
THE UNITED REPUBLIC OF TANZANIA

ACT SUPPLEMENT

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THE TEACHERS' SERVICE COMMISSION ACT, 2015

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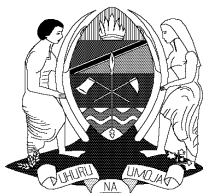
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THE UNITED REPUBLIC OF TANZANIA



NO.25 OF 2015

I ASSENT,

JAKAYA MRISHO KIKWETE

*President*20th October 2015

An Act to establish the Teachers Service Commission, to provide for its functions and obligations and to provide for matters related thereto.

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 Teachers Service Commission Act, 2015, 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 in respect of primary and secondary schools teachers employed in the public service.

Interpretation

3. In this Act, unless the context otherwise requires-

“appointing authority” in relation to teachers, means the Teachers Service Commission;

“Commission” means the Teachers’ Service Commission established under this Act;

“committee” means committee of the Commission established under section 7 this Act;

“disciplinary authority” means any person or authority vested with powers under this Act to take disciplinary measures against a teacher and includes a person to whom those powers have been delegated;

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“local government authority” has a meaning ascribed to it by the Local Government (District Authorities) Act and the Local Government (Urban Authorities) Act;

“member” in relation to the Commission includes the Chairman and other members of the Commission;

“Minister” means the Minister responsible for local government;

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“public service” has the meaning ascribed to it under the Public Service Act;

“the service” means the teachers Service;

“teachers service” means the unified service of all teachers in the public service;

“teacher” means a person registered as a teacher and who pursued a teaching training course in a registered teachers’ college or university,

PART II

THE TEACHERS SERVICE COMMISSION

Establishment of
the Commission

4. There is hereby established a commission under the Ministry responsible for local government which shall be known as the Teachers’ Service Commission.

Functions of the
Commission

- 5.** The functions of the Commission shall be to-
- (a) maintain and administer the teachers' service;
 - (b) advise the Minister on administration and maintenance of the teachers service;
 - (c) appoint, promote and discipline teachers;
 - (d) to ensure equitable deployment and distribution of teachers among and within local governments and schools
 - (e) determine appeals from decisions of disciplinary authorities;
 - (f) maintain a register and records of all teachers who are in the service;
 - (g) supervise teachers in-service training programmes;
 - (h) conduct research and evaluation on matters relating to teachers service and advise the Minister accordingly;
 - (i) to assess the teacher situation and advise the Minister responsible for teachers training on the number, type and level of teachers needed in the country;
 - (j) prescribe code of ethics and conduct of teachers service;
 - (k) maintain communication with district offices and on all or any matter relating to the development of teachers service; and
 - (l) do any other thing or act, which in the opinion of the Minister, is conducive or incidental to the better carrying out of its functions.

Composition of the
Commission

- 6.-(1)** The Commission shall be composed of-
- (a) a Chairman to be appointed by the President;
 - (b) eight other members to be appointed by the Minister, being:
 - (i) a representative from President Office, Public Service Management;

-
- (ii) a representative from the Attorney General's Chambers;
 - (iii) a representative from the Ministry responsible for education who has experience in school quality assurance;
 - (iv) a representative from the Ministry responsible for local government;
 - (v) a representative from the National Council for Technical Education;
 - (vi) two representatives from the teachers trade union, being a representative of primary school teachers and a representative of secondary school teachers; and
 - (vii) the Commissioner for Budget or his representative.
- (2) A person shall be qualified for appointment as a Chairman who-
- (a) is a Tanzanian citizen;
 - (b) possess at least a degree in education, public administration, human resource, financial management or law from a university recognized by an accreditation body in Tanzania; and
 - (c) has at least ten years experience in public administration, human resource or financial management and demonstrated ability of, and capacity in dealing with teachers' affairs.
- (3) In appointing members of the Commission, the Minister shall ensure that both men and women are appointed on grounds of merit.
- (4) The provisions of the First Schedule to this Act shall have effect as to procedure at meetings, tenure of members and other matters relating to the Commission.

Committees of the
Commission

7.-(1) The Commission may, for the purpose of facilitating performance of its functions, form such number of committees to perform specific functions as the Commission may determine.

(2) The size, terms and conditions of the committees shall be as be determined by the Commission.

Appointment of the
Secretary

8.-(1) There shall be a Secretary to the Commission who shall be appointed by the President.

(2) A peson shall be qualified for appointment as a Secretary if that person-

(a) is a Tanzania citizen;

(b) posses at least a degree in education, public administration, human resource, financial management or law from a university recognized by an accreditation body in Tanzania; and

(c) has at least ten years experience in public administration, human resource or financial management.

(3) The Secretary shall be the chief executive officer of the Commission and shall be responsible for the co-ordination of functions of the Commission.

Oath

9. The Chairman and the Secretary of the Commission shall on first appointment each take and subscribe to an oath or affirmation in a form set out in the Second Schedule to this Act.

Staff of the
Commission

10.-(1) There shall be recruited and employed in the office of the Commission, such number of public officers in such categories and levels as the Commission may, with approval of the Permanent Secretary (Establishment), determine.

