

Tanzania

Public Service Act, 2002

## Local Government Service Regulations, 2000

Government Notice 397 of 2000

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# Tanzania

## Public Service Act, 2002

### Local Government Service Regulations, 2000

#### Government Notice 397 of 2000

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

*[Section 33A of Act [No. 10 of 1982](#); G.N. No. 397 of 2000]*

## Part I – Preliminary provisions (regs 1-3)

### 1. Citation

These Regulations may be cited as the Local Government Service Regulations.

### 2. Application

These Regulations shall apply to all local government employees in local government authorities specified in the First Schedule to these Regulations.

### 3. Interpretation

In these Regulations unless the context otherwise requires—

"**Act**" means the Local Government Service Act <sup>1</sup>;

"**approved establishment**" means the establishment of posts in an employing authority established and approved in accordance with the provisions of these Regulations;

"**Appointment Committee**" means a Committee established under regulation 39 of these Regulations;

"**Association**" means the Association or Local Authorities for the time being recognised by the Minister as an association of local authorities pursuant to the provisions of the Local Government Negotiating Machinery Act <sup>2</sup>;

"**Board**" means the Recruitment Board established under the provision of regulation 28 of these Regulations;

"**Chairman**"—

(a) when used in relation to a district authority means the chairman of that authority;

1

Act [No. 10 of 1982](#)

2

Act No. 11 of 1982

- (b) when used in relation to an urban authority, means the chairman of that authority, and in the case of a city or municipality the mayor of that city or municipality, as the case may be;
- (c) when used in relation to any Committee or other body of persons, means the Chairman of that Committee or that other body of persons; and includes the Vice-Chairman or the Deputy Mayor of that authority, the Committee or of that other body of persons or that other person acting in the absence of the Chairman and the Vice-Chairman or the Deputy Mayor, when he or she exercises the functions or discharges the duties of the office of Chairman or Mayor as the Chairman or Mayor as the case may be;

"**Committee**" means a Committee of a Council established in accordance with the Local Government Acts <sup>3</sup>;

"**Commission**" means the Local Government Service Commission established by section 4 of the Local Government Service Act <sup>4</sup>;

"**Council**" means a District Council, a Town Council, a Municipal Council or a City Council specified in the First Schedule to these Regulations;

"**Council Management Team**" means a team of Council senior officers consisting of Council Director and heads of departments;

"**interviewing panel**"—

- (a) when used in relation to recruitment of a Director means an interviewing panel established in accordance with regulation 12(4) of these regulations; and
- (b) when used in relation to recruitment of a head of department means an interviewing panel established in accordance with regulation 19(4) of these Regulations;

"**Director**" means a District Executive Director of a District Council, or a Director of a Town Council, a Municipal Council or a City Council;

"**employing authority**" means any District Council established under section 5 of the Local Government (District Authorities) Act <sup>5</sup>, and an urban authority established under section 5 of the Local Government (Urban Authorities) Act <sup>6</sup>;

"**Local Government Act**", when used in relation to a district authority, means the Local Government (District Authorities) Act <sup>7</sup> and when used in relation to an urban authority, means the Local Government (Urban Authorities) Act <sup>8</sup>;

"**local government office**" means any office of emolument in the local government service;

3

Caps. 287 and 288

4

Act [No. 10 of 1982](#)

5

[Cap. 287](#)

6

[Cap. 288](#)

7

[Cap. 287](#)

8

[Cap. 288](#)

**"local government officer"** means a person employed by or is in the service of a local government authority who holds or acts in a management office;

**"local government staff"** means an employee who is employed by or is in the service of a local government authority but does not include a casual labourer;

**"management office"** means any office held or acted in any of the following offices:

- (a) the office of the chief executive in a local government authority;
- (b) the office of the head of department of a local government authority;
- (c) any other office approved by the Council for the purposes of this definition, and includes any local government officer whose office is prescribed under the scheme as an office the continued holding of which is subject to periodic examination as to proficiency and fitness to hold it;

**"Minister"** means the Minister for the time being responsible for local government;

**"Ministry"** means the ministry responsible for local government;

**"misconduct"** means any act done without reasonable excuse by a local government officer which amounts to a failure to perform in a proper manner any duty imposed upon him as such or contravenes any enactment relating to the public service, or is otherwise prejudicial to the efficient conduct of the public service or tends to bring the public service into disrepute;

**"public officer"** means and includes every public officer performing duties of a public nature whether under the immediate control of the President or not and includes an officer under the control of a local authority or public corporation;

**"Regional Commissioner"** means a Regional Commissioner of a region in which a specified Council is located;

**"Secretary"** means the Secretary to the Local Government Service Commission;

**"Sector Ministry"** means a Ministry whose policy is being implemented by a local government authority;

**"specialised service commission"** means a service commission other than the Local Government Service Commission specifically established to regulate the services of a particular cadre in the service of a local government authority;

**"specified local government authority"** means a local government authority specified in the First Schedule to these Regulations.

## **Part II – The role and functions of the local government authorities, the minister responsible for local government, sector ministries, and Local Government Service Commission (regs 4-7)**

### **4. Role and functions of local government authorities**

The roles and functions of local government authorities in relation to the local government staff shall be—

- (a) to employ, appoint, remunerate, promote, develop, discipline and dismiss its own staff, as prescribed in these Regulations;
- (b) to develop and approve Council staff plans;
- (c) to ensure there is appropriately trained and qualified staff in each approved post having regard to Public Service Management and Employment Policy and Council staff plans; and
- (d) to ensure compliance with nationally prescribed standards, qualifications and manning levels.



## 5. The roles and functions of the Minister

The roles and functions of the Minister in relation to staff employed by local government authorities shall be those stipulated in the Local Government Service Act <sup>9</sup>, and he shall in particular perform and exercise the following functions:

- (a) to ensure adequate financial and other resources for various sectors so as to ensure the effective and efficient development of local government authorities;
- (b) to co-ordinate central-local relations between government ministries and local government authorities and in particular to ensure the availability and adequate supply of appropriately trained, skilled and qualified staff for work in various sections or aspects of local government;
- (c) in consultation with sector ministries to guide local government authorities on training of staff and academic qualifications required for various categories of local government employees;
- (d) to co-ordinate training programmes carried out by sector ministries for local government staff;
- (e) to co-ordinate the establishment and operation of schemes of services for local government employees;
- (f) to formulate, in keeping with national employment policy, a regulatory framework on employment and the management of local government staff;
- (g) in consultation with sector ministries to formulate local government staff development and training policy;
- (h) to co-ordinate and monitor the performance of local government authorities for compliance with national policies, guidelines and standards;
- (i) in consultation with sector ministries to prescribe minimum qualifications and standards for local government staff;
- (j) to be an appointing and disciplinary authority for category "A" staff;
- (k) to monitor the performance of the Local Government Service Commission, local government authorities, recruitment boards and any other organ, or person responsible for the affairs of local government staff for their compliance with national policies, guidelines and standards;
- (l) to be final appellate authority in respect of category "B" staff.

## 6. The roles and functions of the sector ministries

The roles and functions of sector ministries in relation to staff employed by the specified local government authorities shall be to—

- (a) provide technical assistance and training and ensure the availability of training opportunities that will provide qualified and skilled personnel in various field of local government;
- (b) prescribe and provide technical inputs, and liaise with the commission on matters relating to schemes of service;
- (c) participate in the recruitment process of category "A" staff;

9

Act [No. 10 of 1982](#)

## 7. The roles and functions of the Local Government Service Commission

The roles and functions of the commission in relation to the specified local government authorities, shall be—

- (a) to provide guidance to local government authorities on matters regarding employment policies;
- (b) to provide guidance to local government authorities on the establishment and operation of schemes of service for local government employees;
- (c) in consultation with sector ministries to advise the specified local government authorities on training and academic qualifications required for various categories of local government employees;
- (d) to recruit category "A" staff for subsequent appointment by the respective appointing authority;
- (e) to administer local government service examinations; and
- (f) perform such other advisory functions on local government staff matters as the Minister may direct from time to time.

