



**AN ACT TO REPEAL THE LEGAL PRACTITIONERS DECREE CAP. 28  
AND THE NOTARIES PUBLIC DECREE CAP. 29 AND ENACT  
THE ADVOCATES ACT AND OTHER MATTERS  
RELATED THERETO**

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ACT NO. 1 OF 2020

I ASSENT

{DR. ALI MOHAMED SHEIN}  
PRESIDENT OF ZANZIBAR AND CHAIRMAN OF  
THE REVOLUTIONARY COUNCIL

*6<sup>th</sup> March*, 2020

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RELATED THERETO**

**ENACTED** by the House of Representatives of Zanzibar.

**PART ONE  
PRELIMINARY PROVISIONS**

- Short title and Commencement.      1. This Act may be cited as the Advocates Act, 2020 and shall come into operation immediately after being assented to by the President.
- Application.                      2. This Act shall apply to all advocates, vakils and notaries public in Zanzibar.
- Interpretation.                    3. In this Act, unless the context otherwise requires:
- “Advocate” means a person enrolled and admitted as an advocate under the provisions of this Act;
- “Bar Council” means the Council established under section 4 of this Act;
- “Chairperson” means the Chairperson of the Bar Council or any person acting on his behalf;





“Client” includes any person who, as a principal or on behalf of another, or as a trustee or person representative, or in any other capacity, has power, express or implied, to retain or employ, or is about to retain or employ, an advocate or vakil or any person who is or may be liable to pay any costs to the advocate or vakil;

“Costs” includes fees, charges, disbursements, expenses and remuneration;

“Contentious business” includes any business done by an advocate or vakil in the court in the course of any suit or legal proceedings;

“Court” means the High Court of Zanzibar and courts subordinate thereto;

“Document” means any document relating to any legal proceeding or any document purporting or operating to create, declare, assign, limit, or extinguish any right, title or interest, whether vested or contingent to, in or over immovable property other than:

- (a) a will or testamentary instrument;
- (b) a document relating to immovable property drawn up on a printed form being the appropriate form prescribed by the Registration of Documents Rules;
- (c) a document relating to immovable property the registration whereof is optional under the Laws of the Registration of Documents or any other law applicable;

“Examination” means the bar examination organized by the Bar Council under this Act;

“Foreign advocate” means an individual who is duly authorized or registered to practice law in any country other than the United Republic of Tanzania;

“Government” means the Revolutionary Government of Zanzibar;

“Judicial Fund” means the Judicial Fund established under the Judiciary Administration Act;

“Legal services” means the services which an advocate or vakil can lawfully provide under this Act;

“Minister” means the Minister responsible for justice;





“Non-contentious business” includes any business connected with sales, purchases, leases, mortgages, settlements and other matters of conveyance;

“Notary public” means any practicing advocate who is admitted by the Chief Justice as notary public;

“Practicing certificate” means a certificate issued by the Registrar under section 26 of this Act;

“President” means the President of Zanzibar and Chairman of the Revolutionary Council;

“Registrar” means the Registrar of the High Court and where appropriate shall include Deputy Registrar;

“Taxing Officer” means the Registrar or any officer who is appointed either specially or generally by the Chief Justice for taxation of costs;

“Vakil” means any person admitted by the Chief Justice to practice as such under the rules as the Chief Justice may prescribe.

## PART TWO THE BAR COUNCIL

Establishment  
and  
Composition  
of the Bar  
Council.

**4.-(1)** There is hereby established a Bar Council which consists of the following members:

- (a) a Judge of the High Court appointed by the Chief Justice who shall be a Chairperson;
- (b) the Attorney General or his representative;
- (c) the Director of Public Prosecutions or his representative;
- (d) the Principal of Law School of Zanzibar or his representative; and
- (e) the President of the Zanzibar Law Society or his representative.

(2) The Registrar shall be the Secretary of the Bar Council.

