

- "District Committee" means a committee established for a district and includes a Town or Municipal Committee;
- "employing authority" means the government; local government council, manager or Board of Directors, Directors of Schools other than government schools;
- "member" in relation to the Commission and its committee, includes the Chairman and other members of the Commission or committee, and in relation to the Commission, a member of the Commission;
- "Minister" means the Minister for the time being responsible for education;
- "Regional Committee" means a committee established for a region or a city;
- "the service" means the unified service of all teachers otherwise known as the Teachers' Service Commission;
- "service post" means-
- (a) a teaching post in a public school;
 - (b) any private or public post assigned to a teacher while on secondment;
 - (c) an aided educational post approved by the Minister;
 - (d) a teaching post in an unaided school, or unaided educational post, if the employer has signified by an agreement to be bound by Act and regulations made thereunder; and for purpose of this definition, the terms "aided" and "unaided" shall be construed as relating to a grant-in-aid within the meaning ascribed to that expression under the Education Act;
 - (e) an educational post approved by the Minister for the purpose of regulations made under this Act;
- "Teacher" means a person registered as teacher under section 46 of the Education Act, 1978.

PART II

THE TEACHERS' SERVICE COMMISSION

Establish-
ment of
Teachers'
Service
commis-
sion

4. (1) There is hereby established a Commission to be known as the "Teachers' Service Commission" which shall maintain and control service and to which, subject to this Act, all teachers shall belong.
- (2) The provisions of the First Schedule to this Act, shall have effect as to constitution, proceedings and acts and otherwise in relation to the Commission
- (3) The Minister may, save with respect to the Chairman of the Commission, amend the 1st Schedule.
- (4) The Commission shall be a department of government under the Ministry of Education.

5. The functions of the Commission shall be:-

Functions of the
Commission

- (a) to maintain and administer the service;
- (b) to advise the Minister on the maintenance, administration of the service and to strive to secure good conditions of service to all teachers as would from time to time be provided in service regulations;
- (c) to be an organ reconciliation between the teacher, employer, and *Jumuiya ya Wafanyakazi Tanzania*, otherwise known as *JUWATA*;
- (d) to maintain a register of all teachers who are in the service;
- (e) to maintain a record of every teacher in the service;
- (f) to maintain a system of direct communication with Regional Committee on all or any matter relating to the development of teachers service and to ensure that the employer and those committees are performing their functions in accordance with the Teachers' Service regulations;
- (g) to execute all matters prescribed under this Act and regulations;
- (h) to 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.

6.-(1) There shall be a chairman of the Commission who shall be appointed by the President.

Appointment
of Chairman

(2) There shall be not more than five other members of the Commission who shall be appointed by Minister.

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

Appoint-
ment of
Secretary

(2) In appointment of Secretary, the appointing authority shall have regard to appointing a person who has demonstrated an ability of, and capacity in, dealing with teachers affairs.

(3) Subject to the provisions of this Act, the Secretary shall be the Chief executive officer of the Commission and shall be responsible for co-ordination of the functions of the Commission.

(4) There shall be recruited and employed in such offices on the Commission, such number of public officers as the Commission may, with the prior approval of the Minister establish.

(5) The offices on the Commission shall be civil service offices and the holders shall be civil servants.

8.-(1) The Minister shall by order published in the *Gazette* establish Committees to exercise jurisdiction under this Act in such areas of Tanzania Mainland as may be specified in the order.

Establishment
of Committees

(2) Without prejudice to the generality of subsection (1) the Minister shall establish for each region a Regional Committee and for each district a District Committee.

(3) The Regional committee shall advise the Commission on such matters as may be referred to it by the Commission and shall carry out such other functions as may be prescribed or conferred on the committee by the Commission

(4) The District Committee shall have such functions as the Minister may, by regulations, prescribe.

(5) The provisions of the second schedule to this Act shall have effect as to the constitution proceedings and acts of, and otherwise in relation to, any Regional Committee.

(6) The provisions of the Third Schedule to this Act shall have effect as to the constitution, proceedings and acts of, and otherwise in relation to, any District Committee.

