

---

---

THE UNITED REPUBLIC OF TANZANIA  
**BILL SUPPLEMENT**

**No. 1**

**20<sup>th</sup> May, 2016**

*to the Gazette of the United Republic of Tanzania No.21 Vol.97 dated 20<sup>th</sup> May, 2016*  
Printed by the Government Printer, Dar es Salaam by Order of Government

---

---

THE CHEMIST PROFESSIONALS ACT, 2016

ARRANGEMENT OF SECTIONS

*Section Title*

PART I  
PRELIMINARY PROVISIONS

1. Short title and commencement.
2. Application.
3. Interpretation.

PART II  
ESTABLISHMENT OF THE CHEMIST PROFESSIONALS'  
COUNCIL

4. Establishment and composition of Council.
5. Functions of the Council.
6. Powers of the Council.
7. Members of the Council and Committees.
8. Committees of the Council.
9. Appointment of the Registrar.
10. Functions of the Registrar.
11. Secretariat of the Council.
12. Remuneration of the members of the Council and Secretariat.

PART III  
REGISTRATION, ENROLMENT AND ENLISTING OF  
CHEMISTS,  
CHEMICAL LABORATORY TECHNOLOGISTS AND  
ASSISTANT LABORATORY TECHNOLOGISTS

13. Qualification for registration, enrolment and enlisting.
14. Internship training.
15. Temporary registration.
16. Issuance of certificate.
17. Register, Roll and List.
18. Suspension, revocation or cancellation of certificates.
19. Restoration of names to the Register, Roll or List.
20. Restriction on the use of title.

PART IV  
FINANCIAL PROVISIONS

21. Source of funds.
22. Annual report and accounts.
23. Submission of annual financial report.
24. Management and control of funds.
25. Annual and supplementary budgets.
26. Operational principles.
27. Powers to invest.

PART V  
DISCIPLINARY PROVISIONS

28. Receipts of complaints by the Registrar.
29. Temporary suspension pending inquiry.
30. Procedure for inquiry.
31. Disciplinary powers of the Council.
32. Power to summon witness.
33. Failure to appear before the Council.
34. Appeals.

PART VI  
GENERAL PROVISIONS

35. Regulations.
36. Rules.

37. Offences and penalties.
38. Publication of names of chemist professionals.
39. Immunity.
40. Compounding of offences.

—  
SCHEDULE  
—

**NOTICE**

This Bill to be submitted to the National Assembly is published for general information to the public together with a statement of its objects and reasons.

Dar es Salaam,  
17<sup>th</sup> May, 2016

**JOHN W. H. KIJAZI**  
*Secretary to the Cabinet*

A BILL

*for*

**An Act to establish the Chemist Professionals' Council and to provide for the powers, functions, management and regulation of the chemist, chemical laboratory technologist and the assistant chemical laboratory technologist, and to provide for related matters.**

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

PART I  
PRELIMINARY PROVISIONS

Short title and commencement

**1.** This Act may be cited as the Chemist Professionals Act, 2016 and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

Application

**2.** This Act shall apply to Mainland Tanzania.

Interpretation

**3.** In this Act, unless the context otherwise requires:  
“assistant chemical laboratory technologist” means a person who holds a certificate in chemistry or any specialized discipline majoring in chemistry from a

- recognized institution;
- “certificate” means a certificate issued under section 16;
- “chemist” means a person who holds a degree in chemistry or any specialized discipline majoring in chemistry from a recognized institution;
- “chemical laboratory technologist” means a person who holds a diploma in chemistry or any specialized discipline majoring in chemistry from a recognized institution;
- “chemist professional” means a chemist, chemical laboratory technologist or assistant chemical laboratory technologist registered, enrolled or enlisted, as such under this Act;
- “committee” means any committee established under section 8;
- “Council” means the Chemist Professionals’ Council established under section 4;
- “financial year” means the financial year of the Government;
- “Minister” means the Minister responsible for health;
- “Register” means the Register of chemist professionals established under section 17;
- “Registrar” means the Registrar of the Council appointed under section 9;
- “supervisory authority” means any legal entity which serves as an employer of the chemist professional.
- “Roll” means the Roll of chemical laboratory technologists established under section 17; and
- “List” means the List of assistant chemical laboratory technologists established under section 17.

PART II  
THE CHEMIST PROFESSIONALS' COUNCIL

Establishment  
and composi-  
tion of Council

4.-(1) There is established a council to be known as the Chemist Professionals' Council.

(2) The Council shall be a body corporate with perpetual succession and a common seal.

(3) The Council may, in its own name, be capable of-

- (a) suing and being sued;
- (b) acquiring, and holding movable and immovable property;
- (c) borrowing and lending;
- (d) entering into any contract or other transaction; and
- (e) doing all or such other acts and things which a body corporate may lawfully perform, do or suffer to be done.

(4) Notwithstanding the preceding provisions of this section, the Attorney General shall have the right to intervene in any suit or matter instituted for or against the Council.

Cap.5

(5) Where the Attorney General intervenes in any matter pursuant to subsection (4), the provisions of the Government Proceedings Act, shall apply in relation to the proceedings of that suit or matter as if it had been instituted by or against the Government.

(6) For the purpose of subsection (4), the Council shall have the duty to notify the Attorney General of any impending suit or matter by, or against the Council.

(7) The Council shall consist of nine members to be appointed by the Minister as follows:

- (a) a Chairman;

- (b) a representative from the Government Chemist Laboratory;
- (c) a representative of an umbrella society of chemist professional;
- (d) a chemist of a level of senior or above representing public universities;
- (e) a chemist of a level of senior or above representing private universities;
- (f) a Law Officer representing the Attorney-General;
- (g) a chemical laboratory technologist or assistant chemical laboratory technologist;
- (h) a senior officer or above representing Public Service Management; and
- (i) a police officer of a rank of Inspector or above representing the Inspector General of Police.

(8) Tenure of membership and procedures of the Council shall be as set out in the Schedule to this Act.

(9) The Minister may, by Order published in the *Gazette* amend the Schedule to this Act.

Functions of the Council

**5.**-(1) The Council shall be responsible for-

- (a) registering, enrolling and enlisting of chemists, chemical technologists, and assistants chemical technologists, respectively; and
- (b) setting standards, code of conduct and regulating practice of chemist professional.

(2) Without prejudice to the generality of subsection (1), the Council shall perform the following functions-

- (a) advise the Minister on matters relating to the chemist professional;

- (b) inquire into any query relating to a chemist professional;
- (c) maintain and enhance integrity of the chemist professional;
- (d) foster cooperation between the Council and other institutions or organisations, dealing with the chemist profession;
- (e) administer the accounts and assets of the Council or any assets to be held in trust for the benefit of the Council;
- (f) determine the fees payable to the Council for services performed by the Council under this Act;
- (g) consider any matter affecting the chemist professionals, and take such action in connection therewith as the Council may consider necessary;
- (h) issue, renew, replace and cancel chemist professional practising licence;
- (i) conduct inspection; and
- (j) carry out such other functions as the Minister may direct.

Powers of the Council

**6.-(1)** The Council shall have powers to-

- (a) set qualification requirements of chemist professionals for the purpose of being registered, enrolled or enlisted;
- (b) delegate any of its powers, and functions to any person registered under this Act for such period as it considers necessary, except powers:
  - (i) to deal with disciplinary matters;
  - (ii) to approve the annual budget, supplementary



budget, statement of financial position or any statement of account; and

- (iii) to borrow.
- (c) remove or restore any name from the register, roll or list subject to such conditions as the Council may impose;
- (d) appoint any officer or inspector to conduct inspection or perform any duty or action on behalf of the Council;
- (e) demand any information from a person registered, enrolled or enlisted or involved in chemistry practice as it deems necessary;
- (f) inquire into any matter, complaint, charge or allegation of improper or disgraceful conduct against any person registered, enrolled or enlisted;
- (g) approve the annual budget of the Council; and
- (h) approve training institutions and curricula for chemist professional.

Members of the Council and Committees

**7.** A person shall not be appointed a member of the Council or Committee unless such person is a citizen of Tanzania.

Committees of the Council

**8.**-(1) The Council may, for the purpose of ensuring efficient performance of its functions and exercise of its powers, establish such number of committees to perform functions as it may direct.

(2) Without prejudice to the generality of subsection (1), the Council shall establish committees relating to the following-

- (a) registration, enrolment and enlisting;
- (b) ethics and disciplinary; and

(c) practice review and professional advancement.

(3) The functions, composition and procedures of committees shall be prescribed in the regulations.

(4) A committee may co-opt any person to assist committee on any issue as it may consider necessary.

Appointment of  
the  
Registrar

**9.**-(1) The Minister shall appoint a principal or senior chemist with a masters degree from the public service to be the Registrar of the Council.

(2) The Registrar shall be the Secretary to the Council.

(3) The Registrar shall, unless his appointment is terminated, hold office for a period of three years and shall subject to his satisfactory performance be eligible for reappointment for one more term of three years.

Functions of  
the Registrar

**10.**-(1) Subject to approval by the Council, the Registrar shall-

(a) cause to be published in the *Gazette*, as soon as may be practicable after registration, the particulars entered in the Register, Roll and List in respect of each person and any amendment or deletion of the particulars therein; and

(b) issue a certificate upon registration, enrolment, and enlisting and payment of prescribed fees.

(2) Without prejudice to the generality of subsection (1), the Registrar shall-

(a) keep proper accounts and other records relating to the funds and resources of the Council;

(b) establish one or more separate accounts in a credible commercial bank into which all monies received by the Council shall be paid

- in and out;
- (c) prepare annual estimates of income and expenditure and adhere to any such estimates;
- (d) implement the decisions of the Council;
- (e) prepare and publish an annual report which shall include-
  - (i) an account of the operations of the Council during the year covered by the report;
  - (ii) a set of audited accounts;
  - (iii) such other matters as may be prescribed; and
- (f) perform any other function that may be required under this Act or as the Council may direct.

Secretariat of the Council

**11.**-(1) There shall be a Secretariat of the Council which shall consist of-

- (a) the Registrar; and
- (b) other staff as appointed by the Council.

(2) The members of the Secretariat shall be public servants.

Remuneration of the members of the Council and Secretariat

**12.** Members of the Council and the Secretariat shall be paid such allowances from the funds of the Council as the Minister may, after consultation with the Treasury Registrar, determine.

