

Tanzania

Legal Aid Act

Legal Aid Regulations

Government Notice 44 of 2018

Legislation as at 9 February 2018

FRBR URI: /akn/tz/act/gn/2018/44/eng@2018-02-09

There may have been updates since this file was created.

PDF created on 20 April 2024 at 14:02.

Collection last checked for updates: 31 July 2002.

Check for updates



About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

This is a free download from the TanzLII website and is presented in collaboration with the Laws.Africa Legislation Commons, a collection of African legislation that is digitised by Laws.Africa and made available for free.

www.tanzlii.org | info@tanzlii.org

www.laws.africa | info@laws.africa

There is no copyright on the legislative content of this document.

This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

Legal Aid Regulations

Contents

Part I – Preliminary provisions	1
1. Citation	1
2. Interpretation	1
Part II – Administration and coordination of legal aid providers	1
3. Appointment of Registrar	1
4. Appointment of Assistant Registrars	2
Part III – Registration of legal aid providers and paralegals	2
(a) Registration of legal aid providers	2
5. Application forms	2
6. Determination of application and issuance of certificate	3
7. Assistant Registrars to report on registered legal aid providers	3
8. Code of ethics for legal aid providers	3
(b) Registrations of paralegals	3
9. Requirements and conditions for registration	3
10. Determination of application form by paralegals	3
11. Refusal of registration	4
12. Training of paralegals	4
13. Supervision of paralegals' training	4
14. Promotion of legal literacy and awareness	4
15. Removal of a registered paralegal from the register	4
16. Suspension and cancellation of certificate of registration	5
Part IV – Legal aid to indigent persons and persons in lawful custody	5
(a) Provision of legal aid to indigent persons	5
17. Eligibility for legal aid	5
18. Availability of application forms	5
19. Consideration of application	6
20. Measures to be taken	6
21. Obligation of indigent person	7
22. Obligation of legal aid provider	7
(b) Provision of legal aid services to persons in lawful custody	7
23. Persons in lawful custody	7
24. Application for legal aid service by persons in custody	8
25. Management of legal aid provision at police station and prisons	8
26. Role of legal aid provider	8

27. Role of officer in-charge of a police station or prison	8
Part V – Record management of legal aid provision	8
28. Books and records	8
29. Reports on activities of legal aid service providers	9
30. Failure to submit annual reports	9
31. Legal aid in civil proceedings by order of the court	9
32. Resources, mobilisation and referrals	9
33. Costs awarded to aided person	9
34. Costs against aided person	10
35. Legal aid to children in conflict with the law	10
Part VI – Monitoring and evaluation of legal aid providers	10
36. Supervision	10
37. Inspection	10
38. Power of inspectors	10
Part VII – Management of appeals and other complaints	11
39. Matters eligible for appeal	11
40. Determination of appeals	11
41. Complaints	11
42. Consideration of complaints	11
43. Determination of complaints	12
44. Decisions of complaint to be communicated	12
Part VIII – Miscellaneous provisions	12
45. Legal aid providers' forums, etc.	12
46. Continuous legal education	12
47. Legal aid providers with the certificate from the Chief Justice	12
First Schedule LA Form No.001	13
Second Schedule LA Form No.002	13
Third Schedule LA Form No.003	14
Fourth Schedule LA Form No.004	15
Fifth Schedule LA Form No.005	15
Sixth Schedule LA Form No.006	16
Seventh Schedule LA Form No.007	17
Eight Schedule LA Form No.008	18
Ninth Schedule LA Form No.009	18
Tenth Schedule LA Form No.009	19

Tanzania

Legal Aid Act

Legal Aid Regulations

Government Notice 44 of 2018

Published in Gazette of the United Republic of Tanzania No. 6 Vol. 99 on 9 February 2018

Assented to on 5 February 2018

Commenced on 9 February 2018

[This is the version of this document from 9 February 2018.]

[Note: The original publication document is not available and this content could not be verified.]

THE LEGAL AID ACT, 2017

REGULATIONS

(Made under section 48)

Part I – Preliminary provisions

1. Citation

These Regulations may be cited as the Legal Aid Regulations, 2018.

