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THE TANGANYIKA LAW SOCIETY (ELECTIONS) REGULATIONS,  
2016

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- “annual period” means the period from the end of one Annual General Meeting of Tanganyika Law Society until the end of the next Annual General Meeting of the Tanganyika Law Society;
- “Chapter” means the Chapter of the Tanganyika Law Society;
- “Chapter Convenor” means the head of a Tanganyika Law Society Chapter;
- “Committee” means a Standing Committee and a Special Committee of the Tanganyika Law Society;
- “Council” means the Governing Council of the Tanganyika Law Society as defined under section 15 of the Act;
- “Executive Committee” means the President, Vice President and Honorary Treasurer;
- “honorary member” means any member elected as such by the Council under section 9 of the Act;
- “mailed ballot” means an election procedure in which the vote is conducted by way of a written ballot;
- “member” means a Tanganyika Law Society member in good standing;
- “member of Council” means those members of Council who are elected as specified in these Regulations;
- “office bearer” includes members of the Council, Elected or appointed Chapter Officers, elected or appointed Committee members, and the Tanganyika Law Society representatives to

various bodies;

õnon practising memberö means any public practitioner or any other person other than an honorary member, who has applied for and has been granted membership of the Tanganyika Law Society;

õpast Presidentö means a person who was a President of the Tanganyika Law Society;

õpractising memberö means an advocate who is required by the Act to have and has a practicing certificate in force in order to practice law in Tanzania Mainland as stipulated under section 7 of the Act;

õPresidentö means the President of the Society;

õNomination Committee Chairpersonö means a person who has been a member of the Society for at least ten years and is appointed by the Council to oversee the elections of the office bearers of the Society;

õSocietyö means the Tanganyika Law Society established under section 3 of the Act;

õTreasurerö means the Treasurer of the Society; and

õVice-Presidentö means the Vice-President of the Society.

PART II  
NOMINATION COMMITTEE

Establishment of  
the Nomination  
Committee

3.-(1) The Council shall establish a committee to be known as the Nomination Committee.

(2) The Council shall appoint the Nominations Committee within six weeks before the Annual General Meeting or at any other time at the discretion of the Council.

Composition of  
the Nomination  
Committee

4.-(1) The Nomination Committee shall consist of-

- (a) the Nominations Committee Chairperson who shall be a past President for a period of not less than five years;
- (b) a retired judge who is an active member of the Society appointed by the Council;
- (c) Chairperson of the Ethics Committee of the Society;
- (d) a member of the Society in good standing appointed by the Council; and
- (e) a past Chapter Convenor elected by the Chapter Convenors.

(2) The Nomination Committee Chairperson shall be the Returning Officer during the elections at the General Meeting.

Functions and  
Powers of the  
Nomination  
Committee

5. The Nomination Committee shall have the following functions and powers:

- (a) to ensure there are sufficient candidates for all elective positions and that such nominations, as near as possible, comply with the requirements of these Regulations regarding experience, geographic distribution, gender balance and age;
- (b) to ensure that these Regulations are complied with in as far as election of officers of the Society is concerned;
- (c) to prepare a report on the nominations and vetting process;
- (d) to organize and conduct elections; and
- (e) to hear and determine objections on the vetting process and elections.

PART III  
QUALIFICATIONS FOR MEMBERSHIP OF THE GOVERNING  
COUNCIL

Positions for  
Members of  
Council

6. Subject to the provisions of the Act, and as provided for under these Regulations, the positions for Elected Members of Council shall consist of:

- (a) the President;
- (b) the Vice President;
- (c) Honorary Treasurer; and
- (d) seven Council Members.

Qualification for  
Presidential  
position

7. A member shall be eligible to be elected or appointed as the President of the Society if that member-

- (a) is, at the time of submission of a nomination form, an active member of the Society;
- (b) has attained the required minimum number of points as required by the Continuing Legal Education Regulations in force at the time of submission of nomination form;
- (c) has not been convicted in any serious offence for which he has served an equivalent of custodial sentence of not less than six months;
- (d) is a member in good ethical standing; and
- (e) has been practising as an Advocate for a period of not less than ten years, and has served as a member of the Council or as an office bearer of the Society or any other position equivalent to a member of Council.

Qualification for  
Vice Presidential  
Position

8. A member shall be eligible to be elected or appointed as the Vice President of the Society if that member:

- (a) is, at the time of submission of a nomination form, an active member of the Society;

- (b) has attained the required minimum number of points as required by the Continuing Legal Education Regulations in force at the time of submission of nomination form;
- (c) has not been convicted in any serious offence for which he has served an equivalent of custodial sentence of not less than six months;
- (d) is of good ethical standing; and
- (e) has been practising as an Advocate for a period of not less than seven years, and has served as a member of the Council or as an office bearer of the Society or any other position equivalent to a member of Council.

