONS**

1. Short title and Commencement.
2. Application.
3. Interpretation.

**PART II
ESTABLISHMENT AND ADMINISTRATION OF THE CHAMBERS**

4. Establishment of Chambers.
5. Attorney General.
6. Appointment of the Deputy Attorney General.
7. Functions of the Deputy Attorney General.
8. Structure of the Chambers.
9. Recruitment of the Staff.
10. State Attorneys, Legal Officers and Lawe Clerks.
11. Deployment of State Attorneys and Legal Officers.
12. Skills Development and Accreditation.
13. Budget and Funds of the Chambers.

**PART III
CONTROL AND PERFORMANCE OF FUNCTIONS AND DISCHARGE OF
DUTIES OF THE CHAMBERS AND THE ATTORNEY GENERAL**

14. Functions of the Chambers.
15. Right to legal practice and the right of audience.
16. Powers of the Attorney General and the Chambers.
17. Reservation of matters for the Attorney General.
18. Procedure of Sourcing Aonsultancy.
19. Provisions regarding state Attorneys and Legal Officers.
20. Opinion of the Attorney General to be a position of the Government.
21. Management of Litigation.
22. Drafting of Government legal documents.



23. Legislatives Drafting.
24. Contract Management.

PART IV
CODE OF CONDUCT FOR STATE ATTORNEY AND LEGAL OFFICERS

25. Code of Ethics.
26. Sanctions for breach of code of Ethics.
27. Performance appraisal.

PART V
MISCELLENOUS PROVISIONS

28. Immunity of Officers.
29. Cooperation with the office of the Director of Public Prosecution.
30. Attorney General and Deputy Attorney General to be a Notary Public
31. Power of the Minister to make Regulations
32. Transitiona Provisions and Savings.



ACT NO. 6 OF 2013

I ASSENT

{DR. ALI MOHAMED SHEIN}
PRESIDENT OF ZANIBAR
AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

16th August, 2013

**AN ACT TO ESTABLISH THE ATTORNEY GENERAL'S CHAMBERS AND
PRVIDE FOR THE DISCHARGE OF DUTIES AND THE EXERCISE OF
POWERS AND MATTER CONNECTED THERETO**

ENACTED by the House of Representatives of Zanzibar

**PART I
PRELIMINARY PROVISIONS**

Short title and
Commencement.

1. This Act may be cited as the Attorney General's Chambers (Discharge of Duties) Act of 2013 and shall come into operation immediately, upon being assented to by the President.

Application.

2. (1) This Act shall apply to:

- (a) Subject to the provisions of subsection (4) of this section, State Attorneys, Legal Officers, Law Clerks and any other public officers who perform or discharge legal functions in the Chambers;
- (b) any public officers or persons who, by virtue or nature of their job or engagement provide or assist in the provision of legal service to public service institutions;
- (c) public service institutions which are required to seek or consult for legal advice from the Chambers;
- (d) generally in the conduct and administration of legal services to the public service;



(2) The provision of legal services to public service institutions, administration of the Office, the discharge of duties, the exercise of the powers and the relationship of the Chambers with other officers discharging legal duties in the public service shall be governed by this Act.

(3) Notwithstanding the provisions of subsection (2) of this section, this Act shall not apply to the Zanzibar House of Representatives and its Officers, Judiciary and its officers nor to the Office of the Director Of Public Prosecutions and its officers on all matters reserved to those offices by the Constitution or by any relevant law, except that it is hereby expressly provided that this Act shall equally apply to those Offices on all matters of procedure for which those Offices are required to seek or obtain legal advice or services from the Chambers.

(4) The Minister may, in consultation with the Attorney General, by notice in the gazette, exclude wholly or partially any public institution or agency from the provisions of this Act and make alternative arrangement for such institution or agency to obtain or manage its legal service on such terms and conditions he shall prescribe.

Interpretation.

3. In this Act, unless the context requires otherwise -

"Assistant Law Clerk" means a person holding at least a duly recognized certificate in law who is employed in the public service to assist in the provision of services which are ordinarily conducted by the Law Clerk;

"Attorney General" has the meaning ascribed to it under section 55 of the Constitution, and shall include, the Deputy Attorney General and State Attorneys when discharging the duties or exercising the powers of the Attorney General;

"Chambers" means the Attorney General's Chambers established under section 4 of this Act;

"Code of Ethics" means the code of Ethics for State Attorneys and Legal Officers in the public service;

"Constitution" means the Constitution of Zanzibar, 1984;

"Court" means a court of law and includes a tribunal;

"Government" means the Revolutionary Government of Zanzibar,

"Government Agency" means any public service institutions recognized under the Public Service law to be a government agency;

"Inter-ministerial Committee "means Committee of Principal Secretaries established under section 39 of the Public service Act 2011.