(7) The Minister may amend the Second and Third Schedules.

Regional
District
Commit-
tee to es-
tablish
subcom-
mittees

9. Every Regional and District Committee shall, subject to the directions of the Minister, establish such number of sub-committees within the establishment of the Commission as may be necessary or desirable for expedient or efficient discharge of its functions.

Oaths

10.-(1) The member of the Commission shall, on first appointment take an oath in the form set out in the fourth Schedule to this Act.

(2) The Chairman of the Commission may require any member of the staff of the Commission to take, on first appointment, an oath in the form set out in the fifth Schedule to this Act.

(3) Where any 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 and subscribe a solemn affirmation in the form of the oath substituting the words "solemnly and sincerely declare and affirm" for the word "swear" and omitting the words "so help me God".

(4) Every 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 a member of the staff of the Commission shall be administered by the Chairman of the commission or any Court of law.

Remuner-
ation of
members

11. The members shall be paid such salaries, allowances and other benefits as may be determined by the President, out of moneys provided by Parliament.

12. Every 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 any 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.

Com-
muni-
cations of
Commis-
sion
privileged

13.-(1) Neither a member nor any office of the Commission nor any other person shall, without the written permission of the Minister, publish or disclose to any unauthorized person or 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 provision of this section is guilty of an offence and shall be liable on conviction to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding twenty months or to both that fine and that imprisonment.

Pro-
hibition of
unautho-
rised fis-
closure of
informa-
tion

(2) Any 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, is guilty of an offence and shall be liable on conviction to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding twenty months or to both that fine and that imprisonment.

14.-(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 is guilty of an offence and shall be liable on conviction to a fine not exceeding four thousand shillings or to imprisonment for a term not exceeding two years or to both that fine and imprisonment.

Penalty
for at-
tempting
to influ-
ence the
Commis-
sion

(2) Nothing in subsection (1) shall 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.

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

16. Every 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 bonafide 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.

Power of
dismissal
and re-
moval

17--(1) The power to dismiss and to terminate the appointment of members of the service shall be exercised in accordance with the provisions of this section.

(2) The power to dismiss a member of the service 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 in accordance with regulations made under section 18

PART III

MISCELLANEOUS PROVISIONS

Regula-
tions

18--(1) The Minister may make regulations with regard to all, or any of the following matters affecting members of the service.

- (a) professional qualifications;
- (b) maintenance of professional standard, professional conduct, discipline and appeals against disciplinary actions;
- (c)
 - (i) prescribing the duties of employers in relation to service posts, the persons whom they may appoint thereto and conditions under which such appointments may be made, and terms and conditions of services of persons appointed thereto;
 - (ii) prescribing the qualifications or conditions in relation to membership of the service and service terms appropriate to such membership;
 - (iii) prohibiting, restricting 'and regulating the exercise of an employers' powers of discipline, termination of appointment and dismissal in respect of persons appointed to service posts;
- (d) registration, suspension and dismissal;
- (e) the establishment, management and control of any provident fund, superannuation fund or pension scheme.
- (f) the functions, powers and procedure of the Committee;
- (g) recategorisation of grades and ranks;
- (h) the functions, powers and procedure of the Commission;
- (i) regulating the filling of vacant posts in the approved establishment;
- (j) the secondment, transfer and release of teachers to either public or private institutions;
- (k) the payment of allowances to members of the Commission and its Committees;
- (l) the furtherance generally of the aims and objectives of this Act.

(2) All regulations made under this section may provide for their application to any specific class or description of teachers whether by reference to place or terms of recruitment, types of schools, the posts in which such teachers are employed, their qualifications, length of service, status or to any other matters.

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

Consequential
provisions

20.-(1) The Unified Teaching Service Act is hereby repealed.

Repeals
and savings

(2) Notwithstanding the repeal of the Unified Teaching Service Act, any regulations made under that Act shall continue in force unless they are sooner revoked.

