

CHAPTER 241

THE POLICE FORCE, PRISONS SERVICE, FIRE AND RESCUE FORCE AND TANZANIA IMMIGRATION SERVICE COMMISSION ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

Section Title

PART I

PRELIMINARY PROVISIONS

1. Short title.
2. Interpretation.
3. Application.

PART II

THE POLICE FORCE, PRISONS SERVICE, FIRE AND RESCUE FORCE AND TANZANIA IMMIGRATION SERVICE COMMISSION

4. Establishment of Commission.
5. Functions of Commission.
6. Appointment, promotion and confirmation.
7. Disciplinary authority and procedure.
8. Dismissal and removal.
9. Appeals.

PART III

PROVISIONS RELATING TO MEMBERSHIP OF COMMISSION AND PROCEEDINGS OF THE COMMISSION

10. Tenure of office.
11. Vice-Chairman to act in absence of Chairman.
12. Quorum.
13. Vacancy.
14. Oaths of members and staff of the Commission.
15. Communications of Commission privileged.
16. Prohibition of unauthorized disclosure of information.
17. Penalty for attempting to influence Commission.
18. Protection of members.
19. Prosecutions.

PART IV
SPECIAL PROVISIONS

20. Pension of police, prisons, fire and rescue and immigration officer.
21. Additional terminal benefits.
22. Gratuity of police, prisons, fire and rescue or immigration officers.
23. Compensation of police, prisons, fire and rescue or immigration officer.

PART V
GENERAL PROVISIONS

24. Regulations.
25. Savings.

SCHEDULES

CHAPTER 241

THE POLICE FORCE, PRISONS SERVICE, FIRE AND RESCUE FORCE AND TANZANIA IMMIGRATION SERVICE COMMISSION ACT

An Act to establish the Police Force, Prisons Service, Fire and Rescue Force and Immigration Service Commission to define its functions and to provide for related matters.¹

[1st July, 1990]

[GN. No. 177 of 1990]

Acts Nos.
8 of 1990
3 of 1995
8 of 2015
2 of 2018
8 of 2021
9 of 2021

PART I

PRELIMINARY PROVISIONS

Short title **1.** This Act may be cited as the Police Force, Prisons Service, Fire and Rescue Force and Immigration Service Commission Act.

Interpretation
Act No
8 of 2015 s. 11 **2.** In this Act, unless the context otherwise requires-
“Assistant Commissioner” means Assistant Commissioner of Police Force, Prisons Service, Fire and Rescue Force and Immigration Service Department respectively;
“Chairman” means the Chairman and includes the Vice-Chairman or any person acting in that capacity;
“Commission” means the Police Force, Prisons Service, Fire and Rescue Force and Immigration Service Commission established under section 4;

¹ The long title is amended by Acts Nos. 8 of 2015 s. 11 and 8 of 2021 s.13.

“fire and rescue officer” includes a fire officer and a fireman;
“member” in relation to the Commission, means a member of the Commission and includes the Chairman and the Vice-Chairman of the Commission;

“Minister” means the Minister responsible for home affairs;

“police, prisons and immigration officer” means an officer in the service of the Police Force, the Prisons Service and Immigration Service Department;

“Permanent Secretary” means the Permanent Secretary for home affairs; and

“service” means service in the Police Force, Prisons Service, Fire and Rescue Force and Immigration Service Commission.

Application
Act No.
8 of 2015 s. 11

3.-(1) This Act shall apply in relation to service in the Police Force, Prisons Service, Fire and Rescue Force and Immigration Service Department.

(2) The power of appointment, promotion, confirmation and termination of appointment of the police, prisons, fire and rescue, immigration officers above the rank of Assistant Commissioner is vested in the President of the United Republic.

(3) The power of appointment, promotion, confirmation and termination of appointment of police, prisons, fire and rescue and immigration officers, in the rank of Assistant Inspector up to and including that of the Assistant Commissioner is vested in the Commission.

(4) The power of appointment, promotion and termination of the police, prisons, fire and rescue, and immigration officers below the rank of Assistant Inspector is vested in the Inspector-General of Police, Commissioner General of Prisons Service, Commissioner General of Fire and Rescue Force and Commissioner General of Immigration Service Department respectively.