Qualification for  
Honorary  
Treasurer  
Position

9. A member shall be eligible to be elected or appointed as the Honorary Treasurer of the Society if that member:

- (a) is, at the time of submission of a nomination form, an active member of the Society;
- (b) has attained the required minimum number of points as required by the Continuing Legal Education Regulations in force at the time of submission of nomination form;
- (c) has not been convicted in any serious

offence for which he has served an equivalent of custodial sentence of not less than six months;

- (d) is of good ethical standing;
- (e) has been practising as an Advocate for a period of not less than five years, and has served as a member of the Council or as an office bearer of the Society or any other position equivalent to a member of Council; and
- (f) has academic qualifications or demonstrated experience in accounting, finance, economics or business administration.

Qualification for  
Member of  
Council

10. A member shall be eligible to be elected or appointed as a member of Council of the Society if that member-

- (a) is, at the time of submission of a nomination form, an active member of the Society;
- (b) has attained the required minimum number of points as required by the Continuing Legal Education Regulations in force at the time of submission of nomination form;
- (c) has not been convicted in any serious offence for which he has served an equivalent of custodial sentence of not less

- than six months;
- (d) is in good ethical standing; and
- (e) has been practising as an Advocate for a period of not less than three years, and has served as a member of the Council or as an office bearer of the Society or any other position equivalent to a member of Council.

PART IV  
QUALIFICATIONS FOR CHAPTER OFFICES

Positions for  
Chapter Offices

11. The positions for elected Chapter office bearers shall consist of:
- (a) Chapter Convenor;
  - (b) Vice Chapter Convenor; and
  - (c) Chapter Treasurer.

Qualification for  
membership of  
the Chapter  
Offices

12. A person shall not be eligible to be elected or appointed as a Chapter Convenor, Vice Chapter Convenor or Chapter Treasurer of the Society unless that person-
- (a) is, at the time of submission of a nomination form, an active member of the Society;
  - (b) has attained the required minimum number of points as required by the Continuing Legal Education Regulations in force at the time of submission of nomination form;
  - (c) has not been convicted in any serious

offence for which he has served an equivalent of custodial sentence of not less than six months;

(d) is in good ethical standing; and

(e) has been practising as an Advocate for a period of not less than five years:

Provided that the Nomination Committee shall not be precluded from nominating members with less than five years of practice if it deems necessary to do so.

#### PART V NOMINATIONS

Right to nominate a member to the Council

13. Any member, in good standing, may nominate oneself or nominate a member of the Society to be elected as a Member of the Council or as an officer of the Society by sending to the Chief Executive Officer a signed nomination form, together with the signed consent of the candidate as provided for in the First Schedule to these Regulations.

Right of members to be elected to the Council

14. Subject to the provisions of these Regulations, every member of the Society who has the rights and privileges of membership shall be eligible for election to any post in the Society.

Procedure of nomination

15. The Nomination Committee shall ensure adherence to the following procedures:

(a) issue notice to all members and to the

- public through widely circulated newspapers or media advising that the nominations are open to all elected positions for the ensuing year;
- (b) the notice referred to under paragraph (a) shall be issued immediately after the establishment of the Nominations Committee;
  - (c) all nominations shall be received at the Secretariat not later than three weeks from the date of releasing the notice;
  - (d) nominations shall be in writing, in a prescribed form, signed by at least five members for the Presidential Position, three members for the Vice-President position, and the Honorary Treasurer and two members for Council members and Chapter Officers;
  - (e) the nominations shall be accompanied by the candidate's written consent;
  - (f) the nominations shall specify the position for which the candidate is contesting;
  - (g) the nominations for Chapter Officers shall specify Chapter for which the candidate is nominated and in each case the candidate and all the members who have signed the nomination form shall either be residing, practising, or employed in the Chapter;
  - (h) ensure that there is sufficient number of

- candidates nominated to fill in every elected vacant position;
- (i) may extend the deadline for receipt of the nominations but not exceeding seven days;
  - (j) subject to the provisions of these regulations, where the number of nominated candidates is insufficient after the lapse of the deadline for which nominations may be received, the Nomination Committee shall in its own right, recommend to the Council to nominate any additional candidate(s);
  - (k) the Council shall ensure gender balance while nominating candidates;
  - (l) prepare a list of nominated candidates for each of the elected positions and deliver this list to the Council; and
  - (m) make any other procedure as the Committee may deem necessary;

Electronic filing  
of nomination  
forms

16. Nomination forms may be submitted by means of electronic communication, as long as the hard copy of the original form is provided to the Chairperson of the Nomination Committee within fourteen days after the lapse of the deadline for receipt of the nominations.

Communication  
to members on  
the nominated

17. The Chairperson of the Nomination Committee shall cause to be sent to every member of

candidates the Society the names of all candidates and the positions for which they are seeking election.

