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**MESSAGE FROM THE DEAN OF FACULTY OF LAW TO LAW STUDENTS
FOR 2009/2010 ACADEMIC YEAR**

It gives me great pleasure and Honor to write this letter to LL.B students for 2009/2010 academic year for one main reason and that is none other than the fact that this is my last letter as Dean of the Faculty for my tenure in the office as a Dean comes to an end in June, 2010 and the Charter does not allow me to go beyond that. I also feel I have had much to do and now it is time for me come July, 2010 to serve the University in a different capacity as Lecturer, Researcher and Consultant which I feel I will be able to discharge more once I am relieved of the administrative duties.

Allow me at this juncture to extend my warm appreciation to students' leadership and the entire community of LL.B students for the support and understanding even when things did not seem to be going smooth on your part as you would have appreciated to be. Due to the mutual support and understanding that you have been able to demonstrate to the Faculty and in particular my leadership, we were able to lead others in initiating deadlines in various academic activities such as Assignments and also we led others to the current mode of face to face when we introduced face to face for teaching of research methodology which later on was scaled up to University level.

As you begin your University career with us, I would like to welcome you to the OUT and wish you well for the coming academic year and indeed, throughout the course of your studies with us.

“In choosing OUT you have made a great choice as you are joining a research led learning community with a distinguished reputation for top quality of teaching.”

You will be taught by inspiring lecturers, some of whom are international leaders in their fields of study. They will help you to achieve your full potential and I would encourage you to attend face to face sessions as will be planned by the University to ensure that you get the most out of your time with us.

At OUT being an Open and Distance Learning (ODL) Institution, you play an active part in your own learning. University life at all levels introduces you to a whole new way of studying. For the first time, you will be in control of your future and will need to develop independent learning skills including getting used to Electronic Learning Platforms (E-Learning platforms) and managing your own account in order to be able to access the Student Academic Records Information System (SARIS), print Examination Hall Tickets (EHTs) and access electronic journals online through the OUT website and Faculty website as well. This brings great freedom, but it also brings responsibility as you will be encouraged to work independently and manage your own study skills.

At OUT, we recognize that the ODL style of learning represents a big change from the teaching many of you have been used to the ordinary talk and chalk and we will be dedicated to offering plenty of support to help you make that transition to independent ODL learning. Our academic staff are highly regarded for their friendly, approachable style and are always ready to make time for you provided an advance appointment is made unless on emergency circumstances. You should feel free to approach them and ask for help when you need it.

I trust that for both of you, you are looking forward to the 2009/2010 academic year with excitement, vigor and dynamism.

It has always been a great pleasure to share with you at the beginning of every academic year all that OUT in particular the Faculty of Law has been involved in, as well as what is in store for the future.

A trail down the past academic year indicates a number of dynamic successes and milestone of events as we have witnessed innumerable events and inspiring achievements. The year started with an International Seminar on Telecommunication Policy and Regulation which was held in Morogoro and officiated by the Minister responsible for Information and Technology Hon. Peter Msola (MP) To show case the talent caring of the Faculty to its valued students the Faculty registered for the African Human Right Moot Court Competition which were held in Lagos Nigeria on August and the Faculty was able to send a team of two students a male and a female and one member of staff who accompanied the team. For us at the Faculty of Law this is a start off of exhibiting our skills and expertise in imparting practical legal skills to the lawyers in making and raising the immaculate potential of our valued students. The OUT was applauded by the Centre for Human Rights of the University of Pretoria who organized this event and we received excellent and unconditional support from them and we are very grateful to them for this as they helped us to raise the bar in the African continent. In midst of all the above action and excitement we received an immense support from The OUT Management of which I am very thankful for their moral and material support and they have always been the source of our success as we have definitely been assisted on a very grand scale and we will not always let them down when it comes to dynamism and magnifying the brand image of The Open University of Tanzania within the legal fraternity and beyond.

We still keep our promise to commitment to encourage you, our valued students and even the would be students to come to the Faculty of Law of The Open University of Tanzania to experience the splendid beauty of our beloved flexible learning environment and the warmth of our staffs.