## Part III – Recruitment and appointment procedures (regs 8-43)

### 8. Categories of staff

There shall be three categories of staff in a specified local government authority as follows—

- (a) category "A", comprising of the Director and heads of departments;
- (b) category "B", comprising of all officers other than those in category "A" and "C"; and
- (c) category "C", comprising of all staff whose salaries are in the operational service scale.

### 9. Service agreement

A local government officer appointed to a post in the specified local government authorities will be required to enter into a service agreement with the local government authority in respect of which he is appointed to serve as specified in the Fifth Schedule to these Regulations.

## A. Recruitment and appointment of Directors and heads of departments (regs 10-27)

### 10. Office of Director

There shall be a District Executive Director in respect of each District Council, and a Director in respect of each Town, Municipal and City Council established in accordance with the provisions of the Local Government (District Authorities) Act <sup>10</sup> and the Local Government (Urban Authorities) Act <sup>11</sup>.

### 11. Appointing authority for Directors

- (1) A district executive Director of a district Council and a Director of Town or Municipal Council shall be appointed by the Minister in accordance with the procedure provided for in this part.

<sup>10</sup>

[Cap. 287](#)

<sup>11</sup>

[Cap. 288](#)

- (2) A Director of a City Council shall be appointed by the President on the advice of the Minister in accordance with the procedure provided for in this part.

## 12. Recruitment procedure for Directors

- (1) Where there is a vacancy for a post of a Director, the Council shall notify the Commission, which shall immediately advertise the vacant post in a newspaper circulating nationally or in such other manner as may reach the residents of all local government authorities calling upon qualified and interested applicants to apply for the post.
- (2) Applicants for the post under subregulation (1) shall be required to submit their letters of application together with copies of certificates or testimonials and *curriculum vitae*, to the Secretary of the Commission.
- (3) The Secretary shall, after receiving all letters of application prepare a full list of all the applicants indicating those best qualified to appear before the Commission for interview, on an appointed date, time and place.
- (4) The Commission shall appoint an interviewing panel which shall include a representative of the ministry responsible for local government.

## 13. Interview procedure for Director

- (1) The Commission shall prepare guidelines, questions and marking schemes to be used, so as to ensure objectivity, consistency and to measure the right qualities of the applicants.
- (2) The applicants who appear before the Interviewing Panel for interview shall, be required to submit their original certificates or testimonials, *curriculum vitae* and other relevant documents.

## 14. Selection of candidates

- (1) The interviewing panel, shall after the interview propose not more than three and not less than two suitable candidates for the post and submit their names in order of merit to the commission.
- (2) The Commission shall forward the names of these candidates to the relevant Council, which shall in turn submit their preferred selection to the Minister who shall appoint one amongst the names of candidates submitted to him to be a Director.

## 15. Letters of appointment of Directors

Where an appointment of a Director has been made in accordance with regulation 14, the Permanent Secretary of the Ministry shall send a letter of offer of appointment to the person so appointed.

## 16. Employment and accountability of Director

A Director appointed under regulation 14, and who has been served with a letter of appointment by the Permanent Secretary of the Ministry under regulation 15, shall be employed by and accountable to the Council in respect of which he has been so appointed.

## 17. Office of head of department

There shall be a head of department for each department established in relation to each District Council, Town Council, Municipal Council and City Council.

## 18. Appointing authority for head of department

Heads of departments of district, town, municipal or city councils shall be appointed by the Minister in accordance with the procedure provided for under these Regulations.

### **19. Recruitment procedure for head of department**

- (1) Where there is a vacant post for a head of department the Director shall notify the Commission, which shall immediately advertise the vacant post in a newspaper circulating nationally or in such other manner as may reach the residents of all local government authorities, calling upon qualified and interested applicants to apply for the post.
- (2) Applicants for the post shall be required to submit their letters of application together with copies of certificates or testimonials, *curriculum vitae* and other relevant documents to the secretary of the Commission.
- (3) The Secretary shall after receiving all letters of application prepare a full list of all applicants indicating those best qualified to appear before the commission for interview, on and appointed date, time and place.
- (4) The Commission shall appoint an interviewing panel, which shall include one representative of the ministry, an expert from the relevant sector ministry and representative from specialised service Commission for the purposes of interviewing the short listed candidates.

### **20. Interview procedures for heads of departments**

- (1) The Commission shall prepare guidelines, questions and marking schemes to be used, so as to ensure objectivity, consistency and to measure the right qualities of the applicants.
- (2) The applicants who appear before the interviewing panel for interview under subregulation (1) shall be required to submit their original certificates, testimonials and other relevant documents.

### **21. Selection of candidates**

- (1) The interviewing panel shall after the interview, select not more than three and not less than two suitable candidates for the post and submit their names in order of merit to the commission.
- (2) The Commission shall forward the names of the candidates selected to the relevant Council, which shall in turn submit its preferred selection to the Minister, who shall appoint one amongst the candidates submitted to him to the head of the department of the relevant Council.

### **22. Letter of appointment of a head of department**

Where an appointment of a head of department has been made in accordance with regulation 21 the Permanent Secretary of the Ministry shall inform the Council Director, who shall send a letter of offer of appointment to the person so appointed.

### **23. Employment and accountability of heads of departments**

A head of department appointed under regulation 21 and who has been served with a letter of appointment in accordance with regulation 22, shall be employed by and accountable to the Council in respect of which he has been so appointed.

### **24. Probationary period for Director and head of department**

A person employed as a Director or head of department under the provision of this part shall be on probation for a period of twelve months.

### **25. Probationary procedure for a Director**

- (1) Three months before the expiration of the probationary period or any extension thereof, the Chairman or as the case may be the Mayor of the Council shall inform the Council and avail the

members of the Council an opportunity to deliberate the performance of the Director and there after make recommendations to the Minister on whether—

- (a) the Director be confirmed in the post;
  - (b) the Director's probationary period be extended to afford the Director further opportunity to improve his performance; or
  - (c) the Director's appointment be terminated.
- (2) In considering the performance of the Director under subregulation (1) of this regulation, the Council shall have regard to terms and conditions of the Director's employment.
- (3) The Council shall not recommend the extension of the probationary period or termination of the Director's appointment, under this regulation unless the Chairman or Mayor as the case may be shall have first—
- (a) informed the Director of such intention in writing, and has required the Director to acknowledge receipt of the same in writing and to make representations thereon within a period of fourteen days; and
  - (b) informed the Regional Commissioner for the intentions of the Council.
- (4) Upon the Council reaching a decision to recommend on whether to confirm, extend the probationary period or terminate the Director's appointment, the Chairman or as the case may be the mayor of the Council shall submit to the Minister the resolution and any other relevant document to that effect, so that the Minister can make an appropriate decision.

## 26. Probationary procedure for head of department

- (1) Three months before the expiration of the probationary period of the head of department or any extension thereof the Director shall inform the Council whether the head of department has performed his duties under the post satisfactorily or not, and therefore the Council recommends to the Minister that—
- (a) the head of department be confirmed in the post; or
  - (b) the probationary period for a head of department be extended so as to afford the head of department further opportunity to improve his performance; or
  - (c) the probationary period be extended for a period not exceeding six months to afford the head of department the opportunity of improvement in any aspect in which his work or conduct has been adversely reported on; or
  - (d) the appointment of the head of department be terminated.
- (2) The Council shall not recommend the extension or the termination of an appointment under subregulation (1) unless the Director has first informed the head of department of the intention to extend or terminate his appointment in writing and has required the head of department to acknowledge receipt of the same in writing and to make representations thereon within a period of fourteen days.
- (3) In informing the head of department of the intention to extend or terminate his appointment, the Director shall attach copies of all correspondence thereof.

