
THE UNITED REPUBLIC OF TANZANIA

Supplement No. 18

1st May, 2020

SUBSIDIARY LEGISLATION

to the Gazette of the United Republic of Tanzania No.18. Vol.101 dated 1 May, 2020
Printed by the Government Printer, Dodoma by Order of Government

GOVERNMENT NOTICE NO. 285 published on 1st May, 2020

THE FIRE AND RESCUE FORCE ACT,
(CAP.427)

REGULATIONS

(Made under section 19(2) (f))

THE FIRE AND RESCUE FORCE (COMPENSATION) REGULATIONS, 2020

PART I
PRELIMINARY PROVISIONS

- | | |
|----------------|---|
| Citation | 1. These Regulations may be cited as the Fire and Rescue Force (Compensation) Regulations, 2020. |
| Application | 2. These Regulations shall apply to all members of the Fire and Rescue Force in Mainland Tanzania. |
| Interpretation | 3. In these Regulations, unless the context otherwise requires: |
| Cap. 427 | “Act” means the Fire and Rescue Force Act;
“accident” means a specific, identifiable, unexpected, unusual and unintended external event which occurs at a particular time and place, without apparent or deliberate cause but with marked effects;
“Commanding Officer” includes the Commissioner-General, Deputy Commissioner General, a Commissioner, a Deputy Commissioner, a Senior Assistant Commissioner, |

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an Assistant Commissioner, a Regional Fire Officer and a senior fire officer for the time being in charge of any Units of Fire and Rescue Force, fire training college, airports and ports;

“ Commissioner-General” means the Commissioner-General of the Force;

“compensation” means a return for a loss or damage sustained;

“disease” means a deviation from the healthy and normal functioning of the body;

“gun” means any of several types of weapons that propel projectiles. The projectile is generally fired through a hollow tube known as the gun’s barrel;

“gunshot” means a bullet shot from a gun;

“incapacitation” means the condition of being unable to live normally by reasons of injury;

“injury or bodily injury” means damage or harm caused to the structure or function of the body caused by an outside agent or force, which may be physical or chemical;

“Medical Practitioner” means a medical practitioner registered or licensed

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under the Medical Practitioners and Dentists Act;

“Minister” means the Minister for the time being responsible for fire and rescue services;

“officer-in-charge” means a fire officer appointed to be in-charge of a fire station;

“Permanent Secretary” means the Permanent Secretary of the Ministry for the time being responsible for fire fighting and Rescue Operations;

“poison” means a substance that can cause damage, illness, or death to people or any other organisms usually through chemical reaction or other action at the molecular scale, when a sufficient quantity is absorbed;

“Regional Fire Officer” means a senior fire officer appointed by the Commissioner-General to be in charge of all matters connected with the fire service in a region.

PART II

COMPENSATION PROCEDURES

Compensation
claim to be in
prescribed form

4.-(1) A fire-fighter or former fire fighter or dependant who is entitled to compensation or benefit under these

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Regulations shall file a claim to the Commissioner General in the form prescribed in these Regulations.

(2) Where fire officer injuries or death has been caused by any reason stated in subregulation (3), and where it is proved that the cause for such disease, injuries or death arose out of and was in the course of his duties, he shall be compensated for such injuries or death in accordance with the procedures provided for under regulation 5.

(3) For purposes of these Regulations, the reasons for a fire officer's disease, injury or death may be a result of -

- (a) gunshot or gun wound;
- (b) poison; or
- (c) accident.

(4) Where a fire officer sustains injuries or death the claim for compensation shall be accompanied by-

- (a) certificate of a government medical practitioner as to disability or death of the fire-fighter or former fire-fighter; and
- (b) such other documentation to verify the applicant's eligibility for compensation or benefits, as may be required by the Commissioner- General limitation of time for claim:

Provided that a fire-fighter or former fire-fighter or dependant shall make a claim for compensation or benefit within one year after the occurrence of injury, and in case of death within six months.

(5) Notwithstanding the provisions of subregulation (4), the Commissioner-General shall refuse any application made out of time by the applicant unless the Commissioner-General is of the opinion that the claim is just to be allowed.

(6) Notwithstanding the provisions of subregulation (2) of this regulation, where it is proved that the injury or death to a fire officer is attributable to the deliberate or willful misconduct of that fire officer, any compensation claimed in respect of that disease or injury or death shall be null and void.