The Open University of Tanzania being a Faculty of an Open and Distance Learning (ODL) institution has a global reach serving students all over the world across the oceans through modern open and distance learning methodologies. The content and delivery of the law as always will keep on being comprehensively reviewed so as to address the major challenges facing the legal profession as well as national, regional and global demands. This review will include measures such as adopting a more student centered

approach to teaching and examining, reducing relevance on traditional methods of “talk and chalk” and placing greater emphasis on problem solving through ICT facilities as well as focusing much on learning outcomes.

The Faculty will keep placing greater emphasis as it has always been doing of recent on skills, particularly intensive face to face which you will be told by the University Management will be once only but a little bit longer and with thorough preparations. The Faculty would like to kindly encourage you students to play your part in trying to make the face to face a great success since the exercise is two way traffic.

The faculty has reviewed the curriculum to ensure the modest spread of the electives and to take care of the socio – economic changes including but not limited to regional integration and the pre-requisite to join the Law School of Tanzania. The curriculum review is waiting the internal approval processes and the Tanzania Commission for Universities’ (TCU) approval will be sought once the internal approval process is done. Hence in the near future you will witness the introduction of new courses like ICT Law, International Criminal Law, International Diplomatic Law, Environmental Law, Competition Law, Securities Law, Social Security Law, Gender and Law, Healthy Law, Law of the Child and the like.

In additional to the above LL.B courses the Faculty has introduced a specialized masters program in LL.M (IT & T) whose first batch of more than 55 students will start their first and second module in September, 2009 at Arusha. More information on this will be accessed by visiting the Faculty website.

The Faculty is also working tirelessly to ensure that more specialize Masters programs are introduced and currently possibilities are being explored to start LL.M in Intellectual Property Law, LL.M in Arbitration in collaboration with foreign Universities such as Hong Kong University and the like and also the introduction of LL.M by coursework and Dissertation which is a departure from the original LL.M by thesis just to mention some.

The Faculty as envisaged last year has been able to keep on recruiting additional members of staff to support its regional centers. We have been able to recruit staff for Mwanza regional centre, Ruvuma regional centre, Mara regional centre, Kigoma regional centre, Mbeya regional centre, Kagera regional centre, Arusha regional centre. We have

also been able to recruit one of the Eminent Professor on full time basis. This is Professor Bart Rwezaura who joined us from Hong Kong University where he has worked for couple of years and this will thus make effective and efficient delivery of academic services in particular to our postgraduate students! You are kindly encouraged to make use of them in those centers where these academic staff are located.

The Faculty this academic year will keep more emphasis on Legal Aid and students will be encouraged to volunteer for both OUT Legal Aid Clinic at Headquarters as well as at regional centers. In the same vain we would like to encourage students to participate in the National Legal Aid Day whenever the event is conducted by The Tanganyika Law Society as the Faculty will coordinate all students who want to participate. Don't afford to miss this rare opportunity for you to rub shoulders with members of the noble profession while at the same time sharpening your skills.

You will also notice for the first time in history the Faculty has designed its own website which as law students we will encourage you to regularly visit for relevant information. The website will be a one stop center for relevant websites and links to most of the crucial organizations and institutions such as the Parliament of the United Republic of Tanzania, Tanganyika Law Society, East Africa Law Society, International Criminal Tribunal for Rwanda, High Court of Tanzania, Commercial Division of the High Court, International Criminal Court, East Africa Court of Justice, Commission for Human Right and Good Governance, Law Reform Commission of Tanzania just to mention some. You are urged to visit this website for you r own research purposes.

Let me express that we are also aware that our service levels impress many of you but also do not meet the expectations of others. While our standards are set taking into account quality control, you have a large role in guiding the expectations we must meet. Our promise is to act on what you want and need- this will not be compromised, it will be built on. However your compliments and complaints will be highly valued for the University is yours.

The faculty will keep on insisting on **CLOSED BOOK** examinations for **OPEN BOOK** examinations have proved to be the main source of cheating and difficulty to manage under the open and distance learning environment.

In addition to the above I would like to encourage all students to do the following:-

- Register in the Students' Academic Register Information System (SARIS) this will make you easily access results in the OUT website without necessarily coming to the Headquarters.
- Students who are in the final year of their studies are encourage to opt for those courses which are required at the law school while awaiting the approval of the new curriculum.
- Students desiring to attempt more optional courses should submit their request in advance at the Faculty and should indicate which courses they wish to be non credit and which ones they wish to be a credit subject for GPA purposes. This has caused problems in the past hence kindly heed to this advice without fail.
- Students should pursue one year after the other and should not attempt end of the year examinations without finishing coursework for this has been the main source of incomplete records and problems in terms of record keeping at the Faculty and we hope you will all heed to this to help us improve our service delivery to you our esteemed students.