FIRST SCHEDULE

COMPOSITION AND CONSTITUTION OF THE COMMISSION

1. The Commission shall consist of-

- (a) a Chairman appointed by the President of the United Republic of Tanzania;
- (b) not more than five other members appointed by the Minister one each from-
 - (i) the Central Government;
 - (ii) the Ministry of Education;
 - (iii) the Local Government;
 - (vi) JUWATA, who shall be a teacher by profession;
 - (v) the Secretary of the Tanzania Teachers' Professional Association.

Composition of
the Commission

2.-(1) Subject to the provisions of sub-paragraph (2) and (3) of this paragraph, a members appointed under paragraph 6(2) of this act may hold office for such period as the Minister shall, at the time of appointment, direct and if no such direction is given, for a period of four years from the date of his appointment and shall be eligible for re-appointment.

Tenure of
members

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

(3) Any member of the Commission appointed under paragraph (1) of this Schedule may resign from the Commission by notice in writing addressed, in the case of the Chairman and the Secretary to the President and in the case of any other member to the Minister and as from the date specified in such notice, such a member shall cease to be member of the Commission or if no date is specified from the date of receipt of the letter.

(4) Any member who fails to attend any three consecutive meetings of the Commission or Committee without reasonable cause shall be deemed to have ceased being a member of the Commission or Committee as the case may be.

GENERAL PROVISIONS RELATING TO THE MEETING PROCEEDINGS AND ACTS OF THE COMMISSION

- Commis-
Sion may
act not-
with-
standing
any vac-
ancy
3. The validity of any proceedings of the Commission shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of any member thereof.
4. The Secretary to the Commission shall attend all meetings but shall not vote at such meetings.
- 5-(1) The Commission shall meet at least four times in every year at such time and such place as the Chairman may appoint.
- (2) The Chairman may at any time convene a special meeting of the Commission and-
- (a) shall call a meeting within six weeks of receiving a written request in that behalf specifying the reason for the meeting and addressed to him and signed by not less than three members of the Commission;
- (b) shall call a meeting when so directed by the Minister.
- Invitation
of non-
members
6. The Chairman in his discretion may invite any person to attend any meeting of the Commission, and any such person may take part in the proceedings of that meeting but shall not be entitled to vote at any meeting.
- Absence
of Chair-
man
7. In the absence of the Chairman from any meeting of the Commission the members present shall, from among their number elect a Chairman for the purpose of such meeting.
- Quorum
8. One half of all members shall constitute a quorum at any meeting.
- Commis-
Sion may
appoint
Commit-
tees
- 9.--(I) The Commission may appoint and decide on the constitution and powers of Committees of the Commission.
- (2) The Commission, when appointing any Committee under the paragraph, may authorise the Committee to coopt as members of the Committee persons who are not members of the Commission.
- Decision
is to be by
vote
10. All questions that come before the Commission shall be decided by votes of the majority of the members present at the meeting and in the event of an equality of vote the Chairman shall, in addition to his vote as a member, have a casting vote.
11. The Chairman shall report to the Commission the action taken on any matter in respect of which the Commission has rendered advice to the Minister.
- 12.--(I) The Secretary to the Commission shall cause to record and keep details of all business conducted at all meetings of the Commission and all minutes of each meeting of the Commission shall be confirmed at the next meeting of the Commission and signed by the Chairman presiding at that meeting.
- (2) The names of all members of the Commission attending any meeting and non-members shall be recorded in the minutes.
- (3) Any minutes purporting to be signed by the person presiding at a meeting of the Commission in the absence of proof of error the minutes shall purport to be a correct record of the meeting whose minutes they purport to be.

13. Subject to the provisions of this Act and of any regulations made hereunder, the Commission may regulate its own procedure.

Commission
to regulate
its own
procedure

14. Any Committee of the Commission may coopt as members of the Committees such number of persons who are not members of the Commission as it may deem necessary of non- for the efficient execution of any task undertaken by it or as may be directed by the Commission.

Co-option
of non members,
of the Commission

15. The General provisions relating to the meetings proceedings and acts of the Commission shall, *mutatis mutandis*, apply in relation to meetings, proceedings and acts of the Committees of the Commission.

