

CHAPTER 115

THE NATIONAL ASSEMBLY (ADMINISTRATION) ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

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CHAPTER 115

THE NATIONAL ASSEMBLY (ADMINISTRATION) ACT

An Act to make better provisions for support services to be rendered to the National Assembly by a Parliamentary Service; to reconstitute the Parliamentary Commission; to provide for budgetary mechanism for providing funding requirements for parliamentary purposes; to repeal the Parliamentary Services Commission Act, No. 14 of 1997 and to provide for related and consequential matters.

[1st January, 2009]

[GN. No. 412 of 2008]

Acts Nos.
14 of 2008
11 of 2015
2 of 2016
6 of 2020
5 of 2021

PART I

PRELIMINARY PROVISIONS

- Short title **1.**–(1) This Act may be cited as the National Assembly (Administration) Act.
(2) Omitted.
- Application **2.** This Act shall apply to Mainland Tanzania as well as to Tanzania Zanzibar in respect of matters relating to and connected to the Service of Parliament of the United Republic.
- Interpretation **3.** In this Act, unless the context otherwise requires–
“Chairman” means the Chairman, the Vice-chairman or any other member when discharging the functions of the Chairman;
“Clerk” means the Clerk of the National Assembly appointed in accordance with the provisions of Article 87 of the Constitution;

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“Commission” means the Parliamentary Service Commission referred to under section 12 and the term “Commissioner” shall be construed accordingly;

“Constitution” means the Constitution of the United Republic of Tanzania;

“Committee” means a Parliamentary Committee or such other Committee established under this Act;

“Deputy Speaker” means the Deputy Speaker of the National Assembly elected pursuant to the provisions of Article 85 of the Constitution;

“employee” means a person, employed in the Service, whether in the Executive Grade, officer grade or operational service grade and whether on permanent, temporary, or probation terms, but does not include a wage worker;

“executive grade” means the cadre of officers in the Service who occupy leadership or superlative posts;

“Leader of Official Opposition” means a person who is the Leader of the Official Opposition in the National Assembly elected in accordance with the Standing Orders of the National Assembly;

“Leader of Government Business” means the Prime Minister as provided for in the Standing Orders of the National Assembly;

“Member” means a Member of Parliament of the United Republic, and when used in relation to a Committee, means a member of the Committee and includes Chairman of such Committee;

“Minister” means the Minister responsible for Parliamentary affairs;

“National Assembly Fund” means a Fund established under section 32;

“officer grade” means the lowest entry grade in the Service for a holder of a degree or equivalent qualification from a recognised university or any other higher learning institution;

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“operational service grade” means the cadre of supporting staff in the Service not employed in the executive or officer grade or category but does not include a person who is employed in the Service on temporary basis or as a wage worker;

“parliamentary employee” means a person engaged or employed in the Service under the provisions of this Act;

“Parliamentary Scheme of Service” means a career development path made under the provisions of section 11;

“Standing Orders” means Standing Orders of the National Assembly made in accordance with the provisions of Article 89 of the Constitution;

“Secretariat” means Secretariat of the National Assembly constituted pursuant to Article 88 of the Constitution;

“Service” means the Parliamentary Service referred to in section 4;

“Speaker” means the Speaker of the National Assembly constituted pursuant to the provisions of Article 84 of the Constitution;

“support services” means the services, functions, duties and responsibilities performed by the Service pursuant to article 88 (3) of the Constitution; and

“transfer” means posting or stationing of a parliamentary employee from one duty station to another.

PART II

PARLIAMENTARY SERVICE

Parliamentary
Service

4.-(1) There shall, for the purposes of Parliament, continue to be a Parliamentary Service.

(2) The Service shall consist of all employees appointed in the executive grade, officer grade and the operational service grade.

Cap. 2 (3) Subject to Article 87 and 88 of the Constitution, employees of the Service in the performance of their functions, shall not receive directions from any source external to the Service.

