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SUBSIDIARY LEGISLATION

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THE LEGAL AID ACT
(CAP. 21)

CODE OF CONDUCT FOR LEGAL AID PROVIDERS, LAWYERS AND PARALEGALS,
2021

(Made Under Section 42 (2))

PREAMBLE

WHEREAS, the right of equality before the law as pronounced in international human rights instruments is guaranteed in the Constitution of the United Republic of Tanzania;

AND WHEREAS, the right to be heard and the right to defend oneself are constitutionally guaranteed in the United Republic of Tanzania;

AND WHEREAS, the provision of legal aid to indigent persons is of utmost importance in ensuring observance of the right to equality before the law and the right to be heard;

AND WHEREAS, it is desirable that the provision of legal aid should be regulated and coordinated with a view to maintain internationally

accepted standards of conduct which legal practitioners and persons performing legal functions must observe so as to protect the rights and interests of the aided person in a competent and non-discriminatory manner; and

NOW THEREFORE, the Code of Conduct for Legal Aid Providers and Paralegals provides thus:

CITATION

1. This Code shall be cited as the Code of Conduct for Legal Aid providers, Lawyers and Paralegals, 2021.

INTERPRETATION

2. In this code of Conduct, unless the context requires otherwise-

Cap 341 “advocate” has the meaning ascribed to it under the Advocates Act;

“indigent person” means a person whose means are insufficient to enable him to engage a private legal practitioner and includes other categories of persons where the interests of justice so require;

“lawyer” means any person who is a holder of a bachelor degree in laws or its equivalent and provides legal aid services under a legal and provider in accordance with the Act;

“legal aid services” include the provisions of legal education, and information, legal advice, assistance or legal representation to indigent persons;

“legal aid provider” means an institution registered as such in accordance to the provisions of the Act.

COMPETENCE

3. Every legal aid provider shall ensure that its advocate, lawyer or paralegal-

- (a) performs functions and discharge duties in a competent manner;
- (b) handle matters without undue delay, risk or unnecessary expenses to the Government or indigent person.
- (c) knows and understands procedures relevant to the areas of his work; and
- (d) is prompt, efficient and with practical approach.

DILIGENCE

4. Every lawyer or paralegal shall-

- (a) develop a practical approach and keep track of scheduling and deadlines;
- (b) be prompt and efficient in assisting a client;
- (c) respond to client inquiries;
- (d) regularly communicate with the supervising advocate; and
- (e) disclose to the client or court or administrative agency or advocate that he is a lawyer or a paralegal.

PROFESSIONAL INTEGRITY AND HONESTY

5. Every legal aid provider, lawyer or paralegal shall-

- (a) perform his functions and discharge duties with integrity and honesty;
- (b) be honest to clients, colleagues and the public;
- (c) have the foremost interest of the client at heart;
- (d) respect and comply with the laws of the land;

- (e) in social media, ensure that their commentaries conform to common standards of integrity and professionalism;
- (f) desist from any conduct capable of drawing an impression of being involved in corrupt conduct or practice;
- (g) knowingly permits any person or authority subject to legal aid services, influence, direct or offer any gift, bequest, loan or favor in relation to anything done or to be done or omitted to be done in connection with its or his duties relating to legal aid;
- (h) not allow outside interest to compromise or in any way jeopardize the integrity of the legal profession and at all times observe a standard of conduct that reflects credit on the legal profession and administration of justice generally;
- (i) carry out functions honestly, fairly, consistently, impartially, objectively and without fear, favor, bias or prejudice;
- (j) conduct itself or himself in such a way as to retain public confidence in their professional impartiality;
- (k) remain unaffected by individual or personal interests and public or media pressure; and
- (l) conduct itself or himself in a manner that promotes public confidence and the integrity of the legal profession.

CONFIDENTIALITY

6. Every Legal aid provider, lawyer or paralegal shall-
 - (a) hold in strict confidence all information concerning the business and affairs of the client or information that is acquired by virtue of their relationship with the client except where the disclosure is expressly or impliedly authorized by the client or the supervising

advocate or by the order of the court;

- (b) abstain from commenting about a pending or impending proceeding in any court in the Mainland Tanzania unless such comments relate to its or his official duties or are made for the purpose of explaining to the public or client the procedure of the court, provided that such comments are not prejudicial to the integrity of the client, judiciary, the other party or the administration of justice;

CONFLICT OF INTEREST

7. -(1) Every legal aid provider, lawyer or paralegal shall disqualify itself or himself from participating in any proceeding which it or he has conflict of interest such as, but not limited to-

- (a) proceedings in which it or he previously served as a legal aid provider, a lawyer or a paralegal for the adverse party;
- (b) proceedings in which it or he has been, is being or will be a witness;
- (c) proceedings in which it or he has interest or involves interest of its or his relations.

(2) Every legal aid provider, lawyer or paralegal shall disclose any information necessary to identify and resolve conflicts of interest, provided that such information shall not affect the legal aid provider – client privilege or prejudice the client.

ETHICS RULES APPLICABLE TO LEGAL AID PROVIDERS, LAWYERS AND PARALEGALS

8. Every legal aid provider, lawyer or paralegal shall-

- (a) at all times conduct itself or himself in a ethical manner that is not demeaning he legal profession;

- (b) refrain from broadcasting, televising, recording of or photographing in the court room and areas immediately adjacent thereto during court sessions or recesses in order to prevent the distortion or dramatization of the proceedings by such recording or reproduction; and
- (c) not advertise, coerce or solicit services by any means to a client.

RESPONSIBILITIES

9. A legal aid provider, lawyer or paralegal shall-

- (a) at all times uphold the rule of law, the integrity of the criminal justice system and the right to a fair trial;
- (b) at all times respect the fundamental right of all human persons to be held equal before the law, and abstain from any wrongful discrimination;
- (c) be aware, of and understand, diversity in society and differences arising from various sources, including but not limited to race, colour, sex, gender, religion, nation origin, disability, age, marital status and social and economic status and refrain from manifesting, by words or conduct, bias or prejudice based on such differences, except such as are legally relevant to an issue in proceedings and may be the subject of legitimate advocacy; and
- (d) give due attention to abuse of power, violations of human rights and other crimes recognized by international law.

DUTIES TO THE AIDED PERSON, THE REGISTRAR AND COURT

10. Every legal aid provider, lawyer and paralegal has a duty to-
- (a) encourage public respect for justice and to uphold and try to improve the administration of justice;
 - (b) treat the court with candor, courtesy and respect and shall not attempt to influence court decisions by use of deceptive or reprehensible methods;
 - (c) deal with other in the legal profession fairly, courteously and in good faith; and
 - (d) uphold the integrity and reputation of the legal profession by promoting principles of fairness, justice and honesty;
 - (e) act fairly and dispassionately while seeking justice by providing fair and credible evidence; and
 - (f) ensure that his client is not left unattended at any stage during the time in which he receives legal aid.

ATTIRE

11. Every paralegal shall dress in a manner befitting the legal profession.

BREACH OF THE CODE

12. A legal aid provider, lawyer or paralegal who breaches any rule of this Code commits misconduct and may be disciplined in accordance to the provisions of the Act.

Dodoma
26th August, 2021

PALAMAGAMBA J.A.M. KABUDI
*Minister for Constitutional and
Legal Affairs*