

**THE SPECIFIED STATE LEADERS RETIREMENT BENEFITS
ACT, 1986**

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THE UNITED REPUBLIC OF TANZANIA



No. 2 OF 1986

I ASSENT,

[Signature]

 President
 2nd April 1986

An Act to provide for the granting of retirement benefits and services to specified state leaders upon retirement from specified state office

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Specified State Leaders Retirement Benefits Act, 1986, and shall be read as one with the Constitution.

Short title
and
construction

2. This Act shall be deemed to have come into operation on the first day of November, 1985.

Commencement

3. This Act shall apply to Tanzania Zanzibar as well as Mainland Tanzania in relation to a former President of the United Republic, a former Vice-President of the United Republic and a former Prime Minister of the United Republic.

Application

4. In this Act, unless the context requires otherwise—

Interpretation

“appropriate authority” in relation to any provision of this Act means the person declared by section 5 to be the appropriate authority;

“the Constitution” means the Constitution of the United Republic of Tanzania, 1977;

“dependant” in relation to a deceased specified state leader means—

- (a) where the deceased specified state leader was a male, his widow or, where immediately preceding his death he was married to two or more wives, all his widows;

- (b) where the deceased specified state leader was a female, the husband of the deceased specified state leader;
- (c) every child of the deceased specified state leader under the apparent age of eighteen years, but does not include any married daughter living with her husband immediately before the death of the deceased specified state leader;
- (d) the immediate parents of the deceased specified state leader,
- 'former President' means a person who has held, but has ceased holding the office of President of the United Republic; and the expressions "former Prime Minister" and "former Vice-President" shall be construed accordingly;
- "political leader" means a person who holds, or has held a political office;
- "political office" means any office which is a political office in terms of the provisions of the Political Leaders' Pensions Act, 1981 ;
- "specified political office" has the meaning ascribed to it by section 10(4) of this Act;
- "salary" means the basic salary of a specified state leader excluding bonus, commission, cost of living allowances, incentive allowance or any other additional emoluments of any kind;
- "specified state leader" means the President, a First or Second Vice-President or a Prime Minister;
- "specified state office" means the office of President, Vice-President, or Prime Minister.
- Acts 1981
No. 11
- Appropriate authority
5. The appropriate authority-
- (a) for the purposes of sections 13, 15(2), 16 and 18 means the Principal secretary to the Treasury;
- (b) for the purposes of sections 14, 17, and 19 means the Principal Secretary to the Ministry responsible for manpower development; and
- (c) where it is not specifically mentioned here, the Principal Secretary to the Ministry responsible for giving the service required to be given to a former specified state leader under this Act.
- Declaration of specified state offices
- 6.-(1) The offices of President of the United Republic, Vice-President of the United Republic and the Prime Minister of the United Republic are hereby declared to be specified state offices the holders of which shall each be known as a specified state leader for the purposes of this Act.
- (2) Without prejudice to the provisions of the Constitution with regard to the designation of the Vice-Presidents of the United Republic, the person who becomes a Vice-President by virtue of his having been appointed to the office of Prime Minister shall, for the purposes of this Act, be deemed to be a Vice-President and be granted retirement benefits prescribed in relation to the latter office.
- Benefits to be granted in accordance with this Act
- 7.-(1) Pensions, gratuities and other allowances may be granted to a specified state leader or his dependents as the case may be, by the appropriate authority, in accordance with this Act.
- (2) Any pension or gratuity granted under this Act shall be computed in accordance with the provisions in force at the actual date, of the specified state leader's ceasing to be a specified state leader.

8. There shall be charged on and paid out of the Consolidated Fund all such sums of moneys as may from time to time be granted by way of pension, gratuity or other allowances in pursuance of this Act.

Benefits to be charged out of Consolidated Fund

PART II

GRANTING OF TERMINAL BENEFITS To SPECIFIED STATE LEADERS

9.-(1) Every person who holds a specified state office shall, upon ceasing to hold that specified state office, subject to this Act, be granted terminal benefits in accordance with this Act.

