

Tanzania

## Judiciary Administration (General) Regulations, 2021

### Government Notice 1 of 2021

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## Tanzania

# Judiciary Administration (General) Regulations, 2021

## Government Notice 1 of 2021

Assented to on 14 December 2020

Commenced on 1 January 2021

*[This is the version of this document from 1 January 2021.]*

### Part I – Preliminary provisions

#### 1. Citation

These Regulations may be cited as the Judiciary Administration (General) Regulations, 2021.

#### 2. Application

These Regulations shall apply to the Commission and all employees in the Service.

#### 3. Interpretation

In these Regulations, unless the context otherwise requires:

"**Act**" means the Judiciary Administration Act;

*[Cap. 237]*

"**appellate authority**" means a body, organ or a person authorized by the Act to decide upon appeals;

"**appointment**" includes:

- (a) appointment on contract;
- (b) temporary appointment;
- (c) acting appointment;
- (d) permanent appointment; and
- (e) appointment on promotion.

"**appointing authority**" means a body, organ or a person empowered by the Act to make appointments of employees in the Service;

"**approved establishment**" means the establishment of posts in the Service for which there is provision in the approved budget for their establishment;

"**authorized officer**" means an employee who is authorized in writing either generally or specifically to act on matters of any specified kind or to perform any duty or responsibility;

"**Chairman**" when used in relation to—

- (a) the Commission, means the Chairman of the Commission and includes a member selected amongst members to be a Chairman;
- (b) a Committee, means the Chairman of that Committee;

"**Chief Executive Officer**" means the Chief Court Administrator of the Judiciary appointed under section 7 of the Act;

"**Chief Secretary**" means the head of Public Service as provided for under section 4 of the Public Service Act;

*[Cap. 298]*

"**child**" includes a child born out of wedlock, stepchild, legally adopted child or child of a deceased near relative who is not more than eighteen years of age or a student under twenty five years old and who is wholly dependent on an employee or a child of any age who because of physical or mental infirmity is unable to earn a living;

"**Chief Court Administrator**" means a person appointed as such under section 7 of the Act;

"**Code of Conduct and Ethics**" means the Code of Conduct and Ethics for the Service, and includes the Professional Codes of Conduct and Ethics and the Public Service Leadership Code of Conduct and Ethics and any other codes made for similar purpose;

"**Commission**" means the Judicial Service Commission referred to under section 13 of the Act;

"**Committee**" means the Judicial Officers Ethics Committee, Regional Judicial Officers Ethics Committee, District Judicial Officers Ethics Committee and any other committee established under the Act;

"**Constitution**" means the Constitution of the United Republic of Tanzania, 1977;

"**criminal offence**" means an offence defined as such under the Penal Code or any other written laws;

"**dependant**" means a member of the family of an employee who wholly and solely depends upon the earnings of that employee;

"**disciplinary authority**" means any person or authority vested with powers under Part VI of these Regulations to take disciplinary measures against any employee, and includes any person to whom those powers have been delegated;

"**disciplinary offence**" means any act, omission, misconduct or failure to take reasonable care or failure to meet set targets or to discharge duties in a reasonable care or satisfactory manner by or on the part of an employee, which warrants disciplinary proceedings under the Act, and includes:

- (a) breach of any of the requirements of the Code of Conduct and Ethics for Judicial Officers, the Code of Conduct and Ethics for the Judiciary Service and the Professional Code of Conducts and Ethics, in case of an employee who is a leader, the Public Leadership Code of Ethics Act; and
- (b) any of the offences set out in the Second Schedule to these Regulations.

"**employee**" means any person who is employed in the Service;

"**employer**" means a person in the Judiciary Service with whom an employee entered into a contract of service and who is responsible for the payment of salaries of such employee;

"**employing authority**" means the Commission;

"**executive grade**" means the cadre of officers in the Service who occupy superlative substantive posts;

"**family**" for the purpose of these Regulations, means a wife, husband, child or dependant child of an employee;

"**head of division or department**" means an officer in-charge and heading any division or department in the Service, including any officer appointed to perform the duties and responsibilities of that officer under acting capacity;

"**head of unit**" means an officer in-charge of, and heading any unit in the Service, including any officer appointed to perform the duties and responsibilities of that officer under acting capacity;

"**head of section**" means an officer in-charge of, and heading a section in the Service;

"**interdiction**" means a temporary removal of a employee from exercising the duties of his office;

"**judicial officer**" shall have the meaning ascribed for it under the Act;

"**leave**" shall include, annual leave, maternity leave, sick leave, leave without pay, convalescent leave, sabbatical leave, paternity leave, leave pending retirement, pay study leave, compassionate leave and special leave of absence;

"**medical board**" means a board referred to under regulation 38;

"**medical practitioner**" means any person professing to practice medicine, surgery or holding himself out as ready and willing to give medical or surgical treatment to patients approved by the Government;

"**member**" means—

- (a) in relation to a Commission, a member of the Commission and includes the Chairman; and
- (b) in relation to a Committee, a member of the Committee and includes a Chairman of the Committee;

"**Minister**" means the Minister responsible for justice;

"**non judicial officer**" shall have the meaning ascribed for it under the Act;

"**officer grade**" means the lowest entry grade in the Service for a holder of a degree or equivalent qualifications from a recognized University or any other higher learning institution;

"**operational service**" means the cadre of supporting staff not employed in the executive or officer grades;

"**place of domicile**" means a place where an employee has a fixed permanent residence;

"**place of engagement**" means a place wherefrom an employee applied for a job;

"**promotion**" means the appointment of an employee to a higher grade with an immediate or potential increase in salary and responsibility;

"**rank**" means a position in the Service;

"**Scheme**" means the Judiciary Service Scheme made under the provisions of section 5 of the Act;

"**Secretary**" means the Secretary to the Commission referred to in section 15 of the Act;

"**Service**" means the Judiciary Service established under section 4 of the Act;

"**sick period**" means the period, the length of which commences from date an employee falls sick and ends on the date of his return to duty on completion of such sick period;

"**sick leave**" means the approved absence of an employee from duty on account of illness;

"**spouse**" means a husband or a wife of an employee and for purposes of privileges and entitlements for which an employee qualifies under these Regulations, means one spouse;

"**suspension**" means a temporary removal of an employee from exercising duties of his office after he has been convicted of a criminal offence until such time when the disciplinary proceedings against him are concluded;

"**supporting staff**" means a cadre other than executive grade and officer grade; and

"**transfer**" means posting of an employee from one duty station to another or from one department, unit or section to another, and includes a transfer from the Judiciary Service to the Public Service.

## Part II – Administration of the Judiciary Service

### 4. Chief Court Administrator

- (1) Pursuant to the provisions of section 7 (2), (3) and (5) of the Act, the person appointed to be the Chief Court Administrator shall also be the Chief Executive Officer of the Service.

- (2) The Chief Court Administrator shall provide leadership, direction and image to the Service, and shall:
  - (a) ensure that employees in the Service are trained, motivated, efficient and effectively performing their functions, and the Service is free of corruption and other unethical behaviour;
  - (b) improve Judiciary accountability by promoting result-oriented management service and customer satisfaction in service performance;
  - (c) pursue results-oriented management and ensure that the Service is mission driven and is performing effectively and efficiently; and
  - (d) ensure that all employees are retained within the Service, unless circumstances support a transfer of the employee to another Service.

## 5. Commission

- (1) The Commission shall provide policy direction to the Service, and shall:
  - (a) promote a policy which shall ensure that employees in the Service are trained, motivated, efficient and effectively performing;
  - (b) be responsible for recruitment, appointment, confirmation and promotion of employees; and
  - (c) be the disciplinary authority in respect of employees.
- (2) In addition to functions prescribed under subregulation (1), the Commission shall, save for Judges, the Chief Court Administrator, the Chief Registrar, Registrars of the Court of Appeal, Registrar of the High Court, be the final disciplinary authority in the Service and may, in that capacity and in relation to any employee, exercise all or any of the powers delegated to a disciplinary authority.
- (3) The President shall be a disciplinary authority for persons saved under subregulation (2).

## 6. Administration and terms of service

Subject to any written law, the administration of the service and the ordering of the terms and conditions of Service of employees shall be vested in the Commission.

## Part III – Appointment, confirmation and promotion

### 7. Powers of appointing authorities

This Part shall apply to the appointing authorities in respect of powers to—

- (a) make appointment of employees;
- (b) confirm the appointment of an employee appointed on probation, on promotion or on trial;
- (c) extend the probationary period of any employee appointed on probation or promotion on trial.

### 8. Powers of the Commission to appointment, etc

Subject to the procedures prescribed in these Regulations, powers of appointments, confirmation of appointments and promotion of employees other than those specified under section 29 (1)(a)(i) and (ii) of the Act shall be vested in the Commission.

## 9. Notification of vacancies where appointing authority is the President

- (1) Where a vacancy occurs or it is known that a vacancy will occur in the post of the Jaji Kiongozi, the Judge of the High Court, the Chief Court Administrator, the Chief Registrar, the Registrar of the Court of Appeal and Registrar of the High Court, the Commission shall notify the President accordingly.
- (2) Subject to the provisions of sections 7, 26, 27 and 28 of the Act, where the offices specified under subregulation (1) fall vacant the Commission shall recommend to the President at least three names of persons qualified for each post for the appointment.

## 10. Notification of vacancies where appointing authority is the Commission

- (1) Where a vacancy occurs, the Chief Court Administrator shall notify the Commission and specify the necessary requirements for such post.
- (2) Where a vacancy under subregulation (1) is of a judicial officer, the Chief Court Administrator shall, before notifying the Commission, make consultation with the Chief Registrar.
- (3) Where the Commission has been notified under subregulation (1), the Chief Court Administrator shall follow the procedures laid down in regulations 11 and 12 to fill that vacancy.
- (4) In order to ensure that selection of candidates in the posts under subregulation (2) is based on merit through open competition, the Employment Advisory Committee established pursuant to the provisions of section 14(2) of the Act shall facilitate the recruitment process and carry out the interview exercise for the candidates.

## 11. Advertisement

- (1) Subject to the provisions of this Part, applications for appointment to vacant posts shall be invited by public advertisement in at least two widely circulating newspapers and other media as may be determined by the Commission.
- (2) The Commission shall not advertise a vacant post, if the post to be filled is a superlative substantive post and is satisfied that the post should be filled by promotion from within the Service or the Public Service.

## 12. Selection of candidates

- (1) Subject to subregulation (2), selection of candidates to fill different posts in the Judiciary Service shall, except otherwise provided, be based on merits through an open competition and interviews.
- (2) The Commission shall prepare and issue guidelines to be observed by—
  - (a) in case of non judicial officers, the Employment Advisory Committee established under section 14 (2) of the Act; and
  - (b) in case of judicial officers, a committee appointed by the Commission under section 33(1), in conducting interviews for recruitment of employees in the Service.
- (3) The guidelines under subregulation (2) shall ensure objectivity, consistency and the attainment of the right qualities of the applicants.
- (4) In selecting candidates for appointment, including appointments on promotion, the appointing authority shall have regard primarily to the efficiency of the Service.
- (5) Every person selected for appointment in the Service shall, before assuming his duties, be required to present himself for medical examination to a government hospital or an approved private medical practitioner for purposes of ascertaining whether or not he is physically and mentally fit for appointment in the Service.

- (6) Unless otherwise provided in the letter of appointment, a fee for such examination shall be paid by the person concerned.
- (7) Where a person is found physically or mentally unfit for employment in the Service, his appointment shall not be proceeded with, provided that term "physical" or "mental" unfitness as used in this sub-regulation shall not include or be used to discriminate persons with disabilities.
- (8) Candidates having the same degree of preference, qualifications experience, proven merit and suitability for the post in the question and good performance shall be accorded greater weight than seniority, provided that, care shall be taken to ensure that selection considers representation of all respective groups in society.
- (9) Candidates selected for appointment for superlative substantive posts shall undergo vetting immediately before appointment.
- (10) An officer under subregulation (9) shall not assume office, unless the report of the vetting conducted has been submitted to the Commission.
- (11) A candidate who qualify for employment may not formally be allowed to take up his appointment before his certificates are verified by the respective authorities or the Commission attains satisfactory references from referees as well as confidential information from his previous employers, schools or training institutions.

### **13. Date of first appointment and personal records**

- (1) The date of first appointment of a newly appointed employee shall be the date stipulated in his appointment letter.
- (2) Upon appointment, every employee shall be required to fill Personal Record Form which shall remain the official document of the employee's records until the Commission approves changes.
- (3) The information filled in the Personal Record Form shall not differ from the information filled in school records especially date of birth.

### **14. Changes in family status or permanent residence**

Change of name, marital status and birth of children shall be reported by an employee to the employer who shall require the employee concerned to supply proof thereof.

### **15. Seniority of employees**

- (1) Seniority between persons appointed in a particular post or grade shall be determined by the date of their first appointment.
- (2) Where two or more persons are appointed on the same date, their relative seniority shall be determined by the dates of the letters offering them appointment, provided that if such letters were issued on the same date, the seniority shall be determined by the salary or, in the case of the salary being equal, by age.
- (3) Unless otherwise provided, the seniority between employees in a particular post or grade shall be governed by the order of the effective dates of their confirmation.
- (4) When a confirmed employee is promoted to a higher grade or transferred to a different grade, the employee shall take seniority immediately below the last confirmed officer in that grade.
- (5) Upon selecting candidates for promotion, the employer shall focus on the performance of the respective employees in addition to the qualifications and experience, proved merit and suitability for the posts in question.

## 16. Determination of age

- (1) Where only the year of birth of an employee has been recorded, his age shall be determined by deeming his date of birth to be the first day of July of that year.
- (2) Where only the month and year of birth has been recorded, the date of birth shall be deemed to be the sixteenth day of that month or fifteenth in the case of February.
- (3) Where there is ambiguity on the date of birth of an employee and there is argument between the employer and an employee as to the accurate date of birth, the higher older year of such employee recorded shall be recognized as the accurate date of birth of such employee and be used in determination of the retirement.

## 17. Appointment of Employment Advisory Committee

- (1) Subject to section 14(2) of the Act, there shall continue to be the Employment Advisory Committee which is responsible for appointments, promotion and disciplinary matters of non judicial officers in accordance with the provisions of these Regulations.
- (2) For purposes of performing its duties and functions relating to appointments and employments, the Committee shall apply and be bound by the rules of procedure set out in the First Schedule to these Regulations.
- (3) The Committee shall be answerable to the Commission and be guided by directives issued by the Commission:  
  
Provided that, the directives shall not contravene the provisions of these Regulations.
- (4) The composition of the Committee shall be as set out in the First Schedule to these Regulations.
- (5) The procedure for conduct of the meetings and other procedural matters of the Employment Advisory Committee shall be as set out in the First Schedule to these Regulations.

## 18. Appointment of other committees by the Commission

- (1) The Commission may, for purposes of facilitating the performance of its functions, appoint *ad hoc* committees to perform specific functions as may be determined by the Commission.
- (2) A Committee or subcommittee appointed under subregulation (1), as the case may be, shall operate on an *ad hoc* basis whereby it shall resolve and cease to exist upon completion of the task or duty for which it was appointed to perform.
- (3) The *ad hoc* Committee shall be answerable to the Commission and be guided by directives issued by the Commission:  
  
Provided that, the directives shall not contravene the provisions of these Regulations.

## 19. Establishment of disciplinary committees per court level

- (1) Subject to section 33(1) of the Act, it is hereby established disciplinary committees for non judicial officers at:
  - (a) the Judiciary Headquarters' which shall be responsible for all employees at the headquarters and the Court of Appeal; and
  - (b) the Main Registry, zones and divisions of the High Court of Tanzania.
- (2) The disciplinary committees established under subregulation (1) shall be a composed by members set out in the First Schedule to these Regulations.

- (3) The disciplinary committees shall exercise their powers in accordance to the procedures prescribed under Part VI and set out in the First Schedule to these Regulations.
- (4) The disciplinary committees shall prepare and submit periodical reports to the Secretary who shall keep records and inform the Commission on the performance of the committees.
- (5) The disciplinary committees' operations and management expenses shall be paid by respective sub-warrant holders at respective court levels.