Kindly play your part in order for us to improve our delivery and I strongly believe that OUT has an exciting and bright future ahead.

Outside the usual academic life there are plenty of opportunities for you as law students to get involved in University life. Our law students benefit from a university experience that is truly unique- as well as getting a first class education, you have access to a wealth of social, sporting and cultural events offered by OUT Arts and Cultural Troupe, Games and Sports, Beauty Pageant as well as to excellent sports grounds in various sports courts in various regional centers such as Dodoma.

1. Law students **should** consult their Regional Directors for

Course Outlines issued by The Open University of Tanzania. They should proceed to photocopy them. It is also very important for First Year Law Students to avail themselves with:

- ❖ The Penal Code, Cap 16,
- ❖ The Criminal Procedure Act, 1985.
- ❖ The Minimum Sentences Act, 1963
- ❖ The Economic and Organized Crimes Act, 1984.
- ❖ The Law of Evidence Act, 1967.
- ❖ The Sexual Offences (Special Provisions) Act, 1998.
- ❖ The Law of Contract Act, Cap 433.
- ❖ The Magistrates Courts Act, 1984.
- ❖ The Acts of the Union. 1984.
- ❖ The Judicature and Application of Laws Act, 1961.
- ❖ The Interpretations of Laws and General Clauses Act, 1972.
- ❖ The Civil Procedure Act, 1966.
- ❖ The Appellate Jurisdiction Act, 1979.
- ❖ The Customarily Law (Declaration) Act, 1963.

These and other important laws can be obtained from the Government Bookshop, the prices of which should be enquired for from the Office of the Regional Director.

1. Students are required to read **Law Reports**. The Tanzania Law Reports can be obtained from Mkuki and Nyota Publishers at the address below whereas the Eastern Africa Law Reports can be purchased from Law Africa. In the past few years Law Africa in association with the East Africa Law Society has published a series of books namely:
 - a) Constitutional Law Digest
 - b) The Tax Law Digest
 - c) Digest on Human Rights and Access to Justice

d) Jurisprudence on Regional and International Tribunals Digest
and much more. These publications can be purchased at any Law Africa branches in Dar Es Salaam, Kampala and Nairobi or at East Africa Law Society head office in Arusha.

Mkuki na Nyota Publishers
6 Muhonda Street, Mission Quarter,
Kariakoo,
P. O. Box 4246
DAR ES SALAAM

* Students can also make use of the libraries of National Organization for Legal Assistance who has been very generous to The Open University of Tanzania student's in accessing their Libraries located in the following regions as below indicated.

a) Dodoma Legal Aid Centre,
Mpwapwa Road, Makole Street
Plot No. 352-001, House No. 359
DODOMA
Tel: +255-26-322 960. Cell: +255-748 624 583

b) Iringa Legal Aid Centre,
Mkwawa Road, Mwembetogea Street,
Block No. 50,
P. O. Box 1886
Kihesa – **IRINGA**

c) Kigoma Legal Aid Centre
Meanga –Seremala,
P. O. Box 582,
KIGOMA
Tel: +255-748 433 478 / 0748 549 920

d) Mbeya Legal Aid Centre,
Forest Area, Mahakama Avenue,
Opp. High court
P. O. Box 6435,
MBEYA
Tel.: 25-25-2 344

Cell: +255-44 625 946 / 074 369 143
E-mail: Msheria Mbeyayahoo.couk.

- e) Mtwara Legal Aid Centre
TANU Road, Cashewnut Board of Tanzania Building,
1st Floor, Room No. 13,
P. O. Box 916
MTWARA
Tel: +255-23-2333 767

- f) Mwanza Legal Aid Centre
Plot No. 11, Block “J”
Nyamanoro Stree, Airport Road,
P. O. Box 6199,
MWANZA
Tel: +255-28 2560 297
Cell: +255 – 748 396 42

- g) Tabora Legal Aid Centre,
Sikonde Road, Kanyenye Area,
Plot No. 527, Block L,
P. O. Box 1903,
TABORA
Tel: +255-26 2665 234
Cell: +255-748 324 318

- h) Songea Legal Aid Centre,
Majengo Quarters (Mitumbani),
Plot No. 89, Block V, Majengo Street,
P. O. Box 1212,
SONGEA
Cell: +255-748 633 516 / 0744 486 989

Students are kindly encouraged to visit these Libraries wherever they are located.