"Internship" means a practical legal training whether provided under the programs of this Act, law school or otherwise recognized as such by the Attorney General;

"Law Clerk" means:

- (a) a holder of at least duly recognized Diploma in law employed in the public service to serve in the provision of relevant legal service; or
- (b) qualified Secretary or Stenographer who has acquired special skills in the preparation of legal documents, Bills, Statutory Instruments and management of records of such documents and instruments appointed by the Attorney General as Law Clerk;

"Legal Officer" means a holder of a duly recognized degree in law employed in the public service other than the Office of the Zanzibar House of Representatives, Office of the Director of Public Prosecutions and the Judiciary to serve in the provision of legal service;

"Legal services" includes provision of legal advice, representation before the courts of law, drafting of legal documents, legislative drafting and other related services rendered under a contract of temporary engagement, whether written or otherwise, or under a contract of service;

"Minister" means the Minister responsible for Legal Affairs;

"President" means the President of Zanzibar and Chairman of the Revolutionary Council;

"Public service" for the purpose of the discharge of the duties of the Office of the Attorney General, means the service defined as public service under the Public Service Act;

"qualified contract" means a contract which by reason of its value, importance or circumstances is subject to the scrutiny of the Chambers as the Attorney General may direct;

"State Attorney" means a person employed or appointed as such under sections 10 and 11 of this Act.

PART II
ESTABLISHMENT AND ADMINISTRATION
OF THE CHAMBERS

Establishment of the Chambers. 4.(1) There is hereby established an Office to be known as the Attorney General's Chambers of Zanzibar.

(2) The Chambers shall be an independent and autonomous government agency in the Zanzibar public service.

Attorney General. 5.(1) The Attorney General shall be the Head of the Chambers;

(2) The Attorney General shall perform such general and specific functions and exercise such powers provided under the constitution, this law and other relevant laws

(3) The Attorney General shall, by virtue of his position, be the Head of the bar and shall take precedence in court in all matters wherever he appears.

(4) The provision of subsection (3) shall apply in relation to the Deputy Attorney General and State Attorney appearing in court on behalf of the Attorney General.

Appointment of the Deputy Attorney General. 6.(1) There shall be a Deputy Attorney General who shall be appointed by the President.

(2) A person shall qualify to be appointed as a Deputy Attorney General if;

(a) he is a Zanzibari;

(b) he possesses a minimum of a first degree in law from an institution of higher learning accredited or recognized as such by the competent authority;

(c) has a relevant experience for at least seven years; and

(d) is a person of proven integrity.

(3) The Deputy Attorney General shall be an officer in the public service and as such all matters relating to entitlements, termination and retirement from service shall be governed by the relevant public service laws and regulations

(4) The Deputy Attorney General shall, prior to taking office, be sworn in before the President.



Functions of the Deputy Attorney General

7.(1) The Deputy Attorney General shall be the principal assistant to the Attorney General and shall perform such other duties as may be assigned by the Attorney General.

(2) Except where the President decides otherwise, where the Attorney General is temporarily unable to perform his duties for reasons of either extended absence from office, illness or other reasons, the Deputy Attorney General shall perform the duties and exercise powers of the Attorney General.

PROVIDED that, and for avoidance of doubt, the provisions of this subsection shall not be construed as authorizing the Deputy Attorney General to represent the Attorney General in any organ in which the membership of the Attorney General in such organ is prescribed by the Constitution.

Structure of the Chambers.

8. (1) The Attorney General shall be responsible for efficient and effective operation of the Chambers and may, for that purpose, and in consultation with the relevant public service authority, organize the structure of the Chambers in such units as he may deem necessary or he may recommend the establishment of such Departments he may deem appropriate.

(2) Where the Departments are established, the appointment of the heads of such Departments shall be made in accordance with the relevant public service law.

(3) Where the Attorney General establishes Units either within the Departments established under the provisions of subsection (2) of this section or Units without the Departments, he shall appoint heads of such Units on such terms and conditions as he deems appropriate and in accordance with the Scheme of Service of the Chambers.