(3) The Bar Council may co-opt any person to participate in its deliberation, but the person so co-opted shall have no right to vote.





Tenure of the Office of the Chairperson.

**5.** The Chairperson shall hold office for a period of three years but may be eligible for re-appointment.

Functions of the Bar Council.

**6.** The functions of the Bar Council shall be as follows:

- (a) to lay down standards of professional conduct and etiquette for an advocates and vakils;
- (b) to conduct bar examination for persons intending to practice as an advocate or vakil in Zanzibar;
- (c) to recommend to the Chief Justice names of persons seeking admission as advocates or vakils;
- (d) in collaboration with the Law School of Zanzibar or the Zanzibar Law Society, to conduct seminars and organise talks on legal topics by eminent jurists; and
- (e) to perform any other function under this Act.

Powers of the Bar Council.

**7.** The Bar Council shall exercise powers:

- (a) to oversee the regulation of the advocates and vakils in relation to their legal practice and profession;
- (b) to form committees; and
- (c) to do any other matter as may be conferred upon it by this Act or any other written law.

Cessation of Chairperson.

**8.** The Chairperson shall cease to hold the office by reason of:

- (a) expiry of his tenure;
- (b) being removed by his appointing Authority;
- (c) resignation; or
- (d) death.

Powers of the Bar Council to delegate.

**9.-(1)** Subject to the provisions of this Act, the Bar Council may delegate the performance of any function to any committee which may be established by the Bar Council.





(2) The Bar Council may perform any of such functions aforesaid notwithstanding the delegation of the performance under subsection (1) of this section to its committee.

Meetings of  
the Bar  
Council.

**10.** The Bar Council shall meet once in every three months and may meet at any times when a need arises.

Quorum.

**11.-(1)** Three members present at the meeting shall constitute a quorum.

(2) The Chairperson shall preside at all meetings of the Bar Council, in his absence, the members present shall elect one member to preside over the meeting.

(3) All questions arising at the meetings shall be decided by a majority of the votes of the members present.

(4) The Chairperson at all meetings shall have a deliberative vote and shall, in the event of an equality of votes, have a casting vote.

Meetings  
Procedures.

**12.** The Bar Council may regulate its own procedures and, in particular, holding of meetings, notices of meetings, proceedings thereat, recording of minutes, custody, production and inspection of those minutes.

Expenses of  
the Bar  
Council.

**13.** Expenses incurred by the Bar Council in the performance of its functions under this Act shall be defrayed out of the Judiciary Fund.

### **PART THREE ADMISSION AND ENROLMENT OF PERSON AS AN ADVOCATE OR VAKIL**

Application  
for admission  
as an advocate.

**14.-(1)** A person may apply to the Chief Justice to be admitted as an advocate if he holds the following qualifications:

- (a) First Degree in Law from a university recognized by the Government;
- (b) Post Graduate Diploma in legal practice from the Law School of Zanzibar or other similar law school recognized by the Bar Council;  
and
- (c) Other qualifications as the Bar Council may prescribe.

(2) All lawyers graduated in Law Degree from universities recognized by the Government within a period of two years prior to the commencement of this Act, shall not be obliged to comply with the provisions of section 14(1)(b) of this Act.





(3) Notwithstanding the provisions of subsection (1) of this section, a person who has been in continuous practice as an advocate in Tanzania Mainland, Kenya, Uganda, Rwanda, Burundi or other Commonwealth country for a period of not less than five years, may apply to the Chief Justice to be admitted as an advocate in Zanzibar.

(4) A person, other than an advocate in Tanzania Mainland, shall, in addition to the requirements of subsection (3) of this section, undergo such training for a period not exceeding three months, as the Bar Council may prescribe for the purpose of adapting to the practice of law in Zanzibar.

Application  
for admission  
as a vakil.