Departments
of Service
Act No.
6 of 2020 s. 45

5.-(1) There shall upon approval by the President, be established by the Commission for the purposes of the Service such number of Departments, Sections or Units as may be necessary for effective performance of the functions and rendering of support services to the National Assembly.

(2) The Commission may, upon approval by the President, and where the circumstances require-

- (a) increase or reduce the number of Departments, Sections and Units; and
- (b) allocate functions to such Departments, Sections and Units of the Service.

Functions of
Service

6.-(1) The functions of the Service shall be to provide legislative and administrative support services to the National Assembly, Parliamentary committees and to Members of Parliament.

(2) Without prejudice to the generality of subsection (1), the Service shall-

- (a) provide legal advice and other legal support services for the efficient and effective discharge of the constitutional functions of the National Assembly;
- (b) provide sufficient clerical services to enable the National Assembly and Parliamentary committees to operate effectively and efficiently;
- (c) provide appropriate and timely advice on parliamentary procedures and the proper functioning of National Assembly;
- (d) keep, organise, maintain and record proceedings of the National Assembly and Parliamentary committees in an accurate and efficient manner;
- (e) provide adequate library and research services and facilities to Members of Parliament, public officers

facilitating parliamentary business and employees of the Service;

- (f) administer, in accordance with the relevant laws, rules and regulations governing granting entitlements to Members of Parliament, parliamentary employees and payment of funds to persons who provides services to the National Assembly; and
- (g) perform such other function as may be necessary for effective performance of functions and the exercise of powers of the National Assembly or as may be directed by the Commission.

Clerk of National
Assembly
Act. No.
6 of 2020 s. 46
Cap. 2

7.-(1) There shall be a Clerk of the National Assembly to be appointed by the President pursuant to Article 87 of the Constitution.

(2) The Clerk shall be the Chief Executive Officer and Accounting Officer of the Service.

Functions
of Clerk

8.-(1) The Clerk shall be responsible for the efficient discharge of the business of Parliament in conformity with the provisions of the Constitution and other relevant laws.

(2) Without prejudice to the generality of subsection (1), the functions of the Clerk shall include to-

- (a) carry out all duties and responsibilities expressly described in his letter of appointment;
- (b) carry out all duties in the Service as are assigned to him by the National Assembly, the Commission or the Speaker;
- (c) be responsible for the day to day administration of the National Assembly;
- (d) be responsible for keeping records and for custody of all documents which are required to be kept by the Standing Orders, which shall be open for inspection by Members of Parliament and the general public;
- (e) supervise the general administration of the National Assembly including allocating work to employees of the Service;

- (f) provide advice to the National Assembly, Members of Parliament, the Commission and the Speaker on matters relating to the administration and performance of functions of the National Assembly;
- (g) provide efficient, effective and economical management of the activities of the Service; and
- (h) carry out such other functions as are conferred on him by the Constitution, the Standing Orders or this Act.

Powers of Clerk
and disciplinary
procedure

Cap. 298

9.-(1) The Clerk shall have and exercise powers and authority in respect of appointment, confirmation, promotion and discipline over employees under the Service.

(2) The disciplinary authority in relation to a person holding the office of the Clerk shall be as provided for in the Public Service Act in relation to a person holding office in the public service.

(3) The Clerk shall, for the purposes of recruitment, confirmation, promotion and discipline of operational service grade, establish an Employment Advisory Committee.

(4) The Employment Advisory Committee shall consist of-

- (a) three heads of Departments, Sections or Units at least one of whom shall be a woman;
- (b) two representatives of the Trade Union branch;
- (c) a representative of the Workers Council;
- (d) two representatives from the Public Service, one of whom shall be the Secretary; and
- (e) the Director of Administration and Personnel.

(5) The Employment Advisory Committee may co-opt any person to assist the Committee to carry out its duties, but such members shall not have a right to vote.

(6) Where, in the exercise of appellate powers by the Commission, an employee in the Service is dissatisfied by the decision made against that employee, the employee may appeal to the Commission.

