

THE LOCAL GOVERNMENT SERVICE ACT, 1982

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THE UNITED REPUBLIC OF TANZANIA



No. 10 OF 1982

I ASSENT,

Julius K. Nyerere

 President

28TH JUNE, 1982

An Act to establish the Local Government Service Commission, and to make provisions relating to service in local government authorities and to other matters connected with or incidental to the service

ENACTED by the Parliament of the United Republic of Tanzania.

[.....]

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Local Government Service Act, 1982, and shall come into operation on such date as the Minister may by notice in the *Gazette*, appoint,

Short title and commencement

2. This Act shall apply in respect of all local government authorities established under the Local Government (District Authorities) Act, 1982, and the Local Government (Urban Authorities) Act, 1982, and to service and officers of the Local Government Loans Board established under Part V of the Local Government Finances Act, 1982.

Application Acts, 1982 No. 7 Acts, 1982 No. 8 Acts, 1982 No. 9

- Interpretation 3.-(1) In this Act unless the context requires otherwise-
 "authority" and "local government authority" both mean a district authority or an urban authority;
- "the commission" means the Local Government Service Commission established under section 4 of this Act;
- Acts 1972 "the Decentralization Act" means the Decentralization of Government Administration (Interim Provisions) Act, 1972;
 No. 17
- "district authority" means a district council, a township authority or a village council;
- "employing authority" means a local government authority to which the Scheme applies;
- "local government office" means an office of emolument in the service;
- "local government officer" means a person holding or acting in a local government office;
- "member" in relation to a commission includes the chairman and the vice-chairman of the commission;
- "Minister" means the Minister for the time being responsible for local government;
- "prescribe" means prescribe by regulations;
- "the Principal Secretary" means the Principal Secretary to the ministry responsible for local government;
- "the Scheme" means the Local Government Service Scheme for the time being in force, formulated pursuant to section 5 of this act;
- "the Service" means the unified service of all employing authorities otherwise known as the Local Government Service, established under section 7 of this act;
- "urban authority" means a town council, a municipal council or a city council.
- Acts, 1982 (2) For the purposes of interpretation, this Act may be read
 No. 7 together with the Local Government (District Authorities) Act,
 Acts, 1982 1982, The Local Government (Urban Authorities) Act, the
 No. 8 Decentralization Act, the Local Government Finances Act, 1982
 1982 and the Local Government Negotiating Machinery Act, 1982.
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PART II

THE LOCAL GOVERNMENT SERVICE COMMISSION

4.-(1) There is hereby established a commission to be known as the Local Government Service Commission, which shall maintain and control the Local Government Service.

Establishment
of Local
Government
Services
Commission

- (2) The Commission shall consist of-
- (a) a Chairman, who shall be appointed by the President;
 - (b) four members appointed by the Minister;
 - (c) two other members appointed by the Minister upon nomination, one each, by-
 - (i) the Civil Service Commission from amongst its members;
 - (ii) the Principal Secretary for the Service.
- (3) A person shall not be qualified for appointment as a member of the Commission if he is-
- (a) a person for the time being holding a political office;
 - (b) a member of any employing authority;
 - (c) a local government officer;
 - (d) a person who is a member of any body which the President, acting in his discretion, is of the opinion is a staff association or a trade union, which has as one of its objects the control or influencing of salaries, wages or conditions of service of any category of employed persons in the Service.
- (4) The tenure of office and the terms of service of the members, the procedure and other matters in relation to the Commission shall be provided for in the Scheme.

5.-(1) The Minister shall, not later than the 31st day of December, 1982, formulate a scheme for the establishment of a Local Government Service, and cause it to be confirmed by resolution by the Assembly before that date.

The Local
Government
Services
Scheme

(2) Subject to subsections (3) and (4), the Minister shall make such provisions in the Scheme as he may consider necessary for the promotion, development, maintenance and control of an efficient local government service and those provisions may, without prejudice to the preceding generality, relate to any or all of the following matters, namely-

- (a) the officers or employees or category or categories of officers or employees of the local government authorities who are to be members of the Service;
- (b) the local government authorities to which the Scheme shall apply;
- (c) any of the matters in respect of which regulations may be made under section 15 of this Act;
- (d) the regulation of the position of any officer or employee appointed prior to the coming into force of the Scheme;
- (e) gratuities and allowances.