2. Interpretation

In these Regulations unless the context otherwise requires -

"**Act**" means the Legal Aid Act;

"**accreditation or regulatory authority**" means the authority which -

- (a) registered the institution providing legal aid;
- (b) in the case of a Non-Governmental Organization, the Registrar of the Non-Governmental Organizations;
- (c) in the case of a Community Based Organization, the Registrar of Societies;
- (d) in the case of a Trusteeship, the Registrar of Trustees; and
- (e) in the case of a Corporation, the Registrar of Companies;

"**Assistant Registrar**" means Assistant Registrar referred to under section 8 of the Act;

"**certificate**" means the certificate of registration of legal aid providers issued under regulation 6;

"**Registrar**" means the Registrar referred to under section 6 of the Act;

Part II – Administration and coordination of legal aid providers

3. Appointment of Registrar

Subject to section 6 of the Act, the Permanent Secretary of the Ministry responsible for legal affairs shall appoint the Registrar through instrument published in the Gazette as prescribed in the First Schedule.

4. Appointment of Assistant Registrars

- (1) Pursuant to section 8 of the Act, Assistant Registrars shall be appointed through instruments published in the Gazette which shall bear the name and area of operation as prescribed in the First Schedule to these Regulations.
- (2) Public officers who register community based organisations or community development organisations shall be eligible for appointment as Assistant Registrars of respective region or district.
- (3) The Assistant Registrar shall serve as such for the period of three years.

Part III – Registration of legal aid providers and paralegals

(a) Registration of legal aid providers

5. Application forms

- (1) Every institution that intends to provide legal aid services shall apply to the Registrar for registration as a legal aid provider in terms of the provisions of the Act.
- (2) An application for registration shall be made in a form prescribed in the Second Schedule to these Regulations.
- (3) Application form shall be signed by the head of the institution or a person acting in that behalf and shall be stamped or sealed by the official stamp or seal.
- (4) Application form shall be accompanied by:
 - (a) fees prescribed in the Third Schedule;
 - (b) information relating to past activities related to legal aid, if any;
 - (c) a clearance letter from the District Commissioner of the district where the applicant intends to operate;
 - (d) a clearance letter from the Regional Commissioner of the region where the applicant intends to operate;
 - (e) a clearance from Permanent Secretary of the Ministry responsible for local government where it intends to operate in the whole country.
- (5) All payments in relation to application fees shall be deposited in a prescribed bank account.
- (6) The office of legal aid provider shall be maintained and shall meet the following basic requirements:
 - (a) a separate room for the advocate or paralegal;
 - (b) a secretarial desk and a computer;
 - (c) chairs or benches for clients;
 - (d) a basic collection of reference material including legal materials and paralegal manual currently in use;
 - (e) a book shelf;
 - (f) filing cabinet or places for properly keeping of the records; and
 - (g) physically easily accessible by people with disability.

6. Determination of application and issuance of certificate

- (1) The Registrar shall, after consideration of the contents and other necessary attachments shall make registration of an institution as a legal aid provider.
- (2) Upon registration, the Registrar shall issue a certificate of registration to the applicant.
- (3) The certificate shall be of three levels as prescribed in the Fourth Schedule to these Regulations.

7. Assistant Registrars to report on registered legal aid providers

- (1) Where the Assistant Registrar makes registration of a legal aid provider he shall make a report to that effect in the manner prescribed in the Fifth Schedule to these Regulations.
- (2) Subject to subregulation (1) the Assistant Registrar shall submit to the Registrar on quarterly basis the report of registered legal aid providers.

8. Code of ethics for legal aid providers

An institution registered as legal aid provider shall at all-time observe the code of ethics for legal aid providers and any other code of conducts prescribed for persons conducting legal services.

(b) Registrations of paralegals**9. Requirements and conditions for registration**

- (1) Subject to the provisions of sections 19 and 20 of the Act, a person who intends to provide legal aid services as a paralegal shall apply for registration in a form prescribed in the Sixth Schedule to these Regulations.
- (2) The application shall be accompanied by -
 - (a) certified copies of applicant's qualifications which may include a bachelor degree, diploma or certificate of secondary education;
 - (b) academic certificate indicating awareness of legal aid;
 - (c) certificate of character from an immediate supervisor;
 - (d) certification from a person who has seen the applicant providing legal aid;
 - (e) certificate of character from the hamlet leader where his operational officer is located; and
 - (f) fees prescribed in the Third Schedule;
- (3) All payments for application to provide legal aid shall be deposited in a prescribed bank account.