(4) Functions of the Units established under this section shall be as prescribed under Regulations to be made by the Attorney General.

Recruitment of Staff

9.(1) Recruitment of the staff of the Chambers, both professional and supporting shall be made in accordance with the public service regulations except that in any case the recruitment procedures may be adopted that will ensure obtaining the best personnel.

(2) For the purpose of upholding integrity of the Chambers, a person, except on Presidential appointment, shall not be transferred to or from the Chambers without prior consent of the Attorney General.

(3) For the purpose of subsection (2), the persons covered shall consist of State Attorneys, Legal Officers, Law Clerks, and Assistant Law Clerks.



State Attorneys,
Legal Officers
and Law Clerks.

10.(1) Any lawyer employed in the Chambers shall initially be employed as a Legal Officer.

(2) The Attorney General may by notice published in the gazette appoint any Legal Officer employed in the Chambers as a State Attorney and assign him with duties of a State Attorney if satisfied to have attained adequate experience and aptitude requisite of a State Attorney

(3) A person appointed to perform functions of a State Attorney under this Act shall, without prejudice to the powers and functions of other officers within the Chambers, perform functions and discharge duties under the directives of the Attorney General.

(4) Every State Attorney shall, immediately after being appointed under this Act, sign a declaration of acceptance of appointment to signify his understanding of the Code of Conduct of State Attorneys and willingness to be bound by the terms of the Code of Conduct;

(5) The declaration of acceptance shall be in the prescribed form made by the Attorney General and published in the Gazette.

(6) The Attorney General may make rules and guidelines for:

- (a) Acquisition of qualification of a State Attorney;
- (b) Code of conduct for State Attorneys and Legal Officers;
- (c) the manner in which appointment of State Attorney may be suspended or revoked;
- (d) Generally on the career development, discipline and conduct of State Attorneys and Legal Officers

(7) Any Legal Officer whose appointment as State Attorney has been revoked, unless dismissed or terminated from service, may continue to serve as a Legal Officer or assigned other duty as the disciplinary authority may direct

(8) The Chambers may employ such number of Law Clerks as the Attorney General may deem appropriate

Deployment of
State Attorneys
and Legal
Officers.

11.(1) Notwithstanding the provision of section 12, the Attorney General may after consultation with the head of the relevant Institution, appoint any Legal Officer from any public service office as a State Attorney to perform specific or general functions of the Attorney General within the scope prescribed in the letter of appointment.



(2) A Legal Officer appointed as State Attorney under subsection (1) shall be entitled to all rights and privileges of a State Attorney

(3) Notwithstanding anything under this Act, all matters regarding administration, performance, discipline or transfer in respect of a State Attorney appointed under subsection (1) of this section shall be under the control of the Attorney General in collaboration with a respective Head of Institution or Agency in which he is employed;

(4) The Attorney General may direct any Legal Officer or law clerk who is employed under any public service institution to undertake any work relating to the provision of legal service to the public service in any case he may deem appropriate to do so

(5) The Attorney General may, on his wisdom, place any State Attorney or Legal Officer under his control within any public service institution in which he deems appropriate to provide legal service to such institution and enable efficient coordination between the institution and the Chambers for the purpose of improving safeguards of government interests

Skills development and accreditation.

12.(1) The Attorney General shall be responsible for career development, skills and competence improvement of all State Attorneys, Legal Officers and Law Clerks to whom this Act applies and may pursuant to the foregoing duty, develop or adopt programs for development of skills and competencies of State Attorneys, Legal Officers and Law Clerks and make them mandatory for accreditation and promotion in the public service legal practice

(2) The programs provided under subsection (1) may be conducted under the auspices of the Chambers or in collaboration with any training institution and the Chambers may award certificates either alone or in collaboration with training institution, to participants of the program who have satisfied the terms of the program

Budget and funds of the Chambers.

13.(1) The Chambers shall hold its own budget Vote through which all the funds appropriated or accrued for the use of the Chambers shall be disbursed.

(2) The Paymaster General shall appoint an accounting officer for the Chambers' Vote and the Accountant General shall, allocate adequate staff to undertake the accounting work for the Vote.