(3) The Scheme may provide for regulations to be made by the President, for the maintenance and control of the Local Government Service and for any of the matters specified in paragraphs (a) to (e) of subsection (2), and where the Scheme so provides, those provisions shall be deemed to have been made by and in the Scheme in accordance with subsection (2) for such maintenance and control and for those matters.

(4) Regulations made by the Commission pursuant to the Scheme in accordance with subsection (3) shall be published in the *Gazette*; save that, except as is provided in this Act, it shall not be necessary to publish in the *Gazette* any regulations which make provisions for all or any of the following matters, namely-

- (a) the grant of leave;
- (b) the payment of allowance, the payment of gratuities and the grant of advances;
- (c) the qualifications for and grading of posts and the application of salary scales to posts; and
- (d) matters relating to departmental procedure and the duties and responsibilities of officers and employees.

(5) The Scheme may impose penalties for offences created by it not exceeding a fine of six thousand shillings or imprisonment for a term not exceeding three years or both that fine and imprisonment.

(6) The provisions of the Scheme confirmed by the Assembly and as in force from time to time shall have the full force and effect of law as if they were part of this Act.

(7) The provisions of section 18 of this Act shall apply to any gratuity or allowance granted under the Scheme, as confirmed under this section, as it does to gratuities for allowances granted pursuant to the provisions of this Act.

(8) The Minister may, from time to time, by order approved by resolution of the Assembly and published in the *Gazette*, amend the Scheme formulated pursuant to the preceding provisions of this section.

6.-(1) Subject to subsections (2) and (3) of this section, the President may, if he considers it necessary or expedient for the betterment of the system of local government or of the Service, direct in writing under his hand-

Power of
President in
respect of the
Scheme

- (a) that the Scheme be amended in such manner as he may determine;
- (b) that the Scheme be revoked and replaced in such manner as he may direct;
- (c) that the Commission amend, vary or replace the regulations made by it pursuant to the Scheme in such manner as he may direct;
- (d) that a certain office or certain offices in the service be constituted or abolished;
- (e) that the power of making appointments to certain offices in the service of local government authorities to which the Scheme applies, and of transfer, promotion or appointment, dismissal and disciplinary control of certain persons appointed to any such offices shall be exercised by such person or body of persons as he may direct, or by such person or body of persons upon the prior recommendation or subject to the consent of such person or body of persons as he may direct;
- (f) that certain functions and duties in relation to the Scheme be exercised or discharged by the Minister, the Commission, its members or officers, or by the local government authorities to which the Scheme applies, their members and officers, or by members of the Service or persons in the service of the Government.

(2) Directions made by the President under subsection (1) shall be published in the *Gazette* and, subject to their being laid before the Assembly at a meeting next following their making, shall come into operation on such date as the President may determine or specify in those directions.

(3) Notwithstanding the provisions of subsection (1), the President may exercise the powers and functions vested in him by this Act or reserved to him by the Scheme or any regulations made pursuant to the provisions of the Scheme, and the Commission and any board or authority to which the Scheme applies or any person or body of persons may exercise any powers, functions or duties conferred or imposed on it or him, subject to the directions of the President under this section.

Constitution of offices and appointments in the Local Government

7. Subject to the provisions of section 6, and those of the Scheme and to the approval of the Minister, the power vested in the President of-

- (a) constituting and abolishing offices in the Service; and
 - (b) making appointments of officers in the Service and to offices in the Service of local government authorities to which the Scheme applies, and of transfer, promotion, termination of appointment, dismissal and disciplinary control of persons appointed to any of those offices,
- are hereby delegated to the Commission.

PART III

LOCAL GOVERNMENT STAFF

Power to engage Staff

8.-(1) Subject to the provisions of subsection (2) of this section and of any rules made by the Minister pursuant to section 15 (3), a local government authority may appoint to its service such officers and other staff, to whom the Scheme does not apply, as it thinks necessary for the efficient discharge of its functions and may, subject to this Act or any other written law, dismiss any person so appointed or employed.