(2) The office of the Commission shall be public office.

(3) Without prejudice to subsection (1), the current public officers and employees of the Teachers' Service Department shall be deemed to have been recruited and employed by the Commission under such terms and conditions which are not less favourable than the terms and conditions of employment under the Teachers' Service Department.

District offices

11.-(1) There shall be offices of the Commission at district level with such number of staff as may be determined by the Commission.

(2) Each district office shall, subject to direction of the Commission, perform functions of the Commission and report to the Commission on its performance.

(3) The Minister may, on the advice of the Commission, make regulations prescribing procedures for performance of functions of the Commission by the district office.

Functions of the Commission at the district level

12.-(1) In performing functions conferred by this Act, each district office shall-

- (a) keep and maintain an updated register of all teachers under its jurisdiction who are employed in the public service;
- (b) keep and maintain an updated seniority list for all teachers under their jurisdiction;
- (c) ensure that teachers appointed in the service fill and sign letter of appointment before reporting to their respective stations;
- (d) recommend to the Commission for approval of re-appointment of teachers formerly terminated from the service provided that such a teacher shall have been out of service for a

period of not less than twelve months from the date of receipt of the letter of termination;

- (e) maintain records in open and confidential files and submit service particulars to other districts in the event of the teacher's transfer;
- (f) uphold and maintain the code of ethics and conduct for teachers;
- (g) exercise disciplinary powers over teachers under its jurisdiction; and
- (h) carry out such other functions as may be prescribed or conferred to it by the Commission.

(2) For the purpose of paragraph (g) of subsection (1), disciplinary powers at the school level in respect of offences which does not warrant punishment of dismissal, reduction in rank or reduction in salary, shall be exercised by the head of the school.

Appeals

13.-(1) Where a teacher is aggrieved by the decision of the head of school, he may appeal to the Commission at the district level.

(2) Where a teacher is aggrieved by the decision of the Commission at the district level, he may appeal to the Commission.

(3) Appeals against the decision of the Commission shall be referred to the President for determination.

Supervision and administration of welfare of teachers

14.-(1) The supervision and administration of primary and secondary school teachers shall be the responsibility of the local government authorities.

(2) In administering the welfare of teachers, the local government authorities shall comply with the terms and conditions pertaining to employment and welfare of the teachers as shall from time to time be prescribed by the Commission.

(3) For the purpose of this section, the Commission at the district level shall, from time to time convene consultative meetings with the District Executive Director to deliberate on the matters pertaining to teachers in the district and advise accordingly.

Remuneration of members

15. Members of the Commission shall be paid such allowances and other benefits as may be determined by the Minister.

Activity report

16. The Commission shall for each financial year prepare and submit to the Minister a report containing detailed information of its activities and operations.

Prohibition of unauthorized disclosure of information

17.-(1) No member, officer of the Commission or any other person shall without the written permission of the Minister, publish or disclose to any unauthorized person or otherwise than in the cause of duty, the contents of any document, communication or information of any kind which has come to his knowledge in the cause of performance of functions under this Act.

(2) Any person who knows of any information which, to his knowledge has been disclosed in contravention of this section and who publishes or

communicates such information to any other person for purposes other than proceedings in the court of law that has been commended pursuant to this Act or in the exercise of official functions, commits an offence and on conviction shall be liable to a fine of not less than five hundred thousand shillings or to imprisonment for a term of twelve months or to both .

(3) Nothing in this section shall be construed as prohibiting any person from giving a certificate or testimonial to any applicant or candidate for any office or from supplying any information or assistance at the request of the Commission

Offence of attempt
to influence the
Commission

18.-(1) Without prejudice to the provisions of any other written law, every person who otherwise than in the cause of duty, directly or indirectly, personally or by any other person influence or attempts to influence in any manner a decision of the Commission, commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding twelve months or to both.

(2) A prosecution in respect of an offence under this section shall not be instituted without consent of the Director of Public Prosecutions.

PART III FINANCIAL PROVISIONS

Resources of the
Commission

19.-(1) The funds of the Commission shall consist of such moneys appropriated by Parliament for purposes of the Commission.

(2) All funds allocated in terms of subsection (1) shall be-

(a) disbursed directly by the Treasury to the respective district office bank account which

Cap.348 shall be opened in accordance with public financial laws; and
(b) administered in accordance with the Public Finance Act.

Estimates of the revenue and expenditure **20.** The Commission shall, in respect of each financial year, prepare and submit to the Minister estimates of its revenue and expenditure and the Minister shall examine the same and table before the National Assembly.

Audit **21.** Accounts of the Commission shall be audited once in every financial year by the Controller and Auditor-General in accordance with the Public Audit Act.
Act. No.11 of 2008

PART IV MISCELLANEOUS PROVISIONS

Regulations **22.**-(1) The Minister may, upon consultation with the Commission, make regulations for the better carrying out of the provisions of this Act.
(2) Without prejudice to the generality of subsection (1), the Minister shall make regulations-
(a) prescribing procedures for recruitment, appointment and deployment of teachers;
(b) prescribing matters related to teachers development;
(c) prescribing the manner and procedure by which welfare of teachers, including payment of salaries, allowances and pension, shall be administered;
(d) prescribing procedures for disciplinary matters related to teachers; and
(e) providing for any matter necessary or ancillary to the furtherance of objectives and purposes of this Act.