(7) Every fire officer shall have a duty of self protection using personal protective equipment while undertaking any operation under any circumstances.

Disease arising in
course of duty

5. A fire officer shall be eligible for compensation under these Regulations where such officer suffers any of the diseases set out in the Second Schedule to these Regulations.

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Procedures for
compensation for
disease, injuries
or death

6.-(1) Where a fire officer sustains any injury, contracts disease, or dies in the course of his duties, the Commissioner-General shall inform the Permanent Secretary and proceed to form a committee to inquire and establish the circumstances of the disease, injury or death.

(2) The composition of members of the committee formed pursuant to the provisions of subregulation (1), shall be:

- (a) one senior officer from the office of the Commissioner-General;
- (b) Regional Fire Officer;
- (c) a Police Officer in charge of the area in which the injuries or accident or death occurs; and
- (d) a medical practitioner.

(3) Where an inquest is to be held or where criminal proceedings have been instituted or likely to be instituted in connection with an accident, the inquiry under the provisions of this regulation shall not be held until after the inquest or the criminal proceedings have been concluded.

(4) The report by the Committee submitted to the Commissioner-General shall state among other things:

- (a) whether the disease or injury or accident or death occurred in the actual discharge of official duties of such fire officer;
- (b) whether there was any negligence or default on the part of the victim;
- (c) the extent of injury where death did not occur; or
- (d) whether the victim suffered any incapacitation and the extent thereof.

(5) Upon receipt of the report, the Commissioner-General shall submit the same with his recommendations to the Permanent Secretary within three months.

The authority for
compensation in
case of disease,
injuries or death

7.-(1) The Permanent Secretary shall be the authority for compensation for disease, injuries or death of any fire officer and shall have power to determine the amount of compensation in accordance with the extent or percentage of injury and incapacitation as shown in the First Schedule to these Regulations.

(2) Without prejudice to subregulation (1) the amount of compensation for death of a Fire Officer shall not be less than fifteen million shillings and shall range between one million and fifteen million shillings for disease or injuries.

(3) The Permanent Secretary shall, in determining the amount of compensation for disease, death, or injuries be guided

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by the report and recommendations of the Commissioner-General.

(4) Compensation shall be made in the manner set out in the Third Schedule.

Appeals

8.-(1) Where the Fire Officer is not satisfied with the amount of compensation authorized by the Permanent Secretary he shall appeal to the Minister.

(2) On such appeal, the decision of the Minister shall be final.

FIRST SCHEDULE

(Made under regulation 7(1))

DEGREE OF COMPENSATION FOR SPECIFIC DISEASE OR INJURIES

Loss of two limbs.....	100%
Loss of Both hands or of all fingers and both thumbs.....	100%
Total loss of sight.....	100%
Total paralysis.....	100%
Injuries resulting in being bedridden permanently.....	100%
Any other injury causing permanent total disablement.....	100%
Loss of remaining eye by one-eyed fire officer	100%
Loss of remaining arm by one armed fire officer.....	100%
Loss of remaining leg by one-legged fire officer	100%
Loss of arm at shoulder.....	75%
Loss of arm between elbow and shoulder.....	65%
Loss of arm at elbow.....	72%
Loss of arm between wrist and elbow.....	70%
Loss of hand at wrist.....	65%
Loss of four fingers and thumb of one hand.....	65%
Loss of four fingers.....	40%
Loss of thumb – both phalanxes.....	40%
- One phalanx	15%
Loss of index finger – Three phalanxes	15%
- Two phalanxes.....	13%
- One phalanx.....	9%
Loss of middle finger – Three phalanxes.....	11%
- Two phalanxes.....	7%
- One phalanx.....	10%
Loss of ring finger – Three phalanxes.....	9%
- Two phalanxes.....	7%
- One phalanx.....	9%
Loss of little finger – Three phalanxes.....	8%

