

THE POLITICAL SERVICE RETIREMENT
BENEFITS ACT, 1999

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THE UNITED REPUBLIC OF TANZANIA



No. 3 OF 1999

An Act to provide for the granting of benefits and services to
leaders upon cessation of service in a political office.

I.....I

ENACTED) by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY PROVISIONS

1. This Act may Short title
be cited as the
Political Service
Retirement Benefits Act,
1999

2.- (1) Subject to Commencement
subsection (2) , this Act
shall come into
operation on the 1st day
of November, 2000

(2) Part III sections 14, 15, 18, 19, 20 and Part VII of this Act shall come into operation on the date of publication of this Act in the *Gazette*

Application

3. This Act shall **apply to lead-ers, other than those to whom the provisions referred to in subsection (2) of section 2 relate, who assume or retire from office on or after the 1st day of November, 2000.**

Interpretation

4. In this Act,
unless the context
requires otherwise-
"appointing nominating
or electoral
authority" means
the' President and
the National
Electoral
Commission,
"appropriate authority"
in relation to any
provision of this
Act, means a
person declared
under sections
6 (3),
"benefits" means

pension, gratuity,
winding up
allowance or any
other award
granted under the
provisions of this

Act

"Constitution means the
Constitution of
the United
Republic of
Tanzania, 1977,
dependant" in relation
to a deceased
leader means-

- (a) where the
deceased
leader was a
male, his
widow ⁽¹⁻⁾
where
immediately
preceding his
death he was
married to
two or more
wives, his
widows,
- (b) where the
deceased

-
- leader was a female, her husband;
- (c) every child of the deceased leader who was wholly or substantially dependent upon the deceased leader's income for his or her livelihood immediately preceding the death of the deceased officer,
- (d) the immediate parents of the deceased leader, who satisfies the Permanent Secretary to the Treasury that they

were wholly or
substantially
dependent
upon the
deceased
leader's
income for
their
livelihood
immediately
preceding the
death of the
deceased
leader;

"former President" means

a person who has
held the office of
the President of
the United
Republic, but has
ceased to hold
that office and
the expressions
'former Vice
President',
"former Prime
Minister", "former
Minister" and
"former Deputy
Minister" shall be

c o n s t r u e d
accordingly;

"former Speaker" means
a person who has
held the office of
the Speaker of the
National Assembly
but has ceased to
hold that office
and the expression
"former Deputy
Speaker and
"former Member of
Parliament" shall
be construed
accordingly;

"gratuity" means
payment granted to
a leader upon
cessation of
service,

"leader" means a person
who serves or has
served in office
as the President,
Vice President,
Prime minister,
minister, Deputy
Minister, Speaker
of the National
Assembly, Deputy

Speaker, a Member
of Parliament,
Regional
Commissioner or
District

Commissioner,

'repealed Acts' means

the Political
Leaders Pensions
Act, 1981 and the
Specified State

Leaders Retirement
Benefits Act, 1986,;

'salary' means the
basic salary of a
leader excluding
bonus, allowance
of any kind or any
other additional
emoluments of any
kind;

'survivor' means a
widow, widows or
widower the
deceased leader.

Acts Nos

1.4 of 1981
and

2 of 1986

PART II**PROVISIONS GOVERNING GRANT OF BENEFITS**

Scope of
entitlement
to the
benefits

5.- (1) A person shall be entitled to a grant of benefit under this Act upon the occurrence of any of the following events-

upon
completion of
a term of
service in an
office to
which he was
elected,
nominated or
appointed;

(b) upon
cessation of
service in
pursuance to
the
provisions of
the
Constitution
or the
provisions of
any other law
or order
issued under
any written
law;

-
- (c) u p o n
abolition of
the office to
which he was
e l e c t e d ,
nominated or
appointed;
- (d) existence of
m e d i c a l
evidence to
t h e
satisfaction
o f t h e
electoral,
nominating or
appointing
authority
that he is
incapable by
reason of any
infirmity of
mind of body of
discharging
the duties of
the office to
which he was
e l e c t e d ,
nominated or
appointed;
- (e) upon death
while serving

in a political office
before completion of
a term of service in
which benefit shall be
granted to depe-
ndants of survivors.