(2) A local government authority shall not, without the general or specific approval of the proper officer, appoint or dismiss an officer or employee whose monthly emoluments exceed such sum as the Commission may, from time to time, specify for the local government authority.

(3) Subject to the preceding provisions of this section, a local government authority may pay to any officer or person so appointed or employed by it such reasonable remuneration as it may determine.

Appointment of seconded public officers

9. Notwithstanding the other provisions of this Part, a local government authority may, with the approval of the Minister, and with the consent of the officer concerned, appoint to any office in its service a public officer seconded to the service of the authority for that purpose, for such period and on such terms and conditions as the Minister may approve.

Officers not to be interested in contracts

10.-(1) Save as may be authorized by resolution of any local government authority, no officer or employee of the authority shall have any interest or concern, direct or indirect, in any bargain, contract or arrangement of any kind made by or with that local government authority.

(2) Any officer or employee who, without authorization of the authority or under cover of his office or employment, exacts or accepts any promise, fee or reward of any kind other than his proper salary, wages and allowances, shall be guilty of an offence and liable on conviction to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding twelve months or to both that fine and imprisonment, and shall be disqualified from subsequently holding or continuing in any office or employment under this Act; but no prosecution for an offence under this subsection shall be instituted save with the consent of the Director of Public Prosecutions.

(3) Any profits, fee or reward accruing to any officer or employee, or which may accrue to him by reason of any bargain, contract or arrangement contrary to this section may be recovered by the local government authority concerned by suit in any court of competent jurisdiction.

(4) Nothing in this section shall apply to any interest in a contract or other work which an officer or employee of a local government authority may have as a rate payer or inhabitant of the area of jurisdiction of the authority.

(5) The provisions of this section shall apply mutatis mutandis to the Local Government Loans Board established under Part V of the Local Government Finance Act, 1982, and to any officer or employee of that Board, in the same way and to the same extent as they apply to a local government authority and its officers or employees.

1.-(1) Subject to the approval of the proper officer, a local government authority may agree with any one or more other like authorities on the joint employment of any staff or employment of any officer.

Joint
appointment

(2) Where, due to shortage of staff or to other reasonable cause the proper officer deems it expedient to do so, he may require two or more local government authorities to concur in the joint employment of any staff or appointment of any officer and, if any such authority fails to employ or appoint any person when so required under this section the proper officer may exercise, on behalf of that authority, the powers of employment and appointment conferred on an authority by this Act.

12.-(1) A local government authority may, in the case of any officer or person, other than a public officer appointed under the provisions of section 11 of this Act, in its employment, whether under this Act or any other law and whether appointed or employed jointly with another authority or not, in the case of a person not in its employment, but who is likely to be entrusted with the custody or control of money or property belonging to the author-

Security

ity, either require him to give, or itself take, such security for the faithful execution of his office and for his duly accounting for all money or property which may be entrusted to him, as the authority thinks sufficient.

(2) The provisions of this section shall apply *mutatis matandis* to the Local Government Loans Board established under Part V of the Local Government Finance Act, 1982, and any of its officers or employees in the like manner and to the like extent as they apply to a local government authority and any of its officers or employees.

Accountability
of officers

13.-(1) Every officer or person employed by a local government authority, whether employed under this Act or any other written law shall at all times during the continuance of his office, or within three months after his ceasing to hold it, and in such manner as the authority directs make out and deliver to the authority or as it may direct a true account in writing of all money and property committed to his charge, and of his receipts and payments, with vouchers and other documents and records supporting the entries in them, and a list of persons from whom or to whom money is due in connection with his office, showing the amount due from or to each.

(2) If any such officer or person after three days notice in writing signed by the Chairman of the local government authority or by three of its members, and given or left at his usual or last known place of residence, refuses or willfully neglects to make out or deliver to the authority, or as it may direct as the case may be, any account or list which he is required by this section to make out and deliver, or any voucher or other document or record relating to it, a court having jurisdiction in the area where the officer is or resides may, on complaint, by order require him to make such delivery.

(3) Any person who willfully neglects to comply with any order under subsection (2) shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both that fine and imprisonment.