**PART III**  
**REGISTRATION, ENROLMENT AND ENLISTING OF CHEMISTS, CHEMICAL LABORATORY TECHNOLOGISTS AND ASSISTANT CHEMICAL LABORATORY TECHNOLOGISTS**

Qualification for registration, enrolment, and enlisting

**13.**-(1) A person intending to be registered, enrolled or enlisted as a chemist, a chemical laboratory technologist or an assistant chemical laboratory technologist, as the case

may be, shall apply to the Council in the manner to be prescribed by the Council.

(2) A person shall not be eligible for registration, enrolment or enlisting as a chemist professional and offer his services unless such person satisfies the Council that:

- (a) he is a holder of-
  - (i) in the case of a chemist, a degree in chemistry or any specialized discipline majoring in chemistry from a recognized institution,;
  - (ii) in the case of a chemical laboratory technologist, a diploma in chemistry; and
  - (iii) in the case of an assistant chemical laboratory technologist, a certificate in chemistry or majoring in chemistry; and
- (b) his professional and general conduct render him fit and proper to be registered as a chemist, a chemical laboratory technologist or an assistant chemical laboratory technologist, as the case may be.

(3) The Minister shall, upon consultation with the Council, make regulations prescribing for additional qualification requirements for registration, enrolment or enlisting as he may consider necessary.

Internship  
training

**14.**-(1) A chemist shall not be registered as such unless the Council is satisfied that he has undergone internship training for a period of one year.

(2) The procedures and requirements for internship training shall be as prescribed in the regulations.

Temporary  
registration

**15.**-(1) Where a person who is not ordinarily a resident of Tanzania satisfies the Coun-

cil that:

- (a) is or intends to be present in Tanzania in the capacity of a professionally qualified chemist for the express purpose of carrying out specific work or works for which he has been engaged for a period not exceeding twelve months;
- (b) is or immediately before entering Tanzania was practising as a professional chemist and that he is eligible for registration under this Act; and
- (c) his professional and general conduct renders him fit and proper to be registered,

he may be temporarily registered.

(2) The Council shall require any person applying for registration under this section, to appear before the Committee responsible for registration and to produce documents relating to his assignment or employment.

(3) The registration of a person under this section shall continue only while engaged on the specific assignment and on ceasing to be so engaged or on expiration of the period, his registration shall cease to have effect.

(4) Registration of a person under this section may be renewed as the Council deems fit.

(5) A person who contravenes the provision of this section commits an offence and shall, upon conviction, be liable to a fine of not less than five million shillings or to imprisonment for a term of two years or to both.

Issuance of  
certificate

**16.**-(1) The Council shall issue a certificate to a relevant person who is registered, enrolled or enlisted under this Act.

(2) Subject to subsection (1), a certificate shall contain:

- (a) full name and address of the applicant;

- (b) academic qualifications and title;  
and
- (c) such terms and conditions in respect  
of which a certificate is issued.

Register, Roll  
and List

**17.**-(1) Subject to this Act, the Council shall establish, keep and maintain a Register, Roll and List of chemist professionals.

(2) Every person registered, enrolled or enlisted shall, before the 31<sup>st</sup> December of each year, file information with the Council in the prescribed manner for the retention of his name in the Register.

(3) The information to be submitted under subsection (2), shall be accompanied by a prescribed fee as set out in the regulations.

(4) The Council may remove any person from the relevant Register, Roll or List who does not comply with the provisions of subsections (2) and (3).

(5) A person may, after a payment of a prescribed fee and within such time as the Council may determine, inspect the Register, Roll or the List.

Suspension,  
revocation or  
cancellation  
of certificates

**18.**-(1) The Council may, upon being satisfied that the terms and conditions of issuance of a certificate have been violated-

- (a) revoke, suspend or cancel the certificate, as the case may be;
- (b) notify the person whose certificate has been revoked, suspended or cancelled; and
- (c) delete from the Register, Roll or List the name of the person whose certificate has been revoked, suspended or cancelled, as the case may be.

(2) A person whose name has been deleted from the Register, Roll or List shall, within thirty days of such deletion, surrender to the Council the certificate issued under section 16.

(3) A person who fails to surrender the

certificate within the prescribed period commits an offence under this Act.

Restoration  
of name to  
the Register,  
Roll or List

**19.**-(1) Where a name of any chemist, a chemical laboratory technologist or an assistant chemical laboratory technologist has been deleted from the Register, Roll or List in accordance with the provisions of section 18, the name of that person shall not be entered in the Register, Roll or List except by order of the Council.

(2) Where an order has been made for the deletion of a person's name from the Register, Roll or List, the Council may, on its own motion or on the application of the person concerned, and in either case, after holding such inquiry as the Council may deem proper, cause the name of the person to be restored to the Register, Roll or List upon payment of prescribed fee.

Restriction on  
the use of  
title

**20.**-(1) A person other than a chemist professional, a laboratory technologist or an assistant laboratory technologist shall not, on or after the commencement of this act, assume, take, exhibit or in any way make use of any title, emblem or description reasonably calculated to suggest that he is a chemist, a chemical laboratory technologist or an assistant chemical laboratory technologist.

(2) A person who contravenes subsection (1), commits an offence and shall, upon conviction, be liable to a fine of not less than one million shillings but not more than five million shillings or to imprisonment for a term not less than five years or to both.

#### PART IV FINANCIAL PROVISIONS

Sources of  
funds

**21.**-(1) Sources of funds for the Council shall include-

(a) monies as may be appropriated by

Parliament;

- (b) any funds or assets which may be vested in or accrued from other sources;
- (c) loans granted by the Government or by any other person or body;
- (d) fees imposed and other charges collected from provision of services under this Act;
- (e) gifts, grants and donations;
- (f) proceeds derived from sale of assets and any other source of income identified by the Council; and
- (g) any other money received by or made available to the Council for the purpose of its functions.

(2) The fees and charges payable under this Act shall be prescribed in the regulations.

Annual  
report and  
accounts

**22.**-(1) The Council shall, at the end of each financial year, prepare an annual implementation report on the activities of the financial year and submit the report to the Minister.

(2) The Council shall ensure that the annual financial statements are prepared and audited by the Controller and Auditor General within three months after the end of each financial year.

(3) The financial statements shall include-

- (a) statement of financial performance;
- (b) statement of financial position;
- (c) statement of cash flows;
- (d) statement of changes of equity; and
- (e) notes to the financial statements.

Submission  
of annual  
financial  
report

**23.**-(1) The Council shall submit to the Minister an audited financial report on those accounts three months after the end of each financial year.



(2) The Council shall prepare and submit to the Minister an estimate of the revenue and expenditure for the Council three months before the end of the preceding year.

(3) No expenditure shall be made unless authorized by the Council within the estimate of that financial year.

Management  
and control  
of funds

**24.**-(1) The Council shall keep books of accounts and maintain proper records of its operations in accordance with national accounting standards.

(2) The Council shall cause to be prepared and kept proper books of accounts and record with respect to-

- (a) the assets and liabilities;
- (b) the receipt and expenditure of monies and other financial transactions; and
- (c) a statement of financial position and a statement showing details of the financial performance to be prepared in every financial year.

(3) The funds and resources of the Council shall be used for the better carrying out the objective of this Act.

(4) The Council's expenditure shall be subject to monitoring and review.

Annual and  
supplemen-  
tary budget

**25.**-(1) Not less than one month before the beginning of any financial year, the Council shall approve the annual budget of the amount expected to be received and disbursed during that financial year.

(2) Where in any financial year, the Council requires to make any disbursement not provided for or of an amount in excess of the amount provided for in the annual budget for that year, the Council shall approve a supplementary budget detailing the disbursement.

(3) The annual budget and every supplementary budget shall be in the form and

manner as may be prescribed or directed by the Minister.

Operational principles

**26.**-(1) The Council shall-

- (a) open and operate all sets of books of accounts, ledgers, journal, and other subsidiary books of accounts in accordance with its accounting manual; and
- (b) review and change its documentation in order to facilitate the proper keeping of books of account as may be directed by the relevant authorities.

(2) All cash received shall be deposited to the revenue account and payments shall be made from the expenditure account.

(3) No expenditure shall be incurred from the funds of the Council unless that expenditure is part of the expenditure plan approved by the Minister.

Powers to invest

**27.** The Council may, after obtaining approval of the Minister and in consultation with the Minister responsible for finance, invest any monies in such a manner as it deems fit.

## PART V DISCIPLINARY PROVISIONS

Receipts of complaints by the Registrar

**28.**-(1) Where a chemist, a chemical laboratory technologist or an assistant chemical laboratory technologist is alleged to be unfit to practise as such, such complaint shall be lodged to the Registrar who shall forward the complaint to the Council.

(2) For the purpose of this section, a chemist, a chemical laboratory technologist or an assistant chemical laboratory technologist shall be considered unfit to practise if that person:

- (a) has committed a professional misconduct;

- (b) is incompetent;
  - (c) has been convicted of an offence under this Act or any other written law;
  - (d) is convicted of an offence involving dishonestly, fraud or moral turpitude;
  - (e) has committed any malpractice, negligence or breach any directive issued under this Act; or
  - (f) is mentally sick and approved as such by a medical board in Tanzania or any other licensing authority responsible for health regulation in any other jurisdiction.
- (3) For the purpose of subsection (2), the term professional misconduct shall be construed to include:
- (a) a contravention of this Act or the regulations;
  - (b) failure to abide by the terms, conditions or limitations of a registered, enrolled or enlisted chemist, a chemical laboratory technologist or an assistant chemical laboratory technologist, as the case may be;
  - (c) having a conflict of interest which affects the client and a chemist, a laboratory technologist or an assistant laboratory technologist;
  - (d) practising chemistry profession without a valid certificate of registration, enrolment, enlisting or temporary registration;
  - (e) an attempt to use as his own certificate, number or seal of another chemist, a chemical laboratory technologist or an assistant chemical laboratory technologist or to impersonate any registered chemist, a chemical laboratory technologist or an assistant chemical laboratory

technologist;

- (f) abetting or aiding illegal practise of chemist professional by any person;
- (g) furnishing false information or document to the Council in order to secure a certificate of registration, enrolment or enlisting; or
- (h) impersonation of a registered, enrolled or enlisted chemist professional or a holder of temporary registration certificate.

