

CHAPTER 268

THE OFFICE OF THE ATTORNEY GENERAL (DISCHARGE OF DUTIES) ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

Section Title

PART I PRELIMINARY PROVISIONS

1. Short title.
2. Application.
3. Interpretation.
4. Objectives of Act.

PART II THE OFFICE OF THE ATTORNEY GENERAL

5. Administration of Office.
6. Attorney General and his functions.
7. Powers of Attorney General.
8. Deputy Attorney General and his functions.
9. Establishment of Office of Chief Parliamentary Draftsman.
10. Appointment of Chief Parliamentary Draftsman and Deputy Chief Parliamentary Draftsman.
11. Functions of Office of Attorney General.
12. Functions of Office of Chief Parliamentary Draftsman.
13. Functions of Deputy Chief Parliamentary Draftsman.
14. Appointment or employment of officers.

PART III RELATIONSHIP OF THE OFFICE OF THE ATTORNEY GENERAL AND OTHER OFFICES

*(a) Special Provisions in Relation to the National Prosecutions Service,
the Office of the Solicitor General, the Administrator-General
and the Office of the Chief Parliamentary Draftsman*

15. Relationship of Office of Attorney General and other offices.

(b) Special Provisions in Relation to the Office of the Solicitor General

16. Relationship of Office of Attorney General and Office of Solicitor General.
17. [Repealed].

(c) Special Provisions Relating to the Office of the Chief Parliamentary Draftsman

18. Drafting and publication of Bills.
19. Attorney General may give directions.
- 20–21. Repealed.

PART IV

**THE ATTORNEY GENERAL, LAW OFFICERS
AND STATE ATTORNEYS IN THE PUBLIC SERVICE**

22. Law Officers and State Attorneys.
23. Functions to be performed by Law Officers and State Attorneys.
24. Professional Association of lawyers in public service.
25. Roll of State Attorneys.
26. Audience by Attorney General in matters of public interest, etc.
27. Restriction to practise as advocate.

PART V

LEGAL FUNCTIONS OF THE LOCAL GOVERNMENT AUTHORITIES

28. Appointment of Law Officer for local government authorities.

PART VI

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

29. Reserve of matters to Attorney General.
30. Procedure of sourcing consultancy.
31. Power to issue directives and practice notes.
32. Reference of matter for opinion of Attorney General.
33. Opinion of Attorney General to be position of Government.

PART VII

**ATTORNEY GENERAL, LAW OFFICERS AND OTHER STATE
ATTORNEYS IN THE PUBLIC SERVICE**

34. Qualifications for employment and appointment of Law Officers and State Attorneys.
35. Government Legal Team.
36. Register of Law Officers and State Attorneys.
37. Code of Ethics.
38. Orders, etc and sanctions for breach of Code of Ethics.
39. Regulations.
- 40–43. Omitted.

PART VIII
FINANCIAL PROVISIONS

- 44. Sources of funds
- 45. Annual estimates
- 46. Books of accounts
- 47. Annual report
- 48. Application of Part VIII

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CHAPTER 268

THE OFFICE OF THE ATTORNEY GENERAL (DISCHARGE OF DUTIES) ACT

An Act to provide for the discharge of duties and the exercise of powers of the Attorney General, and to provide for the relationship of the Office of the Attorney General with other public offices and officers performing legal functions in the Government and local government authorities, and to provide for related matters.

[1st July, 2005]

[GN. No.171 of 2005]

Acts Nos.
4 of 2005
8 of 2017
7 of 2018
11 of 2019
11 of 2023

PART I

PRELIMINARY PROVISIONS

Short title **1.** This Act may be cited as the Office of the Attorney General (Discharge of Duties) Act.

Application **2.** This Act shall apply to persons who perform or discharge legal functions in the Office of the Attorney General and other offices in the public service who, by virtue or nature of their job description are required to seek or consult for legal advice from the Office of the Attorney General.