(4) The provisions of this section shall apply *mutatis mutandis* to the local Government Loans Board established under Part V of the Local Government Finances Act, 1982, and any of its employees or officers in the same manner and to the same extent as they apply to a local government authority and any of its officers or employees.

Power of
Interdiction

14.-(1) Subject to subsection (2) of this section, and to any rules made by the Minister under section 15 (3), a local government authority may, interdict any officer or employee of the authority from the duties and emoluments of his office and employment for incapacity, neglect of misconduct pending the

decision of the appointing authority as to his removal and, in the event of his removal, that officer or employee shall be deemed to have been removed from office or employment as from the date of the interdiction.

(2) A local government authority shall not exercise its power under this section in regard to any person appointed under section 8 (2) save with prior approval of the proper officer.

(3) The provisions of subsection (1) shall apply *mutatis mutandis* to the Local Government Loans Board established under Part V of the Local Government Finances Act, 1982, and any of its employees or officers in the same manner and to the same extent as they apply to a local government authority and any of its officers or employees.

15.-(1) The Commission may, with the prior approval of the Minister, make regulations to be known as "Services Regulations" for all or any of the following purposes relating to officers and employees or to any category or grade of officers or employees in the employment of authorities established under this Act, namely-

Service Regu-
lations

- (a) maintaining discipline;
- (b) regulating appointments, remuneration, promotions termination of appointments, dismissals and leave;
- (c) regulating the salary to be paid to any person interdicted pursuant to section 14;
- (d) regulating the payment of allowances, the grant of advances, and the terms and conditions of service generally; and
- (e) such other matters relating to departmental procedure and the duties and responsibilities of officers and employees, as the authority considers can best be regulated by such regulations.

(2) Any regulations made under this section, in so far as they relate to discipline may, in particular, provide for—

- (a) the withholding or deferring of increments, or reduction in rank or salary either permanently or for a stated period; and
- (b) the deduction from salary due or about to become due of such sum as may be appraised in respect of damage to property of the authority by misconduct or breach of duty on the part of an officer or employee.

(3) The Minister may make rules for all or any of the foregoing purposes.

(4) In the event of any conflict between regulations made by the Commission under subsection (1) and rules made by the Minister under subsection (3), the latter, irrespective of the date of their making, shall for all purposes prevail.

(5) The provisions of this section shall apply *mutatis mutandis* to the Local Government Loans Board established under Part V of Local Government Finances Act, 1982, and any officer or employee of it as they do to an authority and any officer or employee of it.

The Local
Authorities
Provident
Fund

16.-(1) There shall continue to be established a Fund to be known as the Local Authorities Provident Fund, in this section referred to as "the Fund", for the benefit of persons remunerated from the Funds of Local Government Authorities in accordance with this Act.

(2) There is hereby established a board to be known as the Central Board of Management, which shall be responsible for the management and control of the Fund, subject to this Act and to any written law for the time being in force.

(3) The Central Board of Management shall consist of such persons who shall be appointed by the Minister and may hold office for such period and upon such terms and conditions of service as the Minister shall determine.

(4) The Minister may from time to time make regulations, to be published in the *Gazette*, providing for the composition and affairs of the Fund and the Central Board of Management but he shall, not later than six months from the commencement of this Act make regulations providing for-

- (a) the power of the Central Management Board to make rules:-
 - (i) regulating its own procedure;
 - (ii) prescribing the manner of payment of funds into the Fund by local government authorities;
 - (iii) providing for such other matters in relation to the fund to be done by the Central Board of Management as the Minister may see fit;
- (b) the specification by local government authorities of persons who shall be depositors in the Fund, and empowering authorities to make regulations for the purpose;
- (c) the assignability, transferability, attachment sequestration or other liability of deposits in the Fund;
- (d) the making of deductions in respect of debts due to contributing authorities or in cases of misappropriations;
- (e) the payment of funds to survivors upon the death of a depositor;
- (g) such other matters in relation to the Fund and the Central Management Board as are necessary or expedient for the purposes of enabling or facilitating the assumption by the Central Board of Management of its functions under this Part, and the effective establishment of the Fund.