(2) Where,
immediately before he
was elected, nominated
or appointed as the
case may be, the
**President, Vice
President, Prime
Minister and Speaker of
the National Assembly,**
who was employed on
pensionable terms or
his employment was
governed by an
employers, terminal
benefits scheme or a
national social
security scheme under
which the 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 benefits granted under this Act.

6.- (1) Subject to subsection (2), the benefits which are granted under this Part, are a right conferred upon the holders of the office concerned under the Constitution and no person or authority within the United Republic may reduce, withhold or freeze such benefits, except with the prior authorization of the National Assembly signified by Act of Parliament.

(2) A person shall not be entitled to benefits under this Act if he ceases to hold office as a leader

Benefits payable as of right.

in the circumstances provided for in Articles 46A(11) , 50(5), 57 (2) (g) or 71 (1) (d) of the Constitution of the United Republic of Tanzania, 1977

(3) The expression "a p p r o p r i a t e authority"-

- (a) for the purpose of sections 9(1) and 9(2), (c), (d), (e), (f), (g) , (h), (i), 0), (k), (1), (m), (n), and (3), sections 10, 11,12(1) 12(2) (c), (d), (e), (f), (g), (h), (i), and 6), (i) and 0), sections and subsections (3), and (4), sections 13, 14(1),14(2) (c), (d), (e) (f), (g), (h), (i), and 0), sections 15, 16, 17, 18 (1) (a), (b), (c), (d), (e), (g) and (h) and sections 19, 20, 21,22, 23, 25 and 27 means the Permanent Secretary to the Treasury

- (b) for the purpose of sections 9(2) (a), (b), (q), and subsection (3), section 12 (k), section 14 (2) (a) and (b), and (k) and subsections (3) and (4) section 18 (1) (f) means the Permanent Secretary to the Ministry responsible for Civil Service.

Condi-
tions
regard-
ing leave
without
Salary

7. -(1) Where immediately **before** a leader other than the former President, the former Vice-President, the former Prime Minister or the former Speaker was elected, nominated or appointed to become a leader, was a public officer employed on pensionable terms or his employment was governed by an employees terminal benefits scheme under which the terminal benefits on retirement took the form of payment of a pension, that leader shall be deemed to be on leave without salary from his former employer but the period during which he served as a leader shall be taken into account for the purposes of computing any pension or gratuity, he may be granted under the pension laws or regulations governing his employment as a public officer.

(2) Where a leader other than the former President, the former Vice President the former Prime Minister or the former Speaker who prior to become a leader was a public officer and *who, upon* ceasing to become a leader has not attained the age of compulsory retirement, does not retire from service under his former employer, his pension or gratuity shall be calculated with reference to the provisions of the laws or regulations *which* governed his employment as *such* public officer.

Benefits
to be
charged out
of Consoli-
dated Fund

8. There shall be charged on and paid out of the Consolidated Fund the sums of moneys which may be granted by way of benefits under the provisions of this Act

PART III

GRANT OF BENEFITS TO FORMER PRESIDENT AND FORMER VICE PRESIDENT

(i) *Benefits to former President*

Benefits
to be
granted
to former
President

9.-(1) A leader who held the office of the President of the United Republic shall, upon ceasing to hold office, be granted-

(a) an annual pension
granted monthly of

a sum equal to eighty
per cent of the
salary of the
i n c u m b e n t
President,

(b) a gratuity of the
sum equal to fifty percent of the
total sum received by him as
salaries when he was in office;

(c) a winding up
allowance of the
sum equal to the
amount that would
be received as
salary in twenty
four months by the
i n c u m b e n t
President