Transitional
provision

23. The Minister may, by order published in the Gazette at any time before expiry of six months from the commencement of this Act, make such transitional and supplementary provisions necessary to give effect to the provisions of this Act in respect of maintaining continuity of the Commission.

PART V
CONSEQUENTIAL AMENDMENTS

Amendments of
Public Service Act.

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24. The Public Service Act is hereby amended, by repealing-

- (a) section 6(4);
- (b) section 15(1) (b);
- (c) sub heading “(a)” appearing immediately after section 29; and
- (d) section 30.

FIRST SCHEDULE

(Made under section 6(3))

PROCEDURE AT MEETINGS, TENURE OF MEMBERS AND
MATTERS RELATING TO THE COMMISSION

Vice Chairman

1. The Commission shall elect one of its members to be the Vice-Chairman and any member elected as a Vice-Chairman shall, subject to his continuing to be a member, hold office of Vice-Chairman for a term to be fixed by the Commission and shall be eligible for re-election after the end of such period.

Tenures of Member

2.-(1) Subject to the provisions of subparagraphs (2) and (3), a member may hold office for a period of three years from the date of appointment and shall be eligible for reappointment.

(2) Where a member of the Commission other than the Chairman is for any reason unable to perform duties as a member of the Commission, the Minister may revoke his appointment and appoint another member for the period during which the member is disabled.

(3) A member of the Commission may resign by notice in writing addressed, in the case of the Chairman to the President and in case of any other member to the Minister and as from the date specified in such notice, such member shall cease to be a member of the Commission or if no date is specified from the date of receipt of the letter.

(4) A member who fails to attend three consecutive meetings of the Commission or Committee without reasonable cause shall be deemed to have ceased to be a member of the Commission or Committee, as the case may be.

Validity of any proceedings

3. Validity of any proceedings of the Commission shall not be affected by any vacancy amongst members thereof or by a defect in the appointment of any member.

Secretary of the Commission

4. The Secretary to the Commission shall attend all meetings but shall not vote at such meetings.

Meetings and quorum

5.-(1) The Commission shall meet at least four times per year or in such time and place as the Chairman may appoint.

(2) The Chairman may at any time convene a special meeting of the Commission and shall-

(a) call a meeting within twenty one days of receiving a written request in that behalf specifying the reason for the meeting and addressed to him and signed by not less than six members of the Commission;

(b) call a meeting when so directed by the Minister.

(3) At any meeting of the Commission not less than two third of the members in office for the time being shall constitute a quorum.

Invitation of non members

6. The Chairman may invite any person to attend a meeting of the Commission, and any such person may take part in the proceedings of that meeting but shall not be entitled to vote.

Power of the Chairman and Vice-Chairman

7.-(1) The Chairman shall preside at all meetings of the Commission.

(2) Where at any meeting the Chairman is absent, the Vice-Chairman shall preside.

(3) In the absence of both the Chairman and Vice-Chairman at any meeting, members present may, from amongst their number elect a temporary Chairman who shall preside at the meeting.

(4) The Chairman, Vice-Chairman or temporary Chairman presiding at any meeting, shall have a vote and, in the event of an equality of votes, shall have a casting vote in addition to his deliberative vote.

Commission to
regulate its own
procedure

8. Subject to the provisions of this Act, the Commission may regulate its own procedure.

SECOND SCHEDULE*(Made under section 9)**Oath/Affirmation by members*

I,.....having been appointed as Chairman/member of the Teachers' Service Commission Secretary, do swear/affirm that I will freely and without fear or favour, affection or ill-will, discharge the functions of Chairman/member of the Commission, and that I will not directly or indirectly reveal any matters relating to such functions to any unauthorized person or otherwise than in the course of duty.

SO HELP ME GOD

Sworn/Affirm before me thisday of.....20....

Before me
President/Minister

Passed by the National Assembly on 9th July, 2015.

DR. THOMAS D. KASHILILAH
Clerk of the National Assembly

SHERIA YA TUME YA WALIMU YA MWAKA 2015

MPANGILIO WA VIFUNGU

Kifungu

Kichwa

SEHEMU YA KWANZA

MASHARTI YA AWALI

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

SEHEMU YA PILI

TUME YA UTUMISHI WA WALIMU

4. Kuanzishwa kwa Tume ya Utumishi wa Walimu
5. Kazi za Tume
6. Muundo wa Tume
7. Kamati za Tume
8. Uteuzi wa Katibu
9. Watumishi wa Tume
10. Kiapo
11. Uanzishwaji wa Tume katika ngazi za Wilaya
12. Kazi za Tume katika ngazi ya Wilaya
13. Rufaa
14. Usimamizi wa Walimu
15. Malipo ya Wajumbe
16. Taarifa za kazi
17. Katazo kuhusu utoaji wa taarifa za siri
18. Makosa ya kushawishi maamuzi ya Tume

