

Tanzania Arbitration Centre (Management and Operations)

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THE ARBITRATION ACT,
(CAP. 15)

REGULATIONS

(Made under section 95(2)(d))

THE TANZANIA ARBITRATION CENTRE (MANAGEMENT AND OPERATIONS)
REGULATIONS, 2021

ARRANGEMENT OF REGULATIONS

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THE TANZANIA ARBITRATION CENTRE (MANAGEMENT AND OPERATIONS)
REGULATIONS, 2021

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the Arbitration Centre (Management and Operations) Regulations, 2021.
- Interpretation 2. In these Regulations unless the context requires otherwise:
- Cap. 15 “Act” means the Arbitration Act;
“Board” means the Governing Board of the Centre;
“Centre” means the Tanzania Arbitration Centre Established under section 82 of the Act;
“Chairman” means the Chairman of the Board of the Centre;
“Search Panel” means the *ad hoc* committee constituted as such under regulation 5;
“senior representative” means an officer not below the rank of a Director.

PART II
MANAGEMENT AND OPERATIONS OF THE CENTRE

- Organizational Structure of Centre 3. The Centre shall be comprised of-
- (a) the Board of Directors;
 - (b) Secretariat; and
 - (c) Standing Committees.
- Board of Directors 4.-(1) The Board of Directors shall be the supreme body of the Centre.
(2) The Board of Directors shall consist of the

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Chairman and six other members appointed by the Minister as follows:

- (a) a Chairman who shall be recommended by the Search Panel from amongst retired Judges of the High Court or Court of Appeal;
- (b) one senior representative recommended by the Search Panel from association of arbitration institutions;
- (c) the doyen of the Public Bar Association;
- (d) the president of Tanganyika Law Society;
- (e) one senior representative nominated from the office of the Attorney General;
- (f) one senior representative nominated from the Ministry responsible for legal affairs; and
- (g) one senior representative recommended by the Search Panel from the Tanzania Chamber of Commerce and Industry.

(3) The Board may co-opt such number of persons to represent any interest as the Board may determine except that the co-opted member shall not have the right to vote.

Search Panel

5. The Chief Justice shall, upon request by the Minister, appoint a Search Panel which shall, on such terms as the Minister may determine, be an *ad hoc* committee of not more than three person appointed to recommend to the Minister the names of persons to be appointed pursuant to regulation 4(2)(a),(b) and (g).

Vice-Chairman

6. The members shall elect one amongst their number to be Vice-Chairman of Board, and any member elected as Vice-Chairman, may subject to his continuing to be a member, hold office for a term of three years from the date of his election.

Tenure of office

7.-(1) The members of the Board shall hold office for a term of three years and shall be eligible for reappointed for one further consecutive term.

(2) A member of the Board may at any time resign from his office by giving notice in writing addressed to the Minister, and from the date specified in the notice or, if no date is so specified, from the date of the receipt of the notice by the Minister, he shall cease to be a member.

(3) A member of the Board may be disqualified to

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serve as a member of the Board if he-

- (a) is no longer able to perform his duties due to physical or mental disability approved by an authorized medical doctor; or
- (b) is convicted of any criminal offence and sentenced to imprisonment for a term not less than six months; or
- (c) is absent from meetings of the Board for three consecutive times without justifiable reasons; or
- (d) jeopardizes the interests of the Centre; or
- (e) dies.

Meetings

8.-(1) The meetings of the Board shall be held upon notice issued by the Secretary-General.

(2) A Board meeting shall not be validly convened except in the presence of at least five of its members including the Chairman or the Vice-Chairman.

(3) Resolutions of the Board of Directors shall be adopted by a majority vote of the Members present and in case of an equality of votes, the Chairman shall have the deciding vote.

(4) The Board shall regulate its own proceedings.

