

## CHAPTER 448

# THE TEACHERS' SERVICE COMMISSION ACT

## [PRINCIPAL LEGISLATION]

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## CHAPTER 448

### THE TEACHERS' SERVICE COMMISSION ACT

An Act to establish the Teachers' Service Commission, to provide for its functions and obligations and to provide for matters related thereto.

[1<sup>st</sup> April, 2016]

[GN. No. 112 of 2016]

Act No.  
25 of 2015

#### PART I

#### PRELIMINARY PROVISIONS

Short title      **1.** This Act may be cited as the Teacher's Service Commission Act.

Application      **2.** This Act shall apply to Mainland Tanzania in respect of primary and secondary schools teachers employed in the public service.

Interpretation      **3.** In this Act, unless the context otherwise requires-  
"appointing authority" in relation to teachers, means the Teachers Service Commission;  
"Commission" means the Teacher's Service Commission established under section 4 of this Act;  
"committee" means committee of the Commission established under section 7 of this Act;  
"disciplinary authority" means any person or authority vested with powers under this Act to take disciplinary measures against a teacher and includes a person to whom those powers have been delegated;  
"local government authority" has a meaning ascribed to it by the Local Government (District Authorities) Act and the Local Government (Urban Authorities) Act;  
"member" in relation to the Commission, includes the Chairman and other members of the Commission;

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“Minister” means the Minister responsible for local government;  
 “public service” has the meaning ascribed to it under the Public Service Act;  
 “the service” means the teacher’s service;  
 “teachers’ service” means the unified service of all teachers in the public service; and  
 “teacher” means a person registered as a teacher and who pursued a teaching training course in a registered teachers’ college or university.

## PART II

### THE TEACHER’S SERVICE COMMISSION

Establishment  
of Commission

4. There is hereby established a commission under the Ministry responsible for local government which shall be known as the Teachers’ Service Commission.

Functions of  
Commission

5. The functions of the Commission shall be to-

- (a) maintain and administer the teachers’ service;
- (b) advise the Minister on administration and maintenance of the teachers’ service;
- (c) appoint, promote and discipline teachers;
- (d) to ensure equitable deployment and distribution of teachers among and within local governments and schools;
- (e) determine appeals from decisions of disciplinary authorities;
- (f) maintain a register and records of all teachers who are in the service;
- (g) supervise teachers in-service training programmes;
- (h) conduct research and evaluation on matters relating to teachers’ service and advise the Minister accordingly;
- (i) to assess the teachers situation and advise the Minister responsible for teachers training on the number, type and level of teachers needed in the country;

- (j) prescribe code of ethics and conduct of teachers' service;
- (k) maintain communication with district offices and on all or any matter relating to the development of teachers' service; and
- (l) do any other thing or act, which in the opinion of the Minister, is conducive or incidental to the better carrying out of its functions.

Composition of  
Commission

**6.-(1) The Commission shall be composed of-**

- (a) a Chairman to be appointed by the President;
- (b) eight other members to be appointed by the Minister, being-
  - (i) a representative from President Office, Public Service Management;
  - (ii) a representative from the Office of the Attorney General;
  - (iii) a representative from the Ministry responsible for education who has experience in school quality assurance;
  - (iv) a representative from the Ministry responsible for local government;
  - (v) a representative from the National Council for Technical Education;
  - (vi) two representatives from the teachers trade union, being a representative of primary school teachers and a representative of secondary school teachers; and
  - (vii) the Commissioner for Budget or his representative.

**(2) A person shall be qualified for appointment as a Chairman who-**

- (a) is a Tanzanian citizen;
- (b) possess at least a degree in education, public administration, human resource, financial management or law from a university recognised by an accreditation body in Tanzania; and

- (c) has at least ten years experience in public administration, human resource or financial management and demonstrated ability of, and capacity in dealing with teachers' affairs.

(3) In appointing members of the Commission, the Minister shall ensure that both men and women are appointed on grounds of merit.

(4) The provisions of the First Schedule shall have effect as to procedure at meetings, tenure of members and other matters relating to the Commission.

Committees of  
Commission

7.-(1) The Commission may, for the purpose of facilitating performance of its functions, form such number of committees to perform specific functions as the Commission may determine.

(2) The size, terms and conditions of the committees shall be as may be determined by the Commission.

Appointment of  
Secretary

8.-(1) There shall be a Secretary to the Commission who shall be appointed by the President.

(2) A person shall be qualified for appointment as a Secretary if that person-

- (a) is a Tanzanian citizen;
- (b) possesses at least a degree in education, public administration, human resource, financial management or law from a university recognised by an accreditation body in Tanzania; and
- (c) has at least ten years experience in public administration, human resource or financial management.

(3) The Secretary shall be the chief executive officer of the Commission and shall be responsible for the co-ordination of functions of the Commission.