**15.** A person may apply to the Chief Justice to be admitted as a vakil if he:

- (a) holds a Diploma in Law from a university or an institution recognized by the Government;
- (b) has undergone a special training on legal matters for a period of not less than three months from the Law School of Zanzibar or similar law school recognized by the Bar Council; and
- (c) other qualifications as the Chief Justice may prescribe.

Application  
for permission  
by a foreign  
advocate for  
a case.

**16.**-(1) A foreign advocate who is not enrolled in Zanzibar but has come or intends to come to Zanzibar for the purpose of appearing in a case as an advocate, may apply to the Chief Justice for permission to appear in that case.

(2) The advocate referred to in subsection (1) of this section, in his application, shall submit a name of an advocate of the Court who will accompany him in that case.

(3) In this section, "case" includes an interlocutory, appeal or execution proceedings connected with a case.

Chief Justice  
to refer  
application  
to the Bar  
Council.

**17.** The Chief Justice shall, upon receipt of an application for admission under section 14 or 15 of this Act, refer the application to the Bar Council for recommendations.

Bar  
examination.

**18.**-(1) The Bar Council shall, after receiving the application referred to under section 17 of this Act, conduct examination for person intending to be admitted as advocate or vakil.

(2) The Bar Council shall, if satisfied that the person intending to be admitted as advocate or vakil has met the requirements under section 14 or 15 of this Act, and





has acquired adequate knowledge and professional experience in practicing law in Zanzibar, recommend that person to the Chief Justice to be admitted as advocate or vakil.

Admission  
as advocate  
or vakil.

**19.** Subject to provisions of sections 14 and 15 of this Act, the Chief Justice may, upon:

- (a) recommendations from the Bar Council; and
- (b) production of testimonials of the character of the applicant as it may be required,

admit the person as an advocate or vakil.

Permission  
granted to a  
foreign  
advocate.

**20.**-(1) The Chief Justice may, if satisfied that the advocate intending to appear in a case as advocate has met the requirements under section 16(1) and (2) of this Act, permit him to appear for the purpose of that case.

(2) The Chief Justice may withdraw the permission granted under subsection (1) of this section, if there are reasonable grounds to do so.

The Roll.

**21.**-(1) The Registrar shall maintain a Roll of advocates and a separate Roll of vakils, admitted to practice with the dates of their respective admissions.

(2) The name, with the date of admission of a person admitted, shall be entered upon the Roll in order of admission.

(3) A person admitted as an advocate or vakil shall pay the prescribed fee and the Registrar shall deliver to him an instrument of admission signed by the Chief Justice.

(4) If, at any time after the admission of any person as an advocate, it is shown to the satisfaction of the Chief Justice that:

- (a) an application, affidavit, certificate or other document filed by the person contains any substantially false statement or a suppression of any material fact; or
- (b) a certificate was obtained by fraud or misrepresentation,

he shall strike off the name of such person from the Roll.





Duty of Registrar.

**22.** The Registrar shall maintain such particulars relating to the enrolled advocates and vakils as may be prescribed and make such alterations as may be necessary by reason of any change in the name or other particulars of the enrolled advocates and vakils under this Act.

Rights of an advocate or vakil.

**23.** A person admitted and enrolled to practice as an advocate or vakil under this Act, subject to the jurisdiction admitted and obtaining a valid practicing certificate, shall have the rights to practice unless:

- (a) his name has been struck off or removed from the Roll; or
- (b) he is subject to an order of any court suspending him from practice.

Authority to render legal services.

**24.-(1)** Subject to the provisions of this Act or any other law, a person other than an advocate or vakil shall not, in expectation of any fee, commission, gain or reward.

- (a) appear in any court of law or before any board, tribunal or similar institution in which only an advocate or vakil is entitled to appear; or
- (b) draw up or execute any instruments or documents relating to or required or intended to be used in any action, suit or criminal proceedings in any court.

(2) A person, other than an advocate or vakil, shall not hold himself out as an advocate or vakil or make any representation or use any type or description indicating or implying that he is an advocate or vakil.