PART VI  
PROCEDURE FOR ELECTION

Where more than one candidate is nominated 18. The Nomination Committee shall conduct election if it is satisfied that there are candidates to vie for vacant positions.

Where single candidate nominated 19. If there is only one candidate for the position of an office bearer, the person nominated shall be elected to office by vote as it may be determined by the Nominations Committee.

Campaign by candidates 20.-(1) Prior to an election conducted under these Regulations, candidates shall be allowed to conduct campaigns for the position they are vying for.

(2) The Nominations committee shall ensure that:

- (a) all the candidates are provided with equal opportunity to campaign and post information about their candidature on the Society's website;
- (b) the Secretariat shall be neutral throughout the elections and that a member of staff shall not take position during the campaigns;
- (c) candidates and their supporters do not use violence, bad language or any other conduct

that may harm the personality of other candidates; and

(d) candidates are observing the time set by the Nominations Committee for campaigning.

(3) Subject to the provisions of these Regulations, the Nominations Committee may disqualify any candidate who violates the provision of these Regulations.

(4) The Nomination Committee, before disqualifying any candidate, shall give him the right to be heard.

Right of members to vote

21.-(1) Every member of the Society has a right to vote at the General Meeting.

(2) Every member of the Society in good standing is entitled to vote in the election of the Society.

Eligibility to vote for Executive Committee members

22.-(1) The Council shall, in every year of election, prepare a list of members who are eligible to vote.

Voters List

(2) The list of voters shall be in a manner prescribed in the Roll of Advocates.

(3) A member of the Society may examine the voter list at the Society office during normal office hours or on the Society's website.

(4) A member of the Society who has reason to believe that a voter list improperly includes or omits a name, or contains an error respecting the Chapter in

which a member is entitled to vote may, before the election, report the error to the Chief Executive Officer.

(5) The Chief Executive Officer shall promptly investigate a report made under sub-regulation (4) and correct any error that exists.

(6) A member of the Society who is not satisfied with the action taken by the Chief Executive Officer under sub-regulation (5) may apply in writing to the Nominations Committee for a review.

(7) The Nominations Committee shall promptly review an application made under sub-regulation (6), and shall

- (a) confirm the decision of the Chief Executive Officer, or
- (b) order the Chief Executive Officer to correct the voter list as the Committee directs.

Nomination and  
Election for one  
elected position

23.-(1) A person may be nominated, or run in an election, for only one elected position at a time.

(2) Subject to sub regulation (1) if it happens that a person has been nominated in more than one elected position, then the Nomination Committee shall advise that candidate to accept one nomination.

Voting by secret  
ballots

24.-(1) Voting for Council members and Chapter Officers shall be by secret ballot.

(2) The ballots papers shall be in the format

prescribed in the Second Schedule and as amended by the Nominations Committee from time to time.

Voting by Proxy  
not allowed

25. Voting by Proxy shall not be allowed.

Order of names in  
the ballots

26. The order of names on a ballot shall be in alphabetical order starting from letter ðáö until the placing of all candidates' names on the ballot has been determined.

Appointment to  
Office

27.-(1) Subject to the provision of these Regulations, each member shall have one vote for each elected position.

(2) The candidate with the highest number of votes shall be elected to that office.

Voting for  
Chapter Officers

28.-(1) Subject to the provisions of these Regulations, every member of each Chapter is eligible to vote for the Chapter Convenor, Vice Chapter Convenor and Chapter treasurer in their respective Chapters.

(2) A member who is in the record of the Chapter and whose name is listed in the votersø list is eligible to vote.

(3) A member referred to in subsection (2) shall cast only one vote for any particular candidate.

(4) A candidate with the highest number of votes for the position of Chapter Convenor, Vice Chapter Convenor and Chapter treasurer in his

respective Chapter shall be elected to Chapter Convenor, Vice Chapter Convenor and Chapter Treasurer respectively.

Sending and  
Return of Ballots

29. The election of members of Council at the General Meeting shall be held in accordance with the following procedure:

- (a) the Chief Executive Officer shall publish in the TLS website a short description of each candidate in whatever format as the Nomination Committee may prescribe from time to time;
- (b) the Returning Officer or any officer designated by the Returning Officer shall ensure that the number of ballot is equal to the number of members entitled to vote as appearing in the Voters list;
- (c) ballots for different elective positions shall be differentiated by colours and shall be casted into different boxes or any other devices as determined by the Committee;
- (d) only ballots received at the General Meeting and before the closure of voting session by the Returning Officer shall be counted;
- (e) a member who submits more than one ballot for one elected position shall have his ballots rejected.

