

Tanzania

Judiciary Administration Act

## Judiciary Administration (Service Scheme), 2021

Government Notice 10 of 2021

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# Judiciary Administration (Service Scheme), 2021

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# Tanzania

## Judiciary Administration Act

### Judiciary Administration (Service Scheme), 2021

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### Part I – Preliminary provisions

#### 1. Citation

This Scheme may be cited as the Judiciary Administration (Service Scheme), 2021.

#### 2. Application

- (1) This Scheme shall apply to all employees.
- (2) All employees serving under the Service shall be subject to this Scheme, orders, regulations, circulars and General Instructions as may from time to time, be issued by the Commission, the Chief Justice, the Jaji Kiongozi, the Chief Court Administrator, the Chief Registrar or any officer of the Service for and on their behalf.
- (3) The provisions of this Scheme shall be applied in accordance with the laws of the United Republic of Tanzania, the Judiciary Administration (General) Regulations, 2021, the Public Service Scheme, 2003 and the Standing Orders for the Public Service, 2009.

#### 3. Interpretation

- (1) The provisions of this Scheme shall be interpreted in accordance with the laws of the United Republic of Tanzania, the Judiciary Administration (General) Regulations, 2021, the Public Service Scheme, 2003 and the Standing Orders for the Public Service, 2009.

- (2) In this Scheme unless the context requires otherwise:

"**accounting officer**" shall have meaning ascribed to it under the Public Finance Act;

*[Cap. 348]*

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

*[Cap. 237]*

"**acting allowance**" means allowance payable to employee appointed to act in a superlative substantive post for a period of not less than thirty days;

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

"**child**" shall have the meaning ascribed under the Law of Child Act.

*[Cap. 13]*

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

"**Committee**" means the Judicial Officers Ethics Committees, Employment Advisory Committee and other committees established under the Act;

"**court administrator**" means an administrator referred to under section 11 of the Act;

"**criminal offence**" means an offence chargeable under the criminal court as defined under the Penal Code and any other written law;

*[Cap. 16; Cap. 20]*

"**employer**" means the Commission;

"**employing authority**" means the Chief Court Administrator;

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

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

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

"**interdiction**" means a temporary removal of an employee from exercising duties of his office pending disciplinary or criminal proceedings;

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

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

"**employee**" for the purposes of this Scheme, means any person who is employed in the Service, whether in the executive grade, officer grade or operational service grade and whether on permanent, temporary or contract terms, but does not include a wage worker;

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

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

"**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 under section 15(1) of the Act;

"**Secretariat**" means a Secretariat referred to under paragraph 16;

"**Service**" means the Judiciary Service established under 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 a 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 this Scheme, means one spouse;

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

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

## **Part II – Administration of the Service**

### **4. Role of the Chief Justice and the Commission in the Service**

- (1) The Chief Justice shall be an overseer of the implementation of this Scheme and policies governing the Service.
- (2) The Commission shall ensure the effective implementation of this Scheme and policies governing the Service.

### **5. Administrative powers of the Commission**

- (1) The Commission shall be the appointing and disciplinary authority in respect of employees other than Judges, the Chief Court Administrator, the Chief Registrar, the Registrar of the Court of Appeal and the Registrar of the High Court.
- (2) The Secretary shall facilitate the exercise and implementation of powers of the Commission to make appointments, confirmation, promotion and discipline in the Service.

### **6. Administrative powers of the Chief Court Administrator**

- (1) The Chief Court Administrator shall be the Chief Executive Officer and the overall in charge of the administration of all employees of the Service in accordance with the provisions of sections 7(5) and 8 of the Act.
- (2) The Chief Court Administrator shall provide leadership, direction and image to the Service.
- (3) The Chief Court Administrator shall ensure the availability and accessibility of necessary working facilities.
- (4) Subject to the provisions of sections 7, 8 and 65 of the Act, the Chief Court Administrator shall have power for administration of the Service and the initiation of terms and conditions of the service of employees in the Service.