(7) An employee to the Service who is dissatisfied by the decision of the Commission in exercise of original or appellate

powers may, within thirty days from the date of the decision, appeal to the Labour Division of the High Court.

Performance of functions and exercise of powers of Clerk

10.—(1) Where the Office of the Clerk is vacant or the Clerk is unable to perform the functions of his Office, the Speaker shall—

- (a) where the absence of the Clerk is for temporary purpose—
 - (i) appoint any person from amongst senior persons employed in the Service to perform functions and to exercise the powers of the Clerk; and
 - (ii) inform the Commission accordingly;
- (b) where the absence of Clerk is for a long period, refer the matter to the Parliamentary Service Commission for appointment of a person to act in respect of the position of the Clerk.

(2) Upon appointing a person to perform the functions and exercise the powers of the Clerk under subsection (1), the Speaker shall inform the President accordingly.

(3) A person appointed to hold the office of the Clerk under subsection (1), shall hold the office until the Clerk resumes the office or until when the President appoints a new Clerk under Article 87 of the Constitution.

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Parliamentary Scheme of Service and Service Scheme

11.—(1) The Commission shall, in consultation with the Minister responsible for public service—

- (a) formulate a Parliamentary Scheme of Service for the effective constitution of the Service;
- (b) make such provisions in the Parliamentary Scheme of Service as it considers necessary for the promotion, development, maintenance and control of an efficient Service; and
- (c) formulate a Service Scheme for purposes of proper description and distribution of the functions performed by the Departments, Units and Sections in the Service.

(2) The Commission shall, in consultation with the Minister, formulate a Scheme of Service setting out terms and

conditions for the appointment of the employees of the Service which shall provide for-

- (a) the appointment and confirmation of appointments of officers and other staff;
- (b) promotions, resignation and termination of appointments;
- (c) the scales of salaries and allowances; and
- (d) the designation and grades of employees of the Service.

(3) The Parliamentary Scheme of Service and the Service Scheme shall be signed by the Speaker and published in the *Gazette*.

(4) For the purposes of subsection (1)(c), the “Service Scheme” means administrative document stipulating a formal or official order or way of doing things for the purpose of enabling parliamentary employees to serve the National Assembly, Members of Parliament and the public in an orderly and accountable manner.

PART III

PARLIAMENTARY COMMISSION

Establishment
and composition
of Commission

12. There shall be a Commission to be known as the Parliamentary Service Commission.

- (2) The Commission shall consist of-
 - (a) the Speaker, who shall be the Chairman;
 - (b) the Deputy Speaker, who shall be the Vice-Chairman;
 - (c) the Minister;
 - (d) the Leader of the Official Opposition in the National Assembly or his representative;
 - (e) seven other members elected by the National Assembly from amongst its members of whom-
 - (i) five shall be elected from the parliamentary party or parties forming the government, at least two of whom shall be women; and
 - (ii) two shall be elected from the parliamentary party or parties forming the opposition in the National Assembly, one of whom shall be a woman.

(3) The Clerk shall be the Secretary of the Commission and responsible for ensuring and facilitating the implementation of the decision of the Commission.

Functions of
Commission

13. The functions of the Commission shall be to-

- (a) determine and recommend to the President, the adoption of the criteria for the allocation of funds for the National Assembly Fund;
- (b) upon consultation with the Clerk, to exercise powers and authority in respect of powers of appointment, confirmation, promotion and discipline of employees of the executive grade and officer grade and determine the terms and conditions of their employment;
- (c) prepare and recommend to the President the rates of salaries, allowances and other entitlements payable to a Member of Parliament and employees of the Service; and
- (d) perform any other function or exercise any power conferred on it by or under this Act or any other written law.

Powers of
Commission

14.-(1) The Commission shall have the powers to-

- (a) constitute and abolish Departments, Divisions and Units in the Service in respect of whom the Scheme of Service applies; and
- (b) do all things which are necessary or convenient for the performance of its functions and for the maintenance and control of the Service.

