



ECRA
ATTORNEYS

LEGAL NEWS

13 December 2023



Parliament Passes Miscellaneous Amendments in Legal Sector

The Parliament of the United Republic of Tanzania has passed the Legal Sector Laws (Miscellaneous Amendments) Act, No. 11 of 2023 (the Act) which came into force on 1st December 2023. The Act amends a number of laws that have a bearing on the legal sector. The Act amends 22 different written laws that are relevant in the legal sector and administration of justice in general. For purposes of this Legal News, our focus is on the Advocates Act; the Appellate Jurisdiction Act; the Criminal Procedure Act; and the Economic and Organized Crimes Control Act only.

1. Amendments to the Advocates Act

The Advocates Act is amended in section 8(1)(a) by deleting subparagraph (i) and substituting for it with another paragraph that provides that a person may be admitted as an Advocate if he is a holder of a degree in law granted by an accredited university, or any other higher learning institution and has a post-graduate diploma in legal practice granted by the Law School of Tanzania. The impact of this amendment is to do away with the recognition of the University of East Africa, which is not in existence, but also to avoid a direct mention of the University of Dar es Salaam as currently there are many other universities offering law degrees.

Further, the Advocates Act is amended in section 41(2) by changing the punishment for persons found guilty of acting as Advocates while are unqualified. The amendment is focused on enhancing punishment to persons who, among others, represent clients in courts while they are not qualified advocates. Before the amendment, the punishment was a fine not exceeding two thousand shillings. After the amendment, the punishment is now a fine of not less than five hundred thousand shillings but should not exceed five million.

Furthermore, the Advocates Act is amended in section 42 to enhance the penalty for persons found guilty of representing themselves as advocates while they are not. Thus, from the date

For further information on legal updates please contact:
info@ecraattorneys.co.tz

About ECRA Attorneys

ECRA Attorneys is a modern and full-fledged law firm based in Dar es Salaam, Tanzania. It is comprised of qualified legal hulks with professional experience of more than a decade in a range of areas of their expertise.

ECRA Attorneys offers professional services in various areas of the law ranging from Taxation (both tax litigation and tax advisory); Corporate; Employment; Immigration; Intellectual property; Litigation, Arbitration and Regulatory; Engineering, Procurement and Construction (EPCs-related Services); Banking and Project Finance, Real Estate; Capital Market and Securities; Oil and Gas, Mining Law; Competition Law; Telecommunications and ICT Law; Payment Systems Law; Insurance Law and International Trade Law and Financing.

ECRA Attorneys Address

10th Floor-Left Wing, Mwanga Tower,
Komanya Street, Kijitonyama,
Dar es Salaam, Tanzania
T: +255 743 024 396 | +255 714 949 604
E: info@ecraattorneys.co.tz
W: www.ecraattorneys.co.tz

Disclaimer

This legal update's contents, along with any attachments, are private, confidential, and meant only for the use of the person or organization to which they are directed. They may also be privileged or otherwise protected from disclosure. If you are not the intended recipient, please notify the sender immediately and delete this message and any attachment from your system. Any views or opinions expressed in the message or its attachments are not necessarily those of ECRA ATTORNEYS.

©ECRA Attorneys 2023. All rights reserved





ECRA
ATTORNEYS

LEGAL NEWS

13 December 2023



of this amendment, such a person shall face a penalty of not less than five million shillings but not exceeding twenty million shillings or to imprisonment for a term of not less than one year but not exceeding three years or to both.

2. Amendments to the Appellate Jurisdiction Act

The Appellate Jurisdiction Act is amended by adding section 4A immediately after section 4, which provides that an application for review should not be entertained in respect of the decision of the Court of Appeal on any preliminary or interlocutory decision or order, unless such decision or order has the effect of finally determining the appeal, revision or reference. The effect of the amendment is to bar review applications to interlocutory matters. As such, the only exception is where the decision to be reviewed has the effect of finally determining the appeal, revision or reference.

3. Amendments to the Criminal Procedure Act

The Criminal Procedure Act (the CPA) is amended in section 2 by adding in its appropriate alphabetical order the definition of the “court” which means the High Court or as the case may be, a subordinate court. Now, the CPA Recognizes categorically the courts to which it applies. Thus, it is clearly provided that the CPA applies to the High Court and subordinate courts.

Further, the CPA is amended by adding section 4A immediately after section 4, which dictates that the overriding objective of the CPA is to facilitate the just, expeditious, proportionate and affordable determination of all matters governed by it. This amendment introduces in the CPA the overriding objective regarding its use. Therefore, the focus of the courts should be to seek for just, expeditious, proportionate and affordable determination of all matters governed by the CPA. This implies that technicalities in criminal proceedings should be avoided as much as practicable.