### **7. Administrative and powers of the Chief Registrar**

The Chief Registrar shall, being a link between the Judiciary and the Commission on appointment, promotion and disciplinary matters save for the judges, the Registrar Court of Appeal and the Registrar of the High Court, have powers to:

- (a) in appointment, advice on additional qualification of a candidate and comment on the recruitment process;
- (b) in appointment on promotion, satisfy himself on suitability of a candidate;
- (c) in disciplinary matter, initiate investigation and determine intensity or gravity of the matter complained of, or being investigated; and

- (d) advice the Jaji Kiongozi or the Chief Justice on any disciplinary matters.

## **8. Transfers**

- (1) The Jaji Kiongozi shall be the authority for transfer for judges and the Chief Court Administrator shall be the authority in respect of internal transfer of other employees of the Service.
- (2) The Judge in-charge shall, in consultation with the Deputy Registrar, the court administrator, save for the Resident Magistrate in-charge of a court of the resident magistrates and a district court, be the authority in respect of internal transfer of employees of the Service within the area of his jurisdiction.
- (3) The provision of subparagraph (2) shall not be construed as to prohibiting or interfering with the powers of the Jaji Kiongozi and the Chief Court Administrator on transfer of employees.
- (4) Notwithstanding any provision of this paragraph, powers to make transfer, shall be exercised subject to:
  - (a) availability of budget;
  - (b) maintenance of efficiency of the Service; and
  - (c) public interest.

## **9. Administrative powers of Deputy Registrar, court administrator, heads of department, etc**

- (1) The Deputy Registrar, court administrator, heads of department and unit shall be responsible for supervision of employees of the Service under him and in that respect, may give instructions, directives and ensure proper performance of the functions and the exercise of powers in his respective department, unit or court level.
- (2) The officers under subparagraph (1) shall, when discharging duties of supervision, manage and be accountable for funds and other resources, and in so doing shall observe the relevant laws, regulations, circulars, orders and directives.

## **Part III – The Commission**

### **10. Meeting and decision of the Commission**

- (1) The Commission shall transact its business through a properly convened meeting as set out in the First Schedule to the Act.
- (2) A Secretary shall prepare an agenda to be approved by the Chairman, at least four weeks before the meeting.
- (3) A Secretary shall prepare and circulate papers to the Chairman and the Commissioners at least fourteen days before the meeting.
- (4) A member of the Commission may dissent from the decision of the Commission, and his dissent and reasons thereof shall be kept in the records of the Commission.

### **11. Correspondence**

- (1) All correspondences directed to the Commission shall be addressed to the Secretary.
- (2) All correspondences from the Commission shall be signed by the Secretary or any person appointed in accordance with the Act.

- (3) Without prejudice to subparagraph (1), correspondence may, where circumstances necessitate, be addressed to and signed by the Chairman.

## 12. Commission may require attendance

- (1) Any employee of the Service may, through the Chief Court Administrator, be required to attend and give information before the Commission concerning any matter before it.
- (2) In the course of giving information under subparagraph (1), the Commission may require the production of any official documents relating to such a matter by such an employee.

## 13. Prohibition from influencing the Commission

- (1) A person shall not influence or attempt to influence any decision of the Commission in whatsoever manner other than in the course of his duty.
- (2) The provisions of this paragraph shall not be construed as to prohibit any person from giving a certificate or testimonial to an applicant or candidate for any office or from providing any information or assistance at the request of the Commission.

## 14. Functions and powers of the Commission

The functions and powers of the Commission shall be as provided under the provisions of the Constitution of United Republic of Tanzania and the Act.

[Cap. 2]

## 15. Delegation

The Commission may delegate its functions subject to the provisions of section 33 of the Act.

## 16. Secretariat of the Commission

- (1) There shall be a secretariat of the Commission which shall be constituted by such number of employees to assist the Secretary to perform his functions.
- (2) Without prejudice to the generality of subparagraph (1), the Secretariat shall:
  - (a) coordinate meetings of the Commission and its committees;
  - (b) record and safe keep minutes of business transacted at every meeting of the Commission and its committees;
  - (c) make follow up on the implementation of the resolutions of the Commission and its committees;
  - (d) coordinate the appointment or recruitment, confirmation, promotion and disciplinary matters; and
  - (e) prepare papers to be tabled to the Commission.
- (3) Employees under subparagraph (1) shall be accountable to the Secretary.