## 27. Terms of Service for category "A" staff

- (1) Terms of service for a Director or head of department shall be prescribed by the commission and adopted by the Council.
- (2) The Council may, in addition to the terms of service under subregulation (1) offer to the employee an additional incentive package.

## **B. Recruitment and appointment of category "B" staff (regs 28-38)**

### **28. Establishment of Recruitment Board**

- (1) Every local government authority shall establish a Recruitment Board which shall be responsible for recruitment of category "B" staff in accordance with the provisions of these Regulations.
- (2) Every Board shall be answerable to the Council and guided by directives issued to it by the Council, provided that the Council directives do not contravene the provisions of these Regulations.
- (3) The Board established under subregulations (1) shall consist of—
  - (a) a Chairperson who shall be appointed by the Council from amongst people who are ordinarily resident in the area of jurisdiction of the Council who are knowledgeable in personnel management or public administration;
  - (b) one member to be appointed by the Council from amongst its members who shall in any case not be the Chairman/Mayor of the Council;
  - (c) the Council Director or his representative;
  - (d) an expert of the relevant sector from the Regional Secretariat;
  - (e) a representative of the specialised service commission in the region or as the case may be the district.
- (4) The head of department responsible for personnel matters shall be the Secretary to the Board but shall not be entitled to vote.
- (5) The Chairperson, and every member of the Board and the Secretary of the Board, shall before entering upon the exercise of the functions of his office, take and subscribe to the appropriate oath prescribed in Parts I and II of the Third Schedule to these Regulations.
- (6) The tenure and procedures of office of the Board shall be as prescribed in the Second Schedule to these Regulations.

### **29. Functions of the Board**

- (1) The functions of the Board shall be to conduct merit-based selection of staff and submit proposals to the Council as part of the recruitment procedures set out in these Regulations.
- (2) The Board shall, in discharging the function under subregulation (1)—
  - (a) observe the guidelines issued by the Commission, Council employment and personnel management policy and schemes of service;
  - (b) abide by principles of equality and transparency in staff recruitment, and abstain from being influenced by anybody outside the Board;
  - (c) observe principles of equal opportunity to all, including gender equality.

### **30. Expenses of the Board**

The expenses for the operations and management of the affairs of the Board shall be budgeted for and paid by the Council.

### **31. Recruitment procedure of category "B" staff**

- (1) Where there is a vacant post for category "B" staff, the Council shall, instruct the Board to advertise the vacant post on its behalf in a newspaper circulating nationally, or in such other manner

including advertising the post in public notice boards in and outside the area of jurisdiction of the Council calling upon interested and qualified applicants to apply for the post.

- (2) Applicants for the post shall be required to submit their letters of application together with copies of certificates, testimonials, *curriculum vitae* and other relevant documents to the Director.
- (3) The Director shall, after receiving applications in accordance with subregulation (2) of this regulation, prepare a full list of all the applicants, indicating those best qualified to appear before the Board for interview on an appointed date, time and place.

### **32. Interviews for selection**

- (1) The Board shall prepare guidelines, questions and marking schemes to be used for interview, so as to ensure objectivity, consistency and to measure the right qualities of the applicants.
- (2) The applicants who appear before the Board for interview in accordance with subregulation (1) of this regulation shall be required to submit their original certificates and testimonials and other relevant documents.

### **33. Selection of candidates**

- (1) The Board shall, after the interviews select not less than two suitable candidates for the post and submit their names in order of merit to the Council, which, if satisfied, shall proceed to employ one amongst the recommended candidates.
- (2) Where the Board fails to get at least two suitable candidates the vacancy shall be re-advertised.

### **34. Employment by the Council**

- (1) In selecting candidates for appointment (including appointment on promotion) the Council shall have regard to the qualifications and experience of the candidates, and the needs and priorities of the Council.
- (2) In employing the selected candidates the Council shall—
  - (a) take into account any technical advice given by the Board; and
  - (b) be guided by national policies, standards and professional requirements of the post.
- (3) In appointing category "B" staff the Council shall after receiving the names of proposed candidate and after reaching a decision on the person or persons to be employed issue a resolution to that effect and such resolution shall be the basis for the employment of the candidate or candidates.

### **35. Letters of appointment of category "B" staff**

The Director shall on the strength of the resolution issued by the Council under his hand issue the letter of appointment to the candidate appointed by the Council.

### **36. Probationary period for category "B" staff**

- (1) The person employed by the Council in accordance with regulation 34, shall be on probation for a period of twelve months.
- (2) Three months before the expiration of the probationary period, or any extension thereof, the Director shall inform the Council whether in his opinion—
  - (a) the officer should be confirmed in the post; or
  - (b) the probationary period be extended so as to afford the officer further opportunity to pass any examination, the passing of which is a condition of appointment, his services otherwise being satisfactory; or

- (c) the probationary period be extended to afford the officer the opportunity of improvement in any aspect in which his work or conduct has been adversely reported on; or
  - (d) the officer's employment be terminated.
- (3) The Director shall not recommend the extension or the termination of an employment pursuant to the provisions of subregulation (2) of this regulation unless he has first informed the officer in writing of his intention and of the right of the officer to make representations thereon within a period of fourteen days and require the officer to acknowledge receipt in writing and shall attach copies of all such correspondence his recommendations to the Council.
- (4) Confirmation of the officer shall be based on good conduct and satisfactory performance of the officer's duties and responsibilities.

### **37. Terms of service**

- (1) Terms of service for persons employed by the Council under regulation 34, shall be as prescribed by the Local Government Service Commission and adopted by the Council.
- (2) The Council may, in addition to the terms of service under subregulation (1), offer to the employee an additional incentive package.

### **38. Terms of service for non-citizens**

Where the Council has employed a non-citizen, the terms of service of such employment shall be governed by the terms of contract as may be prescribed in the employment contract or letter of appointment provided that such employment or appointment shall be in conformity with national policies, laws and guidelines.

## **C. Recruitment and appointment of category "C" staff (regs 39-43)**

### **39. Establishment of Appointments Committee**

The recruitment and appointment of category "C" staff shall be the responsibility of the Council delegated to an Appointments Committee which shall consist of:

- (a) the Director who shall be the chairperson;
- (b) the head of the personnel and administration department who shall be the secretary;
- (c) treasurer of the Council; and
- (d) one other head of department to be appointed by the Director.

### **40. Recruitment and appointment procedure for category "C" staff**

- (1) Where there is a vacant post for category "C" Staff, and there is subsisting need to fill the post the Director shall cause the post to be advertised in the newspaper circulating in the locality or in such other manner that will reach the residents of the area under the jurisdiction of the Council.
- (2) Applicants for the posts advertised in accordance with subregulations (1) of this regulation shall be required to submit their letters of application together with copies of certificates, testimonials and other relevant documents to the Director.
- (3) The Director shall after receiving letters of application under subregulation (2) of this regulation cause a full list of all applicants to be prepared indicating those best qualified to appear before the Appointments Committee for interview on an appointed date, time and place.



- (4) Where the post to be filled belongs to a sector which is not represented in the Appointments Committee, the respective head of department shall be invited to attend and participate in the deliberations of the meetings of the Appointments Committee.