## **20. Transportation and daily allowance on first appointment and privileges**

An employee shall, on first appointment, be entitled to—

- (a) free transport for himself, spouse and not more than four children or dependants from the place of engagement to his duty station; and
- (b) subsistence allowance at the rate to be determined from time to time by the Commission as provided for in the Act.

## **21. Probationary period**

- (1) Where a person is first appointed to an office in the Service on permanent and pensionable terms, he shall serve a probationary period which shall, not exceed twelve months.
- (2) The immediate supervisor or an authorized officer shall, not later than three months before the expiration of any probationary period, consider whether—
  - (a) an employee should be confirmed in his office; or
  - (b) the probationary period may be extended to afford the employee an opportunity of improving in any respect in which his work or conduct have been adversely reported on; or
  - (c) the employee's appointment should be terminated.
- (3) Where the immediate supervisor or an authorized officer is of the opinion that the probationary period should be extended under paragraph (b), or an appointment should be terminated under paragraph (c) of subregulation (2), he shall, before the extension of such period or termination of such appointment, inform the employee in writing of the intention to do so.
- (4) An employee shall be informed of his rights to make representations thereon within a period to be specified in the letter of information and shall be required to acknowledge receipt of the letter in writing within that period.
- (5) Where the immediate supervisor has not been satisfied by representation made under subregulation (4) he shall, through the Chief Court Administrator, advise the Commission to terminate the probationary appointment or demote.
- (6) Where the immediate supervisor or authorized officer is of the opinion that the employee has successfully completed a probationary period, he shall recommend to the appointing authority to confirm an employee.
- (7) The employee shall be considered to have been confirmed in the service upon the expiry of the probationary period, unless the appointment of an employee is terminated in accordance with these Regulations.

## **22. Promotion to be based on merit**

Promotion of an employee shall be based on merit, performance, professional qualification, competence and possession of the required skills.



## 23. Promotion on trial

- (1) The promotion on-trial shall be used to enable and afford an employee concerned, the opportunity to demonstrate whether he has the ability to discharge the responsibilities of the post to which he is being tried.
- (2) Where an employee is promoted to any post in the Service, the employee shall, for the period of six months exclusive of any period of leave and from the date upon which the promotion became effective, be deemed to be on trial.
- (3) Where the immediate supervisor is of the opinion that the employee under subregulation (2) has failed to perform satisfactorily all the duties of the post to which he was promoted, he shall give the employee a notice in writing calling upon him to show cause why his promotion should not be withdrawn and himself be reverted to his former rank.
- (4) Where a notice is given to an employee under subregulation (3), the immediate supervisors shall-
  - (a) if the employee has made any representations in writing pursuant to the notice, forward such representations together with his own report upon the employee's conduct, ability, diligence, aptitude and any other relevant factor to the appointing authority;
  - (b) if the employee fails to make any representation, the supervisor shall report such failure to the appointing authority together with information as to the employee's conduct, ability, diligence, aptitude and any other relevant information;
- (5) Upon considering the report and representations, if any, forwarded under subregulation (4), the appointing authority may direct that-
  - (a) the employee's promotion not be interfered with;
  - (b) a decision in the matter be deferred for such further period as the appointing authority may direct, so as to allow the employee further opportunity to prove his suitability for the post to which he was promoted; or
  - (c) the employee's promotion be withdrawn.
- (6) Where no notice has been given under subregulation (3), within the period of six months, the employee shall be deemed to have completed his trial period satisfactorily and his promotion shall automatically become substantive at the end of that period.
- (7) Subject to the provisions of subregulation (6), where an employee is not confirmed within the prescribed period, he shall have the right to enquire on his confirmation status.
- (8) An employee who is selected for promotion on trial shall be required to signify in writing, at the time of selection, his acceptance of the terms and conditions attached to that promotion, including the condition that, failure to show himself to be suitable for substantive promotion during the trial period will entail restoration to his former rank or former professional rank.

## 24. Persons not to be appointed

- (1) A person who has a known criminal record or who has been convicted of a criminal offence involving moral turpitude or who has previously been terminated from the public service shall not be appointed to any Service post.
- (2) Offences involving moral turpitude include—
  - (a) an act or behavior that gravely violates the moral sentiment or accepted moral standard of the community;
  - (b) the morally culpable quality held to be inherent in some criminal offences as distinguished from others; or

- (c) involvement in corruption or embezzlement of public funds or properties.
- (3) A person who has been removed or retired from the Judiciary or Public Service by retrenchment or redundancy shall not be appointed in the Service unless such person is, after the approval of the Chief Secretary, reappointed to the Service.
- (4) Where a person has been appointed in contravention of subregulations (1) or (3) of this regulation, it shall be lawful for the appointing authority to terminate such person at any time, and every such termination shall have the same effect as termination following disciplinary proceedings.
- (5) A person shall not be appointed, promoted or transferred to any Service post unless he holds such minimum academic and other qualifications as may, from time to time, be prescribed for appointment to any specified post.
- (6) A person who is of unsound mind shall not be appointed in the Service.
- (7) A person who is not a citizen of the United Republic shall not be appointed on pensionable terms to any Judiciary Service post.
- (8) Subject to the provisions of subregulation (7), a person who is not a citizen of the United Republic shall not be appointed to any Service post unless the appointing authority is satisfied that, no citizen of the United Republic who is qualified and suitable for appointment is available.
- (9) Whenever a need arises to employ a person who is not a citizen of the United Republic to a service post, the appointing authority concerned shall notify the Permanent Secretary (Establishments) who shall forward the proposal to the Chief Secretary for approval.

## 25. Terms of service

The terms and conditions of service of all employees shall be determined by the Commission.

## 26. Further engagement on contract

- (1) An employee shall, save for the Chief Justice and Justice of Appeal, not be permitted to continue in the Service on contract terms after attaining the age of sixty years, however, in rare cases the Commission may approve and recommend to the Permanent Secretary (Establishments) the re-engagement of that employee on contract terms if it satisfies that, it is in the public interest to do so.
- (2) The following persons may be engaged in the Service to serve on contract terms:
  - (a) a non-citizen who is engaged for some projects or on expatriate or consultancy requirements; and
  - (b) a retired employee who has been re-engaged in the Service on contract terms or extension of the Service.
- (3) Where it is in the opinion of the appointing authority that an employee be re-engaged on further terms of contract, the appointing authority shall notify the Permanent Secretary (Establishments) who shall forward the proposal to the Chief Secretary with recommendations thereof.
- (4) The re-engagement on contract terms shall be for a period of two years, and it may be renewed for another period of two years.

## 27. Salary and allowances

- (1) Subject to the provisions of sections 29 and 30 of the Act, the Commission shall determine the rates of salary and allowances to be paid to employees.

- (2) In determining rates of salary scales and allowances for the employees, the Commission shall have regard to the peculiarity and uniqueness of the working environment and any other relevant factors determined by the Commission and approved by the President.

#### **28. Salary entry point**

Salary entry point for employees shall be the minimum of the applicable salary scale prescribed by the Commission.

#### **29. Payment of salary**

Salaries shall be payable to employee's bank account at the end of each calendar month, after deduction of any taxes or statutory levy, loan deduction, due to salary and other lawful deductions, if any.

#### **30. Commencement of salary**

An employee shall be entitled to payment of salary, paid monthly in arrears, from the date of reporting for duty.

#### **31. Salary scale and changes in salary**

- (1) Except as directed by the appropriate appointing authority, a newly appointed employee or who is promoted to a higher grade, shall be placed on the minimum of the scale approved for the grade concerned.
- (2) Where there are changes in salary, employees shall be informed in a manner to be determined by the employer.

#### **32. Salary on promotion**

An employee promoted shall enter the new scale at the minimum step, unless the staff is already paid a salary higher than the minimum of the new scale, in which case, he shall retain the higher salary.

#### **33. Loans, guarantees and advances**

The Service may guarantee employees to obtain loans from financial institutions to the extent of the salary and terminal benefit of the employee.

### **Part IV – Performance appraisal**

#### **34. Performance appraisal and evaluation system**

- (1) The Service shall conduct an Open Performance Appraisal review for all its employees.
- (2) The Chief Court Administrator and the Chief Registrar shall ensure that all employees are appraised.
- (3) For the purpose of this Part, "Performance Appraisal of employees" means to discover, evaluate and document the potential and shortcomings of individuals to enable measures to be taken for improvement of the efficiency and effectiveness of the Service as a continuous objective.
- (4) The information obtained through performance appraisal should be used in consideration for awarding or withholding increments, planning job rotation and training programmes, and in making appointments to higher posts or in demotions or termination of appointment to those particular posts.
- (5) Every employee shall be given a job description incorporating specific objectives and measurable indicators for the results to be achieved within twelve months which shall be drawn up in

consultation with the employee and shall include personal and skills development objectives as well as operational objectives.

- (6) An employee shall:
  - (a) for a non judicial officer, sign a performance contract with his supervisor at the beginning of every financial year; and
  - (b) for judicial officers, sign a performance contract with his supervisor at the beginning of every calendar year.
- (7) Where there is disagreement on the performance appraisal process, the appraisee shall report to the immediate supervisor of the appraiser.
- (8) An employee shall be given feedback at regular intervals of not less than six months on his performance against the objectives, and shall be given advice and support to improve any shortcomings.
- (9) Written performance assessment shall be completed each year, and its contents discussed between the employee and his supervisor.
- (10) The assessment interview shall provide the opportunity to discuss the employee's training and career development needs, and shall recognize good performance, agree on remedial action and examine the reasons where performance has not matched the required standard.
- (11) Subject to the information obtained under subregulation (4) of this regulation, where the performance of an employee is adjudged unsatisfactory and there is a need to withhold increments or making demotions or terminate the appointment in the interest of the employer, the employer or any authorized officer shall notify the employee concerned informing him in writing, the area or areas in which his performance is deficient and giving him an opportunity to improve his performance within a period of three years.
- (12) Where after the expiry of the period under subregulation (11), of this regulation, the employee's performance indicates no improvement, the employer, the authorized officer or the Commission shall decide on the matter, and:
  - (a) in the case of the Chief Court Administrator, the Chief Registrar, the Registrar of Court of Appeal and the Registrar of High Court, submit its recommendations to the President on the unsatisfactory performance of their duties; and
  - (b) in the case of any other employee, demote, terminate or withhold his increment on unsatisfactory performance.
- (13) Termination of appointment under this regulation shall be considered as a disciplinary action against the employee and shall follow the procedure prescribed under PART VI of these Regulations.

### **35. Attendance of observers**

Upon performance appraisal process, the appraisee shall have right to make use of observers who are interested members within the Judiciary to witness that, the discussions are conducted fairly, openly, frankly and constructively.

### **36. Performance contract of the Chief Court Administrator and the Chief Registrar**

- (1) The Chief Court Administrator and the Chief Registrar shall sign a performance contract with the Chief Justice.
- (2) Where there is disagreement on the performance appraisal process between the Chief Justice, the Chief Court Administrator and the Chief Registrar, the Chief Justice shall request the Commission to advise thereof and the advice of the Commission shall be submitted to the President for final decision.

### **37. Performance appraisal report**

Every performance appraisal report shall be duly completed and the supervisor shall make sure that, one copy remains in the appropriate confidential files and another copy is retained by the employee appraised, provided that, the supervisor shall make sure that:

- (a) in the case of the Chief Court Administrator and other Judicial officers appointed under section 29(1)(a) (i) and (ii) of the Act, one copy shall be forwarded to the Chief Secretary;
- (b) in the case of a principal officer or above, one copy shall be submitted to the Permanent Secretary (Establishments); and
- (c) in the case of other employees, all copies shall be retained in confidential files of the concerned employee.

## **Part V – Termination of appointment other than on disciplinary grounds**

### **38. Retirement on medical grounds**

Where the Chief Court Administrator is of the opinion that a employee is incapable by reason of any infirmity of mind or body of satisfactorily discharging the functions of his office or if that employee so requests he, may call upon such employee to present himself before a medical practitioner or a medical board appointed in that behalf by the Chief Medical Officer in the Region to ascertain whether or not such employee is incapable by reason of that infirmity of mind or body, to discharge the functions of his office.

### **39. Result of the report**

- (1) After the employee has been examined by the medical practitioner or the Board as the case may be, the Chief Medical Officer shall forward the report of the examination together with his recommendations to the Chief Court Administrator for his recommendation to the Commission.
- (2) The function of the Chief Medical Officer in a Region may be performed by the public servant of the Ministry of Health who holds the senior most rank in the medical profession in the Region.
- (3) Subject to subregulation (1), the decision shall be made by the Commission.
- (4) Notwithstanding the provisions of this regulation, an employee shall not be subjected to the arrangement referred to under sub-regulation (1), unless the procedure prescribed under regulation 86 have been exhausted.

### **40. Retirement on abolition of office or re-organization of department**

Where the appointing authority decides to require an employee to retire from the Judiciary services in consequence of the abolition of his office or for facilitating improvements in the organization of the office to which he belongs, by which efficiency or economy may be effective, the appointing authority shall forward his recommendations to the Permanent Secretary (Establishments) who shall, after consultation with the Minister, decide whether or not such employee shall be called upon to retire.

### **41. Termination by age of retirement**

- (1) An employee may retire voluntarily from the Service upon attaining the age of fifty-five years and compulsorily after attaining the age of sixty years, or as provided for in any other written law.
- (2) The Chief Court Administrator shall be required to review the records of all employees under his control from time to time, in order to ensure that an employee approaching the age of retirement is informed of his retirement date.

- (3) Notwithstanding subregulation (2), an employee who attains the age of compulsory retirement shall give notice of his impending retirement in writing to the Chief Court Administrator at least twelve months before a date of cessation of duty.
- (4) An employee who attains the age of voluntary retirement and intends to retire from the Service shall make application to the Chief Court Administrator any time after attaining the age of voluntary retirement.

#### **42. Termination upon contesting constitutional leadership or elective political post**

The appointment of an employee shall be terminated upon contesting for any constitutional leadership post or any elective political post provided for under the Constitution of the United Republic of Tanzania, the Political Parties Act or any other relevant laws.

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#### **43. Transport on termination**

- (1) An employee shall be entitled to free transport on termination of appointment for reasons other than on conviction of a criminal offence involving corruption or embezzlement of public funds or properties.
- (2) The employer shall be responsible for payment of transport costs for an employee who retires from the Service or after completion of contract as provided for in such contract.
- (3) The costs under subregulation (2) shall include travel fare for staff, spouse and up to four children at the most economical travel rates for public transportation and costs for transporting personal effects at the allowable tonnage in accordance with the scale applicable to the grade of the employee stipulated in the Public Service Standing Orders.
- (4) The transport costs to be paid shall be limited to a place which had been indicated in his personal records at the time of recruitment.

#### **44. Scale of transport and travelling entitlement**

- (1) Scale of transport and traveling entitlements for all employees shall, from time to time, be determined by the Government.
- (2) Where it is necessary for a temporary or part time employee to travel on duty or in other circumstances authorized by these Regulations, the employee shall be regarded as eligible for the same scale of privileges as that which would apply to an employee serving in the same post and same salary on permanent terms.

### **Part VI – Discipline**

#### **(a) General**

#### **45. Disciplinary authorities and powers**

- (1) The disciplinary authority of the Chief Court Administrator, the Chief Registrar, the Registrar of the Court of Appeal and the Registrar of the High Court shall be the President and the disciplinary procedure shall be as provided for in the Act
- (2) The disciplinary authority of employees other than Judges shall be the Commission.
- (3) The disciplinary proceedings against the Judicial Officers shall be in accordance with the procedures provided in the Act and where the proceedings are about or have commenced against the Judicial

officer or he is charged with a criminal offence, the Jaji Kiongozi or the Judge in-charge may interdict him.

- (4) Save for judicial officers, the Chief Court Administrator shall excise the powers of the Commission relating to:
  - (a) interdiction;
  - (b) suspension;
  - (c) relieve of duties administratively; and
  - (d) preparation of charges against accused employee.

