

THE UNITED REPUBLIC OF TANZANIA



No. 44 OF 1968

I ASSENT,

Julius K. Nyerere
President

25th JULY, 1968

An Act to provide for the Establishment of a Unified Co-operative Service

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY

1. This Act may be cited as the Unified Co-operative Service Act, 1968, and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

Short title
and
commence-
ment

2. In this Act, unless the context otherwise requires—

“Commission” means the Unified Co-operative Service Commission established by section 4;

Interpreta-
tion

“employing society” means a society specified in section 3;

“Minister” means the Minister for the time being responsible for matters relating to co-operative societies;

“national society”, “registered society” and “secondary society” have the meanings ascribed to those terms respectively in the Co-operative Societies Act, 1968;

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“officer” in relation to the Service, means a person specified in subsection (2) of section 13 and “office”, in relation to the Service, shall be construed accordingly;

“the Service” means the Unified Co-operative Service established by section 13.

3. This Act shall apply to—

Application

(a) all national societies;

(b) all secondary societies;

(c) such other registered societies as the Minister may, by order published in the *Gazette*, declare to be societies to which all or any of the provisions of this Act shall apply;

- (d) all*employees of the registered societies specified in paragraphs (a), (b) and (c) of this section other than employees the terms of whose engagement provide for their payment at the end of each day and who are not engaged for a longer period than twenty-four hours at a time.

PART II

THE UNIFIED CO-OPERATIVE SERVICE COMMISSION, ITS FUNCTIONS AND POWERS

Establish-
ment of
Commission

4.—(1) There is hereby established a Unified Co-operative Service Commission which shall have responsibility, in accordance with the functions and powers conferred upon it by this Act, for maintaining, controlling and regulating the terms and conditions of service of officers of the Unified Co-operative Service established by section 13.

(2) The provisions of the First Schedule to this Act shall have effect as to the constitution and proceedings of the Commission and otherwise in relation to the Commission.

Persons
disqualified
from
membership
of the
Commission

5. A person shall not be qualified for appointment as a member of the Commission if he is—

- (a) an employee of a registered society to whom this Act applies; or
- (b) a person who is a member of any body of persons which, in the opinion of the Minister, is a staff association or a trade union which has as its object, or one of its objects, the control or influencing of salaries, wages or conditions of service of any category of persons employed by registered societies.

Appointment
of secretary
and staff

6.—(1) The Civil Service Commission shall appoint a Secretary to the Commission and such other officers as may be necessary to constitute the staff of the Commission.

(2) The Secretary to the Commission shall not be a member of the Commission nor have any vote in its deliberations.

Taking of
oaths by
members
and
officers of
the Com-
mission

7.—(1) The members of the Commission shall, on first appointment, take an oath or make an affirmation in the form set out in the Second Schedule to this Act.

(2) The Secretary to the Commission and such other officers of the Commission as the Chairman of the Commission may require so to do, shall, on first appointment, take an oath or make an affirmation in the form set out in the Second Schedule to this Act.

(3) Every oath taken or affirmation made by a member of the Commission shall be administered by a Judge of the High Court, and every oath taken or affirmation made by the Secretary to the Commission or any other officer of the Commission shall be administered by the Chairman of the Commission.

Functions of
the Com-
mission

8.—(1) Subject to the provisions of this Act, the functions of the Commission shall be—

- (a) to prescribe and introduce the terms and conditions of service of persons holding or acting in any office in the Service;

- (b) to appoint persons to hold or act in any office in the Service, with power to confirm appointments, to appoint on promotion and to transfer officers of the Service from one employing society to another;
 - (c) to exercise disciplinary control over persons holding or acting in any office in the Service and to remove such persons from office;
 - (d) to make such provision as may be necessary for the maintenance and control of the Service generally, including—
 - (i) the establishment of joint negotiating machinery with regard to the remuneration and conditions of service of officers of the Service;
 - (ii) the establishment, management and control of any provident fund, superannuation fund or pension scheme;
 - (iii) the giving of advice to employing societies regarding the training of officers of the Service;
 - (iv) the interviewing and selection of candidates for awards under training schemes and the co-ordination of arrangements for courses of training;
 - (v) the co-ordination of arrangements for the setting of promotional examinations for officers of the Service and of entrance examinations for prospective officers of the Service;
 - (e) to give such advice and make such recommendations to the Minister as it may think fit regarding the Service in relation to any matter—
 - (i) which the Minister may refer to the Commission for its advice; or
 - (ii) which affects the interests of co-operative societies.
- (2) The decisions of the Commission in the exercise of the functions and powers conferred upon it by or under this Act shall be final and binding on all employing societies and on all officers of the Service.
- (3) The Commission may, with the consent of the Minister, make regulations relating to any of the functions and powers conferred upon it by subsection (1) and any such regulations may—
- (a) be expressed to apply to all officers of the Service or to any category or group of such officers;
 - (b) prescribe such terms and conditions of service as provide for salary scales, the payment of allowances and gratuities, the grant of advances, promotion, the interdiction of officers, the termination of appointments, dismissals, leave and any other matters relating to the organization, discipline and welfare of officers of the Service;
 - (c) prescribe anything that may be, or is required to be, prescribed under this Act.