(2) The
appropriate authority
shall arrange and
provide to the former
President upon ceasing
to hold office-

- (a) diplomatic passport for him and for his spouse,
- (b) a health insurance policy that covers medical treatment within the United Republic;
- (c) the service of two motor vehicles to be provided by the Government;
- (d) a furnished house containing not less than four bedrooms of which two rooms shall be self contained and shall contain-
 - (i) a furnished office;
 - (ii) a servant quarter;
- (e) a monthly maintenance allowance of the sum equal to eighty percent of the salary granted to the incumbent president;

- (f) all necessary security and other protection services to him and his immediate family
- (g) one personal assistant;
- h) one personal secretary;
- (i) one office attendant;
- j) one cook;
- (k) one laundry man;
- (l) one domestic servant,
- (M) one gardener;
- (n) two drivers;
- (o) use of VIP lounge.

(3) If the former President is requested by the Government to travel outside the United Republic, the appropriate authority shall meet all First Class traveling which expenses shall also cover expenses for the spouse and two assistants

Grant of gratuity to dependants of former President

10. Where the President dies in office or if he dies after ceasing to hold office but before benefits are granted to him, the appropriate authority shall grant to his dependants gratuity which shall be equal to the total sum received by him as salaries when he was in office

Pension for widow or widower of former President

11. When a former President dies his Widow shall be granted by an appropriate authority an annual pension payable monthly of the sum equal to twenty per cent of the salary of the incumbent President

(ii) Benefits to former Vice-President

Benefits to be granted to former Vice-President

12.- (1) A leader who held the office of the Vice-President of the United Republic shall, upon ceasing to hold office, be granted-

-
- (a) an annual pension granted monthly of a sum equal to eighty per cent of the salary of the incumbent Vice-President,
- (b) a gratuity of the sum equal to My percent of the total sum received by him as salaries when he was in office;
- (c) a winding up allowance of the sum equal to the amount that would be received as salary in twenty four months by the incumbent vice President.

(2) The appropriate authority shall arrange to provide to the former Vice-President, upon ceasing to hold office-

(a) a diplomatic passport for him and for his spouse;

(b) a health insurance policy that covers medical treatment within the United Republic;

(c) **the service of one motor vehicle to be provided by the Government;**

(d) a monthly maintenance allowance of the sum equal to eighty percent of the salary payable to the incumbent vice-president.

(e) one-personal assistant;

(f) one cook-,

- (g) one laundry man;
- (h) one domestic servant;
- (i) one gardener;
- (j) one driver;
- (k) use of **VIP** lounge.

(3) All necessary security and other protection services to, him and his immediate family.

(4) If the former Vice-President is requested by the Government to travel outside the United Republic the appropriate authority shall meet all First Class traveling expenses which shall also cover expenses for his spouse and one assistant.

Grant of gratuity to dependants of former Vice-President

13. Where the Vice-President dies in office or if he dies after ceasing to hold office but before benefits are granted to him, the appropriate authority shall grant to his dependants gratuity which shall be calculated on the basis of the period he served in office.

PART IV

BENEFITS CONFERRED TO FORMER PRIME MINISTER, FORMER MINISTER AND FORMER DEPUTY MINISTER

(i) Benefits to former Prime Minister

Benefit-s to be granted to former Prime Minister

14.- (1) A leader who held the office of the Prime Minister of the United Republic shall, upon ceasing to hold Office, be granted-

(a) an annual pension payable monthly of

the sum equal
to eighty per
cent of the
salary of the
incumbent
Prime
Minister;

- (b) a gratuity of the sum
equal to fifty percent of
the total sums of mo-
ney received by him as
salaries when he was in
office;
- (c) a winding up
allowance of
the sum equal
to the amount
that would be
received as
salary in
twenty four
months by the
incumbent
Prime
Minister.

