

THE UNITED REPUBLIC OF TANZANIA



No. 5 OF 2001

I ASSENT

President

**An Act to amend the Public Leadership Code of Ethics Act,
1995 to provide for smooth implementation of the Act.**

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ENACTED by the Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

1. This Act may be cited as the Public Leadership Code of Ethics (Amendment) Act, 2001 and shall be read as one with the Public Leadership Code Of Ethics Act, 1995 hereinafter referred to as the "principal Act, "

Short title
Act No. 13
Of 1995

2. Section 4 of the principal Act is amended-
(a) by adding immediately after the definition of the word "Government" the following new definition

**Amendme-
nt of Sec-
tion 4**

"Minister" means the minister responsible for public leadership code of ethics

(b) In item (xiii) appearing in the definition of the term "public leader"-

(i) by deleting the words "Principal Secretary" and substituting for the words "Permanent Secretary"

(ii) by Inserting immediately after the words "Permanent Secretary" the words **Deputy Permanent secretary**

(iii) by deleting the words "Deputy Permanent Secretary" and substituting for the them the words "Regional Administrative secretary,

(c) in item (xvii)

(I) by deleting a semicolon at the end of the word "police", and

(ii) by adding immediately after the word "police," the phrase "and the Regional Police Commander

(d) In term (xxiii) by inserting immediately after the word "Governor" the words "Deputy Governor"

(e) by adding immediately after item (xxv) the following new items ',

"xxxi" Commissioners for tax at the Tanzania Revenue Authority
(xxxvii) commissioner and Directors in the Government Ministries

(f) By renumbering section 4 as section "4(1)", and by adding immediately after subsection (1) as renumbered the following new sub-sections.

"(2) Notwithstanding subsection (i), the president may, by notice published in the Gazette change, vary or amend the list of public leader specified under subsection

(3) Where any changes or variations occur in respect of any title of public leader specified under section (1), the new title shall be deemed to be proper title under this Act."

PART 11

MISCELLANEOUS AMENDMENTS

3. The principal Act is amended by deleting the whole of section 8 and substituting for it the following-

Relation-
ship between
this Part and
purpose of the
Constitution.

"8. The provision of this part shall constitute part of the code of ethics for public leaders according to the Constitution , and breach of the code shall result in any of the following action namely-

- (a) warning and caution,
- (b) demotion,
- (c) *Suspension*
- (d) dismissal.,
- (e) advising the leader to resign from tile office to which the breach relates;
- (f) imposition of other penalties provided for under the *rules of discipline* related to the office of the leader; and
- (g) initiating, action for the leader to be dealt with under the appropriate law."

4. Section 9 of the principal Act is amended in section (1)

- (a) by adding immediately after the phrase "subsection (2)" the words
"and subsection
- (b) adding immediately at the end of subsection (1) the following proviso:
"Where the declaration of assets is made by the Commissioner Under this section the declaration shall be submitted to the President. "
- (c) by renumber subsections (3) as (4)
- (b) by adding innmediately after subsection (4) as renumbered the following new Subsections-

"(S) Any public leader who has Previously made a declaration of" assets under this section shall, during the subsequent declaration be required to declare as to the increase or decrease of assets as the case may be.

(6) The public leader shall, ill making the declaration of assets under this section-

- (a) state the monetary value of the declared assets and the Source or the manner in which he has acquired the as-sets;

(b) state or disclose his debts if any and any other liabilities"

Amend-
ment of sec-
tion 12

5. The principal Act is amended in section 12-

- (a) by renaming section 12 as section "12(l)"; and
- (b) by adding immediately after subsection (1) as renamed the following subsection-

"(2) The public leader shall, where he receives a gift of the value exceeding 50,0001=

- (a) declare the received gift and its value; and
- (b) submit the declaration of the gift to the accounting officer of the office concerned, who shall in writing direct as to the use or disposal of the gift."

Repeal of
section 18

6. The principal Act is amended-

- (a) by repealing the whole of section 18.
- (b) by deleting throughout the Act references to section 18 as repealed.

