

THE PARLIAMENTARY SERVICES COMMISSION ACT, 1997

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THE UNITED REPUBLIC OF TANZANIA



No. 14 OF 1997

I ASSENT,

President

12 June, 1997

An Act to establish the
Parliamentary Service and a
Parliamentary Services
Commission, and to provide
for matters connected to them

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ENACTED by the Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

1- This Act may be cited as
the Parliamentary Services
Commission Act, 1997.

Short title

2. This Act shall come into
operation on the first day of
July, 1997.

Commencement

3- This Act shall be read as
one with the Constitution of the
United Republic of Tanzania, 1997.

Construction

Interpretation

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

"Chairman" includes the Vice-Chairman or any other member when discharging the functions of the Chairman;

"Clerk" means the Clerk of the National Assembly appointed in accordance with the provisions of section 87 of the Constitution;

"Commission" means the Parliamentary Services Commission established by section 9;

"Commissioner" means a member of the Commissioner

"Department of the Service" means any of the Departments referred to in section 8;

"member" in relation to the Commission includes the Chairman and the Vice-Chairman of the Commission

"Minister" means the Minister responsible for parliamentary Affairs;

"Officer" means any person who holds or acts in any office in any Department of the service:

"Service" means the Parliamentary service established by section 8;

"Speaker" means the Speaker of the National Assembly or where appropriate, the Deputy Speaker

"Scheme" means the Parliamentary service scheme established pursuant to section 9.

PART II

THE PARLIAMENTARY SERVICES COMMISSION

5.-(1) There is hereby The Parliamentary establish a Commission which shall be known as the services Parliamentary services Commission. Commission

(2) The Commission shall consist of-

- (a) the Speaker, who shall be the Chairman,
- (b) the Deputy Speaker, who shall be the Vice-Chairman;
- (c) The Minister responsible for Parliamentary Affairs;
- (d) five other members appointed by the National Assembly from amongst its Members.

(3) The Clerk shall be the Secretary of the Commission and shall be responsible for securing or facilitating the implementation of all the decisions of the Commission.

Tenure of
office of
Commissioners

6. Subject to section 15, a Commissioner shall vacate his office-

- (a) upon the expiration of five years from the date of his election as a Member of Parliament;
- (b) if circumstances arise which, if he were not a Member of Parliament, would disqualify him from election as or holding office of Member of Parliament;
- (c) upon receipt by the appointing authority of his written notice of resignation.

Functions
of the
Commission

7.-(1) The functions of the Commission shall be-

- (a) to maintain and control the Service;
- (b) to appoint all staff in the Departments of the Service, to determine their numbers and, after appropriate consultations fix their remuneration and other terms and conditions of service;

(2) In the performance of its functions under this section, the Commission shall ensure that the complementing, grading and pay of staff in the Service are kept broadly in line with those in the Civil Service, and that so far as consistent with the requirements set by the National Assembly, the other conditions of staff in the Service are also kept broadly in line with those in the Civil Service.

(3) The Commission shall ensure that, the pensions and other similar terminal benefits of staff in the service are kept in line with the provisions of the main pension scheme of the Civil Service, but shall not do so in the case of staff for whom provision for such benefits was made under another statutory scheme before they entered service in the National Assembly.

(4) The provisions of subsection (1) shall not apply to the appointment and tenure of office of the Clerk.

PART 111

THE PARLIAMENTARY SERVICE

8.-(1) There is hereby **Establish-**
established for the purposes of **ment of**
parliament a Parliamentary **the Service**
Service.

(2) The Service shall consist of all persons appointed to offices under and in the service of the National Assembly.

(3) There shall be such number and type of departments under the Service as the Commission may from time to time establish.

(4) The Commission may from time to time-

- (a) allocate functions to any Department of the Service;
- (b) make any arrangements as appear connection with the creation, division, amalgamation or abolition of any Department of the Service.

Parliamentary
service
Scheme

9-(1). The Commission shall, as soon as possible after the commencement of this Act, formulate a Scheme for the effective establishment of the Service, and cause it to be confirmed by resolution of the Assembly.

