

THE POLITICAL LEADERS' PENSIONS ACT, 1981

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THE UNITED REPUBLIC OF TANZANIA



No. 14 OF 1981

I ASSENT.

Julius N. Nyerere

 President

7TH SEPTEMBER, 1981

An Act to make provision for granting pensions, gratuities and other allowances to political leaders or their dependents

[1ST JANUARY, 1978]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Political Leaders' Pensions Act, 1981, and shall be deemed to have come into operation on the first day of January, 1978.

Short title
and com-
mencement

2. In this Act, unless the context requires otherwise-
 "appropriate authority" means the President;

Interpretation

"the Board" means the Board established by section 3;

"dependent" in relation to a deceased political leader means-

- (a) where the deceased political leader was a male, his widow or where immediately preceding his death he was married to two or more wives, all his widows;
- (b) where the deceased political leader was a female, the husband of the deceased officer who satisfies the appropriate authority that he was wholly or substantially dependent upon the deceased political leader's income for his livelihood-

- (c) every child of the deceased political leader under the apparent age of eighteen years, but does not include any married daughter living with her husband immediately!, Preceding the death of the deceased political leader; and
- (d) the immediate parents of the deceased political leader. who satisfy the appropriate authority that they were wholly or substantially dependent upon the deceased political leader's income for their livelihood;
- Minister" does not include the Vice-President and the Prime Minister;
- "month" means a calendar month;
- "non-pensionable office" means an, Office which is not, a pensionable Office;
- "Pensionable office" means an office which is a pensionable office under the laws or regulations in force in relation to the service in that office;
- "pensionable service" means service which may be taken into account in computing pensions, gratuities or other allowances payable under this Act;
- "pensionable emoluments" means the salary which may be taken into account in computing pensions, gratuities or other allowances payable under this Act;
- "political leader" means any person who holds or has held a political office;
- "political office" means the office of speaker. Minister. Deputy Minister, Regional Commissioner, Area Commissioner and Member of Parliament and any other office declared by the President, under section 3, to be a political office-;
- "public service means--
- (a) service in a civil capacity under the Government of the United Republic of Tanzania; or
 - (b) service, under the former East African Community or any of its corporations-, or
 - (c) any other service which may have been determined to be public service for the purposes of this Act by the Governor of the former Tanganyika Territory;
- "reckonable service" for the purposes of this Act means-
- (a) any period before 1st January, 1978, during which a Person held a political office; and
 - (b) any period before beginning on or after 1st January, 1978 during a person held or is holding a political office whether before or after the passing of this Act'.
- and in this Act "aggregate period of reckonable service as a political leader" in relation to a person, means the period. falling within either of the preceding paragraph, during which he is or was such a political leader or the aggregate of such period;

"qualifying service" in relation to any political leader means service which may be taken into account in determining whether or not he is eligible by length of service for a pension, gratuity Or Other allowance;

"survivor" means any person who, on the death of a political leader, may be entitled to survivor's benefits under this Act;

"wife" means a lawfully married wife and the expression "husband" shall be construed accordingly;

"salary" means the basic salary of a political leader excluding bonus, commission, cost of living allowances, incentive allowance or any other additional emoluments of any kind;

"year" means any period of twelve months.

3.-(1) The President may, by order published in the *Gazette*, declare any office to be a political office for the purposes of this Act.

Appropriate authority may declare an office to be a political office

(2) The offices of Speaker, Minister, Deputy Minister, Regional Commissioner, Area Commissioner and of Member of Parliament hereby deemed to have been declared to be political offices under this section.

4.-(1) The President shall appoint a board to be known as a Political Leaders Pension Board whose functions shall be to advise him on matters in regard to the exercise of his powers under this Act

Establishment of a Board

(2) The President may delegate to the Board all or any of his powers under this Act but he shall not delegate his powers under subsection (3) of section 5 and subsection (1) (d) of section 9.

5.-(1) Pensions, gratuities and other allowances may be granted to a political leader or his dependants as the case may be, by the appropriate authority, in accordance with the provisions of this Act.

Pension to be granted in accordance with the Act

(2) Any pension or gratuity granted under this Act shall be computed in accordance with the provisions in force at the actual date of the political leader's ceasing to be a political leader.