Interpretation
Acts Nos.
7 of 2018 s.60
11 of 2023 s.59
Cap. 268 **3.** In this Act, unless the context otherwise requires-
“Act” means the Office of the Attorney General (Discharge of Duties) Act;
“Attorney General” has the meaning ascribed to it under Article 59 of the Constitution, and shall include, the Deputy Attorney General, Law Officers and State

Attorneys when discharging the duties or exercising the powers of the Attorney General;

“autonomous” in relation to the Office of the Chief Parliamentary Draftsman, means the statutory authority to determine the office’s own administrative, planning and financial preferences and translate such preference into authoritative actions in accordance with this Act and any other written law;

“Chief Parliamentary Draftsman” means an officer appointed under section 10 to deal with legislative drafting matter, and shall include the Deputy Chief Parliamentary Draftsman, Law Officers, Parliamentary Draftsmen and State Attorneys when exercising the functions of the Chief Parliamentary Draftsman;

“Code of Ethics” means the Code of Ethics referred to under section 37;

“Constitution” means the Constitution of the United Republic of Tanzania, 1977;

“Court” means a court of law and includes a tribunal;

Cap. 2 “Deputy Attorney General” has the meaning ascribed to it under Article 59A of the Constitution;

Cap. 1 “Law Officer” has the meaning ascribed to it under the Interpretation of Laws Act;

“Minister” means the Minister responsible for legal affairs;

Cap.2 “Office of the Attorney General” in relation to the functions of the Attorney General, means the Office established by Article 59(1) of the Constitution;

“public service” for purpose of the discharge of the duties of the Office of the Attorney General, means the service in a Ministry of the Government, Government department and Government agency;

“Solicitor General” means an officer appointed in terms of the Office of the Solicitor General (Establishment) Order, 2018 to handle civil litigation and other alternative dispute resolution matters which the Attorney General is a party, and shall include the Deputy Solicitor General,

Law Officers and State Attorneys when exercising the functions of the Solicitor General;

“State Attorney” means a person appointed as such under section 34, and includes a Parliamentary Draftsman and a Local Government Solicitor;

Objectives of Act
Act No.
7 of 2018 s.61

4. The objectives of this Act shall be to enhance and strengthen the capacity-

- (a) to deliver advice on matters of law to the Ministries, independent departments, agencies and the local government;
- (b) for efficiency in drafting of legislative instruments and draft resolutions for debate by the National Assembly;
- (c) to deliver advice to Ministries, independent departments, Agencies and the local government on legislative process;
- (d) of the Government in dealing with matters instituted or filed in courts of law or arbitral tribunals; and
- (e) of the Government in the negotiation of agreements of commercial or political nature both local or international in which the Government is a party or has interest.

[s. 3A]

PART II

OFFICE OF THE ATTORNEY GENERAL

Administration of
Office
Acts Nos.
7 of 2018 s.62
11 of 2023 s.60
GN. No.
48 of 2018

5.-(1) The administration of the Office of the Attorney General, the discharge of duties, the exercise of the powers and the relationship of the Office of the Attorney General with other officers discharging legal duties in the public service shall be governed by the Constitution, the office of the Attorney General (Re-structure) Order, 2018 and the Office of the Solicitor General (Establishment) Order, 2018.

(2) The Office of the Attorney General and the Office of the Solicitor General may establish regional or zonal offices as may

be necessary for effective performance of the functions of their offices.

[s. 4]

Attorney General
and his functions
Acts Nos.
7 of 2018 s.63
11 of 2023 s.61

6.—(1) The Attorney General shall be the head of the Office of the Attorney General.

(2) The Attorney General shall, by virtue of his office, be the head of the bar and shall take precedence over all civil matters whenever he appears in court.

(3) Subsection (2) shall apply in relation to the Solicitor General, Deputy Attorney General, Deputy Solicitor General, Law Officers and State Attorneys appearing in court in the name of the Attorney General.

[s. 5]

Powers of
Attorney General
Act No.
7 of 2018 s.64

7. In the discharge of functions under sub-article (3) of Article 59 of the Constitution, the Attorney General shall have and exercise the following powers:

- (a) to require any officer in the public service to furnish any information in relation to any matter which is the subject of legal advice;
- (b) to issue directions to any officer performing legal functions in any Ministry of the Government, Government department or Government agency, other than those working in the National Prosecutions Service or the Office of the Solicitor-General.