Grant of terminal benefits to specified state leaders

(2) The terminal benefits to which this Act applies shall consist of-

- (a) a winding up allowance in relation to the specified state office for which it is provided, of such an amount as is prescribed by or under this Act;
- (b) such leadership gratuity as is prescribed by or under this Act;
- (c) an annual pension payable monthly for the remainder of the life of the former holder of a specified state office, of such an amount as is prescribed by or under this Act;
- (d) such domestic, executive, protection and social services as are prescribed in respect of a holder of a specified state office by or under this Act.

10.-(1) Notwithstanding the preceding provisions of this section a specified state leader shall not be granted the terminal benefits specified in Section 9 (2) (a) and (c) if he relinquishes one office and enters upon another office if that office is declared by sub-section (4) of this section to be a specified political office in relation to the specified state office he relinquishes.

Suspension of certain benefits, etc.

(2) Notwithstanding the preceding provisions of this section, no terminal benefits shall be granted to any person who enters upon another specified state office after relinquishing one specified state office until such time as he retires from that other specified state office.

(3) Where a person relinquishes a specified state office and enters upon another office of comparable rank under the constitution of Zanzibar, 1984, or relinquishes such latter office and enters upon a specified state office he shall, upon retiring from the office he last holds, be granted retirement benefits either under this Act or under the relevant law of Zanzibar, whichever is the more favourable, but not under both laws.

(4) For the purposes of this section, the expression "specified political office" means-

- (a) in relation to the office of President of the United Republic, the Office of President of Zanzibar, Vice-President, Prime Minister, Speaker or Minister;
- (b) in relation to the office of Vice-President of the United Republic, the office of Prime Minister, Speaker, Minister or Member of Parliament;
- (c) in relation to the Office of Prime Minister of the United Republic, the offices of Speaker, Minister, or Member of Parliament.

When benefits
to be granted

11.--(1) Subject to the provisions of this Act, terminal benefits shall be granted to a specified state leader when he ceases to hold a specified state office in any one of the following ways, namely-

- (a) he retires from service in a specified state office without entering upon a specified political office;
- (b) he is not, immediately after ceasing to hold a specified state office, reappointed, re-elected or does not revert to a specified state office;
- (c) on medical evidence to the satisfaction of the National Executive Committee in the case of the President, and the President in the case of other specified state leaders, that he is incapable by reason of any infirmity of mind or body of discharging the duties of the specified state office he holds;
- (d) he ceases to be qualified to hold the specified state office in question;
- (e) he resigns from the specified state office in accordance with the provisions of the Constitution.

(2) Where, immediately before he was appointed or elected, as the case may be, to a specified state office a person was employed on pensionable terms or his employment was governed by an employers' terminal benefits scheme or a public social security scheme under which the terminal benefits on retirement from service or from the scheme took the form of payment of a pension, the right of that person to receive terminal benefits under that scheme shall cease, and he shall be entitled only to terminal benefits under this Act.

(3) For the avoidance of doubt a public officer or a political leader who is appointed or elected, as the case may be, to a specified state office shall cease to be entitled to any pension or gratuity otherwise payable to him by virtue of his having held office as a public officer, or a political leader, notwithstanding that he subsequently holds a political office.

Terminal
benefits,
payable
as of right

12.-(I) Subject to subsection (2), the terminal benefits to be granted under this Act in respect of a holder of a specified state office is a right conferred upon him in pursuance of the provisions of the Constitution and no person or authority within the United Republic may reduce, withhold or freeze the terminal benefits, save with the prior authorization of the National Assembly signified by an Act of Parliament enacted in that behalf with the approval of two-thirds of all the Members of the National Assembly.