#### **41. Interview for selection**

- (1) The Appointments Committee shall prepare guidelines questions and a marking scheme to be used so as to ensure objectivity, consistency and measure the right qualities of the applicants.
- (2) The applicants who appear before the Appointments Committee shall be required to submit their original certificates, testimonials and other relevant documents.

#### **42. Selection and appointment of category "C" staff**

The Appointments Committee shall, after the interview, select names of suitable candidates and submit its recommendations to the Council Committee responsible for personnel matters for consideration and approval.

#### **43. Terms of service for category "C" staff**

Terms of service for persons employed by the Council under regulation [41](#) shall be as prescribed by the commission and adopted by the Council.

### **Part IV – Promotions (regs 44-49)**

#### **A. Promotion of category "A" staff (regs 44-49)**

##### **44. Promotion scheme for Directors and heads of departments**

The commission shall establish a promotion scheme for Directors and heads of departments upon which all promotions of Directors and head of departments shall be based.

##### **45. Promotion of Directors and heads of departments within the same Council**

Directors and heads of departments may be promoted from a lower grade to a higher grade within the same Council subject to procedure set out under regulation [46](#).

##### **46. Basis for promotion of Directors and head of departments**

Promotion of Directors and heads of departments from a lower grade to a higher grade shall be based on merit, qualifications, skills, experience, personal qualities, and performance of the candidates in accordance with the procedure set out in this part.

##### **47. Procedure for promotion of Directors and heads of departments**

The Council, having been satisfied with the performance of the Director or head of department, may recommend to the appointing authority that the Director or head of department be elevated from a lower grade to a higher grade consistent with the existing national scheme of service.

#### **B. Promotion of category "B" and "C" staff (regs 48-49)**

##### **48. Promotion authority for category "B" and "C" staff**

The Council shall be responsible for all matters regarding promotion of category "B" and "C" staff.

**49. Promotion authority for category "B" and "C" staff**

- (1) The Director shall, after taking due consideration of the appropriate scheme of service, prepare a list of category "B" and "C" staff who are due for promotion and submit the names to the Council for consideration and decision.
- (2) The Council shall, after receiving the list of category "B" and "C" staff who are due for promotion under subregulation (1), proceed to consider recommendations tabled before it and make appropriate decisions.

**Part V – Training and staff development (reg 50)****50. Training of staff**

- (1) Local government authorities shall be responsible for training and development of their staff.
- (2) In undertaking the responsibility provided for under subregulation (1) of this regulation the local government authorities may be assisted and supported by the ministry, the respective sector ministries, professional bodies and associations and other training institutions.
- (3) Each local government authority shall prepare a staff development programme, which shall take into account sector ministries advice on training of staff and academic qualifications required for various categories of local government staff, and ensure that funds are provided in its budget for training and staff development.
- (4) The ministry shall in consultation with sectoral ministries formulate a national training and career development programme for professional staff working in local government authorities and ensure that due provision is made for the training of such staff in the sectoral training programmes.

**Part VI – Disciplinary provisions (regs 51-59)****A. Disciplinary provisions for Directors (regs 51-52)****51. Disciplinary authority of Directors**

The Minister shall be the disciplinary authority for all Directors.

**52. Disciplinary proceedings against the Director**

- (1) Where the Council after preliminary inquiry proposes that disciplinary action should be taken against the Director it shall submit to the Minister a resolution to that effect stating the reasons for taking the disciplinary action and requesting the Minister to authorise the Council to initiate proceedings for disciplinary action against the Director.
- (2) Where the Minister is satisfied that there are sufficient grounds to initiate disciplinary proceedings against the Director he shall instruct the Regional Commissioner.
  - (a) to frame a charge or charges against the accused Director on the basis of the allegations made by the Council and send the charges to the Director with a copy to Council Chairman and the Minister; and
  - (b) call upon the accused Director to prepare and submit his written defence or grounds on which he relies to exculpate himself within fourteen days.
- (3) Upon receipt of the Director's statement of defence the Regional Commissioner shall forward it to the Council along with any other relevant documents and a statement of his comments on the matter.

- (4) Having received the Director's reply together with the comments from the Regional Commissioner the Council shall deliberate on the matter and submit recommendations to the Minister for his consideration and appropriate action.
- (5) Where the Minister is of the opinion that the matter is serious and needs further investigations, the proof of which may justify the Director's dismissal, or reduction in rank, the Minister shall appoint an inquiry committee, independent of members of the Council, to inquire into the matter and report its findings to him.
- (6) The inquiry committee shall consist of not more than three senior public officers of higher rank than that of the Director, one of whom should come from the Regional Secretariat.
- (7) Where witnesses are examined by the inquiry committee, the accused Director shall be given an opportunity of being present in person, or by representation, and putting questions on the witnesses, and no documentary evidence shall be used against him unless he has previously been supplied with copy thereof or given access thereto.
- (8) If during the course of the inquiry, grounds for framing additional charges are disclosed, the Minister may follow the same procedure as was adopted in framing the original charges.
- (9) The inquiry committee, having inquired into the matter, shall forward its report to the Minister and a copy to the Council together with the record of the charges framed, the evidence adduced, the defense and other proceedings relevant to the inquiry.
- (10) The report of the committee shall include:
  - (a) a statement of whether, in the Committee's opinion, the charge or charges against the accused Director have been proved and a statement of the reasons for the opinion;
  - (b) details of any matters which in the committee's opinion aggravate or alleviate the gravity of the case; and
  - (c) a summing up and general comments as will indicate clearly the opinion and recommendations of the committee on the matter under inquiry.

Having received the report the Minister shall take appropriate action within sixty days.

## **B. Disciplinary provisions for heads of departments (regs 53-55)**

### **53. Disciplinary proceedings for heads of departments**

- (1) Where a Director considers it necessary or is directed by the Council, to institute disciplinary proceedings against a head of department on the grounds of misconduct, which if proved, would in his opinion, justify dismissal from the service, he shall—
  - (a) after such preliminary investigations as he considers adequate, frame the charge or charges against the accused officer and forward to the accused officer a statement of the charges together with a statement of the allegations on which each charge is based;
  - (b) call on the accused head of department to prepare and submit his written defense within fourteen days from receipt of the charges setting out the grounds on which he relies to exculpate himself;
  - (c) on receiving the accused head of department's defense, prepare a report for the committee responsible for personnel matters, which shall include:
    - (i) a statement of the charge or charges preferred against the accused head of department;
    - (ii) the accused officer's statement of defence, if any;
    - (iii) other documents relevant to the case; and

- (iv) a statement of the Director's opinion.
- (2) The committee responsible for personnel matters after considering the report of the Director, shall advise the Council on the matter which shall decide on disciplinary actions to be taken.
- (3) Where the case merits termination or dismissal, the Director shall prepare a full report on the matter and submit a report to the Minister together with copy of Council resolution recommending termination or dismissal of the officer concerned.

#### **54. Inquiry committee and its proceedings**

- (1) Where the Council is of the opinion that further investigation is required before action is taken against a head of department it shall appoint an inquiry committee consisting of:
  - (a) a chairperson who shall be a senior public officer of a higher rank than that of the accused officer;
  - (b) two other senior public officers; and
  - (c) an officer from the regional secretariat.
- (2) Where witnesses are examined by the inquiry committee, the accused head of department shall be given an opportunity of being present, and of putting questions on the witnesses, and no documentary evidence shall be used against him unless he has previously been supplied with a copy thereof or given access thereto.
- (3) The inquiry committee shall permit the Director to be represented by a senior officer of the Council and the accused officer may be represented by a trade union representative of which he is a member.
- (4) Where, in the course of the inquiry, grounds for framing additional charges are disclosed, the Director may follow the same procedure as was adopted in framing the original charges.
- (5) The inquiry committee having inquired into the matter, shall forward its report thereon to the Council together with the record of the charges framed, the evidence adduced, the defense and other proceedings relevant to the inquiry and the report of the committee shall include:
  - (a) a statement of whether, in the committee's opinion, the charge or charges against the accused head of the department have been proved and a statement of the reasons for the opinion;
  - (b) details of any matters which in the committee's opinion aggravate or alleviate the gravity of the case; and
  - (c) a summing up and general comments as will indicate clearly the opinion and recommendations of the committee on the matter under inquiry.

