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**SUBSIDIARY LEGISLATION**

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THE LAW SCHOOL OF TANZANIA ACT  
(CAP. 425)

BY-LAWS

THE LAW SCHOOL OF TANZANIA (CURRICULUM) BY-LAWS, 2011

*(Made under section 27 (2) (c))*

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THE LAW SCHOOL OF TANZANIA ACT  
(CAP. 425)

BY-LAWS

*(Made under Section 27 (2) (c))*

THE LAW SCHOOL OF TANZANIA (CURRICULUM) BY-LAWS, 2011

PART I

PRELIMINARY PROVISIONS

Citation 1. These By-laws may be cited as the Law School of Tanzania (Curriculum) By-laws, 2011 and shall be deemed to have come into operation on the date of publication.

Interpretation  
Cap. 425 2. In these By-laws, unless the context otherwise requires-  
"Act" means the Law School of Tanzania Act;

“Board” means the governing board of the School established under section 15 of the Act;

“Committee” means the Practical Legal Training Examinations Committee established under Section 9 of the Act;

“Council” means the Council of Legal Education established under Section 5A of the Advocates Act;

“Curriculum” means the design, implementation and assessment of the course of study in the programme;

“higher learning institutions” has the meaning ascribed to it by the Universities Act;

“School” means the Law School of Tanzania established under section 4 of the Act;

“Minister” means the Minister responsible for Legal Affairs;

“Principal” means the Principal of the School appointed under section 13 of the Act;

“programme” means the Postgraduate Diploma in Legal Practice; and

“Student” means a person enrolled for the programme conducted by the School.

## PART II

### THE DESIGN OF CURRICULUM

Curriculum 3.-(1) The curriculum of the School shall be as specified in the First Schedule to these By-laws.

(2) Notwithstanding the provisions of sub-rule (1) of this By-law, the Board may make adjustments or replace part or the whole of the curriculum.

Semesters 4.-(1) The School shall have two semesters for the programme which shall be organized as follows-

(a) the first semester shall have twelve weeks of residential training at the school involving experiential exposure to legal practice through selected courses for the semester and examinations

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- (b) the second semester shall comprise of twenty four weeks of clinical training and other components in accordance with the approved curricula.

(2) The programme shall have a break of one month between the pre-placement and placement periods during the second semester to allow students to arrange and secure placements for clinical training.

Weighing of courses

5.-(1) Subject to sub-rule (2), all courses of the programme shall be weighted by units as shown in the Second Schedule.

(2) A course may be allocated between one to three units depending on the depth of training required by the relevant course as shown in the Second Schedule.

(3) Clinical training shall have five units clustered as follows-

- (a) two units accruing from training in relation to judicial practice;
- (b) one unit accruing from private legal practice;
- (c) one unit accruing from advocacy in public legal service; and
- (d) one unit accruing from service to the community.

Programme review

6. The school shall, in order to bring the programme up to date and be able to meet the needs of the legal profession as determined from time to time by the Board, review the programme periodically.

Revocation, savings and transitional arrangements

7.-(1) The Law School of Tanzania (Curriculum) By-laws, 2008 are hereby revoked.

(2) The revocation of the Law School of Tanzania (Curriculum) By-laws, 2008 by these By-laws shall not affect or invalidate anything done under the Law School of Tanzania (Curriculum) By-laws, 2008.

(3) Where a student failed and allowed to supplement in the courses which in the revoked By-laws were referred to LS 109 Basic Leadership, Management and Accounting for Lawyers; and LS 110 Basic Records Management, which courses have now been merged to become LS 109 Basic Leadership, Management and Accounting for Lawyers, or those who had failed LS 112 Basic Social Work for Lawyers; and LS 113 Basic Health for Lawyers which have now been merged to become LS 111 Basic Health and Social Skills for Lawyers, such student shall be required to supplement the failed course in accordance with the revoked By-laws.

(4) A student who allows to supplement in accordance with Paragraph 3 of this By-law shall be required to clear the course within one year from the date of these By-laws come into effect, failure to do so, the student shall be required to sit and pass the corresponding merged course in accordance with these By-laws.

FIRST SCHEDULE

(Made under By-law 3(1))

THE SCHOOL CURRICULUM

Description of need for the course and target population to be trained

1. This is a training programme for aspiring legal practitioners running for one academic year. The various activities performed by legal practitioners are too diverse and complex to perform without receiving the necessary knowledge, abilities and skills. There are numerous institutional and social roles that raise legal liability, credibility and professional issues that necessitate practical training prior to assuming the duties of the office. At the end of the programme candidates are expected to be society conscious and contribute to the development of the society in general as well as adhere to high ethical and professional standards of conduct. They must have-

- (a) knowledge and understanding of the general legal principles and theories and be able to apply them to concrete situations;
- (b) ability to develop a critical appreciation of the development of the law through legislation, judicial decisions and practice;
- (c) adequate legal problem solving skills demonstrated by-
  - (i) interviewing and investigation skills;
  - (ii) ability to identify relevant issues;
  - (iii) negotiation, counselling and arbitration skills;

- (iv) ability to apply relevant concepts, principles and rules;
- (v) ability to identify evidence needed, make judgements and reach supported conclusions on the basis of sound and informed reasoning; and
- (vi) - ability to deal with corporate and commercial matters of a legal nature;
- (d) ability to write and speak with care and precision in the analysis and synthesis of the law;
- (e) ability to structure argument and sound analysis;
- (f) ability to identify issues for research and to retrieve accurate and relevant legal and other sources in primary and secondary form, both in paper and digital formats;
- (g) cognitive skills demonstrated by:
  - (i) ability to identify and order issues by relevance and importance
  - (ii) ability to synthesise materials from diverse sources;
  - (iii) ability to make critical judgement on merits or otherwise of particular arguments; and
  - (iv) ability to evaluate - making a reasoned choice between competing solutions or arguments;
- (h) a strong work ethic;
- (i) adequate management skills;
- (j) the ability to be self-directed and self-disciplined;
- (k) tenacity and initiative skills
- (l) basic health skills and knowledge
- (m) skills for cordial gender relations and treatment

Programme  
Prerequisite

2. A candidate must have the minimum qualifications as stipulated by the Admission Rules to be eligible to pursue this programme.

Programme  
Content:

3. Candidates will pursue the following courses in the programme-

- LS 100 Clinical Law
- LS 101 Advocacy Skills
- LS 102 Professional Conduct and Practice
- LS 103 Legal Drafting Skills and Techniques
- LS 104 Criminal Procedure and Practice
- LS 105 Civil Procedure and Practice
- LS 106 Practical Aspects of Commercial Law
- LS 107 Conveyancing
- LS 108 Probate, Administration of Estates and Trusts
- LS 109 Basic Leadership, Management and Accounting for Lawyers
- LS 110 Legal Aid and Human Rights Advocacy
- LS 111 Basic Health and Social Skills for Lawyers

- (b) The programme shall be delivered in accordance with course outlines prepared for each course and in accordance with rule 7 and 9 below

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Duration	4. The course of study shall be for an academic year.
Method of Programme Delivery	<p>5. The programme shall be delivered through interactive lectures, seminars, tutorials, coursework, role plays, coaching, simulations, moot courts, mock trials, visits, study tours, audio visual, guest speakers, field practical training and examinations and</p> <ul style="list-style-type: none"><li>(a) Lectures will be conducted for at least two hours a week as required by the nature of each course.</li><li>(b) Simulations shall be conducted as required by the nature of the course and subject to a time table to be developed by the School.</li><li>(c) Coursework, seminars, tutorials, coaching, role plays, mock trials and moot courts shall be problem-oriented and shall seek to apply legal principles and concepts learnt.</li><li>(d) Visits, study tours, audio visuals, and speeches by guest speakers shall be designed as and when required but shall seek to enhance the practical skills of the candidates.</li><li>(e) Field practical training shall be in accordance with rules on placements.</li></ul>
Evaluation Criteria	<p>6. Candidates shall be evaluated as follows:</p> <ul style="list-style-type: none"><li>(a) Individual Continuous Assessment This will be comprised of written assignments of core courses done for a maximum of two hours per assignment under supervision. The assignments shall be closed book and each shall be marked and the results be submitted to the Head of Practical Legal Training on each candidate's performance. A student passes the individual continuous assessment if he scores a pass.</li><li>(b) Practical Exercises (Written and Oral Exercises) The candidate shall be required to sit for Written Practical Exercise in the first semester and Oral Practical Exercise in the second semester in the following subjects:<ul style="list-style-type: none"><li>(i) LS 101 Advocacy Skills</li><li>(ii) LS 102 Professional Conduct and Practice</li><li>(iii) LS 104 Criminal Procedure and Practice</li><li>(iv) LS 105 Civil Procedure and Practice</li><li>(v) LS 106 Practical Aspects of Commercial Law</li><li>(vi) LS 107 Conveyancing</li><li>(vii) LS 108 Probate, Administration of Estates and Trusts</li></ul>Written practical exercises will be done in the first semester. It will be divided into two parts - between 9.00 a.m. to 1.00 pm. the students will be given the examination question and each student will carry out individual research. Candidates will be allowed to access and exchange resource materials during the research session. After the lunch break (1:00 p.m. to 1:45 p.m.) the candidates shall re-convene in the examination room and be given examination answer books. Candidates will write out the answers from 2:00</li></ul>



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p.m. to 5:00 p.m. The internal examiner may allow or disallow access to authorised materials at this stage.