Oath

9. The Chairman and the Secretary of the Commission shall, on first appointment, each take and subscribe to an oath or affirmation in a form set out in the Second Schedule.

Staff of  
Commission

**10.**—(1) There shall be recruited and employed in the office of the Commission, such number of public officers in such categories and levels as the Commission may, with approval of the Permanent Secretary (Establishment), determine.

(2) The office of the Commission shall be public office.

(3) Without prejudice to subsection (1), the current public officers and employees of the Teachers' Service Department shall be deemed to have been recruited and employed by the Commission under such terms and conditions which are not less favourable than the terms and conditions of employment under the Teachers' Service Department.

District offices

**11.**—(1) There shall be offices of the Commission at district level with such number of staff as may be determined by the Commission.

(2) Each district office shall, subject to direction of the Commission, perform functions of the Commission and report to the Commission on its performance.

(3) The Minister may, on the advice of the Commission, make regulations prescribing procedures for performance of functions of the Commission by the district office.

Functions of  
Commission at  
district level

**12.**—(1) In performing functions conferred by this Act, each district office shall—

(a) keep and maintain an updated register of all teachers under its jurisdiction who are employed in the public service;

(b) keep and maintain an updated seniority list for all teachers under their jurisdiction;

(c) ensure that teachers appointed in the service fill and sign letter of appointment before reporting to their respective stations;

(d) recommend to the Commission for approval of re-appointment of teachers formerly terminated from the service provided that such a teacher shall have been out of service for a period of not less than twelve months from the date of receipt of the letter of termination;

- (e) maintain records in open and confidential files and submit service particulars to other districts in the event of the teacher's transfer;
- (f) uphold and maintain the code of ethics and conduct for teachers;
- (g) exercise disciplinary powers over teachers under its jurisdiction; and
- (h) carry out such other functions as may be prescribed or conferred to it by the Commission.

(2) For the purpose of subsection (1)(g), disciplinary powers at the school level in respect of offences which do not warrant punishment of dismissal, reduction in rank or reduction in salary, shall be exercised by the head of the school.

#### Appeals

**13.**—(1) Where a teacher is aggrieved by the decision of the head of school, he may appeal to the Commission at the district level.

(2) Where a teacher is aggrieved by the decision of the Commission at the district level, he may appeal to the Commission.

(3) Appeals against the decision of the Commission shall be referred to the President for determination.

#### Supervision and administration of welfare of teachers

**14.**—(1) The supervision and administration of primary and secondary school teachers shall be the responsibility of the local government authorities.

(2) In administering the welfare of teachers, the local government authorities shall comply with the terms and conditions pertaining to employment and welfare of the teachers as shall be prescribed by the Commission.

(3) For the purpose of this section, the Commission at the district level shall convene consultative meetings with the District Executive Director to deliberate on the matters pertaining to teachers in the district and advise accordingly.

#### Remuneration of members

**15.** Members of the Commission shall be paid such allowances and other benefits as may be determined by the Minister.

Activity report

**16.** The Commission shall, for each financial year, prepare and submit to the Minister a report containing detailed information of its activities and operations.

Prohibition of unauthorised disclosure of information

**17.**—(1) A member, officer of the Commission or any other person shall not, without the written permission of the Minister, publish or disclose to any unauthorised person or otherwise than in the cause of duty, the contents of any document, communication or information of any kind which has come to his knowledge in the course of performance of functions under this Act.

(2) A person who knows of any information which, to his knowledge has been disclosed in contravention of this section and who publishes or communicates such information to any other person for purposes other than proceedings in the court of law that has been commenced pursuant to this Act or in the exercise of official functions, commits an offence and on conviction shall be liable to a fine of not less than five hundred thousand shillings or to imprisonment for a term of twelve months or to both.

(3) this section 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 or assistance at the request of the Commission.

Offence of attempt to influence Commission

**18.**—(1) Without prejudice to the provisions of any other written law, every person who otherwise than in the cause of duty, directly or indirectly, personally or by any other person influence or attempts to influence in any manner a decision of the Commission, commits an offence and on conviction, shall be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding twelve months or to both.

(2) A prosecution in respect of an offence under this section shall not be instituted without consent of the Director of Public Prosecutions.

### PART III

### FINANCIAL PROVISIONS

Resources of  
Commission

**19.**—(1) The funds of the Commission shall consist of such moneys appropriated by Parliament for purposes of the Commission.

(2) All funds allocated in terms of subsection (1) shall be—

(a) disbursed directly by the Treasury to the respective district office bank account which shall be opened in accordance with public financial laws; and

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(b) administered in accordance with the Public Finance Act.