## Part IV – The Service

### 17. Determination of terms and conditions of Service

The terms and conditions of Service for employees shall be determined by the Commission in regard to section 5(2) of the Act and the terms shall be signed by the Chief Justice and published in the *Gazette*.

## 18. Terms and conditions of Service

- (1) The terms and conditions of Service referred to under paragraph 18 shall be—
  - (a) permanent and pensionable;
  - (b) agreement or contract; and
  - (c) operational service.
- (2) Subject to subparagraph (1), the terms and conditions of Service may be modified by any special terms contained in the agreements, contracts or letter of appointment for every employee.

## 19. Appointments in the Service

The appointments in the Service shall be governed by the Act, the Public Service Act, the Judiciary Administration (General) Regulations, 2020, Service Scheme, Scheme of Service, Standing Orders for Public Service, 2009 and government circulars and directives.

*[Cap. 298]*

## 20. Qualifications for appointment and promotion

- (1) A person shall not be appointed or promoted to the Service unless is a citizen of the United Republic and possesses the following requirements:
  - (a) in the case of appointment:
    - (i) academic qualifications determined by a certain level of education required in the position concerned as indicated in relevant Scheme of Service;
    - (ii) professional competency determined by the skill level of that profession;
    - (iii) age qualification determined by the date of birth indicated in the birth certificate; and
    - (iv) good character and integrity.
  - (b) in the case of promotion:
    - (i) experience determined by length of Service, knowledge determined by academic qualification performance and quality for leadership;
    - (ii) qualifications pursuant to the Scheme of Service;
    - (iii) availability of vacancy; and
    - (iv) satisfactory performance as ascertained by the Open Performance Appraisal Systems.
- (2) Whenever a need arises to employ a person who is not a citizen of the United Republic to a Service post, the appointing authority shall notify the Permanent Secretary (Establishment) who shall forward the proposal to the Chief Secretary for approval.

## 21. Persons not to be appointed in the Service

- (1) As a general rule and subject to the Public Service Regulations, 2003, a person who has been convicted of offence involving moral turpitude, or a criminal record or has previously been terminated, retrenched or resigned from the Public Service shall not be reappointed to any Service post:

Provided that the person may be reappointed to the Service after the approval of the Chief Secretary.

- (2) The terms "offences involving moral turpitude" as used under this Scheme shall include—
  - (a) an act or behavior that gravely violates the moral sentiment or accepted moral standard of the community; or
  - (b) the morally culpable quality held to be inherent in some criminal offences as distinguished from others.
- (3) Where a person has been appointed in contravention of sub-paragraph (1) 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.
- (4) A person who is of unsound mind shall not be appointed in the Service.

*[G.N. 198 of 2003]*

## **22. Approved establishments**

- (1) Appointment shall not be made in the Service, whether temporarily or otherwise for which no provision has been made in the estimates for the year in which the employment or appointments are intended to be made.
- (2) Without prejudice to the provisions of subparagraph (1), appointments shall not be made on posts which have not been duly created in the organization structure of the Service.
- (3) Increase in the number of posts shall not be made above the authorized establishment without prior approval of the Permanent Secretary (Establishments).

## **23. Responsibility of appointing authorities**

The ultimate responsibility for appointments shall rest on the Commission.

## **24. Appointment principles**

- (1) All appointments in the Service shall be governed by the overriding principles of selection based on merit, well informed choice of individuals who through their abilities, experience and qualities match the need of the vacant post concerned.
- (2) The principles of selection for appointments of employees of the Service shall be prescribed in the Judiciary Administration (General) Regulations, 2020.
- (3) The appointment procedures shall be subject to principles of proportionality and be appropriate for the nature of the post and the weight of responsibilities thereof.
- (4) Appointments in the Service shall always be free from discrimination, political influence or other extraneous considerations, and base on—
  - (a) merit, fairness and open competition; and
  - (b) qualifications stipulated in the relevant schemes of service.