2. Students can get also text books from **Dar Es Salaam Printers** located along Jamhuri. You are also advised to find various legal publications from National Bar Associations such as Tanganyika Law Society, Law Society of Kenya, Uganda Law Society, Zanzibar Law Society as well as Bar Associations of Rwanda and Burundi. Similarly Human Rights Commission of Tanzania, Legal and Human Rights Centre, International Criminal Tribunal for Rwanda (ICTR), International Criminal Court (ICC), Law Reform Commission of Tanzania. Most

of these publications are very useful as they tend to discuss current legal issues which under normal circumstances may not be found in textbooks and in some cases they are freely given.

3. Students are also very much encouraged to make use of websites for searching various materials which are free. It's important that students should know most useful search engines and wikis some of which will be provided for in the Faculty website.
6. Effective this academic year students will not be given assignments as it used to be in the previous years instead students will be given a Student Portfolio which will be assessed during the face to face sessions and I am sure this will have been adequately covered in the Deputy Vice Chancellor (Academic) speech as such I don't need to delve much at this juncture.
7. Any difficulties encountered in the course of study should be communicated to the Dean Faculty of Law. Problem areas should be submitted to the Faculty of Law either directly or through the Regional Directors but submissions should be done well in advance to enable the Faculty prepare the requisite materials in time to suffice your needs. Students should make use of the Heads of Academic Departments who have been appointed with effect from last academic year.
8. For students who are embarking on **OLW 303 Legal Research Methods** your attention is drawn to the Research Guide issues by the Faculty for the academic year 2009/2010 enclosed herewith.
9. It is important to stress that with effect from this academic year **ALL LL.B STUDENTS DOING RESEARCH PAER WILL BE REUIRED TO PRESENT THEIR RESEARCH PAPERS AS PART OF THE EXAMINATION SYSTEM.** The Faculty is making plans on how to make this effectively and efficiently work.

10. Students should make sure that the examinations requirements of registering for examinations so as to get the Electronic Hall Tickets or so are properly observed so as to make the process smooth and conducive for your learning. This process makes the University assist you to your expectation while at the same time solving the previously experienced problems such as delay in marking, loss of scripts, recording and release of results.

It must be stressed also that cheating in Research Papers shall attract equally severe punishment of Discontinuation upon proof as Research Papers are part and parcel of examinations. (Refer to the relevant Regulations of the Prospectus)

OLW 100 SERIES

1. OLW 101 I & III Constitutions and Legal Systems of East Africa.

All Manuals are in place.

- **OLW 101 II Constitutions and Legal Systems of East Africa: Constitutional Developments.** Students all LL.B students are advised to obtain copies of the Constitution of:
 - Tanzania: The Constitution of the United Republic of Tanzania 1977 (as Amended).
 - The Constitution of Zanzibar 1984 (as Amended).
 - The Constitution of the Republic of Uganda, 1995.
 - The Constitution of Kenya.
 - The Constitution of the Republic of Rwanda.
 - The Constitution of the Republic of Burundi.

Other relevant Materials in this area.

- Hood & Phillips, **Constitutional and Administrative Law** 7th Ed 1987
- Wade and Philips, **Constitutional and Administrative Law** Longman, 9th Edn.
- Mwabueze B. O. **Constitutions in the Emergent States of Africa** Longmans 1973.
- Mwabueze, BO; **Nigerians Presidential Constitution 1979 The Second**

- **Experiment I Constitutional Democracy** NY 1985 ch. 3.
- I. G. Shivji, **Tanzania: The Legal Foundations of the Union**, DUP 1990.
- Read: **Tanganyika: The Development of its Laws and Constitutions.**
- Moris / Read, **Uganda: The Development of its Laws and its Constitutions.**
- Chai / Mc Auslan, **Public Law and Political Change in Kenya.**
- R. Martin, **Personal Freedom and the Law in Tanzania.**

Law Journal Articles:

Warioba / Section “The Constitution of Tanzania: An Overview” in Vol. 11 – 14 **EARL** [1978 – 81] 35-72.

Read also The Open University Law Journal Volume 1 Number 1 July, 2007.