#### **46. Inability to discharge duties**

- (1) The Commission shall advise the President on the inability of the Chief Court Administrator, the Chief Registrar, the Registrar of Court of Appeal and the Registrar of the High Court to discharge the duties conferred to his office.
- (2) In the case of inability to discharge duties of a Judicial Officer, the mandate and procedures of the committee as provided by the Act shall be applicable.
- (3) In the case of inability to discharge duties of a non Judicial Officer, the head of department, unit or court administrators shall advice the Chief Court Administrator.

#### **47. Rules of natural justice**

In dealing with matters of discipline and removal of an employee, the Commission shall ensure that an employee against whom disciplinary or removal proceedings are taken is-

- (a) informed about the particulars of the case against him;
- (b) given the right to defend himself and present his case at the meeting of the Commission or at any inquiry set up by the Commission for that purpose;
- (c) given the right to engage a representative of his choice; and
- (d) given reasons for the decision of the Commission.

#### **48. Bias**

- (1) An employee whose conduct is under consideration by the Commission or its committees in a disciplinary matter is entitled to object the participation of a member of the Commission or its committees in the proceedings and decisions of the Commission or its committees on the ground of bias.
- (2) Where an objection is raised under subregulation (1), the Commission or its committees shall inquire into and rule on the objection before proceeding further with the consideration of the case of the judicial officer who raised the objection.
- (3) Where the objection is sustained by the Commission or committee, the member against whom the objection was raised shall not take part in the proceedings relating to the employee.
- (4) The member of the Commission or a Committee against whom objection is taken under this section is entitled to be heard at any meeting of the Commission or committee where the objection is being considered, personally or by an advocate of his own choice, to defend himself against the objection.

#### **49. Proceedings for termination of judicial officer**

- (1) Where the Chief Justice, the Jaji Kiongozi, Judge in-charge, Chief Registrar or the Registrar of the Court of Appeal considers it necessary to institute disciplinary proceedings against a judicial officer

on the grounds of misconduct which, if proved, would, in his opinion, justify his termination from the Service, he shall, after such preliminary investigation as he considers necessary, forward to the officer a statement of the complaints against him together with a brief statement of the allegations, in so far as they are not clear from the complaints themselves, on which each complaint is based, and shall call on the accused officer to state in writing, before a day to be specified, any grounds on which he relies to exculpate himself.

- (2) Where the officer does not furnish a reply to any charge forwarded under subregulation (1) within the period specified, or if in the opinion of the Chief Justice, the Jaji Kiongozi, Judge in-charge, Chief Registrar or the Registrar of the Court of Appeal, he fails to exculpate himself, the Chief Justice, the Jaji Kiongozi, Judge in-charge, Chief Registrar or the Registrar of the Court of Appeal shall appoint an investigating officer or a committee of not more than three members to inquire into the matter.
- (3) A single investigating officer or the chairman of a committee shall be a judge, Registrar, magistrate or a public servant; the officer and every member of the committee shall be appointed with due regard to the standing of the officer concerned.
- (4) The investigating officer or the committee shall inform the judicial officer that on a specified day the complaint made against him will be investigated and that he is allowed or, if the investigating officer or the committee so determines, be required to appear before him to defend himself.
- (5) The investigating officer or the committee shall interrogate, record statement of witnesses and the judicial officer, and collect documentary or any other exhibits, if any.
- (6) The investigating officer or the committee having inquired into the matter shall forward his report thereon to the appointing authority together with the record of the charges framed, the evidence led, the defence and other proceedings relevant to the inquiry and the report of the investigating officer or the committee shall include-
  - (a) a statement whether in the investigating officer's or the committee 's opinion the complaint against the judicial officer has been proved and a brief statement of the reasons for that opinion;
  - (b) details of any matter which in the investigating officer's or the committee 's opinion aggravate or alleviate the gravity of the case; and
  - (c) a summing up and such general comments as will indicate clearly the opinion of the investigating officer or the committee on the matter under inquiry.
- (7) The investigating officer or the committee shall not make any recommendation regarding the form of punishment
- (8) Where, in the course of investigation, the appoint authority determines that:
  - (a) there is no *prima facie* evidence to the misconduct, it shall stop the proceedings;
  - (b) the misconduct is of minor nature, it shall decide over the matter; and
  - (c) the misconduct is of gross nature, it shall forward the matter to the respective disciplinary committee for institution of disciplinary proceedings
- (9) For the purposes of this regulation, the "appointing officer" means the Chief Justice, the Jaji Kiongozi, Judge in charge, Chief Registrar or the Registrar of the Court of Appeal.

## 50. Proceedings after acquittal on criminal charges

An employee acquitted of criminal offence in any court shall not be terminated or otherwise punished on any charge upon which he has been acquitted:

Provided that nothing in this regulation shall prevent his being terminated or otherwise punished on any other charges arising out of his conduct in the matter.



## 51. Discontinuation of proceedings

Where at any stage of disciplinary proceedings, the Judicial Officers Ethics Committee or the Judge in-charge considers that proceedings for the removal from office of the officer on the grounds of public interest would be more appropriate, such proceedings shall be discontinued and procedure prescribed under regulation 57, as the case may be, shall be followed.

## 52. Punishments

- (1) The disciplinary authority shall impose any punishment set out in the Second Schedule to these Regulations.
- (2) Nothing in this regulation shall—
  - (a) restrict the authority of the Chief Court Administrator, subject to any instructions issued by the Treasury, to order the recovery of the cost or part of the cost of any loss or damage caused by any default or negligence; or
  - (b) restrict the authority of the Chief Court Administrator to recover from the salary of an employee who has been absent from duty without leave or without reasonable excuse, after giving to the officer, an opportunity to be heard, an amount which bears the same proportion to his annual salary as the period of absence bears one year.

## 53. Determination of punishment

The Commission shall decide on the punishment, if any, which should be inflicted on the judicial officer, or whether he should be removed from office in the public interest.

## 54. Retirement and removal in the public interest for an employee

- (1) Where the Chief Court Administrator is of the opinion that a non judicial officer should be retired from the Service on the grounds of public interest and is of further opinion that the President should be invited in the exercise of powers conferred upon him in relation to removal—
  - (a) shall disclose the grounds of doing so and call upon that employee to show cause why he should not be retired or removed; and
  - (b) if, after receiving explanation from that officer, the Chief Court Administrator is still of the view that the officer should be so removed, shall furnish the Commission with particulars of the grounds warranting the exercise of the powers of the President.
- (2) Upon receipt of the information from Chief Court Administrator, the Commission shall furnish the Chief Secretary through the Permanent Secretary (Establishments) with particulars of grounds warranting the exercise of the powers of the President.
- (3) Notwithstanding the provisions of this regulation, the President may, if he considers it is in the public interest, remove any non judicial officer from the Service.

## 55. Retirement and removal in the public interest for judicial officer

- (1) Where the Commission is of the opinion that there are grounds upon which a judicial officer should be removed from office in the public interest, it shall, in writing, notify the officer of the grounds on which his removal is contemplated and invite him to show cause in writing why he should not be so removed, and afford him an opportunity to show cause
- (2) Where proceedings are taken or are about to be taken under this regulation, the Commission may interdict the officer from the exercise of, or the performance of the powers and functions of his office, as the case may be:

Provided that an officer who is interdicted under this subregulation shall not suffer any reduction in salary

- (3) An officer who is under interdiction shall not leave his station without the permission of the Jaji Kiongozi or the Judge in-charge or RCA.
- (4) The Commission shall consider the submission, if any, of the judicial officer, and, if the Commission remains of the opinion that the judicial officer should be removed from the office in the public interest, may remove the judicial officer from the office.

## **56. Preliminary investigations**

Where it is necessary to institute disciplinary proceedings against an employee, the disciplinary authority shall make preliminary investigations before instituting disciplinary proceedings in order to establish the facts of the offence which an employee is alleged to have committed.

## **57. Suspect may be relieved of his duties administratively**

Where the disciplinary authority considers that, permitting the suspect to continue with his duties and functions or any particular duty or function with which he is normally charged, amounts to commission of the offence or is not in the public interest, it may immediately relieve him of his duties and functions or that particular duty or function pending the outcome of the investigation by the police or the disciplinary authority:

Provided that, the disciplinary action under this regulation shall be taken administratively without resorting to interdiction and will not affect the suspect's pay.

## **58. Interdiction of a non judicial officer**

- (1) Where the disciplinary authority considers that, it is in the public interest that a non judicial officer should cease forthwith to perform the duties and functions of his office, the disciplinary authority or any delegated disciplinary authority, as the case may be, may interdict that officer from performing those duties and functions.
- (2) Where the non judicial officer is interdicted under this regulation, shall be informed in writing of the reasons for such interdiction.
- (3) Where the charges served against a non judicial officer are defective, the disciplinary authority shall be allowed to substitute them with the proper charges:

Provided that the non judicial officer has not responded to the earlier charges and the disciplinary authority shall give him not less than fourteen days to respond to the amended charges.

- (4) A non judicial officer who is interdicted shall receive not less than half of his monthly salary.
- (5) An employee under interdiction shall not leave his duty station without the prior permission, in writing, of the disciplinary authority.

## **59. Suspension of non judicial officer convicted of a criminal offence**

Where an employee has been convicted of a criminal offence, the disciplinary authority shall suspend that employee from performing his duties and functions pending consideration of the case on disciplinary grounds under the provisions of these Regulations.

## **60. Loss of privileges on termination**

- (1) Subject to the provisions of any Written Law for the time being in force, a employee who is terminated from the Service shall, if prior to his termination, he qualifies for pension or gratuity

under the provisions of any Pension Scheme, be paid a lump sum pension but not monthly pension, and shall be granted passages.

- (2) Notwithstanding the provision of subregulation (1), any employee who is convicted of any criminal offence, which involves corruption or graft or embezzlement of public funds, shall forfeit his rights or claims for pension, gratuity or passage.

### **(b) Disciplinary proceedings for judiciary officer**

#### **61. Types of disciplinary proceedings**

Disciplinary proceedings under these Regulations may be either formal or summary.

#### **62. Cases where formal proceedings are applicable**

- (1) Formal proceedings shall be instituted where, in the opinion of the disciplinary authority, the disciplinary offence which a non judicial officer is alleged to have committed is of such gravity of the offence which may warrant his termination, reduction in rank or reduction in salary.
- (2) Notwithstanding the provisions of subregulation (1) of this regulation, in determining the gravity of disciplinary offence alleged to have been committed by a non-judicial staff, the disciplinary authority shall have regard to the definition of disciplinary offences under Part "A" read together with Part "C" of the Second Schedule to these Regulations.

#### **63. Cases where summary proceedings are applicable**

- (1) Summary proceedings shall be instituted where, in the opinion of the disciplinary authority, the offence that the non-judicial staff is alleged to have committed is not of such gravity as to warrant, in the event of his being found guilty thereof, his termination, reduction in rank or reduction in salary.
- (2) Notwithstanding the provisions of subregulation (1), in determining the gravity of a disciplinary offence alleged to have been committed by a non-judicial staff, the disciplinary authority shall have regard to the definition of disciplinary offence and the list of disciplinary offences under Part "B" of the Second Schedule to these Regulations.

#### **64. Commencement of formal proceedings**

- (1) Formal proceedings for a disciplinary offence shall not be instituted against a non-judicial staff, unless he has been served with charge or charges stating the nature of the offence, which he is alleged to have committed.
- (2) The charge shall be prepared by the disciplinary authority after such preliminary investigations, as it may consider necessary.
- (3) A disciplinary charge or charges may be in the form set out in Part "A" of the Third Schedule to these Regulations, and shall state briefly the nature of the offence which the accused non-judicial staff is alleged to have committed, together with a statement of the allegations on which each charge is based.
- (4) The disciplinary authority may consult the Attorney General on the formulation of the disciplinary charge or charges where it considers necessary.
- (5) Where a disciplinary charge or charges have been drawn up the disciplinary authority shall ensure that the charge or charges are served upon the accused non-judicial officer.
- (6) A charge or charges shall be accompanied by notice which may be in the form set out in Part "B" of the Third Schedule to these Regulations and the notice shall be addressed to the accused non-

judicial staff inviting him to state in writing, within such period as may be specified in the notice, the grounds upon which he relies to exculpate himself.

- (7) Formal proceedings instituted under this regulation shall not be invalid by reason only of any irregularity in the charge or charges, save that, such irregularity may be corrected pursuant to subregulation (3) of regulation 58 of these Regulations.

#### **65. Inquiry into disciplinary charge**

- (1) Where a non-judicial officer has been served with a charge in accordance with the provisions of regulation 64 and fails to make representations in writing giving the grounds upon which in the opinion of the disciplinary authority do not amount to a completed defence of the offence of which the accused non-judicial officer is charged, the disciplinary authority shall appoint two or more senior and competent public servant other than employees in the service to hold an inquiry into the charge or charges.
- (2) Every inquiry into a charge or charges under subregulation (1) shall be in accordance with the procedure prescribed in these Regulations.
- (3) Where the disciplinary authority is satisfied that the representations made by the accused non-judicial officer under subregulation (1) amounts to a complete admission of the charge or charges against him, it shall not be necessary to hold any further inquiry or investigations in respect of such charge or charges, but the disciplinary authority shall record a finding of a guilty and the proceedings shall proceed as if the accused non-judicial officer had been found guilty after an inquiry.

#### **66. Inquiry Committee**

- (1) A public servant shall not be appointed a member of an Inquiry Committee, unless he is:
  - (a) in the senior grade and above; and
  - (b) of a rank higher than the rank held by the accused non-judicial officer.
- (2) The Committee appointed under subregulation (1), shall consist of not more than four and not less than two members.
- (3) In appointing members of the Inquiry Committee, the disciplinary authority shall ensure that it consists of both men and women.
- (4) Where the Committee is of the opinion that, it shall be desirable for them to be assisted in the conduct of the inquiry by persons who may be more conversant with any professional or technical matter likely to arise in the course of proceedings, they may request the disciplinary authority to assign not more than two non-judicial officer with the necessary qualifications or experience to assist them, and the disciplinary authority shall comply with any such requests.

#### **67. Procedure on inquiry in formal proceedings**

- (1) The Committee conducting the inquiry shall notify the accused non-judicial officer in writing indicating the day, date, time and place upon and at which the inquiry shall be held.
- (2) The non-judicial officer shall have a right to be present, examine witness and be heard at the inquiry, unless the accused non-judicial officer shows reasonable cause for his failure to be present or to send a representative at the inquiry:

Provided that, failure by the accused non-judicial officer to be present or represented at the inquiry shall not vitiate the proceedings, unless the accused employee shows reasonable cause for his failure to be present or represented.
- (3) The representative referred to under subregulation (1) may include an advocate or a representative of a trade union.

- (4) The accused non-judicial officer or his representative shall have a right:
  - (a) to cross-examine any witness examined by the committee conducting the inquiry or by the disciplinary authority or his representative;
  - (b) to examine and be provided with copies of any document produced as evidence against him; and
  - (c) to call witness on his own before and produce any document relevant to the inquiry.
- (5) The Committee conducting the inquiry may take into consideration any evidence, which it considers relevant to the subject of the inquiry even where that evidence would not be admissible under the law relating to evidence.
- (6) The Committee conducting the inquiry shall record the gist of the evidence adduced before it.
- (7) Any inquiry under this regulation shall be conducted in camera.
- (8) Where, during the course of the inquiry, it appears that the evidence adduced disclosed ground for an additional charge or charges, the disciplinary authority or his representative may cause the additional charge or charges to be formulated and shall give a copy of the charge or charges to the accused non judicial officer.
- (9) Where any additional charge or charges are formulated in accordance with the provisions of subregulation (8), the Committee conducting the inquiry shall proceed to inquire into the charge or charges and may recall any witness for further examination or cross-examination.
- (10) Where the disciplinary authority has served a charge or charges to an accused non judicial officer in accordance with the provisions of regulation 64, the inquiry shall commence not later than sixty days from the day the accused employee was served with the charge or charges.
- (11) Subject to the provisions of this regulations, a Committee conducting an inquiry may regulated the procedure at the inquiry in the manner it may think fit, and the inquiry shall be concluded within a period of sixty days from its commencement:

Provided that, if the Inquiry Committee fails to complete the inquiry within the prescribe period, under certain circumstances, it may apply for extension of that period, to the disciplinary authority which extend that period for not more than thirty days.