Oral practical exercises will be done at the end of the second semester. The candidate will sit before a panel of three or more examiners. The panel of examiners will comprise of Internal Examiners (Instructors from the School) and External Examiners (Professionals and academics from outside the School).

The candidates shall be interviewed in any of the seven core subjects listed under 6(b) above and assessed on correctness of the answer, audibility, composure, attire etc. The interview shall be conducted for a maximum of fifteen minutes per candidate unless the panel deems it necessary to extend the interview.

- (c) Notwithstanding the provision of (a) and (b) above, where another mode of assessment is more practical and preferable in relation to the nature of the course and the method of learning, a different method of assessment may be employed for the Individual Continuous Assessment and or Oral Practical Exercise. This may include grading candidates' performance during class assignment, simulations, mock trials or moot courts among others.

- (d) Placements (LS 100 Clinical Law)  
Placement is a period during which candidates are placed to private law firms, courts, and legal aid clinics, government departments with legal sections or legal departments in other bodies. The placement will be done in accordance with placement rules.

- (e) Final Examinations

At the end of the second semester, a candidate will sit for the Final Examinations in each of the seven subjects namely:

- (i) LS 101 Advocacy Skills
- (ii) LS 102 Professional Conduct and Practice
- (iii) LS 104 Criminal Procedure and Practice
- (iv) LS 105 Civil Procedure and Practice
- (v) LS 106 Practical Aspects of Commercial Law
- (vi) LS 107 Conveyancing
- (vii) LS 108 Probate, Administration of Estates and Trusts

Examinations in the following subjects shall be done at the end of the first semester:

- (i) LS 103 Legal Drafting Skills and Techniques
- (ii) LS 109 Basic Leadership, Management and Accounting for Lawyers
- (iii) LS 110 Legal Aid and Human Rights Advocacy
- (iv) LS 111 Basic Health and Social Skills for Lawyers

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- (f) Rules governing examinations and other assessment matters for practical legal training shall be as determined by the Board.

Instructional resources to be employed in presenting the lesson plan

7. Instructional resources shall be determined by the course instructors. All instructional resources shall be aligned with training goals and instructional objectives of the programme.

Recommended maximum Number of Candidates

8. A class shall not exceed 45 candidates at any given time with a staff student ratio of 1:15 unless the Principal determines otherwise. Streams may be established to take into account the number of intake in a given training session.

Course Contents

9. The course of study shall be followed as stated below for each course.

**1. LS 100 CLINICAL LAW**

Instructional goals

- (a) To equip the candidate with practical legal skills through experimental learning (pupilage)
- (b) To learn about procedures, functions and processes of specific legal institutional and departments.
- (c) To produce competent advocates who will apply best practice.
- (d) To inculcate in the candidates an appreciation of the values of the legal profession.
- (e) To train candidates to recognize and resolve ethical dilemmas.

Learning objectives

At the end of the course candidates should be able to demonstrate sufficient knowledge, skills and abilities related to administration of justice.

Course Description

**1. DURATION**

The total duration for Clinical Law is twenty four weeks divided as follows

- a. 12 weeks of placement in the field;
- b. 8 weeks pre-placement training at the School; and
- c. 4 weeks to be utilised for final examinations subsequent to the placement in the second semester.

**2. PLACES OF PUPILAGE**

- (a) Advocates chambers.
- (b) Office of the Attorney General.
- (c) Legal aid organizations.
- (d) Judiciary:-
  - (i) Judges' chambers.
  - (ii) Magistrates' chambers.
  - (iii) Court Registries.
- (e) Quasi-judicial bodies.

- (f) Legal registries.
  - (g) Legal offices in corporate institutions.
  - (h) Law Society.
  - (i) Legal Sector NGOs.
  - (j) Government Departments.
    - (i) Parliament.
    - (ii) Legal departments of ministries.
    - (iii) Semi autonomous government institutions.
  - (k) Local authorities.
3. AREAS OF FOCUS
- (a) Drafting and writing.
  - (b) Processes and procedures.
  - (c) Client care.
  - (d) Ethics.
  - (e) Dress code
  - (f) Research skills.
  - (g) Office administration.
  - (h) Interpersonal skills.
  - (i) Reflection or critical thinking.
4. EXPECTED OUTCOMES
- (a) Appreciation of operations of legal institutions.
  - (b) Competence.
  - (c) Best practice.
  - (d) Appreciation of values of the legal profession.
5. CRITERIA FOR FIELD PLACEMENT SUPERVISOR  
Minimum of five years practicing experience.
- (a) Infrastructure requirements.
  - (b) Offices space and facilities.
  - (c) Communication facilities.
  - (d) Access to library or research facilities (ICT included).
  - (e) Clearance certificate by the TLS Council for private practitioners or the Office of the Attorney General in respect of other placement areas.
  - (f) A maximum of 3 candidates per supervisor.
6. ORIENTATION OF FIELD PLACEMENT SUPERVISORS
- (a) Basic training seminar of field placement supervisors on research, departmental organization, punctuality, etc.
  - (b) Prohibition of sexual harassment and other unethical behaviour.
  - (c) Giving feedback to the candidate and the School on the candidate's performance.
  - (d) Overall assessment of quality of candidates' learning.
7. MOTIVATION OF FIELD PLACEMENT SUPERVISORS
- (a) Periodic refresher courses.
  - (b) Award of recognition certificates.
  - (c) Special Award for outstanding field placement supervisors.
8. SUPERVISION
- (a) By candidate's field placement supervisor.

- (b) External supervision

9. COURT ATTACHMENT

- (a) Students may be attached to both courts and tribunals at all levels.
- (b) The intention of the placement is to enable the students to get a full picture on how the Judiciary operates, at least at the level the student is attached.

10. FIRM'S ATTACHMENT

- (a) Students to be attached to the firms and offices carrying out legal practice.
- (b) Contents of study and orientation should be targeted at giving the students a full picture on how firms operate.

11. STREET LAW/COMMUNITY LEGAL EDUCATION

- (a) Student shall be distributed to various zones and organised in accordance with approved students' firms set up by the School.
- (b) The purpose of the street law programme is to nurture and develop the spirit and attitude of service to the community and make student society-conscious. It also aims at building teamwork among the students.

2. LS 101 ADVOCACY SKILLS

**Instructional goals**

To impart to candidates the necessary knowledge, skills and abilities in legal advocacy including the understanding of processes of litigation generally and to identify and apply different forms of procedures that are applicable to different forms of advocacy.

**Learning objectives**

At the end of the course candidates should be able to demonstrate sufficient knowledge, skills and abilities in legal advocacy and expeditious disposal of cases as well as the use of various case management tools in resolving disputes.

**Content of the course**

1. Pre-trial advocacy.
2. Client interviewing.
3. Client counselling.
4. Discovery.
5. Client communication.
6. Negotiation skills.
  - (a) Importance of negotiations.
  - (b) General principles and skills of negotiations.
  - (c) Ethics of negotiations.
7. Trial skills.
  - (a) Objections.
  - (b) Submissions.
  - (c) Preliminary motions.
  - (d) Discovery.
8. Case analysis and management.
  - (a) Opening statements.
  - (b) Examinations in chief.

- (c) Production of exhibits.
- (d) Cross-examination.
- (e) Re-examination.
- (f) Closing statements.

9. Mediation, conciliation and arbitration skills.

### 3. LS 102 PROFESSIONAL CONDUCT AND PRACTICE

#### Instructional goals

To impart to a candidate the necessary tenets and principles relating to professional conduct and ethics.