SEHEMU YA TATU

MASHARTI YA FEDHA

19. Vyanzo vya Mapato ya Tume

20. SEHEMU YA NNE

- 21. Makadirio ya mapato na matumizi
- 22. Ukaguzi wa hesabu

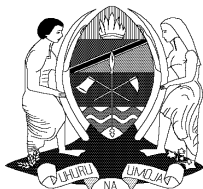
SEHEMU YA NNE
MASHARTI MBALIMBALI

- 23. Kanuni
- 24. Masharti mpito

SEHEMU YA TANO
MAREKEBISHO YATOKANAYO

- 25. Marekebisho ya Sheria ya Utumishi wa Umma

JAMHURI YA MUUNGANO WA TANZANIA



NA.25 YA 2015

NAKUBALI,

.....

Rais

.....

Sheria ya kuanzisha Tume ya Utumishi wa Walimu, kuainisha kazi na majukumu yake na kuainisha masuala mengine yanayohusiana nayo.

IMETUNGWA na Bunge la Jamhuri ya Muungano wa Tanzania.

SEHEMU YA KWANZA
MASHARTI YA AWALI

Jina na tarehe ya
kuanza
kutumika

1. Sheria hii itaitwa Sheria ya Tume ya Walimu ya mwaka, 2015 na itaanza kutumika katika tarehe ambayo, Waziri kwa Tangazo litakalochapishwa kwenye *Gazeti* la Serikali, atateua.

2. Sheria hii itatumika Tanzania Bara kwa walimu wote wa shule za msingi na sekondari walioajiriwa katika utumishi wa umma.

Tafsiri ya
maneno

3. Katika Sheria hii, isipokuwa kama muktadha utahitaji vinginevyo-

“Tume” maana yake ni Tume ya Utumishi wa Walimu iliyoanzishwa chini ya Sheria hii;

“kamati” maana yake ni kamati za Tume zilizoanzishwa chini ya kifungu cha 7;

“Mjumbe” kuhusiana na Tume, inajumuisha Mwenyekiti na Wajumbe wa Tume;

“Waziri” maana yake ni Waziri mwenye dhamana ya masuala ya Serikali za Mitaa;

“mamlaka ya ajira” maana yake ni Tume ya Utumishi wa Walimu;

“mamlaka ya nidhamu” ni mtu au mamlaka iliyopewa mamlaka ya kuchukua hatua za kinidhamu dhidi ya mwalimu na inajumuisha mtu aliyekasimiwa mamlaka hayo;

Sura ya 287 “mamlaka ya serikali za mitaa” ina maana kama ilivyofafanuliwa katika sheria ya Serikali ya Mitaa (Mamlaka za Wilaya) na Sheria ya Serikali za Mitaa (Mamlaka za Miji);

Sura ya 288 “utumishi wa umma” ina maana sawa na ile iliyoelezewa katika Sheria ya Utumishi wa Umma;

Sura ya 298 “ofisi ya utumishi wa umma” ina maana sawa na ile iliyoelezewa katika Sheria ya Utumishi wa Umma;

Sura ya 298 “Utumishi” ina maana ya utumishi wa walimu; “utumishi wa walimu” maana yake ni utumishi wa walimu wote katika Utumishi wa Umma;

“mwalimu” maana yake ni mtu aliyesajiliwa kama mwalimu na ambaye amehitimu mafunzo ya ualimu katika chuo cha ualimu au chuo kikuu kinachotambuliwa.

SEHEMU YA PILI
TUME YA UTUMISHI WA WALIMU

Kuanzishwa kwa
Tume

4. Inaanzishwa Tume chini ya Wizara yenye dhamana na masuala ya Serikali za Mitaa ambayo itajulikana kama Tume ya Utumishi wa Walimu.

Kazi za Tume

5. Kazi za Tume zitakuwa ni-
- (a) kuendeleza na kusimamia utumishi wa walimu;
 - (b) kumshauri Waziri juu ya kusimamia na kuendeleza utumishi wa walimu;
 - (c) kuajiri, kupandisha vyeo na kuchukua hatua za kinidhamu kwa walimu;
 - (d) kuhakikisha uwiano sawa katika usambazaji wa walimu ndani ya Serikali za Mitaa na shule;
 - (e) kushughulikia masuala ya rufaa zinazotokana na maamuzi ya mamlaka ya kinidhamu;
 - (f) kutunza daftari na kumbukumbu za walimu wote ambao wako katika utumishi wa walimu;
 - (g) kusimamia programu za mafunzo ya walimu kazini;
 - (h) kufanya utafiti na tathmini kuhusu masuala yanayohusu utumishi wa walimu na kumshauri Waziri inavyostahiki;
 - (i) kutathmini hali ya Walimu na kushauri Wizara yenye dhamana ya masuala ya walimu juu ya mafunzo, idadi na uhitaji wa walimu nchini;
 - (j) kuandaa kanuni za maadili ya utendaji kazi ya mwalimu;
 - (k) kuendeleza mfumo wa mawasiliano na Ofisi za Tume katika ngazi ya Wilaya juu ya mambo yote au jambo lolote kuhusiana na maendeleo ya utumishi wa walimu na kuhakikisha kwamba mwajiri na Ofisi ya Tume ngazi ya Wilaya wanatekeleza kazi zao kwa mujibu wa Sheria hii;