## **68. Procedure on the conclusion of inquiry**

- (1) Upon the conclusion of inquiry, the Committee conducting the inquiry shall forward the record of proceedings together with its report to the disciplinary authority.
- (2) Every report under subregulation (1) shall:
  - (a) state whether in the opinion of the Committee the charge against the accused non judicial officer has been proved or not and state reasons for that opinion;
  - (b) state any fact which, in the opinion of the Committee aggravates or mitigates the gravity of the act or omission which was the subject matter of any charge; and
  - (c) state any other fact which in the opinion of the Committee is relevant.
- (3) The report made under subregulation (1) shall not contain any recommendations as to the form or nature of the punishment to be awarded.
- (4) Where on receipt of the record or proceedings and the report of the Committee, the disciplinary authority is of the opinion that, further investigations into the case is necessary, that disciplinary authority may refer the matter back to the Committee with such directions as it may consider necessary.

- (5) The Committee, upon receipt of reference and directions provided for under subregulation (4) of this regulation, shall reopen the inquiry and proceedings in accordance with regulation 65.
- (6) Upon receipt of the record of proceedings and the report, the disciplinary authority shall, after considering the evidence and such report of the Committee, make and record findings whether or not in his opinion, the accused employee is guilty of the disciplinary offence with which he was charged, and shall inform the accused employee of the decision within a period of thirty days.
- (7) Where the disciplinary authority's findings as to the guilty or innocence of the accused employee is contrary to the opinion of the Committee conducting the inquiry as expressed in the report, the disciplinary authority shall record his reasons for the findings.
- (8) Where the disciplinary authority finds the accused employee guilty, he shall proceed to award punishment:  
  
Provided that, where the accused employee is punished by termination, his termination shall take effect from the date upon which the disciplinary authority found the accused employee guilty.
- (9) Failure to comply with the requirements of subregulation (6) of this regulation shall be considered that, the accused employee is not guilty of the offence.

#### **69. Procedure on summary proceedings**

- (1) Where the disciplinary authority decides to institute summary proceedings against a non-judicial staff, he shall cause charges to be prepared and served upon the accused employee.
- (2) The charge shall specify the period within which the accused employee is required to make his defence.
- (3) Where the disciplinary authority is of the opinion that investigation has to be conducted, the accused non judicial officer have a right to be present at the investigation and make his defence.
- (4) Where the employee has been served with a charge or charges in accordance with the provisions of this regulation and fails to make representation in writing giving the grounds upon which he relies to exculpate himself, or make representations which in the opinion of the disciplinary authority do not amount to a complete defence of the offence of which the accused non judicial officer is charged the disciplinary authority shall record a finding of guilty, and proceed to award appropriate punishment corresponding to the offence set out in Part "B" of the Second Schedule to these Regulations.
- (5) The disciplinary authority may authorise any non judicial officers who is senior to the rank held by the accused non-judicial staff, to exercise all or any of the powers under subregulations (1), (2) and (3) of this regulation.
- (6) The disciplinary authority may, at any time before imposing punishment, institute formal proceedings against the accused non judicial officer if he is of the opinion that, the representations adduced by the accused employee discloses facts which add to the gravity of the offence or offences or which show that, the accused non judicial officer has or may have committed other disciplinary offences warranting formal proceedings.

**(c) Where criminal proceedings against a non judicial officer are pending or concluded**

**70. Rules where disciplinary offence amounts to criminal offence**

Where a non judicial officer is alleged to have committed a disciplinary offence and the act or omission constituting such offence also constitutes a criminal offence under any written law, the following rules shall apply:

- (a) if no disciplinary proceedings under these Regulations have been commenced in respect of the disciplinary offence, but proceedings for the criminal offence in these Regulations referred to as "Criminal Proceedings" are instituted against the non judicial officer in any court of law, no disciplinary proceedings shall be commenced until the conclusion of the criminal proceedings;
- (b) if disciplinary proceedings have been commenced, and during the pendency of such proceedings, criminal proceedings are instituted, the disciplinary proceedings shall be stayed and no further steps shall be taken in respect of that disciplinary proceedings until after the conclusion of the criminal proceedings;
- (c) if criminal proceedings have been commenced and concluded against the accused non judicial officer, and the non judicial officer is acquitted of the criminal charge on legal technicality, the acquittal shall not be a bar to disciplinary proceedings against the employee on the same facts, but disciplinary proceedings may be instituted or continued against the employee, and he may be punished for that disciplinary offence as if no criminal proceedings had been instituted and concluded against him;
- (d) if criminal proceedings have been commenced, and concluded against the accused non judicial officer and the non judicial officer is convicted of the criminal offence, the disciplinary authority may suspend the employee from the exercise of the powers and functions of his office pending consideration of the case under the provisions of these Regulations;
- (e) if a non judicial officer has been convicted of a criminal offence, he shall be deemed to have been found guilty under the provisions of these Regulations of a disciplinary offence based upon the same charge or the same fact which formed the grounds of the criminal charge of which he was convicted, and disciplinary authority shall without continuing or instituting any disciplinary proceedings, proceed to punish the employee:

Provided that, no non judicial officer shall be punished under this paragraph until after he has been served with a notice specifying:

- (i) the disciplinary offence of which he is deemed, under the provisions of this paragraph, to have been found guilty;
  - (ii) the punishment which the disciplinary authority proposes to impose;
  - (iii) the time within which such non judicial officer may make such plea in mitigation as he may consider fit, and after within which the disciplinary authority shall proceed to punish the employee without the disciplinary authority having taken into consideration any plea made by the non judicial officer if he does not make such plea within the time specified in the notice;
- (f) if the accused employee has been convicted of a criminal offence which in the opinion of the disciplinary authority may warrant his termination from service, formal disciplinary proceedings may be instituted against that employee or where such proceedings were instituted prior to the commencement of the criminal proceedings, they may be continued and the accused may, subject to the provisions of paragraph (g), be tried on such formal disciplinary proceedings in accordance with the provisions of regulation 65, 66, 67, 68 and 69;



- (g) if a notice referred to under paragraph (e), is given to the accused non judicial officer, the disciplinary authority shall not be bound to impose the same punishment as specified in the notice, but may impose any lesser punishment;
- (h) if any formal disciplinary proceedings referred to under paragraph (f) proves that, the accused non judicial officer has been convicted of the criminal offence, such a proof shall be conclusive evidence of the fact that, the accused employee has committed the disciplinary offence based on the same facts; or
- (i) if a non judicial officer has been convicted of a criminal offence and prior to the commencement of the criminal proceedings he was found guilty by the disciplinary authority of a disciplinary offence based on the facts upon which the subsequent criminal charge was based, it shall be lawful for the disciplinary authority, upon the conclusion of the criminal proceedings, to substitute for the disciplinary punishment imposed upon the accused non judicial officer in respect of the disciplinary offence, any other disciplinary punishment which, in the opinion of the disciplinary authority, is warranted in view of the conviction of the criminal offence or in view of any evidence adduced at the criminal proceedings.

## **71. Rules where criminal proceedings have been commenced and concluded**

- (1) For the purpose of this regulation, criminal proceedings shall be deemed to have been concluded:
  - (a) if there has been no appeal against conviction or acquittal upon the expiry of the time allowed for such appeal by or under any written law; or
  - (b) if there has been an appeal against the conviction or acquittal, upon the expiry of time allowed by or under any written law for any further appeal.
- (2) Where there has been an appeal or a further appeal against any conviction or acquittal, the judgment of appellate court shall be taken into consideration in determining whether the non judicial officer has been convicted or acquitted.
- (3) Nothing in the provisions of regulation 70 (1) (e) shall be construed as precluding the disciplinary authority from instituting disciplinary proceedings against the employee convicted of a criminal offence independent of his conviction of such criminal offence:

Provided that, if a disciplinary authority institutes disciplinary proceedings, against a non judicial officer apart from a conviction of a criminal offence in the event of an appeal or further appeal against such conviction, the provisions of regulation 70 (1) (a), (b) and (c) shall apply.

- (4) Where consequent to his conviction on a criminal charge involving fraud or dishonesty on his part, the accused employee shall, pursuant to the provisions of regulation 70, be punished by termination from the Service for a similar disciplinary offence or for a disciplinary offence based on the same facts after formal proceedings have been taken against him; and his termination shall take effect from the date upon which he was convicted of the criminal offence.

## **72. Punishment on disciplinary offence**

Any non judicial officer who commits and found guilty of a disciplinary offence under this Part, shall be awarded appropriate punishment corresponding to the offence as set out in the Part A and B of the Second Schedule to these Regulations.

## **73. Loss occasioned by a non judicial officer**

- (1) Where a non judicial officer by his act or omission causes the Government to suffer any loss or damage to any of its properties, the amount of such loss or the value of the property damaged or an amount equal to the cost of repairing such property or such portion of such amount or value, may



be recovered from such non judicial officer under the provisions of the Specified Officers (Recovery of Debts) Act.

*[Cap. 76]*

- (2) Where measures have been taken to recover any of the amount or value in accordance with the provisions of under subregulation (1), it shall be lawful for disciplinary proceedings for the act or omission or professional or occupational negligence or failure to take reasonable care on duty in a reasonable manner, being instituted against such employee under these Regulations.
- (3) Where proceedings under subregulation (2) are instituted, the punishment set out in PART "C" of the Second Schedule to these Regulations shall not be awarded, save to the extent of the difference between the actual amount of the loss incurred by the Government or, as the case may be, the actual value of the property or the actual cost of repairing such property and the amount to be authorised to be recovered under the Specified Officers (Recovery of Debts) Act.

*[Cap. 76]*

- (4) Where a non judicial officer who is liable to pay any amount to the Government in accordance with subregulation (1) is convicted under the provisions of the Penal Code or any other law for the offences giving rise to such liability, and the court has ordered the employee to pay the recovered sum from such an employee by a disciplinary authority or appropriate authority under the provisions of the Specified Officers (Recovery of Debts) Act, the order of the disciplinary authority or, as the case may be, of the appropriate authority shall:
  - (a) if the amount ordered to be recovered by the disciplinary authority or the appropriate authority, exceeds the amount of the compensation ordered under provisions of the Penal Code, the amount to be recovered for compensation shall be effective only to the extent of the difference between the two amounts; or
  - (b) if the amount ordered to be recovered by the disciplinary authority or the appropriate authority, is less than the amount of the compensation ordered under the provisions of the Penal Code, the amount to be recovered by the disciplinary authority or the appropriate authority shall cease to have effect.

*[Cap. 16; Cap. 76]*

- (5) Notwithstanding the provisions of subregulation (3), if the disciplinary proceedings are instituted or a non judicial officer is punished under these Regulations after his conviction under the provisions of the Penal Code, it shall be lawful for the disciplinary authority to order that, an amount equal to the difference between the actual amount of the loss or the value of the property or the cost of repair and:
  - (a) the amount of the compensation awarded under the provisions of the Penal Code; or

*[Cap. 16]*

- (b) if steps have also been taken to recover any amount from the employee under the Specified Officers (Recovery of Debts) Act,

the aggregate of the amount which may, subject to the provisions of subregulation (3), be recovered under that Act and the amount of compensation awarded under the provisions of the Penal Code, be recovered from the non judicial officer by way of punishment.

*[Cap. 16]*

- (6) In this regulation, the term "appropriate authority" shall have the meaning ascribed to it under the Specified Officers (Recovery of Debts) Act.

*[Cap. 76]*

**74. Warning**

Nothing in these Regulations shall prohibit any disciplinary authority or any authorized officer from issuing a verbal warning for unsatisfactory work or conduct to a non judicial officer subordinate to him.

**75. Disciplinary proceedings for a non judicial officer in the operational service**

The procedures in the disciplinary proceedings for the non judicial officer in the operational service shall be as laid down in the Employment and Labour Relations Act.

*[Cap. 366]*

**(d) General staff rules****76. Absence from duty without permission or leave**

- (1) Without prejudice to the disciplinary proceedings in respect of any absence from duty without permission or reasonable cause, where a non judicial officer is absent from duty without leave or reasonable cause for a period exceeding five days and no reply to a charge of the absence is received from him within fourteen days of the dispatch of the charge to him, he shall be liable to termination with the consequent loss of all rights and privileges.
- (2) Where the employee returns to duty before the decision to terminate him is taken, disciplinary proceedings may be instituted or proceeded against him.
- (3) Where the whereabouts of the non judicial officer charged under subregulation (1) of this regulation is not known, a copy of the charge shall be served by leaving it at the place where such employee is known to have resided prior to his absence or by sending it to his last known address.
- (4) The service made under the provisions of subregulation (3) of this regulation shall be deemed to be good and proper service of the charges for the purposes of disciplinary proceedings being proceeded with in accordance with these Regulations.

**77. Presents and gifts**

- (1) A non judicial officer is strictly forbidden to solicit or accept valuable gifts or presents for whatever service he may have rendered in his capacity as a non judicial officer and breach of this regulation, if established, shall constitute gross misconduct.
- (2) Where circumstances necessitates of receipt of a gift, the employee may receive and handover the gift to the Chief Court Administrator.

**78. Providing service outside the Service**

- (1) An employee shall not render professional assistance outside the Service or accept any work during working hours without permission of the employer.
- (2) Notwithstanding subregulation (1), there shall be no objection to members of staff to hold honorary posts as office bearers of religious bodies, charitable institutions or other similar bodies:  
Provided that the activities are not interfering with activities of the Service.
- (3) An employee shall not be allowed to engage in personal business that may be interpreted to have conflict of interest with that of the employer.

**79. Neglect of duty and disobedience of lawful command or instruction**

- (1) Where a non judicial officer during working hours impairs efficiency in performance of his work such as by becoming intoxicated or without permission or reasonable cause by absenting himself from his work place he shall be guilty of gross misconduct.
- (2) Where a non judicial officer refuses, or omits to obey any proper and lawful command or instruction of any employee placed in authority over him, which shall include all written orders made in accordance with these Regulations, he shall be guilty of gross misconduct.

**80. Use of abusive or insulting language to clients**

An employee shall not use abusive or insulting language to any client or to his fellow or employee.

**81. Punishment for gross misconduct**

A non judicial officer who contravenes any of the General Staff Rules under regulations 76, 77, 78, 79 and 80 of these Regulations which constituted gross misconduct shall be summarily terminated.

**82. Official language**

The use of Kiswahili shall take precedence over any other language in correspondence, meetings and conferences and where circumstance dictate the English or other languages may be used.

**83. Disclosure of information**

- (1) Subject to the National Security Act, an employee is strictly prohibited from disclosing to any person, except in accordance with official routine or with the special permission of the relevant authorities, any classified or confidential document or information entrusted to him in confidence by any person holding office under any Public Service or which he has obtained in the course of his official duties.
- (2) An employee shall exercise due care and diligence to prevent the knowledge of any such classified or confidential information from being communicated to any person against the interest of the Judiciary Service or the Government of the United Republic of Tanzania.
- (3) An employee shall not, as a general rule, have access to official and confidential records relating to him.

*[Cap. 47]*

**(e) Absence from duty on account of illness****84. Absence on account of illness**

- (1) Absence from duty on account of illness shall be reported by the employee concerned to his supervisor and be supported by document certified by a medical practitioner.
- (2) The employee shall comply with any advice given by a registered medical practitioner.

**85. Duty to report when sick**

- (1) Every employee shall be responsible for keeping his supervisor informed of the address at which it shall be possible to find him or ascertain his whereabouts in the event of his being prevented by illness from attending duty.
- (2) Where an employee reports that he is prevented by illness from performing his duties, he shall be provided with a sick sheet requesting a medical officer to examine and treat him.