10. Determination of application form by paralegals

- (1) The Registrar shall, after consideration of the contents and other necessary attachments make registration of a paralegal as a legal aid provider.
- (2) Upon registration, the Registrar shall issue a certificate of registration to the applicant as prescribed in the Seventh Schedule to these Regulations.
- (3) Conditions of certificate of registration for paralegals shall be as provided for under section 20 of the Act.

11. Refusal of registration

- (1) The Registrar may refuse to register a person as a paralegal if he is satisfied that the applicant -
 - (a) has not met the conditions prescribed under section 19 of the Act; or
 - (b) has given false or fraudulent information in any material particular.
- (2) Where the Registrar has refused to register an applicant under subregulation (1), he shall within fourteen days from the date of such decision notify the applicant.
- (3) Where the applicant is dissatisfied with the decision made under this Regulation, he shall appeal in accordance with the procedures of appeal for institutions as prescribed for under section 14 of the Act.

12. Training of paralegals

- (1) Paralegals shall be trained at different levels as prescribed in the National Qualification Framework of legal aid providers.
- (2) Training for paralegals shall be categorised in the following:
 - (a) short course training as approved by the Registrar lasting for a period of three to six months;
 - (b) certificate courses accredited by the Vocational Education and Training Authority in accordance with the National Vocation Awards system in place; or
 - (c) ordinary diploma courses accredited by the National Council for Technical Education in accordance with the National Technical Awards system in place.

13. Supervision of paralegals' training

- (1) Subject to paragraph (g) of section 7(1) of the Act, training for paralegals shall be conducted under supervision of the Registrar by a recognized institution.
- (2) A registered institution wishing to train its paralegals shall notify the Registrar who shall arrange with the training institution to facilitate such training.
- (3) Costs for training of paralegals shall be borne by the legal aid provider, a trainee or any other person who is interested in the training of paralegals.

14. Promotion of legal literacy and awareness

- (1) In discharge of powers under section 7 of the Act, the Registrar shall, in consultation with relevant authorities, legal aid providers and other stakeholders take necessary measures to promote legal literacy and awareness among the public and, in particular, educate vulnerable sections of the society about their rights and duties under the Constitution and other laws.
- (2) Legal aid providers intending to engage in activities under section 7(1)(f) of the Act, shall make known to the Registrar the content of the legal literacy and awareness programs for purposes of verifying conformity with the Constitution, laws, national norms and values.

15. Removal of a registered paralegal from the register

The Registrar may remove from the register of paralegals, the name of a paralegal:

- (a) who no longer complies with the requirements and conditions for registration as a paralegal; or
- (b) who dies or is unfit to practice due to:
 - (i) unsoundness of mind; or

- (ii) inability to discharge duties.

16. Suspension and cancellation of certificate of registration

- (1) The Registrar may issue a written warning, suspend or cancel certificate of registration of a paralegal who contravenes the conditions set out for paralegals under the Act.
- (2) The Registrar may suspend a certificate of registration of a paralegals if a paralegal has(a) breached a code of conduct for legal aid providers and paralegals;
 - (b) engaged in an activity that is reserved for an advocate; or
 - (c) charged fees from an aided person.
- (3) The Registrar may cancel a certificate of registration of a paralegal if he is satisfied that (a) registration was obtained by mistake, fraud, undue influence or misrepresentation;
 - (b) the paralegal has failed to comply with the conditions of registration; or
 - (c) the paralegal has been convicted of an offence which touches his integrity, accountability or is subject to an order made under relevant body.
- (4) Where the Registrar suspends or cancels certificate of registration, he shall notify the relevant paralegal in writing of the decision and order such paralegal to stop providing legal aid.
- (5) The procedure for suspension or cancellation of certificate of registration of a paralegal and appeals shall apply mutatis mutandis the procedures for suspension or cancellation of certificate of registration of legal aid providers as prescribed under section 17 of the Act.