(4) Every complaint under this section shall be accompanied by a written statement made by the complainant or any person acting on his behalf or any other person interested in the act or omission giving rise to the complaint.

(5) Notwithstanding subsection (4), the Council may, on its own motion, initiate any preliminary inquiry into a chemist, a chemical laboratory technologist or an assistant chemical laboratory technologist if it is satisfied that the information received by the Council warrants holding a preliminary inquiry.

(6) Except for complaints arising under subsection (2), no inquiry shall proceed unless a statutory declaration by the complainant has been obtained.

Temporary suspension pending inquiry

- 29.** The Council may upon receipt of-
- (a) a complaint against a chemist professional; or
  - (b) a report from a supervisory authority,

temporarily suspend a chemist professional from practising pending the completion of inquiry.

Procedure for Inquiry

**30.-(1)** The Council shall, where it is of the opinion that a *prima facie* case has been established by the complainant, direct that an inquiry be held.

(2) The Council shall give opportunity for a chemist professional against whom misconduct is alleged, to appear before the Council to be heard, and may be represented by an advocate.

(3) Where a chemist professional fails to appear at an inquiry without reasonable excuse and the Council is satisfied that a notice was duly served, the Council may proceed with the inquiry as if the chemist professional was present.

Disciplinary powers of the Council

**31.**-(1) The Council may, after due inquiry made in accordance with the provisions of this Act-

- (a) order the removal of the name of the chemist professional from the register;
- (b) order the suspension from the practice of the chemist professional for such period as the Council may consider necessary;
- (c) caution, censure or otherwise reprimand the chemist professional; or
- (d) impose fines or order payment of costs involved in the inquiry or such other cost as may be appropriate.

(2) The Registrar shall communicate the decision of the Council to the parties within seven days after determination of the inquiry.

Power to summon witness

**32.** The Council shall have power to summon any witness and may require him to produce documents for the purpose of conducting an inquiry.

Failure to appear before the Council

**33.**-(1) A person who, having been served with a summons under section 32-

- (a) fails, without reasonable cause, to appear before Council;

- (b) fails to produce any document so required;
- (c) refuses without reasonable cause to answer questions put to him by the Council; or
- (d) willfully interrupts the proceedings of the Council or insults any member of the Council,

commits an offence.

(2) A person giving evidence before the Council shall be entitled to all privileges which he would have been entitled to as a witness before a court of law.

Appeals

**34.**-(1) A person who is aggrieved by a decision of the Council may, within three months from the date of notification of the decision, appeal to the Minister.

(2) The Minister shall, within thirty days after the receipt of the appeal, determine the appeal.

(3) The Minister may dismiss or allow an appeal or vary the decision of the Council or make any order as he may consider necessary.

(4) The Minister shall, within one month after determination of the appeal, avail the copy of the decision to the appellant.

## PART VI GENERAL PROVISIONS

Regulations

**35.**-(1) The Minister may, in consultation with the Council, make regulations for the effective carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister shall make regulations prescribing for-

- (a) forms, manner and procedures in which an application for registration, enrolment, enlisting or reten-

- tion or cancellation of certificates;
- (b) the appointment or designation, powers and qualifications of inspectors and the manner of conducting inspections for the purpose of this Act;
- (c) fees and other charges;
- (d) the custody of property management of the Council and Management of investment and expenditure of the funds of the Council; and
- (e) procedure for conducting inquiries by the Council, and the attendance of witnesses and production of evidence at inquiries, including the power to take evidence on oath.

Rules

**36.**-(1) The Council may, with the approval of the Minister, make rules for the proper discharge of its functions under this Act.

(2) Without prejudice to sub section (1), the Council may make such rules prescribing for:

- (a) the qualifications for registration, enrolment or enlisting;
- (b) ethics and code of conducts for chemist professional practice; and
- (c) any other matter which may be required for effective implementation of this Act.

Offences and penalties

**37.**-(1) A person who commits an offence for which no specific penalty is provided shall, upon conviction, be liable to a fine of not less than one million shillings but not exceeding two million shillings or to imprisonment for a term not exceeding one year or to both.

(2) A registered, enrolled and enlisted person shall not engage in illegal work or cooperate with anyone so engaged.

(3) A person shall not procure or attempt to procure registration or enrolment or

enlisting under a false or fraudulent declaration, certificate, application or representation, whether in writing or verbally or willfully makes or causes to be made any falsification in the Register.

(4) A person shall not practise as a chemist professional without being registered, enrolled or enlisted under this Act.

(5) A person who contravenes subsections (2), (3) and (4), commits an offence and shall, upon conviction, be liable to a fine of not less than one million shillings or to imprisonment for a term not less than two years or to both.

Publication of  
names of  
chemist profes-  
sionals

**38.** The Minister shall, by order published by in the *Gazette*, publish the names of chemist professionals.

Immunity

**39.** Nothing that is done by the Chairman, a member of the Council, member of committee, employee or any other person authorized to perform, any function under this Act shall, if done in good faith in the performance or purported performance of the functions under this Act, render the member or officer personally liable for that matter or anything done.

Compounding  
of offences

**40.**-(1) The Council may, if it is satisfied that a person has committed an offence under this Act, compound the offence by accepting from such person a sum of money not exceeding five million shillings.

(2) Where an offence is compounded in accordance with subsection (1) and proceedings are brought against the offender for the same offence, it shall be a good defence for the offender to prove to the satisfaction of the court that the offence with which the offender is charged has been compounded under subsection (1).



(3) Any person who is aggrieved by any order made under subsection (1), may, within thirty days from the date of that order, appeal to the Minister.

(4) Where the person fails to comply with the order issued under this section, within the prescribed period, the Council shall, in addition to the sum of money ordered, require the person to pay an interest at the rate prescribed in the regulations.

(5) The Minister shall make regulations prescribing offences to be compounded and procedures for compounding of offences under this Act.

---

**SCHEDULE**

---

*(Made under section 4)*

---

**APPOINTMENT, COMPOSITION AND PROCEDURES OF  
THE COUNCIL**

- |                  |  |
|------------------|--|
| Chairman         | <p>1.-(1) The Chairman shall be appointed by the Minister and shall be a person of good standing, credibility and integrity, with an outstanding experience in chemicals management.</p> <p>(2) The Council shall elect one of its members to be the Vice- Chairman.</p>   |
| Tenure of office | <p>2.-(1) The Chairman and members of the Council shall, unless his appointment is terminated by the Minister, or he ceases in any other way to be a member, hold office for a period of three years and shall be eligible for reappointment for one more term.</p> <p>(2) A Member appointed by virtue of their office shall cease to be a member upon ceasing to hold the office entitling appointment to the Council.</p> <p>(3) A member of the Council shall cease to be a member if the member-</p> <ul style="list-style-type: none"><li>(a) dies or resigns for any reason;</li><li>(b) fails without good cause to attend three consecutive meetings of the Council;</li><li>(c) is convicted of a criminal offence for a term of, or beyond six months;</li><li>(d) becomes mentally ill; or</li><li>(e) is disqualified to practice under this Act.</li></ul> |

(4) Where an office of a member falls vacant for any of the reasons under subsection (3), the Minister may appoint a person to fill the vacancy during the remainder of the term for which the vacating member was appointed.

(5) Where a member, who was appointed by virtue of his holding some other office, is unable for any reason to attend any meeting of the Council, he may nominate another person from his organization to attend the meeting in his place.

Meetings

**3.-**(1) The Council shall ordinarily meet at least once in every three months at such times and places as it deems necessary for transaction of its business.

(2) Notwithstanding subsection (1), the Chairman may, upon approval of two thirds of members, call an extra ordinary meeting to transact on matters requiring immediate attention.

(3) The Chairman or in his absence, the Vice-Chairman, may at any time call a special meeting upon a written request by a majority of the members.

(4) The Chairman or in his absence the Vice Chairman, shall preside at every meeting of the Council and in the absence of both, the Chairman and Vice Chairman, the members present shall appoint a member from amongst themselves to preside over the meeting.

Quorum

**4.-**(1) The quorum at any meeting of the Council shall be two thirds of the members in office.

(2) Matters proposed at a meeting of the Council shall be decided by a majority of the votes of the members present.

(3) The validity of any act or proceedings of a properly constituted Council meeting shall not be affected by reason of absence of any member or by the defect subsequently raised by the absent member.

Directives of the Council

**5.** All orders, directives, notices of the Council shall be signed by-

- (a) the Chairman ; or
- (b) the Secretary or any other officer authorized in writing in that behalf by the Secretary.

Seal

**6.** The Seal of the Council shall not be affixed on any instrument except in the presence of the Registrar or such other officer as the Council may appoint in that behalf.

Proceedings

**7.** Subject to this Schedule, the Council shall regulate its own proceedings.

---

**OBJECTS AND REASONS**

---

This Bill proposes for the enactment of Chemist Professionals Act, 2016. Specifically the proposed Bill makes provisions to how best the chemists, laboratory technologists or an assistant chemical laboratory technologists practice, and ethics shall be managed and controlled in Mainland Tanzania. The bill also intends to protect public from hazards caused by misconduct of chemist professionals in various sectors.

The proposed Bill is divided into VI main parts.

Part I provides for preliminary matters that include citation of the Act and the date of commencement and its application.

Part II provides for establishment and functions of Chemist Professional's Council and Committees. The Council shall be the sole authority for registering, enrolling and enlisting of chemist professionals, laboratory technologists and assistant laboratory technologists, respectively.

This Part also provides for powers of the Council, appointment and functions of the Registrar. The main functions of Registrar among others to publish and issue a certificate upon registration, enrolment, enlisting and maintain the Register, Roll or the List. The Registrar shall also implement decisions of the Council, keep proper accounts and other records relating to the funds and resources.

Part III of this Bill contains provisions regarding registration, enrolment and enlisting of chemists, chemical laboratory technologists or assistant chemical laboratory technologists in Mainland Tanzania. This Part of the Bill also provides qualifications for registration, enrolment and enlisting of chemists, chemical laboratory technologists or chemical assistant laboratory technologists including temporary registration of chemists who are not residents in Mainland Tanzania.

Furthermore, provisions are made for internship training and. This Part also provides for suspension, revocation or cancellation of certificates.

Part IV provides for sources of funds for Council and power of the Council to invest any sum of money for furtherance of chemistry profession.