- (3) An employee not being on leave of absence nor an in-patient in a hospital, who is prevented by illness from performing his duties at his place of work shall, either report the fact immediately to his supervisor or within twenty-four hours, cause to be delivered to his Department an "Excused Duty Certificate," signed by a medical practitioner.
- (4) Unless absence from duty caused by illness is covered either by admission to a government or private hospital, by departmental authority under the provisions of subregulation (2) of this regulation or an Excused Duty Certificate, it shall be treated as absence without leave.

#### **86. Responsibilities of departments, etc**

- (1) All heads of departments, units and court administrators shall keep up-to-date records regarding residential addresses of staff under their jurisdiction.
- (2) For the purposes of subregulation (1), there shall be opened and kept, registers in which the records of residential addresses of such employees shall be entered.
- (3) Where employee's absence from duty is not reported to the department within twenty-four hours, it shall be the duty of his in-charge of a court, head of department or unit to make inquiry at his recorded address to ascertain the cause of absence.

#### **87. Absence on sick leave**

An employee who is absent from duty on ground of ill-health shall, provided that such absence is covered by proper authority, be regarded as absent on sick leave.

#### **88. Extension of leave due to illness**

An employee who is prevented from resuming duty at an expiration of his authorized sick leave by reason of illness duly certified by a medical practitioner may be granted an extension of such leave.

#### **89. Aggregate sick leave**

The maximum aggregate sick leave which shall be allowed to employee who is not hospitalized shall, during any period of twelve calendar months, be forty-five calendar days.

#### **90. Extension of sick leave**

- (1) Subject to subregulation (2), where an employee has been absent from duty on grounds of illness for an aggregate period of forty-five calendar days within twelve calendar month, and his illness persist, he shall be entitled for extension of sick leave until he becomes fully recovered to be able to resume his duties.
- (2) Extension of sick leave under subregulation (1) shall not exceed a period of six calendar months following which an ailing employee may be relieved of duty.
- (3) An employee who is relieved from duty under subregulation (2) shall be given a "soft desk" before his considered for retirement on medical grounds.
- (4) Where the Chief Court Administrator intends to retire a non-judicial officer on medical grounds in accordance with the provisions of subregulation (3), the provisions of regulations 38 and 39 shall apply.

#### **91. Sabbatical leave**

An employee may be granted special leave of absence to join and work for organizations approved by the Permanent Secretary (Establishments) or to pay visit to an institution in the Commonwealth or elsewhere for purpose of research.

## Part VII – Appeals

### 92. Appeals

- (1) Without prejudice to the proceeding provisions, where under these Regulations, any punishment is imposed upon a non judicial officer by disciplinary authority, or where any decision is made by a disciplinary authority of which a non judicial officer becomes aggrieved of, the officer may appeal against such punishment or decision to the Public Service Commission.
- (2) An appeal referred to under subregulation (1) shall be lodged within forty five days from the date of the decision of the Commission to the Public Service Commission.
- (3) Any person who is aggrieved by the decision of the Public Service Commission may appeal to the President.

## Part VIII – Codes of Conduct and Ethics

### 93. Code of Conduct

- (1) There shall be a Code of Conduct and Ethics for non judicial officers as set out in the Fourth Schedule to these Regulations.
- (2) There shall be a Code of Conduct and Ethics for Judicial Officers as may be prescribed by the Commission.
- (3) The Commission shall ensure that the Code is available and supplied to every employee.
- (4) The employee shall be, in addition to the abovenamed Codes, bound by Public Service Leadership Code of Conduct and Ethics, Public Service Code of Conduct and Professional Code of Conduct.

### 94. Breach of the Code

Every employee shall observe and comply with the Code and any breach of the Code shall constitute a misconduct under these Regulations.

### 95. Core values of the Service

- (1) There shall be core values of the Service as set out in the Fifth Schedule to these Regulations.
- (2) An employee who is first recruited or appointed to the Service shall be given a copy of the Core Values of the Service.
- (3) An employee shall be required to observe and comply with the Values of the Service.

## Part IX – Retirement benefits

### 96. Protection of pensions and other rights to terminal benefits

- (1) Where an employee's service is terminated, he shall be granted his retirement benefits in accordance with the law governing the grant of such benefits.
- (2) For the purposes of subregulation (1), the employee's retirement benefits shall be governed by the relevant social security scheme.

**97. Benefits payable to an employees engaged on permanent and pensionable terms**

The benefits payable under these Regulations shall be paid to—

- (a) an employee concerned; or
- (b) in case of death of an employee, his successors in accordance with the relevant law governing the payment of such benefits.

**98. Benefits payable to employees engaged on contract terms**

A person who is engaged on contract shall, on termination of his service, be paid a gratuity payable either in accordance with the terms of contract he entered into or in accordance with the relevant laws applicable in relation to the contract concerned.

**99. Duty to keep record and information**

- (1) The employer and employee shall keep the employment records for purposes of reference for calculation of terminal benefits.
- (2) Employment records kept by employer and employee shall be regarded as original copies when duly signed by authorized persons.
- (3) Where there is no possibility of obtaining employment records from the employer, the records in custody of the employee concerned shall be used for that purpose.
- (4) Every employee shall be responsible for safeguarding Judiciary information and other forms of records under his control and the information shall be kept in safe place in accordance with security policies.

**Part X – General administrative provisions****(a) General****100. Role of the Chief Justice and the Chief Court Administrator in the Service**

- (1) The Chief Justice shall be the overseer in the implementation of these Regulations and policies governing the Service.
- (2) The Chief Court Administrator shall ensure the efficient and effective implementation of these Regulations.

**101. Communication**

- (1) Communications with Ministries, Government departments and other persons shall be through letters signed by the Chief Court Administrator or any officer on behalf of the Chief Court Administrator.
- (2) Any communication with a foreign government or agency shall be through the Ministry responsible for foreign affairs and international co-operation.
- (3) Where the communication is on establishment matters, it shall be addressed or copied to the Permanent Secretary (Establishments).
- (4) Public statements on matters concerning Judiciary and its business operations shall be made by the Chief Justice.

- (5) Statements on administrative matters of the Service shall be made by the Chief Court Administrator or an officer of the Service duly authorized by the Chief Justice, Jaji Kiongozi, the Chief Court Administrator, the Chief Registrar and any other employee appointed for that purpose.
- (6) Notwithstanding any provision of this regulation, communication and statements on judicial matters shall be made by the Chief Registrar or any other judicial officer authorized by the Chief Justice, Jaji Kiongozi and the Chief Registrar for that purpose.

#### **102. Hours of duty, extra duty allowance, etc**

- (1) The Judiciary officers shall be open for public business all weekdays except Saturdays, Sundays and Public Holidays from 7.30 a.m. to 3.30 p.m. or as may be directed by the Chief Court Administrator.
- (2) Where the exigencies of service dictate, an employee may be required to work after office hours with payment of extra duty allowance as may be determined by the Commission.
- (3) Every employee shall effectively use the working hours referred to under sub regulation (1).

#### **103. Working on non official working days**

- (1) An employee may only work on the day other than the official working days if the immediate supervisor requests him to do so.
- (2) Subject to subregulation (1), if an employee works on a day other than the official working days, the immediate supervisor shall pay that employee extra duty allowance.

#### **104. Signing of attendance register**

- (1) An employee shall be required to sign in an attendance register and indicate the time of arrival at the office.
- (2) No employee shall be allowed to sign in on behalf of another employee.
- (3) An employee who fails to sign in the register without any reasonable cause shall be considered to have been absent on that particular day and disciplinary action may be taken against him.
- (4) An employee who leaves office during office hours shall, in addition to reporting to his head of department, unit or court administrator be required to sign in the appropriate register indicating the time he leaves and the time of his return to office.

#### **105. A Judiciary badge and identity card**

- (1) There shall be a Judiciary identity card and a badge which shall be carried and displayed by an employee, as the case may be, which shall be property of the employer.
- (2) The identity card or the badge shall be returned to the employer when an employee leaves the Service.
- (3) Loss of the identity card or the badge shall be reported by the holder to the police and the supervisor immediately after the loss.
- (4) The costs for reproducing a new identity card and the badge shall be borne by the employee.

#### **106. Office keys**

- (1) The employee may be entrusted with office keys to desks, cabinets and doors.
- (2) The employee shall not leave keys lying around or in unlocked desks, cabinets or doors.
- (3) An authorized officer shall keep keys in safe custody after working hours.

### 107. Annual leave

- (1) Every employee shall be entitled to an annual leave of twenty eight calendar days, which shall be granted once in a year in accordance with the leave cycle.
- (2) The leave cycle shall commence from the date the employee was first appointed to the Service, and shall be earned and calculated at an annual rate of twenty eight days for all employees.
- (3) Leave shall be granted as a right and the employer may refuse to grant leave only where the exigency of work demand, in which case, an employee shall be entitled to a salary instead of the leave.
- (4) An employee shall not be granted leave before completing eight months of service from the date of first appointment.
- (5) An employee shall, once in every two years, be entitled to a grant of travel assistance in the form of a cash grant calculated on the basis of the prevailing fare rate by available public transport, for himself, spouse and up to four children or dependants to enable him and his family to travel to his place of domicile.
- (6) The grade of travel shall be first class for employee in the executive grade, second class for those in the officer grade and third class for those in the supporting staff and operational service grade.

### 108. Maternity leave

- (1) A female employee shall be granted a paid maternity leave of eighty four calendar days once in three years from the date she completed last maternity leave which shall not be carried forward, and shall not forfeit her annual leave for the calendar year in which maternity leave is taken.
- (2) Where a female employee has availed herself of the whole or part of her maternity leave in relation to any pregnancy and the pregnancy results is miscarriage or abortion or a child dies within twelve months of the delivery, the female employee shall be entitled to maternity leave in relation to the subsequent pregnancy notwithstanding the restriction referred to in subregulation (1).
- (3) Subject to subregulation (1), a female employee who gives birth to two or more children at the same pregnancy, shall be granted a paid maternity leave of one hundred days.
- (4) A female employee who gives birth shall, within a period not exceeding six months after maternity leave, be entitled to leave office at 1.30 p.m. every day to breast feed her child.

### 109. Paternity leave

A male employee shall be granted at least five days paternity leave provided that:

- (a) the leave is taken within seven days of the birth of a child; and
- (b) An employee is the father of the child.

### 110. Leave without pay

- (1) The Chief Court Administrator may, after receiving an approval of the Permanent Secretary (Establishments), grant a leave without pay to an employee, provided he is satisfied that it is in the public interest so to do and the grant of such leave shall take into consideration the Government circular governing leave without pay.

### 111. Secondment

An employee may be granted secondment to any organization after obtaining the approval from the Permanent Secretary (Establishments).



### 112. Sick or convalescent leave

- (1) Upon the recommendations by a public medical practitioner, the employer may grant a sick leave or a convalescent leave to a sick employee.
- (2) Sick or convalescent leave shall be granted on conditions that it does not exceed six months on full pay and six months on half pay in any sick period.
- (3) Where a sick employee does not recover within such period, consideration may be given to the termination of appointment on medical grounds in accordance with these regulations.
- (4) The implementation of subregulation (2) shall take cognizance of medical advice that, different types of illness may take time to be treated and that, there are Government circulars, directives and guidelines governing the treatment of such patients.
- (5) Where an employee's sickness takes a long period of time to be treated, the employer shall call a medical board to determine the sickness and the fate of the employee.

### 113. Transport on medical treatment

- (1) An employee, spouse or children may be granted free transport of the appropriate class of travel, when it is necessary for them to leave their station for medical treatment at a medical hospital in Tanzania or abroad.
- (2) Where a patient child of an employee, is too young or too ill to travel alone, the authority shall be extended to cover the journey of one parent or another adult for purposes of escort.
- (3) Free transport shall be granted to an employee who is required to leave his duty station, appear before a medical board or to undergo a medical examination directly connected with his employment.
- (4) Where the illness of an employee necessitates an escort accompanying him, the employer shall bear the cost of the escort's transport except where the escort is provided by the medical authorities.

### 114. Daily allowance for journeys on medical treatment

- (1) An employee who is required to proceed to a station other than his own for medical treatment or examination shall receive appropriate subsistence allowance for the period of his absence from and to that station as if he was on duty.
- (2) The employee shall also be entitled to receive appropriate subsistence allowance in respect of journeys made by his spouse or family on medical grounds.
- (3) Subsistence allowance shall not be paid if an employee refuses in-patient accommodation in a hospital where such service is available.
- (4) An employee who intends to claim for subsistence allowance under the provisions of this regulation shall be required to produce a certificate from the medical authorities concerned.

### 115. Special leave of absence

Subject to the approval of the Chief Court Administrator, an employee may be granted a leave of absence to attend urgent private matters and such leave may be deducted from his annual leave entitlement.

### 116. Compassionate leave

- (1) An employee may be granted compassionate leave in case of death of a member of his immediate family namely spouse, father, mother, child, parent of spouse after he has satisfied the supervisor that his personal attendance is necessary.

- (2) The leave shall not be deducted from the normal annual leave and be provided as follows:
  - (a) in the case of death of spouse, child or a parent, fourteen days; and
  - (b) in the case of death of parent of spouse, seven days.
- (3) The leave referred to under subregulation (1) shall not carry entitlement to transport privileges or allowance.

#### **117. Attendance of sporting events**

An employee who is selected to represent the Judiciary as a competitor or recognized team official at national and international sporting events may be granted a paid leave necessary for participation in the event.

#### **118. Attendance to trade union activities**

- (1) An employee who is selected to attend a meeting, conference, seminar or any other official activity relating to trade union may be granted leave of absence for such participation.
- (2) The absence referred to under subregulation (1) shall be regarded as travelling on duty and the employee concerned shall be entitled to the usual transport privileges and subsistence allowance as applicable when travelling on duty.

#### **119. Recall from leave**

- (1) The employer reserves the right to recall an employee from leave if is considered necessary and the employee so recalled shall take the remaining portion of leave in the subsequent annual leave or at a date convenient to him.
- (2) Where an employee who is recalled from leave does not qualify for travelling assistance in the leave from which he is recalled, the employer shall reimburse the travel expenses actually incurred by that employee.

#### **120. Return from leave**

An employee who has been granted leave shall not return to duty before the end of his leave, unless has a permission from the employer.

#### **121. Leave pending retirement**

An employee shall be granted a leave of twenty eight days pending retirement, which shall be taken within six months before the date of retirement.

#### **122. Increments**

- (1) Salary increments shall be granted to an employee on incremental scales of salary if the employee complies with the relevant conditions of conduct and performance.
- (2) Salary increments may be withheld or stopped for reasons of inefficiency, unsatisfactory conduct, poor performance, disciplinary grounds or failure to pass prescribed tests or examinations.
- (3) The employee who is affected by the operation of subregulation (2) shall be notified in writing.

#### **123. Date and duration of increment**

- (1) Salary increment shall be given annually to an employee until the maximum of the incremental scale is reached, unless advised in writing that, the increment is stopped, withheld or deferred.

- (2) Incremental scale for purposes of subregulation (1) shall be reckoned from the first day of first appointment and where, the date of first appointment was the first day of a month, the incremental scale shall be reckoned from that date.

#### **124. Increments when reckoned**

When an employee is appointed at the beginning of a month, but the appointment can only take place from the second day of the month because of the incidence of a public holiday on the previous day, incremental scale may, for the purpose of this regulation be reckoned from the first day of the month.

#### **125. Basis of assessing an employee for increments**

An annual increment shall be granted to an employee where conditions have been fulfilled as prescribed in regulation 34(4).

#### **126. Withholding of increments for unsatisfactory performance**

- (1) Notwithstanding any other provision in this Part, where a disciplinary authority is satisfied that the salary increment of an employee should be withheld on the grounds—
  - (a) of unsatisfactory performance not amounting to misconduct; or
  - (b) that the employee has failed to pass any examination, the passing of which is a pre—requisite to the grant of an increment.
- (2) Where for any reason, it has been decided to withhold, defer or stop the increment of an employee, the employee shall be advised in writing of the decision, stating the period for which the increment is withheld, deferred or stopped.
- (3) Where the disciplinary authority is satisfied that an increment withheld under subregulation (1) should be restored, it shall inform the employee concerned that his increment shall be restored with effect from such date as he may specify.
- (4) Where an increment is restored under subregulation (3), any further increments which may be granted to the employee shall, subject to any other proceedings which may be taken under this Part, take offence from the normal increment date.