#### **55. Proceedings involving a penalty less than dismissal**

- (1) Where a Director, after preliminary investigation, considers it necessary, or is directed by the Council to institute disciplinary proceedings against head of department but is of the opinion that the misconduct alleged, if proved, would not be serious enough to warrant dismissal, he shall—
  - (a) frame charges against the officer if he considers it necessary to do so; and
  - (b) forward to the officer a statement of the charge or charges against him, and call on the accused officer to state in writing within fourteen days why disciplinary measures should not be taken against him, and allow the accused officer to prepare defense and grounds on which he relies to exculpate himself.
- (2) Where the head of department does not furnish a reply within the period specified or does not, in the opinion of the Director, exculpate himself, the Director shall forward to the Council copies of

reports on the case, the charges, the head of department's reply, if any, together with his comments for deliberation and appropriate action.

- (3) Where on consideration of the report, including the grounds, if any, upon which the head of department is accused the Council is of the opinion that no further investigation is necessary, the Director shall forthwith submit to the Minister the Council resolution recommending action to be taken or punishment if any, to be inflicted on the accused head of department.

### **C. Disciplinary provisions for category "B" staff (regs 56-57)**

#### **56. Disciplinary proceedings for category "B" staff**

- (1) The Council shall be the disciplinary authority for category "B" staff.
- (2) Where a Director considers it necessary or is directed by the Council, to institute disciplinary proceedings against a category "B" staff on the grounds of misconduct, which if proved, would in his opinion, justify dismissal from the service, he shall—
  - (a) after such preliminary investigations as he may consider necessary, frame the charge or charges against the accused staff and forward to accused staff a statement of the charges together with a statement of the allegations on which each charge is based;
  - (b) call on the accused staff to prepare and submit his written defense within fourteen days in which to prepare defense, or grounds on which he relies to exculpate himself;
  - (c) on receiving the statement of defense from the accused staff, prepare a report for the committee responsible for personnel matters, which shall include:
    - (i) a statement of the charge or charges preferred against the accused staff;
    - (ii) the accused staff statement of defense, if any;
    - (iii) other documents relevant to the case; and
    - (iv) a statement of his opinion.
- (3) The committee responsible for personnel matters after considering the report of the Director shall advise the Council on the matter upon which the Council shall decide on the punishment if any.

#### **57. Inquiry committee and its proceedings**

- (1) Where the Council is of the opinion that further investigation is required before action is taken, it shall appoint an inquiry committee consisting of:
  - (a) a chairperson who shall be a senior public officer of a higher rank than that of the accused officer; and
  - (b) two other senior public officers;
  - (c) an officer from the Regional Secretariat.
- (2) Where witnesses are examined by the inquiry committee, the accused officer shall be given an opportunity of being present, and of putting questions on the witnesses, and no documentary evidence shall be used against him unless he has previously been supplied with a copy thereof or given access thereto.
- (3) The inquiry committee shall permit the Director to be represented by a senior officer of the Council and the accused officer may be represented by a trade union representative of which he is a member.
- (4) Where, in the course of the inquiry, grounds for framing additional charges are disclosed, the Director may follow the same procedure as was adopted in framing the original charges.

- (5) The inquiry committee having inquired into the matter, shall forward its report thereon to the Council together with the record of the charges framed, the evidence adduced, the defense and other proceedings relevant to the inquiry and such report shall include:
- (a) a statement of whether, in the committee's opinion, the charge or charges against the accused staff have been proved and a statement of the reasons for the opinion;
  - (b) details of any matters which in the committee's opinion aggravate or alleviate the gravity of the case; and
  - (c) a summary and general comments as will indicate clearly the opinion and recommendations of the committee on the matter under inquiry.

#### **D. Disciplinary provisions for category "C" staff (regs 58-59)**

##### **58. Disciplinary authority for category "C" staff**

The Council shall be the disciplinary authority for category "C" staff.

##### **59. Disciplinary proceedings for category "C" staff**

Where a Director, after preliminary investigation, considers it necessary, or is directed by the Council to institute disciplinary proceedings against a category "C" staff, the procedure to be followed shall be as laid down in the Security of Employment Act, and the Director shall report to the Council on any disciplinary proceedings preferred and any action taken against the category "C" staff.

#### **Part VII – Termination of service for reasons other than disciplinary offences (regs 60-63)**

##### **60. Termination appointment**

The appointment of a local government officer may on grounds other than disciplinary action be terminated on one or combination of the following:

- (a) attaining the age of fifty-five years which is the minimum age for voluntary retirement;
- (b) attaining the age of sixty years which is the compulsory retirement age unless the officer has agreed with the appointing authority to extend his service on contract terms;
- (c) abolition of office for the purpose of facilitating improvement and greater efficiency in the Council;
- (d) medical grounds;
- (e) upon contesting any post in the office of any political party;
- (f) upon contesting any elective political post provided for under the constitution of the United Republic of Tanzania;
- (g) upon contesting elective political post in respect of Mtaa Committee, Kitongoji Chairman and Village Council.

##### **61. Procedure for termination of appointment on medical grounds**

- (1) Where it appears to the Director that an officer is incapable by reasons of any infirmity of mind or body of discharging the functions of his office, the Director may, and shall if the officer so requests, call upon such officer to appear before a medical board appointed in that behalf by the Council with a view to it being ascertained whether or not such officer is incapable.

- (2) Where the officer who is to be ascertained of incapacity by reason of any infirmity of mind or body in accordance with subregulation (1) of this regulation is the Director, the chairman may and shall, if the Director so requests, call upon the Director to appear before a medical board appointed in that behalf by the Council with the view to it being ascertained whether or not the Director is incapable.
- (3) After the officer has been examined, the medical board shall make a report and forward the same to the Director in the case of officers other than the Director, or to the chairman in the case of Director who shall forward the report, together with any representations which the officer or Director as the case may be has made, and his own recommendation to the Council.
- (4) Unless the Council considers that further inquiry is necessary, in which case it will issue directions to the Director accordingly, it will decide forthwith whether the officer should be called upon to retire on medical grounds and advise the respective appointing authority accordingly.

## **62. Procedure for termination of appointment on unsatisfactory performance**

- (1) Where the performance of a local government officer is adjudged unsatisfactory and there is a need to terminate the employment of the officer in the interest of the Council, the Council shall notify the officer informing him or her the area/areas in which his performance is deficient and giving him opportunity to improve on his performance within a period to be determined by the Council.
- (2) If after the expiry of period determined to afford the officer an opportunity to improve upon his performance under subregulation (1) of this regulation the officer's performance shows no improvement the Council shall deliberate on the matter and—
  - (a) in the case of category "A" staff submit its resolution to the Minister together with its recommendations to terminate the officer's appointment for unsatisfactory performance; and
  - (b) in the case of category "B" and "C" staff terminate his or here service on unsatisfactory performance in accordance with these Regulations.