[s. 6]

Deputy Attorney
General and his
functions
Act No.
7 of 2018 s.65

8.—(1) The Deputy Attorney General shall carry out any function, discharge any duty and exercise any power as may be directed by the Attorney General and shall:

- (a) be the administrative head of the Office of the Attorney General;
- (b) carry out the general supervisory role of legislative drafting or drafting of Bills and other legislative instruments;

- (c) carry out the general supervision of Law Officers and State Attorney in the Ministries, Government departments, Government agencies and local government;
- (d) administer legal functions performed by Law Officers and State Attorneys in the Office of the Attorney General; and
- (e) be responsible for the discipline of Law Officers and State Attorneys in the Office of the Attorney General.

(2) In performing the duties stipulated under this Act, the Deputy Attorney General shall uphold the division of duties and functions performed by officers in the Office of the Attorney General independent of others and those reserved to the Attorney General.

[s. 7]

Establishment
of Office of Chief
Parliamentary
Draftsman
Act No.
11 of 2023 s.62

9.—(1) There is hereby established the Office of the Chief Parliamentary Draftsman within the organisation structure of the Office of the Attorney General.

(2) The Office of the Chief Parliamentary Draftsman shall be an autonomous Office within the Office of the Attorney General.

(3) The Office of the Chief Parliamentary Draftsman may establish such number of Divisions, Units and Sections as may be necessary for effective performance of the functions of the Office.

[s. 7A]

Appointment
of Chief
Parliamentary
Draftsman and
Deputy Chief
Parliamentary
Draftsman
Act No.
11 of 2023 s.62

10.—(1) There shall be a Chief Parliamentary Draftsman and a Deputy Chief Parliamentary Draftsman who shall be appointed by the President.

(2) A person shall qualify for appointment as Chief Parliamentary Draftsman or Deputy Chief Parliamentary Draftsman who has ten years of proven experience in legislative drafting and has unqualified competence and integrity.

(3) The Chief Parliamentary Draftsman shall be the head of the Office of the Chief Parliamentary Draftsman.

[s. 7B]

Functions of
Office of Attorney
General
Acts Nos.
8 of 2017 s.13
7 of 2018 s.66
11 of 2023 s.63
Cap. 2
GN. No.
48 of 2018

11. Without prejudice to the generality of Articles 59 and 59A of the Constitution and the Office of the Attorney General (Re-structure) Order, 2018, the functions of the Office of the Attorney General shall be to:

- (a) advise Ministries, independent departments, agencies, local government authorities, public corporations, parastatal organisations and other government institutions and organisations on the legal matters;
- (b) advise on proper and purposeful meaning of enactment of Parliament, subsidiary legislation and other legal instruments;
- (c) carry out the general supervision of Law Officers and State Attorneys appointed or employed in the Office of the Attorney General, ministries, local government authorities, independent departments, executive agencies, public corporations, parastatal organisations and government institutions;
- (d) carry out the general supervision of staff employed in the Office of the Attorney General;
- (e) administer legal functions performed by Law Officers and State Attorneys in the Office of the Attorney General;
- (f) summon any public officer to give explanation, or information regarding any matter which is the subject of advice;
- (g) prepare and submit bi-annual report to the Minister;
- (h) appoint or employ and discipline Law Officers, State Attorneys and other staff of the Office of the Attorney General; and
- (i) perform any function as may be necessary for effective discharge of the duties and the exercise of powers of the Attorney General.

[s.8]

Functions of
Office of Chief
Parliamentary
Draftsman
Act No.
11 of 2023 s.64

12. The functions of the Office of the Chief Parliamentary Draftsman shall be to-

- (a) advise ministries, independent departments, agencies and other Government institutions and organisation on the legislative process;
- (b) advise the Attorney General on proper and purposeful meaning of enactment of Parliament, subsidiary legislation and other legal instruments;
- (c) receive from ministries drafting instructions based on Cabinet decisions and implement the instructions as required;
- (d) draft legislative proposals into Bills for enactment into laws;
- (e) draft all legislative instruments and resolutions for ratification by the National Assembly;
- (f) receive from ministries legislative calendar for each financial year and advise accordingly;
- (g) facilitate, through the Attorney General, the submission of legislation passed by the National Assembly which applies to both parts of the Union to the House of Representatives;
- (h) draft or scrutinise proposed subsidiary legislation;
- (i) translate principal and subsidiary legislation;
- (j) revise legislation; and
- (k) prepare and submit monthly reports to the Attorney General on matters and duties discharged by the Chief Parliamentary Draftsman for guidance and direction.