#### **127. Suspension of increment**

- (1) Notwithstanding any other provision in this Part, the disciplinary authority may, in accordance with these Regulations, suspend the payment of an increment which is due to be granted to an employee.
- (2) Where an increment, the payment of which has been suspended under this regulation, is not withheld it shall be restored with effect from the date upon which it would have been granted had it not been suspended.

### **(b) Allowances and entitlements**

#### **128. Daily subsistence allowance**

- (1) The payment of local daily allowance to an employee travelling on duty shall be as follows:
  - (a) an employee who travels on official duty within Tanzania shall be entitled to a local daily allowance in respect of every night for which he is away from his duty station at rates to be determined by the Commission;
  - (b) an employee shall be entitled to on transit allowance at the rate of fifty percent of subsistence allowance where the travel is for six hours or above;

- (c) an employee who travels on official duty abroad shall be entitled to receive a foreign daily allowance for each night spent away from Tanzania at the appropriate rate as determined by the Commission; and
- (d) where the subsistence expenses of an employee travelling on official duty abroad are met solely by the Tanzania Government, the employee concerned shall be entitled to:
  - (i) additional twenty percent of the approved rate of subsistence allowance to cover incidental expenses; and
  - (ii) in case the rate of subsistence allowance paid by another government or donor is below the rate paid by employer, the employer shall pay the difference;
- (2) An employee who travels on duty in Tanzania shall be entitled to payment of daily and travelling allowance at the applicable rate or the actual hotel expenses incurred by him at the hotel appropriate to his status.
- (3) The provision of subregulation (1) and (2) of this regulation relating to the payment of a travelling and daily allowance shall also apply to a member of the Commission when he travels on duties of the Commission or when attending meetings of the Commission.

### **129. Daily allowance on first appointment**

An employee on first appointment shall be paid a local daily allowance for a period not exceeding seven days for himself, his spouse and a maximum of four children in addition to that he will be paid for the nights necessarily spent while travelling from his place of engagement to his duty station.

### **130. Transport entitlement on first appointment**

The employing authority shall, for purposes of payment of first appointment entitlements, be guided by the address used by an employee during the recruitment.

### **131. Fuel allowance**

- (1) The Chief Court Administrator may grant fuel or fuel allowance to an employee of executive grade who uses his own private vehicle for official duty at the amount and rate as shall be determined by the Commission.
- (2) Where any other employee's official duties demand the use of his own personal vehicle, the Chief Court Administrator may use his discretion as an accounting officer to grant fuel or fuel allowance to that employee.

### **132. Sitting allowance**

Sitting allowances shall be paid to:

- (a) members of the Workers Council at the rates to be determined by the Commission;
- (b) members of statutory meetings of committees, board etc; and
- (c) as may be determined by the Commission.

### **133. Honorarium**

An employee who makes special contribution which lead to economy or greater efficiency or enhanced reputation of the Service may be eligible for the payment of a honorarium of an amount which the Chief Court Administrator considers reasonable and justified under the circumstances.

**134. Outfit allowance**

An employee who is required to travel on official duty, study tours, conferences or courses of instruction outside Tanzania shall be entitled to the payment of an outfit allowance, at the rate to be determined by the Commission, once in every two years to enable him procure the necessary outfit.

**135. Housing allowance**

An employees in executive post or any other employee authorized by the Commission, shall be entitled to housing allowance as provided for in the Government Circulars issued for that purpose.

**136. Furniture allowance**

All executive posts shall be entitled to furniture allowance as provided for in the Government Circulars issued for that purpose.

**137. Uniforms/attire**

- (1) An eligible employee shall be provided with a uniform or be paid uniform allowance at the rate to be determined by the Commission.
- (2) Without prejudice to subregulation (1), an employee who is not entitled but whose official duties require him to perform specialized duty shall be entitled to the necessary specialized uniform or attire or to the payment of an allowance.

**138. Communication assistance**

The Chief Court Administrator shall exercise his discretion to grant to any employee airtime or mobile phone allowance, as he may consider fit so to do.

**139. Utility allowance**

The employer shall be responsible for the payment of utility allowances for an entitled employee.

**140. Acting allowance**

- (1) Payment of acting allowance shall be confined only to officers who are required to act in the superlative substantive posts in the Service.
- (2) Where an employee is required to act in such a post, he may be granted an acting allowance at the rate of the difference between his substantive salary and the minimum basic salary of the post in which he so acts.
- (3) All acting appointments, except for those of the duration not exceeding thirty days, shall require the prior approval of the appropriate appointing authority.
- (4) Acting allowance shall be drawn from the day on which the officer officially takes over the duties of his acting appointment up to the date preceding that on which he officially hands over such duties, provided that, the period shall not exceed six months.
- (5) Where the period of acting appointment exceeds six months, approval of the appropriate appointing authority shall be sought with reasons for extending that period.
- (6) Acting allowance shall be paid if the officer acts in a post for thirty (30) days or more.
- (7) Acting allowance shall not be paid if:
  - (a) the period of acting is less than thirty (30) consecutive days;

- (b) when an employee's subsistence emoluments are the same or more than the minimum of fixed salary attached to the office in which he is acting;
- (c) if the post is not a superlative substantive; and
- (d) if the acting officer is not in a senior position.

#### **141. Selection of employee for acting appointment**

- (1) An employee may not be selected for an acting appointment unless it is intended that he should perform the full duties and assume all the additional responsibilities of the office in which he is properly qualified to do so.
- (2) For the purposes of the provisions of subregulation (1), the Chief Court Administrator, the Chief Registrar, the Registrar Court of Appeal, the Registrar of the High Court, Deputy Registrars, Court of Administrators, the Heads of Departments and Units shall make sure that they have competent and reliable employees who can be able to act in their absence, by giving proper guidance over officers working immediately below them.

#### **142. Scale of travel and other privileges while on acting appointment**

Where an employee who has been authorized to act in a post becomes eligible, whilst so acting, privileges attached to that post to which he so acts or the scale or rates of which are dependent upon salary, shall be granted on the scale or at the applicable rate to the salary of that post in which he is acting.

#### **143. Temporary filling of a vacant post**

- (1) Where it is necessary that a particular temporarily vacant post should be filled while the substantive employee holding that post is for any reason absent, an employee who is next senior in rank to the substantive holder of the post may, on the written recommendation of the Chief Court Administrator, Chief Registrar, Court Administrator's, Head of Department or Unit, be appointed by the Commission to act in that post and assume fully duties and responsibilities for a specified limited period of time.
- (2) The period within which an employee who is appointed to act in that post shall be expressly and specifically indicated in his letter of appointment.

#### **144. Workers' Council**

- (1) There shall continue to be a Workers' Council which shall exercise such functions in accordance with the principles and practices presently in force, in accordance with the Public Service Negotiating Machinery Act.

*[Cap. 105]*

- (2) The participation of an employee in discussing and making decisions pertaining to their employment welfare shall be through the Workers' Council and the negotiating machinery established under the Public Service Negotiation Machinery Act.

*[Cap. 105]*

#### **145. Transfers**

- (1) For purposes of improving efficiency to the Service, an employee may, be transferred from one duty station to another station.
- (2) An employee shall be required to obey a transfer order rightfully given to him and failure to do so without reasonable and acceptable explanation shall render him liable to severe disciplinary action which may include lawful termination.

- (3) Rotation or movement of employees within the Service from one station to another which does not entail promotion or demotion may be made in order to give an employee broader job experience or meet staffing requirements.
- (4) Where an employee is transferred from one duty station to another he shall be entitled to:
  - (a) free transport for himself, spouse and not more than four children as well as his personal belongings;
  - (b) disturbance allowance; and
  - (c) fourteen days' subsistence allowance appropriate to an employee's grade, his spouse and children for nights necessarily spent on the journey upon transfer from one duty station to another within or outside Tanzania.
- (5) An employee who is transferred solely at his own request shall not be eligible for the grant of any subsistence allowance, except:
  - (a) where an employee has been working in one station continuously for five years or more; or
  - (b) the employee is transferred in preparation for retirement and he has been working away from his Region for a continuously period of ten years or more:

Provided that the Chief Court Administrator, in his discretion, pays such allowance.

#### **146. Limitation of claims**

Any claim by an employee for entitlements prescribed for under these Regulations, made more than twelve months after the claim fell due, shall be treated as time-barred, unless the Permanent Secretary (Establishments) is satisfied that special circumstances precluded the submission of the claim at an earlier date.

### **(c) Compensation, death and burial expenses**

#### **147. Compensation for injury sustained at work**

- (1) Where an employee sustains injury as a result of an accident encountered in the course of performing his duty, he shall immediately report to the nearest medical practitioner, unless he is unable by reason of his injury to do so
- (2) Upon examining the injured employee, a government medical practitioner shall not, later than forty eight hours, report the details of the injury to the Court Administrator of the area who shall submit to the Chief Court Administrator immediately.
- (3) Upon receipt of the medical report from the medical practitioner or the injured employee, the employer shall enquire into the circumstances of the accident, and if satisfied that the injury was sustained in the actual discharge of duty, he shall so report to the Chief Court Administrator for his further action.
- (4) Where, after inquiry the employer has any doubt, he shall immediately request a Medical Board to be convened to consider the matter and to report its findings on the following:
  - (a) whether or not the accident occurred in the actual discharge of duty; and
  - (b) Whether or not the accident occurred due to any fault of the injured employee.
- (5) Upon completion of preparation of its report, the Medical Board shall submit the report to the Permanent Secretary (Establishments).

- (6) Where an employee dies by an accident or an occupational disease arising out of out in the course of his duty or employment, compensation for such death shall be dealt with in accordance with the procedures provided for under the Workers Compensation Act.
- (7) A right of an employee to compensation which include protection, claims, determination of the payable amount of compensation, cost for medical aid and rehabilitation benefits incidental thereto, shall be dealt with in accordance with the procedure set forth in the Workers Compensation Act.
- (8) Notwithstanding the provision of subregulation (7) of this regulation, an employee shall have the duty to protect himself from any bodily injury or occupational health hazards.

#### **148. Death of employee or spouse abroad**

- (1) It shall be the responsibility of the employing authority to repatriate the body of an employee who dies abroad while on an official duty, tour or course, or body of his spouse or child who was duly authorized to accompany him on such official duty, tour or course abroad.
- (2) The responsibility of the employing authority shall extend to the following—
  - (a) preparation of the dead body (embalmmment);
  - (b) purchase of a reasonably priced coffin or casket, including inner zinc and wooden coffin, as stipulated by airline regulations;
  - (c) transportation of the corpse from the place of death to the place of burial; and
  - (d) settlement of mortuary bills and a grant of a sum of money which is sufficient to meet expenses, as shall from time to time be determined by the Commission.

#### **149. Death of employee within Tanzania**

Where an employee dies in Tanzania while in the Service, the employer shall be responsible for:

- (a) preparation of the deceased body (embalmmment);
- (b) settlement of mortuary bills;
- (c) provision of coffin or casket;
- (d) transportation of the corpse from the place of death to the place of burial;
- (e) a grant for a sum of money which is sufficient to meet funeral expenses, as shall from time to time be determined by the Commission; and
- (f) publication of an obituary in a web site.

#### **150. Death and burial expenses**

- (1) Without prejudice to the provisions of regulations 148 and 149, upon the death of an employee or of the employee's spouse or child, the employing authority shall meet the funeral costs as follows—
  - (a) an appropriate coffin;
  - (b) preparation of an appropriate grave;
  - (c) cost of shroud or burial clothing to cover the dead body;
  - (d) wreath;
  - (e) dead body preparation and treatment (embalmmment); and
  - (f) transportation of the dead body and near relatives from the point of death to the place of domicile of the deceased or any other place of burial within Tanzania, as decided by the



deceased, his relatives or his official representative by railway, road, air or any other way found to be appropriate under the circumstances.

- (2) The Chief Court Administrator may make arrangement to provide for some reasonable support for funeral expenses.

#### **(d) Training and staff development**

##### **151. Training and staff development**

- (1) The employer shall make arrangements for training and development of employees.
- (2) In undertaking the responsibility provided for under sub-regulation (1), the employer may seek assistance from the Public Service Management donors or development partners, subject to such directives as may be given from time to time by the Government.
- (3) The employer shall, on the basis of job descriptions, personnel audit, forecasts in the human resources plan and performance appraisal findings, develop a staff development programme for employees.
- (4) Staff development for the purpose of this regulation, shall be aimed at developing individuals in the skills required for the performance of their present or future duties.
- (5) The Chief Court Administrator shall make adequate provisions in the annual budget for funding training programmes.
- (6) The Training Committee shall prescribe terms and conditions for the employee's attendance at various training courses, and the Department of Administration and Human Resources shall monitor and coordinate the training of all employees.

##### **152. Training Committee**

There shall be a Training Committee which shall deal with the matters relating to utilization of training opportunities for employees within the Service.

##### **153. Members of Training Committee**

- (1) The Committee shall be composed of:
  - (a) the Chief Registrar who shall be the Chairman;
  - (b) the Director of Administration and Human Resources Management who shall be the secretary;
  - (c) five Heads of Department and Units; and
  - (d) branch Chairman of worker's trade union.
- (2) Members of the Training Committee under subregulation (1)(c) shall be appointed by the Chief Court Administrator.

##### **154. Functions and meetings of Training Committee**

- (1) The functions of the Training Committee shall be to:
  - (a) ensure that the Judiciary Training Policy is implemented in line with the National Training Policy;
  - (b) evaluate the development and implementation of worker's development policy and training and advise management accordingly; and
  - (c) ensure that, training offered to employees is relevant to their jobs and the institution.

- (2) In performing its function, the Training Committee shall hold meetings to deliberate on such matters and submit its report to the Chief Court Administrator who shall submit the same to the management for further action.
- (3) The Secretary to the Committee shall be responsible for the preparation of the agenda for and calling of meetings of the Committee.
- (4) Three quarter of members of the Committee shall form a quorum for a meeting of the Committee.

### 155. Tenure of Training Committee

The Chairman and members of the Committee, except for the branch chairman of the workers' trade union, shall be appointed for a period of three years and be eligible for another term.

### 156. Types of training

The Service shall undertake the following training:

- (a) induction training which shall be the initial training for a newly employed or appointed employee which shall be conducted by the officer responsible for training in consultation with Heads of Department, Units and Sections;
- (b) on-the-job-training which shall be the training carried out in order to enable a junior or unskilled employee to learn the aspects of the job practically from senior or skilled staff which shall be conducted by the office across all departments to both new and old staff depending on the nature of job specifications;
- (c) in-house training which shall be designed and carried out to meet specific needs of the employer and shall be conducted for all employees as needs or opportunities arise for purpose of conveniently providing solutions to specific problems: and the responsible officer for training in consultation with Heads of departments, shall set the training objectives and decide on training modalities train; and
- (d) formal institutional training which arise when specific qualifications and skills for a particular job are required, shall be offered to employees in order to improve their academic and professional qualifications and shall:
  - (i) for a short-term course, be offered for a period of less than nine months and;
  - (ii) for a long-term course, be offered for a period of nine months and above.

### 157. Training programmes

- (1) Every court administrator, Head of Department, Unit and Section shall, in collaboration with the officer responsible for training be responsible for organization and nominating candidates to attend such seminars, conferences and workshops.
- (2) Exchange programmes shall be in the form of visits, study tours and attachments to enable employees to study and acquire practical knowledge and experience.
- (3) For the purposes of training, the following criteria shall apply:
  - (a) training programmes and staff development programme have to enhance knowledge and acquisition of new skills;
  - (b) promotion of career developments;
  - (c) acquisition of new skills for emerging demands; and
  - (d) minimum service period an employee shall be considered for a long-term training after three years from the date of appointment or a minimum period of three years of service

from his last training, unless stipulated by special provisions under statutory or professional requirements.