## **63. Benefits upon termination of employment on reasons other than disciplinary grounds**

Where the service of an officer or staff of a local government authority is terminated on grounds other than disciplinary he shall have a right to receive and to be paid such gratuities, pension and such other superannuation benefits applicable to local government employees.

## **Part VIII – Staff evaluation procedures (reg 64)**

### **64. Employee performance evaluation**

- (1) The commission shall develop standardised employees performance evaluation procedures and forms which shall be used by local government authorities for the appraisal of employee's job performance annually.
- (2) Notwithstanding the evaluation procedures established in accordance with subregulation (1) of this regulation the local government authority may supplement the standardised evaluation process with special performance indicators peculiar to specific local government needs.
- (3) The performance evaluation procedures for a local government staff shall place primary emphasis on how well a staff has contributed to efficiency, and effectiveness that ensures the achievement of overall Council objectives and goals.
- (4) In establishing criteria and standard for evaluating local government staff performance, a local government authority shall set goals, objectives, and targets, which are specific, measurable, attainable, realistic and within a specific timeframe.

## Part IX – Appeals (regs 65-68)

### 65. Appellate authority for local government staff

- (1) The appellate authority for disciplinary actions taken against local government staff shall be—
  - (a) in case of category "A" staff, the President; and
  - (b) in case of category "B" staff, the Minister.
- (2) The final appellate authority for category "C" staff shall be as provided for under the Security of Employment Act <sup>12</sup>.

### 66. Appeals procedure for category "A" staff

Category "A" staff aggrieved by the disciplinary decision of the Minister may appeal to the President within sixty days from the date of receipt of the Minister's decision.

### 67. Appeals procedures for category "B" staff

Category "B" staff aggrieved by the disciplinary decision of the Council shall within sixty days from the date of receipt of the decision, appeal to the Minister.

### 68. Appeals procedures for category "C" staff

The procedure for appeals for category "C" staff shall be as laid down under the Security of Employment Act <sup>13</sup>.

## Part X – Procedures for staff transfer (regs 69-70)

### 69. Transfers of category "A" staff

- (1) Transfers of category "A" staff within the local government service shall be by way of pen and merit-based competition.
- (2) No restrictions shall be placed by any local government authority or the appointing authority on the application of any officer who has applied and or secured employment under subregulation (1) of this regulation.

### 70. Transfer of service of local government staff

- (1) The service of any local government staff may be transferred from one local government authority to another where he has secured employment.
- (2) Where any local government staff has secured employment in another local government authority, the period served with the former local government authority shall, for superannuation, gratuity and pension purposes, be deemed to be continuous.

<sup>12</sup>

[Cap. 387](#)

<sup>13</sup>

[Cap. 387](#)



## Part XI – Miscellaneous provisions (regs 71-90)

### 71. Powers of Directors

- (1) Notwithstanding any other provision in this Part of these Regulations, a Director may—
  - (a) after consultation with the relevant head of department stop, withhold or defer an officer's normal increment for a period not exceeding one year on grounds of unsatisfactory service;
  - (b) after investigation and after giving the officer an opportunity for making written defense, inflict a reprimand;
  - (c) in accordance with the procedures and instructions laid down by the Council, if any, order the recovery of the cost or part of the cost of any loss or damage, caused by any default or negligence.
- (2) Where the stoppage or deferment under subregulation (1) is recommended to be continued beyond one year the matter shall, except in the case of category "C" staff, be referred to the Council for determination.

### 72. Interdiction

- (1) Interdiction of local government employees may be effected in the case of a—
  - (a) Director, by the Minister;
  - (b) head of department, by the Director;
  - (c) category "B" or "C" staff, by the Director.
- (2) A local government employee may be interdicted pursuant to subregulation (1), where the interdicting authority considers that the employee should cease forthwith to exercise the powers and discharge the function of his office; provided that proceedings for dismissal are being taken or about to be taken or that criminal proceedings have been instituted against him.

### 73. Procedure for interdiction of a Director

Where the Council reaches a decision to interdict the Director, it shall issue a resolution to that effect and shall submit to the Minister for his decision on whether to interdict or not to interdict the Director.

### 74. Interdiction procedure for staff other than the Director

The Director may where he considers it necessary or upon instruction from the Council for reasons that a Council employee has committed a disciplinary offence, which attracts interdiction, forthwith interdict such employee and inform the Council on the action taken.

### 75. Procedures following interdiction of local government staff

- (1) Disciplinary proceedings against a local government employee who is interdicted shall commence immediately after the interdiction notice is served on the employee, and if in any case the disciplinary authority fails or has not drawn charges against such employee within the period of ninety days, such employee shall be reinstated.
- (2) A Council employee who is interdicted shall receive half of his salary:  
Provided that the Council may, at its discretion pay any amount which shall not be less than half the employee's basic salary.

- (3) Any employee who is under interdiction shall not leave his station without written permission of the employing authority.

#### **76. Proceedings against category "A" staff convicted of criminal offence**

Where any category A staff is convicted in any part of a criminal offence, which in the opinion of the Director warrants disciplinary proceedings, he shall forward a copy of the charge, judgement and any order made on appeal or revision to the Minister for his consideration and such officer may be dismissed or subjected to some lesser disciplinary punishment on account of the conviction of the offence of which he has been adjudged guilty.

#### **77. Proceedings against category "B" staff convicted of criminal offence**

Where category "B" staff is convicted of a criminal offence, which in the opinion of the Director, warrants disciplinary proceedings, the Director shall, forward a copy of the charge and of the judgement and any order made on appeal or revision to the Council for consideration, and such officer may be dismissed or subjected to some lesser disciplinary punishment, on account of the conviction of the offence of which he has been adjudged guilty.

#### **78. Proceedings against Director convicted of criminal offence**

Where the convicted person is the Director the Chairman shall bring up the matter for consideration at a special Council meeting and shall, on the strength of Council resolution in that regard, forward to the Minister a copy of the charge, judgement and any order made on appeal or revision for his decision.

#### **79. Proceedings against category "C" staff convicted of criminal offence**

Where the person convicted is a category "C" staff the Director, may after considering such judgement or order, dismiss the staff or subject him to some lesser disciplinary punishment and thereafter report to the Council.

#### **80. Restoration of salary withheld**

- (1) Where disciplinary or criminal proceedings have been instituted against an employee under interdiction and such employee is not dismissed or otherwise punished for disciplinary offence under these Regulations or for criminal offence in accordance with the relevant law the whole of any salary withheld under regulation [75\(2\)](#) shall be restored to the employee upon the termination of such proceedings.
- (2) If punishment other than dismissal is inflicted, the employee may be refunded such proportion of the salary withheld as a result of interdiction as the disciplinary authority shall think fit.

#### **81. No disciplinary action whilst criminal proceedings are pending**

If criminal proceedings are instituted against a local government employee in any court, no proceedings for the dismissal of such employee shall be taken until the conclusion of the criminal proceedings:

Provide that nothing in this regulation shall be construed as prohibiting or restricting the power of the disciplinary authority to interdict such employee.

#### **82. Disciplinary action after acquittal of criminal charges**

An employee of a local government authority acquitted of a criminal charge in any court shall not be dismissed or otherwise punished on any charge, upon which he has been acquitted, but nothing in this regulation shall prevent his being dismissed or otherwise punished on any other charges arising out of his conduct in the matter, unless the charge raises substantially the same issue as those on which he has been acquitted.

**83. Suspension of local government employee convicted of a criminal offence**

- (1) Where an employee of a local government authority has been convicted of a criminal offence, disciplinary authority may suspend the employee from the exercise of his duties pending consideration of the case under the provisions of these Regulations.