- (l) kufanya jambo au kitendo chochote ambacho kwa maoni ya Waziri kinafaa au kinategemewa katika utekelezaji bora wa kazi zake;

Muundo wa
Tume

6.-(1) Tume itaundwa na-

- (a) Mwenyekiti ambaye atateuliwa na Rais; na
(b) wajumbe wengine kumi watakaoteuliwa na Waziri ambao ni;
- (i) mwakilishi kutoka Ofisi ya Rais; Menejimenti ya Utumishi wa Umma;
 - (ii) mwakilishi kutoka Ofisi ya Mwanasheria Mkuu wa Serikali;
 - (iii) mwakilishi kutoka Wizara yenye dhamana ya Masuala ya elimu ambaye ana uzoefu katika masuala ya ubora wa viwango vya shule;
 - (iv) mwakilishi kutoka Wizara yenye dhamana wa Serikali za Mitaa ;
 - (v) mwakilishi kutoka Baraza la Taifa la Vyujo vya Elimu ya Ufundi;
 - (vi) mawakilishi wawili kutoka Chama cha Walimu ambao ni mwakilishi wa walimu wa shule za msingi na mwakilishi wa walimu wa shule za sekondari; na
 - (vii) Kamishna wa Bajeti au mwakilishi wake.

(2) Mtu atateuliwa kuwa Mwenyekiti ikiwa mtu

huyo:

- (a) ni raia wa Tanzania;
- (b) ana angalau shahada ya elimu, utawala wa umma, usimamizi wa raslimali watu; usimamizi wa fedha, au sheria kutoka katika chuo kikuu kinachotambulika na mamaka ya Ithibati Tanzania; na
- (c) ana uzoefu wa angalau miaka kumi katika utawala wa umma, usimamizi wa raslimali watu au usimamizi wa fedha na ameonyesha uwezo mkubwa katika kushughulikia masuala ya walimu.

(3) Katika kuteua wajumbe wa Tume, Waziri atahakikisha ya kwamba inajumuisha wanaume na wanawake watakaoteuliwa kwa misingi ya sifa.

(4) Masharti yaliyomo katika Jedwali la Kwanza katika Sheria hii yatakuwa na nguvu katika mwenendo na utekelezaji wa Tume.

Kamati za
Tume

7.-(1) Tume inaweza, kwa madhumuni ya utekelezaji wa majukumu yake, kuteua Kamati mbalimbali kwa ajili ya kutekeleza majukumu mahsusi kama itakavyoona inafaa.

(2) Masharti kuhusu muundo na masharti ya utendaji wa Kamati za Tume yatakuwa kama itakavyoamriwa na Tume.

Uteuzi wa Katibu

8.-(1) Kutakuwa na Katibu wa Tume ambaye atateuliwa na Rais.

(2) Mtu atateuliwa kuwa Katibu ikiwa mtu huyo:

(a) ni raia wa Tanzania;

(b) ana angalau shahada ya elimu ya watu, usimamizi wa fedha au sheria kutoka katika chuo kikuu kinachotambulika na Mamlaka ya Ithibati Tanzania; na

(c) ana uzeofu wa angalau miaka kumi katika utawala wa umma, usimamizi wa raslimali watu au usimamizi wa fedha .

(3) Katibu atakuwa mtendaji mkuu wa Tume na atakuwa na jukumu la kuratibu kazi zote za Tume.

Kiapo

9. Mwenyekiti, Katibu na wajumbe wa Tume watatakiwa kabla ya kuanza kutekeleza majukumu yao kila mmoja kula kiapo au kuthibitisha kwa dhati katika Fomu iliyopo katika Jedwali la Pili la Sheria hii.

Watumishi wa
Tume

10.-(1) Tume itaajiri idadi ya watumishi katika ngazi na nyadhifa mbalimbali baada ya kupata kibali cha Katibu Mkuu, Utumishi.

(2) Ofisi za Tume zitakuwa ofisi katika utumishi wa umma.

(3) Bila kuathiri Kifungu cha (1), maafisa na waajiriwa wa Idara ya Huduma ya Walimu watachukuliwa kuwa wameajiriwa na Tume kwa vigezo na masharti ambayo hayatakuwa ya chini ikilinganishwa na vigezo na masharti ya ajira chini ya Idara ya Huduma ya Walimu.

Ofisi za Tume
ngazi ya wilaya

11.-(1) Kutakuwa na ofisi za Tume katika wilaya zenye idadi ya watumishi kama itakavyoamuliwa na Tume watakaotosheleza majukumu ya Tume katika wilaya husika.