## **25. Notification of vacancies**

- (1) The Chief Court Administrator shall notify the Commission on any vacancies in the Service which are required to be filled.
- (2) Notification of vacancies under subparagraph (1) shall specify the necessary requirements for the vacant posts and follow procedures prescribed in the Judiciary Administration (General) Regulations, 2020.

## 26. Constitution and abolition of posts

- (1) Powers of constituting and abolishing posts or upgrading and downgrading posts shall be exercised by the Commission and be subject to approval by the Permanent Secretary (Establishments).
- (2) For the purpose of subparagraph (1) of this paragraph, the words upgrading and downgrading of posts shall mean change in the salary scale or the entry point.
- (3) Where the Commission has made a decision to constitute any Judiciary post, the Chief Court Administrator shall submit an application to the Permanent Secretary (Establishments) stating:
  - (a) the title of the proposed post;
  - (b) the salary or the salary scale to be attached to the proposed post;
  - (c) whether or not the proposed post is to be a pensionable post;
  - (d) the reason why the constitution of the proposed post is considered desirable;
  - (e) the qualifications of any holder of the proposed post and the duties which such holder will be required to perform;
  - (f) where the post is to be created and filled during a financial year, whether or not funds are available to meet the expenses involved until the expiry of the financial year; and
  - (g) working experience, where necessary; and
  - (h) such other matters as the Permanent Secretary (Establishments) may direct.
- (4) In case of the application for the abolition of any Judiciary posts, the application made shall state—
  - (a) the reason why it is considered that the post should be abolished; and
  - (b) such other matters as the Permanent Secretary (Establishments) may direct.

## 27. Complaints regarding appointments or recruitments

- (1) Where a candidate is dissatisfied with the way in which the appointment procedure is conducted to any post which he was a candidate, he may, within a period of fourteen days from the date of announcement of the results of the interviews, appeal to the Commission.
- (2) Upon receipt of the appeal, the Commission shall consider and decide upon it as it shall deem fit and appropriate.
- (3) The recruitment competition records shall be fully documented and kept for a period of not less than six months from the date such recruitment ended.

## 28. Accountability of employees of the Service

- (1) The accountability in the Service shall be hierarchical and employees shall be accountable according to arrangements from lower to higher ranks and be based on the hierarchy of authority and responsibility.
- (2) Under the Chief Court Administrator there shall be court administrators, heads of departments, heads of units and the supporting administrative professional and technical staff comprising of senior, middle and junior officers.
- (3) The Chief Registrar shall be assisted by the Registrar of Court of Appeal, the Registrar of High Court, Deputy Registrars and heads of departments and other judicial officers.
- (4) Notwithstanding subparagraph (1), every employee shall be accountable for his own performance and action.

**29. Relationship between an employee and a supervisor**

- (1) An employee shall, in discharging his duties, observe and respect laws, directives and other instructions.
- (2) Employees shall regard themselves as servants under the same Service and shall strive to serve loyally and to comply with lawful instructions of their supervisors.
- (3) Every employee shall be entitled to recognition and respect for his dignity regardless of hierarchy in the Service.
- (4) Every employee shall respect and co-operate with his leader and peers at work place and elsewhere within the Service.
- (5) Subject to the laid down procedures, an employee shall have the right to claim and enquire into any issue pertaining to his service, and his employer or supervisor shall grant the right claimed or avail him with the appropriate or necessary information.

**30. Working relationship with other authorities**

- (1) The Commission shall be independent, keep good working relationship and co-operation with government authorities and other public organizations.
- (2) Government authorities and other public organizations shall not interfere with the functioning of the Commission save that, the Government may give general direction in relation to a specific matter, policy or decision.
- (3) Government authorities and other public organizations shall, if necessary, render assistance, give advice and information to the Commission for better performance of its functions.