[s. 8A]

Functions of
Deputy Chief
Parliamentary
Draftsman
Act No.
11 of 2023 s.64

13.-(1) The Deputy Chief Parliamentary Draftsman shall be the principal assistant to the Chief Parliamentary Draftsman.

(2) In the performance of his functions under subsection (1), the Deputy Chief Parliamentary Draftsman shall be-

- (a) the accounting officer and disciplinary authority within the Office of the Chief Parliamentary Draftsman; and

(b) responsible in managing day to day affairs of the Office of the Chief Parliamentary Draftsman.

(3) Notwithstanding subsection (2), the Deputy Attorney General shall be the appointing authority of employees in the Office of the Chief Parliamentary Draftsman.

[s. 8B]

Appointment or
employment of
officers
Act No.
7 of 2018 s.67

14. There shall be employed or appointed in the Office of the Attorney General, Ministries of the Government, Government departments and Government agencies, Law Officers and State Attorneys of the titles explanatory of their functions and duties as prescribed by this Act or any other written law.

[s. 9]

PART III

RELATIONSHIP OF THE OFFICE OF THE ATTORNEY GENERAL AND OTHER OFFICES¹

(a) Special Provisions in Relation to the National Prosecutions Service, the Office of the Solicitor General, the Administrator-General and the Office of the Chief Parliamentary Draftsman²

Relationship of
Office of Attorney
General and other
offices
Acts Nos.
7 of 2018 s.69
11 of 2023 s.66

15.—(1) Without prejudice to the generality of Article 59B of the Constitution, the Office of the Attorney General shall advise and maintain a link with the National Prosecutions Service, the Office of the Solicitor General and the Administrator-General and the Office of the Chief Parliamentary Draftsman for better carrying out of their respective duties.

(2) For the purposes of subsection (1), the Office of the Attorney General shall-

(a) receive copies of bi-annual performance reports from the National Prosecutions Service, Office of Solicitor General and the Administrator-General and the Office of the Chief Parliamentary Draftsman;

¹ The heading is amended by Act No. 11 of 2023 s. 65

² Subheading is amended by Acts Nos. 7 of 2018 s. 68 and 11 of 2023 s. 65

- (b) follow-up on the implementation of the decisions reached by the Government Legal Team; and
 - (c) advise the Government, the National Assembly and the Judiciary accordingly.
- (3) The Minister may make rules for better carrying out the provisions of this section.

[s. 10]

*(b) Special Provisions in Relation to the
Office of the Solicitor General*

Relationship of
Office of Attorney
General and
Office of Solicitor
General
Act No.
11 of 2023 s.67

16.—(1) Notwithstanding the provisions of any other written law, the relationship between the Office of the Attorney General and the Office of the Solicitor General shall be that of client-advocate relationship.

(2) Subject to subsection (1), the Solicitor General shall, in all proceedings of a civil nature, and in the performance of his functions—

- (a) take instructions on the conduct of any litigation or arbitration from the Attorney General;
- (b) prepare and submit a report to the Attorney General on each case handled and completed, including the outcome thereof;
- (c) advise the Attorney General on all cases of a civil nature instituted in adjudication bodies by or against the Government;
- (d) handle all civil cases in courts and alternative dispute resolution matters in adjudication bodies;
- (e) hold in strict confidence all information concerning the Attorney General as the client and not divulge any such information unless authorised by the Attorney General; and
- (f) perform any other functions relating to cases of a civil nature as may be directed by the Attorney General.

[s. 10A]

Repealed

17. [Repealed by Act No.7 of 2018 s.70].

[s. 11]

(c) Special Provisions Relating to the Office of the Chief Parliamentary Draftsman³

Drafting and
publication of
Bills
Act No.
11 of 2023 s.68

18.–(1) The Chief Parliamentary Draftsman shall, through the Attorney General, receive drafting instructions from sector ministries that comply with the relevant Cabinet decision.

(2) Subject to subsection (1), the Chief Parliamentary Draftsman shall define drafting instructions received and exercise exclusive mandate on drafting legislative proposals into Government Bills.