(5) Notwithstanding the provisions of this Act, where the Government is satisfied that it is not in the interests of the development of an efficient local government for any local government authority or category of authorities to be members of the Fund, the Minister may, by order published in the *Gazette*, provide for that authority or category of authorities, subject to any written law for the time being in force-

- (a) to grant gratuities or other retirement allowances or benefits to its or their employees or officers;
- (b) to establish and contribute to a superannuation fund or a Medical benefits scheme for its or their employees, or officers;
- (c) require any of its or their employees or officers to contribute to a superannuation fund or medical benefits scheme and to fix the amounts and method of payment of the contributions

17. A local authority and the Local Government Loans Board established under Part V of the Local Government Finances Act, 1982, may, subject in the case of an authority to the approval of the proper officer, grant gratuities and allowances to officers and persons employed by the authority or the Board who are not qualified for the payment to them of benefits under the Fund established by section 16, or to the legal personal representatives, estates or dependents of those persons.

Gratuities,
etc., not liable
to attachment

18.(1) Subject to subsection (2), and except as may be otherwise provided for by any written law, no gratuity or other allowance granted in pursuance of the provisions of this Part- shall be assignable or transferable, or liable to be attached or sequestered, or levied upon, for or in respect of any debt or claim of any kind.

Gratuities,
and allow-
ances

(2) Nothing in this section shall affect the right of local government authority, the Government or of any parastatal organization to recover from any sums due or payable to or in respect of any officer or employee any amount owing to the authority, the Government or the parastatal organization by that officer or employee -

19.(1) Without prejudice to section 184A of the Penal Code or to the provisions of the Specified officers (Recovery of Debts) Act, 1970, or of the Parastatal Employees (Recovery of Debts) Act, 1974, no act or thing done or omitted to be done, and contract entered into by a local government authority or the Local Government Loans Board, or by any of their respective members, officers or employees shall, if done or omitted or entered into *bona fide* in the execution or purported execution of his duties as a member, officer or employee, subject him to any action, liability or demand of any kind, subject to subsection (2).

Protection of
members,
officers and
employees
Cap. 16 Acts,
1970 No. 7
Acts, 1970
No. 37

(2) Where in any proceeding it becomes necessary to prove the *bona fides* of any act or thing done or any contract entered into by any member, officer or employee of the authority or the Board in pursuance of functions under this Act, the onus probandi respecting the *bona fides* of the act, thing or contract shall lie on the person alleging it.

Persons acting under directions of local authorities

20. Any persons authorized by a local government authority or the Local Government Loans Board, may subject to the directions and supervision of the authority and the Board, perform such functions as may be assigned to him by the authority or the Board, and all acts done in the course of performance of such duties shall be deemed to have been done by the local government authority concerned or the Board, as the case may be.

PART IV

SERVICE AND STAFF IN DISTRICT AUTHORITIES

Departments in district councils

21. There shall be established in relation to each district council such number of departments and of such sizes of establishment as the council may, with the approval of the Minister, determine.

The District Executive Director

22.-(1) There shall be a District Executive Director for each district.

(2) The Director shall be appointed by the President, on the advice of the Commission, upon such terms and conditions as the President may specify in the instrument of appointment.

Appointment of other staff

(3) The Director shall, subject to this Act and to the general or specific directions of the district council, be the chief executive officer of the council and shall be answerable to the council for the discharge and exercise of his functions and powers.

23. The other officers and staff of a district council shall, subject to this Act, be appointed by the Commission from time to time.

Duties and powers of the District Executive Director

24. The Director shall perform all such function and duties as are conferred on him by or under this Act or any other written law and as may, from time to time, be imposed on him by the council subject always to his being answerable to the district council for the performance of all his functions and the exercise of all his powers.

Departments in Township Authority

25. Every township authority shall, subject to the directions of the Minister upon advice by the district council in which the township authority is situated, establish such number of departments and such sizes of establishment as may be necessary, desirable or expedient for the efficient discharge of its functions under this Act.

26. There shall be a Township Executive Officer for each township authority who shall be appointed by the Commission.

The Township Executive Officer

27. A Township Executive Officer shall be the Chief executive officer of the township for which he is appointed, and shall perform all such functions and exercise all such powers as are or may be conferred or imposed upon him by or under this Act or any other written law, subject always to his being answerable to the township authority for the performance of all his functions and the exercise of all his powers.