(2) Except for matters relating to or touching upon execution of Parliamentary affairs, the Commission shall exercise restraint in any business of the National Assembly and Parliamentary committees.

(3) The Commission may, at any time, require the Clerk to report on or inquire into matters relating to the administration of this Act, performance of any function or the exercise of any power under this Act.

Appointment
of committees

15.—(1) The Commission may, for the purpose of facilitating performance of its functions, appoint a Committee or committees to perform specific functions as may be determined by the Commission.

(2) A Committee appointed pursuant to the provisions of subsection (1) shall be composed of Members of Parliament.

(3) A Committee may co-opt any person who is not a member of the Commission, including employees of the Service provided that such person shall not vote.

(4) The size and terms of reference of the Committee shall be determined by the Commission.

Tenure of office of
Commissioners
Act No.
5 of 2021 s. 57

16.—(1) Each member of the Commission elected under section 12(2)(e) shall hold office as a member of the Commission for a period of sixty months from the date of election, and may be eligible for re election.

(2) Notwithstanding subsection (1), a member of the Commission under section 12(2)(e) shall cease to be a member upon the occurrence of the following:

- (a) tendering to the Chairman a written notice of resignation;
- (b) cessation, for any reason to be a Member of Parliament; or
- (c) death.

(3) Upon the dissolution of Parliament, all powers and functions of the Commission shall be vested to the Chairman of the Commission until new members of the Commission are elected or appointed.

Proceedings of
Commission

17. The Commission shall, after the commencement of this Act, determine and adopt its own procedure for the conduct and transaction of its business and other matters relating to it.

Vacancy not to
affect validity of
proceedings of
Commission

18. The validity of any proceedings of the Commission shall not be affected by any vacancy amongst the members of the Commission or by any defect in the election or appointment of any of the Commissioners.

Establishment
of Parliamentary
Budget Office
Act No.
11 of 2015 s. 71

19.-(1) There shall be a Parliamentary Budget Office within the Parliamentary Service, consisting of employees appointed on merit by the Parliamentary Service Commission by virtue of qualifications and experience in finance, economics and public policy matters.

(2) The Parliamentary Budget Office shall provide the National Assembly and its committees with objective and timely analysis of the national budget.

(3) For purposes of subsection (2), the Parliamentary Budget Office shall-

- (a) provide professional services in respect of budget, finance, and economic information to committees of the National Assembly;
- (b) provide technical support to the National Assembly and its committees in carrying out its functions;
- (c) enable the National Assembly to ensure the compliance of this Act;
- (d) prepare reports on budgetary projections and economic forecasts and make proposals on budgetary matters to the National Assembly and its committees;
- (e) provide budget related information to Parliamentary committees in areas under their jurisdiction;
- (f) submit reports on but not limited to, economic forecasts, budget projections and options for reducing the budget deficit;
- (g) identify and recommend on bills and other legislative instruments that provide an increase or decrease in revenue and the national budget;
- (h) prepare analytic studies of specific subjects such as financial risks posed by public cooperation and public institutions and financial policy;
- (i) generally give advice to the National Assembly and its committees on the national budget and the national economy;

- (j) prepare analysis of specific issues, including financial risks posed by Government policies and activities to guide the National Assembly and its committees;
 - (k) consider budget proposals and economic trends and make recommendations to the National Assembly with respect to those proposals;
 - (l) establish and foster relationships with the treasury and other national and international organisations, with an interest in budgetary and socio-economic matters as it considers appropriate for the efficient and effective performance of its functions;
 - (m) ensure that all reports and other documents produced by the Parliamentary Budget Office are prepared, published and publicised after production;
 - (n) report to the Parliamentary committees on any bill that is submitted to the National Assembly that has an economic and financial impact, by making reference to the fiscal responsibility principles and to the financial objectives set out in the Plan and Budget Guidelines; and
 - (o) propose to the Parliamentary Budget Committee, alternative fiscal framework in respect of any financial year.
- (4) In carrying out its functions, the Parliamentary Budget Office shall observe the principle of public participation on budgetary matters.