(3) The Chief Parliamentary Draftsman shall, in drafting the legislative proposals under subsection (2), consult and collaborate with sectoral ministry and may, where he deems necessary, engage stakeholders in the preparation of legislative proposals.

(4) Where the legislative proposals are prepared in terms of subsection (2), the Chief Parliamentary Draftsman shall forward to the Cabinet the legislative proposals for approval.

(5) Where the Cabinet approves the draft legislative proposals, the Chief Parliamentary Draftsman shall cause the Bill to be published in the Gazette.

(6) The term “drafting instructions” as used in this section, means directives given by the Cabinet for drafting legislative proposals into a Bill.

[s. 12]

Attorney General
may give
directions
Act No.
11 of 2023 s.69

19. The Attorney General may, by writing under his hand, give the Chief Parliamentary Draftsman directions of a general or specific nature on matters relating to legislative drafting.

[s. 12A]

³ Subheading is amended by Act No. 11 of 2023 s.67

Repealed

20-21. [Repealed by Act No.7 of 2018 s.70].

[ss. 13 and 14]

PART IV**THE ATTORNEY GENERAL, LAW OFFICERS AND
STATE ATTORNEYS IN THE PUBLIC SERVICE⁴**

Law Officers and
State Attorneys
Act No.
7 of 2018 s.72

22.—(1) There shall continue in existence in Ministries, local government authorities, independent departments, Government institutions, Government agencies, public corporations, parastatal organisations, Law Officers and State Attorneys who, by virtue of their qualifications, job description and duties, perform legal functions.

(2) The Attorney General may issue directions either general or specific to any Law Officer or State Attorney in public service other than those under the National Prosecutions Service or the Office of the Solicitor General with regard to the manner of performing the legal functions within their respective offices.

(3) The Solicitor General may issue to a Law Officer and State Attorney in Ministries, local government authorities, independent departments and other Government institutions, Government agencies and organisations with Practice Instrument that will entitle the bearer to appear in court in cases where the Attorney General is a party.

(4) Without prejudice to subsection (2), the Attorney General may direct Ministries, local government authorities, independent departments, Government agencies, public corporations, parastatal organisations or other government organisations, to submit reports on the performance of legal functions.

[s. 15]

⁴ The Heading is amended by Act No. 7 of 2018 s. 71

Functions to be performed by Law Officers and State Attorneys Act No. 7 of 2018 s.73

23.—(1) The functions which are, by the Constitution, this Act or by any other written law, required to be performed by or on behalf of the Attorney General, may be performed by a Law Officer or a State Attorney authorised by the Attorney General pursuant to the provisions of this Act.

(2) A person shall not become a Law Officer or State Attorney only for the reason that his job description includes performing legal functions.

(3) For the avoidance of doubt, nothing in this Act shall entitle any officer who is not qualified in law to perform legal functions in the public service.

[s. 16]

Professional Association of lawyers in public service Act No. 7 of 2018 s.74

24.—(1) The Attorney General may establish a professional association of lawyers in the public service.

(2) The association shall be a professional forum of lawyers in the public service to meet once a year and deliberate on various legal issues including professional development and other matters of concern.

(3) The report of the meeting shall be submitted to the Minister.

(4) The Minister may make regulations for the proper management, leadership, organisation and conduct of the business of the association.

(5) Without prejudice to the foregoing provisions, the Minister may, from time to time, call meetings of lawyers in the public service in order to inform them of policy development issues with regard to the legal sector and the public service in general.

[s. 16A]

Roll of State Attorneys Act No. 7 of 2018 s.74

25.—(1) The Attorney General shall establish and keep a Roll of all State Attorneys.

(2) The Attorney General shall enter in the Roll the name of every State Attorney and the order of entry of such names shall be according to precedence of such State Attorneys as between themselves.

(3) Nothing in this section shall prejudice or affect the qualification or status of any person who before the establishment of the Roll of State Attorneys was a State Attorney.