Part V provides for disciplinary provisions including handling of complaints against any chemist, chemical laboratory technologist or an assistant chemical laboratory technologist on unfitness to practice, failing to abide by terms or conditions and practices without a valid certificate.

This Part also provides for provisions on inquiry by the Council if the Chemist Professional is convicted of an offence involving dishonestly, fraud or moral turpitude related to professional or alleged to have committed any malpractice, negligence, or professional misconduct or breach of any directive made under this Act.

Furthermore, this part of the Bill provides for provisions on disciplinary power of the Council, including removal of the name from the Register, Roll or the List suspension from the practice for a period that it may deem fit or caution, censure or otherwise reprimand the chemist, chemical laboratory technologist or the assistant chemical laboratory technologist.

Part VI of this Bill deals with General Provisions. It provides for offences and notifications, losses and expenses. The Bill further proposes for powers of Ministers to make and publish regulations for effective carrying out objectives and purpose of the Act and power to amend, vary, add or replace any Schedule made under this Act.

Dar es Salaam  
10<sup>th</sup> May, 2016

**UMMY A. MWALIMU**  
*Minister for Health, Community  
Development, Gender, Elderly  
and Children*

SHERIA YA WANATAALUMA WA KEMIA, 2016

MPANGILIO WA VIFUNGU

*Kifungu*            *Kichwa cha habari*

SEHEMU YA KWANZA  
MASHARTI YA UTANGULIZI

1. Jina na tarehe ya kuanza kutumika.
2. Matumizi.
3. Tafsiri.

SEHEMU YA PILI  
BARAZA LA WANATAALUMA WA KEMIA  
NA MAFUNDI SANIFU KEMIA

4. Kuanzishwa kwa Baraza la Wanataaluma wa Kemia.
5. Majukumu ya Baraza.
6. Mamlaka ya Baraza.
7. Wajumbe wa Baraza na Kamati.
8. Undwaji wa kamati.
9. Uteuzi wa Msajili.
10. Majukumu ya Msajili.
11. Sekretarieti ya Baraza.
12. Malipo ya wajumbe wa Baraza.

SEHEMU YA TATU  
USAJILI, UANDIKISHWAJI NA UORODHESHAJI WA  
WAKEMIA, MAFUNDISANIFU KEMIA NA MAFUNDI  
SANIFU KEMIA WASAIDIZI

13. Sifa za kusajiliwa, kuandikishwa na kuorodheshwa.
14. Mafunzo kwa vitendo.
15. Usajili wa muda.
16. Utoaji wa cheti.
17. Rejesta, Orodha na Listi.
18. Usitishaji, ubatilishaji au ufutaji wa cheti.
19. Urejeshaji wa majina katika Rejesta, Orodha au Listi.

20. Zuo la matumizi ya cheo.

SEHEMU YA NNE  
MASHARTI YA FEDHA

21. Vyanzo vya mapato.
22. Taarifa za fedha za mwaka.
23. Uwasilishwaji wa taarifa ya fedha ya mwaka.
24. Usimamizi na udhibiti wa fedha.
25. Bajeti ya mwaka na bajeti ya nyongeza.
26. Misingi ya uendeshaji.
27. Mamlaka ya kuwekeza.

SEHEMU YA TANO  
MASHARTI YANAYOHUSU NIDHAMU

28. Upokeaji wa malalamiko kwa Msajili.
29. Kusimamishwa kwa muda kupisha uchunguzi.
30. Taratibu za uchunguzi.
31. Mamlaka ya nidhamu ya Baraza.
32. Mamlaka ya kumwita shahidi.
33. Kushindwa kuhudhuria uchunguzi.
34. Rufaa.

SEHEMU YA SITA  
MASHARTI JUMLA

35. Kanuni.
36. Taratibu.
37. Makosa na adhabu.
  
38. Kutangaza majina ya wanataaluma wa kemia.
39. Kinga kwa makosa.
40. Ufililishaji wa makosa.

---

JEDWALI

---

**TAARIFA**

Muswada huu utakaowasilishwa Bungeni umechapishwa pamoja na madhumuni na sababu zake kwa ajili taarifa ya jumla kwa umma.

Dar es Salaam,  
17 Mei, 2016

**JOHN W. H. KIJAZI**  
*Katibu wa Baraza la Mawaziri*

**MUSWADA**

*wa*

**Sheria ya kuanzishwa Baraza la Wanataaluma ya Kemia, kuweka mamlaka, majukumu, usimamizi na udhibiti wa Wanataaluma ya Kemia; na kuweka masuala mengine yanayohusiana nayo.**

**IMETUNGWA** na Bunge la Jamhuri ya Muungano wa Tanzania.

**SEHEMU YA KWANZA  
MASHARTI YA UTANGULIZI**

Jina na Tarehe  
ya kuanza kutumika

**1.** Sheria hii itajulikana kama Sheria ya Usimamizi wa Wanataaluma wa Kemia, 2016 na itaanza kutumika katika tarehe ambayo Waziri atatangaza kwenye Gazeti la Serikali.

Matumizi

**2.** Sheria hii itatumika Tanzania Bara.

Tafsiri

**3.** Katika Sheria hii, isipokuwa kama muktadha utahitaji vinginevyo-  
“cheti” maana yake ni cheti kilichotolewa chi-

ni ya kifungu cha 17;

“kamati” maana yake ni kamati yoyote iliyoundwa chini ya kifungu cha 8;

“Baraza” maana yake ni Baraza la Wana taaluma wa Kemia lililoanzishwa chini ya kifungu cha 4;

“mwaka wa fedha” maana yake ni mwaka wa fedha wa Serikali;

“fundi sanifu kemia msaidizi” maana yake ni mtu mwenye cheti cha kemia au fani katika kemia kutoka katika taasisi inayotambuliwa;

“cheti” maana yake ni cheti kinachotolewa chini ya kifungu cha 16;

“mkemia” maana yake ni mtu aliyetunukiwa shahada ya kemia au fani nyingine katika kemia kutoka katika taasisi inayotambuliwa;

“fundi sanifu kemia” maana yake ni mtu ambaye ametunukiwa stahada ya kemia au fani nyingine katika kemia kutoka katika taasisi inayotambuliwa;

“mwana taaluma wa kemia” maana yake ni mkemia, fundi sanifu kemia na fundi sanifu kemia msaidizi aliyesajiliwa, orodheshwa au kuwekwe kwenye listi kwa maana hiyo;

I “Waziri” maana yake ni Waziri anayehusika na masuala ya afya;

“mwanataaluma” maana yake ni mkemia, fundi sanifu kemia au fundi sanifu kemia msaidizi aliyesajiliwa, orodheshwa au kuandikishwa kwa mujibu wa Sheria hii;

“Rejesta” itamaanisha rejesta iliyoanzishwa chini ya kifungu cha 19;

“Msajili” maana yake ni Msajili wa Baraza aliyeteuliwa chini ya kifungu 9; na

“mamlaka ya usimamizi” maana yake ni mamlaka yoyote iliyopo kisheria ambayo inatumika kama mwajiri wa wana taaluma wa kemia.

“Orodha” maana yake ni Orodha ya mafundi



sanifu kemia iliyoanzishwa katika kifungu cha 17;

“List” maana yake ni Listi ya mafundi sanifu kemia wasaidizi iliyoanzishwa katika kifungu cha 17.

SEHEMU YA PILI  
BARAZA LA WANATAALUMA WA KEMIA  
NA FUNDI SANIFU KEMIA

Kuanzishwa na  
muundo wa  
Baraza

4.-(1) Linaanzishwa Baraza litakalojulikana kama Baraza la Wanataaluma wa Kemia.

(2) Baraza litakuwa ni chombo kinachotambulika kisheria na litakuwa ni chombo endelevu na cha kudumu na kitakuwa na lakiri yake rasmi.

(3) Kwa kutumia jina lake, Baraza litakuwa na uwezo wa-

- (a) kushtaki na kushtakuwa;
- (b) kununua na kumiliki mali yoyote inayohamishika na isiyohamishika;
- (c) kukopa na kukopesha;
- (d) kuingia mikataba au kufanya mi-amala yoyote ile; na
- (e) kufanya jambo au kitu chochote ambacho chombo chochote chenye hadhi ya kisheria kinaweza kufanya.

(4) Bila kujali masharti yaliyotangulia katika kifungu hiki, Mwanasheria Mkuu wa Serikali atakuwa na haki ya kuingilia kati kati-ka kesi au shauri lolote lililofunguliwa dhidi ya Baraza.

(5) Pale ambapo Mwanasheria Mkuu wa Serikali anaingilia kati katika shauri lolote kwa mujibu wa kifungu kidogo cha (2), basi masharti ya Sheria ya Mwenendo wa Mashauri dhidi ya Serikali, yatatumika.

(6) Kwa madhumuni ya kifungu kidogo cha (4), Baraza itakuwa na jukumu la kumtaarifu Mwanasheria Mkuu wa Serikali kuhusu shauri lolote lililofunguliwa au linalokusudiwa

kufunguliwa dhidi ya Baraza.

(7) Baraza litakuwa na Wajumbe tisa watakaoteuliwa na Waziri kama ifuatavyo-

- (a) Mwenyekiti ambaye atateuliwa na Waziri;
- (b) mwakilishi wa Mkemia Mkuu wa Serikali;
- (c) mwakilishi wa chama cha wana-taaluma wa kemia Tanzania;
- (d) mkemia mmoja mwenye cheo cha uandamizi au zaidi anayewakilisha vyuo vikuu vya umma;
- (e) mkemia mmoja mwenye cheo cha uandamizi au zaidi anayewakilisha vyuo vikuu binafsi;
- (f) Afisa Sheria atakayependekezwa na Mwanasheria Mkuu wa Serikali;
- (g) fundi sanifu kemia au fundi sanifu kemia msaidizi;
- (h) Afisa wa cheo cha uandamizi au zaidi kutoka Utumishi; na
- (i) askari polisi wa cheo cha Inspekta au zaidi anayemwakilisha Inspekta Generali wa Polisi.

(8) Utaratibu kuhusu muda wa wajumbe wa Baraza, taratibu za shughuli za Baraza na mambo mengine kuhusiana na Baraza yatakuwa kama yanavyoonekana katika Jedwali la Sheria hii.

(9) Waziri anaweza, kwa amri itakayochapishwa kwenye gazeti la Serikali, kufanya marekebisho kwenye Jedwali la Sheria hii.

