

THE UNITED REPUBLIC OF TANZANIA

ACT SUPPLEMENT

No. 9

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THE PUBLIC SERVICE (AMENDMENT) ACT, 2007

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THE UNITED REPUBLIC OF TANZANIA



No. 18 OF 2007

I ASSENT,

JAKAYA M. KIKWETE,

*President*24th January, 2008**An Act to amend the Public Service Act.**

ENACTED by Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Public Service (Amendment) Act, 2007 and shall be read as one with the Public Service Act hereinafter referred to as the "principal Act".

Short
title and
construc-
tion

PART II

Cap. 298

AMENDMENT OF THE PUBLIC SERVICE ACT

2. The principal Act is amended in section 5 by—
- (a) deleting paragraph (b),
 - (b) renaming the existing paragraph (c) and (d), as (b) and (c).
3. The principal Act is amended in section 6 by—
- (a) deleting paragraph (a) of sub-section (1) and substituting for it the following:
 - “(a) pursue—
 - (i) results oriented management; and
 - (ii) Open Performance Appraisal System;”
 - (b) repealing sub-section (3) and replacing it with the

Amend-
ment of
section 5Amend-
ment of
section 6

following provisions:

“(3) Every head of department or division shall be the disciplinary authority in respect of employees in the operational service under his department or division.

(c) adding a new section 6A as follows—

“Promo-
tion and
filling of
vacant
posts

6A.—(1) Where a vacant post occurs in the Service, such post shall be filled by a suitable employee in the public services and in the absence of such employee, consideration shall be given to a suitable person outside the Service.

(2) Without prejudice to subsection (1), for purposes of filling any vacant post in respect of entry point of any scheme of service, the post shall be advertised and interview be conducted to suitable candidate, unless the Chief Secretary direct otherwise.

(3) Every promotion in the Service shall be made by considering—

- (a) performance and efficiency to perform and execute the duties by an employee;
- (b) career development and succession plan;
- (c) seniority amongst the employees; and
- (d) the scheme of service.”

Amend-
ment of
section 7

4. The principal Act is amended in subsection (3) of section 7 by deleting item (vi).

Amend-
ment of
section 8

5. The principal Act is amended in section 8 by—

(a) deleting paragraph (1) of subsection (3) and substituting for the following:

“(f) facilitate labour mobility of employees among employers through transfers where—
(i) a need arise for; or
(ii) it is for public interest so to do.

and that consultations with the relevant employers are made:

(g) issue various circulars in respect of any matter under this Act.”

(b) adding the following provisions:

“(4) Consultation referred to in paragraph (f) of subsection (3) shall not be construed to as entitling an employer to refuse the transfer.

(5) Notwithstanding any provision of this section, every public servant shall be required to accept and assume duties at any place where he has been posted by the employer.”

6. The principal Act is amended in subsection (3) of section 9 by—

Amend-
ment of
section 9

- (a) deleting item (v); and
- (b) renumbering items “(vi)” and “(vii)”, as (v) and (vi).

7. The principal Act is amended in subsection (1) of section 10—

Amend-
ment of
section
10

- (a) by deleting paragraphs “(c)” and “(d)” and substituting for them the following:
“(c) issue guidelines and monitor compliance in the Service”;
- (b) by renaming paragraphs “(e)”, “(f)”, “(g)”, “(h)”, “(i)”, “(j)” and “(k)” as paragraphs (c), (d), (e), (f), (g), (h), and (i) respectively.

8. The principal Act is amended by repealing section 12 and replacing with the following:

Amend-
ment of
section
12

“Remu-
neration
of
members
12. The members shall be paid such allowances and other benefits out of funds appropriated by Parliament in that behalf as may be determined by the Chief Secretary”.

9. The principal Act is amended in subsection (1) of section 15 by—

Amend-
ment of
section
15

- (a) deleting paragraphs (d); and
- (b) renaming paragraph “(e)” as (d);

10. The principal Act is amended in section 25 by deleting paragraph “(c)”, and renaming paragraph “(d)” and “(e)” as (c) and (d), respectively.

Amend-
ment of
section
25

Addition
of section
29

11. The principal Act is amended by—

- (a) inserting a new section 29 immediately after the heading “SPECIAL PROVISIONS” as follows—

“Establishment
and
functions
of the
Secretariat

29. — (1) There shall be established by the Minister a Secretariat to be known as the Public Service Recruitment Secretariat which shall be composed of—

- (a) a Chairman who shall be appointed by the President;
- (b) such number of persons not less than five and not more than seven who shall be amongst public servants appointed by the Minister.

(2) The members shall elect a Vice-Chairman from amongst their number.

(3) There shall be a Secretary of the Secretariat to be appointed by the Minister.

(4) The Secretariat shall be responsible for facilitating recruitment of employees to the Service.

(5) For purposes of subsection (4), the Secretariat shall have representatives in every regional headquarter.

(6) In relation to subsection (4), the function of the Secretariat shall be to—

- (a) search for various professionals with special skills and prepare a database of such professionals for ease of recruitment;
- (b) register graduates and professionals for purposes of ease of reference and recruitment;
- (c) advertise vacant posts occurring in the Service;
- (d) engage appropriate experts for purposes of conducting interviews;
- (e) advise employers on various matters relating to recruitment; and
- (f) do any other act or thing which may be or directed by the Minister.

(7) The Secretariat shall make procedures for conduct of its business.

(b) designating the existing sections "29" to "36" as sections 30 to 37, respectively.

12. The principal Act is amended in section 31 as designated—

Amend-
ment of
section
31

(a) by designating the contents of section 31 as section "31 (1)";

(b) by adding immediately after subsection (1) the following:

"(2) Without prejudice to subsection (1), public servants referred to under this section shall also be governed by the provisions of this Act."

13. The principal Act is amended in subsection (2) of section 35 as designated by inserting paragraph "(f)" immediately after paragraph (e) as follows:

Amend-
ment of
section
35

"(f) prescribed manners and conditions of labour mobility within the Service."

14. The principal Act is amended by adding immediately after section 35 as designated the follows provisions:

Addition
of section
35A

"Minister
may
issue
guide-
lines
codes of
good
practice,
etc.

35A.—(1) The Minister may, for purposes of providing guidance to public servants, issue guidelines and codes of good practice.

(2) Guidelines and codes of good practice made under subsection (1) shall be published in the *Gazette*.

(3) Any person interpreting or applying this Act shall be required to observe and take into account guidelines and codes of good practice and a public servant departing away from the guidelines or codes of good practice shall be required to provide the grounds as to why the departure was necessary"

Passed in the National Assembly on the 30th October, 2007..

DAMIAN S. L. FOKA,
Clerk of the National Assembly