#### Learning objectives

At the end of the course a candidate should be able to demonstrate sufficient knowledge, skills and abilities in the standards of conduct and ethics demanded by legal professionals.

#### Content of the course

1. Introduction to Professional Conduct and Practice
  - (a) What is Legal Ethics?
  - (b) The right approach to Legal Ethics
  - (c) The ethical principles of that underpin ethics.
2. The structure of ethics
  - (a) The pervasive nature of ethics
  - (b) The history of ethics in Tanzania.
  - (c) The classification of ethics.
  - (d) The source of the law of ethics
3. The Various Branches of the Legal Profession
  - (a) The Law graduate
  - (b) The Advocate or Legal Practitioner
  - (c) Judicial Officers
  - (d) State Attorneys or Solicitor/Public Legal Officer
  - (e) Legal Officers (Public or Private)
4. Ethics and Professional Responsibility
  - (a) The Ethical Dimension of Legal Practice
  - (b) The Qualifying Process
  - (c) The Test of Moral Character
  - (d) Competence and Malpractice
  - (e) Unauthorised Practice
  - (f) The Lawyer as Citizen
5. Rights, Privileges and Duties of Legal Practitioners Duties to:
  - (a) Court
  - (b) Client
  - (c) The profession
  - (d) The public
  - (e) Yourself
6. The Ethical for Delivery of Professional Services
  - 6.1 Dealing with clients
    - (a) Acceptance of instructions
    - (b) Withdrawal of instructions and withdrawal from retainer
    - (c) Remuneration
    - (d) Legal Aid
  - 6.2 Dealing with Opposing Counsel and parties
    - (a) Good faith

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- (b) Courtesy and respect
- (c) Openness
- 7. Private Practitioners Professional Misconduct
  - (a) Advertising
  - (b) Touting
  - (c) Champerty or contingency fees
  - (d) Undercutting
  - (e) Unauthorised Practice
  - (f) Misappropriation of Client's funds
  - (g) Contempt of court
  - (h) Negligence
  - (i) Breach of Etiquette
- 8. The Enforcement of Ethics
  - (a) The Disciplinary Authority
  - (b) The Disciplinary Process
  - (c) Judicial Power: Chief Justice and High Court Judges
  - (d) The Advocates Committee: Composition, Jurisdiction, and Procedure
  - (e) Ethics Committee of Law Society
  - (f) Appeal ProcedureSanctions against misconduct
- 9. The Future of Professional Ethics in Tanzania
  - (a) The Draft of Ethics of the Tanganyika Law Society
  - (b) The report of the Civil Justice Review Team

**4. LS 103 LEGAL DRAFTING SKILLS AND TECHNIQUES**

**Instructional goals**

To develop competence in legal writing and drafting.

**Learning objectives**

At the conclusion of the course candidates should be able to demonstrate sufficient knowledge, skills and abilities in drafting relevant legal documents.

**Course content**

1. LEGAL WRITING
  - (a) The art of writing.
  - (b) Styles of writing in legal profession and its difference with other styles of writing.
2. THE LANGUAGE OF THE LAW
  - (a) Legal and non legal language.
  - (b) Historical basis.
  - (c) Special language.
  - (d) Plain language (clarity of communication).
3. CORRESPONDENCE
  - (a) Correspondence to client.
  - (b) Correspondence to advocates.
  - (c) Correspondence to court.
  - (d) Correspondence to others.
4. LEGAL OPINIONS/SUBMISSIONS
  - (a) Rules for drafting a legal opinion.
  - (b) Rules for writing a submission.
5. LEGISLATIVE DRAFTING
  - (a) Guide to legislative drafting.
  - (b) The art of legislative drafting.

**5. LS 104 CRIMINAL PROCEDURE AND PRACTICE**

**Instructional goals**

- (a) To impart to the students the necessary knowledge, skill and abilities in managing and handling criminal cases.
- (b) To impart to students basic knowledge and skills on pre-trial procedures in respect of the Criminal Procedure Act and other specialized proceedings in criminal matters.
- (c) To impart to the students the basic knowledge and skills in handling matters relating to international cooperation in criminal matters with regard to mutual assistance, extradition and proceeds of crime.
- (d) To impart to students the basic knowledge and skills in matters relating to institution of criminal cases.
- (e) To impart to students the basic knowledge and skills in preparing court documents such as charge, judgments, orders, memorandum of appeals and other related documents.
- (f) To impart to students the basic knowledge and skills in handling irregularities in criminal trials.
- (g) To impart to students the basic knowledge and skills in imposing various sentences including non custodial measures.

**Learning objectives**

At the end of the course candidates should be able to demonstrate sufficient knowledge, skills and abilities in the case management and expeditious disposal of criminal cases.

**Content of the course**

**1. INTRODUCTION TO CRIMINAL PROCEDURE**

- (a) Sources of criminal procedure.
- (b) Criminal Procedure and Protection of Individual Rights.

- (i) Constitutional Rights.
- (ii) Natural Justice.
- (iii) Human Rights Standards.

**2. BAIL AND BOND**

- (a) The meaning and purpose of Bail or Bond
- (b) Bail by:
  - (i) Police Officers
  - (ii) the Court
- (c) Who should apply for bail
- (d) Formalities for the grant of bail (in subordinate courts)
- (e) Powers of the High Court to Grant Bail
- (f) Statutory restrictions to Bail
- (g) Conditions of Bail
- (h) Bail pending:
  - (i) Appeal
  - (ii) Revision
  - (iii) Confirmation of Sentence
- (i) Consequences of bail defaults
- (j) Sureties and discharge

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3. PROCURING THE ATTENDANCE OF THE ACCUSED
  - (a) Rationale for Procuring the Attendance of the Accused Person
  - (b) Mode of Procuring the Attendance of the Accused
  - (c) Summons to an Accused Person
  - (d) Warrant of Arrest
  - (e) Execution of Warrants of Arrest and Jurisdiction
  - (f) Defects in Warrants and Summons
  
4. THE INSTITUTION OF CRIMINAL PROCEEDINGS
  - (a) Who has authority to Institute Criminal Proceedings
  - (b) Role of the court before admitting a charge
  - (c) Mode of Instituting Criminal Proceedings:
    - (i) Complaint
    - (ii) Complaint to a police officer
    - (iii) Complaint to a Magistrate
    - (iv) Charges and Counts
    - (v) Distinction between charges and information/indictments
    - (vi) Functions and content of a charge sheet or information
    - (vii) Form of charges or information
    - (viii) Forms prescribed by other statutes
  - (d) Drafting and management of charges:
    - (i) Counts
    - (ii) Alternative counts & cumulative counts
    - (iii) Joinder of Counts
    - (iv) Joinder of accused persons
    - (v) Defective Charges
    - (vi) Misquotation of section Numbers
    - (vii) Non-quotation of section numbers
    - (viii) Laying a charge on a repealed section
    - (ix) Setting out the necessary elements of the offence
    - (x) Variance between charges and evidence
    - (xi) Non-joinder of counts
    - (xii) Duplicity
    - (xiii) Charge and particulars not disclosing any offence
    - (xiv) Curable and Incurable Defects
    - (xv) Remedies for defective charges
    - (xvi) Amendment of the charge
    - (xvii) Procedure when the charge is altered
    - (xviii) Withdrawal of Charges and re-institution
  - (e) Nolle Prosequi by DPP
  - (f) Dismissal by the court
  
5. CONDUCT OF TRIAL
  - (a) Explaining the charge to the accused
  - (b) Effect and importance of understanding the charge.
  - (c) Taking the plea and withdrawal of plea
  - (d) Plea on indictment
  - (e) Insanity
  - (f) Plea by advocate
  - (g) Plea of guilty
  - (h) manner of recording plea