Majukumu ya Baraza

**5.-(1)** Baraza litakuwa na wajibu wa-

- (a) kuwasajili, kuwaorodhesha na kuwaandikisha wanateknolojia na wanateknolojia wasaidizi wa kemia.

- (b) kuweka viwango, kutunga kanuni za maadili na kudhibiti mwenendo wa wanataaluma ya kemia.

(2) Bila kuathiri masharti ya ujumla kifungu kidogo cha (1), Baraza litatekeleza

yafuatayo-

- (a) kumshauri Waziri kuhusu masuala yanayohusu wanataaluma ya kemia;
- (b) kuchunguza malalamiko yoyote dhidi ya mwanataaluma ya kemia;
- (c) kusimamia na kuendeleza maadili ya taaluma ya kemia;
- (d) kuendeleza ushirikiano baina ya Baraza na taasisi nyingine au mashirika mengine yanayojihusisha na taaluma ya kemia;
- (e) kusimamia hesabu na mali za Baraza au mali nyingine zozote zilizokabidhiwa kwa manufaa ya Baraza;
- (f) kuweka viwango vya tozo zitakazolipwa kwa Baraza kwa ajili ya huduma zitakazotolewa na Baraza;
- (g) kushughulikia masuala yanayoathiri taaluma ya kemia, na kuchukua hatua stahiki kama ambavyo Baraza litaona inafaa;
- (h) kutoa, kuhuisha, kurudisha na kufuta kibali cha kufanya kazi za mwanataaluma ya kemia; na
- (i) kutekeleza majukumu mengine ambayo Waziri ataelekeza; na

Mamlaka ya Baraza

**6.-(1)** Baraza litakuwa na mamlaka yafuatayo-

- (a) kuainisha sifa za mwanataaluma ya kemia atakayesajiliwa, kuorodheshwa au kuandikishwa;
- (b) kukasimisha mamlaka na majukumu yake kwa mtu yeyote wa taaluma aliyesajiliwa chini ya Sheria hii na kwa kipindi kama itakavyoonekana inafaa, isipokuwa hatakasimu mamlaka ya
  - (i) nidhamu;
  - (ii) kupitisha bajeti ya mwaka, bajeti ya nyongeza, taarifa

- ya hali ya fedha na taarifa nyingine za kiuhasibu; na
- (iii) kukopa kwa niaba ya Baraza.
- (c) kuondoa au kurejesha jina kwenye rejesta au orodha kutegemeana na masharti ambayo Baraza litaweka;
- (d) kuteua wakaguzi watakaofanya ukaguzi au kazi yoyote kwa niaba ya Baraza;
- (e) kudai taarifa kutoka kwa mtu aliyesajiliwa, kuorodheshwa au kuandikishwa au kujihusisha na shughuli za kikemia pale itakapoonekana inafaa;
- (f) kuchunguza suala lolote, lalamiko, shitaka au tuhuma za kukiuka maadili dhidi ya mtu aliyesajiliwa, kuorodheshwa au kuandikishwa;
- (g) kupitisha bajeti ya mwaka ya Baraza; na
- (h) kuruhusu vyuo vya mafunzo kwa wanataaluma wa kemia.

Wajumbe wa Baraza na Kamati

**7.** Mtu hatateuliwa kuwa mjumbe wa Baraza au Kamati isipokuwa tu kama mtu huyo ni Mtanzania aliyesajiliwa, kuorodheshwa au kusajiliwa kama mwanataaluma wa kemia.

Uundwaji wa kamati

**8.-(1)** Baraza linaweza kwa madhumuni ya kuhakikisha ufanisi katika kutekeleza majukumu yake na kwa mamlaka, kuanzisha kamati mbalimbali kufanya kazi zake, kama itakavyoelekezwa.

(2) Bila kuathiri masharti ya jumla ya kifungu kidogo cha (1), Baraza litaunda kamati zitakazohusika na masuala yafuatayo-

- (a) usajili, uorodhesha na uandikishaji;
- (b) maadili na nidhamu; na
- (c) mapitio ya utendaji na maendeleo ya taaluma.
- (3) Majukumu, muundo na mienendo

ya kamati yatatajwa katika kanuni zitakazotengenezwa chini ya Sheria hii.

(4) Kamati inaweza kumualika mtu yeyote kusaidia Kamati kuhusu suala lolote kadri itakavyoona inafaa.

Uteuzi wa Msajili

**9.**-(1) Waziri atamteu mkemia mkuu au mkemia mwandamizi mwenye shahada ya uzamili kutoka kwenye utumishi wa umma kuwa Msajili wa Baraza.

(2) Msajili atakuwa katibu wa Baraza.

(3) Msajili atakuwa madarakani, isipokuwa kama ajira yake itatenguliwa, kwa kipindi cha miaka mitatu na atakuwa na fursa ya kuteuliwa tena kwa kipindi kimoja kingine cha miaka mitatu.

Majukumu ya Msajili

**10.**-(1) Baada ya kupata idhini ya Baraza, Msajili-

(a) atawezesha kuchapishwa katika *Gazeti* la Serikali, mara baada ya kusajili, taarifa zilizoingizwa kwenye rejesta au orodha kuhusi-ana na kila mtu, na kwa maelekezo ya Baraza, mabadiliko au kufutwa kwa taarifa zilizomo;

(b) atatoa vyeti baada ya usajili, uoredheshwaji na uandikishwaji wa wanataaluma pamoja na kulipa tozo stahiki;

(c) Bila kuathiri masharti ya jumla ya kifungu kidogo cha (1), Msajili-

(d) atatunza taarifa za akaunti na kumbukumbu nyinginezo zinazohusu fedha na rasilimali za Baraza;

(e) atafungua akaunti moja au zaidi katika benki yoyote ya Biashara inayoaminika ili fedha zote zinazopokelewa kwa Baraza ziweze kuhifadhiwa;

(f) atandaa na kuzingatia makadario ya mapato na matumizi ya fedha kwa mwaka;

- (g) atatekeleza maamuzi ya Baraza;
- (h) atandaa na kutangaza ripoti ya mwaka ambayo itajumuisha-
  - (i) akaunti ya uendeshaji ya Baraza kwa mwaka uliotajwa kwenye ripoti;
  - (ii) hesabu zilizokaguliwa; na
  - (iii) masuala mengine yataka-yoainishwa; na
- (i) atatekeleza majukumu mengine ambayo yanahitajika chini ya Sheria hii au yaliyoelekezwa na Baraza chini ya Sheria hii.

Sekretarieti ya Baraza

- 11.**-(1) Kutakuwa na Sekretarieti ya Baraza ambayo itajumuisha maafisa na watumishi wa Baraza-
- (a) Msajili; na
  - (b) Wafanyakazi wengine wataoteuliwa na Baraza.
- (2) Maafisa na watumishi wa Baraza watakuwa watumishi wa Serikali.

Malipo ya wajumbe wa Baraza

- 12.** Wajumbe wa Baraza na Sekretarieti watalipwa malipo kutoka katika mapato ya Baraza kama Waziri, baada ya kushauriana na Msajili wa Hazina, atakavyoomua.

## SEHEMU YA TATU

### USAJILI, UANDIKISHWAJI NA UORODHESHWAJI WA WAKEMIA, MAFUNDI SANIFU KEMIA NA MAFUNDI SANIFU KEMIA WASAIDIZI

Sifa za kusajiliwa, kuandikishwa na kuorodheshwa

- 13.**-(1) Mtu anayekusudia kusajiliwa, kuorodheshwa au kuandikishwa kama mkemia, fundi sanifu kemia au fundi sanifu kemia msaidizi, kwa mtiririko huo, atawasilisha maombi kwenye Baraza kwa mujibu wa utaratibu iliyoainishwa kwenye Jedwali la Pili la Sheria hii.
- (2) Mtu hataweza kusajiliwa, kuorodheshwa au kuandikishwa kama mwana-

taaluma wa kemia isipokuwa-

(a) kama mtu huyo anayo-

(i) shahada ya kemia au mchepuo wa kemia au fani yoyote inayohusiana na kemia kutoka katika taasisi inayotambulika;

(ii) stahada, endapo mwombaji ni fundi sanifu kemia; na

(iii) cheti, endapo mwombaji ni fundi sanifu kemia msaidizi;

(b) taaluma na mwenendo wake kwa ujumla vinamuwezesha kuwa na sifa za kusajiliwa kama mwanataaluma ya kemia.

(3) Waziri baada ya kushauriana na Baraza atatunga kanuni kwa ajili ya kuainisha vigezo vya ziada vitakavyotumika katika usajili, uorodheshaji na uandikishaji kadri litakavyoona inafaa.

Mafunzo kwa vitendo

**14.**-(1) Mkemia hatasajiliwa mpaka pale Baraza litakapojiridhisha kwamba amepitia mafunzo kwa vitendo kwa kipindi cha mwaka mmoja.

(2) Utaratibu na mahitaji ya mafunzo kwa vitendo yatakuwa kama yalivyoainishwa kwenye kanuni.

Usajili wa muda

**15.**-(1) Pale ambapo mtu ambaye si Mtanzania ataliridhisha Baraza kwamba-

(a) yupo au ana dhamira ya kuwepo Tanzania, kutokana na sifa za kuwa mwanataaluma ya kemia, kwa lengo la kufanya kazi maalumu au ambayo amekuwa akihusika nayo kwa kipindi kisichozidi miezi kumi na mbili;

(b) kabla ya kuingia Tanzania alikuwa anajishughulisha au akijishughulisha na taaluma ya kemia na anazo

sifa za kusajiliwa chini ya Sheria hii; na

- (c) taaluma na mwenendo wake kwa ujumla vinamwezesha kuwa na sifa za kusajiliwa,

anaweza akasajiliwa kwa muda.

(2) Baraza litahitaji mtu yeyote anayeomba kusajiliwa chini ya kifungu hiki kufika mbele ya kamati ya usajili na kuwasilisha nyaraka kuhusiana na kazi aliyopewa au ajira.

(3) Usajili wa mtu chini ya kifungu hiki utaendelea pale tu atakapokuwa anajihusisha na kazi maalumu aliyopewa na pale atakapocha kujihusisha au muda utakapoisha usajili wake utakoma.

(4) Usajili wa mtu chini ya kifungu hiki unaweza kuhuishwa kama baraza litakavyoona inafaa.