While an employee is suspended from the exercise of his duties under the provisions of the proceeding paragraph, he shall not be entitled to any salary; provided that the disciplinary authority may decide to authorise payment of an alimentary allowance in such amount and on such terms as the disciplinary authority may determine.

**84. Loss occasioned by local government employee may be recovered from the employee independently of these Regulations**

- (1) Where a local government employee wilfully acts or omits by negligence or misconduct, or by reason of failure to take reasonable care or to discharge duties in a reasonable manner, causes the Council to suffer any loss or causes damage to any property of the Council, 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, as the appropriate authority may determine, may be recovered from such employee under the provisions of the Specified Officers (Recovery of Debts) Act <sup>14</sup>, independently of these Regulations.

- (2) Where steps have been taken to recover the amount or value under the Specified Officers (Recovery of Debts) Act <sup>15</sup>, it shall not be unlawful for disciplinary proceedings for the Act, omission, negligence, failure to take reasonable care or failure to discharge a duty in a reasonable manner, to be instituted under these Regulations:

Provided that where such proceedings are instituted, the punishment specified in regulation ~~83(1)~~ shall not be awarded save to the extent of the difference between the actual amount of the loss incurred by the Council 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 <sup>16</sup>

- (3) Where a local government employee who has become liable to pay any amount to the Council by reason of negligence, misconduct, failure to take care, failure to discharge duties in a reasonable manner or other act or omission is convicted under section 284A of the Penal Code <sup>17</sup> for the Act or omission or other circumstances giving rise to such liability, and the court has ordered the officer to pay to the Council compensation under subsection (7) of the said section 284A, any amount ordered to be recovered from the employee by a disciplinary authority under regulation 85(1) of these Regulations, or by an appropriate authority under the provisions of the Specified Officers (Recovery

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of Debts) Act <sup>18</sup>, the order of the disciplinary authority or, as the case may be, of the appropriate authority—

- (a) if the amount ordered to be recovered by the disciplinary authority or, as the case may be, the appropriate authority, exceeds the amount of the compensation ordered under section 284A of the Penal Code <sup>19</sup> shall be effective only to the extent of the difference between the two amounts;
  - (b) if the amount ordered to be recovered by the disciplinary authority or, as the case may be, the appropriate authority, is less than the amount of the compensation ordered under section 284A, shall cease to have effect.
- (4) Notwithstanding the provisions of subregulation (3), where disciplinary proceedings are instituted or an employee is punished under these Regulations after his conviction under section 284A it shall be lawful for the disciplinary authority to order that an amount equal to the difference between the actual amount of the loss, the value of the property or the cost of repair and—
- (a) the amount of the compensation awarded under section 284A of the Penal Code <sup>20</sup>; or
  - (b) where steps have also been taken to recover any amount from the employee under the Specified Officers (Recovery of Debts) Act <sup>21</sup>, 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 section 284A of the Penal Code <sup>22</sup>, be recovered from the employee by way of punishment.
- (5) Under this regulation the term "Appropriate Authority" shall have the meaning assigned thereto by the Specified Officers (Recovery of Debts) Act <sup>23</sup>.

## 85. Punishment

- (1) Any one or more of the following punishments may be inflicted upon an employee of a local government authority as a result of proceedings under these Regulations:
- (a) dismissal;
  - (b) termination of appointment;
  - (c) reduction in rank or seniority;
  - (d) reduction in salary;
  - (e) stoppage of increment;

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- (f) withholding of salary increment;
  - (g) deferment of salary increment;
  - (h) fine of an amount not exceeding one-quarter of a month's pay;
  - (i) the recovery of the cost or part of the cost of any loss or breakage caused by default or negligence.
- (2) A disciplinary authority shall in exercising its powers of inflicting punishment on the accused officer under these Regulations, be guided by the disciplinary code as provided for under the Fourth Schedule to these Regulations.

### **86. Retiring awards and leave passage, lost by dismissal**

Subject to the provisions of any law for the time being in force, an employee of a local government authority who is dismissed shall forfeit all rights or claims relating to pension, gratuity, bonus on provident fund and interest thereon or other retiring award, and any rights or claims he enjoys in regard to leave or passages at the employing authority's expense but such employee shall only be entitled to his contributions to any social security fund and interest thereon, if he was a contributor to any fund.

### **87. Superannuation**

An employee of a local government authority shall have the right to receive such gratuities, pensions and such other superannuation benefits applicable to local government employees.

### **88. Transitional arrangements**

- (1) On or after coming into effect of these Regulations, any contract of service of the staff who were serving on terms and conditions of service other than those applicable to local government staff shall be deemed to be continuous and to have been made under these Regulations, and such staff shall be entitled to superannuation and pension benefits applicable to them before the coming into effect of these Regulations.
- (2) Notwithstanding subregulation (1) the staff entitled to superannuation and pensions benefits under terms and conditions of services other than those applicable to local government staff shall be entitled to benefits applicable to local government staff where such benefits give them the same or more favourable superannuation and pension benefits.
- (3) No employee shall be subjected to any term or condition of service, which is less favourable than any similar condition, which applied to him immediately before the coming into effect of these Regulations.
- (4) Staff currently serving under terms and conditions of service of local government and newly appointed staff, shall continue to serve on these terms and conditions and receive superannuation or pension benefits applicable to local government staff.
- (5) Any claim or claims by staff who were transferred to local government service before coming into operation of these Regulations, and outstanding immediately after coming into operation of these Regulations shall be paid by the previous employer notwithstanding the coming into operation of these Regulations.

### **89. Remuneration**

- (1) The commission shall determine salaries and salary scales for local authority employees having regard to the national pay policy, and directions given from time to time by the Minister.
- (2) A local government authority may formulate and implement incentive packages according to local needs and financial capability and in so doing shall take due regard to the overall national pay policy.

## 90. Application of the existing Service Regulations

- (1) On the coming into operation of these Regulations, the Local Government Service Commission Regulations, shall cease to have effect in respect of the local government employees in specified local government authorities.
- (2) Notwithstanding the provisions of subregulation (1) of this regulation the Local Government Service Staff Regulations and all circulars issued by the Commission and currently in force shall continue to apply to the specified local government authorities only to the extent that they are not inconsistent with the provisions of these Regulations.

### First Schedule (Regulation 2)

#### Specified local authorities

1. Arusha Municipal Council.
2. Hanang District Council.
3. Babati District Council.
4. Monduli District Council.
5. Simanjiro District Council.
6. Kiteto District Council.
7. Kisarawe District Council.
8. Dar es Salaam City Council.
9. Ilala Municipal Council.
10. Kinondoni Municipal Council.
11. Temeke Municipal Council.
12. Dodoma Municipal Council.
13. Kondo District Council.
14. Mpwapa District Council.
15. Iringa District Council.
16. Iringa Municipal Council.
17. Bukoba District Council.
18. Kasulu District Council.
19. Moshi Municipal Council.
20. Hai District Council.
21. Lindi Town Council.
22. Kilwa District Council.
23. Musoma Town Council.
24. Morogoro Municipal Council.
25. Ulanga District Council.
26. Mbeya Municipal Council.

27. Rungwe District Council.
28. Mtwara Town Council.
29. Masasi District Council.
30. Mwanza City Council.
31. Magu District Council.
32. Sumbawanga District Council.
33. Songea District Council.
34. Shinyanga District Council.
35. Shinyanga Municipal Council.
36. Tabora Municipal Council.
37. Tanga Municipal Council.
38. Singida District Council.