Part IV – Legal aid to indigent persons and persons in lawful custody

(a) Provision of legal aid to indigent persons

17. Eligibility for legal aid

A person may be eligible for legal aid if in the opinion of the legal aid provider -

- (a) that person is indigent;
- (b) there are reasonable grounds for initiating, carrying out or defending the matter for which he applies for legal aid;
- (c) the matter is of public interest;
- (d) the case is of a civil matter and there is reasonable prospect of success or recovering the matter.

18. Availability of application forms

- (1) Application forms shall be made available through the Registrar, Assistant Registrar, legal aid providers and, in the case of police station or prison, through the officer in-charge of police station or prison.
- (2) The applicant shall fill in the form prescribed in the Eighth Schedule to these Regulations and return the same to the Registrar, Assistant Registrar, legal aid providers or to officer in-charge of a police station or as the case may be of a prison.
- (3) All forms shall be obtained without any cost.

19. Consideration of application

- (1) Subject to section 21 of the Act, and upon receipt of the application, the legal aid provider shall consider the contents of the application with all necessary attachment so as
 - (a) to ensure eligibility of the applicant for legal aid service;
 - (b) establish whether the legal aid service required by the applicant falls within the scope of functions of the legal aid provider;
 - (c) establish whether the applicant or the legal matter involved is within the area of operation of the legal aid provider; and
 - (d) evaluate the genuineness of the attached documents
- (2) Where the legal aid provider is satisfied with the contents of application and all the necessary , he shall -
 - (a) assign the matter to an advocate or to a paralegal for provision of legal aid as may be required;
 - (b) register the particulars of the indigent person and the legal aid services required or the legal aid services to be provided by the legal aid provider in the register to be kept by the legal service provider
- (3) Where the legal aid provider has considered of the application together with necessary attachment and such other information is satisfied that the applicant is not eligible for legal aid service, he may reject that application and notify the applicant accordingly.

20. Measures to be taken

- (1) An advocate or paralegal may, prior to the provision of legal aid service:
 - (a) hold meetings with the indigent person for clarification on issues and facts;
 - (b) study or research on the legal issues involved, and the relevant laws;
 - (c) determine appropriate measures to be taken in a given circumstances; and
 - (d) notify or advice the indigent person on the measures to be taken.
- (2) Where the advocate or a paralegal determines the measures to be taken he shall in writing notify the legal aid provider for record keeping.
- (3) The measures to be determined under this regulation may be administrative measures which can be effected through necessary communication and administrative means or legal measures which can be effected through legal procedures.
- (4) For the purpose of this regulation, legal measures shall include:
 - (a) legal advice;
 - (b) preparation of legal documents;
 - (c) institution of cases in court;
 - (d) filing of all necessary documents in court; or
 - (e) representation of indigent person before the court.

21. Obligation of indigent person

- (1) Where provision of legal aid service requires, the legal measure to be taken, the indigent person shall have the duty to -
 - (a) cooperate and provide necessary and true facts and reliable documents to the advocate as may be required for pursuing the matter in court;
 - (b) be available during the court process and whenever he is required to be present by an advocate or the court;
 - (c) provide further clarification to the advocate on the matter or issue as may be required;
 - (d) identify and ensure availability of witnesses in respect of his case before the court ; and
 - (e) do such other activity regarding his case on his part as may be required by the advocate.
- (2) An indigent person who fails without good cause to discharge obligation as required under sub regulation 1 may be considered or declared by a legal aid provider as uncooperative.
- (3) Where an indigent person is declared or considered to be uncooperative, the legal aid provider may -
 - (a) withdraw or cease to provide the legal aid service to the person;
 - (b) return to the indigent person all documents submitted to the advocate in the course of providing legal aid services; or
 - (c) advise the indigent person to seek for legal aid service from other legal aid service providers.
- (4) Withdrawal of legal aid service shall be effected without cost on the part of indigent person.