**31. Communication within and outside the Service**

Every communication within the Service shall be in accordance with the procedures to be prescribed in the Judiciary Administration (General) Regulations, 2020, directives, instructions and orders.

**Part V – Working and employment conditions****32. Working patterns**

The Chief Court Administrator shall advise the Commission on changes to be made to staff employment and working hours, including options of:

- (a) part-time working;
- (b) job sharing;
- (c) flexible-time systems of permitting employees to work hours of the day or week or both, around and agreed core time when staff shall be on duty, as long as they meet stated daily or weekly working hours; and
- (d) *ad hoc* "contracting-out" for services and skills, on a need basis.

**33. Disclosure of information to third party**

An employee shall not disclose to any person any information which he acquires or which comes to his knowledge in the performance or purported performance of his functions in the office, except in so far as it may be necessary for the performance on those functions or for due compliance with any requirements of, or proceedings under the Act or any other written law, or with the order of a court of law.

**34. Protection of property and interest**

- (1) An employee shall, at all times, be required to—
  - (a) protect the interests of the employer and avoid to cause loss or damage to property or reputation of the office; and
  - (b) avoid any action that may be seen to be undesirable or bring the office or its name, into disrepute.
- (2) Where damage is caused by carelessness, negligence or malicious acts, the employee causing such damage shall be held liable and be required to meet the cost of damage, as may be determined by the Chief Court Administrator.

**35. Gifts and other benefits**

- (1) An employee or his immediate family members shall not accept or solicit for gifts, presents, payments, entertainment, apart from normal occasional social business meals or drinks.
- (2) Where circumstances necessitate receipt of any gifts, presents or payment, the employee shall, in writing, declare and hand over the same to the Chief Court Administrator.

**Part VI – Recruitment and promotion****36. Recruitment policy**

The recruitment policy of the Service shall be to employ the most appropriate candidate available, irrespective of race, colour, marital status, tribe, religion, gender or physical disabilities to ensure that the public receives quality services.

**37. Determination of a vacancy**

The Chief Court Administrator shall be responsible for determining the existence of a vacancy in the Service and, before the decision to recruit is made by the Commission, the head of departments may be consulted on determination of existence of vacancies and other options which might be appropriate, such as work re-design, re-assignment of existing staff, promotion or outsourcing of services.

**38. Recruitment process**

- (1) Vacancy shall be advertised through the website and at least two widely circulated newspapers or any other appropriate means with a formal competitive selection procedure.
- (2) The Commission may, for the purposes of identifying and maintaining names of various potential candidates, prepare a database of candidates for various cadre.
- (3) The database under subparagraph (2) shall be kept and maintained for at least twelve months.
- (4) Selection procedure to be adopted shall be as follows:
  - (a) logistical organization of the procedure, organizing the responsibility for the particular application procedure, and advertising the vacant posts in newspapers;
  - (b) receive the returned application forms or letters;
  - (c) shortlist the applicants; and
  - (d) invite the shortlisted applicants for interview.
- (5) The Secretary shall prepare questions and marking schemes to be used for interview so as to ensure objectivity, consistency and to measure the right quality of the applicant.

- (6) The applicants who appear before the interview in accordance with subparagraph (4) shall be required to submit their original certificates, testimonials and other relevant documents.
- (7) Upon determination of successful candidates to the Service, the Commission shall, in addition to the professional scores, take into consideration the integrity and fitness of the candidate.  

Provided that the fitness of a candidate shall only be considered if it is relevant to the post advertised.
- (8) Upon completion of procedure under subparagraph (4), (5), (6) and (7), the Secretary shall submit the names of successful candidates to the Commission for its approval.
- (9) Upon approval by the Commission, the names of successful applicants shall be submitted to the Chief Court Administrator for placement.

### **39. Letter of appointment**

- (1) Once a candidate has been selected, the employing authority shall prepare a letter of appointment detailing the terms and conditions of service and a summary of duties.
- (2) The candidate shall be given a specific period of time in which to accept the offer.
- (3) Final appointment shall be subject to satisfactory proof of all academic qualifications, satisfactory medical report and vetting.