[s. 16B]

Audience by
Attorney General
in matters of
public interest,
etc.
Acts Nos.
8 of 2017 s.15
7 of 2018 s.75

26.—(1) Notwithstanding the provisions of any written law to the contrary, the Attorney General shall through the Solicitor General have the right to audience in proceedings of any application, suit, appeal or petition in court, or inquiry on administrative body which the Attorney General considers-

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

(2) In exercise of the powers vested in the Attorney General with regards to the provisions of subsection (1), Solicitor General shall-

- (a) notify any court, tribunal or any other administrative body of the intention to be joined to the suit, inquiry or administrative proceedings; and
- (b) satisfy the court, tribunal or any other administrative body of the public interest or public property involved, and comply with any direction of the court, tribunal or any such other administrative body on the nature of pleadings or measures to be taken for purposes of giving effect to the effective discharge of the duties of the Office of the Attorney General.

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

[s. 17]

Restriction to
practise as
advocate
Act No.
11 of 2019 s.44

27.—(1) A Law Officer or State Attorney shall not, for the whole period of service as a Law Officer or State Attorney, practise as an advocate.

(2) Notwithstanding subsection (1), the Attorney General may, upon application by a Law Officer or State Attorney or, where in his opinion he considers it necessary, exempt a Law Officer or State Attorney from the application of the provisions of subsection (1).

(3) Without prejudice to subsection (2), a Law Officer or State Attorney may, subject to the guidelines prescribed by the Attorney General, administer oaths or attest documents as a commissioner for oaths or as a notary public:

Provided that, such attestation or administration shall not have potential conflict of interest with the Law Officer or State Attorney's employer.

(4) The Attorney General shall, by order published in the *Gazette*, issue guidelines to—

- (a) facilitate the implementation of subsection (3); and
- (b) prescribe modality for application of exemption referred to under subsection (2).

[s. 17A]

PART V

LEGAL FUNCTIONS OF THE LOCAL GOVERNMENT AUTHORITIES

Appointment of
Law Officer for
local government
authorities
Act No.
7 of 2018 s.76

28.—(1) There shall continue to exist in the Ministry responsible for local government authorities, an office of a Law Officer who shall be responsible for the coordination of State Attorneys of the local government authorities.

(2) Where there is a need for appointing a Law Officer to head or to perform the functions referred to in subsection (1), the Permanent Secretary of the Ministry responsible for local government authorities may, after consultation with the Attorney General and Solicitor General, appoint the Law Officer from the Ministry responsible for local government

authorities, Office of the Attorney General or Office of the Solicitor General.

(3) A Law Officer appointed pursuant to the provisions of subsection (2) shall bear a title of any description that deposits the nature of the functions performed and the position held, provided however, that such title is commensurate to the structure of office acceptable by the Public Service Management Office.

(4) In the coordination of legal functions of the local government authorities, the Attorney General, Director of Public Prosecutions and the Solicitor General may issue any directive of a general or specific nature concerning professional matters and the Law Officer shall cause such directive to be implemented.

(5) The Law Officer appointed in accordance with this section or any other Law Officer or State Attorney in the service of the local government authority shall, under the auspices of the Solicitor General, have the right of audience in any matter before the court in which a local government authority or the Attorney General is a party.

[s. 18]

PART VI

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

Reserve of
matters to
Attorney General
Act No.
7 of 2018 s.77

29. No Law Officer or State Attorney shall render advice in any matter stipulated under this section without approval of the Attorney General, namely-

- (a) interpretation of the Constitution;
- (b) any matter relating to international agreements and treaties; and
- (c) any matter which the law reserves to the Attorney General.

[s. 19]

Procedure
of sourcing
consultancy
Act No.
7 of 2018 s.78

30.—(1) The engagement of consultants by any Ministry, Government department or Government agency for rendering legal services shall be made after obtaining written approval of the Attorney General in respect of issues that require consultancy.

(2) For the purpose of observing standards, maintaining quality or capacity building, the Attorney General may—

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

[s. 20]

Power to issue
directives and
practice notes
Act No.
7 of 2018 s.79

31.—(1) The Attorney General shall exercise powers, issue directives or practice notes to any officer to whom this Act applies for the purpose of maintaining standards and uniformity.

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

(3) Notwithstanding the provisions of this section, all matters regarding administration or discipline in respect of Law Officers and State Attorneys in the Ministries, local government authorities, independent departments, Government agencies, public corporations and parastatal organisations shall be under the supervision and control of their respective employers.