7. The principal Act is amended by renumbering sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33 as 18, 19, 20, 24, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32 respectively.

Amend-
ment of sec-
tion 18

8. The principal Act is amended in section 18 as renumbered-

- (a) by adding immediately after subsection (2) the following subsections;

"(3) The Secretariat shall, in performing its duties under this section, have the power to receive and entertain all allegations in respect of any public leader, whether oral or written from the members of public without inquiring as to the names and addresses of the person who has made the allegation. "

"(4) The Secretariat shall, in addition to the duties conferred on it under subsection (2) and (3) have power to initiate and to conduct any investigation in respect of breach of ethics prescribed under this Act."

"(5) Notwithstanding subsection (4), the Commissioner shall, where the Secretariat intends to conduct investigation in respect of Bank Accounts, by order in writing Supported by warrant issued by a Magistrate upon showing cause to the Magistrate as to why the Order should be issued, authorise any officer of the Secretariat to investigate any bank account of a public leader."

"(6) Any Order made by the Commissioner under subsection (1) shall be sufficient authority for the disclosure or production by any person of all or any information accounts, documents or articles as may be required by the officer of the Secretariat so authorized,"

(b) by renumbering subsection (3) as (7).

9. The principal Act is amended in section 19 as renumbered by deleting subsection (3) and substituting for it the following-

"Amendment of section 19

"(3) The Commissioner shall be appointed by the President and-

(a) shall hold office for a term of five years;

(b) is eligible for reappointment for another one term; and

(c) may be removed from office for good cause. " " "

10. The principal Act is amended in section 20 as renumbered by adding immediately after subsection (2) the following subsection -

Amendment of section 20

"(3) The Minister may by regulations published in the *Gazette*, prescribe the manner in which members of the public shall inspect the register under this section."

I 1. Section 22 as renumbered of the principal Act is amended-

Amendment of section 22

(a) by adding immediately at the end of subsection (1) the following proviso:

"Provided that the Commissioner shall not refuse any allegation submitted to him for the reason only of lack of nature, names or address of the Complainant"

(b) by deleting a semicolon at the end of paragraph (a) of subsection

(2) and adding the following phrase:

"who shall submit the allegation to the Standing, Committee of the National Assembly.

(c) by adding immediately after subsection (2) the following subsection,

"(3) Where the allegation received by the Commissioner under this section relates to the Commissioner, the Commissioner shall immediately submit the allegation to the President. "

(d) by renumbering subsections (3) as (4), (4) as (5), (5) as (6), (6) as (7) and (7) as (8),

Amendment of section 27

12. The principal Act is amended by repealing the whole of section 27 as renumbered and substituting for it the following new section.

Offences and penalties

28.-(I) Any person who without lawful justification makes an allegation against a public leader under sections 22 or 23 knowing it to be false, commits an offence and shall on conviction, be liable to a fine of not less than two hundred thousand shillings and not more than one million shillings or to imprisonment for a term not exceeding two years.

(2) Any person being a public leader who knowingly makes, False declaration of his assets or gives any false information in respect of his assets, commits an offence and shall on conviction, be liable to a fine of not less than one million shillings and not more than five million shillings or to imprisonment for a term not exceeding one year.

(3) Notwithstanding subsection (2) the Commissioner-

(a) may, where a public leader is suspected of having submitted a, false declaration of his assets, require the public leader to confirm or amend the declaration; and

(b) shall, where after the confirmation or amendment, if any under paragraph (a), the declaration is still false, refer the matter to be tribunal.

Amendment of
section 31

13. Section 31 of the principal Act is amended-

(a) in subsection (I) by inserting after the word "may" the following words_

"after consultant with Minister Responsible for local Government"

(b) in subsection (2) by adding immediately after paragraph (c) the following paragraph-

"(d) prescribe the manner in which ~~this~~ Act shall apply to public leader who are members of the , local government authorities ; and

(c) prescribe the form to be filled by public leader for the purpose of declaration of asset under this Act ."

Passed in the National Assembly on the 13th February, 2001

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Clerk of the National Assembly