(3) The President may, whenever he is satisfied that it is equitable to do so, by order published in the *Gazette*, exempt any political leader from all or any of the provisions of this Act or modify the application of all or any of the provisions of this Act in relation to any political leader.

6. There shall be charged on and paid out of the Consolidated Fund all such sums of moneys as may from time to time be granted by way of pension, gratuity or other allowance in pursuance of this the Act.

Pension to be charge on the Consolidate Fund

PART II

GRANTING OF PENSION, GRATUITY, ETC

7.-(1) No political leader shall have an absolute right to Compensation for Past services or to pension, gratuity or other allowance, and nothing contained -in this Act shall affect the right of . the

Pension, etc not as of right

appropriate authority to dismiss any political leader at any time without compensation.

(2) Where it is established to the satisfaction of the appropriate authority that a political leader has been guilty of negligence, irregularity or misconduct, the pension, gratuity or other allowance may be reduced or altogether withheld.

Office of a
political
leader
pensionable

8.-(1) Every Political office shall be pensionable.

(2) Subject to the provisions of this Act, a person who on or after the 1st January, 1978, whether before or after the passing of this Act, ceases or has ceased to be a political leader shall be entitled to receive a pension or a gratuity under this Act from the time when any of the conditions specified by section 9 are or were fulfilled in respect of him.

Circumsta-
nces
in which
pensions may
be granted

9.-(1) Subject to the provisions of this Act no pension, gratuity or other allowance shall be granted under this Act to any political leader except on ceasing to be a political leader in one of the following cases: -

- (a) his aggregate period of reckonable service (whether as a Political leader or otherwise) is or was not less than ten years;
- (b) he is not, immediately after ceasing to be a political leader, re-appointed, re-elected or does not revert to a pensionable office;
- (c) on medical evidence to the satisfaction of the appropriate authority that he is incapable by reason, of any infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent;
- (d) if he retires from the political office with the consent of or the directions of the President, and the President by writing under his hand, declares that this paragraph shall apply;
- (e) he is removed from service in the public interest.

(2) Where, immediately before he was appointed, nominated or elected, as the case may be, to a political office, a public officer was employed on pensionable terms or his employment was governed by an employees' terminal benefits scheme under which the terminal benefits on retirement took the form of payment of a pension, that political leader shall not be eligible to receive a pension or gratuity under this Act unless he ceases to be a political leader in circumstances in which he is permitted by the law or regulation of the service in which he was employed as a public officer to retire on a pension or gratuity, but his pension or gratuity shall be calculated with reference to the provisions of the law or regulations which governed his employment as such a public officer.

(3) For avoidance of doubt a public officer who is appointed, nominated or elected as the case may be, to a political office, shall, on taking such office be deemed to be on leave without salary from his former office but the period during which he occupied a political office shall be

taken into account for the purposes of computing any pension or gratuity he may be granted under the pension laws, of regulations governing his employment as a public officer.

10. No pension or gratuity shall be awarded under this Act to any political leader in respect of any service-

Service not
qualifying for
pension

- (a) while he was absent from duty on leave without salary unless it is established to the satisfaction of the appropriate authority that such leave was granted on ground of public policy; or
- (b) while, under the age of eighteen years.

11.-(1) Subject to the provisions of this Act, every political leader who qualifies for pension under this Act may, on ceasing to be a political leader, be granted-

Rap of
pension and
gratuity

- (a) a reduced annual pension of an amount equal to one-half of the specified amount;
- (b) a reduced pension gratuity equal to twelve and one-half times the amount of the reduction so made in the pension unless the said political leader exercises an option in writing to be paid in lieu of such gratuity and reduced pension, such specified amount:

Provided that in the application of this section the political leader shall not be entitled to a minimum pension under section 15.

(2) For the purpose of this section, "specified amount" means an annual amount equal to one six hundredth of a political leader's annual pensionable emoluments for each completed month of the pensionable service.

(3) If a political leader exercises the option his decision shall be irrevocable so far as concerns any pension granted to him under this Act.

(4) The exercise of any option made under the provisions of this section shall be in writing addressed to the appropriate authority.