PART II

THE POLICE FORCE, PRISONS SERVICE, FIRE AND RESCUE FORCE AND TANZANIA IMMIGRATION SERVICE COMMISSION

Establishment of
Commission
Act No.
8 of 2015 s. 11

4.-(1) There is hereby established a Commission to be known as the Police Force, Prisons Service, Fire and Rescue Force and Immigration Service Commission.

(2) The Commission shall consist of-

- (a) the Minister, who shall be the Chairman;
- (b) the Deputy Minister, who shall be the Vice-Chairman;
- (c) the Permanent Secretary, who shall be the Secretary;
- (d) the Inspector-General of Police;
- (e) the Commissioner General of Prisons;
- (f) the Commissioner General of Fire and Rescue Force;
- (g) the Commissioner General of Immigration Service Department;
- (h) the Commissioner of Police in charge of the Criminal Investigation Department;
- (i) the Commissioner of Police, Zanzibar;
- (j) the Commissioner of Immigration, Zanzibar;
- (k) the Commissioner of Police in charge of administration and finance;
- (l) Commissioner of Prisons, in charge of administration and finance;
- (m) Commissioner of Prisons, in charge of legal and prisons affairs;
- (n) Commissioner of Fire and Rescue Administration and Finance;
- (o) Deputy Commissioner of Fire and Rescue Legal;
- (p) the Commissioner of Immigration in-charge of administration and finance;
- (q) Commissioner of Immigration in-charge of legal services; and
- (r) two other members appointed by the Minister.

Functions of
Commission
Cap. 2

5. The functions of the Commission shall be-

- (a) to advise the President on the exercise of the functions conferred on the President by Article 36 of the Constitution, and in respect of the filling of such vacancies in the Police Force, Prisons Service, Fire and Rescue Force and Immigration Service Department, as the President may require;
- (b) to exercise such of the functions conferred on the President by Article 36 of the Constitution as may be delegated to the Commission under this Act;
- (c) to assist the President in relation to such matters relating to the Police Force, Prisons Service, Fire and Rescue Force and Immigration Service Department as the President may require;
- (d) to exercise such other functions as may be conferred on the Commission by or under any other written law;
- (e) to consider on probation, and either confirm them in the service or extend the probationary term of, any of the officers so as to afford them an opportunity to improve in any respect in which their performance or conduct is found to be unsatisfactory; and
- (f) to receive and act on appeals from the decisions of other delegates and disciplinary authorities.

Appointment,
promotion and
confirmation
Act No.
8 of 2015 s. 11

6.-(1) This section shall apply in relation to appointments, promotions and confirmation in the Police Force, Prisons Service, Fire and Rescue Force and Immigration Service Department.

(2) The power of appointment, promotion and confirmation of appointment of the police, prisons, fire and rescue and immigration officers of and above the rank of Senior Assistant Commissioner is vested in the President of the United Republic.

(3) The power of appointment, promotion and confirmation of appointments of the police, prisons, fire and rescue and immigration officers in the rank of Assistant Inspector up to that of the Assistant Commissioner is vested in the Commission.

(4) The power of appointment, promotion and confirmation of police, prisons, fire and rescue and immigration officers

below the rank of Assistant Inspector (Non-Commissioned Officers) is vested in the Inspector-General of Police, Principal Commissioner General of Prisons, Commissioner General of Fire and Rescue and Commissioner General of Immigration Service Department respectively.

Disciplinary
authority and
procedure
Acts Nos.
3 of 1995 Sch.
8 of 2015 s. 11

7.-(1) This section shall apply in relation to matters of discipline in the Police Force, Prisons Service, Fire and Rescue Force and Immigration Service Department.

(2) The disciplinary authority in respect of officers above the rank of Assistant Commissioner is vested in the commission and the final disciplinary authority is vested in the President.

(3) The disciplinary authority in respect of officers from the rank of Assistant Inspector to the rank of Assistant Commissioner is vested in the Inspector General and the final disciplinary authority is vested in the Commission.