### 158. Training agreement

- (1) An employee who attends a short or long course and whose training costs are full or partially met by the Judiciary and given permission for full time paid study leave shall be required to sign a bonding agreement before proceeding to such training.
- (2) Subject to subregulation (1), in the case of the short course, the Chief Court Administrator shall determine whether or not to sign a contract depending on the cost and value of the course.
- (3) After successful completion of studies, an employee shall serve for a period of not less than three years to be considered for a transfer from a duty station or the Service, provided that it shall not be construed as to prohibit the employee to be transferred for public interest.
- (4) Where the employee intends to leave the service before the expiry of the prescribe period, the employee shall be required to reimburse to the Judiciary all training costs and remuneration received during the study period.

### 159. Financing

- (1) The Service may, for purposes of training its employee, depend on internal and external funding opportunities.
- (2) Notwithstanding subregulation (1), an employee may pursue training through self-sponsorship if his duties shall not be impaired by his absence, and shall be paid his salaries, provided that:
  - (a) he has officially been allowed to undertake such training;
  - (b) it is in the training programme of the employer; and
  - (c) he enters into agreement or bond to remain in the service after completion of his studies.
- (3) Where the qualifications obtained by the employee through self-sponsored training, benefits the Service, the employer may consider such employee for appropriate compensation for the expenses incurred by the employee in obtaining that training.
- (4) An employee attending training shall:
  - (a) follow the course diligently;
  - (b) complete the course within the minimum period necessary;
  - (c) report to work immediately after training completion;
  - (d) submit periodical academic progress reports to the employer;
  - (e) to observe bond requirements; and
  - (f) report to the employer during leave.
- (5) The employee shall be required to submit a certificate within six months after completion of the training.
- (6) For purposes of this regulation, the word "cost" means direct training costs or salary paid during the study period.

### 160. Rewards

- (1) Subject to successful completion of relevant training an employee may be rewarded by a letter of appreciation, increment or promotion in accordance with the Judiciary Scheme of Service.

- (2) Where an employee is unsuccessful in his studies or fails the exams thereof, he shall be considered last for another training opportunity after others who are eligible having been considered first and given the opportunity.

### **161. Salary while on training**

An employee attending any formal training which is in the training programme or it is relevant to his responsibilities shall be on leave with pay for the period of his studies and his dates of increment and promotion shall not be affected.

### **162. Training allowance**

- (1) The tuition fees for an approved training course of an employee shall be paid for by the employer as may be outlined by the fee structure of the respective training institution.
- (2) Training and other incidental allowances shall be payable to an employee attending formal institutional training at the applicable rates, as may be determined from time to time.

### **163. Part time training**

- (1) The Chief Court Administrator may allow an employee to attend a part time course in Tanzania.
- (2) Subject to sub-regulation (1), if no evening classes are available for such a course, an employee may be allowed time off duty, without loss of pay, to enable him to attend the classes during working hours where the need requires.

## **(e) Medical services and occupational health safety**

### **164. Medical service**

- (1) An employee serving on permanent and pensionable or on contract terms, his spouse and a maximum of four children or dependants, shall be entitled to free medical attention under the National Health Insurance Fund Act.  
*[Cap. 395]*
- (2) Notwithstanding the provision of sub-regulation (1), an employee shall take all reasonable precautions in accordance with modern health practices for the proper protection of his health.
- (3) An employee's medical information, certificates, particulars and all health reports, shall be treated as confidential.

### **165. Employer's duty to protect health of employees**

The employer shall take all reasonable precautions to ensure that safety standards are observed in order to avoid unnecessary causes of occupational health hazards.

### **166. Safety measures**

It shall be the responsibility of an employee to ensure that, electronics and electronic appliances, water facets or any other similar appliances are switched off and all windows and doors are properly locked when offices are vacated.

### **167. Fire-fighting precautions**

- (1) All inflammable and corrosive items shall be properly kept and stored.

- (2) The Head of Department, Chief Administrator and Heads of Units shall take all reasonable precautions to ensure that, occupational safety standards are in order to avoid unnecessary hazards.
- (3) The Court Administrator's, Head of Departments and units shall ensure that, all employees understand the position and are capable of operating with fire-fighting appliances installed in the work premises.

### **(f) Class entitlement while travelling on duty outside the country**

#### **168. Travel class entitlement for journeys outside Tanzania**

- (1) An employee of the level of Assistant Director and above, when travelling on official duty abroad, shall be entitled to a return, business class air ticket.
- (2) Notwithstanding the generality of subregulation (1), the entitlement to the Assistant Director shall apply when the journey is over ten hours to the destination.
- (3) An employee other than those referred to under subregulation (1) shall be eligible to travel in economy class.
- (4) The provision of this regulation shall apply *mutatis mutandis* with the provisions of regulation 109, with respect to an employee appointed to act on vacant post under the promotion on trial system.

### **(g) Vehicles**

#### **169. Use of vehicles**

- (1) Every driver in the Service shall, every morning or before commencement and after completion of the journey, submit a motor vehicle logbook to the responsible officer for recording and approval.
- (2) Without prejudice to subregulation (1), the Judiciary vehicle shall be serviced at designated garages when service is due.
- (3) Any accident involving or theft of the Judiciary vehicle shall be reported to the responsible officer and police.
- (4) A Judiciary vehicle shall be parked at designated, approved and secured places, preferably Government Institutions.

### **(h) Certificate of Service**

#### **170. Certificate of Service**

- (1) An employee leaving the service shall be issued a Certificate of Service.
- (2) The certificate shall be signed by the Chief Court Administrator or by anybody on behalf of him and one copy of the certificate be delivered to the employee and the other retained in his personal file.

### **(i) Handing over notes**

#### **171. Handing over report**

- (1) Upon transfer, retirement, termination or resignation employee shall, on leaving the office, produce a written handing over report to the incoming employee.

- (2) The handing over report as provided under regulation (1) shall be a detailed statement of pending cases, official assets, accountable documents, pending work, projects, stores, vehicle and other movables, plant and equipment, staff and finance report, if any.
- (3) The report shall be read and signed by the outgoing and the incoming employee upon verification of the details.
- (4) Where an officer leaves the office and his replacement has yet been appointed, shall hand over the office to the immediate most senior employee of the department or Court level.

### 172. Contents of a handing over report

- (1) Subject to subregulation 170 (1), the handing over report shall contain the following:
  - (a) in case of officers other than judicial officers:
    - (i) a detailed work progress report on the activities, financial report, balance and expenditure, budget performance and liabilities;
    - (ii) staff establishment, organization structure under him, if any;
    - (iii) files, register and any other important document in his custody, if any;
  - (b) in case of judicial officers:
    - (i) all pending case files and judgments, registers, exhibits or any other related document are fully listed in the report; and
    - (ii) if, the outgoing judicial officer is the in--charge of the station, list all pending cases at the station, pending judgments before him, pending judgments before other officers, exhibits indicating the names of custodian and list of missing files.
- (3) An employee living the office shall hand over office properties in his possession or custody, and assigned to him as described in the assets inventory.

*[Please note: numbering as in original]*

### 173. Observance of section 65

The Chief Court Administrator and the Chief Registrar shall, in performing their functions under these Regulations, observe the provision of section 65 of the Act.

### 174. Direction of the Commission in cases not covered by the Regulations

Any matter relating to the functions of the Commission other than the functions delegated or not delegated, which are not covered by these Regulations shall be dealt with in accordance with such instructions as the Commission may from time to time give.

### 175. Application of Standing Orders and Government circulars

- (1) Subject to regulation 174, where any matter has not been prescribed in these Regulations, the Public Service Act, the Public Service Regulations, 2003, the Standing Orders for the Public Service, 2009 and other relevant Government Circulars shall apply *mutatis mutandis* to such matter.
- (2) Where a solution cannot be found by application of subregulation (1), the employer shall use and apply his wisdom and tradition of the Service and Public Service to achieve a best judgment.
- (3) Where further guidance is required, the Chief Court Administrator shall consult the Permanent Secretary (Establishments).

*[Cap. 298]*

## First Schedule (Regulation 17(2))

### Compositions, procedures for committees established by the Commission

#### Part A – The Employment Advisory Committee

##### 1. Meeting of Employment Advisory Committee

- (1) The number of sitting, places and time of the meetings of the Employment Advisory Committee shall be determined by the Advisory Secretary to the Commission.
- (2) The Employment Advisory Committee shall be composed of a Chairman and other nine members who shall be appointed by the Commission as follows:
  - (a) a Chairman who shall be appointed amongst persons outside the Judiciary Service;
  - (b) two judicial officers appointed from the Judiciary Service holding a managerial position;
  - (c) the head of the Recruitment, Appoint and Confirmation section from the Secretarial of the Commission;
  - (d) Head of Ethics and Discipline Section, of the Secretarial to the Commission;
  - (e) one member from the Ministry responsible for Public Service management;
  - (f) two members from the Judiciary Service who are non judicial officers holding managerial position;
  - (g) one member from the Trade Unions Confederation of Tanzania; and
  - (h) the Secretary who shall be the Director of Human Resources Management of the Judiciary.
- (3) A person shall qualify to be a Chairman or a member of the Committee, if that person:
  - (a) has proven skills and knowledge of human resources and administration;
  - (b) has experience in managerial position for at least five years;
  - (c) is a public servant; and
  - (d) is less than fifty seven years.
- (4) A meeting of the Employment Advisory Committee shall be convened by the secretary of the Committee upon direction of the Secretary to the Commission and the notice specifying the place, date and time of the meeting shall be submitted to each member's contact address or to the place of business or residence not less than seven days before the date of the meeting.
- (5) Members of the committee shall be appointed by the Commission for a period of three years and may be eligible for reappointment to another term.

##### 2. Quorum at meetings of Employment Advisory Committee

The quorum for any meeting of the Employment Advisory Committee shall be a half of members of the Committee.

##### 3. Co-option of members

- (1) The employment Advisory Committee may co-opt or invite any person who is not a member to assist in the carrying out of or participate in the deliberations of the Committee but such person shall not have the right to vote.

- (2) The meetings of the Committee shall be presided by the Chairman and in his absence, the members present shall appoint one amongst themselves to preside.
- (3) At any meeting of the Committee, a decision of the majority of members present shall be deemed to be a decision of the Committee.
- (4) In the event of equality of votes, the Chairman shall have a casting vote in addition to his deliberative vote.

#### **4. The Committee shall have powers to make its own procedures**

- (1) All decisions of the Committee shall be made at a properly convened meeting.
- (2) Minutes of every meeting of the Committee shall be kept and be confirmed by the Committee at the next meeting and signed by the Chairman and Secretary of the meeting.

#### **5. Vacancies not to invalidate proceedings of committee**

The Employment Advisory Committee may act notwithstanding any vacancies in the membership thereof and no act or proceedings of the Committee shall be invalid by reason of some existence of a vacancy in the Committee or defect in the appointment of a person who purports to be a member thereof.

#### **6.**

All orders, directions, notices, decisions or other documents made or issued by the Employment Advisory Committee shall be signed by—

- (a) the Chairman; or
- (b) the Secretary to the Committee or any person authorized in writing in that behalf by the Secretary.

#### **7. Functions of Committee**

- (1) The functions of the Committee shall be as stipulated under section 14(2) of the Act.
- (2) The Committee shall, in discharging their duties under subrule (1)—
  - (a) observe the Public Service Management and Employment Policy, the Judiciary Service Regulations, the Judiciary Scheme of Service and other guidelines issued by the Commission;
  - (b) abide by principles of equality and transparency in staff appointments and abstain from being influenced by anybody outside the Committee;
  - (c) observed principles of equal opportunity to all; and
  - (d) ensure substantive and procedural fairness.

#### **8. Expenses of Committee**

Expenses for the operations and management of the affairs of the Committee shall be budgeted for and paid by the Secretary.

#### **9. Appointment procedure for employee**

- (1) Where there is a vacancy in a post to which the appointing authority is the Commission, the Secretary shall notify the Commission.
- (2) The Commission shall advertise the vacant post in two widely circulating newspapers and website.



- (3) Applicants for the advertised post shall be required to submit their letters of application, together with copies of certificates, testimonials, curriculum vitae, current passport size photograph and other relevant documents to the Secretary.
- (4) The Secretary shall, after receiving applications in accordance with sub-rule (2), prepare a full list of all the applicants, indicating those best qualified to appear before the Employment Advisory Committee for interviews on a specific date, time and place.
- (5) The period for advertising the vacant post shall not be less than fourteen days, and appearance for the interview shall not be less than seven days from the date of short listing.

## **10. Interviews**

- (1) The Secretary, shall prepare questions and marking schemes to be used by the Employment Advisory Committee for interview so as to ensure objectivity, consistency and to measure the right qualities of the applicants.

## **11. Selection of candidates**

- (1) The Employment Advisory Committee shall, after the interviews, select suitable candidates for the post and recommend their names in order of merit to the Commission.
- (2) The Secretary shall forward to the Chief Court Administrator the list of selected candidates for placement.
- (3) Where the Employment Advisory Committee fails to get suitable candidates, the vacancy shall be re-advertised.

## **12. Employment in Judiciary Service**

- (1) In selecting candidates for appointment, including appointment on promotion, the Commission shall consider integrity, qualifications and experience of the candidates and the needs and priorities of the office of the Judiciary.
- (2) In making any appointment in the Service, the Commission shall be guided by national policies, standards and professional requirements of the post.

## **13. Letters of appointment for employees**

The employing authority shall issue the letter of appointment to the candidates selected.

## **Part B – Composition and procedure for disciplinary committee (Regulation 19(1))**

### **1. Mandate**

The disciplinary committee established under regulation 19 shall on behalf of the Commission have and exercise powers:

- (a) to make preliminary investigation to establish the facts of the offence which an employee is alleged to have committed;
- (b) where circumstances require to charge, or punish as provided by the regulations; or
- (c) to establish an inquiry committee composed of not less than two members and not more than four who shall not be employees of the Service which shall consist both men and women.

## 2. Punishment for lesser offence after the inquiry

The disciplinary committee shall, after the inquiry committee has submitted its report and is of the opinion that the offence committed may not lead to termination, reduction of salary or rank, award the punishment as provided under Part B of the Second Schedule to these Regulations.

## 3. Duty to submit report in case of gross misconduct

- (1) Where, at any stage of the disciplinary proceedings, the Committee is of the opinion that the offence committed may lead to termination, reduction in rank or salary, shall submit the report to the Secretary within 14 days after receiving the report from the inquiry committee containing:
  - (a) preliminary inquiry report;
  - (b) charge sheet;
  - (c) a letter inviting an accused employee to appear before the inquiry;
  - (d) the accused employee's defence;
  - (e) copies of letters of appointments of the inquiry committee members;
  - (f) findings of the Inquiry committee; or
  - (g) brief background of the accused employees and recommendations.

## 4. Composition of the Committee

- (1) The Disciplinary Committee shall be composed of:
  - (a) at the headquarters and the Court of Appeal;
    - (i) the chairman shall be the Court Administrator Court of Appeal;
    - (ii) Head of department to be appointed by Chief Court Administrator;
    - (iii) the Assistant Director Human Resources shall be the secretary;
    - (iv) Senior Deputy Registrar Court of Appeal;
    - (v) Senior officer from technical departments nominated by the Chief Court Administrator.
  - (b) at the High Court Main Registry:
    - (i) the Chairman shall be the Court Administrator of the High Court;
    - (ii) the Court Administrator responsible for High Courts who shall be Secretary;
    - (iii) the Senior Deputy Registrar of the High Court;
    - (iv) one Head of Department appointed by Chief Court Administrator other than Human Resources officer or a Judicial officer;
    - (v) Senior officer from technical departments nominated by the Chief Court Administrator.
  - (c) at the High Court zone or division of the High Court:
    - (i) Assistant Administrative Secretary (Administration and Human Resources) from the office of the Regional Commissioner or District Administrative Secretary or Director of Human Resources from recognised public institution who shall be the chairman;
    - (ii) the Deputy Registrar;

- (iii) court administrator at the High Court Zone/Division who shall be the Secretary;
  - (iv) One member appointed by the Judge in-charge who has a background other than Human Resources officer or a judicial officer; and
  - (v) Senior officer from technical departments nominated by the Judge in-charge.
- (2) The quorum at the meeting of the disciplinary committee under this paragraph shall be at least three members in attendance.