Responsibilities of Board of Directors

9. The responsibilities of the Board of Directors shall be to-

- (a) approve the internal rules and regulations of the Centre;
- (b) advise the Minister on-
 - (i) the organisation and functioning of the arbitration system in Tanzania;
 - (ii) the requirements for arbitrators;
 - (iii) the procedure and requirements for registration of any document and the fees payable;
 - (iv) the procedure to calculate arbitration fees; and
 - (v) guidelines, models or specimens for the drawing up of arbitration clauses and agreements.
- (c) appoint members of the arbitration council and members of the advisory council;
- (d) follow up the implementation of the general and

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- specific policy guidelines issued by the Minister or the Centre;
- (e) oversee the administrative and financial affairs of the Centre;
 - (f) approve the action plan and the budget of the Centre;
 - (g) appoint the staff of the Secretariat;
 - (h) represent the Centre in all issues other than legal matters; and
 - (i) take all necessary steps conducive to attain the objectives of the Centre.
- Secretariat
- 10.-(1) The Secretariat of the Centre shall be comprised of-
- (a) the Secretary-General who shall be the Head of the Secretariat and accounting officer; and
 - (b) such other staff as the Board of Directors may determine.
- (2) The Board may establish such number of departments for smooth operation of the activities of the Secretariat.
- Functions of Secretary General
11. In the performance of his functions the Secretary-General shall-
- (a) be the Secretary of the Board;
 - (b) be the accounting officer of the Centre;
 - (c) keep the records of the Centre;
 - (d) represent the Centre in legal matters;
 - (e) prepare the action plan and the draft budget of the Centre; and
 - (f) to perform such other duties as may be assigned to him by the Board.
- Standing Committees
- 12.-(1) The Board may from time to time establish standing committees for better carrying out of its responsibilities.
- (2) Subject to subregulation (1), the standing committees established may include-
- (a) domestic arbitration committee which may be appointed on matters relating to domestic arbitration;
 - (b) international committee of arbitrators which

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may be appointed on matters relating to international and regional arbitration; and

- (c) advisory committee which may be responsible for advising the Centre on matters relating to the performance of the Centre and development of the arbitration and related systems.

(3) The committees established under this regulation shall be composed of persons who, in the opinion of the Board, are qualified to carry out duties and functions of arbitrators in a particular field of expertise.

(4) The Centre may at any time, if it deems it necessary, remove any person from the Committee.

(5) Notwithstanding subregulation (4), any member may, at any time, resign by tendering his resignation letter to the Secretary-General.

PART III
FINANCIAL PROVISIONS

Sources of funds

13.-(1) The funds of the Centre shall consist of-

- (a) fees and charges from users of the services of the Centre;
- (b) contributions from regional and international stakeholders;
- (c) allocation from government, where available; and
- (d) any other lawful source of funding.

(2) The funds and property of the Centre shall be used for the promotion of its objectives.

Books of account

14.-(1) The Centre shall keep proper books of accounts and records of its transactions.

(2) The Centre shall ensure that the money received is properly brought to designated account.

(3) All payments out of its money shall be correctly made and properly authorized.

(4) The annual accounts of the Centre shall be audited by an auditor appointed by the Board.

(5) The Board shall, within three months after the end of each financial year, submit the financial and property management report of the Centre to the auditor for auditing purposes.

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(6) The auditor to whom the financial and property management report of the Centre is submitted in accordance with the provisions of sub regulation (5) of this Regulation shall, within three months of submission of the report-

- (a) audit finance, property and performance of the Centre; and
- (b) transmit to the Board and the Secretary-General the audit report of the Centre.

Annual report

15.-(1) The Secretary-General shall, no later than six months after the end of each financial year, prepare an annual report in respect of that financial year.

(2) The report shall include-

- (a) the audited statement of finance and property;
- (b) activity and performance report of the Centre; and
- (c) any other information the Board may deem appropriate.

(3) The annual report shall be submitted to the Board which after its approval, submit to the Minister.

PART IV
MISCELLANEOUS PROVISIONS

Cooperation agreements

16. For the purposes of promoting international commercial arbitration and other forms of dispute resolution, the Centre may enter into cooperation agreements with arbitration Centres and associations in other countries or jurisdictions.

Headquarters and branches

17.-(1) The Headquarters of the Centre shall be in Arusha.

(2) The Centre may establish branches in regions and cities in and outside Tanzania.

Dodoma,
5th January, 2021

MWIGULU L. NCHEMBA
Minister for Constitutional and Legal Affairs