Cases*

- **State v DOSSO** [1958] 2 Park S. Court 180, PLD Supreme Court (Park) 533
- **Maton’s Case** [1966] EA 514 (HC. Ug)
- **Ladner Burke’ Case** [1969] AC 645
- **Lackanmi’s case** 20 Int. & Co. L. Q [1971]117
- **Khamisi Machano Case**

*Reported and unreported cases. To date we have cases reported in the High Court Digests, East Africa Law Reports and Tanzania Law Reports, other Law Reports from Commonwealth Countries.

Students should take note of the latest developments on Jurisdiction of courts in Tanzania and the coming in force of the High Court Land Division, High Court Commercial Division and High Court Labour Division. This goes along with the Commissions for Mediation and Arbitration.

2. OLW 102 Criminal Law and Procedure:

- (a) Statutes
 - The Penal Code, Cap 16.
 - The Criminal Procedure Act, 1985 (and Amendments).
 - The Judicature and Application of Laws Act, 1961.
 - The Law of Evidence Act, 1967.
 - The Sexual Offences (Misc. Provisions) Act, and other relevant statutes from the Commonwealth Countries (statutes in **pari material**)
- (b) Books
 - Smith and Hogan, **Criminal Law**, Sixth Edn. Butterworths, 1988.
 - Smith Hogan, **Criminal Law: Cases & Materials**, Butterworths, 1986.
 - Saidman R. **Criminal Law in Africa: A source book.**
 - **Halsbury’s Laws of England**

- **Archibald** 1994.
- (c) Law Reports.
- (d) Unreported Cases.
- (e) Journal Articles.

3. **OLW 103 LAW OF CONTRACT**

- All manuals are available. Together with those manuals students are advised to read the following:

- (a) Statutes:
 - The Law of Contract Ordinance, Cap 433
- (b) Books
 - G. H. Treitel, **The Law of Contract**, 5th Edn. London Stevens & Sons 1979.
 - J. C. Smith & J AC Thomas, **A Casebook Contract**, 7th Edn. Sweet & Maxwell 1982.
 - Smith & Thomas, **A Casebook on Contract** London Sweet & Maxwell 1987.
- (c) Law Reports
- (d) Journal Articles
- (e) 301 Law of Contract (Abuja)

4. **OLW 104 Legal Method**

All manuals are available. Together with manuals students are advised to read:-

- (a) Statutes:
 - The Judicature and Application of Laws Ordinance 1961 s.2 (2)
 - The Tanganyika Order in council 1920 Article 17
 - The Interpretation of Laws and General Clauses 1972 (Cap 1)
 - The Constitution (Consequential, Transitional and Temporary Provisions) Act 1984 ss 3 and 5.
 - The Fauna and Flora Conservation Laws.
- (b) Books
 - A list of all relevant books in this area is set out in the **Course Outline** and some are mentioned in the Manuals.
- (c) Law Reports – especially cases on Precedent, Statutory Interpretation, Negligence and Tort.
- (d) Journal Articles.

OLW 200 SERIES:

1. **OLW 201 Administrative Law:**

Except for manual obtained from Abuja: 209 Administrative Law and 210 Administrative Law, there are no manuals written by Tanzanians. Until Manuals are prepared by the Faculty which will take time students are advised to consider the following:-

- (a) Statutes.
 - Constitutions of the United Republic of Tanzania, Kenya and Uganda.
- (b) Books
As indicated in the Manuals and the Course outline.
- (c) Law Reports
- (d) Journal Articles in various National, Regional and International Journals.
- (e) Unreported cases (especially decisions by the following judges in Tanzania: Mwalusanya J. in **James F. Gwagilo v AG**, civil case no. 23 of 1993 (HC)

Mroso J in *M/S Africa Shoe String Safaris Ltd. v. Principles Secretary Ministry of Tourism Natural Resources and Environment and minister for Tourism, Natural Resources and Environment*, Misc. Application 207 of 1992 (HC Unreported).

Mwalusanya, J. in *Mwanza Restaurants and Catering Association v. Mwanza Municipal Council*, Misc. Civil Case No. 3 of 1987 (HC Unreported).

Students should consult recently decided cases by the High Court, Court of Appeal as well as the East Africa Court of Justice.

In addition to the above students should go through decisions of the Parliament as well as the Standing Orders of the Parliament.