[s. 18A]

PART IV

SALARY AND ALLOWANCES OF A MEMBER OF PARLIAMENT AND PARLIAMENTARY EMPLOYEES

Salary and
allowances
of Members
of Parliament

20.—(1) A Member of Parliament shall be entitled to such salary as the President may, by order published in the *Gazette*, determine.

(2) There shall be paid to a Member of Parliament the following allowances at such rates as the President may in writing determine:

- (a) in relation to the Speaker, Deputy Speaker, Leader of the Government Business, Leader of Official Opposition, Government Chief Whip, Opposition Chief Whip, Presiding Officer of the National Assembly and a Chairman of a Standing Committee of Parliament, a responsibility allowance;
- (b) in relation to a Member of Parliament representing a constituency, a constituency allowance;
- (c) in relation to a Member of Parliament not representing a constituency, a special allowance;
- (d) in relation to any Member of Parliament-
 - (i) transport and travelling allowance and in appropriate case, mileage allowance to cover the cost of fuel for a private car;
 - (ii) a subsistence allowance;
 - (iii) an allowance to meet expenses for a personal assistant, a driver, an office attendant and other expenses for stationery and secretarial service; and
 - (iv) such other allowances as the President may prescribe.

(3) The allowances given under this section shall be exempt from income tax.

[s. 19]

Salaries,
allowances terms
and conditions
of service for
Parliamentary
employees

21.—(1) An employee of the Service shall be employed on such terms and conditions of service, and shall be paid such salary and allowances as may be determined by the Commission.

(2) The complementing, grading and rates of pay for employees of the Service shall be determined by the Commission.

(3) In making a determination pursuant to the provisions of subsections (1) and (2), the Commission shall ensure that, the complementing, grading and the rates of pay for the employees

of the Service are kept broadly in line with those in the Public Service and that, so far is consistent with the requirements and standards set by the Commission, the other conditions of service of employees in the Service are also kept broadly in line with those in the Public Service.

(4) All allowances payable to employees of the Service pursuant to the provision of subsection (1) shall be exempt from income tax.

[s. 20]

Review of salary, allowances benefits, terms and conditions of Service

22.—(1) Where it is desirable and necessary to review salary, allowances, benefits and terms and conditions of services of Members of the National Assembly and employees of the Service, the Commission shall appoint an *ad hoc* Committee to review salaries, allowances, benefits and the terms and conditions of service of Members of the National Assembly and employees of the Service and make recommendations to the Commission.

(2) The *ad hoc* Committee shall as much as feasible, have broad representation in terms of different fields of occupation and expertise.

(3) The *ad hoc* Committee shall be constituted and members of the Committee shall serve on part time basis and on such terms and conditions as the Commission may determine.

(4) A person who is a member of the National Assembly shall not be appointed to be Chairman or member of the *ad hoc* Committee.

(5) In making recommendations, the *ad hoc* Committee shall be guided by the National Economy Policy and the National Wages Policy and where desirable, shall seek and obtain information from National Assemblies in other Commonwealth countries.

(6) Upon receipt of the recommendations from the *ad hoc* Committee, the Commission shall submit its recommendations to the President, with or without additional proposals.

(7) Where the President has received proposals from the Commission, he may after seeking and obtaining advice from any authority as he deems appropriate, review or modify and approve the proposals and inform the Commission accordingly, but such review or modification shall not have the effect of curtailing or reducing any of the salary, allowances, benefit or term and condition of service for the time being applicable to a member of the National Assembly and to employees of the Service.

[s. 21]

Attributes
for reviewing
salaries,
allowances and
other benefits

23. In the exercise of powers to review the salaries, allowances or other terminal benefits for Members of Parliament and parliamentary employees under this Act, the President shall have regard to the national economy and any other consideration necessary for arriving at or making an appropriate decision.