(4) Employers of Law Officers and State Attorneys shall have the duty to notify the Attorney General on all disciplinary cases against Law Officers and State Attorneys under their supervision and control.

[s. 21]

Reference of
matter for
opinion of
Attorney General
Act No.
7 of 2018 s.80

32.—(1) Any Ministry, local government authority, independent department, Government institution, Government agency or organisation may refer or seek the opinion of the Attorney General on any legal matter.

(2) Where the opinion of the Attorney General is requested in relation to any matter reserved to the Attorney General, the Ministry, local government authority, independent department, Government institution, Government agency or organisation shall state clearly the matter and issues involved together with any opinion that may have been given from within such Ministry, local government authority, independent department, Government institution, Government agency or organisation.

[s. 22]

Opinion of
Attorney General
to be position of
Government
Act No.
7 of 2018 s.81

33.—(1) The opinion of the Attorney General given pursuant to the provisions of subsection (2) of this section shall remain the legal position of the Government on the matter unless it is otherwise revised by a court of competent jurisdiction, the Cabinet or otherwise recalled by the Attorney General at the instance of the Attorney General.

(2) The Attorney General or the Deputy Attorney General may at the instance of the Attorney General recall any opinion given by a Law Officer, State Attorney or any Legal officer in the public which is made in the name of the Attorney General.

(3) An officer who makes a decision in disregard of the opinion of the Attorney General—

- (a) on a matter that sustains loss to the Government, shall be surcharged or otherwise made to make good of the loss sustained in addition to other appropriate disciplinary measures that may be taken against such officer; and
- (b) in any other case, shall be a breach of discipline and may be dealt with according to the Public Service Regulations, 2022.

[s. 23]

GN. No.
444 of 2022

PART VII

ATTORNEY GENERAL, LAW OFFICERS AND OTHER STATE ATTORNEYS IN THE PUBLIC SERVICE⁵

Qualifications for
employment and
appointment of
Law Officers and
State Attorneys
Act No.
7 of 2018 s.83

34.—(1) Subject to the procedure determined by the Public Service Management, the Ministry, local government authority, independent department, Government institution, Government agency or organisation shall employ legally qualified officer in law to be a Law Officer or a State Attorney.

(2) A person shall be qualified for appointment as a Law Officer or a State Attorney who possesses a minimum of a first degree in law or the equivalent qualification from an institution of higher learning accredited or recognised as such by the competent authority.

(3) Where a person takes up employment as a Law Officer or a State Attorney, the Attorney General shall, by an instrument under his hand, appoint that person to be a Law Officer or State Attorney, and in the same or subsequent instruments direct on the nature of functions the officer will discharge.

(4) The Deputy Attorney General shall cause to be published in the *Gazette*, the names of all persons appointed to be Law Officers and State Attorneys.

[s. 24]

Government
Legal Team
Act No.
7 of 2018 s.84

35.—(1) There is established a Team to be known as the Government Legal Team which shall undertake strategic legal analysis and forecast with regard to legal services rendered as well as prosecutorial and adjudicatory services provided.

(2) The Team shall consist of-

- (a) the Attorney General who shall be the Chairman;
- (b) the Director of Public Prosecutions;
- (c) the Solicitor General;
- (d) the Administrator General;

⁵ The Heading is amended by Act No.7 of 2018 s. 82

- (e) the Executive Secretary of the Law Reform Commission of Tanzania;
- (f) the Chief Parliamentary Draftsman;
- (g) the Director of Legal Services in the Ministry responsible for legal affairs; and
- (h) the Director of Legal Services in the Ministry responsible for local governments.

(3) The Attorney General shall appoint a Law Officer from the Office of the Attorney General to be a Secretary to the Team.

(4) The Team may co-opt any person as it deems necessary.

(5) The Team shall meet at least twice a year but may meet at any time if there is any issue to be discussed for the purpose of improving the legal services.

(6) The quorum at any meeting of the Team shall be half of the members.

(7) The Team may regulate its own proceedings.

(8) The Team shall prepare a report of its deliberations and submit the same to the Minister.

[s. 25]

Register of Law
Officers and State
Attorneys
Act No.
7 of 2018 s.85

36.—(1) There shall be a Register into which shall be entered and kept particulars of Law Officers and State Attorneys in the public service.