22. Obligation of legal aid provider

- (1) For purpose of legal aid service provision and subject to the Act, it shall be the duty of the legal aid provider to -
 - (a) provide legal services as may be required by the indigent person;
 - (b) advise the indigent person on appropriate measures to be taken in view of the nature and circumstance of the matter in question;
 - (c) guide the indigent person on the process and procedure for accessing justice;
 - (d) keep the indigent person informed on the progress of the case;
 - (e) clarify to the indigent person on the legal issues involved and determination of such issues;
 - (f) inform the indigent person on the execution of judgment and on his right or remedy available;
 - (g) inform the indigent person on matters of recourse such as application or appeals, if any; and
 - (h) provide such other legal assistance as may be requested or required in the circumstances.
- (2) A legal aid provider, advocate or paralegal shall be liable for misconduct.

(b) Provision of legal aid services to persons in lawful custody

23. Persons in lawful custody

- (1) Persons in lawful custody include persons detained in police station or prisons.

- (2) Subject to the Act, a police officer in-charge of a police station or prison officer in-charge of a prison shall ensure or cause persons detained to access legal aid service.

24. Application for legal aid service by persons in custody

For the purpose of facilitation of provision of legal aid service to persons in custody, the officer in-charge of the police station or prison shall distribute or cause to be distributed application form to each person in custody who intends to access legal aid services.

25. Management of legal aid provision at police station and prisons

- (1) For purposes of these Regulations, officer incharge of a police station or prison shall collect all duly filled in application forms and prepare a list of names of persons in custody who require legal aid services and submit the list and forms to the designated legal aid desk within a police station or prison, and where necessary to the legal aid providers within the area.
- (2) A list prepared under sub regulation (1) shall indicate particulars of the case, the legal matter involved and the nature of legal aid service required in respect of each person.
- (3) Legal aid services to persons in custody shall be provided without discrimination in collaboration with legal aid stakeholders.
- (4) The Registrar may enter into memorandum of understanding with the police force of prison service for better carrying out of the provisions of the Act in the provision of legal aid to persons in custody.

26. Role of legal aid provider

The legal aid provider shall, upon receipt of the matter as referred to it by the Assistant Registrar

- (a) assign the matter to an advocate, a lawyer or as the case may be to a paralegal for provision of legal aid service; and
- (b) ensure the assigned advocate, lawyer or paralegal meet with persons in custody for preliminary preparations prior to provision of legal aid service.

27. Role of officer in-charge of a police station or prison

- (1) It shall be the duty of the officer in-charge of a police station or prison to facilitate and enable meetings of the persons in custody with advocates, lawyers or paralegals for the purpose of provision of legal aid service.
- (2) For the purpose of record keeping, the officer incharge of a police station or prison shall prepare a report indicating names of persons in custody who have accessed legal aid service, particular of the case for each person, names of legal aid service provider, names of advocate, lawyer or paralegal assigned in respect of each person in custody.
- (3) The officer in-charge of police station or prison shall submit a copy of the report prepared to the Registrar.

Part V – Record management of legal aid provision

28. Books and records

Every legal aid provider shall keep proper and accurate records and reports of all the cases or matters handled.

29. Reports on activities of legal aid service providers

- (1) Subject to section 26 of the Act, a legal aid provider shall keep proper records of their activities and submit annual reports of their activities to the Registrar
- (2) Without prejudice to the generality of sub regulation (1), reports to be submitted by legal aid provider shall indicate the following:
 - (a) the type of a legal aid service provided;
 - (b) the legal issues involved and geographical coverage;
 - (c) particulars relating to advocate, lawyer and paralegal employed by the legal aid service provider;
 - (d) number of cases handled for a period of time as the case may be, showing the type of cases and courts or tribunals to which they were filed;
 - (e) number of clients who received legal aid;
 - (f) the outcome of provision of legal aid to indigent person;
 - (g) sources of funding of the activities of legal aid service provider; and
 - (h) any other information as may be required by the Registrar.

30. Failure to submit annual reports

Subject to sections 16 and 17 of the Act, the Registrar or the Assistant Registrar may suspend a certificate of registration of a legal aid provider if such legal aid service provider fails to submit annual report in accordance with the provision of these Regulations.

31. Legal aid in civil proceedings by order of the court

Pursuant to section 27 of the Act, where it is found that a person who is a party to a civil proceedings has insufficient means to enable that person to obtain legal services and it is in the interest of justice that the person obtain legal aid, a presiding judge, magistrate or a chairman of the tribunal, as the case may be, may issue a certificate in the form prescribed in the Ninth Schedule to these Regulations to the effect that such person be provided legal aid services.