(2) Ofisi za wilaya zitaishauri Tume juu ya mambo yanayoweza kuelekezwa na Tume na kutekeleza kazi nyingine kama zitakavyoainishwa au kuelekezwa na Tume na zitatoa taarifa zake za utekelezaji kwa Tume.

(3) Waziri kwa kushauriana na Tume ataandaa kanuni kwa ajili ya kutoa mwongozo wa utekelezaji wa majukumu ya Tume katika ngazi ya wilaya.

Kazi za Tume
katika ngazi ya
Wilaya

12.-(1) Katika kutekeleza majukumu yake chini ya Sheria hii, Ofisi za Tume ngazi ya wilaya-

- (a) zitaweka na kuendeleza daftari la kumbukumbu sahihi za walimu wote katika maeneo yao ambao wameajiriwa katika utumishi wa umma;
- (b) zitaweka na kutunza tange ya walimu wote kwenye maeneo yao;
- (c) itahakikisha kwamba walimu walioajiriwa chini ya Sheria hii na kujaza na kutia sainsi barua ya uteuzi kabla ya kuripoti katika maeneo yao ya kazi baada ya kuthibitishwa kuwa wanafaa;
- (d) kupendekeza kwa Tume utaratibu wa kupata ridhaa ya kuwarudisha tena katika utumishi wa umma walimu ambao walioachishwa kazi, kwa kuzingatia kwamba walimu hao wamekuwa nje

ya utumishi wa umma kwa muda usiopungua miezi kumi na mbili kuanzia tarehe ya kupokea barua ya kuacha kazi;

- (e) kutunza kumbukumbu katika majalada ya wazi na ya siri na kutuma kumbukumbu za utumishi kwenye wilaya nyingine iwapo mwalimu huyo atakuwa amehamishwa;
- (f) kusimamia na kuendeleza kanuni za maadili ya utumishi wa walimu;
- (g) kuchukua hatua za kinidhamu dhidi ya walimu katika maeneo yao; na
- (h) kutekeleza kazi nyingine yoyote kama itavyoelekezwa na Tume.

(2) Kwa madhumuni ya aya ya (g) ya kifungu kidogo cha (1), mamlaka ya nidhamu katika shule kuhusu makosa madogo itakuwa mwalimu mkuu wa shule husika.

Rufaa

13.-(1) Pale ambapo mwalimu hakuridhika na uamuzi wa mkuu wa shule anaweza kukata rufaa kwa Tume katika ngazi ya wilaya.

(2) Endapo mwalimu hajaridhika na uamuzi wa Tume katika ngazi ya wilaya atakata rufaa kwa Tume makao makuu.

(3) Rufaa kutokana na uamuzi wa Tume zitawasilishwa kwa Rais kwa uamuzi.

Usimamizi na masuala ya utawala wa waalimu

14.-(1) Usimamizi na utawala wa waalimu wa shule za msingi na sekondari litakuwa ni jukumu la mamlaka husika ya serikali za mitaa.

(2) Katika kutekeleza masuala yanayohusu maslahi ya walimu, mamlaka ya serikali za mitaa na wizara yenye dhamana na Serikali za Mitaa atazingatia masharti ya ajira na maslahi ya walimu kama itakavyokuwa ikitolewa katika nyakati mbalimbai na Tume.

(3) Kwa madhumuni ya utekelezaji bora wa masharti kifungu hiki, Tume katika ngazi ya wilaya itakuwa na vikao vya mara kwa mara vya mashauriano na Mkurugenzi Mtendaji wa Wilaya kwa lengo la kujadili masuala yanayohusu walimu katika wilaya husika na kutoa ushauri ipasavyo.

Malipo ya wajumbe

15. Wajumbe wa Tume watalipwa posho na stahili nyingine kama itakavyoamuriwa na Waziri.

Utoaji wa Taarifa za kazi za mwaka

16.-(1) Tume itaandaa, kila mwaka wa fedha taarifa za utekelezaji wa kazi zake na kuiwasilisha kwa Waziri mwenye dhamana na masuala ya elimu, ikitoa maelezo ya kutosha kwenye taarifa ya mwaka kuhusu utekelezaji ulivyokuwa kwa mwaka fedha uliopita na mwaka wa fedha husika pamoja na gharama za utekelezaji.

(2) Waziri mwenye dhamana na masuala ya elimu baada ya kupokea taarifa hiyo, ataiwasilisha Bungeni.

Katazo la kutoa taarifa za siri

17-(1) Mjumbe yeyote, ofisa yeyote wa Tume au mtu mwingine yeyote hataruhusiwa kuchapisha au kutoa taarifa za Tume au yaliyomo kwenye hati yoyote, mawasiliano au taarifa ambazo zimemfikia wakati wa kutekeleza kazi zake na kuzitoa kwa mtu yeyote asiyeruhusiwa iwe ni kwa ajili ya kazi yake au vinginevyo, bila kupata kibali cha maandishi toka kwa Waziri kwa mujibu wa Sheria hii.

