

Tanzania

## Parliamentary Services Commission Act Chapter 115

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# Parliamentary Services Commission Act

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## Tanzania

# Parliamentary Services Commission Act

## Chapter 115

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*[This is the version of this document at 31 July 2002.]*

*[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]*

*[s. 2; Act No. 14 of 1997]*

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

### Part I – Preliminary provisions (ss. 1-4)

#### 1. Short title

This Act may be cited as the Parliamentary Services Commission Act.

#### 2. \*\*\*

*[Omitted: Commencement.]*

#### 3. Construction

This Act shall be read as one with the Constitution of the United Republic of Tanzania<sup>1</sup>.

#### 4. Interpretation

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 Commission;

"**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;

<sup>1</sup>

"**officer**" means any person who holds or acts in any office in any Department of the Service;

"**Scheme**" means the Parliamentary Service Scheme established pursuant to [section 9](#);

"**Service**" means the Parliamentary Service established by [section 8](#);

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

## **Part II – The Parliamentary Services Commission (ss. 5-7)**

### **5. The Parliamentary Services Commission**

- (1) There is hereby established a Commission which shall be known as the Parliamentary Services Commission.
- (2) The Commission shall consist of—
  - (a) the Speaker, who shall be the Chairman;
  - (b) the Deputy Speaker, who shall be Vice-Chairman;
  - (c) the Minister responsible for Parliamentary Affairs;
  - (d) five other members appointed by the National Assembly from amongst the 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.

### **6. Tenure of office of Commissioners**

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.

### **7. Functions of the Commission**

- (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 Public 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 Public 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 Public 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 III – The Parliamentary Service (ss. 8-10)**

#### **8. Establishment of the Service**

- (1) There is hereby established for the purposes of Parliament a Parliamentary 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 connected with the creation, division, amalgamation or abolition of any Department of the Service.

#### **9. Parliamentary Service Scheme**

- (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. Powers of Commission in relation to the Service**

- (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 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 (ss. 11-19)**

#### **11. Funds of the National Assembly**

The moneys required from the 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.

## 12. Financial provisions

- (1) 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 considers 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 authorisation 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. Salaries and allowances, etc.

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.

## 14. Accounts

- (1) 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 the Public Finance Act<sup>2</sup>.

## 15. Annual report

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.

## 16. Proceedings and business

- (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.
- (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.

## 17. When Parliament dissolved

- (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 as a member of the Commission until a Speaker is elected by the new Parliament.

## 18. Regulations

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.

## 19. Transitional provisions

- (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 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 Permanent Secretary for Establishments who shall then provide for the deployment of the office in the Public Service.