(2) Subject to subsection (1) and to section 8, the Commission shall make such provisions in the Scheme as it considers necessary for the promotion, development, maintenance and control of an efficient Service and those provisions may relate to any or all of the following matters, namely-

- (a) the officers or employees or category or categories of officers or employees of the National Assembly who are to be members of the Service;
- (b) the regulation of the position of any officer or employee appointed prior to the coming into force of the Scheme.

10--(1) The Commission shall have power-

- (a) to constitute and abolish offices in the Service which are to be held by officers in respect of whom the Scheme applies;
- (b) to appoint persons to hold or act in any office in the Service, including power to confirm appointments

Powers of
Commission
in relation
to the
Service

and to exercise disciplinary control over persons holding or acting in the Service and to remove those persons from office;

- (c) to make such provision as may be necessary for the maintenance and control of the service generally.

(2) The Commission May delegate to the Speaker any of its functions under this section.

PART IV

FINANCIAL AND MISCELLANEOUS PROVISIONS

Funds of the National Assembly 11. The moneys required from time to time for the purposes of this Act shall, when the estimates have been approved by Parliament, be paid by the Treasury from the Consolidated Fund into the National Assembly Fund.

Financial provisions 12.-(I) The Clerk shall present to the Commission the estimates of the sums of money required to be provided by the Parliament for the purpose of this Act, and the Commission shall review the estimates and make any alterations which it considered proper, and shall then concur in those estimates.

(2) The Speaker shall submit the estimates agreed upon by the Commission to the Minister for further processing for the purposes of seeking approval of the National Assembly according to law.

(3) The Minister shall present the estimates for consideration and authorization by the National Assembly in accordance with established constitutional procedure.

(4) The Clerk shall be the accounting officer responsible for accounting for all sums paid out of money provided by Parliament for the service of the National Assembly.

13- The Commission shall, from time to time, Prepare and recommend to the President the rates of salaries, allowances and other remuneration to be paid to Members of Parliament.

Salaries
and
allowances,
etc.

14. The Clerk shall ensure that, proper books and records of accounts in audit relation of the Fund Service are kept and maintained, and those accounts shall be audited by the Controller and Auditor General in accordance with the provisions of Exchequer and Audit Ordinance.

Accounts

Cap. 439

15. The Speaker shall each year cause to be prepared and submitted to the Minister a report showing the activities of the Commission in the past year, including a report of the auditors on the accounts of the Commission, and the Minister shall submit the report to the National Assembly.

Annual
Report

16.-(1) The validity of any proceedings of the Commission shall not be affected by any vacancy amongst the members of the Commission, or by any defect in the appointment or nomination of any Commissioner.

Proceedings
and
business

(2) The Commission may determine its own procedure.

(3) The Commission may, in the absence of both the Speaker and the Deputy Speaker, appoint one of the Commissioners to act as chairman at any meeting of the Commission.

When
Parliament
dissolved

17.-(1) Upon the dissolution of Parliament, the person who is then Speaker, shall continue in office as a member of the Commission until a Speaker is elected by the new Parliament.

(2) Upon the dissolution of Parliament, the members of the Commission shall continue in office until members are nominated or appointed in their place by the new Parliament.

Regulations

18. The Commission may, from time to time make such regulations, to be signed by the Chairman and published in the *Gazette*, as it may deem necessary or expedient for facilitating the effective performance of the purposes and provisions of this Act.

Transitional
Provisions

19.-(1) Subject to this section, all officers who prior to the commencement of this Act are employed as staff of the National Assembly shall, upon the commencement of this Act, but not later than six months thereafter, have and exercise the option to join the Service or to be transferred back to the jurisdiction of the Civil Service Commission.

(2) Upon the exercise by an officer of the option to join the Service or if six months expire after commencement of the Act before an officer exercises the option, the officer concerned shall be deemed for all purposes to have been appointed in the Service under this Act and his service after commencement of this Act shall, for all purposes, be continuous with his service before commencement of this Act.

(3) An officer who opts not to join the Service, shall be transferred back to the Principal Secretary for Establishments who shall then provide for the deployment of the officer in the Civil Service.

Passed in the National Assembly on the 9th April, 1997.

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Clerk of the National Assembly