(3) Nothing herein contained shall affect the right which is hereby declared of:

- (a) any person whose duties require him to appear and plead before the courts on behalf of the Government;
- (b) the public trustee, official assignee or any person on behalf thereof to appear and plead before the court under any written law relating to his office;
- (c) any member of the public service, statutory bodies, corporate bodies or civil societies drawing or preparing any instrument or document in the course of such duty;
- (d) any person employed merely to copy, engross or translate any instrument or document; and





- (e) any trustee or assignee under the laws relating to insolvency, or any executor, administrator or curator, or any liquidator or official receiver drawing or preparing any instrument or document in the course of such statutory duties and receiving thereof such fees as may be allowed by law.

(4) A person who contravenes the provisions of this section commits an offence, and shall, upon conviction, be liable to a fine of not less than One Million Shillings or imprisonment for a term of not less than six months or both.

Removal.

**25.**-(1) Any admitted advocate or vakil may apply to the Chief Justice for his name to be removed from the Roll.

(2) The Chief Justice may, if satisfied, grant the application and direct the Registrar to remove the name of the applicant from the Roll.

#### **PART FOUR PRACTISING CERTIFICATE**

Practicing  
Certificate.

**26.**-(1) There shall be a practicing certificate issued by the Registrar authorizing a person to practice as an advocate or vakil.

(2) An advocate or vakil shall apply for practicing certificate to the Registrar in such form and manner as prescribed in the Rules.

(3) The Registrar shall, upon being satisfied and after receiving payment of prescribed fees, issue a practicing certificate to an advocate or vakil.

(4) An advocate or vakil shall take out practicing certificate annually and pay the prescribed fee.

(5) A practicing certificate shall be valid from the date of issue to the 31<sup>st</sup> day of December of the year in which it was issued.

(6) When a practicing certificate granted under this section has been lost, destroyed or mutilated, it shall be replaced by a fresh certificate upon application made to the Registrar by an advocate or vakil entitled thereto and payment of the fees prescribed in the Rules.

Refusal of  
practicing  
certificate.

**27.**-(1) Notwithstanding the provisions of section 26 of this Act, the Registrar may refuse to issue a practicing certificate to an advocate or vakil who, on the date of application for the certificate:





- (a) is an undischarged bankrupt in respect of whom a receiving order in bankruptcy is in force;
- (b) is adjudged to be of unsound mind under the law relating to mental health;
- (c) has not paid any compensation awarded against such applicant under this Act;
- (d) has not paid prescribed fees; or
- (e) has been convicted of an offence involving moral turpitude.

(2) Notwithstanding anything contained in subsection (1) of this section, in the case of an applicant falling under paragraph (e) the Registrar may, if such applicant has been granted unconditional pardon, issue such practicing certificate.

(3) In this section the term “moral turpitude” includes fraud and dishonesty.

(4) Any advocate or vakil aggrieved by a decision of the Registrar refusing to issue a practicing certificate under subsection (1) of this section, may appeal to the Chief Justice.

Clients  
Account.

**28.**-(1) An advocate or vakil shall open and keep a bank account for clients and a separate account of his own.

(2) The Chief Justice may make rules relating to bank accounts under this section.

(3) Rules provided under subsection (2) of this section shall apply to law firms.

(4) Disciplinary proceedings may be taken against any person who contravenes any rules made under this section.

#### **PART FIVE REMUNERATION OF AN ADVOCATE OR VAKIL**

Establishment  
of the  
Remuneration  
Advisory  
Committee.

**29.** For the purposes of this Part, there shall be a Committee to be known as the Remuneration Advisory Committee which shall consist of:

- (a) the Registrar of the High Court as a Chairperson of the Remuneration Advisory Committee;





- (b) a Director responsible for legal aid;
- (c) at least a Senior State Attorney from the Attorney General's Chambers; and
- (d) three advocates elected by the Zanzibar Law Society.

Functions of the Remuneration Advisory Committee.