2. **OLW 202 Law of Evidence**

The Faculty has developed three manuals in this subject and students are kindly advised to get them. Students will be supplied with the **Course Outline** too which will assist them in identifying the relevant materials to consult. Students are advised to obtain the following:

- (a) Statutes:
The Law of Evidence Act 1967

- (b) Books
 - Sarkar on **The Law of Evidence – Two Volumes**
 - Moris, **The Law of Evidence**
 - Cross **On Evidence** 6th Edn. London Butterworth 1985
 - Durand **Law of Evidence in East Africa**
 - Durand **Law of Evidence**
 - **II Unit 1 & 2 (Abuja)**
- (c) Law Reports (especially cases indicated in the Course Outline and unreported cases too)
- (d) Journal Articles.

Students should as well consult recently decided cases on electronically transmitted evidence and the recent amendments in the Evidence Act, 1967.

3. **OLW 203 Land Law**

Manuals in this area of the Law are being written.

This area of the Law is undergoing rapid changes. Two new Laws have been enacted by the Tanzania (Mainland) Parliament namely, the Land Act, 1999 and the Village Lands Act, 1999 and the attendant amendment. Students should get hold of various undecided cases that the High Court Land Division has decided as well as the Court of Appeal decisions on land matters.

Students are advised to obtain the following:-

- (a) Statutes
 - The Land Act, 1999
 - The Village Land Act, 1999
 - The 1948 Regulations
- (b) Policy Documents:
 - The Report of the Presidential Commission on Land matters
 - The Land Policy
 - The Water Policy
 - The Forest Policy
 - The Environment Policy
 - The Agricultural Policy
- (c) Proceeding in the Bunge
 - Hansard (especially during the debates out of which the new Laws have emerged)
- (d) Publications by **Hakiardhi** (Vijana Building along Morogoro Road)
- (e) Books
 - G. M. Fimbo, **Essays in Land Law: Tanzania**, DUP 1992
 - R. W. James, **Land Tenure and Policy in Tanzania**, EALB Nairobi 1971.

- James and Fimbo **Customary Land Law of Tanzania: A sourcebook**, EALB, Nairobi 1973.
- Meggarty's **Manual of the Law of Real Property**, 6th Edn. Steven & Sons London 1982.
- Riddal H. G., **An Introduction to Land Law** 3rd Butterworths London 1983.
- On Zanzibar, Land Law (see attached Document).

Cases:

- **Mwalimu Omari & Ahmed Banguo v Omari A. Bilali**, Civil Appeal No. 19 of 1996 (CA unreported).
- **Abdulally Alibhai Aziz v. Bhatia Brothers Ltd.**, Misc. Civil Appeal No. 1 of 1999 (CA unreported).

You are also advised to consult relevant laws that establish the District Land and Housing Tribunals.

4. **OLW 204 Law of Tort**

In this area of Study two manuals are already available and in use. We are waiting for the third manual. Fortunately again we have manuals from Abuja 303 Law of Torts which can also be issued to students.

The Author of the Manuals in Tanzania included in the manuals, the Course Outline covering all the Topics, that notwithstanding the faculty has available for student copies of the Course Outline.

Students are advised to obtain the following:-

(a) Statutes:

The Constitution of the United Republic of Tanzania 1977 (as Amended,); Interpretation of Laws and General Clauses, 1972. The Judicature and Application of Laws Ordinance, Cap 452, the Workers Compensation Ordinance; Occupiers Liability Act 1968 (No. 54 of 1968); The Law Reform (Fatal; Accidents and Miscellaneous Provisions) Ordinance 1955 (Cap 360).

(b) Books:

Hepple & Mathews, **Tort: Cases and Materials** 3rd Edn. London Butterworths 1985.