(3) The funds of the Chambers shall include:

- (a) such amount of money appropriated by the House of Representatives in each financial year for the use of the Chambers;
- (b) grants, donation and other funds received by the Chambers from other eligible sources;



- (c) money accrued or earned by the Chambers from publications, trainings, consultancies and other activities conducted by the Chambers.

PART III

CONTROL AND PERFORMANCE OF FUNCTIONS AND DISCHARGE OF DUTIES OF THE CHAMBERS AND THE ATTORNEY GENERAL

Functions of the Chambers.

14.(1) The Chambers shall, for and on behalf of the Attorney General, have the following functions:

- (a) to facilitate the execution of the functions and powers vested to the Attorney General as provided in the Constitution and other relevant laws;
- (b) to represent the Government and other public service institutions in civil litigation, arbitration and other proceedings of civil nature;
- (c) to develop and keep under review policy and practices relating to legislative drafting and drafting of non-legislative documents;
- (d) subject to relevant laws and regulations, to prepare and administer all procedures for preparation of bills, laws, regulations and other statutory instruments and cause the same to be published in the Official Gazette;
- (e) to prepare and improve legislative drafting manual to be used as guidelines to develop any legislation, rules and regulations;
- (f) Subject to section 39 (6) of the Public Service Act, 2011 and subject to the authority of the Revolutionary Council, the Chambers shall draft or cause to be drafted legislative proposals for submitting the same to the inter-ministerial committee and the Revolutionary Council for review;
- (g) To provide legal advice to the Government on any legal matter; in particular matters of a civil nature including commercial and international matters;
- (h) To provide legal advice to the government and public institutions in the negotiation and drafting of commercial contracts and other non-commercial agreements on behalf of the Government;
- (i) To regulate provision of legal service to the Government and other public service institutions;



- (j) Coordinating reporting obligations to international human rights treaty bodies to which the United Republic of Tanzania is a member or on any matter which member states are required to report.
- (k) to collect, keep and disseminate to public service institutions, International and Regional Conventions to which the United Republic of Tanzania is a member or signatory.
- (l) to participate in pre-contract arrangements, execution and implementation for all qualified contracts to which the Government is a party;
- (m) to provide appropriate legal support and advice to government agencies;
- (n) to conduct research on legal matters and recommend to the Government on the amendment of policy, law or and powers of executives of relevant institutions;
- (o) to conduct trainings on any aspect of law;
- (p) to provide any other service not inconsistent with the functions of the Chambers for the purpose of improving administration of justice whether free of charge or otherwise.

(2) The Government institutions shall not sign a qualified contract or Memorandum of Understanding before the approval of the Attorney General.

(3) Notwithstanding the provisions of subsection (1), the Attorney General in consultation with the Minister and the Minister responsible for Finance may, by Rules published in the gazette, prescribe fees to be paid by public corporations for legal services rendered to them by the Chambers in relation to their commercial transactions and matters arising therefrom.

(4) Funds collected under subsection (2) shall be expended to meet efficient management of services rendered to public corporations and in particular, shall be used to pay incentives to attorneys rendering such services, conducting briefing and legal reviews of matters involved in those transactions and such other matters which are directly related to the issues at hand.

Right to legal
practice and the
Right of
audience.

15.(1) Subject to other provisions of this Act, the Attorney General, the Deputy Attorney General and State Attorneys shall, for the purpose of any law regulating legal practice, be legal practitioners and shall as such have all the rights, privileges and be subject to professional ethics and restrictions of qualified legal practitioners admitted to the roll of the bar and for the purpose of this section, copy of the Official Gazette for each appointment of the State Attorney shall be served to the Chief Justice.



(2) Any Legal Officer authorized by the Attorney General under the provisions of section 11(4) shall be deemed to be a legal practitioner on temporary terms and until such authorisation expires or is revoked such Legal Officer shall enjoy and exercise all the rights, privileges and restrictions of a qualified legal practitioner admitted to the roll of the bar and for the purpose of this section, copy of Official Gazette for each appointment of the State Attorney shall be served to the Chief Justice.

(3) Notwithstanding the provisions of any written law to the contrary, the Attorney General shall have the right of audience in proceedings of any civil suit, inquiry on administrative body which the Attorney General considers -

- (a) to be of public interest or involves public property; or
- (b) to involve the interest of the legislature, the judiciary or an independent department or agency of the Government.