**30.**-(1) The Remuneration Advisory Committee shall recommend to the Chief Justice on the mode and scale of rates of remuneration of an advocate and vakil.

(2) In making recommendations under subsection (1) of this section, the Remuneration Advisory Committee shall have regard to contentious and non-contentious business.

(3) For the purposes of performing its functions under this section, the Remuneration Advisory Committee shall meet at such place and time as its Chairperson may direct.

Expenses of the Remuneration Advisory Committee.

**31.** Expenses incurred by the Remuneration Advisory Committee in the performance of its functions under this Act shall be defrayed out of the Judiciary Fund.

Remuneration rules and publication.

**32.**-(1) The Chief Justice may, upon receiving the recommendations from the Remuneration Advisory Committee, make rules on remuneration of advocates and vakils.

(2) The Chief Justice shall publish the rules made under subsection (1) of this section in the Government Gazette.

Security from client for an advocate or vakil's remuneration.

**33.**-(1) An advocate or vakil may, with respect to both non-contentious and contentious business to be done, take security from a client for the amount to become due to an advocate or vakil for remuneration and disbursements in business to be transacted and for interest.

(2) The interest referred to in subsection (1) of this section shall not commence until the amount due is ascertained by agreement or taxation.

(3) For the purpose of this section, the amount of such remuneration and disbursements shall be deemed to have been agreed, unless the client shall, within one month from the delivery of the bill, have disputed the same or required an advocate or vakil to have the same taxed.





(4) The Chief Justice may make rules prescribing the percentage of interest rate to be charged on costs.

Death,  
incapacity  
or change,  
of an  
advocate or  
vakil.

**34.**-(1) If, after some business has been done under an agreement made under section 33 of this Act but before an advocate or vakil has wholly performed it, an advocate or vakil dies or becomes incapable of acting, any party or a representative of any party to the agreement, may apply to the court for an order of ascertainment by taxation.

(2) The court may, notwithstanding that it is of opinion that the agreement is in all respects fair and reasonable, order the amount due in respect of the business done under it to be ascertained by taxation, and in that case:

- (a) the taxing officer, in ascertaining that amount, shall have regard so far as may be to the terms of the agreement; and
- (b) payment of the amount found by him to be due may be enforced in the same manner as if the agreement had been completely performed.

(3) The provisions of subsections (1) and (2) of this section, shall apply in the event of the client changing his advocate or vakil before the conclusion of the transaction.

Limitation  
of  
proceedings.

**35.** Subject to the provisions contained in the law of Limitation or any other law for the time being in force, a court shall, in the absence of an express agreement as to the time when such costs are to be paid, dismiss every suit by an advocate or vakil for costs of a suit or a particular transaction instituted:

- (a) after a period of three years from the date of the determination of such suit or transaction; or
- (b) from the date where an advocate or vakil has properly discontinued such suit or transaction.

## PART SIX NOTARIES PUBLIC

Admission  
of notaries  
public.

**36.** The Chief Justice may, upon application and payment of the fee prescribed in the rules, admit a practicing advocate of the Court of not less than five years experience to be a notary public.





Enrollment  
and granting  
of notary  
public  
certificate

**37.**-(1) The practicing advocate specified under section 36 of this Act shall, if the Chief Justice is satisfied that it is proper to admit him to practice as notary public in Zanzibar, and upon payment of the fees prescribed in the rules and upon signing a Roll to be kept by the Registrar, be granted a notary public certificate in the form prescribed in the rules.

(2) A practicing advocate shall take out notary public certificate annually and pay the prescribed fee.

(3) A notary public certificate shall be valid from the date of issue to the 31<sup>st</sup> day of December of the year in which it was issued.

(4) The granting of every notary public certificate under this section shall be recorded in the Roll of notaries public.

(5) When a notary public certificate granted under this section has been lost, destroyed or mutilated, it shall be replaced by a fresh certificate upon application made to the Registrar by the notary public entitled thereto and payment of the fees prescribed in the rules.