12. Where a political leader is removed from the service as a political leader and a pension, gratuity or other allowance cannot otherwise be granted to him under this Act, the appropriate authority may, if he thinks fit, grant sub, pension, gratuity or other allowance as he thinks just and proper, not exceeding in amount that for which the political leader would be eligible if he ceased to be a political leader in the circumstances described in paragraph (c) of section 9.

Where
service is
terminated in
public
interest
appropriate
authority may
grant pension

13. Where a political Leader is dismissed from the service as a political leader, the appropriate authority may, if he thinks fit, grant such pension, gratuity or other allowance as he thinks just and proper, not exceeding in amount that for which the political leader would be eligible if he ceased to be a political leader in the circumstances described in paragraph (c) of section 9.

Pension
where service
is terminated
by dismissal

- Maximum pension** **14.**-(1) Except in cases provided for by subsection (2) of this section, pension granted to a political leader under this Act shall not exceed two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his service as a political leader:
- Provided that this shall not apply where a person is receiving a minimum pension as provided under section 15 of this Act.
- (2) A political leader who has been granted a pension in respect of his service shall not at any time draw from the Consolidated Fund an amount of pensions which, when added to the amount of any pension drawn in respect of other service, exceeds two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his service as a political leader.
- (3) Where the limitation prescribed by subsection (2) operates, the amount of the pension to be drawn shall be subject to the approval of the appropriate authority in order that it may be determined with due regard to the amount of any pension to be drawn in respect of such other service.
- (4) For the purposes of subsections (1), (2) and (3) of this section, an additional pension granted in respect of injury shall not be taken into account, but where a political leader is granted that additional pension under this Act, the amount thereof together with the remainder of his pension or pensions, shall not exceed five-sixths of his highest pensionable emoluments drawn at any time in the course of his service as a political leader.
- Minimum pension** **15.**-(1) In this section, "minimum pension" means a specified amount of money which may from time to time, by order published in the *Gazette*, be declared by the President to be minimum pension.
- (2) Notwithstanding the provisions of section 14, a political leader who is ordinarily resident in the United Republic, shall not, so long as he continues to be resident, be paid a pension which is less than the minimum pension:
- Provided that-
- (a) where the political leader is in receipt of two or more pensions, the provisions of this section shall so apply that the aggregate of the pension so paid shall not be less than the minimum pension; and
- (b) the provisions of the section shall apply only in relation to the reduced pension to which a political leader is entitled.
- Suspension of pension on re-employment** **16.** If a political leader to whom a pension has been granted under this Act is re-appointed or re-elected, as the case may be, to a political office or is re-appointed to an office in the public or parastatal service, the payment of his pension shall be suspended during the period of his service upon re-employment or re-election as the case may be.
- Pensions, etc. not be assignable** **17.** A pension, gratuity or other allowance granted under this Act shall not be assignable or transferable except for the purpose of satisfying-

- (a) a debt due to the Government or any parastatal organization; or
- (b) an order of any competent court for the periodical payment of a sum of money towards the maintenance of the wife or former wife or minor child of the political leader to whom the Pension, gratuity or other allowance has been granted and shall not be liable to be attached, sequestrated or levied upon for or in respect of any debt or claim of any kind.

18.-(1) If any person to whom a pension or gratuity has been granted under this Act is sentenced to a term of imprisonment for a period exceeding six months by any competent court for any offence involving moral turpitude, or is detained for a period exceeding six months pursuant to an order made under the Preventive Detention Act 1962, the pension shall cease as from the date of such imprisonment or detention unless otherwise decided by the appropriate authority.

Effect of conviction or detention on pension
Cap. 490

(2) If any Person receiving a pension under this Act is sentenced or detained after he has ceased to be political leader in circumstances in which he is eligible for a pension or gratuity under this Act but before the pension or gratuity is granted, then the provisions of subsection (1) shall apply as respects any pension or gratuity which may be granted to him.

(3) Where a pension or gratuity ceases by reason of this section it shall be lawful for the appropriate authority, to direct all or any part of the moneys to which such political leader would have been entitled by way of pension or gratuity had he not been sentenced or detained as aforesaid, to be paid to, or applied for the maintenance or benefit of all or any to the exclusion, of the other or others, of the following, that is to say, such person and wife, child or children of his, in such proportions and manner as the appropriate authority thinks proper, and such money shall be paid or applied accordingly.