Powers of Commission to arrange examinations, etc. and appoint boards

9.—(1) The Commission may arrange for such examinations and conduct such interviews and investigations, and appoint such selection, promotion or other boards as it may consider necessary for the proper discharge of its functions under this Act.

(2) The Commission may co-opt to any board appointed under subsection (1) persons who are not members of the Commission:

Provided that the number of persons so co-opted shall not exceed the number of members of the Commission on such board.

Delegation of powers and duties

10.—(1) The Commission may, by directions in writing and subject to such conditions as it thinks fit, delegate any of its powers to, and impose duties on, any board appointed under section 9, on any employing society and on any officer of the Service.

(2) The Commission may, by a direction under subsection (1), empower the board, employing society or officer of the Service, as the case may be, to authorize any other person who is an officer of the Service to exercise any powers or perform any duties delegated under that subsection.

Protection of Commission, members, etc., from legal proceedings

11.—(1) The question whether—

(a) the Commission has validly performed any function conferred on it by this Act; or

(b) any member of the Commission or any other person or employing society has validly performed any function of the Commission that, under this Act, has been delegated to that member or other person or society or, in pursuance of such a delegation, has been authorized to be performed by that member or other person or society; or

(c) any member of the Commission or any other person or employing society has validly performed any other function in relation to the work of the Commission or in relation to any such function as is referred to in paragraph (b) of this subsection,

shall not be inquired into in any court.

(2) Every member of the Commission shall have such and the like protection and privilege in case of any action or suit brought against him for any act done or omitted to be done in the *bona fide* execution of his duties as is by law given to the acts done or words spoken by a Judge of the High Court in the exercise of his judicial office.

Provision of money for expenses and remuneration of members of the Commission

12.—(1) The remuneration and allowances of members of the Commission and the salaries and expenses incurred by the Commission in the discharge of its functions shall be defrayed out of moneys provided by Parliament and the Minister may from time to time determine the amount of the contribution to be paid to the Government by each employing society in respect of the cost of the Commission and the time on or before which, and the manner in which, such contributions shall be made:

Provided that every employing authority shall itself reimburse the Commission with the costs of advertising vacant posts on its behalf and with the costs of meeting expenses of candidates attending interviews in respect of such vacant posts.

(2) There shall be paid to the Chairman and members of the Commission such remuneration and such allowances as may be determined by the Minister.

PART III

THE UNIFIED CO-OPERATIVE SERVICE

13.—(1) There shall be established, with effect from such date as the Minister may, by notice published in the *Gazette*, appoint (hereinafter referred to as "the effective date"), a Unified Co-operative Service. Establishment of the Unified Co-operative Service

(2) The Service shall be composed of—

- (a) the employees specified in section 3;
- (b) such persons as may, on or at any time after the effective date, be appointed by the Commission to any office in the Service.

14.—(1) The first terms or conditions of service to be introduced by the Commission shall be effective from the effective date or, in the case of the first salary scales to be introduced, such later date or dates as the Commission may prescribe. Introduction of terms and conditions of service and options as to their acceptance

(2) Every officer of the Service appointed prior to the effective date shall be given the option to remain, if he so wishes, on the terms and conditions of service which applied to him immediately prior to the effective date.

(3) Any officer of the Service who opts to remain on the terms and conditions of service which applied to him immediately prior to the effective date shall, within sixty days after the effective date, in writing notify his employing society of such option and an officer who fails to give such notice within that period shall be deemed to have accepted the terms and conditions of service prescribed by the Commission.

(4) Any Officer of the Service who opts to remain on the terms and conditions of service which applied to him immediately prior to the effective date shall be required to accept the terms and conditions of service prescribed by the Commission in the event of his accepting an offer of promotion at any time after the effective date.

(5) All appointments to the Service made on or after the effective date shall be on the terms and conditions of service prescribed by the Commission and all promotions made prior to the effective date, which are to take effect on or after that date, shall be subject to the approval of the Commission and shall be regarded as appointments made on or after the effective date.

(6) All options exercised under this section whereby the terms and conditions of service prescribed by the Commission are accepted shall be irrevocable.