[s. 22]

Composition and
terms of *ad hoc*
Committee

24.—(1) The Composition of the *ad hoc* Committee under section 22 shall be as may be determined by the Commission.

(2) Members of the *ad hoc* Committee shall serve on part time basis and on such terms and conditions as the Commission may determine.

[s. 23]

Health insurance
for Member of
Parliament

25.—(1) Immediately after the coming into operation of this Act, there shall be established a comprehensive health insurance scheme among Members of Parliament to cover a Member of Parliament, the spouse and up to four children of his family who are below the age of eighteen years, for medical treatment within the United Republic and abroad.

(2) The health insurance scheme established pursuant to subsection (1) shall be carried out by a competent and reliable health care provider within the United Republic.

[s. 24]

Life assurance
policy

Cap. 2

Cap. 225

26. The appropriate authority shall make arrangement for a group life assurance policy for Members of Parliament during the period when a person is elected or appointed to be a Member of Parliament pursuant to Article 66 of the Constitution and shall mature in relation to any of such Member of Parliament who dies while holding the office of a Member of Parliament and shall lapse upon dissolution of the National Assembly pursuant to Article 65 of the Constitution.

(2) The term “appropriate authority” referred to in subsection (1) shall have the meaning ascribed to it under the Political services Retirement Benefits Act.

[s. 25]

PART V FINANCIAL PROVISIONS

Budget of
National
Assembly

27.—(1) Prior to each fiscal year, the Commission shall direct the Clerk to prepare estimates of the sums of money which the National Assembly will require for the payment of various costs and expenses to be incurred by it, its members and its staff during the fiscal year for the following purposes:

- (a) administrative and support services provided to the National Assembly and to Members of Parliament; and
- (b) funding requirements for parliamentary purposes.

(2) In preparing estimates, the Clerk shall consider the following:

- (a) the nature, quantity and quality of administrative services and support services required for the effective operation of the National Assembly;
- (b) the nature, quantity and quality of administrative services and support services which Members of Parliament require for the effective performance of their constitutional functions; and
- (c) the need for fiscal responsibility.

(3) The Clerk shall prepare the estimates for the National Assembly within the funding requirements for the National Assembly for the relevant fiscal year.

[s. 26]

Presentation of budget estimates to Worker's Council and Steering Committee

28. The Clerk shall, before making a presentation to the Commission, separately make presentation of the budget estimates to the Workers' Council and the Steering Committee, whereupon, the Workers' Council and Steering Committee respectively, shall review and make alterations which are found to be appropriate so to do.

[s. 27]

Presentation of budget estimates to Commission

29. The Clerk shall present to the Commission the estimates of the sums of money required to be appropriated by the Parliament for the purpose of the National Assembly, and the Commission shall review the estimates and make any alterations considered and found to be appropriate and shall then concur and adopt those estimates.

[s. 28]

Estimates of revenue and expenditure for National Assembly Acts Nos. 11 of 2015 s. 71 2 of 2016 s. 42

30.-(1) The Clerk shall, in each financial year, prepare the estimates of revenue and expenditure for the National Assembly and submit to the Parliamentary Service Commission for review and adoption.

(2) The Clerk shall submit to a consultative meeting comprising of the Minister responsible for finance and planning and Parliamentary Budget Committee estimates adopted under subsection (1), for consideration.

(3) The Minister shall submit to the National Assembly estimates of revenue and expenditure of the National Assembly Fund for approval.

[s. 29]

Repealed

31. [Repealed by Act No. 11 of 2015 s. 71.]

[s. 30]

Funds of National Assembly **32.**—(1) There is established for purposes of the National Assembly a special fund to be known as the National Assembly Fund.

(2) Subject to the provision of Article 135(2) of the Constitution the sums of money required for purposes of the National Assembly, which have been approved and appropriated by Parliament, shall be paid by the Treasury into the National Assembly Fund.