## **Second Schedule (Regulation 28(6))**

### **Procedure of the Board**

#### **1. Tenure of Office**

- (1) A member of the Board appointed under these Regulations shall, unless his appointment is sooner terminated by the local government authority or otherwise ceases to be a member, hold office for a period not exceeding five years' provided that the Board shall stand dissolved at the end of tenure of office of the Council or on the dissolution of the Council.
- (2) Where any member of the Board ceases to be a member for any reason before the expiration of tenure of office, the local government authority shall appoint another person in his place and the person so appointed shall hold office for the remainder of the term of office of the Board.

#### **2. Meetings**

- (1) The frequency, place and time of the meetings shall be determined by the Council.
- (2) A meeting of the Board shall be convened by the Secretary to the Board and the notice specifying the place, date and time of the meeting shall be sent to each member's contact address of usual place of business or residence not less than fourteen days before the date of such meeting.

#### **3. Quorum**

Three members shall form a quorum for any meeting of the Board.

#### **4. Co-option of members**

The Board may invite any person who is not a member to participate in the deliberations of the board, but such person shall not have the right to vote.

#### **5. Procedure**

- (1) There shall preside at any meeting of the Board:
  - (a) the chairperson;
  - (b) in the absence of the chairperson, the members present shall nominate one amongst them to preside.

(2) At any meeting of the Board a decision of the majority of the members present, shall be deemed to be a decision of the Board.

(3) In the event of an equality of votes the chairperson shall have a casting vote in addition to his deliberative vote.

#### 6. Decisions of the Board

All decisions of the Board shall be made at a properly convened meeting.

#### 7. Minutes of meetings

Minutes in proper form of each meeting shall be kept and shall be confirmed by the Board at the next meeting and signed by the Chairperson and secretary of the meeting.

#### 8. Vacancies, etc., not to invalidate proceedings

Subject to the provisions of paragraph 3 relating to quorum, the Board may act notwithstanding any vacancies in the membership thereof and no act or proceeding of the Board shall be invalid by reason only of some existence of a vacancy in the Board or defect in the appointment of a person who purports to be a member thereof.

#### 9. Signing of documents

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

- (a) The Chairperson of the Board; or
- (b) The secretary or any officer authorised in writing in that behalf by the secretary.

#### 10. Proceedings to be regulated

Subject to the provisions of this Schedule the Board shall have power to regulate its own proceedings.

### Third Schedule (Regulation 28(5))

#### Oaths of office

##### Part I – Oath of the secretary of the recruitment board

I \_\_\_\_\_ being appointed a Secretary of the Recruitment Board of the \_\_\_\_\_ Council swear in the name of the Almighty God/Solemnly affirm that I will all the time, well and truly serve the Board in the office of Secretary and I will support and uphold the Constitution of the United Republic of Tanzania, Laws and Regulations, and to the best of my judgement at all times give my advice to the Board for the good management of the Board in accordance with the law and regulation as by law established, and that I will not directly or indirectly reveal any matter as shall come to my knowledge in the discharge of my duties and committed to my secrecy.

SO HELP ME GOD

Sworn/affirmed at \_\_\_\_\_

By the said \_\_\_\_\_

\_\_\_\_\_

Deponent

This \_\_\_\_\_ day of \_\_\_\_\_

Before me:



Name: \_\_\_\_\_  
Designation \_\_\_\_\_  
Address \_\_\_\_\_  
Signature \_\_\_\_\_  
Commissioner for Oaths

**Part II – Oath of the chairperson/member of the recruitment board**

I \_\_\_\_\_ being called upon to exercise the functions of Chairperson/Member of the \_\_\_\_\_ Council Recruitment

Board do swear/affirm that I will faithfully serve, not directly or indirectly reveal to any unauthorized person or otherwise in the cause of my duty of the contents or any part of the contents of any document communication or information whatsoever, which may come to my knowledge in the course of my duties as Chairperson/member of the Board,

SO HELP ME GOD

Sworn/affirmed at \_\_\_\_\_

By the said \_\_\_\_\_

\_\_\_\_\_

Deponent

This \_\_\_\_\_ day of \_\_\_\_\_

Before me:

Name: \_\_\_\_\_

Designation \_\_\_\_\_

Address \_\_\_\_\_

Signature \_\_\_\_\_

Commissioner for Oaths

**Fourth Schedule (Regulation 83(2))**

**Proceeding involving penalty less than dismissal**

*Disciplinary Code*

Disciplinary code Part A		Permissible penalties			
Where the officer		1st breach	2nd breach	3rd breach	4th and subsequent breaches
(a)	Is late for work	Reprimand	Fine of an amount not exceeding one quarter of a month's pay	Reduction in salary	Dismissal
(b)	Is absent from work place during working hours without employer's permission	Reprimand	Deferment of increment of salary	Reduction in rank or seniority	Dismissal
(c)	Is absent from work without reasonable cause	Fine of an amount not exceeding one quarter of a month's pay or the amount equivalent to one day's pay	Deferment of increment of salary	Dismissal	
(d)	Fails to complete his/her task	Deferment of increment	Stoppage of increment of salary	Dismissal	
(e)	Neglects his/her duties but not as to endanger the safety of persons or property	Fine of an amount not exceeding one quarter of a month's pay	Reduction in rank or seniority		

Disciplinary code Part A		Permissible penalties			
(f)	Fails to comply with the employer's instructions relating to work (including without prejudice to the generality of the foregoing those designed to increase efficiency or output)	Stoppage of increment	Reduction in rank or seniority	Dismissal	

***Proceedings for dismissal***

Disciplinary code part B		Permissible penalty any breach
Where the officer:		
(a)	Wilfully damages, misuses or misappropriates buildings, machinery, raw materials, other property or tools or any other object used in connection with the Council's works;	Dismissal
(b)	Neglects or fails to carry out his/her duties thereby endangering himself/herself or others or property or neglects or fails to comply with any instructions relating to safety or welfare;	Dismissal
(c)	Commits any unjustifiable assault or brawl at the place or in the cause of work;	Dismissal
(d)	Commits an unjustifiable assault, whether or not at his/her place, of work on his/her employer, a member of his/her employer's immediate family or a member of the management staff;	Dismissal

<b>Disciplinary code part B</b>		<b>Permissible penalty any breach</b>
(e)	Commits any serious act of insubordination at the employer's premises or during work hours against the employer or the employer's representatives;	Dismissal
(f)	Is unable to perform his/her work efficiently by reason of the improper use of alcohol;	Dismissal
(g)	Is unable to perform his/her work efficiently by reason of the improper use of drugs;	Dismissal
(h)	Is convicted by any court of any unlawful act at the place of, or in the course of, work unless such employee successfully appeals against such conviction;	Dismissal
(i)	Is guilty of an immoral act at the place or in the course of work;	Dismissal
(j)	Smokes in a place which the employer has forbidden for reasons of safety or health;	Dismissal
(k)	Is convicted by court of an offence involving corrupt practices, fraud or dishonesty, or for which he/she was sentenced to imprisonment, unless such employee successfully appeals against such conviction;	Summary Dismissal
(l)	Without due authority discloses or conveys any information or any technical, trade or confidential matter to the prejudice of his/her employer;	Dismissal
(m)	Being an employee of the Council, commits any act which is against public interest;	Dismissal

Disciplinary code part B		Permissible penalty any breach
(n)	Being in a position of authority takes advantage of his/her official position, and commits or attempts to commit rape or sexual harassment with or without an intention to commit rape;	Dismissal
(o)	With intent to cause sexual annoyance to a fellow employee or any other person utters any word or sound; makes any gesture or exhibits any word or object intending that such word or sound shall be heard or the gesture or object shall be seen by that other person so as to amount into an offence of sexual assault.	Dismissal

### Fifth Schedule (Regulation 9)

#### Service agreement

*[Editorial note: The forms have not been reproduced]*