### **40. Personal records**

- (1) Upon engagement, an employee shall be required to fill a prescribed Personal Record Form detailing his personal records and any other relevant information.

### **41. References**

- (1) The Commission shall endeavour to obtain references on the employee's character from the employee's list of referees or past employers.
- (2) The information obtained shall be recorded in the employee's personal file.

### **42. Medical examination**

- (1) All candidates including those to be hired on temporary terms shall be required to undergo a medical examination at a public medical facility.
- (2) Medical results shall remain and be kept confidential by the employing authority.

### **43. Probation period**

- (1) The probation period for all employees in the officer grade and supporting staff on first appointment shall be twelve months, which may be exceptionally extended to another six calendar months at the discretion of the Commission.
- (2) The probation period for staff in the executive grade shall be six months.
- (3) At the end of the probationary period, a supervisor or an authorized officer shall, for employees under executive and officer grades, review and evaluate the employee's performance and make recommendation to the Chief Court Administrator, who shall forward the decision and issue a letter of confirmation, termination or continuation of probation as may be appropriate.
- (4) Where an employee is not confirmed, Chief Court Administrator shall, in writing and by stating the reasons, inform the employee accordingly.

**44. Induction and orientation**

The employer shall be responsible for providing an induction course to new employees.

**Part VII – Remuneration****45. Remuneration policy**

The remuneration policy of the Service shall be operated and translated in accordance with the Salary Scale Scheme of the Judiciary.

**46. Salaries**

- (1) Every employee of the Service shall have a monthly salary which shall be quoted before any statutory deductions.
- (2) Staff salaries shall be paid at the end of each month and shall be denominated and paid in Tanzania Shillings, and on termination of employment, the last payment shall be on provision of a certificate of clearance.

**47. Deductions**

- (1) Statutory deductions such as income tax, social security, health insurance and other legal statutory taxes, as well as deductions arising from court orders shall be made from an employee's salary.
- (2) Voluntary deductions such as contributions to cooperative or payment for personal insurance premiums shall be made, provided that, the employee gives written authority to the employer, for the authority to effect deductions.
- (3) Notwithstanding anything in this paragraph, no deduction shall exceed one third of the gross salary of the employee.

**48. Salary structure**

- (1) Salary scale for an employee shall be prescribed in the Judiciary Salary Scale and at the rate determined by the Commission.
- (2) Each position in the Service shall have a salary range indicating minimum and maximum salary payable for position or grade.
- (3) Proposals on salary ranges and benefits for different positions shall be forwarded to the President by the Commission for approval.

**49. Salary review**

- (1) Salaries shall, periodically, be reviewed basing on and taking into account changes in the cost of living and the budget of the Service.
- (2) The Commission shall, upon recommendations by the Chief Court Administrator, approve salary reviews.
- (3) The Chief Court Administrator shall consider and compile the total revenue and operating costs of the Service during the annual salary review process.

**50. Long working hours allowance**

An employee shall, if is required to work for more than the official working hours and the work has been approved by a sub-warrant holder, be entitled to payment of long working hours allowance as per work performed at the rate to be determined by the Commission.

**51. Approval of Extra Duty Payment**

- (1) The court administrators, head of departments and units shall be responsible for approving Extra Duty Payment work before it is carried out.
- (2) Employees claiming Extra Duty Payment shall fill a special Extra Duty Payment form, indicating dates for which it is being claimed, nature of work performed and authority for that work, which shall be forwarded to the appropriate approval and payment authorities.

**52. Reimbursable expenses**

- (1) Expenses incurred by employees in performing their duties such as on travel or hotel accommodation costs shall be reimbursed on approved levels, after submission of an authorized claim duly supported by appropriate receipts as proof of expenses incurred.
- (2) The immediate supervisor shall approve all reimbursable expenses.

**53. Daily allowance**

When performing duties outside his duty station, an employee shall be entitled to daily allowance at the rates determined by the Commission.