- Flaming on Law Torts. Winfield and Jolowicz
- I. H. Juma; **OLW 104 Law of Tort I & II**
- Journal Articles
- Law Reports (especially cases indicated in the Course Outline and those selected by the Faculty for distribution to students to inform them on the recent developments in the Law of Negligence and Tort):

- (i) **Department of Environment v Thomas Bates 7 Sons Ltd. (New Towns Commission, Third Party)** [1989] 1 ALL ER 1075 at 1088 (CA)
- (ii) **Carpro Industries Plc v Dickman & Oths.** [1989] 1 ALL ER 798 at 801 – 830 (AC)
- (iii) **Van Oppen v Clerk to the Bedford Charity Trustees,** [1989] 1 ALLER 273 at 275, 286 – 296 (CA).
- (iv) **Simaan Co. v Pilkington Glass (No. 2),** [1988] 1 ALLER 799 at 795 ff (CA).
- (v) **Al Saudi Banque v Clark Pixley,** [1989] 3 ALL ER 361 at 364 – 372 (ch.D)
- (vi) **Carpro Industries Plc Dickman & Oth.** [1990] 1 ALL ER at 571 – 608 (HL).
- (vii) **Davis v Rad Cliffe,** [1990] 2 ALL ER 536.
- (viii) **De Martel v Mertun & South Health Authority,** [1992] 3 ALL ER 820 at 822 – 832.
- (ix) **Burton v Islington Health Authority, de Martel v Martel v Merton & South Health Authority** [1992] 3 ALL ER 833 at 836 – 844 (CA).

OLW 300 SERIES:

It is noted that these series will be divided into two sets of courses:

1. Compulsory Courses namely: OLW 302 Civil Procedure; OLW 301 Jurisprudence; OLW 309 Public International Law, OLW 303 Research Methodology and Compulsory Research Paper. To these every student will be required to opt for on or more Courses from a list of Electives.

All in all LL.B Students to graduate the Courses to be covered are supposed to be:-

- (a) 4 Courses in OLW 100 series
- (b) 5 Courses in OLW 200 series
1 Course drawn from OLW 300 series as an elective
- (c) 5 Courses: Four Core Courses from OLW 300 series plus one elective from OLW 300 series.

2. **OLW 301 Jurisprudence**

- A course outline in this course of study will be provided.
- Manuals written by Dr. M. C. Mukoyogo should be consulted.
- A Basic Textbook in Jurisprudence with original Texts and Materials. Lloyd of Hempstead & Freeman, **Introduction to Jurisprudence** 5th Edn.
- W. Freedman, **Legal Theory**
- Di as, **Jurisprudence**

- Plato's **Republic**
- George Thomson, **First Philosophers**
- George Thomson, **Human Essence**
- George Thomson, **Theory of Knowledge**
- H. L. A. Hart. **The Concept of Law**
- Tumanov, **Contemporary Bourgeois Legal Thought**
- J. Austin, **the Province of Jurisprudence Determined**
- D.' Amato, **Jurisprudence**
- R. Dworking, **Taking Rights Seriously**
- R. D working, **Laws Empire**
- H. Kelson, **The General Theory of Law and the state**
- H. Kelsen, **Pure Theory of Law**
- K. Stone **the Province and Function of Law**
- W. Twining, **Karl Llewellyn and The Realist Movement**

OLW 303 Research Methodology & Compulsory Research Paper

A comprehensive research guide and a course outline will be issued in this course. What is required in this course is to acquire the basic skills for doing research and apply them by selecting topics in a given course of study i.e. Family Law, Environmental. Law, International Law etc and write a research report. Normally, such an endeavor will be supervised by experts in the area of study. Student will be guided by the Faculty in every stage of that research from Topic selection to proposal and later final research report. Students are **STRICTLY PROHIBITED** to start this subject if they have not finished OLW 100 and OLW 200 series.

OLW 304 Commercial Law

Basic reading Materials will be contained in the course Outlines: Commercial Law will cover the Law of Banking, the Law of Insurance, Negotiable Instruments or Sale of Goods. It is important to purchase all relevant Statutes for these courses. Students are encouraged to visit the Library of the Commercial Court in Dar Es Salaam, Arusha and Mwanza as well as read Commercial court judgments.

OLW 308 Family Law

Basic reading materials will be contained in the Course Outline. You are advised to obtain copies of the Law of Marriage Act 1971 and the Matrimonial Proceedings Rules made thereunder. Students should also consult the Adoption Act as well as the Affiliation Act. It is equally important to keep an ear open with current development on the Bill on Children's Act, 2009.

Bromleys Family Law should be treated as a basic Textbook. But in order to understand the present set up of families of the word read: F. Engels, **The Origin of the Family Private Property and the state.**

Emerging issues like same sex marriages should as well be considered. Don't forget to make use of the Law reports.

A manual on this course is being prepared and students will be informed of the development in due course.