(2) Mtu yeyote ambaye amepata taarifa, kwa uelewa wake umepatikana kinyume cha kifungu hiki na kuzitangaza au kuzisambaza au kuzitoa kwa mtu mwingine yeyote kwa madhumuni tofauti na ya uendeshaji wa mashtaka chini ya Sheria hii au katika utekelezaji majukumu yake kikazi, atakua ametenda kosa.

Sura 47

(3) Masharti ya kifungu hayatatafsiriwa kumzuia mtu kutoa cheti kwa mwombaji kwa ajili ya Ofisi au kutoa taarifa zozote zitakazoombwa na Tume.

Makosa ya
kushawishi
maamuzi ya
Tume

18.-(1) Bila kuathiri masharti ya sheria nyingine yoyote, kila mtu ambaye, isipokuwa katika utendaji wake wa kazi, atashawishi au kujaribu kushawishi Tume kwa kuhusika moja kwa moja au kumtumia mtu mwingine kuishawishi Tume kwa makusudi ya kuathiri maamuzi ya Tume, atakuwa ametenda kosa na akitiwa hatiani atahukumiwa kulipa faini isiyozidi shilingi laki tano au kifungo kisichozidi miezi kumi na miwili au vyote kwa pamoja.

(2) Mashtaka hayatafunguliwa kwa makosa yatakayofanywa na mtu yeyote kwa mujibu wa masharti yaliyowekwa katika kifungo hiki bila ya kupata ridhaa ya Mkurugenzi wa Mashtaka.

SEHEMU YA TATU MASHARTI YA FEDHA

Vyanzo vya
mapato ya Tume

19.-(1) Vyanzo vya mapato ya Tume vitajumuisha fedha zitakazotengwa na Bunge kwa ajili ya Tume.

(2) Fedha zote zitakazotengwa kwa ajili ya Tume katika ngazi ya wilaya-

(a) zitatumwa kwenye akaunti ya Tume ngazi ya wilaya ambayo itafunguliwa kwa mujibu wa Sheria ya Fedha za Umma; na

(b) zitasimamiwa na kutumiwa kwa kuzingatia masharti ya Sheria ya Fedha za Umma.

Makadirio ya
mapato na
matumizi

20.-(1) Tume katika kila mwaka wa fedha husika, itatayarisha na kuwasilisha kwa Waziri makadirio ya mapato na matumizi yake na Waziri atazipitia na kuziwasilisha mbele ya Bunge.

(2) Katika kuandaa makadirio yake, Tume itazingatia ushauri uliotolewa na Waziri na Waziri mwenye dhamana na fedha.

Ukaguzi wa
hesabu
Sheria Na.11 ya
mwaka 2008

21. Hesabu za fedha za Tume zitakaguliwa mara moja katika kila mwaka wa fedha na Mdhibiti na Mkaguzi Mkuu wa Hesabu za Serikali kwa kuzingatia Sheria ya Ukaguzi wa Hesabu za Umma.

SEHEMU YA NNE
MASHARTI MBALIMBALI

Kanuni

22.-(1) Waziri baada ya kushauriana na Tume, anaweza kutengeneza kanuni kwa ajili ya utekelezaji bora wa masharti ya Sheria hii.

(2) Bila kuathiri masharti ya ujumla ya kifungu kidogo cha (1), Waziri anaweza kutengeneza kanuni-

- (a) kuainisha utaratibu wa kuajiri, uteuzi na upangaji wa walimu katika vituo;
- (b) kuainisha masuala yanayohusu maendeleo na madaraja ya walimu;
- (c) kuainisha mfumo na utaratibu wa kushughulikia masuala ya walimu ikiwa ni pamoja na ulipaji mishahara, marupurupu na mafao ya uzeeni;
- (d) kuweka masharti kuhusu masuala ya nidhamu kwa walimu; na
- (e) zinazoainisha jambo lolote katika kuendeleza malengo na madhumuni ya sheria hii.

Masharti
yatokanayo

23. Kwa amri itakayochapishwa katika *Gazeti* la Serikali, Waziri atatengeneza muda wowote kabla ya muda wa miezi sita kumalizika baada ya kuanza kutumika kwa Sheria hii, masharti ya mpito ambayo ni muhimu kwa ajili ya utekelezaji wa masharti ya Sheria hii.

SEHEMU YA TANO
MAREKEBISHO YATOKANAYO

Marekebisho ya
Sheria ya
Utumishi wa
Umma
Sura 298

24. Sheria ya Utumishi wa Umma inafanyiwa marekebisho kwa kufuta-

- (a) kifungu cha 6(4);
- (b) kifungu cha 15(1)(b);
- (c) kichwa kidogo cha habari “(a)” kinachoonekana mara baada ya kifungu cha 29;
- (d) kifungu cha 30.

JEDWALI LA KWANZA

(Limetengenezwa chini ya kifungu cha 6(3))

TARATIBU KATIKA MIKUTANO YA TUME

Makamu
Mwenyekiti

1. Tume itachagua mmoja kati ya wajumbe wake kama Makamu Mwenyekiti na mjumbe yeyote atakaechaguliwa kama Makamu Mwenyekiti wakati akiendelea kuwa mjumbe, atashikilia kwa muda utakaopangwa na Tume na atastahili nafasi ya Makamu Mwenyekiti kuchaguliwa tena baada ya kumazilizika kwa kipindi hicho.