- (i) Equivocal Pleas - whether an equivocal plea can be remedied
- (j) Role of court if a plea of guilt is made
  - (i) Outline of facts by prosecution
  - (ii) Accused to plead upon facts being read over
- (k) Recantation of plea –
- (l) Plea of not guilty
- (m) Case for the prosecutor
  - (i) Accused right to cross-examine prosecution
  - (ii) prima face case
- (n) Case for defence
  - (i) prosecution right to cross-examine the accused
  - (ii) right to call defence witnesses
- Summing up Judgement (Acquittal or conviction)
- (o) Allocutus
- (p) Sentence
- (q) Trial within reasonable time
- (r) Trial before the high court
  - (i) Arraignment and pleas
  - (ii) Role of Assessors
  - (iii) Procedure from swearing in of assessors to sentencing, acquittal or discharge
  - (iv) Trial within a trial and *voire dire*
- 6. JUDGMENTS
  - (a) Necessity
  - (b) Distinction between judgment and ruling
  - (c) Contents of judgment and the art of writing a judgement in criminal cases
  - (d) Effect of non compliance with rules on judgement
  - (e) Presence of accused
  - (f) Copy of the judgement to be given to the accused
  - (g) Alterations
  - (h) Verdicts and Alternative verdicts
- 7. SENTENCES
  - (a) Purpose
  - (b) Assessment
  - (c) Types of Sentences
  - (d) Custodial and Non-custodial sentences
  - (e) Minimum Sentences Act
  - (f) Interpretation of Laws Act
  - (g) Illegal Sentences
  - (h) Concurrent or cumulative
- 8. APPEALS, REVISION AND REVIEW
  - (a) Appeals
    - (i) The right of appeal and Memorandum of Appeal
    - (ii) Who may appeal and limitations
    - (iii) Appeals by DPP
    - (iv) Powers of the High Court on a Criminal Appeals
    - v. Number of Judges on appeals
    - vi. Right to be heard
    - vii. Abatement of Appeals
    - viii. Summary dismissal – no sufficient cause

- ix. Appeal on plea of guilty verdict
- x. Bail pending appeal
- xi. Bail pending confirmation of sentence
- xii. Who may act as sureties
- xiii. Discharge of sureties
- xiv. Consequences of default
- xv. forfeiture of recognisance
- xvi. review of forfeiture orders
- xvii. Whether partial payment applicable
- (b) Revision
  - (i) The need for and grounds of revisions
  - (ii) Powers of the High Court on Revision
  - (iii) Whether the parties have a right to be heard
  - (iv) Number of judges on revision
- (c) Transfer of a case from an inferior to superior Court in the hope of verifying the decision
- (d) Supervisory powers of courts and effect thereof
- 9. CURABLE AND INCURABLE IRREGULARITIES
  - (a) Charging on a wrong section number
  - (b) Prosecuting witness after defence case
  - (c) Witnesses called by a Court (Court witnesses)
  - (d) Failure by court to call defence witnesses
  - (e) Two sentences on a single court
  - (f) Omnibus sentences
  - (g) Failure by Judge or Magistrate to write Judgement
  - (h) Words in the particulars conflicting with the charging section
  - (i) Failure to take into consideration defence witnesses
  - (j) Partly heard cases – Failure by the Magistrate to inform the accused his rights
  - (k) Proceedings in wrong place
  - (l) Distress

10. INFORMAL ARBITRATION AND RECONCILIATION IN CRIMINAL MATTERS
  - (a) Powers and limits of non judicial organs
  - (b) Powers and limits of traditional Armies
11. CONTEMPT OF COURT
  - (i) Grounds for Contempt proceedings
  - (ii) Initiation of contempt proceedings
  - (iii) Role of the court in contempt proceedings
  - (iv) Contempt proceedings as summary proceedings
12. SPECIAL PROCEEDINGS
  - (a) Categories of special Proceedings
  - (b) Committal proceedings
  - (c) Trial Procedure in Insanity cases
  - (d) Inquests
  - (e) Juvenile proceedings
  - (f) Habeas Corpus

#### 6. LS 105 CIVIL PROCEDURE AND PRACTICE

##### Instructional goals

To impart to candidates the necessary knowledge, skill and abilities in managing and handling civil cases including:

- (a) understanding and drafting of relevant pleadings and documents necessary for civil litigation
- (b) understanding of various jurisdictions and remedies in civil litigation
- (c) application of the Civil Procedure Act and other statutes relating to civil litigation
- (d) Understanding the processes of civil litigation generally and to identify and apply different forms of procedures that are applicable to different forms of civil litigation.

##### Learning objectives

At the end of the course candidates should be able to demonstrate sufficient knowledge, skills and abilities in the case management and expeditious disposal of civil cases.

##### Content of the course

1. THE INTRODUCTION
  - (a) What is Civil Procedure?
  - (b) Where applicable?
  - (c) Source of Civil Procedure
2. PRINCIPLES GOVERNING THE APPLICATION OF CIVIL PROCEDURE
  - (a) Parties i.e. who is claiming against who.
  - (b) Dispute: What is a civil dispute in the eyes of the law?
  - (c) Not all disputes are actionable
  - (d) Legal disputes are different from moral disputes
  - (e) Civil disputes are different from criminal disputes
  - (f) There must be a civil dispute - "*litis contestatio*"
  - (g) What is the role of a "Demand letter" or "Demand Note"?

- (h) Ouster of jurisdiction, meaning and effects of:
- (i) Place of suing
- (j) Statutory or common law bar
- (k) Res Judicata
- (l) Estoppel
- (m) Law of limitation
- (n) Specific statutory bars
- (o) Immunities
- (p) Mandatory Arbitration Clauses
- 3. PRE-HEARING PROCEDURES
- (a) Parties
- (b) Joinder of parties:-
- (c) Joinder of plaintiff's *vis a vis* joint interests and causes of action
- (d) Joinder of Defendants
- (e) Representative suits or group action
- (f) Meaning of a representative suit
- (g) Stages of Instituting a representative suit
  - (i) Where applicable
  - (ii) Justification for Representative suits
- (h) Substitution, addition and striking of parties.
- (i) Third Party proceedings
  - (i) Modalities of initiating Third Party proceedings
  - (ii) Consequences of Third Party proceedings
- 4. INSTITUTION OF A SUIT
- (a) How do you institute a civil suit?
- (b) Framing of suits.
  - (i) Cause of action.
  - (ii) Pleadings
  - (iii) Function of pleadings
  - (iv) General Principles of pleadings
  - (v) Specificity
  - (vi) Particularisation
  - (vii) Relevancy i.e. material facts only
  - (viii) Verification
  - (x) Striking out, rejection and amendment of pleadings are judicial measures normally taken to remedy or deal with defective, scandalous or undesirable pleadings.
- (c) The Plaintiff
  - (i) What is a plaintiff?, Petition?
  - (ii) The distinction between return and rejection of plaintiff.
- (d) The written statement of Defence
  - (i) Content of a WSD or Reply to Petition
  - (ii) Confession and avoidance
  - (iii) WSD by a set off
  - (iv) Distinction between equitable set-off and legal set off
  - (v) Why the doctrine of set-off?
  - (vi) Consequences of Failure to file a WSD ex-parte proof and ex-parte judgment
- (e) Recognised Agents and Advocates
  - (i) Who is a recognised agent or advocate what role does such a person play in civil litigation?

5. APPEARANCE OF PARTIES
  - (a) Consequence of non-appearance for:
    - (i) Plaintiff
    - (ii) Defendant
    - (iii) both plaintiff and the defendant
    - (iv) Setting aside ex-parte decrees or dismissal of suit orders.
  
6. DISPOSAL OF SUITS WITHOUT TRIAL AND ADR RULES
  - (a) Rules regulating ADR
  - (b) Out of court settlements
  - (c) Condition precedents for settlements out of court
  - (d) Default judgments:
    - (i) where a summons to appear has been issued but no appearance is entered
    - (ii) by the defendant
    - (iii) where the plaintiff fails to reply to a counter claim
    - (iv) where a WSD is required but not filed.
    - (v) Whether a default judgment can be set aside
  
7. THE HEARING OF CIVIL CASES
  - (a) Examination of parties
  - (b) Meaning of Examination of parties
  - (c) Why examine parties?
  - (d) Framing of issues
    - (i) Things to be looked at while framing issues
    - (ii) Whose duty is to frame issues?
    - (iii) Why frame issues?
    - (iv) Consequences of failure to frame issues
    - (v) Irregularities in framing issues
    - (iv) Issues wrongly framed
  - (e) Disposal of suit at first hearing
  - (f) Circumstances entitling the court to dispose of cases at first hearing.
  - (g) Procedures when full hearing is desirable.
  - (h) Summoning and attendance of witnesses:
    - (i) How to secure presence of witnesses
      - (i) by private arrangement
      - (ii) by court summons.
    - (j) Whose duty is to secure attendance of witnesses
  - (k) Defects in summons, what effect
  - (l) Additional witnesses
  - (m) Commissions to examine witnesses:
    - (i) meaning of
    - (ii) purposes of
    - (iii) to whom issues
    - (iv) who may be examined
    - (v) effect of evidence obtained by way of commission;
    - (vi) who is to bear the costs.
  - (n) Depositions by way of Affidavits.
  - (o) Hearing and examination of witnesses.
  - (p) The principle of orality.
  - (q) Burden of proof.
  - (r) Order of speech.

