

**THE DISABLED PERSONS (CARE AND MAINTENANCE) ACT,  
1982**

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THE UNITED REPUBLIC OF TANZANIA



No. 3 OF 1982

I ASSENT,

*Julius K. Nyerere*  
 .....  
 President

11TH MARCH, 1982

An Act to provide for the Care and Maintenance of disabled persons and for purposes connected with those matters

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Disabled Persons (Care and Maintenance) Act, 1982 and shall come into operation on such day as the Minister may, by notice in the *Gazette*, appoint.

Short title and commencement

2. In this Act, unless the context otherwise requires-  
 "Commissioner" means the Commissioner of Social Welfare;

Interpretation

"disabled person" means a person who, on account of injury, old age, disease or congenital deformity, is substantially handicapped in, obtaining employment, or in undertaking work on his own account, of a kind which apart from that injury old age, disease or deformity would be suited to his age, experience and qualification, and-

- (a) the expression "disablement" in relation to any person shall be construed accordingly;
- (b) for the purposes of the definitions contained in this paragraph, the expression "disease" shall be construed as including a physical or mental conditions arising from imperfect development of any organ;

"local authority" includes-

- (a) an urban council established or deemed to have been established under the Urban Councils (Interim Provisions) Act, 1978;

Acts, 1978  
 No. 11

Acts, 1972  
No. 27

(b) a District Council established under the Decentralization of Government (interim Provisions) Act, 1972;

Acts, 1975  
No. 24

(c) a Village and Ujamaa Villages (Registration, Designation and Administration) Act, 1975;

"Minister" means the Minister for the time being responsible for the social welfare of the disabled persons;

"relative" the parents of the disabled person or the adult child of the disabled person and includes any person who, according to the customs of the people where the disabled person comes from, may be required to take care and maintain the disabled person.

## PART II

### ADMINISTRATION

National  
Advisory  
Council

**3.** The National Advisory Council established under section 4 of the Disabled Persons (Employment) Act, 1982 shall exercise functions in relation to this Act.

Functions  
of the  
National  
Advisory  
Council

**4.** The functions of the National Advisory Council in relation to this Act, shall be to advise the Minister in matters relating to the care and maintenance of persons handicapped by disablement.

Committees

**5.** The Committees established under section 5 of the Disabled Persons (Employment) Act, 1982 shall exercise functions in relation to this Act.

Functions  
of the  
Committees

**6.** The functions of the committees in relation to this Act, shall be to advise upon and report on any matter under this Act, submitted to it for that purpose by the Advisory Council, Commissioner or by the Minister.

## PART III

### REGISTRATION OF DISABLED PERSONS AND SETTLEMENT FOR THE DISABLED PERSONS

Register of  
disabled  
persons

**7.**-(1) The Commissioner shall establish and maintain a register of disabled persons to be known as the Disabled Persons (Care and Maintenance) Register.

(2) The register shall be kept in such form, and entries in it and from it shall be made in such manner as the Commissioner may determine.

(3) A person whose name is for the time being in the register is in this Act referred to as a "disabled person".

- 8.**-(1) Subject to the provisions of this section every disabled person shall be entitled to have his name entered in the Disabled Persons (Care and Maintenance) Register. Registration of person handicapped with disabled
- (2) The Minister may make regulations prescribing matters which are to constitute conditions of, or disqualifications from, the entry in the register of the names of any person, either generally or in particular circumstances.
- (3) For the purpose of this section every local authority shall keep a record of all disabled persons who are ordinarily resident within their area of jurisdiction and shall forward a copy of the record to the Commissioner.
- 9.**-(1) The Commissioner shall establish and maintain a register of settlements for disabled persons. Register of Settlement for person handicapped by disabled
- (2) The register shall be kept in such form as the Commissioner may determine.
- 10.**-(1) No person or institution shall establish, operate, manage or maintain a settlement for the disabled persons unless the same has been registered. Requirement of registration of settlement for disabled person
- (2) A person who, or institution which intends to establish, operate, manage or maintain a settlement for the disabled persons shall to the Commissioner for registration of such a settlement.
- (3) On receipt of an application for registration of premises as a settlement for disabled persons he may cause an inspection to be made of the premises and if he is satisfied that the settlement conforms to the standard which may from time to time be prescribed by the Minister under section 11, he may register the settlement.
- 11.** The Minister may prescribe standards for the establishment and maintenance of settlements for the disabled persons. Minister may prescribe standards for the maintenance of settlement for the disabled, etc.
- 12.** The government or local authority which is maintaining a settlement for disabled persons may enter into an agreement with any institution or voluntary organization for the purpose of transferring the maintenance of such settlement from the department of government or local authority as the case may be, to the institution or voluntary organization, subject to any conditions which may be specified in that agreement. Government may enter into an agreement with a voluntary organization in running a settlement for disabled persons
- 13.** The Commissioner or any person authorized by him in that behalf may enter any settlement for the disabled persons for the purpose of inspection, Power to inspect settlements for the disabled