32. Resources, mobilisation and referrals

- (1) Legal aid providers shall mobilise resources for implementation of program related to provision of legal aid services to indigent persons.
- (2) Programs implemented by legal aid providers in terms of sub regulation (1) may be specific to any thematic area according to the area of specialisation and or expertise.
- (3) Legal aid providers shall make known areas of their specialisation for purposes of facilitating referrals of clients to and amongst legal aid providers.

33. Costs awarded to aided person

- (1) The normal procedure of taxation of costs applied under the Civil Procedure Code shall apply to costs awarded to a person in respect of whom legal aid has been provided.

[Cap. 33]

- (2) The taxing master shall allocate one half of the amount to the legal aid provider to cover for costs incurred in respect of the proceedings in a court.

- (3) The person who has been provided legal aid shall receive a quarter of the amount.
- (4) The remaining amount shall be allocated to the National Legal Aid Board for continuous support of legal aid services in the country.

34. Costs against aided person

Subject to section 31 of the Act, where costs are awarded against the person who was provided legal aid, normal taxation procedures provided under the Civil Procedure Code shall apply.

[Cap. 33]

35. Legal aid to children in conflict with the law

- (1) Every advocate who comes in contact with a child in conflict with law shall report the matter to the Registrar or legal aid provider for necessary action.
- (2) The legal aid provider who receives information in terms of sub regulation (1) shall treat the matter urgently and provide legal assistance in terms of the Law of the Child Act.

Part VI – Monitoring and evaluation of legal aid providers

36. Supervision

- (1) A legal aid provider shall ensure that, in the performance of functions, each paralegal under their employment is supervised by an advocate employed by the legal aid provider.
- (2) A legal aid provider shall put in place mechanisms for quality assurance of services provided including but not limited to the following:
 - (a) Client's Service Charter;
 - (b) regular monitoring of action taken on cases;
 - (c) close supervision of new or inexperienced staff;
 - (d) continuous training of staff and
 - (e) Monthly reports on assignments given.

37. Inspection

- (1) The Registrar or any person authorized by the Registrar in writing shall, during normal working hours, with or without prior notice to a legal aid provider, inspect the offices of legal aid providers.
- (2) The Registrar shall carry out inspection of the offices of the legal aid providers at least once in every calendar year.
- (3) A legal aid provider shall not deny access to or obstruct the Registrar or a person authorized by the Registrar from entering the offices of accessing records for purpose of inspection.

38. Power of inspectors

The Registrar, Assistant Registrar, or a person authorized in writing by the Registrar may -

- (a) at any time, during normal working hours enter the offices and ascertain whether the office possesses the basic requirements stipulated in the Act and under these Regulations;
- (b) give such direction as he may deem necessary to ensure that the legal aid service provider complies with the provisions of the Act.;

- (c) require the production of books or records required to be kept under these Regulations; and
- (d) carry out any other inspections as the Registrar may deem fit.

Part VII – Management of appeals and other complaints

39. Matters eligible for appeal

For the purpose of section 14 of the Act, the following matters shall be eligible for appeal -

- (a) suspension of the certificate of registration of an institution as a legal aid service provider; or
- (b) cancellation of certificate of registration of an institution as a legal aid provider.

40. Determination of appeals

In considering or determining the appeal, the appellate authority may -

- (a) uphold the decision made;
- (b) dismiss the appeal;
- (c) review or vary the decision made;
- (d) refer the matter back for reconsideration or re-determination; or
- (e) issue such directives as may be appropriate.

41. Complaints

- (1) For the purpose of these Regulations, a complaint may be made against the Registrar, Assistant Registrar, legal aid provider, an advocate, lawyer or a paralegal.
- (2) Where there is a complaint, the complainant shall in writing:
 - (a) in the case of the Registrar, forward a complaint to the Permanent Secretary;
 - (b) in the case of Assistant Registrar, forward a complaint to the Registrar;
- (3) Where the complaint is against the legal aid provider, an advocate, a lawyer or a paralegal, the complainant shall report the matter:
 - (a) in the case of legal aid service provider, to the Registrar or as the case may be the Assistant Registrar; and
 - (b) in the case of advocate or paralegal, to the legal aid service provider.
- (4) Complaints shall be made in the form prescribed in the Tenth Schedule to these Regulations.