(2) The
appropriate authority
shall arrange and
provide to the former
Prime minister, upon
ceasing to hold office-

- (a) a. diplomatic passport for him and for his spouse,
- (b) a health insurance policy that covers medical treatment within the United Republic;
- (c) the service of one motor vehicle to be provided by the Government
- (d) maintenance allowance of the sum equal to eighty percent of the salary payable to the incumbent Prime Minister
- (e) one personal assistant;
- (f) one cook;
- (g) one laundry man;
- (h) one domestic servant;
- (i) one gardener;
- (j) one driver;
- (k) use of VIP lounge.

(3) All necessary security and other protection services to him and his immediate family

(4) If the former Prime Minister is requested by the Government to travel outside the United Republic, the appropriate authority shall meet all First Class travelling expenses which shall also cover expenses for his spouse and one assistant.

15. Where the Prime Minister dies in office or if he dies after ceasing to hold office but before benefits are granted to him, the appropriate authority shall grant to the dependants gratuity which shall be calculated on the basis of the period he served in office.

Grant of gratuity to dependants of former prime Minister

(ii) **Benefits to former Minister and former Deputy Minister**

16.- (1) The Minister or Deputy Minister shall, upon ceasing to hold office, be granted a gratuity of the sum equal to forty per cent of the total sums of moneys he

Payment of pension and gratuity to former Minister and Deputy Minister

received as salaries
when he was in office
(2) The payment
made in pursuance to
subsection (1) shall
be calculated on
the basis of total
number of months which
the Minister or Deputy
Minister, as the case
may be, held office.

17. Where the
former Minister or
Deputy Minister dies in
office or if he dies
after ceasing to hold
office but before
benefits are paid to
him, the appropriate
authority shall pay to
his dependants gratuity
which shall be
calculated on the basis
of the period he served
in office

Payment of
pension, etc
to dependants
of former
Minister
and Deputy
Minister

PART V

BENEFITS CONFERRED TO FORMER SPEAKER
AND FORMER MEMBER OF PARLIAMENT(i) *Benefits to former Speaker***Benefits
to former
Speaker**

18. A leader who field the office of the Speaker of the National Assembly shall, upon ceasing to hold office, be granted-

- (a) a gratuity of the sum equal to fifty percent of the total sums of moneys received by him as salaries when he held office of Speaker;
- (b) an annual pension granted monthly of a sum equal to eighty percent of the salary of the incumbent Speaker of the National Assembly,
- (c) a winding-up allowance of a sum equal to the amount that would be received as salary in twenty four

months by the incumbent Speaker.

(d) one motor vehicle to be granted once and which shall be maintained by him;

(e) a driver.

(f) a diplomatic passport for him and for his spouse.

(g) seventy litres of fuel per week;

(h) maintenance allowance for a motor vehicle at a rate equal to forty percent of fuel allowance.

Grant of gratuity to dependants of former Speaker

19. Where the Speaker of the National Assembly dies in office or if he dies after ceasing to hold office but before benefits are paid to him, the appropriate authority shall pay to the dependants, gratuity which shall be

calculated on the basis
of the period he held
of f ice

(ii) *Benefits to former Deputy Speaker*

Benefits to
former
Deputy
Speaker

20.41) A leader who held the of-
fice of the Deputy Speaker of the Na-
tional Assembly shall, upon ceasing to
hold office, be granted a gratuity of the
sum equal to fifty per cent of the total
sums of moneys he received as sala-
ries when he was m office,

(2) The former Deputy Speaker of
the National Assembly shall, m addi-
tion to the benefits granted under sub-
section (1), be granted a winding-up
allowance of a sum equal to ten per-
cent of the total sum of the salaries he
received while he held the office as
Deputy Speaker of the National As-
sembly.

(iii) *Benefits to former Member of
Parliament*

Benefits to
former
Member of
Parliament

21.- (1) A leader
who held the office of
the Parliament shall,
upon ceasing to hold
of f ice, be granted
gratuity of the sum
equal to forty per cent
of his salary for each
complete month of his
service payable in
lumpsum.