(5) Mtu yeyote atakayekwenda kin-yume na masharti ya kifungu hiki atakuwa anatenda kosa na atawajibika kulipa faini isiyopungua milioni tano au kifungu cha miaka miwili, au vyote kwa pamoja.

Utoaji wa cheti

**16.**-(1) Baraza litatoa cheti husika kwa aliyesajiliwa, kuorodheshwa au kuandikishwa na chini ya Sheria hii.

(2) Kwa kuzingatia kifungu kidogo cha (1), cheti hicho kitakuwa na:

- (a) majina kamili na anwani ya mwombaji;  
(b) sifa za kitaaluma na cheo; na  
(c) masharti ambayo yanahusiana na cheti kinachoteuliwa.

Rejesta, Orodha na Listi

**17.**-(1) Kwa kuzingatia Sheria hii, Baraza litaanzisha, litaweka na kutunza Rejesta na Orodha ya Wanataaluma wa Kemia.

(2) Kila mtu aliyesajiliwa, kuandikishwa au kuorodheshwa, kabla ya tarehe 31 Desemba ya kila mwaka, atapeleka taarifa zake kwenye Baraza kwa namna ilivyoainishwa



kwa ajili ya jina lake kuendelea kuwemo kwenye Rejesta.

(3) Taarifa zilizowasilishwa katika kifungu kidogo cha (1), zitaambatana na tozo iliyoainishwa.

(4) Baraza linaweza kumuondoa mtu yeyote kutoka katika Rejesta, iwapo hafuati masharti ya vifungu vidogo (2) na (3).

(5) Mtu anaweza, baada ya malipo ya ada iliyoainishwa na katika kipindi kitakachoamuliwa, kukagua Rejesta, Orodha au Listi.

Usitishaji,  
ubatilishaji au  
ufutaji wa cheti

**18.**-(1) Baraza linaweza, kwa mujibu wa masharti ya Sheria hii na baada ya kuridhika kwamba vigezo na masharti ya utoaji cheti vimekiukwa-

(a) kubatilisha, kusitisha au kufuta cheti kwa namna itakavyokuwa;

(b) kumtaarifu mtu ambaye cheti chake kimebatilishwa, kusitishwa au kufutwa; na

(c) kufuta jina la mtu ambaye cheti chake kimebatilishwa, sitishwa, au kufutwa kwa namna itakavyokuwa.

(2) Mtu ambaye jina lake limefutwa katika Rejesta, Orodha au Listi atapaswa, ndani ya siku thelathini tangu kufutwa, kuwasilisha katika Baraza cheti kilichotolewa chini ya kifungu cha 16.

(3) Mtu atakayeshindwa kuwasilisha cheti ndani ya kipindi kitakachowekwa atakuwa ametenda kosa.

Urejeshwaji wa  
majina katika  
Rejesta, Orodha  
au Listi

**19.**-(1) Pale ambapo jina la mkemia, fundi sanifu kemia au fundi sanifu kemia msaidizi limefutwa kutoka katika Rejesta, Orodha au Listi kwa mujibu wa masharti ya kifungu cha 18, jina la mtu huyo halitaingizwa tena katika Jedwali, Orodha au Listi ama kwa ada au bila ya ada.

(2) Pale ambapo amri imetolewa kwa ajili ya kufutwa kwa jina la mtu huyo kutoka katika Rejesta, Orodha au Listi, Baraza

linaweza, lenyewe au kwa maombi ya mhusika, na kwa namna yoyote ile, baada ya kufanya uchunguzi kama ambavyo Baraza litaona inafaa, litawezesha jina la mtu huyo kurudishwa katika Rejesta, Orodha na Listi, ama kwa ada au bila ya ada.

Zuio la matumizi ya cheo

**20.**-(1) Hakuna mtu, isipokuwa mwanaaaluma ya kemia wakati au baada ya kuanza kutumika kwa Sheria hii, atajifanya, atachukua, atajionesha, kwa namna yoyote ile kutumia cheo, nembo, au maelezo ambayo yataashiria kwamba ni mkemia, fundi sanifu kemia au fundi sanifu kemia msaidizi.

(2) Mtu yeyote atakayekwenda kinyume na kifungu kidogo cha (1), atakuwa ametenda kosa na atawajibika kulipa faini isiyopungua milioni moja au kifungu kisichozi miaka miwili, au vyote kwa pamoja.

#### SEHEMU YA NNE MASHARTI YA FEDHA

Vyanzo vya mapato

**21.**-(1) Vyanzo vya mapato ya Baraza vitatokana na-

- (a) fedha zilizoidhinishwa na Bunge;
- (b) fedha zozote au rasilimali ambazo zinaweza kuwa zimebainishwa au kukusanywa kutoka vyanzo vingine;
- (c) mikopo iliyotolewa na Serikali au na mtu au chombo kingine chochote;
- (d) tozo na makusanyo yanayopokelewa kutokana huduma nyinginezo chini ya Sheria hii;
- (e) zawadi, misaada na michango chini ya Sheria hii;
- (f) mkopo kutoka Serikalini, kwa mtu au taasisi yeyote;
- (g) mapato yatokanayo na mauzo ya mali au vyanzo vingine vya mapato

vinavyoteambulika na Baraza; na  
(h) fedha nyingine zozote zilizokopwa, kupokelewa au zipo tayari kwa ajili ya utekelezaji wa majukumu ya Baraza.

(2) Ada na tozo zitaainishwa kwenye Kanuni.

Taarifa za fedha za mwaka

**22.**-(1) Baraza kila mwisho wa mwaka wa fedha litaandaa taarifa ya utekelezaji ya mwaka ya shughuli zilizofanyika katika mwaka wa fedha na kuwasilisha taarifa hiyo kwa Waziri.

(2) Baraza litahakikisha taarifa ya fedha ya mwaka imeandaliwa na kukaguliwa ndani ya kipindi cha miezi mitatu baada ya mwaka wa fedha.

(3) taarifa za fedha zitajumuisha-

- (a) taarifa ya utendaji;
- (b) taarifa ya utekelezaji wa kifedha;
- (c) taarifa ya mtiririko wa mapato na matumizi;
- (d) taarifa ya mabadiliko ya faida au hasara; na
- (e) maelezo ya ufafanuzi wa taarifa za fedha.

Uwasilishwaji wa taarifa ya fedha ya mwaka

**23.**-(1) Baraza litawasilisha kwa Waziri nakala za taarifa za hesabu zilizokaguliwa pamoja na taarifa iliyoandaliwa na Mkaguzi wa Hesabu miezi mitatu kila baada ya mwisho wa mwaka wa fedha.

(2) Baraza litaandaa na kuwasilisha kwa Waziri taarifa ya makadirio ya mapato na matumizi ya Baraza kwa mwaka wa fedha unaofuata kwa ajili ya kuidhinishwa.

(3) Hakuna matumizi yatakayofanyika kutoka kwenye fedha za Baraza isipokuwa kwa idhini ya Baraza ndani ya makadirio ya mwaka wa fedha ambao matumizi hayo yatafanyika.

Usimamizi na

**24.**-(1) Baraza litatunza vitabu vya

udhibiti wa fedha

fedha na kuhifadhi kumbukumbu zake za uendeshaji kwa mujibu wa viwango vya kihisibu vya kitaifa.

(2) Baraza litawezesha upatikanaji na utuzwaji wa vitabu sahihi vya fedha na kumbukumbu zinazohusu-

- (a) mali na madeni;
- (b) stakabadhi za matumizi ya fedha na matumizi mengineyo ya fedha; na
- (c) taarifa ya hali ya fedha pamoja na taarifa inayoonyesha kiundani hali ya utendaji wa fedha katika kila mwaka wa fedha.

(3) Fedha na rasilimali za Baraza zitatumika kwa madhumuni yaliyowekwa na kusimamiwa kama ilivyoelekezwa chini ya Sheria hii.

(4) Matumizi ya fedha za Baraza yanatakiwa kufuatiliwa na kupitiwa.

Bajeti ya mwaka na bajeti ya nyongeza

**25.**-(1) Katika muda usiopungua mwezi mmoja, kabla ya kuanza kwa mwaka wa fedha Baraza litaidhinisha bajeti kwa kiasi cha fedha kinachotarajiwa kupokelewa na kutolewa katika mwaka huo wa fedha.

(2) Iwapo katika mwaka wowote wa fedha, Baraza linahitaji fedha ambayo haikutengwa au kiasi ambacho ni zaidi ya kiasi kilichotengwa kwenye bajeti ya mwaka huo, Baraza itaidhinisha bajeti ya nyongeza itakayoonesha mgawanyo huo.

(3) Bajeti ya mwaka na bajeti ya nyongeza zitakuwa kwa namna itakavyoainishwa na kuelekezwa na Waziri.

Misingi ya uendeshaji

**26.**-(1) Baraza-

- (a) litafungua na kuendesha vitabu vyote vya fedha, leja, jarida na vitabu vingine vya ziada vya fedha kulingana na miongozo ya kihisibu; na
- (b) litapitia na kubadili nyaraka ili

kuwezesha kujiendesha kibiashara iwapo itahitajika kufanya hivyo.

(2) Fedha zote zitakazopokelewa zitawekwa katika akaunti ya mapato na malipo yatafanyika katika akaunti ya matumizi.

(3) Hakuna matumizi yatakayotoka katika fedha za Baraza isipokuwa kama matumizi hayo ni sehemu ya mpango wa matumizi yaliyoidhinishwa na Waziri.

Mamlaka ya kuwekeza

**27.** Baraza linaweza, baada ya kupata ridhaa ya Waziri na kushauriana na Waziri mwenye dhamana na fedha, kuwekeza kiasi chochote cha fedha ambacho hakihitajiki kwa matumizi kwa wakati huo.

## SEHEMU YA TANO MASHARTI YANAYOHUSU NIDHAMU

Upokeaji wa malalamiko kwa Msajili

**28.**-(1) Endapo patakuwa na tuhuma kwamba mkemia, fundi sanifu kemia au fundi sanifu kemia msaidizi hawezi kuendelea kutekeleza majukumu ya taaluma hiyo, yatawasilishwa kwa Msajili ambaye baada ya kupokea atayawasilisha kwa Baraza.

