Date:…….

The Company Secretary,
…….
P.O. Box…….
DAR ES SALAAM

Dear Sir/Madam

RE: LEGAL OPINION CHALLENGING THE MINISTER OF…….. DECISION ON THE MATTER OF…….. AND…….

1.0 INTRODUCTION:

Your letter dated ……..with Ref. No……. refers. Please find herewith our advice on the above matter. After having duly considered the facts and law, here is the Legal Avenue available.

2.0 LEGAL ISSUES: (Framed from the letter of instructions)

2.1 Whether the Minister has mandate of ……, under the ……Act.

2.2 Whether Minister's……is time barred and therefore illegal

3.0 THE LAW:

3.1 **Issue No. 1:**

Functions and powers of the Minister are clearly provided for under **Section xx of the ……Act**. Having studied the Section, there is no section that provides the Minister may ……... The Section further explains that, after the matter had been referred to the Minister, the Minister shall, as soon as practicable "***give the decision thereon***", this phrase shows that the Minister has wide powers in giving decisions but the Section does not directly state that the Minister may ……. The Section goes further to state that, in performing his functions, given under **S. xx**, the Minister may exercise the powers conferred on a Board, which are provided under **Sections bb and vv of the Act**. The Board, in exercising its powers, may …… the powers which the Minister also has, if the matter has been referred

to the Minister for reference. If the phrase "***give decision thereon***" should be taken to mean agree or disagree with the Board's decision. There is a room for us to take the matter before a Court to seek its direction on whether or not the Section provides this avenue that the Minister has taken.

3.2 **Issue No. 2**:

The matter referred by the Minister of ……is time bared, hence contravene the provisions of **S. xx and S. hhh of the ……Act**, which provide that any matter referred to the ……..or Minister shall be exercised within ……..days.

4.0 OPINION/CONCLUSION:

The law (……..**Act**) does not state that the Minister may ……., so the available solution is to seek leave to apply for prerogative orders to quash the decision of the Minister of …….

We hereby opine and advise.

Respectfully,

……
EDB and KDD Advocates