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	- Two phalanxes.....	7%
	- One phalanx.....	8%
Loss of metatarsals:		
	- First or second (additional).....	8%
	- Third, fourth or fifth (additional).....	7%
Loss of leg at or above knee.....		75%
Loss of leg below knee.....		45%
Loss of foot.....		45%
Loss of toes – all.....		20%
	- Great, both phalanxes.....	15%
	- Great, one phalanx.....	10%
	- Other than great, if more than one toe lost, each.....	7%
Loss of eye, eye out.....		36%
	- Sight of.....	35%
	- Lens out.....	35%
	- Sight of, except perception of light.....	35%
Loss of hearing:		
	- Both ears.....	55%
	- One ear.....	25%
Hemophilia.....		100%
Paraplegia.....		100%
Loss of one lung.....		90%
Loss of one kidney.....		90%
Loss of one incisor tooth.....		7%
Loss of canine tooth.....		6%
Loss of premolar tooth.....		8%
Loss of one molar tooth.....		8%
Scar tissue due to loss of skin:		
	- Whole.....	15%
	- Whole abdomen.....	15%
	- Whole chest (front).....	15%
	- Whole back.....	22%
	- Whole thigh (one).....	22%
	- Below knee including feet.....	22%
	- Whole arm below shoulder.....	15%
	- Whole scalp.....	15%
Loss of pina (external ear).....		15%
Loss of external nose.....		15%

NB:

Total permanent loss of use of member shall treat as loss of member.

The percentage of incapacity for ankylosis of any joint shall be reckoned as from 25 to 100 percent of the incapacity for loss of the part at that joint, according to whether the joint is ankylosed in a favorable or unfavorable position.

In the case of a right-handed fire officer, an injury to the left arm or hand and, in the case of left-handed fire officer, to the right arm or hand shall be rated at ninety per centum of the above percentages.

Where there is a loss of two or more parts of the hand, the percentage of incapacity shall not be more than for the whole hand.

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Where there are two or more injuries, the sum of the percentages for such injuries may be increased, and, where such injuries are to the hand, the following basis of computing the increase shall be adopted, namely:

- a) where two phalanxes have been injured, the sum total of the percentages shall be increased by forty per centum of such total;
- b) where three phalanxes have been injured, the sum total of the percentages shall be increased by thirty per centum of such sum total;
- c) where four phalanxes have been injured, the sum total of the percentages shall be increased by twenty per centum of such sum total;

A one-eyed fire officer, who on entering employment has failed to disclose the fact that he is one-eyed to his employer shall, if he loses his remaining eye, be entitled to compensation in respect of a degree of disablement of thirty per centum only.

For the purposes of this schedule, one-eyed fire officer means a fire officer who has lost the sight of one eye.

SECOND SCHEDULE

(Made under regulation 5)

OCCUPATIONAL DISEASES

<i>Description of Disease</i>	<i>Nature of Occupation</i>
1. Pneumoconiosis caused by sclerogenic mineral dust (silicosis, anthracosilicosis), provided that silicosis is an essential factor in causing the resultant incapacity or death.	All work involving exposure to the risk concerned.
2. Bronchopulmonary diseases caused by hard-metal Dust.	All work involving exposure to the risk concerned.
3. Bronchopulmonary diseases caused by cotton dust (byssinosis), or flax, hemp or sisal dust.	All work involving exposure to the risk concerned.
4. Occupational asthma caused by sensitizing agents or irritants both recognized in this regard and inherent in the work process.	All work involving exposure to the risk concerned.
5. Extrinsic allergic alveolitis and its sequels caused by the inhalation of organic dusts, as prescribed by the law in force.	All work involving exposure to the risk concerned.
6. Disease caused by beryllium or its toxic compounds.	All work involving exposure to the risk concerned.
7. Disease caused by cadmium or its toxic compounds.	All work involving exposure to the risk concerned.