- (i) the plaintiff's case
- (ii) opening speech by the plaintiff
- (iii) examination of plaintiff witnesses
- (iv) closing speech by the plaintiff
- (v) Finding as to whether there is a case to answer and the effects thereof.
- (vi) defendant's case if a *prima facie* case exists
- (vii) Defendant's opening speech
- (viii) examination of defendant's witnesses
- (ix) Defendant's closing speech
- (x) Final submissions
- (s) Where a judge magistrate fails to complete a case - what effects?
- (t) Power to recall witnesses.
- (u) Taking evidence of witnesses about to leave court jurisdiction
- (v) Visiting *locus in quo* what to follow
- (w) Interlocutory proceedings
  - (i) meaning of
  - (ii) where applicable
  - (iii) Security for costs –
- (x) Arrest and attachment before judgment
- (y) Temporary injunctions
- (z) Interlocutory
- (aa) Sale of perishables
- (bb) Deposit in court of money or non perishables
- (cc) Appointment of receivers
- (dd) Mode of initiating interlocutory proceedings
- (ee) Abatement of suits
  - (i) By death
  - (ii) action *in rem*
  - (iii) action *in personam*
  - (iv) By insolvency
- (ff) Bankruptcy ordinance
  - (i) By marriage – no longer legal
  - (ii) Consequences of abatement

8. JUDGMENTS AND DECREES

- (a) Judgment:
  - (i) Meaning of
  - (ii) Type of judgments – *in rem*
  - (iii) *In personam*
  - (iv) Why pronounce a judgment
  - (v) Content of a judgment
  - (vi) At what stage should a judgment be pronounced
  - (vii) Effects of pronouncing a judgment
- (b) Decree:
  - (i) Meaning of
  - (ii) Basis for a decree
  - (iii) Who is to extract a decree
  - (iv) Effects of a decree
  - (v) Failure to extract a decree
  - (vi) Distinction between Judgment, Ruling, Decree and Order

9. REMEDIES WHERE A PARTY IS DISSATISFIED BY COURT DECISIONS
  - (a) Appeals
  - (b) Review
  - (c) Revision
  - (d) Court of Appeal Rules

7. LS 106 PRACTICAL ASPECTS OF COMMERCIAL LAW

Instructional goals

To equip the candidates with practical skills to handle commercial transactions including companies, partnerships and other trading concerns.

Learning objectives

At the end of the course candidates should be able to demonstrate sufficient knowledge, skills and abilities to document and transact various interests in commercial matters including companies, partnerships and other trading concerns.

Content of the course

1. COMPANIES
  - (a) Formation of Companies
  - (b) Types of companies
  - (c) Structures of companies
  - (d) Shares
  - (e) Registration of Companies
  - (f) Returns
  - (g) Incorporation and Management of Companies
  - (h) Incorporation of companies (forms of memorandum, articles of association, instruments of incorporation, etc
  - (i) Statutory compliance documentation (notices of registered officers, appointment of officers, list of directors, annual returns etc)
  - (j) Company Financing
  - (k) Share transfers, digital issue of shares and operations of Central Depository System
  - (l) Conversation of companies from private to public companies or vice versa
  - (m) Company securities, debentures, charges & chattels mortgages, directors' guarantees
  - (n) Management of companies, Agenda, minutes, resolutions notices, committee work, meetings (special, annual extraordinary etc)
  - (o) Raising of capital (public offering, stocks, shares and bonds, etc
  - (p) Winding up & Liquidations of companies
  - (q) Company Forms and Procedures in general
2. PARTNERSHIP
  - (a) Deeds of partnership
  - (b) Forms of statutory compliance
  - (c) Registration
  - (d) Change of partners
  - (e) Dissolution
3. COMMERCIAL TRANSACTIONS
  - (a) Commercial agreements
  - (b) Mergers & Acquisitions
  - (c) Joint Ventures
  - (d) Sale of Goods Transaction
  - (e) Contractual & Sale agreements
  - (f) Documentation relating to CIF and FOB

- (g) Documentation relating to insurance & taxation
- (h) Sale on Auction
- (i) Hire purchase Agreement
- (j) Licenses & registration processes
- (k) Chattels Transfer
- (l) Chattels mortgages
- (m) Letters of Hypothecation
- (n) Instruments of transfer, forms, etc
- (o) Registration and renewal
- (p) Redemptions
- (q) Notices to third parties
- (r) Attestation of chattel transfers and other documents
- (s) Effects of non registration
- 4. AGENCIES
  - (a) Agencies agreements
  - (b) Powers of Attorneys
  - (c) Forms of appointment of agents like (bailee, brokers, estate agents, etc
- 5. INTERNATIONAL COMMERCIAL TRANSACTIONS
  - (a) Formation of International Contracts:
    - (i) The negotiations.
    - (ii) Inquiries and invitations to contract.
    - (iii) The quotation.
    - (iv) Failure to agree on essential terms and conditions.
    - (v) The offer.
    - (vi) The Acceptance.
    - (vii) Form of acceptance.
    - (viii) Communication of acceptance.
    - (ix) The buyer's agreement to the seller's standard terms
    - (x) The battle of terms.
  - (b) Drafting International Commercial Agreements:
    - (i) Terms to be incorporated.
    - (ii) Particulars of the parties.
    - (iii) Places of business.
    - (iv) Scope of the work undertaken.
    - (v) Pricing – e.g. extra costs for packaging transportation, insurance, documentation, increased risks, currency risks, etc.
    - (vi) Delivery terms and burden of risk (Parties obligations to be clearly stipulated).
    - (vii) Payment provisions, title and security interests e.g. advance payment, third parties – guarantors/trustee, escrow account etc.
    - (viii) Specifications of the goods, performance standards and acceptance terms, time limits in compliance etc.
    - (ix) Warrant clauses.
      - \*Definition and scope
      - \*Duration
      - \*Notice required filing warranty claim.
    - (x) Agreed remedies.
    - (xi) Risks
      - \* Political/Commercial risks.
      - \*Foreign exchange risks.
      - \*Government policies/approvals.



- \*Usual risks.
        - \*Force majeure i.e. unforeseeable risks.
      - (xii) Notice, suspension of obligations and consequences.
      - (xiii) Termination and default.
      - (xiv) Taxes and duties.
      - (xv) Choice of language.
        - \*Official language text of the contract.
        - \*Official language for settlement of disputes.
        - \*Official language for all future communications.
      - (xvi) Choice of law
        - \*Exclusive choice of law and detailed interpretative and substance rules.
      - (xvii) Choice of jurisdiction –forum – litigation/arbitration.
      - (xviii) Dispute resolution.
        - \*Arbitration clauses
        - \*International Arbitration institutions. e.g. ICC, UN Commission on International Trade Law (UNCITRAL), international Commercial Arbitration Rules of the American Arbitration Association, etc.
- (c) Contracts For International Sale of Goods
  - (i) The International Sale of Goods.
  - (ii) United Nations Convention on Contracts for International Sale of Goods.
  - (iii) Uniform Lawson International Sales.
  - (iv) Inco terms 1990.
  - (v) Uniform Customs and practice for Documentary Credits.
  - (vi) External Trade Laws
  - (vii) Arbitration Act
  - (viii) Law Contracts Act
  - (ix) Sale of Goods Act
  - (x) Duties of Parties under FOB contracts (Inco terms 1990)
  - (xi) Duties of parties under CIF contracts (Inco terms 1990)
- (d) Procurement and formalities for Export or Import:
  - (i) Export/Import licence and other requirements/approvals if any.
  - (ii) Arranging letters of credit.
- (e) Carriage of Goods:
  - (i) Carriage by sea, air, rail, road and multimodal transport.
  - (ii) Legal aspects of international carriage by sea, air, rail, road and multimodal transport.
- (f) Insurance in International Sale Transactions:
  - (i) The nature of insurance.
  - (ii) Principles of insurance.
  - (iii) Disclosure of material facts.
  - (iv) Contract of insurance.
  - (v) Types of insurance.
  - (vi) Warranties, express and implied.
  - (vii) Construction of the policy.
  - (viii) Loss of proximate cause.
  - (ix) Types of loss.
- (g) Rights of the Parties for breach:
  - (i) Rights of the seller.
  - (ii) Rights of the buyer.