(2) A specified state leader shall not be entitled to terminal benefits under this Act if he ceases to hold a specified state office in circumstances which, under the Constitution, are disgraceful to and dishonorable of a leader in the United Republic.

PART III

GRANT OF TERMINAL BENEFITS

(i) Terminal benefits to Former President

13.-(1) Subject to this Act, each President of the United Republic shall, upon ceasing to hold that office, be granted-

Terminal
benefits
to be granted
to President

(a) a sum of three million one hundred and five thousand shillings as leadership gratuity; and

(b) an annual pension of a sum of one hundred and twenty-four thousand, two hundred shillings, payable in twelve equal monthly installments.

(2) The leadership gratuity and the pension payable to a former President are hereby exempted from income tax deductions.

14.-(1) The appropriate authority shall provide to each former President for his use, at such place within the United Republic of Tanzania as the former President shall specify, suitable office space fully furnished and equipped with such furniture, furnishings and office machines, equipment and supplies specified in the First Schedule to this Act.

Provision of
office and
staff for
former
President

(2) The appropriate authority shall provide for each former President such number and grade of domestic and office staff, who shall be selected by that former President, as specified in the First Schedule to this Act.

(3) All persons employed in the public service who are selected transferred and posted to or employed as domestic or office staff of a former President shall continue to be employees in the public service and may, after consultation with the former President, be transferred elsewhere and replaced, save that in the performance of their duties as such staff they shall be responsible only to the former President.

(4) The appropriate authority shall expend a sum not exceeding five hundred thousand shillings per annum, for the maintenance, and upkeep of the office of the former President, and the maintenance of office equipment.

(5) The appropriate authority shall provide and maintain such number and type of motor vehicles for the conveyance of the former President, his immediate family and office staff as is provided in the First Schedule to this Act.

15.-(1) The appropriate authority shall arrange for and secure the provision for the former President and his immediate family, such suitable security and other protection services as it shall deem appropriate.

Executive,
social and
other
services
to former
President

(2) The appropriate authority may meet the traveling expenses of a former President for journeys not exceeding twelve in one year within the United Republic, and four in one year outside the United Republic.

(3) There shall be appropriated and paid to the former President each year a sum not exceeding six hundred and fifty thousand shillings as upkeep of the household and entertainment allowance of that former President for the remainder of his life and that sum shall not be altered save with the approval by resolution of the National Assembly.

(4) Each appropriate authority shall arrange for the provision to the former President and his immediate family suitable diplomatic travelling documents and facilities at airports within the United Republic, as well as appropriate medical facilities and services, including the attachment of a special medical practitioner to attend to the health of the former President and his family.

(ii) Terminal Benefits to Former Vice-President

Terminal
benefits.
to be
granted to
former
vice-
President

16.--(1) Subject to this Act, each Vice-President of the United Republic shall, upon ceasing to hold that office, be granted-

- (a) winding up allowance of an amount not exceeding two hundred and fifty thousand shillings, which sum shall not be altered except with the approval by resolution of the National Assembly in terms of this Act;
- (b) a gratuity of an amount equal to two-thirds of the amount payable to a former President as such gratuity;
- (c) an annual pension, payable monthly, of a sum equal to two-thirds of the pension payable to a former President.

(2) The winding up allowance and the gratuity payable to a former Vice-President shall not be subject to income tax deductions.

Executive,
social and
other
services to
former
President
Vice-
President

17-(1) The appropriate authority shall arrange for and secure the provision for the former Vice-President and his immediate family such necessary security and other protection services as it shall deem appropriate.

(2) The appropriate authority shall provide and maintain such number and type, of motor-vehicles, together with their drivers, for the conveyance of the former Vice-President and his immediate family as is specified in the Second Schedule to this Act.

(3) The appropriate authority shall meet the travelling expenses of a former Vice-President for journeys not exceeding eight in a year within the United Republic and two in a year outside the United Republic.