15.—(1) The Commission may, in its absolute discretion, require the holder of any office in the Service to satisfy the Commission, by examination or otherwise, of his proficiency and fitness to hold that office. Examination of serving officers and restriction on application of new terms and conditions of service

Provided that this subsection shall apply only to such category or categories of offices in the Service as the Commission shall prescribe.

(2) Where the holder of an office to which subsection (1) is applied fails to satisfy the Commission of his proficiency and fitness to hold such office, the Commission shall endeavour to transfer him, with his consent, to an office in the Service which, in the opinion of the Commission, is commensurate with his abilities and, in default of such transfer, the Commission may, in its absolute discretion, require that his employment be terminated by his employing society in accordance with the terms and conditions of service then applicable to him.

(3) Where the holder of an office in the Service to which subsection (1) is applied opts to accept the terms and conditions of service prescribed by the Commission he shall not be permitted to proceed to such terms and conditions of service unless and until he has satisfied the Commission in accordance with the provisions of subsection (1).

Approved
establish-
ments

16. Subject to the provisions of this Act, an employing society may, with the approval of the Minister, make provision in its estimates for an establishment of such officers of the Service as it shall think necessary for the efficient discharge of its functions:

Provided that the grading of posts and the salary scales attaching to the posts for which provision is so made shall be as prescribed by the Commission.

Notification
of vacancies
and filling
of posts

17.—(1) Where a post in the approved establishment of an employing society is vacant, or is about to become vacant, the employing society shall notify the Commission in such manner as the Commission shall prescribe and the Commission shall use its best endeavours to fill the posts:

Provided that the Minister may, at the request of an employing society and in his absolute discretion, give authority to the Commission for the post to remain vacant.

(2) Where the Commission is not able to fill a post which has been notified to it as vacant, or about to become vacant, by appointing thereto a person holding the qualifications considered by the Commission to be requisite for the holder of that post, the Commission may in its discretion appoint a person who is not so qualified to act temporarily in that post for a period of not more than two years.

Secondment
of Govern-
ment
servants

18.—(1) Notwithstanding any other provision of this Act, the Commission may, with the approval of the Minister and with the consent of the person concerned, appoint to any office in the Service a person in the service of the Government seconded to an employing society for that purpose, for such period and on such terms and conditions as the Minister may approve.

(2) A person appointed under subsection (1) to an office in the Service shall not be regarded as an officer of the Service except in so far as any duties are prescribed and imposed on the holder of the office to which such person is appointed.

Member of
Commission
and members
of committees
of societies
not to be
appointed
officers

19.—(1) A member of the Commission shall not, within a period of three years commencing with the day on which he last held or acted in the office of member of the Commission, be eligible for appointment to or to act in any office in the Service.

(2) A person shall so long as he is, and for a period of six months after he ceases to be, a member of the committee of an employing society be disqualified from being appointed as an officer of the Service in the employment of that society.

20. For the avoidance of doubt it is hereby declared that all officers of the Service, whether appointed prior to the effective date or whether appointed by the Commission on behalf of an employing society, are servants of, employed by and owe their loyalty to the employing society to which they are appointed. Officers of the Service are employed by the societies

PART IV MISCELLANEOUS

21. The Commission may require any officer of the Service to attend and give information before it concerning any matter which it is required to consider in the exercise of its functions and may require the production of any official documents relating to any such matter by the person attending before it. Commission may require attendance

22. No person shall in any legal proceedings be permitted or compelled to produce or disclose any communication, written or oral, which has taken place between the Commission or any member or officer thereof, and any employing society or any member of the committee or officer thereof, or between any members or officers of the Commission in the exercise of, or in connection with the exercise of, any of the functions of the Commission, unless the Chairman shall consent in writing to such production or disclosure. Communications of the Commission to be privileged

23. Without prejudice to any other written law, every person who, otherwise than in the course of his duty, directly or indirectly by himself or by any other person in any manner whatsoever influences or attempts to influence any decision of the Commission shall be guilty of an offence and shall be liable on conviction to a fine not exceeding four thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment. Offence to influence or attempt to influence the Commission

Provided that nothing in this section shall prohibit any person from giving a certificate or testimonial to any applicant or candidate for any office in the Service or course or training or from supplying any information or assistance upon formal request made by the Commission.