Counting of  
ballots

30. The cast ballots shall be counted in

accordance with the following procedures:

- (a) for each elective position, the ballot are opened and removed from the box or any other device as determined by the Committee;
- (b) each voter declaration shall be read aloud and the read ballot is removed;
- (c) all votes are counted and recorded unless void or contained in a rejected ballot; and
- (d) ballots that are rejected according to these regulations are kept separate.

Rejection of ballots

31.-(1) A ballot shall be rejected if it-

- (a) contains or is enclosed in an envelope that contains a marking that identifies the voter;
- (b) contains votes for more candidates than the number to be elected;
- (c) is dissimilar to the ballots issued by the Nominations Committee; or
- (d) is received by the Nomination Committee after the election time.

(2) A vote is void if it is-

- (a) casted for a candidate whose name does not appear on the ballot as printed by the Society, or
- (b) ambiguous or unclear as to the candidate voted for.

Elections to be in accordance with the procedure

32. The Chairperson of the Nominations Committee or a person appointed by the Chairperson of

the Nominations Committee shall supervise the counting of votes and ensure that the elections are fair and conducted in accordance with the procedures stipulated in these Regulations.

Where there is an equal number of votes

33. Where in the election of any position the number of votes ties between the first two candidates, the Chairperson of the Nomination Committee shall call for election re-run:

Provided that only the first two candidates shall be eligible for election re-run.

Attendance of Proceedings by the Candidates

34. A candidate shall attend the election proceedings in person unless the Nomination Committee deems it necessary to exonerate a candidate from appearing in person during the election.

Announcement of the Results

35. Upon the completion of the counting of the ballots the Chairperson of the Nominations Committee shall announce the results.

Swearing in of the Elected Members of Council

36.-(1) The elected members of Council and Chapter officers shall be sworn in at the General Meeting immediately after the election by the most Senior Counsel present at the General Meeting.

(2) The persons elected under sub-regulation (1) shall take office after the completion of the Annual General Meeting.

Keeping

37.-(1) The Nominations Committee shall

permanent record  
of election results

ensure that the number of votes received by each candidate are kept and reported in the next annual report.

(2) The information referred to in sub regulation (1) shall be public information.

Complaints on  
the election  
procedures and  
results

38.-(1) A candidate who complains about the election process may apply to the Nominations Committee for a review of the election immediately after the election and before the results are announced.

(2) An application under sub regulation (1) may be made orally or in writing.

(3) On an application under sub regulation (1), the Nominations Committee shall promptly review the election in that particular position and determine the complaint immediately before the next stage of the election process.

(4) On determination of the application, the Nomination Committee shall either:

- (a) dismiss the application where it is not meritorious; or
- (b) rescind the election process and start that particular process afresh.

(5) The decision of the Nominations Committee under sub regulation (4) is final.

First post election  
meeting of  
Council

39. Within thirty days of being elected, the President shall convene a meeting of the Council at which meeting, in addition to any other business

properly before it, the Council shall appoint members to all standing committees.

Term of Office of  
President, Vice  
President and  
Treasurer

40. A member elected as the President, Vice President, and the Treasurer shall not be eligible to serve for more than two terms in their respective positions.

PART V  
REVOCATION

Revocation  
G.N. No.  
286 of 2008

41. The Tanganyika Law Society (Elections) Regulations, 2008 are hereby revoked.

FIRST SCHEDULE

(Made under regulation 13)

FORM No.TLS-E.1

PART A

NOMINATION FORM FOR ELECTION TO THE COUNCIL

I, í í í í í í í í í í í í í í í í í í .., being a live member of the Society, hereby nominate í í í í í í í í í í í í í í í í í .. for the post of President/ Vice President/ Treasurer/ membership of the Council\* for the incoming year of í í í í í

NOMINATOR

CANDIDATE

Date:í í í í í í í í í

Date: í í í í í í í ..

\*Delete whichever does not apply

FORM No. TLS-E.2

PART B

NOMINATION FORM FOR CHAPTER OFFICE BEARERS

I, [redacted], being a live member of the Society, hereby nominate [redacted] to the post of Chapter Convenor/Vice Chapter Convenor/ Chapter Treasurer of the Society for the incoming year of [redacted].

\_\_\_\_\_  
NOMINATOR

\_\_\_\_\_  
CANDIDATE

Date: [redacted]

Date: [redacted]

\*Delete whichever does not apply



**FORM NO. TLS-E.4**

PART B

BALLOT FOR ELECTION OF MEMBER TO COUNCIL

*Serial No. ....*

NAME OF CANDIDATE FOR MEMBERSHIP OF COUNCIL OF THE SOCIETY

At elections held on í í í í í í í í í í (cite date) at í í í í í í í í í í ... (cite locality)

Mr/Mrs/Ms í  
*(No name or signature of voter should be subscribed on this ballot)*

Dar es Salaam,  
2<sup>nd</sup> December, 2016

CHARLES RWECHUNGURA,  
*President Council of the  
Tanganyika Law Society*