(4) There shall be appropriated and paid to the former Vice-President each year a sum not exceeding four hundred and thirty-three thousand, three hundred thirty-three shillings and thirty cents for the upkeep of his household and entertainment allowance.

(iii) Terminal Benefits to Former Prime Minister

Terminal
benefits
to be
granted to
former
prime
minister

18.-(I) Subject to this Act, a Prime Minister of the United Republic shall, upon ceasing to hold that office, be granted-

- (a) winding up allowance of an amount not exceeding two hundred and fifty thousand shillings, which sum shall not be altered except with the approval by resolution of the National Assembly in terms of this Act;
- (b) a gratuity allowance of an amount equal to one half of the amount payable to a former President as such gratuity or settlement allowance;
- (c) an annual pension, payable monthly, of a sum equal to one half of the pension payable to a former President.

(2) The winding up allowance and the gratuity payable to a former prime Minister shall not be subject to income tax deductions.

19.-(1) The appropriate authority shall arrange for and secure the provision for the former Prime Minister and his immediate family, such necessary security and other protection services as it shall deem appropriate.

Executive,
social and
other services
to former
Prime
Minister

(2) The appropriate authority shall provide and maintain such number and type of motor vehicles, together with their drivers, for the conveyance of the former Prime Minister and his immediate family as is specified in the Third Schedule to this Act.

(3) The appropriate authority shall meet the travelling expenses of a former prime Minister for journeys not exceeding six in a year within the United Republic and two in a year outside the United Republic.

(4) There shall be appropriated and paid to a former Prime Minister each year a sum not exceeding three hundred and twenty-five thousand shillings for the upkeep of his household and entertainment allowance.

PART IV BENEFITS FOR SURVIVORS

20.-(1) Where a holder of a specified state office dies in office, his survivors shall be granted-

Survivors
to be
granted
allowance
and pension

(a) a gratuity of an amount equal to the leadership gratuity which the specified state leader would have been granted had he lived to retire; and

(b) a survivors' annual pension, payable per month for a period of three years from the day next following the date of the death of the deceased specified state leader of an amount equal to the pension which the specified state leader would have received had he lived to retire.

(2) The distribution of gratuity and survivors' pension as between the dependents shall be made in accordance with the intestate law of succession governing the community to which the deceased specified state leader belonged.

(3) The payment of survivors pension shall cease either upon the expire of a period of three years from the date either of the day next following the death of the deceased specified state leader or the day when it first commences to be paid or upon the death of the recipient, whichever shall be the earlier event; save that-

(a) where the whole or any part of the survivors' pension is being paid to a widow who remarries within the period of three years from the date of the death of the deceased, the payment shall cease upon the date of that marriage;

(b) where the recipient is a dependent child, the payment shall cease upon his attaining the age of eighteen years.

(4) Where a specified state leader after having ceased to hold a specified state office, dies while in receipt of pension under this Act but before the lapse of three years from the date when he ceased to hold the specified state office, his dependents shall, subject to sub-section (5) be granted a survivors pension not exceeding the amount of pension which was being paid to him.

immediately preceding his death, until the expire of three years from the date when the deceased former specified state leader ceased to be a specified state leader.

(5) The payment of survivors' pension to dependents under subsection (4) shall be governed, *mutatis mutandis*, by the provisions of subsections (2) and (3).

(6) Where any portion of survivors' pension payable under this section ceases to be so payable by reason of the death of the recipient, remarriage of the widow or any dependent child attaining the age of eighteen years during the period of three years following the death of the deceased specified state leader, that portion shall, for the remaining period, be divided amongst other dependents the proportion in which they would have been entitled under the appropriate law of succession.

(7) Where a specified state leader dies in office but leaves no dependents surviving him or survivors not qualifying to be dependents under this Act, there may be awarded to his estate only the gratuity, and no survivors' pension shall be paid in such case.