- (h) International Commercial Dispute Settlement:
  - (i) International Commercial Arbitration.
  - (ii) International dispute settlement and court proceedings.
  - (iii) General aspects of arbitration.
  - (iv) Comparison of arbitration and litigation.
  - (v) Characteristics of arbitration.
  - (vi) Ad hoc and international arbitrations.
  - (vii) The law governing the arbitration procedure.
  - (viii) Arbitration agreement and the arbitrators.
  - (ix) Disputes covered by the arbitration agreement.
  - (x) Domestic and non domestic arbitration.
  - (xi) The Award.
  - (xii) Functions of courts in arbitration.
  - (xiii) Judicial review.
  - (xiv) International Arbitration.
  - (xv) American arbitration.
  - (xvi) International Centre for Settlement of Investment Disputes.
  - (xvii) European Arbitration.
  - (xviii) Arbitration in Socialist countries.
  - (xix) Enforcement of Awards.
  - (xx) The Geneva Protocol and Convention.
  - (xxi) The New York Convention.
  - (xxii) Enforcement of Awards in the absence of International regulations.

#### 8. LS 107 CONVEYANCING

##### Instructional goals

To equip the candidate with practical skills to handle real property transactions

##### Learning objectives

At the end of the course candidates should be able to demonstrate sufficient knowledge, skills and abilities to document and convey various interests in real property.

##### Content of the course

1. Introduction to conveyance
2. Relevant terminologies
3. Principles of conveyance
4. Relevant statutes under conveyance such as Land Act, Village Land Act, Land Registration Act, etc
5. Investigation of titles and property records (records search)
6. Preparation of documents;
7. Land Forms in general,
8. Sale agreements,
9. Transfers, including transfers in conveyance on insolvency,
10. Charges, mortgages (realization of securities),etc
11. Leases, sub-leases and licenses,
  - (a) Sectional titles,
  - (b) Long-term subleases,
  - (c) Discharges, conveyances & reassignments,
  - (d) Transmissions & assents.
12. Construction of documents – parts of a documents
13. Cautions and caveats, restrictions, restrictive covenants, grant of easements and profits *a prendre*
14. Duties and obligations of Advocates – ethical and practical considerations (conflicts of

- interests, keeping of accounts & professional undertakings)
- 15. Relationship between conveyancing and other laws such as contract law, Probate and Administration Act, Law of Marriage Act, Registration of Documents Act, equity) etc
- 16. Jurisprudence on construction of conveyancing documentation – recent amendments of laws, courts decisions, etc
- 17. Conveyancing in taxation – stamp duty, capital gains tax, valuation fees, property tax, land rates, land rents, etc
- 18. Controlled transactions
- 19. Planning and environment considerations – change of user, extension of leases, etc
- 20. Registration of documents and the respective land registries, registration procedures at land registries and companies registries
- 21. Powers of Attorneys and Registration of other documents under relevant Tanzania Legislation

**9. LS 108 PROBATE, ADMINISTRATION OF ESTATES AND TRUSTS**

**Instructional goals:**

- (a) To equip the candidate with knowledge and skills of the Probate & Administration process to enable them to be competent practitioners in all probate and administration matters. This will include:
- (b) To impart knowledge on procedures, functions and processes of specific legal institutional and departments in relation to probate and administration matters
- (c) To impart the requisite skills for understanding and drafting relevant pleadings and documents necessary for probate and administration
- (d) To impart the requisite skills for understanding various jurisdictions & remedies in probate and administration matters
- (e) To impart the requisite skills for applying probate and administration rules under the probate and administration Act and other related laws (Trustees Act (Cap 168) and Civil Procedure rules) and other laws
- (f) To equip candidates with case management skills to facilitate expeditious disposal of probate and administration cases.

**Learning objectives**

At the end of the course candidates should be able to demonstrate sufficient knowledge, skills and abilities in the administration of estates and probate.

**Course Description**

- 1. **INTESTATE SUCCESSION**
  - (a) Application for letters of administration
  - (b) Different types of letters of administration
  - (c) Statutory forms necessary for application
- 2. **TESTATE SUCCESSION**
  - (a) Wills and codicils
  - (b) Application for grant of probate
- 3. **PROCESSES**
  - (a) Application or Eligibility or Consent
  - (b) Gazette Notice
  - (c) Citation
  - (d) Objections
  - (e) Application for confirmation
  - (f) Distribution
  - (g) Protests
  - (h) Grants
  - (i) Annulment or revocation of grant

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- (j) Confirmation and distribution of estate
- (k) Taking of estate accounts
- 4. RIGHTS AND DUTIES
  - Duties of administrators or executors
  - Duties and obligations of public trustee/administrator General
  - Rights of beneficiaries
  - Rights of dependants
  - Distribution of Estate
  - winding up of estates and final accounts

10. LS 109 BASIC LEADERSHIP, MANAGEMENT AND ACCOUNTING FOR LAWYERS

Instructional goals

- (a) to introduce candidates to leadership, management and finance tenets applicable to legal practitioners;
- (b) to impart leadership, management and financial skills essential for handling legal practice.
- (c) Understand the concepts and practices of legal records management, for courts of law, the Police Force, land registries and public prosecutors
- (d) Appreciate the importance of legal records management, in particular how and why legal records support the legal and judicial system and contribute to overall government accountability
- (e) Locate both general and specific regulatory controls for legal records
- (f) Monitor and control records management system
- (g) Apply the processes involved with appraisal and preservation of and accessibility to legal records

Learning objectives

At the conclusion of the course candidates should be able to demonstrate sufficient knowledge, skills and abilities in leadership, managerial and financial matters as legal practitioners.

Content of the course:

PART I  
LEADERSHIP

- 1. Leadership:
  - (a) Definition
  - (b) Who is a leader?
  - (c) Basic leadership concepts:
    - (i) Effectiveness
    - (ii) Efficiency
    - (iii) Productivity
    - (iv) Goals
    - (v) Objectives
    - (vi) Mission
    - (vii) Vision
    - (viii) Values
    - (xi) Strategies
  - (a) Functions of a leader
  - (b) Qualities of a good leader
- 2. Supervision:
  - (a) Definition
  - (b) Phases of supervision
  - (c) Methods of supervision
  - (d) Functions of supervision

- (e) Qualities of good supervision
- (f) Skills of supervisor
- 3. Ethics of Public Servants and Private Practitioners:
  - (a) Definition of a public servant
  - (b) Definition of a private practitioner
  - (c) Meaning of ethics
  - (d) Ethics of a public servant versus private practitioner
- 4. Communication:
  - (a) Meaning or Definition
  - (b) Types
    - (i) Formal
    - (ii) Informal
  - (c) Methods of communication
    - (i) Oral
    - (ii) Facial
    - (iii) Attitude or body language
    - (iv) Written communication
  - (d) Purpose of Communication:
    - (i) Influence others
    - (ii) provide information
    - (iii) Promote understanding
    - (iv) Initiate
  - (e) Communication Models:
    - (i) Vertical
    - (ii) Horizontal
    - (iii) Lateral
- 5. Group Dynamics:
  - (a) Definition
  - (b) Individual and groups
  - (c) Collection versus group or organization
  - (d) Stages in the group formation
  - (e) Group cohesiveness
  - (f) Effective versus ineffective group
  - (g) Advantages and disadvantages of groups
- 6. Stress and Stress Management:
  - (a) Definition of stress
  - (b) Definition of a stressor
  - (c) Signs and symptoms of physical, intellectual and emotional stress
  - (d) Causes of stress
  - (e) Positive and negative stress
  - (f) Dealing with stress
- 7. Motivation:
  - (a) Definition
  - (b) What motivate people
  - (c) Difference between motivation and satisfaction
  - (d) The carrot and stick theory
  - (e) Self motivation
  - (f) Influence of motivation on performance
- 8. Conflict and Problems solving:
  - (a) Definition of conflict
  - (b) Forms of conflict
  - (c) Internal and external conflicts

- 9. (d) Basics of problem solving
- Continuing Training:
  - (a) What is training
  - Definition of continuing Training
  - (b) Importance of continuing Training
  - (c) Methods of continuing Training
  - (d) Integrating theory and practice
- 10. Gender Relations and treatment:
  - (a) Definitional issues
  - (b) Gender dimensions within the legal fraternity
  - (c) Legal practitioners
  - (d) Clients
  - (e) Victims
  - (f) general public
  - (g) Gender discrimination and harassments
  - (h) Affirmative action or empowerment
- 11. Accountability:
  - (a) Meaning of accountability
  - (b) Why accountability
  - (c) Lines of accountability
    - (i) Horizontal
    - I(ii) Vertical