Furthermore, section 202(1) of the CPA is amended by deleting the words “order of the Attorney General” and substituting for them the words “the Director of Public Prosecutions.” The essence of this amendment is to remove from the Attorney General the power

For further information on legal updates please contact:
info@ecraattorneys.co.tz

About ECRA Attorneys

ECRA Attorneys is a modern and full-fledged law firm based in Dar es Salaam, Tanzania. It is comprised of qualified legal hulks with professional experience of more than a decade in a range of areas of their expertise.

ECRA Attorneys offers professional services in various areas of the law ranging from Taxation (both tax litigation and tax advisory); Corporate; Employment; Immigration; Intellectual property; Litigation, Arbitration and Regulatory; Engineering, Procurement and Construction (EPCs-related Services); Banking and Project Finance, Real Estate; Capital Market and Securities; Oil and Gas, Mining Law; Competition Law; Telecommunications and ICT Law; Payment Systems Law; Insurance Law and International Trade Law and Financing.

ECRA Attorneys Address

10th Floor-Left Wing, Mwanga Tower,
Komanya Street, Kijitonyama,
Dar es Salaam, Tanzania
T: +255 743 024 396 | +255 714 949 604
E: info@ecraattorneys.co.tz
W: www.ecraattorneys.co.tz

Disclaimer

This legal update's contents, along with any attachments, are private, confidential, and meant only for the use of the person or organization to which they are directed. They may also be privileged or otherwise protected from disclosure. If you are not the intended recipient, please notify the sender immediately and delete this message and any attachment from your system. Any views or opinions expressed in the message or its attachments are not necessarily those of ECRA ATTORNEYS.

©ECRA Attorneys 2023. All rights reserved





ECRA
ATTORNEYS

LEGAL NEWS

13 December 2023



to appoint an officer with mandate to prepare a photographic print or a photographic enlargement from exposed film together with any photographic prints, photographic enlargements and any other annexures referred to therein, and instead, such power is now vested on the Director of Public Prosecutions.

Moreover, the CPA is amended by adding section 205B immediately after section 205A. The new section provides that the Director of Public Prosecutions may, by notice in the Gazette, appoint from any Department of the Government, Local Government Authority or private practice a person to be an expert for the purpose photographic prints, fingerprint and handwriting expertise. The amendment, therefore, vests in the DPP power to appoint experts to deal with various matters such as finger prints, handwriting, etc. Thus, the evidence adduced by such experts may be accepted by the Court during proceedings.

4. Amendments to the Economic and Organized Crimes Control Act

The Economic and Organized Crimes Control Act is amended in section 29(4) by deleting the word “ten” appearing in paragraph (d) and substituting for it the words “three hundred.” This amendment is meant to increase the value of properties to be considered by the High Court in case of bail applications for cases concerning economic crimes. Thus, bail applications in respect of offences which involve properties whose value is below three hundred million shillings should be entertained by committal courts, and the High Court shall only have jurisdiction to entertain such cases whose value is three hundred million shillings and above. Before amendment the value in question was only ten million shillings.

Copy of this Legal News can be accessed by [clicking here](#)

Copy of the Legal Sector Laws (Miscellaneous Amendments) Act, No. 11 of 2023 can be accessed by [clicking here](#)

For further information on legal updates please contact:
info@ecraattorneys.co.tz

About ECRA Attorneys

ECRA Attorneys is a modern and full-fledged law firm based in Dar es Salaam, Tanzania. It is comprised of qualified legal hulks with professional experience of more than a decade in a range of areas of their expertise.

ECRA Attorneys offers professional services in various areas of the law ranging from Taxation (both tax litigation and tax advisory); Corporate; Employment; Immigration; Intellectual property; Litigation, Arbitration and Regulatory; Engineering, Procurement and Construction (EPCs-related Services); Banking and Project Finance, Real Estate; Capital Market and Securities; Oil and Gas, Mining Law; Competition Law; Telecommunications and ICT Law; Payment Systems Law; Insurance Law and International Trade Law and Financing.

ECRA Attorneys Address

10th Floor-Left Wing, Mwanga Tower,
Komanya Street, Kijitonyama,
Dar es Salaam, Tanzania
T: +255 743 024 396 | +255 714 949 604
E: info@ecraattorneys.co.tz
W: www.ecraattorneys.co.tz

Disclaimer

This legal update's contents, along with any attachments, are private, confidential, and meant only for the use of the person or organization to which they are directed. They may also be privileged or otherwise protected from disclosure. If you are not the intended recipient, please notify the sender immediately and delete this message and any attachment from your system. Any views or opinions expressed in the message or its attachments are not necessarily those of ECRA ATTORNEYS.

©ECRA Attorneys 2023. All rights reserved