Dependents
pension to
a former
President
widow

21.-(1) Where a former President dies, his widow shall be granted a dependents pension which shall be payable upon the cessation of the payment of the survivors' pension under section 20.

(2) Subject to sub-section (3), the dependents pension granted under this section shall be an annual pension payable monthly, for the remainder of the widow's life or an amount equal to one quarter of the annual pension payable to a former President under this Act.

(3) The payment of the dependents pension to the widow of a deceased former President shall cease upon the remarriage of that widow, and shall not resume upon the cessation or break-up of that or other subsequent marriage.

PA R T V

MISCELLANEOUS PROVISIONS

Pensions to
be payable
monthly in
arrears

22. Every pension, survivors' pension and dependents pension payable under this Act shall be payable monthly in arrears.

Provision
in relation
to past
specified
state
leader

23.-(1) In the case of a person who ceased or ceases to hold a specified state office prior to the enactment of this Act the President may, subject to the provisions of this section, by order published in the *Gazette*, provide for the grant of terminal benefits to such person or his dependents under this Act.

(2) When the President makes any order under subsection (1), the order shall not come into operation until it is approved by resolution of the National Assembly.

(3) Where the National Assembly approves of an order made by the President under subsection (1), the dependents of the person concerned shall, if he is dead or he dies, be entitled to survivors' pension in accordance with this Act and the date of commencement of the order shall be deemed to be the date when that person relinquished specified state office or died.

24. The National Assembly shall, at intervals of not less than five years by a resolution supported by at least two thirds of the members of the National Assembly, review the sums relating to the pensions, gratuities and allowances payable under this Act.

Review of
terminal
benefits
scheme

FIRST SCHEDULE

DESCRIPTION OF SERVICES AND ALLOWANCES TO BE PROVIDED TO A FORUM PRESIDENT

1. Household and Entertainment Allowance - Shs. 650,000/-
2. One Housekeeper.
3. Two cooks.
4. One Laundryman.
5. Two Domestic Servants.
6. Two Gardeners.
7. Water.
8. Electricity.
9. Telephone.
10. Three Vehicles.
11. internal travel-12 journeys.
12. External travel--4 journeys.
13. Three drivers.
14. Maintenance and Running Expenses for Vehicles.
15. One fully furnished office.
16. office Maintenance and Upkeep.
17. Two Private Secretaries.
18. Two Personal Secretaries.
19. Two office attendants.
20. Medical Services.
21. Diplomatic Passport.
22. Use of Presidential VIP Lounge

SECOND SCHEDULE

B.-DESCRIPTION OF SERVICES AND ALLOWANCES TO BE PROVIDED TO A FORUM VICE-PRESIDENT

1. Household and Entertainment Allowances - Shs. 433,333/30.
2. One Cook.
3. One Laundryman.
4. One Gardener.
5. One Domestic Servant.
6. Water.
7. Electricity.
8. Telephone.
9. Two Vehicles.
10. Two drivers.
11. Maintenance and Running Expenses for vehicles.
12. Internal travel-8 journeys.
13. External travel-2 journeys.
14. Diplomatic Passport.
15. Medical services.
16. Use of VIP Lounge.

THIRD SCHEDULE**C.—DESCRIPTION OF SERVICES AND ALLOWANCE TO BE PROVIDED TO A FORMER
PRIME MINISTER**

1. Household and Entertainment Allowance—Shs. 325,000/-
2. One cook.
3. One Laundryman.
4. One Gardener.
5. One Domestic Servant.
6. Water.
7. Electricity.
8. Telephone.
9. One Vehicle.
10. One Driver.
11. Maintenance and Running Expenses for Vehicles.
12. Internal travel—6 journeys.
13. External travel—2 journeys.
14. Diplomatic Passport.
15. Medical Services
16. Use of VIP Lounge.

Passed in the National Assembly on the twenty-ninth day of January,
1986.

M. M. Winda
Ag Clerk of the National Assembly