(4) Subject to the provision of the subsection (2) and (3), the Commission may delegate some of its disciplinary powers to the Inspector General of Police, Commissioner General of Immigration Service Department, the principal Commissioner of Prisons and the Principal Secretary.

(5) The disciplinary authority in respect of Police and Prison officers below the rank of Assistant Inspector is-

- (a) in the case of police officers, vested in the officer for the time being commanding police in the district in the first place, by appeal to the officer commanding police in the region and the final disciplinary authority is vested in the Inspector General of Police and Commissioner General of Immigration Service Department; and
- (b) in the case of prison officers, vested in the officer for the time being commanding prison in the region the final disciplinary authority is vested in the Principal Commissioner of Prisons.

(6) Disciplinary proceedings shall not be exercised against a police, prisons, fire and rescue or an immigration officer unless-

- (a) a disciplinary charge is preferred against him;

- (b) an inquiry is held into the charges; and
- (c) he is afforded adequate opportunity to answer the charge.

Dismissal and
removal
Act No.
8 of 2015 s. 11

8.-(1) The power to dismiss and to terminate the appointment of police, prisons, fire and rescue or immigration officers shall be exercised in accordance with the provisions of this section.

(2) The power to dismiss a police, prisons, fire and rescue or immigration officer shall not be exercised unless-

- (a) a disciplinary charge is preferred against him;
- (b) he is afforded an adequate opportunity to answer the charge; and
- (c) an inquiry is held into the charge.

Appeals
Act No.
8 of 2015 s. 11

9.-(1) Where the Commission, in exercise of its disciplinary jurisdiction in relation to any police, prisons, fire and rescue and immigration officer of and above the rank of Assistant Commissioner, reduces his rank other than reversion from a rank to which he had been promoted, appointed on trial or reduces his salary, removes or dismisses him in exercise of powers delegated to it in relation to him, that officer may appeal to the President against the decision of the Commission, and the President may confirm, vary or rescind the decision of the Commission.

(2) Where a delegate, other than the Commission, in the exercise of his or its delegated power in relation to any police, prisons, fire and rescue or immigration officer of below the rank of Assistant Commissioner, reduces his rank, other than reversion from a rank to which he had been promoted or appointed on trial, or reduces his salary, removes or dismisses him, such police, prisons, fire and rescue or immigration officer may appeal to the Commission against the decision of the delegate, and the Commission may confirm, vary or rescind the decision of the delegate.

(3) The President may, by regulations, provide for appeals in cases other than those provided for in this section.

(4) Where the President or the Commission varies or rescinds any decision, removing or dismissing any police, prisons, fire and rescue or immigration officer from service, and substitutes

any other decision of removing or dismissing that police, prisons, fire and rescue or immigration officer, the variation or rescission shall have effect, from the date of the original decision, and such police, prisons, fire and rescue or immigration officer shall, unless he shall sooner have ceased to be a police, prisons, fire and rescue or immigration officer for any other cause, be deemed to have remained a police, prisons, fire and rescue or immigration officer notwithstanding the original decision.

PART III

PROVISIONS RELATING TO MEMBERSHIP OF COMMISSION AND PROCEEDINGS OF THE COMMISSION

Tenure of office

10.—(1) Subject to the provisions of this section, the office of a member shall become vacant—

- (a) at the expiration of three years from date of his appointment in respect of nominated members; and
- (b) where circumstances arise which if he were not a member would cause him to be disqualified from appointment to that office.

(2) A nominated member may at any time resign his office by giving notice in writing to the Chairman, and the member as the case may be, shall cease to hold office from the date of receipt of the notice by the Chairman.

(3) A nominated member may be removed from the Commission for inability to discharge the functions of the Commission, whether arising from infirmity of body, mind or any other cause or for misbehavior; but shall not be removed from the Commission for any other reason or in any manner other than that provided for in this Act.

Vice-Chairman to
act in absence of
Chairman

11. Where the Chairman is for any reason unable to discharge the functions of his office, then until the Chairman resumes, those functions shall be performed by the Vice-Chairman.

