

# THE PUBLIC SERVICE (AMENDMENT) ACT, 2007

## ARRANGEMENT OF SECTIONS

*Section*                      *Title*

### PART I

#### PRELIMINARY PROVISIONS

1. Short title and construction.

### PART II

#### AMENDMENT OF THE PUBLIC SERVICE ACT

2. Amendment of section 5.
3. Amendment of section 6.
4. Amendment of section 7.
5. Amendment of section 8.
6. Amendment of section 9.
7. Amendment of section 10.
8. Amendment of section 12.
9. Amendment of section 15.
10. Amendment of section 25.
11. Addition of section 29.
12. Amendment of section 30.
13. Amendment of section 35.
14. Amendment of section 35A.

THE UNITED REPUBLIC OF TANZANIA



No. 18 OF 2007

I ASSENT,

*Juvayya Kikwete*

President

24<sup>th</sup> January, 2008

**An Act to amend the Public Service Act.**

ENACTED by Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY PROVISIONS

1.—(1) This Act may be cited as the Public Service (Amendment) Short title Act, 2007 and shall be read as one with the Public Service Act and ~ons- hereinafter referred to as the “principal Act”.

Short title and construction

(2) The Minister may appoint different dates for the commencement of different Parts or provisions of this Act.

Cap. 298

PART II

AMENDMENT OF THE PUBLIC SERVICE ACT

2. The principal Act is amended in section 5 by-  
(a) deleting paragraph (b).  
(b) renaming the existing paragraph (c) and (d), as (b) and (c).

Amendment of section 5

3. The principal Act is amended in section 6 by:-  
(a) by deleting paragraph; (a) sub-section (1) and substituting for it the following:

Amendment of section 6

- “(a) pursue-
  - (i) results oriented management; and
  - (ii) Open Performance Appraisal System;”
- (b) repealing subsection (3) and replacing it with the

following provisions:

“(3) Every head of department or division shall be the disciplinary authority in respect of employees in the operational service under his department or division.”

(c) by adding a new section 6A as follows- .

Promo-  
tion and  
filling of  
vacant  
posts

**6A.**—(1) Where a vacant post occurs in the Service, such post shall be filled by a suitable filling employee in the public services and in the absence of such employee, consideration shall be given to a suitable person outside the Service.

(2) Without prejudice to subsection (1), for purposes of filling any vacant post in respect of entry point of any scheme of service, the post shall be advertised and interview be conducted to suitable candidate, unless the Chief Secretary direct otherwise.

(3) Every promotion in the Service shall be made by considering-

- (a) performance and efficiency to perform and execute the duties by an employee;
- (b) career development and succession plan;
- (c) seniority amongst the employees; and (e) the scheme of service.”

Amend-  
ment of  
section 7

4. The principal Act is amended in subsection (3) of section 7 by deleting item (vi).

Amend-  
ment of  
section 8

5. The principal Act is amended in section 8 by-

(a) by deleting paragraph (f) of subsection (3) and substituting for is the following:

“(f) facilitate labour mobility of employees among employers through transfers where-

- (i) a need arise for; or
- (ii) it is for public interest so to do,

and that consultations with the relevant employers are made;

following provisions:

“(3) Every head of department or division shall be the disciplinary authority in respect of employees in the operational service under his department or division.”

(c) by adding a new section 6A as follows- .

Promo-  
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Amend-  
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section 7

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Amend-  
ment of  
section 8

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(a) by deleting paragraph (f) of subsectio (3) and substituting for is the following:

“(f) facilitate labour mobility of employees among employers through transfers where-

- (i) a need arise for; or
- (ii) it is for public interest so to do,

and that consultations with the relevant employers are made;

Addition  
of section  
29

11. The principal Act is amended by-

(a) inserting a new section 29 immediately after the heading "SPECIAL PROVISIONS " as follows-

"Establish-  
ments and  
functions  
of the  
Secretariat

29.-(1) There shall be established by the Minister a Secretariat to be known as the Public Service Recruitment Secretariat which shall be composed of-

- (a) a Chairman who shall be appointed by the President;
- (b) such number of persons not less than five and not more than seven who shall be amongst public servants appointed by the Minister.

(2) The members shall elect a Vice-Chairman from amongst their number.

(3) There shall be a Secretary of the Secretariat to be appointed by the Minister.

(4) The Secretariat shall be responsible for facilitating recruitment of employees to the Service.

(5) For purposes of subsection (4), the Secretariat shall have representatives in every regional headquarter.

(6) In relation to subsection (4), the functions of the Secretariat shall be to-

- (a) search for various professionals with special skills and prepare a database of such professionals for ease of recruitment;
- (b) register graduates and professionals for purposes of ease of reference and filling vacant posts;
- (c) advertise vacant posts occurring in the Service;
- (d) engage appropriate experts for purposes of conducting interviews;
- (e) advise employers on various matters relating to recruitment; and
- (f) do any other act or thing which may be or directed by the Minister.

(7) The Secretariat shall make procedures for conduct of its business”.

(b) designating the existing sections “29” to “36” as sections 30 to 37, respectively.

12. The principal Act is amended in section 30 as designated -

Amendment of section 31

(a) by designating the contents of section 30 as section “30(1)”;

(b) by adding immediately after subsection (1) the following:

“(2) Without prejudice to subsection (1), public servants referred to under this section shall also be governed by the provisions of this Act.”

13. The principal Act is amended in subsection (2) of section 35 as designated by inserting paragraph “(f)” immediately after paragraph (e) as follows:

Amendment of section 35

“(f) prescribe manners and conditions of labour mobility within the Service.”

14. The principal Act is amended by adding immediately after section 35 as designated the following provisions:

Addition of section 35A

35A.-(1) The Minister may, for purposes of providing guidance to public servants, issue guidelines and codes of good practice.  
“Minister may issue guidelines, codes of good practice, etc.”

(2) Guidelines and codes of good practice made under subsection (1) shall be published in the *Gazette*.

(3) Any person interpreting or applying this Act shall be required to observe and take into account guidelines and codes of good practice and a public servant departing away from the guidelines or codes of good practice shall be required to provide the grounds as to why the departure was necessary”

Passed in the National Assembly on the 30<sup>th</sup> October, 2007.

  
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Clerk of the National Assembly