Penalty for  
unlawfully  
practicing.

**38.** Subject to the provisions of section 40 of this Act, a person who holds himself out to be a notary public, or receives any fee or reward as a notary public without being the holder of notary public certificate granted under this Act and still in force, shall be guilty of an offence against this Act, and liable to a fine of not exceeding One Million Tanzanian Shillings and, for a second or subsequent conviction, to a fine of not exceeding Two Million Tanzanian Shillings or to imprisonment for a term not exceeding six months or both such fine and imprisonment.

Jurats to  
state place  
and date.

**39.** A notary public shall, before whom an oath or affidavit is taken or made under this Act, state truly in the jurat or attestation at what place and on what date the oath or affidavit is taken or made.

Judge or  
Regional  
Magistrate to  
have certain  
powers of  
notaries  
public.

**40.**-(1) A Judge or a Regional Magistrate shall have, by virtue of his office, the powers and duties of a notary public, and shall exercise and perform the same in like manner in respect of the following matters:

- (a) noting marine protests;
- (b) administering oaths;
- (c) taking affidavits;
- (d) attesting signatures; and
- (e) certifying copies of documents.





(2) The fees to be charged for the duties discharged by a notary public under this section shall form part of the Government revenue.

## **PART SEVEN ETHICS AND DISCIPLINE OF ADVOCATES AND VAKILS**

Ethics and  
Disciplinary  
Committee.

**41.**-(1) There is hereby established a Committee to be known as the Ethics and Disciplinary Committee which shall consist of the following members:

- (a) a Judge or retired Judge of the High Court of Zanzibar or Court of Appeal appointed by the Chief Justice;
- (b) the Attorney General;
- (c) the Director of Public Prosecutions; and
- (d) the President of the Zanzibar Law Society.

(2) The Judge of the High Court or retired Judge of the High Court of Zanzibar or Court of Appeal shall be the Chairperson of the Ethics and Disciplinary Committee and in his absence the Attorney General shall preside at the meetings.

(3) Where the conduct of the President of the Zanzibar Law Society is a subject matter of any complaints before the Ethics and Disciplinary Committee, the President of the Zanzibar Law Society shall be excluded from such meeting of the Ethics and Disciplinary Committee and instead, the Chief Justice shall require the Zanzibar Law Society to appoint a temporary member who is an advocate of the Court.

(4) The Ethics and Disciplinary Committee shall appoint a senior public officer to be a Secretary to the Ethics and Disciplinary Committee.

Meetings of  
the Ethics and  
Disciplinary  
Committee.

**42.**-(1) Meetings of the Ethics and Disciplinary Committee shall be held at such time and place as the Chairperson may determine.

(2) All proceedings before the Ethics and Disciplinary Committee shall be deemed to be administrative proceedings subject to judicial review.

Quorum.

**43.**-(1) Majority of the members present at the meeting shall constitute a quorum.

(2) All questions arising at the meetings shall be decided by a majority of the votes of the members present.





(3) The Chairperson of the Ethics and Disciplinary Committee at the meeting shall have a deliberative vote and shall, in the event of an equality of votes, have a casting vote.

Meeting procedures.

**44.** The Ethics and Disciplinary Committee may make its own procedures for the purposes of proceedings of its meetings.

Expenses of the Disciplinary Committee.

**45.** Expenses incurred by the Ethics and Disciplinary Committee in the performance of its functions under this Act shall be defrayed out of the Judiciary Fund.

Saving disciplinary powers of court.

**46.** Nothing in this Part shall supersede, lessen or interfere with the jurisdiction of any court, inherent or otherwise, to deal with any professional misconduct or other offences against an advocate or vakil committed during, in the course of, or relating to, any proceedings before the court.

Complaints against an advocate or vakil.

**47.**-(1) Without prejudice to other provisions of this Act, any aggrieved person may lodge a complaint against an advocate or vakil to the Ethics and Disciplinary Committee.