**54. Employees welfare**

The Commission may provide adequate welfare cover for employees to ensure a healthy and stable work force, and all permanent employees shall be entitled to a range of benefits as may be approved by the Commission.

**55. Annual leave entitlement**

- (1) Every employee shall be entitled to 28 days annual leave, including week ends and public holidays, which shall be granted once a year in accordance with the employee's leave cycle and leave roster.
- (2) An employee shall be required to complete a leave application form covering all absences from workplace, which after it has been signed by the employee's immediate supervisor, shall be submitted to Department of Administration and Human Resource for processing.
- (3) An annual leave shall be a right of an employee, and where a leave is denied by employer, the employer shall, in lieu of the leave, pay a month salary to the employee.

**56. Public holidays**

An employee shall be entitled to public and statutory holidays or non-working days and shall take them at full remuneration, except where exigency of work demands him to attend work, he shall then be paid at the applicable rate of payment provided by law.

**57. Sick leave**

Absence due to illness shall be reported to the immediate supervisor as soon as possible and continuous absence for three days or more by reason of sickness shall require a medical certificate issued by a public medical practitioner.

**58. Compassionate leave**

Compassionate leave shall be granted at the discretion of the Chief Court Administrator or as may be prescribed under the regulations, for exceptional reasons such as bereavement of a member of family.

**59. Other leaves**

Without prejudice to paragraphs 57 and 58, other leaves and matters incidental thereto shall be as prescribed under the Judiciary Administration (General) Regulations, 2020.

**60. Absence**

- (1) Whenever possible, absence from work shall be authorized in advance by employee's immediate supervisor or the head of department or unit; and in cases of emergency, sickness or injury, the immediate supervisor shall be informed of the circumstances at the earliest practicable time.
- (2) Absence from work for more than five consecutive working days without notification shall be deemed to be desertion and any employee committing such a breach shall be liable to disciplinary action, which may result in termination of employment.

**61. Guarantee for loans**

It shall be the policy of the Service to guarantee for loans borrowed by employees from financial institutions to the extent of the salary and terminal benefit of the employee.

## **Part VIII – Termination of appointment**

**62. Termination of appointment**

- (1) Termination of appointment of employees shall include:
  - (a) removal or retirement in public interest;
  - (b) retirement on medical grounds;
  - (c) termination upon contesting a constitutional or elective political post or upon being appointed to such posts;
  - (d) retrenchment or redundancy by reason of:
    - (i) abolition of office or post;
    - (ii) re-organization of office;
    - (iii) dissolution of the office;
    - (iv) employer's incapability to remunerate; and
    - (v) employee's incapability to perform duty;
  - (e) termination on disciplinary grounds;
  - (f) resignation; and
  - (g) retirement.
- (2) Procedures for termination of appointments provided for under sub-clause (1) shall be as prescribed in the Judiciary Administration (General) Regulations, 2020.
- (3) Any recommendation for removal in public interest shall be made by the Commission.

**63. Preliminary investigation and disciplinary matters**

- (1) An employee shall conduct himself in accordance with the provisions of:
  - (a) the Act;
  - (b) the Judiciary Administration (General) Regulations, 2020;
  - (c) the Judiciary Service Code of Conduct and Ethics;
  - (d) the Public Service Leadership Code of Conduct and Ethics;
  - (e) the Judiciary Administration (Internal Finance) Regulations, 2020;
  - (f) other directives and orders issued by the Government, the Commission and the Chief Court Administrator;
  - (g) Code of Conduct and Ethics for Judicial Officers.
- (2) An employee shall not conduct himself in a way which is—
  - (a) illegal;
  - (b) improper;
  - (c) unethical;
  - (d) in breach of the code of conduct and ethics for the Service;
  - (e) inconsistent with the Service code of conduct and ethics and the Public Service Leadership Code of Conduct and Ethics; or
  - (f) a misuse or abuse of powers or maladministration.
- (3) Any employee who contravenes provisions of this paragraph commits a disciplinary offence and shall be subject to disciplinary proceedings to be conducted in accordance with the procedures to be prescribed in the Judiciary Administration (General) Regulations, 2020.
- (4) Every employee who is aware of any breaches or who has been required by any other employee, whether senior or junior to act in a way which raises an issue of conscience for that employee, shall report that incident to his immediate supervisor, the Chief Court Administrator or to the Chief Registrar.
- (5) Where the disciplinary authority considers necessary to institute disciplinary proceedings against an employee, the disciplinary authority shall, before instituting any disciplinary proceedings, conduct preliminary investigations.