Students need to note that this is one of the courses required at the law school as such while the curriculum review is underway we strongly advise those wishing to join law school in 2009/2010 then they should consider opting for it.

OLW 309 Public International Law

This subject is offered as compulsory one since 2003. Basic readings will be contained in the course outline. Students are advised to obtain for themselves International Legal Documents from the offices of the United Nations, Treaties, Protocol, the Tertiary the United Nations etc. On the influence of International Law principles to Municipal Law especially in the area of Human Rights in Tanzania read writings by Prof. I. G. Shivji, Prof. G. M. Peter, Dr. Koti Kamanga, Justice J. Mwalusanya and the Commonwealth Law Bulletin.

Students may visit the United Nations Information Centre wherever is located as it is free of charge to use their libraries. In Dar Es Salaam this is located within UNDP Offices along Mafinga Street where it was the former US Embassy.

Students should also visit the UNICTR website at www.itrc.org or www.icty.org and the "icc.org"

OLW 310 Islamic Law

This course will be offered for the sixth year now as an elective and students are asked to consult the course outline for the relevant reading materials and additional guidelines issued by the Course coordinator. It is important for students to read the Quran and Hadith as will be advised by the course coordinator.

OLW 311 Labour Law

Basic reading materials are contained in the Course Outline to be provided.

Students are advised to obtain writings in the area by Prof. I. G. Shivji, Prof. Mihyo, Dr. W. L. Kapinga and the late Hamid Nassoro.

Do not forget to read the current judgments delivered by the courts in particular in relation to the developments in Law in Tanzania.

Take note also that there are new pieces of labour legislation that have been enacted to repeal and replace the following legislation:

- The Employment Ordinance cap. 366
- The Security of Employment Act, 1964
- The regulation of Wages and Terms of Employment Ordinance (Cap.300)
- Wages and Salaries (General Revision) Act, 1974
- The Trade union Act, 1998
- The Severance Allowances Act, (cap.487)
- The Industrial Court of Tanzania Act, 1967

New pieces of legislation are:

- The Employment and Labour Relations Act, 2004
- The Labour Institutions Act, 2004

Main features of these laws will be provided to you by the Course coordinator.

Students need to note that this is one of the courses required at the law school as such while the curriculum review is underway we strongly advise those wishing to join law school in 2009/2010 then they should consider opting for it.

OLW 313 Public Enterprises & Cooperatives

Will be offered as an **optional subject** and the subject teacher will provide the necessary guidance. However students have to take note of the course outline which covers Public Enterprises, Company Law and Cooperatives.

Basic statutes include

- Public Enterprises (Amendment) Act, 1993.
- Cooperatives Act as recently enacted.
- Companies Act 2002 Cap 212 and regulations made thereunder.

Note that the old Companies Ordinance (Cap.212) had already been repealed.

There is a range of interesting authorities from the High Court Commercial Division.

OLW 316 Intellectual Property Law

This course will be offered as an optional subject and students are encouraged to locate the relevant materials as detailed in the course outline and much more. It is important also to search the website for WIPO, ARIPO and WTO as well as consult Journals in particular the World Intellectual Property Journal.

Kindly read The Tanzania Lawyer Journal, The Open University Law Journal and various articles by Paul Kihwelo which you can easily search them in google search engine for those who have access to internet.

In addition to that you are advised to find recent decisions by the Commercial Court of Tanzania and the developments going on such as the famous ZE COMMEDY Case ongoing on copyright and other related cases at international level.

The University will very soon print the Manual for Part ONE of this course soon,

OLW 315 TAX LAW

This course will be offered for the third time this year as an option and students are advised to consult the course outline, relevant textbooks, Law reports and decisions of the Tax Appeals Board and Tax Appeals Tribunal as well as the High Court, Court of Appeal and Law Reports.

Statutes

- Value Added Tax Act, 1997
- Income Tax Act, 2004

Similarly students should read Journals of the Institute of Finance Management and the like.

You may now reach the Faculty directly through the following contacts.

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Good Lucky.

Signed

[Paul F. Kihwelo]

DEAN, FACULTY OF LAW

C.C. Vice Chancellor – for noting.

C.C. Deputy Vice Chancellor (Academic) - for noting.

C.C. Deputy Vice Chancellor (Resources Management)- for noting.

C.C. Deputy Vice Chancellor (Regional Services) - for distribution to regional centers.