[s. 11(1)]

Quorum **12.** The quorum at any meeting of the Commission shall constitute half of the members of the Commission including the Chairman or the Vice-Chairman.

[s. 11(2)]

Vacancy **13.** Subject to the provisions of section 12 and its rules of procedure, the Commission may, notwithstanding any vacancy in its membership or the absence of any member, deliberate on any issue, or pass any decision of the Commission by a majority of the members present.

[s. 12]

Oaths of members and staff of the Commission **14.**—(1) The members or staff of the Commission shall, on first appointment, take an oath in the form set out in the First Schedule to this Act.

(2) Where a person required to take an oath under this section has no religious belief or the taking of an oath is contrary to his religious belief, he may make or subscribe a solemn affirmation in the form of the oath appointed, substituting the words “solemnly and sincerely declare and affirm” for the word “swear” and omitting the words “so help me God”.

(3) An oath or affirmation taken by a member of the Commission shall be administered by a Judge of the High Court, and every oath or affirmation taken by the staff of the Commission shall be administered by the Chairman of the Commission.

[s. 13]

Communications of Commission privileged **15.** A report, statement or other communication, written or oral, which the Commission may in the exercise of its functions under this Act, make to the Minister or to any public officer, or which may have taken place between the Commission or any member or officer of the Commission and the Minister or any public officer, or between members or officers of the Commission in the exercise, or in connection with the exercise of the functions of the Commission, shall be privileged in

that, unless the Minister consents in writing in that behalf, its production or disclosure in any legal proceedings may not be compelled.

[s. 14]

Prohibition of unauthorized disclosure of information

16.—(1) Neither a member nor any officer of the Commission nor any other person shall, without the written permission of the Minister, publish or disclose to any unauthorised person or make any disclosure otherwise than in the course of duty, the contents of any document, communication or information of any kind which has come to his knowledge in the course of the performance of his duties under this Act in relation to any matters referred to the Commission under this Act; and any person who knowingly acts in contravention of any of the provisions of this section commits an offence and on conviction, shall be liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding twenty months or to both.

(2) A person who knows of any information which to his knowledge has been disclosed in contravention of the provisions of this section and who publishes or communicates it to any other person for purposes other than any prosecution under this Act or the exercise of his official functions, commits an offence and on conviction, shall be liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding twenty months or to both.

[s. 15]

Penalty for attempting to influence Commission

17.—(1) Without prejudice to the provision of any other written law, every person who, otherwise than in the course of his duty, directly or indirectly by himself or by any other person in any manner influences or attempts to influence any decision of the Commission, commits an offence and on conviction, shall be liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding two years or to both.

(2) Subsection (1) shall not be construed as prohibiting any person from giving a certificate or testimonial to any applicant or candidate for any office or from supplying any information of assistance at the request of the Commission.

[s. 16]

Protection of
members

18. A prosecution in respect of any offence under this Part shall not be instituted except with the consent of the Director of Public Prosecutions.

[s. 18]

Prosecutions

19. A member and staff of the Commission shall have such and the like protection and privilege in case of any action or suit brought against him for any act done or omitted to be done in the *bona fide* execution of his duties as is by law given to the acts done or words spoken by him in the exercise of his duties of the Commission.

[s. 17]

PART IV

SPECIAL PROVISIONS

Pension of police,
prisons, fire
and rescue and
immigration
officer
Act No.
8 of 2015 s. 11
Cap. 371

20.-(1) A pensionable police, prisons, fire and rescue or immigration officer may, after working for twenty-five years consecutively in the Police Force, Fire and Rescue Force and Immigration Service Department, Prisons Service, retire from such service.

(2) Subject to subsection (1) of this section, a police, prisons, fire and rescue or immigration officer may opt to retire in accordance with the provisions of the Public Service Social Security Fund Act.

[s. 19]

Additional
terminal benefits
Cap. 371
Acts Nos.
2 of 2018 s. 112
9 of 2021 s. 36

21. In addition, benefits granted pursuant to the Public Service Social Security Fund Act, the Inspector-General of Police Force, Commissioner General of Prisons Service, Commissioner General of Fire and Rescue and Commissioner General of Immigration service Department shall, on retirement, be granted by the appropriate authority benefits set out in the Second Schedule to this Act.