(4) In the exercise of the powers vested to the Attorney General with regards to the provisions of subsection (1), the Attorney General shall :

- (a) notify any court, tribunal or any other administrative body of the intention to be joined to the civil suit, inquiry or administrative proceedings; and
- (b) satisfy the court, tribunal or any other administrative body of the public interest or public property involved,

(5) Where a civil suit, inquiry or any other proceeding is impending before the court, tribunal or any other administrative body to which the State Attorney does not have a right of audience, it shall be sufficient for such State Attorney to file a certificate of the intention of the Attorney General to be joined and the court, tribunal or any such administrative body shall immediately forward the record of the proceedings to the nearest court, tribunal or administrative body for purposes of enabling such State Attorney to appear.

(6) Upon first appearance of the State Attorney or authorized Legal Officer under subsection (3), the court, tribunal or administrative body shall accord the State Attorney an opportunity to file relevant pleadings or documents necessary for the joinder of the Attorney General in such proceedings in accordance with the procedure applicable to such proceedings.

Powers of the
Attorney General
and the
Chambers.

16. In the discharge of the functions under section 56 of the Constitution and under this Act, and without prejudice to any other specific powers under this Act or any other relevant law, the Attorney General and the Chambers on behalf of the Attorney General, shall have and exercise the following general powers :-



- (a) to draft legislative proposals into Bills for enactment by the House of Representatives as well as drafting all legislative and non legislative instruments;
- (b) to prepare legal documents to be filed or submitted in court;
- (c) to litigate all cases instituted by or against Government or public officers;
- (d) to represent the Government in courts of law and tribunals in any civil suit or matter to which the Government is a party or has interest;
- (e) to call and interview any Government officer in the cause of preparation of legal documents to be submitted in Court;
- (f) to conduct a visit to the scene in relation to any suit to be instituted or pending in Court;
- (g) to conduct research on legal matters relating to civil proceeding, including complains against Government, notice to sue Government, legal policy and legislative drafting and contract management;
- (h) to keep registers of cases and qualified contracts to which the Government is a party;
- (i) to summon any officer in the public service to explain any matter or provide information on such matter which is the subject of civil litigation by or against the Government;
- (j) to issue directions to any officer providing legal services in any public service institution in accordance with the law;
- (k) to appear at any stage of any proceedings, appeal, execution or any incidental proceedings before any court or tribunal in which by law the Attorney General's right of audience is not expressly excluded;
- (l) to advise the Government on any matter of a civil nature including contracts, international agreements and treaties, Constitution and human rights;
- (m) to advise Government Ministries, Government Departments and other public service institutions and organizations on legislative process;
- (n) to advise on interpretation of any enactment or international instrument applicable in Zanzibar;



- (o) to conduct internship programmes to eligible law graduates or students;
- (p) to exercise such other powers as may be necessary or incidental to the effective discharge of the duties and functions of the Attorney General.

Reservation of matters for the Attorney General.

17. A State Attorney or legal Officer shall not render written legal advice in official capacity on any matter stipulated under this section without such advice being approved by the Attorney General, namely -

- (a) interpretation of the Constitution;
- (b) any matter relating to interpretation of international agreements and treaties;
- (c) any other matter stipulated by the Attorney General

Procedure of sourcing consultancy.

18.(1) The engagement of legal consultants by any Ministry, Government Department, public service institution or Government Agency for rendering legal services shall be made after obtaining written approval of the Attorney General.

(2) For the purpose of observing standards, keeping institutional memory on the matter, maintaining quality or capacity building, the Attorney General may -

- (a) direct State Attorney or any legal officer to whom the provisions of this Act apply to participate in the work of the consultant;
- (b) prescribe the terms and conditions for State Attorney or any legal officer who participates in such consultancy.

Provision regarding to State Attorneys and Legal Officers.

19.(1) The Attorney General shall exercise powers and issue directives to any State Attorney or Legal Officer to whom this Act applies for the purpose of maintaining standard and uniformity.

(2) The directives issued pursuant to the provisions of subsection (1) shall be in such form and manner as the Attorney General may determine.

(3) The Attorney General may, after consultation with relevant Public Service Authority, recommend a Scheme of Service for officers to whom this Act applies for the purpose of maintaining a common career development.

(4) The Attorney General may, after consultation with relevant Authorities, recommend remunerations for officers to whom this Act applies.



Opinion of the Attorney General to be a position of the Government.