**64. Appeals**

Appellate authorities for employees and procedures for appeals shall be as provided for in the Act.

**65. Integrity of an employee**

Every employee shall serve with high standard of professionalism, wisdom and integrity.

**66. Confidentiality**

An employee shall not disclose official information which has been communicated to him confidentially within the Service or received confidentially by virtue of his employment or position, unless has a permission of the Chief Court Administrator or the Chief Registrar to do so.

## **Part IX – Performance appraisal**

### **67. Purpose of performance evaluation**

- (1) Open Performance Appraisal Review shall be used as an instrument for measuring performance of the employees.
- (2) The Chief Court Administrator and the Chief Registrar shall, periodically, ensure that the Open Performance Appraisal Review is conducted to all employees.

## **Part X – Staff development**

### **68. Staff training and development**

- (1) The Chief Court Administrator shall prepare a training policy for the Service and present it to the Commission for Approval.
- (2) The Chief Court Administrator shall be responsible for the preparation of the training programme based on the Training Policy and ensure its implementation.
- (3) The Judiciary Training Programme shall be an integral part of an employment package used by the office to attract, develop and retain its staff.
- (4) The Service may also provide training for trainees from other institutions or organizations under internship, on-the-job training and formal courses, where appropriate.
- (5) The Commission may second or support employees to secure attachment for a given period of time to other public institutions for purpose of acquiring experience and practical knowledge.

## **Part XI – General provisions**

### **69. Duty to keep record**

- (1) It shall be the duty of employer and employee to keep employment records for purposes of reference in calculation of the employees terminal benefits.
- (2) The employment records kept by employer and employee shall be regarded as original copies duly signed by authorized person.
- (3) Where there is no possibility to get hold of employment records from the employer's end, records in custody of the employee shall be used.

### **70. Complaints handling mechanism**

It shall be the role of the Chief Court Administrator and the Chief Registrar to establish complaints handling mechanism and to receive, solve or seek solutions for grievances at every court level.

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

- (1) The employer shall take all reasonable precautions to ensure that occupational safety standards are maintained in order to avoid unnecessary cause of health hazards.
- (2) Notwithstanding the provisions of subparagraph (1), every employee shall, for proper protection of his health, take reasonable precautions in accordance with modern health practices.

**72. Employees' representation**

The representation of employees with the Service in negotiation or discussions with the employer in respect of matters of employment welfare in general, shall be made through the Workers' Council.

**73. Facilities to employees with HIV/AIDS**

- (1) The Chief Court Administrator shall ensure that employees within the Service who are living with HIV/AIDS continue to perform their duties in accordance with job requirements.
- (2) The Chief Court Administrator shall make efforts to reasonably accommodate the employee living with HIV/AIDS in a more favourable workplace in order to prolong his employment as long as possible.
- (3) Where the employee living with HIV/AIDS becomes too ill to perform his functions, the standard benefits, conditions and procedures for termination of Service for comparable life-threatening conditions shall apply without discrimination.
- (4) An employee shall not be terminated on the basis of his HIV/AIDS status or any other chronic conditions except on the recommendation by a Professional Medical Board.
- (5) An employee may inform the Chief Court Administrator of his HIV/AIDS status and the information shall be kept strictly confidential.
- (6) The Chief Court Administrator shall set a budget annually to provide with nutritional assistance in accordance with relevant Public Service circulars.

**74. Judiciary flag**

- (1) There shall be a flag and emblem of the Judiciary of Tanzania.
- (2) The flag shall be hoisted as may be directed by the Commission.