Duties and powers of the Township Executive Officer

28. The committees of village councils established pursuant to the provisions of the Local Government (District Authorities) Act, 1982, shall be deemed to be departments of the village council.

Committees of Village Council

29. There shall be appointed an officer who shall be the chief executive officer of the village council.

The village executive officer

30. There may be provided for the service of a village Council or a category of village councils such number and kind of public officers as are experts in various fields of learning for such periods and on such terms as the proper officer may, after consultation with the district council, determine from time to time.

Other public officers serving in village

PART V

SERVICE AND STAFF IN URBAN AUTHORITIES

31. Every Town, Municipal and City Council shall, subject to the directions of the Minister, establish such number of departments and such sizes of establishment as may be necessary, desirable or expedient for the efficient discharge of its functions under this Act.

Departments in Urban Authority

32.-(1) The President shall, on the advice of the Commission, appoint in respect of each Town, Municipal or City Council, Director.

Appointment of Director

(2) The Director shall be the Chief Executive and Administrative Officer of the council of the area for which he is appointed and shall be responsible for co-ordinating the whole of the work of the council, for convening all the meetings of the council and its committees and shall advise the council and its committees on all matters upon which his advice is necessary.

Appointment
of other staff

33. Subject to the provisions of this Act and any other written law, there shall be appointed by the Commission for every town, municipal or city council such other officers and employees as the Commission may from time to time determine.

PART VI

MISCELLANEOUS PROVISIONS

Liability of
members, etc.

34.-(1) Without prejudice to the provisions of section 284A Of the Penal Code or of the Specified Officers (Recovery of Debts) Act, 1970 or of the Parastatal Employees (Recovery of Debts) Act, 1974, no act or thing done or omitted to be done, by any member of the commission or any committee of the commission shall, if done or omitted *bona fide* in the execution or purported execution of his duties as a member, officer, servant or agent, subject any such person to any action, liability or demand of any kind subject to subsection (2).

(2) Where in any proceeding a question arises respecting the *bona fides* of any act done in the purported pursuance of the functions of the council, the burden of proving that the act in question was done *bona fide* shall lie on the person alleging that it was so done.

Regulations

35. The Minister may make regulations for the better carrying into effect of the purposes and provisions of this Act and for prescribing anything which is to be or may be prescribed under this Act.

Repeals

36.-(1) The following written laws are hereby repealed, namely-

Cap. 540

(a) the Local Government Service Act, 1963;

Cap. 53

(b) the Provident Fund (Local Authorities) Ordinance.

Cap. I

(2) The provisions of sections 12,13,14 and 15 of the Interpretation of Laws and General Clauses Act, 1972, shall apply in relation to the repeal of the laws specified in this section as if those provisions were enacted in this section.

Transitional
provision

37.-(1) Subject to the provisions of the Local Government (District Authorities) Act, 1982, the Local Government (Urban Authorities) Act, 1982, the Decentralization Act, the Local Government Finances Act, 1982, and the Local Government Negotiating Machinery Act, 1982, all by-laws or rules related to service and staff in local government authorities made under any other written law and in force in any urban authority together with any

subsequent amendments thereto shall, unless repugnant to this Act be deemed to be by-laws or rules made under this Act and shall continue to be in force in the urban authority until repealed or -revoked under this Act.

(2) Until service regulations are made by the Commission under section 15, and in any case not later than six months after the coming into operation of this Act, there shall apply in relation to each authority-

- (a) such Staff Regulations as were in force in respect of a like authority established in the area of the authority before the coming into operation of this Act, where the like authority in question was an authority for Purposes similar to those of this Act immediately before the coming into operation in relation to it of the Decentralization Act;
- (b) where no local authority similar to the local government authority in question was in existence in its area of jurisdiction immediately before the coming into operation of the Decentralization Act, such Staff Regulations as the Minister may, immediately before the coming into operation of this Act, direct.

Passed in the National Assembly on the twenty-seventh day of April, 1982.



Clerk of the National Assembly