20.(1) The legal advice of the Attorney General given pursuant to the provisions of this Act shall remain the legal position of the Government on the matter unless the President directs otherwise or it is otherwise revised by a court of competent jurisdiction.

(2) The Attorney General may review any legal advice given by himself or by any officer made on his behalf.

Management of litigation.

21.(1) The Attorney General may issue comprehensive guidelines on the manner in which litigation for and on behalf of the government shall be handled.

(2) The guidelines issued under subsection (1) shall be binding upon all public officers who are involved in the handling of litigation for and on behalf of the government.

(3) The Attorney General may issue any other specific, general or temporary directive on any matter relating to handling of litigation in addition or in substitution of the guidelines issued under subsection (1).

(4) The Attorney General may initiate any proceedings against any public officer alleged to have committed negligence in handling litigation under the Government Proceedings Act and may take further measures including settlement to recover any amount due to the government as a result of such negligence by public officer.

(5) The Attorney General may, upon assessing the evidence in relation to any suit whether filed or impending, and in consultation with the relevant institution, enter in to arrangements to settle the matter out of court.

(6) The Attorney General may, in consultation with the Minister responsible for finance, make arrangement for provision of adequate resources required to handle government litigation including resources required for recovery of government claims and settlement of claims against the government arising from such litigation as promptly as possible.

Drafting of government legal documents.

22.(1) The Attorney General may for the purpose of safeguarding government interest in commercial engagements do any of the following in relation to government legal documents.

- (a) issue standard form of legal document to be used by public service institutions for various purposes including government commercial contracts, commercial settlements, memorandum of understanding, power of attorney, legal declarations, commercial conveyance and other forms he may deem desirable to issue;
- (b) adopt a standard form contract used by recognized institutions for each field of commercial engagement and may vary such form as he may deem appropriate;



- (c) issue general guidelines on drafting of legal documents;
- (d) issue guidelines on format of documents including fixing of seals, binding, type, weight and size of papers used for government legal documents;

(2) Guidelines or directives issued under subsection (1) shall be binding to public office institutions and any public officer who enter into commercial engagement or draw any legal document contrary to the guidelines issued under this section shall be deemed to have acted in a negligent manner and shall be responsible for any claim or loss that may arise;

Legislative drafting.

23.(1) The Attorney General shall be responsible to determine the legislative drafting policy and in so doing, he shall do the following:

- (a) issue guidelines on basic drafting style, format of statutory instruments and related instruments;
- (b) issue guidelines on non statutory instruments;
- (c) issue manual on legislative drafting;

(2) The Attorney General shall be responsible for authorisation of printing format of legislative instruments, codification and consolidation of statutes, publication of statutes and issue of new edition of printed statutes and statutory instruments;

(3) Any printed material whether hard or electronic purported to contain any Zanzibar statute or statutory instrument shall be authentic for purposes of official reference if authorized or approved by the Attorney General.

(4) Notwithstanding the provision of subsection (3), a copy of statute bearing the assenting signature of the President shall be the controlling version of such a statute and where such statute is amended and consolidated under the authority of the Attorney General, a consolidated version authorized by the Attorney General shall be controlling version.

Contract management.

24.(1) The Attorney General may, for the purpose of orderly management of government commitments and expectations in commercial contracts, do any of the following:

- (a) build sufficient skills on negotiation, drafting and contract management among State Attorneys, Legal Officers, and other relevant officers involved in the contract management;
- (b) establish a special Unit under the Office responsible for government contracting;
- (c) issue Government Contract Management Manual;



- (d) issue regular directives on best practices and any other relevant information on contract management;
- (e) prepare annual reports on government contract management practices and performance;
- (f) specify type of contract, settlement, memorandum of understanding and other engagements which by reason of their value, importance and circumstances shall qualify to be under compulsory scrutiny of the Chambers; and for purpose of this Act all of the aforementioned shall be referred to as qualified contracts;
- (g) do anything he deems appropriate in this respect.

(2) Guidelines or directives issued under paragraph (c), (d), (f) and (g) shall be binding to public office institutions and any public officer who enter into commercial engagement or draw any legal document contrary to the guidelines issued under this section shall be deemed to have acted in a negligent manner and shall be responsible for any claim or loss that may arise;

PART IV

CODE OF CONDUCT FOR STATE ATTORNEYS AND LEGAL OFFICERS

Code of ethics.