PART II:  
HUMAN RESOURCE MANAGEMENT

- 1. Introduction:
  - (a) Meaning
  - (b) Who is a Human Resource Manager
  - (c) Importance of Human Resource
- 2. Human Resource Planning:
  - (a) Meaning
  - (b) Why Human Resource planning
  - (c) Job description
  - (d) Job analysis
  - (e) Job specification
  - (f) Retention
  - (g) Constructive discipline
  - (h) Motivation
    - (i) Theories of motivation (Theory X and Y)
    - (ii) Why people work
    - (iii) Incentive system
    - (iv) Promotions and criteria - Seniority versus Merit
  - (i) Health and safety
  - (j) Transfers
  - (k) Selection of Staff
  - (l) Assessment of need
  - (m) Criteria for Selection
    - (i) Physical make up
    - (ii) Attainments
    - (iii) Experience

- (iv) Special training
  - (v) Education
  - (vi) Special aptitude
  - (vii) Personal interests(if relevant)
  - (viii) Disposition
  - (ix) Acceptability
  - (x) Self-Reliance
  - (xi) Circumstances
  - (xii) Family problems versus nature of the job/work
3. Employment Interview:
- (a) Rules governing interview
  - (b) Panel interviews
  - (c) Selection tests
  - (d) Group techniques interviews
4. Recruitment:
- (a) Recruitment strategy/strategies
  - (b) Identify alternative methods of meeting resource requirements
  - (c) Decide on what selection technique likely to deliver best recruits
  - (d) Number and where human resource available
  - (e) Establishing recruitment need
  - (f) Job description, specification and analysis
  - (g) Advertisements
  - (h) Short listing(if necessary)
5. Training:
- (a) Meaning
  - (b) Why training
  - (c) Training Policy – development of
  - (d) Establishing training needs
  - (e) Types of training:
    - (i) On job training
    - (ii) Out of job training
  - (f) Evaluation of training
6. Employee Performance Appraisal
- (a) Meaning
  - (b) Types of job performance appraisals
  - (c) Objectives (Why appraisal)
  - (d) Procedures (report forms)
  - (e) Difficulties
  - (f) Resultant purpose
  - (g) Criteria/content of the performance of report forms
  - (h) Pit falls of the continent

PART III  
FINANCIAL MANAGEMENT

1. Basic concepts of Finance or Introduction and overview of Financial Management:
- (a) Meaning of Finance
  - (b) Meaning of Financial Management
  - (c) Basic Financial Functions and Tasks
  - (d) Financial functions and control
    - (i) Profit planning
    - (ii) Profit forecasting

- (iii) Profit controlling
- (e) Investment
  - (i) Current assets
  - (ii) Fixed assets
- (f) Budget Concepts
  - (i) Definition and types of budgets
  - (ii) Reasons for budgeting
  - (iii) How master budget can be prepared
- 2. Accounting Aspects-
  - (a) The concept of Accounting:
    - (i) Definition of an account
    - (ii) Definition of public or government accounting
    - (iii) Definition of commercial accounting
  - (b) Objectives and goals of accounting:
    - (i) Public or Government accounting
    - (ii) Commercial accounting
    - (iii) Accounting in legal practice
  - (c) Different financial accounting and statements:
    - (i) Cash account
    - (ii) Bank account
    - (iii) Trial Balance
    - (iv) Profit and loss account
    - (v) Balance sheet
  - (d) Different documents and ledgers used in the following:
    - (i) Cash or cheques received, ERV etc
    - (ii) Effected payments e.g. Payment Voucher
    - (iii) Banking cash or cheque – pay or deposit slip
    - (iv) Vote book
    - (v) Counter foil
  - (e) Accountability and responsibility for:
    - (i) Collected cash i.e. Government Expenditure
    - (ii) Procedure for banking – cash or cheque
    - (iii) Relationship between cash book and bank statement
    - (iv) Bank reconciliation.
- 3. Auditing Concept:
  - (a) Meaning
  - (b) Why auditing
  - (c) Types:
    - (i) Internal auditing
    - (ii) External auditing
  - (d) Importance of Auditing concept
- 4. Integrated Financial Management:
  - (a) Its workability
  - (b) Meaning and objective
  - (c) The Public Finance Act 2001 and its regulations
- 5. The Meaning and Operation of VAT.
- 6. Government Purchases-
  - (a) Law governing purchases using government money or funds
  - (b) Purchasing power of different government officers and tender boards
- 7. Basics of accounting for lawyers-
  - (a) Book-keeping
  - (b) Profit and loss account



- (c) Balance sheet
- (d) Budgeting
- (e) Costing
- (f) Taxes
- (g) Cash flow management
- (h) Advocates' accounts
- (i) Trust account
- (j) Estate book.

PART IV  
RECORDS MANAGEMENT

RECORDS MANAGEMENT PRINCIPLES AND PRACTICES

- (a) Background to Records Management in Tanzania
- (b) Definition of Records Management
- (c) Life Cycle of Records
- (d) Components Involved in Records Management
- (e) Importance of Managing Records Effectively
- (f) Identification of Symptoms of Poor Records Management
- (g) Analysis of Business Impacts of Poor Records Management
- (h) Best Practices in Managing Records
- (i) Managing Current Records:
  - (i) Classification, Indexing and Functional Requirements
  - (ii) Creation of File Series and Keyword List
  - (iii) Creation of a New File
  - (iv) Recording and Control of File Movement and Tracking
  - (v) Dealing With Incoming and Outgoing Correspondence
  - (vi) Handling of Sensitive Documents
  - (vii) File Closure
- (j) Managing Semi-Current Records
  - (i) Decongestion or Removal of Closed Files from Active System
- (k) Records Storage System
- (l) Equipment, Furniture and Layout of Registries
- (m) Registry Organisation and Administration
- (n) Office Organisation
  - (i) Common Office Services
  - (ii) Common Defects in Registries
  - (iii) Allocation of Duties in Registries
  - (iv) Time Management in Registries
  - (v) Maintaining and Monitoring of the System
  - (vi) Flow of Communication
  - (vii) Customer Care
- (o) Glossary of Terms.

2. INTRODUCTION TO LEGAL RECORDS MANAGEMENT
  - (a) The Importance of Caring for Legal Records (Key Principles of Legal Records Care)
  - (b) Challenges in Managing Legal Records
  - (c) The Nature of Legal Records
  - (d) The Nature of Common Law System
  - (e) Key Legal Records Terminologies
3. MANAGING LEGAL RECORDS IN DIFFERENT CONTEXTS
  - (a) Managing Court Records
  - (b) Managing Office Records - public and private
4. AUTOMATION OF LEGAL RECORDS
  - (a) Electronic Records Perspectives
  - (b) Creation of Electronic Records Offline and Online
  - (c) Maintenance of Electronic Records
  - (d) Disposal of Electronic Records
  - (e) Areas for Computerizing Legal Records
  - (f) Legal Status of Electronic Records
  - (g) Authenticity – Security and User Authentication
  - (h) Admissibility in Evidence of Electronic Records

#### 12. LS 110 LEGAL AID AND HUMAN RIGHTS ADVOCACY

##### Instructional goals

To impart knowledge and skills necessary for candidates to address to contribute to the society by effectively participating in legal aid programmes and engaging in promotion and protection of human rights.

##### Learning objectives

At the conclusion of the course candidates should be able to demonstrate sufficient knowledge, skills and abilities in execution of legal aid programmes and advocating for human rights.