(2) The Deputy Attorney General shall keep and maintain the Register of the Law Officers and State Attorneys in public service who perform the functions in accordance with this Act.

(3) The Register shall contain names, qualifications titles and occupation of each of such officers.

[s. 26]

Code of Ethics
Act No.
7 of 2018 s.86

37.—(1) There shall be a Code of Ethics for Law Officers and State Attorneys in the public service to be prescribed by the Minister.

(2) All matters regarding administration or enforcement of the Code of Ethics for Law Officers and State Attorneys in the public service shall be under the supervision and control of their respective employers.

GN. No.
444 of 2022

(3) Notwithstanding the Public Service Regulations, 2022, the Attorney General may refer allegations of professional misconduct against a Law Officer or a State Attorney to the Advocates Committee.

(4) Each Permanent Secretary and every head of the independent department, Government institution, Government agency or organisation shall liaise with the Ministry in the administration of the Code of Ethics in respect of Law Officers and State Attorneys employed in their respective offices.

(5) The Chief Justice may, in consultation with the Minister, make rules for better carrying out referrals to the Advocates Committee by the Attorney General under subsection (3) of this section.

[s. 27]

Orders, etc and
sanctions for
breach of Code of
Ethics
Act No.
7 of 2018 s.86
GN. No.
444 of 2022

38.—(1) The Attorney General may issue General or Standing Orders, Practice Notes and other instruments as he may deem fit for purposes of better management and organisation of the Office of the Attorney General.

(2) A Law Officer or State Attorney who breaches the Code of Ethics commits a professional misconduct and shall be liable to disciplinary actions through the employer in accordance to the Public Service Regulations, 2022.

[s. 28]

Regulations

39. The Minister may make regulations for the better carrying out of the provisions of this Act.

[s. 29]

Omitted

40-43. [Omitted.]

[s. 30-33]

PART VIII

FINANCIAL PROVISIONS⁶

Sources of funds
Act No.
11 of 2023 s.70

44. The funds of the Office of the Attorney General shall consist of-

- (a) any sums that may be appropriated by the Parliament;
- (b) any moneys by way of donations or grants made within and outside the United Republic; and
- (c) such sums of money or assets which may vest in or accrue to such offices from other sources by way of fees or in any other way under this Act or any other written law.

[s. 34]

Annual estimates
Act No.
11 of 2023 s.70

45.-(1) The Office of the Attorney General shall, before commencement of the financial year, cause to be prepared, estimates of the revenue and expenditure for that year.

(2) The annual estimates shall be submitted to the Minister who shall cause the same to be submitted to the National Assembly in accordance with the laws and procedure for such matters.

[s. 35]

Books of accounts
Act No.
11 of 2023 s.70

46.-(1) The Office of the Attorney General shall keep proper books of accounts.

(2) Within three months from the end of each financial year, the Office of the Attorney General shall submit to the Controller and Auditor General accounts of the said offices together with-

- (a) a statement of financial activities and income;
- (b) expenditure during that financial year; and
- (c) a statement of assets and liabilities of such offices existing at the end of such financial year.

⁶ Part VIII is added by Act No. 11 of 2023 s. 70

(3) The accounts of the Office of the Attorney General shall be audited by the Controller and Auditor General.

[s. 36]

Annual report
Act No.
11 of 2023 s.70

47.—(1) The Office of the Attorney General shall cause to be prepared and submitted to the Minister within six months after the close of each financial year an annual report detailing general activities and operation of their offices during that year.

(2) The annual report shall provide detailed information regarding the exercise of the functions and powers of the Office of the Attorney General during the year to which it relates and shall include—

- (a) a copy of the audited accounts;
- (b) a copy of any other report of the Controller and Auditor General carried out during the year to which the annual report relates; and
- (c) such information and other material as may be required by this Act or the regulations to be included in the annual report.

[s. 37]

Application of
Part VIII
Act No.
11 of 2023 s.70

48. The provisions of this Part shall apply mutatis mutandis to the Office of the Solicitor General and the Office of the Chief Parliamentary Draftsman.

[s. 38]

SCHEDULE

[Repealed by Act No.7 of 2018 s. 87]