19. Every political leader, otherwise qualified for a pension under this Act, who has not completed in the aggregate the minimum period of ten years' service qualifying him for a pension, may, ceasing to be a political leader, be awarded a gratuity not exceeding one-quarter of the total emolument for his reckonable service.

Gratuity where length of service does not qualify for pension

20.-(1) Where a political leader dies in the service as a political leader, it shall be lawful for the appropriate authority to grant to his legal personal representative a gratuity of an amount not exceeding either his annual pensionable emoluments, or his commuted pension, gratuity, if any, whichever is greater.

Death gratuity

(2) Where a political leader who has ceased to be a political leader on pension, dies before, he has received by way of pension or reduced pension and gratuity or other benefits under this Act an amount which is equivalent to, the amount which might have been granted to his legal personal representative under subsection (1) of this section had such political leader died while still holding an office as a

political leader, it shall be lawful for the appropriate authority to grant to the legal representative of that political leader a gratuity of an amount not exceeding the difference between the amount which has already been paid to that political leader by way of pension or reduced pension and gratuity or other benefit under this Act and the amount which might have been granted to his legal personal representative under subsection (1) of this section had that political leader died while still holding the office of a political leader.

(3) For the purpose of this section-
annual pensionable emoluments" means the emoluments which would be taken for the purposes of computing any pension or gratuity granted to a political leader under this Act if he had ceased to be a political leader in circumstances described under paragraph (c) of section 9 of this Act;

"commuted pension gratuity" means the gratuity which might have been granted to a political leader under paragraph (c) of section I I if he had ceased to be a political leader at the date of his death in circumstances described under paragraph (c) of section 9 of this Act.

Survivor'
benefits for
dependents

21.-(1) Where a political leader who has completed not less than ten years of qualifying service dies whilst in the service as a political leader, his dependants may be granted, with effect from the date following that of the death of the political leader, a survivor's benefit under this section in addition to the death gratuity payable under the provision of section 20.

(2) The survivors' benefit under this section shall be of an amount equal to the commuted pension to which the deceased political leader would have been entitled had he retired immediately preceding his death in circumstances described in paragraph (c) of section 9.

(3) The distribution of survivors benefit as between the dependants shall be made in accordance with the intestate law of succession governing the community to which the deceased political leader belonged.

(4) The payment of survivors' benefit shall cease upon expiry of a period of three years from the date following that of the death of the deceased political leader or the recipients' death, whichever shall be the earlier:

Provided that-

- (a) in the case of any payment of a survivors' benefit or any portion thereof being paid to a widow who remarries within a period of three years aforesaid, the payment shall cease;
- (b) in the case of any dependant child, the payment shall cease upon his attaining the age of eighteen years.

(5) The provisions of this section shall apply *mutatis mutandis* where the political leader in receipt of a pension under this Act dies within a period of three years immediately following his ceasing to be a political leader but, in such a case, the survivors' benefit payable shall not exceed the amount of pension which was being paid to the

deceased political leader immediately proceeding his death and shall be payable only until the expiry of three years from the date of ceasing to be a political leader.

(6) Where any portion of survivors' benefit payable under this section ceased to be so payable by reason of the death of the recipient or remarriage of the widow or any dependant child attaining the age of eighteen years during the period of three years following death of the deceased political leader, that portion shall, for the remaining period, be divided amongst other dependants in the proportion in which they would have been entitled under the appropriate law of succession.

(7) Where a political leader dies whilst holding a political office-

(i) after less than ten years of qualifying service but leaving no dependants surviving him; or

(ii) after less than ten years of qualifying service irrespective of whether or not he leaves dependants surviving him,

there may be awarded to his estate only death gratuity under the provisions of section 20. No other survivors benefit shall be payable *in* such cases.

(8) The appropriate authority may, by notice in the *Gazette*, exempt any political officer from all or any of the provisions of this section.

22. Every pension or survivors' benefit payable under the provisions of this Act shall be payable monthly in arrears.

Pension or
survivors'
benefits
payable
monthly in
arrears

Passed in the National Assembly on the twenty-fourth day of July, 1981.


Clerk of the National Assembly