Muda wa kukaa
madarakani

2.-(1) Kwa kuzingatia masharti yaliyopo katika aya ya (2) na ya (3), mjumbe atashika na nafasi hiyo kwa muda wa miaka mitatu kuanzia muda alioteuliwa na atastahili kuchaguliwa tena.

(2) Endapo Mwanachama wa Tume mbali na Mwenyekiti kwa sababu zozote zile ameshindwa kutimiza majukumu yake kama mjumbe wa Tume, Waziri atabatilisha uteuzi wake na atamchagua mwingine kwa muda ule ambao mjumbe atakuwa ameshindwa.

(3) Mjumbe yeyote wa Tume anaweza kujiuzulu kwa taarifa ya kimaandishi atakayoiwasilisha, kama ni Mwenyekiti, kwa Rais na kama ni mjumbe mwingine kwa Waziri na tokea tarehe iliyoainishwa katika notisi, mjumbe huyo atakoma kuwa mjumbe wa Tume au kama tarehe haijaainishwa basi ni tokea tarehe ya barua ilivyopokelewa.

- (4) Mjumbe yeyote atakayeshindwa kuhudhuria mikutano mitatu yoyote ya Tume au Kamati mfululizo bila sababu za msingi atachukuliwa kuwa amekoma kuwa mjumbe wa Tume.
- Uhalali na mwenendo wowote **3.** Uhalali na mwenendo wowote wa Tume hautaathiriwa na nafasi yoyote iliyo wazi kati ya wajumbe au dosari yoyote katika uteuzi wa mjumbe yeyote.
- Katibu wa Tume **4.** Katibu wa Tume atahudhuria mikutano yote lakini hatapiga kura katika mikutano hiyo.
- Mikutano na akidi **5.-(1)** Tume itakutana si chini ya mara nne kwa mwaka katika muda na mahali ambapo Mwenyekiti atakachagua.
(2) Mwenyekiti anaweza, katika muda wowote, kuitisha mkutano maalum wa Tume na-
(a) itaitisha mkutano ndani ya wiki sita baada ya kupokea maombi kwa maandishi kwa niaba hiyo ikiainisha sababu ya mkutano huo na kuwasilishwa kwake na kusainiwa na si chini ya wajumbe watatu wa Tume;
(b) itaitisha mkutano pale atakapoelekezwa na Waziri.
(3) Katika mkutano wowote wa Tume, si chini ya moja ya tatu ya wajumbe katika ofisi kwa wakati huo watafanya akidi.
- Mwaliko kwa wasio wanachama **6.** Mwenyekiti anaweza kumwalika mtu yeyote kuhudhuria mkutano wa Tume, na mtu mwingine huyo anaweza kushiriki katika mwenendo wa mkutano huo lakini hatakuwa na haki ya kupiga kura katika mkutano huo.
- Mamlaka ya Mwenyekiti na Makamu Mwenyekiti **7.-(1)** Mwenyekiti ataongoza mikutano yote ya Tume.
(2) Endapo hatakuwepo katika mkutano wowote Makamu Mwenyekiti ataongoza.
(3) Endapo Mwenyekiti na Makamu Mwenyekiti wote hawapo katika mkutano wowote, wajumbe waliopo wanaweza, kutoka miongoni mwao, kumchagua Makamu wa muda ambaye ataongoza mkutano.
(4) Mwenyekiti, Makamu Mwenyekiti au mwenyekiti wa muda watakaongoza katika mkutano wowote, watakuwa na kura na ikitokea kura zikalingana atakuwa na kura ya turufu juu ya nyongeza katika majadiliano ya kura.

Tume kusimamia
taratibu zake

8. Kwa kuzingatia masharti ya Sheria hii, Tume
inaweza kusimamia utaratibu wake.

JEDWALI LA PILI

(Limetenenezwa chini ya Kifungu cha 9(1))

KIAPO CHA WAJUMBE

Mimi baada ya kuteuliwa kuwa
Mwenyekiti/Mjumbe/Sekretari wa Tume ya Walimu naapa ya kwamba, kwa
uhuru na bila woga au fadhila, upendeleo au nia ovu, nitatimiza majukumu ya
Mwenyekiti/Mjumbe wa Tume, na kwamba sitatoa moja kwa moja au
vinginevyo, jambo lolote linalohusu majukumu hayo kwa mtu yeyote
asisyekuwa na mamlaka au vyoyote vile nikiwa katika utekelezaji.

MUNGU NISAIDIE

Ameapa/amethibitisha mbele yangu leo tarehe mwezi wa
.....mwaka 20.....

Mbele yangu

.....

Rais/Waziri

Imepitishwa na Bunge tarehe 9 Julai, 2015.

DR. THOMAS D. KASHILILAH
Katibu wa Bunge