(2) Kwa madhumuni ya kifungu hiki, Mkemia, fundi sanifu kemia au fundi sanifu kemia msaidizi hatachukuliwa kuwa hafai kutekeleza majukumu ya taaluma hiyo endapoa-

- (a) ametenda kosa kinyume na maadili ya taaluma;
- (b) umahiri wake katika kazi unatiliwashaka;
- (c) ametiwa hatiani kwa kosa lolote chini ya Sheria hii au sheria nyingine yoyote;
- (d) ametiwa hatiani kwa kosa la kutokuwa mwaminifu, udanganyifu au makosa yoyote yanayohusu kukosa uadilifu;
- (e) anatumamiwa kuwa ametenda kosa lolote kinyume na mwenendo wa taaluma, uzembe au kukiuka

maelekezo yaliyotolewa chini ya Sheria hii;

- (f) ana udhaifu wa kiakili na imethibitishwa hivyo na bodi ya madaktari Tanzania au mamlaka ya uchunguzi wa kiafya ya nje ya nchi.

(3) Kwa madhumuni ya kifungu kidogo cha (2), neno “kinyume na maadili ya taaluma” litafasiriwa, kwa kufanya yafuatayo-

- (a) kuvunja masharti yaliyo chini ya Sheria hii au kanuni;
- (b) kusindwa kufuata vigezo, matakwa na mazuio ya usajili, kuandikishwa au kuoredheshwa kama mkemia, fundi sanifu kemia au fundi sanifu kemia msaidizi.
- (c) kuwa na mwingiliano wa kimasilahi ambayo yataleta athari kwa mteja na mkemia, fundi sanifu kemia au fundi sanifu kemia msaidizi;
- (d) kufanya kazi ya kitaaluma bila kuwa na cheti halali cha usajili, kuandikishwa, kuorodheshwa au cheti cha muda;
- (e) kujaribu kutumia cheti, namba au muhuri wa moto wa mwanataaluma mwingine au kujifanya ni mkemia, fundi sanifu kemia au fundi sanifu kemia msaidizi;
- (f) kusaidia kufanya kazi ya taaluma ya kemia kinyume na taratibu na mtu yeyote;
- (g) kutoa taarifa au nyaraka za udanganyifu kwenye Baraza kwa ajili kupata cheti cha usajili, kuandikishwa au kuorodheshwa; au
- (h) kujifanya kuwa mwanataaluma ya kemia aliyesajiliwa, kuandikishwa na kuorodheshwa au kuwa na cheti cha muda.

(4) Malalamiko yoyote chini ya kifungu hiki yataambatishwa na tamko la kisheria

liliofanywa na mlalamikaji au mtu yeyote anayemwakilisha mlalamikaji au mtu yeyote mwenye maslahi katika tendo lililosababisha malalamiko hayo.

(5) Bila kujali masharti ya kifungu kidogo cha (4) Baraza, kwa ridhaa yake, litaamua kuanzisha uchunguzi wowote wa awali kwa mkemia, fundi sanifu kemia au fundi sanifu kemia msaidizi; iwapo litaridhika na taarifa zilizopokelewa kama zinatoshleza kufanya uchunguzi.

(6) Isipokuwa kwa malalamiko yaliyofanywa chini ya kifungu kidogo cha (2), hakuna uchunguzi utakaoendelea mpaka tamko la kisheria limepatikana.

Kusimamishwa  
kwa muda  
kupisha  
uchunguzi

- 29.** Baraza linaweza baada ya kupokea-
- (a) malalamiko dhidi ya mwanataaluma waya kemia; au
  - (b) ripoti kutoka kwa mamlaka ya usimamizi,

kumsimamisha kutekeleza majukumu ya kikemia kwa muda mwanataaluma yeyote wa kemia wakati anasubibili uchunguzi kukamilika.

Taratibu za  
uchunguzi

**30.**-(1) Iwapo Baraza kwa maoni yake litaona kwamba kuna kesi ya kujibu, litaekeleza kufanyika kwa uchunguzi.

(2) Baraza litatoa fursa kwa mwanataaluma ya kemia anayetuhumiwa dhidi ya ukiukaji wa maadili, kufika mbele ya Baraza kwa ajili ya kusilizwa na anaweza kuwakilishwa na wakili.

(3) Iwapo mwanataaluma wa kemia atashindwa kufika kwenye uchunguzi pasipo sababu maalum na endapo Baraza litaridhiku kuwa taarifa ilimfikia mwanataaluma huyo Baraza laweza kuendelea na uchunguzi kama vile mwanataaluma angekuwepo.

Mamlaka ya  
nidhamu ya

**31.**-(1) Baraza baada ya kufanya uchunguzi wa kina chini ya masharti ya Sheria

Baraza

hii linaweza-

- (a) kutoa amri ya kuondoa jina la mwanataaluma ya kemia kwenye Rejesta;
- (b) kutoa amri ya kusimamishwa kufanya kazi ya mwanataaluma ya kemia kwa kipindi kitakachoonekana kinafaa;
- (c) kutoa tahadhari au onyo kwa mwanataaluma ya kemia, au
- (d) kutoza faini au kuamuru kulipwa kwa gharama zilizotumika katika uchunguzi au gharama nyingine, kama itakavyokuwa.

(2) Msajili, ndani ya siku saba baada ya uchunguzi kukamilika, atawasilisha maamuzi ya Baraza kwa pande zote zinazohusika.

Mamlaka ya kumuita shahidi

**32.** Baraza litakuwa na mamlaka ya kumuita shahidi yeyote muhimu na kumtaka kuwasilisha nyaraka kwa lengo la uchunguzi uliofanyika chini ya Sheria hii.

Kushindwa kuhudhuria uchunguzi

**33.**-(1) Mtu ambaye amepewa wito wa kuhudhuria na kutoa ushahidi au nyaraka yoyote kwa ajili ya uchunguzi wowote uliofanyika chini ya kifungu cha 32-

- (a) atashindwa bila sababu maalumu kutii wito;
- (b) atashindwa kutoa nyaraka itakayohitajika;
- (c) atakataa bila sababu maalumu kujiibu maswali atakayoulizwa na Baraza; au
- (d) kwa makusudi kuingilia mwenendo wa mashauri ya Baraza au kumtukana mjumbe wa Baraza,

anatenda kosa.

(2) Mtu yeyote atakayetoa ushahidi mbele ya Baraza, kuhusiana na ushahidi uliotolewa naye au nyaraka yoyote aliyoitoa, atakuwa na haki na wadhifa kama shahidi mbele ya mahakama.



Rufaa

**34.**-(1) Mtu yeyote ambaye hataridhishwa na maamuzi ya Baraza, anaweza kukata rufaa kwa Waziri ndani ya kipindi cha miezi mitatu kutoka tarehe ya kupewa taarifa ya maamuzi ya Baraza dhidi yake.

(2) Waziri, ndani ya siku thelathini tangu kupokea rufaa, ataamua rufaa hiyo.

(3) Waziri anaweza kubatilisha, au kuruhusu rufaa yoyote au kubadilisha maamuzi ya Baraza au kutoa maelekezo mengine kadri itakavyokuwa lazima.

(4) Waziri baada ya kutoa uamuzi wa rufaa, atampatia mrufani, ndani ya mwezi mmoja, nakala ya maamuzi hayo.

**SEHEMU YA SITA  
MASHARTI JUMLA**

Kanuni

**35.**-(1) Waziri kwa kushauriana na Baraza atatengeneza kanuni za utekelezaji wa malengo na madhumuni ya Sheria hii.

(2) Bila kuathiri masharti ya jumla ya kifungu kidogo cha (1), Waziri anaweza kutengeneza kanuni za kufafanua juu ya-

(a) namna, aina ya fomu na mwenendo wa maombi ya usajili, uorodheshwaji, uandikishwaji au ubakishwaji na ufutwaji kwenye Rejesta;

(b) uteuzi, mamlaka na sifa za wakaguzi na jinsi ya kufanya ukaguzi kwa madhumuni ya Sheria hii;

(c) tozo na gharama nyingine;

(d) kuhifadhi, kuwekeza na kutumia fedha na mali za Baraza; na

(e) taratibu za Baraza kufanya uchunguzi, kuita mashahidi na kutoa ushahidi katika uchunguzi, pamoja na mamlaka ya kuchukua ushahidi chini ya kiapo.

Taratibu

**36.**-(1) Baraza litaweka, kwa kuthibitishwa na Waziri, taratibu za utekelezaji wa madhumuni na masuala mengine yanayohitajika chini ya Sheria hii.

(2) Bila kuathiri mamlaka yaliyotajwa chini ya kifungu hiki kwa ujumla wake, Baraza linaweza kuweka taratibu za-

- (a) kuainisha sifa zitakazotambulika kwa mtu mwenye hadhi ya kusajiliwa, kuorodheshwa na kuandikishwa chini ya Sheria hii;
- (b) kuainisha maadili na viwango vya utendaji vya wanataaluma ya kemia; na
- (c) masuala mengineyo ambayo ni muhimu katika utekelezaji wa Sheria hii.

Makosa na adhabu

**37.**-(1) Mtu yeyote ambaye atatenda kosa kinyume na masharti ya Sheria au Kanuni za Sheria hii ambapo adhabu haijaainishwa atawajibika kulipa faini isiyozidi shilingi milioni moja au kifungo kwa kipindi kisichozidi mwaka mmoja.

(2) Mtu yeyote aliyesajiliwa, kuorodheshwa au kuandikishwa chini ya Sheria hii hatajihusha na kazi zilizo kinyume cha Sheria au kushirikiana na mtu anayefanya kazi za aina hiyo.

(3) Mtu hatajipatia au kujaribu kujipatia usajili au kuorodheshwa au kuandikishwa kwa njia ya udanganyifu au chini ya tamko la uongo, hati, maombi au uwasilishaji, iwapo kwa maandishi au matamshi au kwa makusudi anafanya au kusababisha udanganifu kufanyika ndani ya Rejesta.

(4) Mtu yeyote ambaye atakiuka masharti ya kifungu kidogo cha (2) na (3) anatenda kosa na atawajibika, iwapo atatiwa hatiani, kulipa faini isiyopungua shilingi laki tano na kutumikia kifungo kwa kipindi cha miaka miwili, au yote.