## PART IV

## CARE AND MAINTENANCE OF PERSONS HANDICAPPED BY DISABLEMENT

Relative to have an obligation to care for a person handicapped by disablement

**14.**-(1) Every relative of a disabled person shall have an obligation to care and provide for the maintenance of that disabled person, according to his means.

(2) Where there are more than one relatives of a disabled person; all the relatives shall have the obligation to care and to provide for the maintenance of the disabled person.

Power of the Court to order maintenance of person handicapped with disablement

**15.**-(1) Where it is established that a relative has been guilty of willful neglect to provide reasonable care and maintenance to a disabled person the court may, on the application of either the disabled person or the Commissioner, order that the relative make monthly payments towards the maintenance of that disabled person as the court may think just having regard to the means of the relative.

(2) The court shall have power from time to time by an order under this section to vary or discharge any previous order made in this regard.

(3) Where the court makes an order under subsection (1) of this section the court may, if it thinks fit order that the relative shall, to the satisfaction of the court, secure the monthly, payments to the relative who is disabled and may for that purposes give directions.

Local authority to provide facilities for the care and maintenance of disabled persons

**16.**-(1) Every local authority shall, either alone or in collaboration with any person or institution, establish, operate, manage and maintain facilities for the care and maintenance of persons who are disabled.

(2) A local authority shall provide for the care and maintenance of every disabled person who has no relative who can provide for his care and maintenance and who is ordinarily resident in the area of its jurisdiction.

Disabled person may be admitted in a settlement for the disabled

**17.**-(1) Without prejudice to the provisions of subsection (2) of section 16 where a disabled person with disablement has no relative who can provide for his care and maintenance or where, because of the special nature of his disability such a person must be admitted in a settlement for the disabled persons specially established to cater for such disability, he may, subject to the provisions of this Act, be admitted in a settlement for disabled persons, or a settlement which caters for special disability as the case may be.



(2) A disabled person to which subsection (1) refers, other than a person with a special disability as referred to in that subsection, shall apply to the district committee for consideration for admission in a settlement for disabled persons.

(3) The district committee shall consider every application made in pursuance to subsection (2) of this section and if it is satisfied-

- (a) that the person applying is a disabled within the meaning of this Act,
- (b) that the person applying has no relative who may provide for his care and maintenance; and
- (c) that owing to special circumstances the local authority in which he is ordinarily resident cannot facilitate for his care and maintenance,

may recommend that disabled person be admitted in a settlement for the disabled persons.

(4) The Minister may prescribe conditions for admission of disabled persons in settlement for the disabled persons.

**18.**-(1) There is hereby established a fund to be known as the National Fund for the Disabled Persons.

Establishment  
of a National  
Fund for the  
Disabled

(2) The Fund shall consist of-

- (a) such sums as may from time to time be set for that purposes by Parliament;
- (b) any further donations and voluntary contributions as may be made towards the Fund.

**19.** The objects of the Fund shall be-

Objects of  
the Fund

- (a) to provide for the maintenance, education, benefit or advancement of the disabled persons;
- (b) to provide assistance to any disabled persons;
- (c) to establish and maintain any settlements and other institutions for the disabled.
- (d) to provide financial assistants to voluntary or charitable organizations who are engaged in providing for the welfare of disabled persons;
- (e) to be used for any other purpose which in the opinion of the Minister may be beneficial for the welfare of disabled persons.

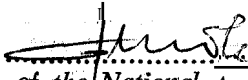
**20.** The Minister may, within six months from the date of commencement of this Act, by order published in *Gazette*, make such transitional provisions which he may deem necessary to give effect or to enable affect to be given to the purposes and provisions of this Act.

Transitional  
provision

Delegation

**21.** The Commissioner may, by writing under his hand, delegate any of his powers under the provisions of this Act, in relation to any particular matters, or class of matters or to any particular place, area, district or region, so that the delegated powers may be exercised by the delegate with respect to the matters or class of matters specified in the place, area, district or region specified in the instrument of delegation.

Passed in the National Assembly on the twenty-sixth day of January, 1982.

  
Clerk of the National Assembly