25.(1) Subject to provisions of Public Services Act, 2011 and its Regulations, the Attorney General may, by Rules published in the gazette, make and supervise Code of Conduct for the State Attorneys and other Legal Officers.

(2) The Principal Secretary, Head of the Government Department or Agency shall liaise with the Attorney General in the administration of the Code of Conduct in respect of Legal Officers employed in their respective offices.

Sanction for breach of Code of Ethics.

26.(1) A person who breaches the Code of Conduct shall be liable to disciplinary action and the Attorney General or any other relevant disciplinary authority may impose punishment or sanction prescribed under the Public Services Act, 2011 and its Regulations or under the Rules of Code of Conduct.

(2) A person who is dismissed from the public service by reason of committing a disciplinary offence under the Public Service Act 2011, its Regulations or under the Rules of Code of Conduct shall cease to be a State Attorney or Legal Officer



(3) Where a breach of the Code of Conduct is made by a State Attorney or Legal Officer employed outside the Attorney General's Chambers other than those appointed under section 11 of this Act, the Attorney General may recommend to the Principal Secretary or the Head of the Department or Agency concerned that appropriate disciplinary action be taken against such officer.

Performance appraisal.

27. (1) The Attorney General shall, develop standards of performance to be observed and achieved by every Department or Unit of the Chambers or Legal Department or Unit under any public service institution subject to this Act.

(2) The Attorney General shall, at least once in every two years appoint a qualified person or firm to conduct performance appraisal for the purpose of determining whether the performance standards are achieved and whether such standards are adequate.

(3) Upon receiving performance appraisal report, the Attorney General shall prepare or cause to be prepared a performance report and submit the same to the Minister and other relevant authorities he considers necessary.

PART V MISCELLENOUS PROVISIONS

Immunity of Officers.

28. Any act or thing done or omission made in good faith by the Attorney General, Deputy Attorney General, State Attorney, Legal Officer or any person performing any function, power or authority of the Attorney General under this Act or any other law shall not be subjected to civil or criminal liability in respect thereof.

Cooperation with the Office of the Director of Public Prosecutions.

29.(1) The Chambers and the Office of the Director of Public Prosecutions shall continue to work independent of each other in the execution of their respective functions.

(2) Notwithstanding such independence, the Chambers and the Office of the Director of Public Prosecutions may enter into arrangements for cooperation for the purpose of improving their respective institutional, operational and human resource capacity, in particular, the two institutions may do any of the following:

- (a) make rotation arrangement of their professional staff;
- (b) develop common carrier and skills development programs;
- (c) conduct or engage in any other program or arrangement to achieve the purpose of this section.

(3) For the purpose of subsection (2), the Attorney General and the Director of Public Prosecutions may each appoint State Attorneys from the Chambers and the Office



of the Director of Public Prosecutions, as the case may be, to serve in their respective Offices for such term and duration as agreed between them.

(4) A State Attorney appointed under subsection (3) shall, while serving in the other office, be deemed to be under continuous employment of his respective Office and as such be paid salary and other entitlements by his Office, except that during the term of such service, he shall be accountable and responsible to the respective Head of the Office which by that time he serves in all matters relating to performance and discipline.

Attorney General and Deputy Attorney General to be a Notary Public.

30.(1) Notwithstanding anything in the Notary Public Decree, the Attorney General and Deputy Attorney General shall by virtue of their posts be Notary Public without any further certification.

(2) The Attorney General may recommend to the Chief Justice any State Attorney who has served for a period of not less than seven years to be certified as a Notary Public

Power of the Minister to make regulations.

31. The Minister may, in consultation with the Attorney General make regulations for the better carrying out of the provisions of this Act.

Transitional Provisions and Savings.

32.(1) After the commencement of this Act, the Deputy Attorney General shall continue in office as if appointed under the provisions of this Act until such time his appointment is renewed or otherwise terminated.

(2) All State Attorneys and Law Clerks who are performing their duties in the Chambers shall continue to perform their duties as if they have been appointed as such from the date of their employment under the provisions of this Act.

(3) Anything done before the commencement of this Act and for which special provisions have been made for its execution under this Act, shall continue to be handled as if lawfully made under this Act until such time when the special provisions under this Act is adopted for its execution.

PASSED by the House of Representatives on 8th April, 2013

YAHYA KHAMIS HAMAD
CLERK OF THE HOUSE OF REPRESENTATIVES
ZANZIBAR