(2) Upon receipt of a complaint, the Secretary to the Ethics and Disciplinary Committee shall, as soon as practicable, refer the complaint to the Ethics and Disciplinary Committee.

Powers of the Ethics and Disciplinary Committee.

**48.**-(1) The Ethics and Disciplinary Committee may, after hearing both parties, order the complaint be dismissed, or if in the opinion of the Ethics and Disciplinary Committee, the complaint has been proved against the other party, the Disciplinary Committee may order:

- (a) that party be admonished;
- (b) that party be suspended from practice for specific period not exceeding two years;
- (c) that name of the party be struck off the Roll;
- (d) that party to pay compensation as determined by the Ethics and Disciplinary Committee to any person aggrieved by the misconduct complained of; or
- (e) combination of the above orders as the Ethics and Disciplinary Committee may think fit.





(2) Any order made by the Ethics and Disciplinary Committee under the provisions of this section relating to the payment of compensation shall be drawn up by the Ethics and Disciplinary Committee and shall thereupon be executable as if it were a decree of the court.

(3) If there is a need of awarding any damages in any subsequent civil proceedings relating to the same matter, the court in determining the civil suit shall take into account the sum recovered in the pursuance of an order made under subsection (1) (d) of this section.

Report and action on a complaint.

**49.**-(1) In the termination of the hearing of a complaint, if the Ethics and Disciplinary Committee does not dismiss the complaint, such Committee shall embody its findings and the order or orders made by it in the form of a report and send it to the High Court.

(2) The report referred to in subsection (1) of this section, shall be delivered to the Registrar together with the record of evidence taken and any documents put in evidence.

(3) The Registrar shall give the complainant and the party against whom the complaint relates notice of delivery of the report, which shall be open to inspection by the complainant, the said party and their respective advocates, if any, but shall not be open to public inspection.

Report and Orders of the Ethics and Disciplinary Committee to be received in evidence.

**50.**-(1) A report and orders made by the Ethics and Disciplinary Committee under this Act shall be signed by the Chairperson of such Committee.

(2) Any document purported to be a report or order so signed under subsection (1) of this section, shall be received in evidence in any judicial proceedings or in any proceedings under this Act, and shall be deemed to be a valid report or order without further proof of its contents unless the contrary is shown.

Application for judicial review.

**51.** Any party aggrieved by an order of the Ethics and Disciplinary Committee made under section 48 may, within fourteen days after the receipt by such party of the notice to be given under section 49(3), apply to the High Court for judicial review.

Representation before the High Court.

**52.** The party to whom a complaint relates may be represented by an advocate before the High Court, and the Ethics and Disciplinary Committee shall have the right to appear by itself or its advocate for the purpose of presenting to the High Court the findings of the Ethics and Disciplinary Committee as contained in the report.





Restoration  
to the Roll.

**53.** If the order of the Ethics and Disciplinary Committee is quashed by judicial review, the High Court may order the Registrar to restore to the Roll the name of an advocate or vakil whose name has been struck off or to revoke any order made suspending an advocate or vakil's right to practice.

Professional  
misconduct.

**54.** An advocate or vakil may commit a professional misconduct if he:

- (a) takes instructions in any case from a person other than the party on his behalf an advocate or vakil is retained, or from another person who is not a recognized agent of the party, or a person who is not servant, relation or friend authorized by the party to give such instruction;
- (b) is found of fraudulent or improper conduct in the discharge of his professional duties, or misleads the court or allowed the court to be misled, so that the court makes an order which he knows to be wrong or improper;
- (c) tenders, gives or consents to the retention out of any fee paid or payable to him for his services of any gratification for procuring or having procure the employment in any legal business of himself or other advocate or vakil;
- (d) directly or indirectly procures, or attempts to procure, the employment of himself as such an advocate or vakil, through or by the intervention of any person to whom any remuneration for obtaining such employment has been given by him, or agreed or promised to be so given;
- (e) allows his name with his qualifications as an advocate or vakil to appear by way of advertisement or notification;
- (f) is otherwise guilty of unprofessional conduct;
- (g) accepts any employment in any legal business through a person who is tout; or
- (h) contravenes or fails to comply with any provisions of this Act or any rules made thereunder.