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8.	Disease caused by phosphorus or its toxic compounds.	All work involving exposure to the risk concerned.
9.	Disease caused by chromium or its toxic compounds.	All work involving exposure to the risk concerned.
10.	Diseases caused by manganese or its toxic compounds.	All work involving exposure to the risk concerned.
11.	Diseases caused by arsenic or its toxic compounds.	All work involving exposure to the risk concerned.
12.	Diseases caused by mercury or its toxic compounds.	All work involving exposure to the risk concerned.
13.	Diseases caused by lead or its toxic compounds.	All work involving exposure to the risk concerned.
14.	Diseases caused by fulcrine or its toxic compounds.	All work involving exposure to the risk concerned.
15.	Diseases caused by carbon disulphide.	All work involving exposure to the risk concerned.
16.	Diseases caused by the toxic halogen derivatives of aliphatic or aromatic hydrocarbons.	All work involving exposure to the risk concerned.
17.	Diseases caused by benzene or its toxic homologues.	All work involving exposure to the risk concerned.
18.	Diseases caused by toxic nitro-and amino-derivatives of benzene or its homologues.	All work involving exposure to the risk concerned.
19.	Diseases caused by nitroglycerine or other nitric acids and esters.	All work involving exposure to the risk concerned.
20.	Diseases caused by alcohols, glycols or ketones.	All work involving exposure to the risk concerned.
21.	Diseases caused by asphyxiants, carbon monoxide, hydrogen cyanide or its toxic derivatives, hydrogen sulphide.	All work involving exposure to the risk concerned.
22.	Hearing impairment caused by noise.	All work involving exposure to the risk concerned.
23.	Diseases caused by vibration (disorders of muscles, tendons, bones, joints, peripheral blood vessels or peripheral nerves.	All work involving exposure to the risk concerned.
24.	Disease caused by work in compressed air.	All work involving exposure to the risk concerned.

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| 25. | Diseases caused by ionizing radiations. | All work involving exposure to the action of ionizing radiations. |
| 26. | Skin diseases caused by physical, chemical or biological agents not included under other items. | All work involving exposure to the risk concerned. |
| 27. | Prisces epitheliomatous cancer of the skin caused by tar, pitch, bitumen, mineral oil, anthracene, or the compounds, products or residues of these substances. | All work involving exposure to the risk concerned. |
| 28. | Lung cancer or mesotheliomas caused by asbestos. | All work involving exposure to the risk concerned. |
| 29. | Diseases caused by halogens chlorine, brominde, iodine or their toxic | All work involving exposure to the risk concerned. |
| 30. | Diseases caused by nickel or its toxic compounds. | All work involving exposure to the risk concerned. |
| 31. | Diseases caused by pesticides. | All work involving exposure to the risk concerned. |
| 32. | Diseases and injuries caused by non-missing radiation (microwaves infra-red or ultra-violet rays). | All work involving exposure to the risk concerned. |
| 33. | Cancer of the bladder caused by long contact with aromatic amines (aniline, Benzedrine, and naphthilamine). | All work involving exposure to the risk concerned. |
| 34. | Damage to meniscus of the knees and inter-vertebral diseases as a result of strained position of the body during work. | All work involving exposure to the risk concerned. |

THIRD SCHEDULE

(Made under regulation 7(4))

MANNER OF CALCULATING COMPENSATION

(i)	(ii)	(iii)	(iv)
item	Nature and degree of disablement	Nature of benefits	Manner of calculating benefits

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1	Temporary total disablement	Periodical payments	70% of an employee's monthly earnings at the time of the accident subject to minimum and maximum compensation of such monthly amounts as set out in regulations made from time to time by the Minister.
2	Permanent disablement of 100%	Monthly pension	70% of an employee's monthly earnings at the time of the accident subject to minimum and maximum compensation of such monthly amounts as set out in regulations made from time to time by the Minister.
3	Permanent disablement of less than 100%	Monthly pension	A monthly amount or earning which bears pension to a pension calculated under item 2 the same proportion as the degree of permanent disablement to 100%
4	N/a	Lump sum in lieu of pension	The prescribed amount for purposes of section 49 of the Act shall be such monthly amount as set out in regulations made from time to time by the Minister.
5	Fatal	Lump sum	Twice the employee's monthly pension that would have been payable to the employee under item 2 had the employee been totally permanently disable
6	Fatal	Monthly pension	40% of the monthly pension that would have been payable to the employee under item 2 had the employee been totally permanently disabled.
7	Fatal	Monthly pension	20% of the monthly pension that would have been payable to the employee under item 2 had the employee been totally permanently disabled, to each child.

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8	fatal	Lump sum	Percentage dependence as a portion of such amount as set out in regulations made from time to time by the Minister.
9	Fatal	Funeral grant	A reasonable amount of funeral costs to a maximum such amount as set out in regulation made from time to time by the Minister or the actual amount, whichever is the lesser.

Dodoma,
16th April, 2020

GEORGE B. SIMBACHAWENE,
Minister for Home Affairs