(3) The administration and control of operation of the National Assembly Fund shall vest in the Clerk.

(4) The Clerk shall be the Accounting Officer and responsible for the administration and control of the operation of the National Assembly Fund.

[s. 31]

Other sources of funds **33.**—(1) Without prejudice to the preceding provisions of this Part, the National Assembly shall have the authority to receive for and on behalf of the Parliament of the United Republic any grant made for the purposes of the Parliament by a foreign Government, international organisation or association or an individual person.

Cap. 134 (2) Any sums received as grant made to the National Assembly pursuant to subsection (1) shall be subject to the requirements of Part V of the Government Loans, Guarantees and Grants Act.

[s. 32]

Accounts and audit **34.**—(1) The Clerk shall cause to be kept proper books of accounts and shall, within and not later than three calendar months after the end of each financial year, cause to be prepared a statement of income and expenses during the financial year.

Caps. 348, 410 and 418 (2) The accounts relating to the operations of the National Assembly Fund on the last day of the financial year shall be submitted to and audited by the Controller and Auditor-General in accordance with the provisions of the Public Finance Act, the Public Procurement Act and the Public Audit Act.

[s. 33]

Internal financial regulations **35.**—(1) The Commission shall, in consultation with the Minister responsible for finance, make internal financial regulations for the proper management and financial control of the operations of the National Assembly Fund.

Caps. 348, 410 and 418 (2) In the performance of its function under subsection (1), the Commission shall ensure that, the regulations are broadly kept in line with the regulations made under the Public Finance Act, the Public Procurement Act and the Public Audit Act.

[s. 34]

Annual report **36.** The Clerk shall in each year, submit to the Minister, copies of a statement of income and expenditure and a copy of the auditor's report, together with a report on the activities of the Commission during the financial year, and the Minister shall submit the reports to the National Assembly.

[s. 35]

PART VI

MISCELLANEOUS PROVISIONS

Allowances for Commissioners **37.** The Member of the Commission shall be entitled to payment of allowances as the President may determine.

[s. 36]

Indemnity for certain acts **38.** A matter or anything done in good faith by any member of the Commission, Committee or employees during the execution or purported execution of the functions of the Commission, Committee or Service, as the case may be, shall not render such member or employee personally liable for such matter or thing or subject him personally to any liability, action, claim or demand whatsoever.

[s. 37]

Power to make regulations **39.**—(1) The Commission may, in consultation with the Leader of Government Business, make regulations as may be necessary or expedient for facilitating the effective implementation and better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the regulations may prescribe-

- (a) the conduct of the business of the Commission;
- (b) the terms and conditions of service, pension and other retirement benefits of employees;
- (c) the procedures for the discipline of employees;
- (d) procedures for preferring appeal to the Commission;
- (e) the orientation and training of members of the National Assembly and employees; and
- (f) such other matter which needs to be prescribed under this Act.

(3) The regulations made under this section shall be published in the *Gazette*.

[s. 38]

PART VII

REPEAL AND SAVINGS

Repeal and
savings
Act No.
14 of 1997

40.—(1) [Repeals the Parliamentary Services Commission Act.]

(2) Notwithstanding the provisions of subsection (1), every order, direction or appointment which was issued, given or made pursuant to the provision of the Parliamentary Service Commission Act, and every office which was created pursuant to the Act, shall remain valid until otherwise cancelled, revoked, varied or abolished under the provisions of this Act.

(3) All subsidiary legislation made under the repealed Act and which were in force immediately before the commencement of this Act shall, in so far as they are not inconsistent with this Act or to the terms and conditions of the service of the employees of the Service, remain in force until they are expressly amended, revoked or reviewed pursuant to the provisions of this Act.

[s. 39]

Transitional
provisions

41. All legal obligation, proceedings and claims pending in respect of the National Assembly shall be continued or enforced by or against the Commission in the same manner as they would have been continued or enforced if this Act had been in force at the time when the cause of action arose.

[s. 40]