##### Course content

1. INTRODUCTION TO LEGAL AID
  - (a) Definition of Legal Aid
  - (b) Purpose of Legal Aid
  - (c) Legal Aid in the Context Equality Before the Law, Due Process and Rule of Law
2. DELIVERY MODELS FOR LEGAL AID
  - (a) "Judicare" Model
  - (b) "Community Legal Clinic" Model
3. LEGAL AID IN TANZANIA
  - (a) Legal Basis of Legal Aid
  - (b) Legal Aid Schemes in Tanzania
  - (c) The Role of the State in Legal Aid
  - (d) The Role of Advocates in Legal Aid

4. COMPARATIVE APPRAISAL OF LEGAL AID PROGRAMMES
  - (a) Legal Aid in the United States
  - (b) Legal Aid in England and Wales
  - (c) Legal Aid in Australia
  
5. HUMAN RIGHTS
  - (a) Nature of Human Rights
  - (b) Ideological Approach of Human Rights Law
  - (c) Development of Human Rights Law
  - (d) International Approach to Human Rights Law
  - (e) Regional Approach to Human Rights Law
  - (f) Human Rights on Specific Groups (Minority, Children, and Women)
  - (g) Human Rights Law in Tanzania
  - (h) Enforcement of Human Rights Law in Tanzania
  - (i) The Future of Human Rights in Tanzania

**13. LS 111 BASIC HEALTH AND SOCIAL SKILLS FOR LAWYERS**

**Instructional goals:**

- (a) To impart knowledge and skills to enable candidates to address issues relating to the behaviour patterns of individuals, problems unique to various groups, human interactions among themselves and institutions, and other issues which affect the social structure of the society.
- (b) To impart knowledge and skills on legal manipulation and deception practiced by individuals and identify ways for a legal practitioner to protect themselves from becoming victims of such manipulation and deception

**Learning objectives**

At the conclusion of the course candidates should be able to demonstrate sufficient knowledge, skills and abilities in social work, case management, personal health, hygiene environmental protection and sanitation.

**Course content**

**PART I  
SOCIAL WORK**

1. INTRODUCTION TO SOCIAL WORK
  - (a) Sociology of legal institution
  - (b) Social work – meaning
  - (c) Impact of the legal system on individuals and institutions
  - (d) Origin and Spread of Social Work:
    - (i) World wars
    - (ii) Industrial revolution.
  - (e) Importance of learning social work
    - (i) Social Work Assumptions:
    - (ii) Main Assumptions and their meaning.
  - (f) Social Work Methods:
    - (i) Social group work
    - (ii) Community development.
  - (g) Principles of social casework.
  - (h) Social Work in legal practice
  - (i) Human Behaviour

- (i) State of consciousness, perception and biological determinants of human behaviour;
  - (ii) Meaning of self-realization and state of consciousness;
  - (iii) The ego and super ego;
  - (iv) Factors determining person's perception;
  - (v) Environmental factors and their influence on human behaviour;
  - (vi) The family;
  - (vii) The society;
  - (viii) Peers influences;
  - (ix) Learning of human behaviour;
  - (x) Theories of learning;
  - (xi) Development of attitudes and prejudice;
  - (xii) Strategies for changing the learnt attitudes and prejudices;
  - (xiii) Role of lawyers in shaping acceptable behaviours in the society and limitations thereof.
- (j) Effects of attitudes and stereotype attitude.

PART II  
ESSENTIALS OF MEDICINE

- 1 Introduction of Essentials of Medicine for Lawyers.
- 2 Human Body:
  - (a) Structure – Anatomy
  - (b) Functions – Physiology
  - (c) Variations in structure and function
  - (d) Compromised function, Disease
- 3 Body Systems:
  - (a) Nervous System (CNS) – Brain and peripheral nerves
  - (b) Circulatory System (CVS) – The Heart and Blood Vessels
  - (c) Alimentary Canal (GIT) – upper and Lower GIT
  - (d) Respiratory System – Airways and the Lungs
  - (e) Renal System – Kidneys, Ureters and Bladder and urethra
  - (f) Skeleton and Muscles (MSS) Skeleton Musculoskeletal System
- 4 The Government Chemist Laboratory Agency:
  - (a) What is it?
  - (b) Functions of the Agency
  - (c) Nature of Samples and specimens
  - (d) DNA and DNA evidence
  - (e) The Impact of DNA evidence.
- 5 Pathology & Forensic Pathology:
  - (a) Pathologist
  - (b) Cell and inflammation
  - (c) Wounds, Cuts, Punctures, Burns, Scalds, Abrasions, Lacerations,
  - (d) Haematoma, Abscess, Bites, etc
  - (e) Clean/fresh and septic wounds
  - (f) Management of wounds, dressing, suture, etc.
  - \* (g) Fractures and Dislocations
- 6 Death:
  - (a) Signs of life
  - (b) Brain death
  - (c) Somatic death
  - (d) Post Mortem

- (e) Coroner
- (f) Euthanasia
- 7 Rape and Homosexuality:
  - (a) Approach to victims of rape and homosexuality
  - (b) Physical and Invasive examinations
  - (c) Obtaining samples and specimens
  - (d) Custody of samples and specimens
- 8 HIV/AIDS and STD's:
  - (a) Sexually Transmitted Diseases Gonorrhoea, Syphilis, Chylamidia, PID
  - (b) Other infections, tv, Candida, warts,
  - (c) HIV/AIDS, Disease and the Law
  - (d) Differences between HIV/AIDS and STD's
  - (e) Urethral smears and HVS
- 9 Poisoning:
  - (a) Circumstances prevalent in poisoning
  - (b) Types of Poisons
  - (c) Management and management outcome
  - (d) Relevant laboratory tests
  - (e) Drugs and Drugs Administration - side effects, Allergy, SJ, Anaphylactic shock, Contraindications
- 10 Blood and Blood Products:
  - (a) Composition of blood
  - (b) Blood groups and Rhesus typing
  - (c) Blood loss, and Shock
  - (d) Blood Transfusion indications
  - (e) Risks of blood transfusion, Hepatitis, HIV, Syphilis etc
- 11 Commonly Encountered Medical Specialities in Legal Practice  
Psychiatry:
  - (a) Psychiatry and Psychiatrist
  - (b) Antisocial behaviour – Personalities
  - (c) Psychopath
  - (d) Deception, Illusions, Hallucinations and Delusions
  - (e) Suicide and Suicidal tendency
  - (f) Drug Abuse, Narcotics, LSD's Alcohol
  - (g) Abnormal Sexual Behaviour
  - (h) Insanity, Medicine vis-à-vis lawObstetrics and Gynaecology:
  - (a) Introduction to Obstetrics and Gynaecology
  - (b) Female genitalia
  - (c) Hymen and Virginity
  - (d) Menarche, Menstruation and Menopause
  - (e) Pregnancy 1st, 2nd, 3rd trimester, Ectopic, Multiple pregnancies
  - (f) Labour, Spontaneous (SVD), or Assisted C/S, full term and premature Abortion and Foetal wastage, Criminal vs Therapeutic Abortion
  - (g) D&C – Indications
  - (h) Still Birth, Fresh, Macerated
  - (i) Primary and Secondary infertility
  - (j) Transsexual
  - (k) HermaphroditeOphthalmology – Diseases of the Eye:
  - (a) Ophthalmologist, and Opticians
  - (b) Parts of the eye

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- (c) Visual Acuity
  - (d) Short sight – Myopia
  - (e) Long sight – Hyper myopia
  - (f) Night Blindness
  - (g) Colour blindness
  - (h) Complications secondary to Diabetes and Hypertension
- 12 At Risks Diseases among the elite population with sedentary lifestyle, lawyers inclusive:
- (a) Overweight and Obesity
  - (b) Diabetes
  - (c) Hypertension
  - (d) Relevant measures
  - (e) A Diet
  - (f) Exercise
  - (g) Enough rest (sleep)
  - (h) Social behaviour to be discouraged
  - (i) Cigarette smoking
  - (j) Alcohol or Drug abuse
  - (k) Promiscuity

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SECOND SCHEDULE

*(Made under By-law 5(2))*

SUBJECT CATEGORIES AND UNITS ALLOCATED

CODE	SUBJECT	CATEGORY	UNITS
LS 100	Clinical Law	Core	5
LS 101	Advocacy Skills	Core	2
LS 102	Professional Conduct and Practice	Core	2
LS 103	Legal Drafting Skills and Techniques	Core	2
LS 104	Criminal Procedure and Practice	Core	2
LS 105	Civil Procedure and Practice	Core	2
LS 106	Practical Aspects of Commercial Law	Core	2
LS 107	Conveyancing	Core	2
LS 108	Probate, Administration of Estates and Trusts	Core	2
LS 109	Basic Leadership, Management and Accounting for Lawyers	Non Core	2
LS 110	Legal Aid and Human Rights Advocacy	Non Core	1
LS 111	Basic Health and Social Skills for Lawyers	Non Core	1
TOTAL UNITS			25

Dar es Salaam,  
03<sup>rd</sup> June, 2011

GEORGE M. MASAJU,  
*Chairman of the Board*

I APPROVE,

\* Dar es Salaam,  
08<sup>th</sup> June, 2011

CELINA O. KOMBANI,  
*Minister for Constitutional Affairs and Justice*