Kutangaza  
majina ya  
wanataaluma  
wa kemia

**38.** Waziri, kwa amri itakayochapishwa kwenye *Gazeti* la Serikali, atatangaza majina ya Wanataaluma wa kemia.

Kinga kwa  
makosa

**39.** Bila kujali suala alilotenda, Mkemia Mkuu wa Serikali, mjumbe yeyote wa Bodi, mjumbe wa kamati, mwajiliwa au mtu yeyote aliyepewa mamlaka ya kutekeleza majukumu chini ya Sheria hii, hatahesabiwa kuwa na hatia endapo ametenda kosa akiwa katika hatua za utekelezaji wa majukumu yake kwa nia njema kulingana na sheria, kanuni au sheria ndogondogo zilizotungwa chini ya Sheria hii.

Ufililishaji wa  
makosa

**40.**-(1) Baraza linaweza, iwapo litadhirika kwamba mtu ametenda kosa chini ya Sheria hii, kufililisha kosa hilo kwa kupokea kutoka kwa mtu huyo kiasi cha fedha ambacho hakitozidi shilingi milioni tano.

(2) Iwapo kosa limefifishwa kwa mujiibu wa kifungu kidogo cha (1) na shauri linaletwa dhidi ya mkosaji kwa kosa hilo hilo, itakuwa ni utetezi wa msingi kwa mkosaji kuitibitishia mahakama kwamba kosa ambalo anashtakiwa nalo limeshafifishwa chini ya kifungu kidogo cha (1).

(3) Mtu yeyote ambaye haridhishwi na amri yoyote iliyotolewa chini ya kifungu kidogo cha (1), anaweza, ndani ya siku thelathini tangu tarehe ya amri hiyo, kukata rufaa kwa Waziri.

(4) Iwapo mtu yeyote anashindwa kutekeleza amri iliyotolewa chini ya kifungu hiki ndani ya muda ulioanishwa, mbali na kiasi cha fedha kilichoamriwa, Baraza litamuamuru mhusika kulipa riba kwa kiwango kilichoainishwa kwenye kanuni.

(5) Waziri atatengeneza kanuni zinazoainisha makosa yatakayofifishwa na utaratibu wa kufifisha makosa chini ya sheria hii.

**JEDWALI**

*(Limetengenezwa chini ya kifungu cha 4)*

---

**UTEUZI, MUUNDO NA MWENENDO WA BARAZA**

- Mwenyekiti                    **1.**-(1) Mwenyekiti anatakiwa awe mwelewa, mwa-minifu na mwenye maadili ambaye ana uzoefu kwenye masuala ya kemia.  
(2) Wajumbe watamchagua kutoka miongoni mwao mjumbe mmoja atakayekuwa Makamu wa Mwenyekiti.
- Muda wa kukaa madarakani                    **2.**-(1) Mwenyekiti na wajumbe watahika nyazifa zao kwa kipindi cha miaka mitatu na watakuwa na sifa za kuteuliwa tena kwa kipindi kingine kimoja, isipokuwa pale uteuzi wao utakapokuwa umesitishwa na Waziri, au ujumbe wao utakuwa umesitishwa kwa sababu zozote zile.  
(2) Kwa mjumbe ambaye ameteuliwa kutokana na kushika madaraka katika ofisi yake, atakoma kuwa mjumbe mara atakapoacha kushika madaraka katika ofisi hiyo.  
(3) Mjumbe atakoma kuwa mjumbe kama-  
(a) atafariki au kujiuzuru kwa sababu zozote zile;  
(b) atashindwa kuhudhuria vikao vitatu vya Baraza mfululizo bila sababu za msingi;  
(c) amehukumiwa kwa makosa ya jinai kwa zaidi ya miezi sita;  
(d) atapata ugonjwa wa akili; au  
(e) Atazuiliwa kufanya kazi kwa mujibu wa Sheria hii.  
(4) Pale mjumbe aliyeteuliwa atakoma kuwa mjumbe kwa sababu zilizoainishwa kwenye kifungu kidogo cha (3), Waziri atateua mtu mwingine kuziba nafasi yake na mtu aliyeteuliwa atakuwa mjumbe kwa kipindi kilichobakia cha mjumbe wa awali mtangulizi wake.  
(5) Iwapo mjumbe wa Baraza ni mjumbe kutokana na ofisi anayoshika hataweza kuhudhuria kikao chochote cha Baraza kwa sababu yoyote ile, anaweza kuteua mtu mwingine kutoka katika shirika lake kuhudhuria kikao kwa niaba yake katika nafasi yake.
- Vikao vya Baraza                    **3.**-(1) Baraza litakuwa na vikao katika hali ya kawaida angalau kimoja kila baada ya miezi mitatu katika muda na sehemu kadiri itakavyoonekana inafaa ili kuendesha shughuli zake.  
(2) Bila kujali kifungu cha (1), Mwenyekiti anaweza, baada ya kupata idhini ya theluthi mbili ya wajumbe kuitisha kikao cha dharura kujadili suala linalohitaji uamuzi wa haraka.

(3) Mwenyekiti, au endapo hayupo, Makamu Mwenyekiti anaweza wakati wowote kuitisha kikao cha dharura baada ya kupokea maombi ya maandishi kutoka kwa wajumbe walio wengi.

(4) Pale Mwenyekiti anapokuwa hayupo, vikao vitaongozwa na Vikao vitaongozwa na Mwenyekiti na Makamu Mwenyekiti na pale ambapo wote hawapo, wajumbe watakaokuwepo kwenye kikao, watachagua mmoja wa wajumbe kuwa kuongoza kiakao.

Akidi

**4.**-(1) Akidi ya katika kikao ya chochote cha Baraza litakuwa ni theluthi mbili ya wajumbe.

(2) Mambo ya mapendekezo katika kikao cha Baraza, yataamuliwa na idadi kubwa ya kura za wajumbe waliohudhuria.

(3) Uhalali wa taarifa yoyote ya kikao cha Baraza iliyoundwa kihalali hautaathiriwa na kukosekana kwa mjumbe yeyote asiyehudhuria au kwa kasoro itakayotolewa na mjumbe asihudhuria kikao.

Maelekezo  
ya Baraza

**5.**-(1) Maagizo, maelekezo, matangazo au hati iliyotayarishwa au kutolewa kwa niaba ya Bodi inatakiwa kutiwa saina na-

(a) Mwenyekiti; au

(b) katibu au afisa yeyoye aliyeidhinishwa kwa maandishi kwa niaba yake.

Mhuri

**6.** Mhuri wa Baraza hautawekwa kwenye waraka wowote isipokuwa tu mbele ya Msajili au afisa mwingine wa Baraza atakayeteuliwa na Msajili.

Mienendo ya  
mikutano

**7.** Kwa kuzingatia masharti ya Jedwali hili, Baraza litasimamia mienendo ya mikutano.

---

**MADHUMUNI NA SABABU**

---

Madhumuni ya Muswada huu, ni kutunga Sheria ya Usimamizi wa wakemia, mafundi sanifu kemia na mafundi sanifu kemia wasaidizi. Muswada huu unapendekeza kutungwa kwa Sheria ya Baraza la Wanataaluma ya Kemia na unaainisha majukumu, usimamizi na udhibiti wa wanataaluma ya kemia. Inapendekezwa kuweka utaratibu wa kishekria kwa ajili ya kusimamia wanataaluma ya kemia katika sekta binafsi na umma kwa kuzingatia sifa na vigezo vya usajili.

Muswada huu umegawanyika katika Sehemu Kuu Sita.

Sehemu ya Kwanza inahusu masuala ya awali ikihusisha tafsiri ya Sheria, tarehe ya kuanza kutumika na wigo wa matumizi ya Sheria hii.

Sehemu ya Pili inahusu uanzishwaji wa Baraza la Kusimamia Wanataaluma ya Kemia, kamati na majukumu yake. Sehemu hii pia inaainisha majukumu ya Baraza ambayo ni pamoja na kuwa mamlaka mahususi ya kusajili wakemia, kuorodhesha fundi sanifu kemia na kuandikisha fundi sanifu kemia wasaidizi wa kemia. Aidha, Sehemu hii pia inabainisha mamlaka ya Baraza, uteuzi na majukumu ya Msajili, ambapo majukumu ya Msajili ni pamoja na kutoa vyeti vya usajili, kutunza rejesta, taarifa za akaunti na kumbukumbu nyinginezo zinazohusu fedha na rasilimali.

Sehemu ya Tatu inaainisha masharti yanayohusu usajili, uandikishwaji na uorodheshwaji wakemia, mafundi sanifu kemia na mafundi sanifu kemia wasaidizi Tanzania. Sehemu hii pia inabainisha sifa za kusajiliwa, kuorodheshwa na kuandikishwa, kwa utaratibu huo. Vifungu vinavyohusu mafunzo kwa vitendo, usajili wa muda, usitishaji, ubatilishaji au ufutaji wa cheti vimebainishwa katika sehemu hii pia.

Sehemu ya Nne inahusu vyanzo vya mapato ya Baraza na inatoa mamlaka kwa Baraza kuwekeza fedha ili kuendeleza wanataaluma ya kemia.

Sehemu ya Tano inabainisha vifungu vinavyohusu masharti ya nidhamu, upokeaji na ushughulikiaji wa malalamiko dhidi ya mkemia, fundi sanifu kemia au fundi sanifu kemia msaidizi. Sehemu hii pia inabainisha vifungu kuhusu uchunguzi wa Baraza juu ya matendo ya mwanataaluma ya kemia endapo ametuhumiwa kukiuka maadili ya wanataaluma ya kemia. Sehemu hii pia inabainisha vifungu vinavyohusu mam-laka ya nidhamu ya Baraza na taratibu za kukata rufaa.

Sehemu ya Sita inabainisha masharti ya jumla, kwa kuainisha vifungu vinavyohusu makosa na adhabu, utoaji wa taarifa na usababishaji wa hasara. Aidha, Sehemu hii inapendekeza kumpa Waziri uwezo wa kutengeneza kanuni za utekelezaji wa malengo na madhumuni ya Sheria inayopendekezwa kutungwa. Sehemu hii pia inampa Waziri uwezo wa kufanya mabadiliko ya kanuni na majedwali yaliyopendekezwa katika Sheria hii inapobidi.

Dar es Salaam,  
10 Mei, 2016

**UMMY A. MWALIMU**  
*Waziri wa Afya, Maendeleo ya  
Jamii, Jinsia, Wazee na Watoto*