42. Consideration of complaints

- (1) All complaints submitted shall be determined by the respective authority for each level within fourteen days from the date of receipt of the complaints.
- (2) In considering the complaint, the respective authority shall -
 - (a) investigate on the matter;
 - (b) conduct inquiry as it may be appropriate in view of the nature or circumstances of the complaint;
 - (c) call the complainant and such other witnesses to testify on the matter;

- (d) cause to be brought all documents relating to the matter for consideration; and
- (e) afford an opportunity to a person against whom the complaint is made to defend himself.

43. Determination of complaints

Where after consideration of the matter, the complaint made is proved, a person against whom the complaint was made may -

- (a) in the case of first instance, be given a written warning;
- (b) be required to pay such amount of money as may be adequate to cover the cost or loss incurred by the complainant as the result of the complaint; and
- (c) be subjected to other measures as may be appropriate.

44. Decisions of complaint to be communicated

The decision on the determination of complaints shall be in writing and a copy of such decision shall within fourteen days from the date of decision, be communicated or sent to the complainant and to a person against whom the complaint was made.

Part VIII – Miscellaneous provisions

45. Legal aid providers' forums, etc.

- (1) Legal aid providers may form and join networks, forums or clubs.
- (2) The legal aid providers' networks, forums or clubs shall be at national, regional and district level.
- (3) The networks forums or clubs shall be approved by the Registrar.
- (4) Legal aid providers may meet at least once a year to:
 - (a) deliberate matters related to improving legal aid service provision in the area of jurisdiction;
 - (b) deliberate on issues related to incentives for legal aid providers, advocates, lawyers and paralegals providing legal aid services; and
 - (c) advise the Registrar on various legal aid related issues.
- (5) The Registrar may participate in the legal aid providers' networks, forum or clubs.

46. Continuous legal education

- (1) It shall be a duty of a legal aid provider to ensure that every person providing legal aid undergoes continuous legal education program.
- (2) Every advocate, lawyer or paralegal who provides legal aid shall obtain points after attending each program for continuous legal education.
- (3) The program for continuous legal education shall be developed jointly between the Registrar, legal aid providers, professional body regulating advocates and the network of paralegals.

47. Legal aid providers with the certificate from the Chief Justice

- (1) Subject to section 50 of the Act, legal aid providers awarded legal aid certificate by the Chief Justice prior to coming into force of the Act shall be required to apply to the Registrar for registration.
- (2) Upon application the Registrar shall register legal aid providers and issue a certificate without cost.

- (3) Upon expiry of prescribed time of the certificate, the legal aid provider shall be required to renew the certificate upon payment of fees prescribed under these Regulations.

First Schedule LA Form No.001

Instrument of appointment of Registrar/Assistant Registrar

(Made under Regulation 4(1))

I.....[name of appointing authority], Permanent Secretary of the ministry responsible for legal affairs, by virtue of powers vested in me by section 8(1) of the Legal Aid Act, DO HEREBY appoint you[name of the appointed person] as the Registrar/Assistant Registrar of[specify National, region or district of operation] and pursuant to this appointment you shall exercise with diligence the duties of Registrar/Assistant Registrar.

This appointment shall be valid for a period of years and shall commence onday of.....,20.. and end on.....day of.....20..

[Signature]

[Name and title of appointing authority]

Second Schedule LA Form No.002

Application form for registration as a legal aid provider

(Made under Regulation 5(2))

No.	Particulars	
1.	Name and address of the Institution	.....
2.	Location and area of operation of the Institution	.....
3.	Services to be provided or nature of the activities of the Institution	.....
4.	Names and particulars of the advocates	.....
5.	Names and particulars of the lawyers/paralegals	.....
6.	Other information	.....