Estimates of  
revenue and  
expenditure

**20.** The Commission shall, in respect of each financial year, prepare and submit to the Minister estimates of its revenue and expenditure and the Minister shall examine the same and table before the National Assembly.

Audit

**21.** Accounts of the Commission shall be audited once in every financial year by the Controller and Auditor-General in accordance with the Public Audit Act.

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### PART IV

### MISCELLANEOUS PROVISIONS

Regulations

**22.**—(1) The Minister may, upon consultation with the Commission, make regulations for the better carrying out of the provisions of this Act.

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

(a) prescribing procedures for recruitment, appointment and deployment of teachers;

(b) prescribing matters related to teachers development;

(c) prescribing the manner and procedure by which welfare of teachers, including payment of salaries, allowances and pension shall be administered;

- (d) prescribing procedures for disciplinary matters related to teachers; and
- (e) providing for any matter necessary or ancillary to the furtherance of objectives and purposes of this Act.

Transitional  
provision

**23.** The Minister may, by order published in the *Gazette*, at any time before expiry of six months from the commencement of this Act, make such transitional and supplementary provisions necessary to give effect to the provisions of this Act in respect of maintaining continuity of the Commission.

## PART V

### CONSEQUENTIAL AMENDMENTS

Omitted

**24.** [Omitted.]

## FIRST SCHEDULE

*(Made under section 6(4))*

### PROCEDURE AT MEETINGS, TENURE OF MEMBERS AND MATTERS RELATING TO THE COMMISSION

Vice-Chairman

**1.** The Commission shall elect one of its members to be the Vice-Chairman and any member elected as a Vice-Chairman shall, subject to his continuing to be a member, hold office of Vice-Chairman for a term to be fixed by the Commission and shall be eligible for re-election after the end of such period.

Tenures of  
members

**2.-(1)** Subject to the provisions of subparagraphs (2) and (3), a member may hold office for a period of three years from the date of appointment and shall be eligible for re-appointment.

(2) Where a member of the Commission other than the Chairman is for any reason unable to perform duties as a member of the Commission, the Minister may revoke his appointment and appoint another member for the period during which the member is disabled.

(3) A member of the Commission may resign by notice in writing addressed, in the case of the Chairman, to the President and in case of any other member, to the Minister and as from the date specified in such notice, such member shall cease to be a member of the Commission or if no date is specified from the date of receipt of the letter.

|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                          | (4) A member who fails to attend three consecutive meetings of the Commission or Committee without reasonable cause shall be deemed to have ceased to be a member of the Commission or Committee, as the case may be.                                                                                                                                                                                                                                                                                                                                                                                                                |
| Validity of any proceedings              | 3. Validity of any proceedings of the Commission shall not be affected by any vacancy amongst members thereof or by a defect in the appointment of any member.                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Secretary of Commission                  | 4. The Secretary to the Commission shall attend all meetings but shall not vote at such meetings.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Meetings and quorum                      | 5.-(1) The Commission shall meet at least four times per year or in such time and place as the Chairman may appoint.<br>(2) The Chairman, may at any time, convene a special meeting of the Commission and shall-<br>(a) call a meeting within twenty-one days of receiving a written request in that behalf specifying the reason for the meeting and addressed to him and signed by not less than six members of the Commission; or<br>(b) call a meeting when so directed by the Minister.<br>(3) At any meeting of the Commission not less than two third of the members in office for the time being shall constitute a quorum. |
| Invitation of non-members                | 6. The Chairman may invite any person to attend a meeting of the Commission, and any such person may take part in the proceedings of that meeting but shall not be entitled to vote.                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Power of Chairman and Vice-Chairman      | 7.-(1) The Chairman shall preside at all meetings of the Commission.<br>(2) Where at any meeting the Chairman is absent, the Vice-Chairman shall preside.<br>(3) In the absence of both the Chairman and Vice-Chairman at any meeting, members present may, from amongst their number elect a temporary Chairman who shall preside at the meeting.<br>(4) The Chairman, Vice-Chairman or temporary Chairman presiding at any meeting, shall have a vote and, in the event of an equality of votes, shall have a casting vote in addition to his deliberative vote.                                                                   |
| Commission to regulate its own procedure | 8. Subject to the provisions of this Act, the Commission may regulate its own procedure.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

**SECOND SCHEDULE**

*(Made under section 9)*

**OATH/AFFIRMATION BY CHAIRMAN AND SECRETARY**

I, ..... having been appointed as Chairman/Secretary of the Teachers' Service Commission, do swear/affirm that I shall freely and without fear or favour, affection or ill-will, discharge the functions of Chairman/Secretary of the Commission, and that I shall not directly or indirectly reveal any matters relating to such functions to any unauthorised person or otherwise than in the course of duty.

**SO HELP ME GOD**

Sworn/Affirmed before me this .....day of.....20....  
Before me .....  
President/Minister

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