Proceedings of
the Committee

SECOND SCHEDULE

Constitution of Regional Committees

1. The Regional Committee shall consist of a Chairman and such number of other members appointed by the Minister as shall be specified in the order establishing the Committee.

2. A member of the Committee shall hold office for a period of four years from the date of appointment but shall be eligible for re-appointment.

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

4.-(1) The Minister may at any time revoke the appointment of any member of the Committee and appoint another person in his place.

(2) If the place of any member of the Committee for reason falls vacant, the Minister may appoint another person to fill such a vacancy.

5.-(1) The Secretary to the Committee shall be an officer of the Ministry of Education appointed for that purpose by the Secretary to the Commission.

(2) The Secretary to the Committee shall attend all the meetings but shall not vote at the meetings.

6. The Secretary to the Regional Committee may institute disciplinary action and refer the matter to the Regional Committee for decision.

General provisions relating to meetings- Proceedings of the Regional Committees

7-(1) Every Regional Committee shall meet at least four times a year.

Frequency of
meetings

(2) The quorum at any meeting of the Committee shall be not less than half of the total membership of the Committee.

(3) The Committee may appoint and decide on the Constitution and powers of sub-committees of the Committee.

Decision
is to be
made by
vote

(4) The Committee, when appointing any sub-committee under sub-paragraph (3) of this section, may authorise the sub-committee to coopt as members of the sub-committee persons who are not members of the Regional Committee.

8. All questions that may come before a Regional Committee shall be decided by vote of the majority of the members of the meeting and in the event of an equality of votes the Chairman shall, in addition to his vote as a member, have a casting vote.

9-0) The Chairman of a Regional Committee may invite any person to attend and to speak on any matter at any meeting of the Committee, but no such person shall vote upon any matter,

(2) The Minister, the Chairman or the Secretary to the Commission may empower any person to attend any meeting Or meetings of a Regional Committee and the person so empowered to attend such meeting or meetings, may take part in the Proceedings thereat and if he so requests, his advice on any matter shall be recorded in the minutes of the meeting, but he shall not vote on any matter.

10, Subject to the Provisions Of this Act and of any regulations made thereunder a Regional Committee may regulate its own Procedure.

THIRD SCHEDULE

Constitution of District Committee

1, The District Committee shall consist of a Chairman and such number Of other members appointed by the Minister is shall be specified in the order published in the Gazette establishing the Committee.

2.-(1) Subject to the provisions of subparagraph (2) and (3) Of this paragraph, a member appointed under paragraph (1) shall hold Office, for such a period as the Minister shall at the time Of appointment direct and, if no such directions is given, for a period of four years from the date Of his appointment, and shall be eligible for re-appointment.

(2) The Minister may revoke an appointment made by him under Paragraph (1).

(3) A member appointed under paragraph (1) may resign from the Committee by notice in writing addressed, in the case of the Chairman to the Minister, and in the case of any other member, to the Chairman, and as from the date Of receipt of the notice, such a member shall cease to be a member of the Committee.

(4) If during any period, any member of the Committee is, owing to illness or any other cause, unable to perform his duties as a member of the Committee, the Minister may appoint a temporary member to perform the duties Of such a member for the period during which he is disabled.

3, The general Provisions relating to the meeting, Proceedings and acts of the Regional Committee shall, with necessary modifications apply in relation to the meetings, Proceed-ings and acts of the district' committee.

FOURTH SCHEDULE

Oath of member

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

SO HELP ME GOD

Sworn/Declared before me this
day of 19 ..
before me
Judge of the High Court.

FIFTH SCHEDULE

Other Officers of the Commission

I being
-called upon to exercise the functions of an officer of the Teachers' Service Commission,
do swear that I will not, directly or indirectly, reveal to any unauthorized person or
otherwise than in the course of duty the contents or any part of the contents of any
documents, communication or information what-so-ever which may come to my knowledge
in the course of my duties as an officer of the Commission or under the provisions of the
Teachers' Service Commission Act, 1989.

SO HELP ME GOD

Sworn/Declared before me
this day of 19.....
Before me

Passed in the National Assembly on the second day of February, 1989.

M. M. Winkler
Clerk of the National Assembly