Third Schedule LA Form No.003

Fees payable under the Act

(Made under Regulation 5(4))

The following fees shall be paid in connection with matters arising under these Regulations:

No.	Item	fees
1.	Registration of legal aid service provider	Tshs.60,000/=
2.	Registration of paralegal	Tshs.30,000/=
3.	Retention fee for legal aid provider in the Register	Tshs.60,000/=
4.	Retention fee for paralegal in the Register	Tshs.30,000/=

Fourth Schedule LA Form No.004

Certificate of registration

(Made under Regulation 6(3))

THIS IS TO CERTIFY THAT.[name of the institution] has

been registered as a LEGAL AID SERVICE PROVIDER with effect from.....day of.....,20.... The area of operation of[name of the institution] shall be in[specify area of operation whether in the whole country, Region or district].

This registration is valid for a period of three years untilday of.....20..... subject to the Institution's original legal existence.

Issued at[place where this certificate is issued] this.....day of.....,20..

[Signature]

[Name and title of issuing Authority] Registrar/Assistant Registrar

Fifth Schedule LA Form No.005

Report of registered legal aid providers by Assistant Registrar

(Made under Regulation 7(1))

S/N	Name of Institution Registered	Area of operation and Physical Address)	Composition of its Members	Institution affiliated to (if all members are Paralegals)	Date of Registration of an institution as a legal aid provider	Necessary documents attached	Remarks (if any)

Date:

Official Stamp

.....

Name and Signature of the Assistant Registrar

Sixth Schedule LA Form No.006

Applicaion form for registration as a Paralegal

(Made under Regulation 9(1))

No.	Particulars	
1.	Name and address of the Institution	.....
2.	Location and area of operation	.....
3.	Legal status of an institution/ paralegal	.....
4.	Services to be provided or nature of the activities conducted	.....
5.	Names and particulars of the Paralegals	.....
6.	Name and address of the Institution affiliating the Paralegals	.....
7.	Other information	.....
8.	Signature	Date ...../...../20..
9.	Name and Title of Authorised person	Stamp
	FOR OFFICIAL USE ONLY:	

Seventh Schedule LA Form No.007

Certification of registrarion of Paralegal

(Made under Regulation 10(2))

THIS IS TO CERTIFY THAT[Name of the applicant] has been registered as a Paralegal with effect from day of, 20 under the umbrella of[Name of Institution], legal aid provider whose area of operation is [specify area of operation whether in the whole country, Region or district].

This registration is valid for a period of three years until day of 20..... subject to renewal of the certificate of registration.

Issued at [place where this certificate is issued] this day of, 20.....

Signature

[Name and title of issuing Authority] Registrar/Assistant Registrar

Eight Schedule LA Form No.008

Application form of legal aid service by indigents or persons in custody

(Made under Regulation 18(2))

To: Registrar/Assistant Registrar/Legal Aid Provider

No.	Particulars	
1.	Name and address of the Indigent person or person in custody	.....
2.	Legal issues for legal aid services applied	.....
3.	Legal aid services applied for	.....
4.	Other information	.....
5.	Signature	Date ...../...../20..
	FOR OFFICIAL USE ONLY:	

Ninth Schedule LA Form No.009

Certification of legal aid by order of the court/tribunal

(Made under Regulation 31)

To: Tick (✓) where necessary

(a) Registrar

(b) Assistant Registrar

(c) Legal Aid Service Provider

I.....[Name and title of the certifying authority] of[Name of the court or tribunal] DO HEREBY certify that[name of an indigent person] is having[nature of

proceedings and case number] case before me. Due to the nature of this matter and in the interest of justice I order that the said[name of the indigent person] be provided with legal aid before proceeding with his case in the next hearing date as indicated in summons.

Signature ----- Date:-----/-----/-----

[Name and title of the certifying authority]

Tenth Schedule LA Form No.009

Complaints

(Made under Regulation 41(4))

To: Tick (✓) where necessary

(a) Permanent Secretary

(b) Registrar

(c) Assistant Registrar

(d) Legal Aid Service Provider

No.	Particulars	
1.	Name and address of the complainant	-----
2.	Nature of the complaint	-----
3.	Particulars of the complaints	-----
4.	Remedy sought	-----
5.	Complainant's signature -----	Date -----/-----/20-----
	FOR OFFICIAL USE ONLY:	