[s. 19A]

Gratuity of
police, prisons,
fire and rescue
or immigration
officers
Act No.
8 of 2015 s. 11

22. A non-pensionable police, prisons, fire and rescue or immigration officer shall, upon completion of contract, on discharge, be eligible to receive a gratuity to be prescribed by the Minister.

[s. 20]

Compensation of
police, prisons,
fire and rescue
or immigration
officer
Act No.
8 of 2015 s. 11

23.—(1) A police, prisons, fire and rescue or immigration officer who sustains any injury or dies in the course of his duty shall be compensated.

(2) Subject to subsection (1) of this section, the Minister shall, by regulations, prescribe the terms and rates of compensation to be paid.

[s. 21]

PART V GENERAL PROVISIONS

Regulations
Act No.
8 of 2015 s. 11

24.—(1) The Minister may make regulations for the better carrying out of the objects of this Act.

(2) Without prejudice to the generality of the provisions of subsection (1), the Minister may make regulations—

- (a) for any matter which by this Act may be provided for by regulations; and
- (b) for the administration of the Police Force, Prisons Service, Fire and Rescue Force and Immigration Service Department in respect of terms and conditions of a service for police, prisons, fire and rescue and immigration officers.

(3) Without prejudice to the generality of the preceding provisions, regulations made under this Act may-

- (a) prescribe the mode of disciplinary proceedings, penalties and awards;
- (b) impose duties on delegates in the Police Force, Prisons Service, Fire and Rescue Force and Immigration Service Department;
- (c) require persons to attend before the Commission to answer questions relating to the exercise of its functions; and
- (d) make different provisions in respect of the Police Force, Prisons Service, Fire and Rescue Force and Immigration Service Department.

(4) The regulations made under this Act shall be published in the *Gazette*.

[s. 22]

Savings

Cap. 298

25. Notwithstanding the enactment of this Act, all subsidiary legislation, and all other administrative orders, directions or instructions made, given or issued under or in pursuance of the provisions of the Public Service Act, which are in force on the commencement of this Act, shall be deemed to have been made, given or issued under or in pursuance of the provisions of this Act and shall remain in force until revoked or rescinded by subsidiary legislation, administrative orders, directions or instructions made under this Act.

[s. 23]

Act No.
2 of 2018 s. 113

FIRST SCHEDULE

(Made under section 14(1))

OATHS OF OFFICER AND STAFF OF THE COMMISSION

Cap. 211

I, being called upon to exercise the functions of the office of of the Police Force, Prisons Service, Fire and Rescue Force and Immigration Service Department do swear solemnly and sincerely declare and affirm that I will not directly or indirectly, reveal to any unauthorised person or otherwise than in course of duty the contents or any part of the contents of any documents, communications or information of any kind which may come to my knowledge in the course of my duties as an officer of the Commission or under the provision of the Police Force, Prisons Service, Fire and Rescue Force and Immigration Services Commission Act.

SO HELP ME GOD

SWORN/DECLARED THIS day of 20.....

Before me
.....

Chairman/Judge of High Court

SECOND SCHEDULE

(Made under section 21)

Entitlement to
officers
Act No.
2 of 2018 s. 113

1. Officers specified under section 21 shall be granted the following benefits:

- (a) a diplomatic passport for him and his spouse;
- (b) one motor vehicle given once, of a value not exceeding such amount as the President may from time to time determine;
- (c) total sum of money granted once as a lump sum which shall be sufficient to remunerate one driver for a period of four years;
- (d) total sum of money sufficient to purchase fifty litres of fuel per week granted once as a lump sum which shall cover a period of four years;

- (e) total sum of money being maintenance allowance for a motor vehicle to be granted once as a lump sum at a rate equal to forty percent of fuel allowance; and
 - (f) use of VIP lounge.
-

©2025 Government of Tanzania. All rights reserved. No part of this book may be reproduced or distributed without permission of OAG.