(2) The payment made in pursuance to subsection (1) shall be calculated on the basis of total number of months which the leader held office of the Member of Parliament

(3) The former Member of Parliament shall in addition to the benefits granted under subsection (1) be granted a winding up allowance of a sum equal to twenty per cent of the total sum of the salaries he received in twenty four months.

Grant of gratuity, etc. to dependants of former Member of Parliament

22. Where a Member of Parliament dies in office or if he dies after ceasing to hold office but before benefits are granted to him, the appropriate authority shall grant to his dependants gratuity which shall be calculated on the basis of the period he served in office.

PART VI

BENEFITS CONFERRED TO FORMER REGIONAL COMMISSIONER OR DISTRICT COMMISSIONER

Benefits to be granted to Regional Commissioner or District Commissioner

23. With effect from the 1st day of November, 2000, a leader who holds office of Regional Commissioner or of District Commissioner

shall, upon ceasing to hold office in circumstances set out in section 5(1), be entitled to benefits granted in accordance with the provisions of the Public Service Retirement Benefits Act, 1999

Review of
benefits
and
exemption
from income
tax

24.- (1) The National Assembly shall, at intervals of not less ⁱⁿ then five years, by resolution review the pensions, gratuity and allowances payable under this Act.

(2) All benefits granted to a leader under this Act shall be exempted from income tax.

Repeal and
Savings
Acts Nos.
14 of 1983-
and
2 of 1986

25.- (1) The Political Leaders Pensions Act, 1981 is hereby repealed with effect from the 1st day of November, 2000

(2) The Specified State Leaders Retirement Benefits Act, 1986 is, subject to section 2, hereby repealed.

(3) A person who enjoys any benefits by reason of operation of the repealed enactments shall continue to enjoy those benefits and for the purposes of further enjoyment of those benefits, such enactments shall be treated as if they have not been repealed.

PART VII
AMENDMENT OF THE SPECI-
FIED STATE LEADERS RETIRE-
MENT BENEFITS ACT, 1986

Construction
Act No. 2 of
1986

26. This Part shall be read as one with the Specified State Leaders' Retirement Benefits Act, 1986 hereinafter referred to as "the principal Act."

Amendment
of sections
13, 16 and 18

27. The principal Act is amended-
(a) in section 13 by deleting paragraph (b) of subsection (1) and substituting for it the following-

"(b) an annual pension granted monthly of a sum equal to eighty percent of the salary payable to incumbent President.";

(b) in section 16 by deleting paragraph (c) of subsection (1) and substituting for it the following-

"(c) an annual pension granted monthly of a sum equal to eighty percent of the salary payable to the incumbent Vice-President.";

(c) in section 18 by deleting paragraph (c) of subsection (1) and substituting for it the following-

"(c) an annual pension granted monthly of a sum equal to eighty percent of the salary payable to the incumbent Prime Minister."

PART VIII
AMENDMENT OF THE
POLITICAL LEADERS'
PENSIONS ACT, 1981

Construction
Act No. 14
of 1981

28. This Part shall be read as one with the Political Leaders' Pensions Act, 1981 hereinafter referred to as "the principal Act".

29. The principal Act is amended-

Amendment
of sections
9 and 19

(a) in section 9 by deleting paragraph (b) of subsection (i) and substituting for A the following-
(b) upon the expiration of the life of Parliament, whether or not he is re-elected, appointed or reverts to a pensionable office

(b) in section 19 by deleting the phrase "not exceeding one-quarter" and substituting for it the phrase "of a sum equal to forty per centum"

(c) by adding immediately after section 19 the following new provision-

" 19A. Every Member of Parliament shall upon ceasing to be a political leader be granted a winding-up allowance of a sum equal to twenty per cent of the total sum of the salaries he received in twenty four months."

Passed in the National Assembly on the 8th February, 1999.

Clerk of the National Assembly

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