



THE UNITED REPUBLIC OF TANZANIA CAPITAL MARKETS TRIBUNAL



Tribunal Profile

Name: Capital Markets Tribunal

Location: Dar es Salaam, United Republic of Tanzania

Established: as an independent Tribunal by virtue of Section 136A of the Capital Markets and Securities Act, Cap. 79.

Mandate: According to Section 136D of the Capital Markets and Securities Act, Cap. 79, the Tribunal shall have powers to adjudicate on matters related to: -.

- (a) the interpretation of any enactment or regulations to which the Act applies;
- (b) disputes between the Authority and any stock exchanges;
- (c) disputes between the Authority and any market intermediaries;
- (d) disputes between market intermediaries and their clients;
- (e) disputes between listed companies and regulators or the securities exchange;
- (f) refusal by the Authority to grant a licence;
- (g) imposition by the Authority of limitations or restrictions on a licence;
- (h) suspension or revocation of a licence by the Authority;
- (i) refusal to admit securities in a stock exchange;
- (j) suspension of trading of a security on a stock exchange;
- (k) removal of a security from the official list of a stock exchange; and

(1) any other dispute arising in the course of discharge of the functions of the Authority under the Act.

The primary objective being to ensure fairness, transparency, and investor protection in the financial markets.

Composition:

The tribunal composition is guided under Section 136B of the Capital Markets and Securities Act, Cap. 79.

1. Chairman: A Judge of the High Court appointed by the President of the United Republic of Tanzania after consultation with the Chief Justice.
2. Members: Four members who have knowledge and experience on the capital markets, one whom shall be a lawyer. These members shall be appointed by the Minister of Finance.

Administration and Proceedings:

The administrative functions of the Tribunal, together with other functions as directed by the Chairperson of the Tribunal shall be performed by the Secretariat of the Tribunal, headed by the Registrar, who is appointed by the Minister of Finance.

The powers and procedures of the Tribunal shall be governed by Capital Markets Tribunal Rules which are established by virtue of Section 136J for the purposes of regulating the Tribunal proceedings.

Functions and Responsibilities:

1. Resolving Disputes: The Tribunal as an independent appellate institution, hears and resolves disputes between market participants, investors, and regulatory bodies in matters related to all matters in the capital markets.

2. **Enforcement of Regulations:** The Tribunal as an independent appellate institution, plays a crucial role in enforcing securities regulations by imposing penalties on individuals or entities found guilty of breaching market rules through adjudication processes and ruling. As the Tribunal has all mandates of the High Court in performing and executing its functions.

3. **Reviewing Regulatory Decisions:** It has the authority to review decisions made by regulatory bodies in the capital markets to ensure they are in compliance with the law and do not violate the rights of market participants.

4. **Providing Guidance:** The Tribunal offers guidance and interpretation of laws and regulations pertaining to capital markets to promote clarity and compliance among market participants.

Independence and Transparency:

The Tribunal is established as an independent Tribunal with all civil mandates of the High Court in performing and executing its functions headed by a chairman who is a Judge of the High Court appointed by the President of the United Republic of Tanzania.

The Tribunal is funded independently from the Consolidated Funding managed by the Central Government of United Republic of Tanzania to maintain its autonomy and prevent conflicts of interest.

All decisions of the Tribunal are based on legal principles, evidence, and precedents, ensuring fairness and impartiality.

Impact:

The existence of an independent quasi judiciary Capital Markets Tribunal in Tanzania is expected to enhance investor confidence, promote transparency in the financial markets, and contribute to overall stability and development of the country's economy. By ensuring a more fair and level

playing field for all market participants, the Tribunal is expected to play a crucial role in attracting investment and fostering economic growth in the region.