## **5. Duty to report to the Secretary**

- (1) Notwithstanding the provisions of paragraph 3, the disciplinary Committee shall, within seven days after concluding the proceedings submit the report to the Secretary indicating the name of the accused employee, charge and the findings.
- (2) Secretary of the committee shall submit monthly report to the Commission indicating name and position of employee, offence and punishment awarded.

## **Second Schedule (Regulation 48(1) and 63(2))**

### **Part A – Offences warranting formal proceedings**

- 1. Act or omission involving moral turpitude e.g. theft, corrupt practices.
- 2. Act or omission which tends to bring the Public Service or Judiciary Service into disrepute.
- 3. Insubordination.
- 4. Absence from duty for more than five days consecutively without leave or reasonable cause.
- 5. Using without consent of the prescribed authority, any property of facilities provided for the purpose of the Judiciary or Public Service, for some purposes not connected with official duties.
- 6. Engaging in any activities outside the official duties, which is likely to lead to taking improper advantage of one's position in the Judiciary Service.
- 7. Refusal to comply with an order regarding a posting to a station.
- 8. Failure to perform satisfactorily duties assigned to the employee.
- 9. Disclosure of information in contravention of the National Security Act.
- 10. Act or omission, which is against public interest.
- 11. Inability to perform duties efficiently by reason of the use of alcohol or drug abuse.
- 12. Negligence occasioning loss to the employer.
- 13. Gross negligence in the performance of duty.
- 14. Contravention of the Code of Conduct and Ethics for the Judiciary Service, Professional Code of Ethics and Conduct or the Public Leadership Code of Ethics and any other code issued by relevant authorities.
- 15. Any fourth and subsequent commission of the offences provided for under Part B of this Schedule.

**Part B – Offences warranting summary proceedings**

NATURE OF OFFENCE	PERMISSIBLE PENALTIES		
	1 <sup>st</sup> Commission of the Offence	2 <sup>nd</sup> Commission of the Offence	3 <sup>rd</sup> Commission of the Offence
Being late for duty without or reasonable cause.  Late attendance being recorded from one hour after official commencing time for three days consecutively.	Written warning	Reprimand	<b>Stern Warning</b>
Absence from work place during working hours without leave.  Actual time of absence recorded.	Written warning	Reprimand	<b>Stern Warning</b>
Absence from duty without leave.  Two days of absence being counted as separate breach.	Written warning	Reprimand	<b>Stern Warning</b>
Failure to complete a task. Reckoned relative on the time or cost for making good the harm occasioned thereby.	Written warning	Reprimand	<b>Stern Warning</b>
Negligence in the performance of duties not endangering the safety of persons or property. Reckoned relative on the time or cost for making good the harm occasioned thereby.	Written warning	Reprimand	<b>Stern Warning</b>
Failure to comply with instructions not amounting to	Written warning	Reprimand	<b>Stern Warning</b>

insubordination. Reckoned relatively on the time or cost for making good the harm occasioned thereby.			
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Note:

- (1) There shall be opened a register of offence in which there will be recorded the name of the public servant, the offence committed, the time and date of commission.
- (2) Commission of the offence shall be reckoned at the end of each calendar month and the public servant charged in the following month.
- (3) Fourth and subsequent commission of the offences under this part shall warrant formal proceedings.

### **Part C – Types of offences and punishments**

1. An employee commits a disciplinary offence in the Judiciary Service if he is guilty of:
  - (a) conducting himself in any manner prejudicial to good image and reputation of the judicial service;
  - (b) practicing favoritism, nepotism or corruption whether for personal advantage or gain or that of any other person;
  - (c) being late for, or absent from, duty without permission
  - (d) being insubordinate, rude or uncooperative;
  - (e) being lazy or producing a poor standard of work;
  - (f) being untrustworthy or lacking integrity in public or private financial transactions;
  - (g) engaging in private interests at the expense of his or her official duties;
  - (h) divulging official information to unauthorized persons;
  - (i) being convicted of criminal offence by the court of law; or
  - (j) in any way contravening any provisions of the laws, regulations, public service standing Orders or any other instructions relating to the discipline of judicial officers.
2.
  - (1) The offences in respect of which disciplinary action may be taken against non Judiciary officers shall be:
    - (a) General inefficiency;
    - (b) Misconduct;
    - (c) Conduct prejudicial to the interest and security of the Judiciary Service.
  - (2) General inefficiency consist of a series of omissions or incompetence, the cumulative effect of which shows that, the employee is not capable of efficiently discharging the duties of the office he holds.
  - (3) Misconduct is a provable and specific act of wrongdoing or improper behavior that can be investigated and proved, and includes willful act or omission or general misconduct to the scandal administration of the service such as:
    - (i) absence from duty without leave;
    - (ii) accepting gifts or presents in the form of money or otherwise in recognition or anticipation of service rendered by virtue of official position;

- (iii) corruption, graft or corrupt practices;
  - (iv) derelictions of duty;
  - (v) dishonest;
  - (vi) drunkenness;
  - (vii) embezzlement;
  - (viii) false claims against the Commission or the Government;
  - (ix) fighting while on duty;
  - (x) foul, abusive or insulting language;
  - (xi) insubordination;
  - (xii) loitering during office hours;
  - (xiii) Negligence unauthorized disclosure and use of official information; and
  - (xiv) disobedience of lawful Orders.
- (4) Conduct prejudicial to the security and interest of the Judiciary Service involves the following:
- (a) engaging in political activities of any kind whatsoever except as provided in Standing Orders for the Public Service 2009 (F20 and 21);
  - (b) seeking the influence of prominent person or any other person in matters connected with discipline; or
  - (c) violation of any law governing official secrets.
- (5) For purposes of this paragraph, "loitering" means standing, waiting, walking around or within the offices without apparent purpose.
3. The following punishments may be inflicted upon a judicial officer or non judicial officer as a result of proceedings under these Regulations—
- (a) termination;
  - (b) reduction in rank or seniority;
  - (c) reduction in salary;
  - (d) stoppage of increment;
  - (e) withholding of increment;
  - (f) deferment of increment
  - (g) fine of an amount not exceeding one quarter of a month's salary;
  - (h) the recovery of the cost or part of the cost of any loss or breakage caused by default or negligence; and
  - (i) Relieve from duty.

### Third Schedule (Regulation 64(3))

#### Part A – Charge

##### Sample of a charge (where the charge is "absence from duty without leave")

###### STATEMENT OF OFFENCE

Absence from duty for more than five (5) days without leave or reasonable cause contrary to regulation 64(1) and paragraph (1) of Part A of the first schedule of the Judiciary Service Regulation, 2020.

###### PARTICULARS OF OFFENCE

Mr/Mrs/Miss ..... of P.O. Box .....(name of town) being an employee namely ..... (Substantive title/duty post), and at the material time employed at ..... (duty office), on the ..... day of ..... (month) ..... (year) was absent from duty without leave or reasonable cause.

Date .....

.....

Disciplinary authority

#### Part B – Notice (Regulation 64(6))

##### An example of Notice

Mr/Mrs/Miss ..... of ..... (Insert address). Take notice that I intend to institute disciplinary proceedings against you. A copy of the charge is enclosed herewith.

You are required to state in writing the grounds upon which you rely to exculpate yourself and your representations should reach me within fourteen days from the date you receive this notice.

Take further notice that if your representations do not reach me within the time specified above and having regard to the provision of regulation 53(1) of the Judiciary Administration (General) Regulations 2014, I will proceed with the disciplinary proceedings without any further notice to you.

Date .....

.....

Signature of the Disciplinary authority

I certify that I have received a copy of this notice.

Date .....

.....

Signature of the accused Judiciary employed

### Fourth Schedule (Section 66(2)(c))

#### Code of conduct and ethics for non-judicial officers

Preamble

WHERE, a just, fair and independent court system is essential to the administration of justice, and a necessary part of that system is the proper conduct by all employees who inspire public confidence and trust in the court system.

AND WHEREAS, this Code of Conduct applies to all employees except the judicial officers who are bound by the Code of Judicial Officers of Tanzania. Consultants and other non-judicial officers who serve the Judiciary are not covered by this Code, but the Chief Court Administrator or another person engaging such person may impose these or similar ethical standards on such non-judicial officers, as deemed appropriate.

AND WHEREAS, the standards contained within the Code do not preclude the adoption of more rigorous standards by law, court order or professional code of conduct. Violations of this Code may be enforced. When or if certain conflicts arise between this Code and other Codes, this Code will prevail. Interpretations:

"social media" means any activity on the internet that involves posting by employee, such as blogging, posting comments to any website, posting photos, posting videos, other graphics or multimedia materials, posting documents and links, posting status updates, comments or links or sharing or participating in other way of social media networking site like facebook, WhatsApp, etc., micro-blogging for example through Twitter, contributing to wiki and so on. These do not target messages sent through emails or social media site directed to individuals or small groups personal friends, except as it relates to confidentiality.

NOW THEREFORE, is Code of Conduct and Ethics for Employees prescribe as follows:

***Upholding the integrity and independence of the Judiciary and avoiding impropriety and the appearance of impropriety in all activities***

**1. Upholding the integrity and independence of the Judiciary while performing court duties**

An employee shall uphold the integrity and independence of the Judiciary. An independent and honorable judiciary is indispensable to justice in our society. An employee shall personally observe high standards of conduct so that the integrity and independence of the Judiciary are preserved and the employee's office reflects a devotion to serving the public.

**2. Carrying out duties faithfully**

An employee shall faithfully carry out all appropriately assigned duties striving at all times to perform the work diligently, efficiently, equitably, thoroughly, courteously, honestly, truthfully, and with transparency and he shall properly carry out issued court orders and rules, not exceeding his authority.

**3. Avoiding impropriety or appearance of impropriety in all activities**

An employee shall not engage in any activity that would put into question his propriety in carrying out the duties of his office and he shall not allow family, social, or other relationships to influence his conduct and decision.

**4. Not lend the prestige of one's office to advance private interest**

- (1) An employee shall not lend the prestige of the office to advance or to appear to advance the private interests of themselves or others or use it for his private gain.
- (2) An employee shall, in performing the duties prescribed by law, the Scheme of Service or assigned to by his employer, apply or comply with the following standards:
  - (a) an employee shall respect and comply with the law and this code;
  - (b) an employee shall be faithful to professional standards and maintain competence in the employee's profession; and



- (c) an employee shall refrain from publicly endorsing any product or service in their official capacity, including through social media.

## 5. Fairness

An employee shall diligently discharge the responsibilities of the office in a prompt, efficient, non discriminatory, fair and professional manner.

## 6. Respect for others

An employee shall be patient, dignified, respectful, and courteous to all persons with whom the employee deals in an official capacity, including the public, and shall require similar conduct of personnel subject to the employee's direction and control.

## 7. Involvement in actions before a Court

An employee shall inform the appointing authority of any circumstances or activity of the staff member that might serve as a basis for disqualification of either the staff member or the judge, in a matter pending before the court.

## 8. Avoiding privilege

An employee shall never influence the assignment of cases, or perform any discretionary managerial function of the court in a manner that improperly favours any litigant or state attorney or advocate, or staff and he shall not imply that he is in a position to do so.

## 9. Assisting litigants

An employee shall provide accurate information to internal and external customers based on record when authorised or the office duties requires them to do so, and in so doing employees are authorized to do the following:

- (a) provide information about available forms/pleadings/instructions without providing advice or recommendations as to any specific course of action;
- (b) engage in oral communications to assist persons in the completion of blanks on forms; or
- (c) provide the employee particulars, or copies of letters, salary slip or anything in that regard, related to his personal employment record.

### *Performing duties of position impartially and diligently*

## 10. Independent judgment and conflict of interest

An employee shall avoid conflicts of interest in the performance of official duties. A conflict of interest arises when an employee knows that he or she (or the spouse, minor child residing in the employee's household, or other close relative of the employee) might be so personally or financially affected by a matter that a reasonable person with knowledge of the relevant facts would question the employee's ability to properly perform official duties in an impartial manner.

## 11. Prohibition personal interest

Certain employees, because of their direct relationship to a judicial officer or the nature of their duties, shall not perform any official duties in any matter with respect to which such person knows that:

- (a) he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

- (b) he, individually or as a fiduciary, or the spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or is a party to the proceeding; or
- (c) he, a spouse, or a person related either within the third degree of relationship, or the spouse of such person:
  - (i) is a party to the proceeding, or an officer, director, or trustee of a party;
  - (ii) is acting as a lawyer in the proceeding;
  - (iii) has an interest that could be substantially affected by the outcome of the proceeding; or
  - (iv) is likely to be a material witness in the proceeding.

## 12. Personal relationships

An employee shall not engage in nepotism prohibited by law and when he knows that a conflict of interest may be presented, he shall promptly inform his appointing authority or immediate supervisor who after determining that a conflict or the appearance of a conflict of interest exists, shall—

- (a) take appropriate steps to restrict the employee's performance of official duties in such matter so as to avoid a conflict; or the appearance of a conflict of interest; or
- (b) relieve him the assignment,

such employee shall observe any restrictions imposed by his appointing authority or immediate supervisor in this regard.

## 13. Misconduct

An employee shall expect fellow professionals to abide by the rules set out in the code and he shall report to the appropriate authority the behavior of any employee who violates this Code including, but not limited to, potential conflicts of interest involving one's duties and attempts to inappropriately influence one in performing one's duties.

## 14. Maintenance records

An employee shall not falsify records or reports or intentionally delete or alter information: this includes, but is not limited to, inappropriately destroying, altering, falsifying, mutilating, backdating, or failing to make required entries on any records within the Judiciary's or court's control.

## 15. Confidentiality

Every employee shall take special care to preserve the confidentiality of all information which has confidentiality including but not limited to preliminary disposition, legal or administrative opinion, pending court decisions, legal research performed by law library staff, administrative matters such as pending budget any court record or personal records which is not a matter of public.

## 16. Maintain discretion

An employee shall avoid making public comment on the merits of a pending or impending action and shall require similar restraint by personnel subject to his direction and control.

## 17. Proper use of public resources

An employee shall use the resources, property, and funds under one's official control judiciously and in accordance with prescribed procedures.

**18. Practice of law**

An employee who is otherwise qualified to practice law as an advocate of the High Court of Tanzania and subordinate courts thereto or who has basic knowledge or experiences to perform functions of a practicing advocate, shall not engage in the practice of law.

***Refraining from inappropriate political activity*****19. Right to vote**

An employee retains the right to vote and is encouraged to exercise it as a part of citizenship.

**20. Refraining from inappropriate political activity**

A non judicial officer may engage in political activity:

Provided that such activity does not tend to reflect adversely on the dignity or the impartiality of the court or office and does not interfere with the proper performance of official duties.

**21. Use of position to influence**

An employee shall not use one's position or title within the court system to influence others.

**Fifth Schedule (Regulation 95 (1))****Core values of the Service**

Subject to the Core values of the Public Service, every employee shall observe and promote the following values of the Service:

- (a) **Integrity:** every employee shall demonstrate ethical behaviour by being honest and loyal in delivering services to clients and citizens;
- (b) **Impartiality:** every employee shall treat all users of the Judicial Services equitably, provide non-partisan and respectful services;
- (c) **Team spirit:** every employee shall cooperate and collaborate with each other and with stakeholders to create synergy and achieve our shared goals;
- (d) **Accountability and transparency:** every employee while safeguarding the independence of the Judiciary, shall be accountable and render services in a transparent manner; and
- (e) **Professionalism:** every employee shall discharge his duties efficiently, effectively and competently.