Power of  
suspension.

**55.-(1)** The Chief Justice may suspend an advocate or vakil for misconduct and may refer that matter to the Ethics and Disciplinary Committee.





(2) The Chief Justice may cancel the suspension under subsection (1) of this section at any time.

(3) The suspension under this section shall not exceed a period of six months.

## PART EIGHT MISCELLANEOUS PROVISIONS

Advocates  
and vakils  
to be officers  
of the Court.

**56.** Any person duly admitted as an advocate or vakil shall be an officer of the court and shall be subject to the jurisdiction thereof.

Precedence.

**57.**-(1) Advocates will take precedence as between themselves according to the date of their signing the Roll.

(2) The Attorney General, State Attorney or any advocate appointed to represent the Government under whatever designation shall take precedence over all other advocates.

(3) Vakils shall take precedence after advocates and as between themselves in accordance with their seniority.

Endorsement  
of documents.

**58.**-(1) Any document drawn or prepared by an advocate or vakil shall be endorsed with the name of such advocate or vakil by whom such document shall have been drawn up or prepared

(2) This section shall not apply to:

(a) any public officer in the service of the Government drawing or preparing documents in the course of his official duties; and

(b) any person employed merely to engross or copy any document.

Application to  
be supported  
by affidavit.

**59.** An application made under this Act shall be supported by an affidavit.

Jurisdiction to  
try offences.

**60.** Except as otherwise expressly provided in this Act, all offences under this Act shall be tried by the Regional Magistrates Court.

General  
Penalty.

**61.** A person who contravenes provisions of this Act for which no penalty is provided, commits an offence and shall, upon conviction, be liable to a fine of not less





than Six Hundred Thousand Tanzanian Shillings or to imprisonment for a term of not less than three months or to both.

Agreements exempting an advocate or vakil from negligence to be void.

**62.** Any term in any agreement between an advocate or vakil that a client is exempting an advocate or vakil from negligence or be relieved from any responsibility shall be wholly void.

Rules by the Chief Justice.

**63.**-(1) The Chief Justice may make rules for the implementation of the provisions of this Act.

(2) Without prejudice to the generality of provisions under subsection (1) of this section, the Chief Justice may make rules with regard to:

- (a) the appropriate dress or robe of advocates and vakils for their appearance before a court;
- (b) the safeguarding of the interest or property of the clients of an advocate or vakil:
  - (i) whose names have been struck off the Roll;
  - (ii) whose right to practice has been suspended; or
  - (iii) who are unable to practice for any other cause.
- (c) conditions and procedures relating to application of practicing certificate and notary public certificate;
- (d) prescription of fees;
- (e) an advocate and vakil s' remuneration; and
- (f) keeping of bank accounts by an advocate or vakil.

Repeal and Saving.

**64.**-(1) The following Decrees are hereby repealed:

- (a) The Legal Practitioners Decree, Cap. 28 of 1941; and
- (b) The Notaries Public Decree, Cap. 29 of 1948.





(2) Notwithstanding the repeal of the Decrees referred to in subsection (1) of this section, an advocate or a notary public who was admitted and licensed to practice before the coming into force of this Act, shall be deemed to have been duly admitted and licensed to practice under the provisions of this Act.

(3) Any certificate and document issued under the repealed Decrees shall be deemed to have been issued under the corresponding provisions of this Act.

**PASSED** by the House of Representatives of Zanzibar on 5<sup>th</sup> February, 2020.

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(RAYA ISSA MSELLEM)

*Clerk of the House of Representatives of Zanzibar*