24. Without prejudice to any other law, any person who in connection with the exercise by the Commission of its functions or duties wilfully gives to the Commission any information which he knows to be false or does not believe to be true, or which he knows to be false by reason of the omission of any material particular, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding four thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment. Offence of false information to the Commission

25. For the purposes of sections 23 and 24, the term "Commission" shall include the Commission, any member of the Commission, the Secretary to the Commission, any member of the staff of the Commission or any person or body of persons appointed to assist the Commission in the exercise of its functions or duties. Interpretation of "Commission" in sections 23 and 24

Unauthorized disclosure of information prohibited

26.—(1) No member of the Commission, nor the Secretary to the Commission, nor any member of the staff of the Commission, nor any other person, shall without the permission in writing of the Minister publish or disclose to any person otherwise than in the exercise of his official functions the contents of any document, communication or information whatsoever which has come to his notice in the course of his duties. Any person who knowingly acts in contravention of the provisions of this subsection shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

(2) Any person who knows of any information which to his knowledge has been disclosed in contravention of the provisions of subsection (1) and who publishes or communicates it to any other person otherwise than for the purpose of any prosecution under this Act or in the course of his official duty, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

Prosecutions

27. A prosecution in respect of any offence under this Part of this Act shall not be instituted except by, or with the consent of, the Director of Public Prosecutions.

Amendment of section 99, Acts 1968 No. 27

28. Section 99 of the Co-operative Societies Act, 1968 is amended in subsection (2) by deleting the semi-colon at the end of paragraph (h) thereof and adding the following:—

“other than employees who, in accordance with the provisions of the Unified Co-operative Service Act, 1968, are officers of the Unified Co-operative Service;”.

FIRST SCHEDULE

(Section 4)

Composition of the Commission

1. The Commission shall consist of—
 - (a) a Chairman appointed by the President; and
 - (b) not less than four nor more than six other members appointed by the Minister of whom—
 - (i) one member shall be a representative of the Ministry for the time being responsible for co-operative societies; and
 - (ii) one member shall be nominated by the Co-operative Union of Tanganyika Limited.

Tenure of office of members

- 2.—(1) Every member of the Commission shall vacate his office—
 - (a) at the expiration of three years from the date of his appointment; or
 - (b) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such; or
 - (c) if he resigns by giving notice in writing of his intention to do so which shall be given, in the case of the Chairman, to the President and, in the case of any other member of the Commission, to the Minister;
 - (d) if he shall absent himself from meetings of the Commission for a period longer than two consecutive months without the leave of the Minister, the said period of two months to be calculated from and include the date of the first meeting of the Commission next after the last meeting at which he was present; or
 - (e) if the President directs that he be removed from office for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.

(2) A member of the Commission who vacates his office shall be eligible, if qualified, for re-appointment.

(3) A member of the Commission shall not be removed from office except in accordance with the provisions of this paragraph.

3.—(1) If the office of Chairman of the Commission is vacant or if the person holding that office is for any reason unable to perform the functions of his office, then, until a person has been appointed and has assumed the functions of that office or until the person holding that office has resumed those functions, as the case may be, those functions shall be performed by such one of the other members of the Commission as may be designated in that behalf by the President. Appoint-ments to act as Chairman or member of the Commission

(2) If at any time there are less than four members of the Commission besides the Chairman, or if any such member is appointed to act as Chairman or is for any reason unable to perform the functions of his office, the Minister may appoint a person who is qualified for appointment as a member of the Commission to act as a member and any person so appointed shall, subject to the provisions of sub-paragraph (1) of paragraph 2 of this Schedule, continue to act until the office in which he is acting is filled or, as the case may be, until the holder thereof resumes its functions or until his appointment to act is revoked by the Minister.

(3) Where any person is appointed under this paragraph to act in or perform the functions of Chairman or member of the Commission if the holder thereof is himself unable to perform those functions, no such appointment shall be called in question on the ground that the holder of the office was not unable to perform those functions.

4.—(1) The Commission shall meet at such times as may be necessary or expedient for the transaction of its business. Meetings of the Commission

(2) All meetings of the Commission shall be convened by the Chairman, or, on the direction of the Chairman, the Secretary to the Commission, who shall appoint a suitable time, place and date for the holding of each meeting.

(3) The Chairman shall preside at the meetings of the Commission.

5.—(1) The quorum necessary for the transaction of business at any meeting of the Commission shall be the Chairman and two other members of the Commission. Quorum and

(2) All acts, matters and things authorized to be done by the Commission shall be decided by resolution at a meeting of the Commission at which a quorum is present. voting at meetings

(3) A decision of the majority of members present and voting at a meeting of the Commission shall be deemed to be a decision of the Commission.

(4) Every member of the Commission shall have one vote and, in the event of an equality of votes, the Chairman of the Commission shall have a second or casting vote in addition to his deliberative vote.

6. Minutes in proper form of each meeting of the Commission shall be kept and shall be confirmed at the next meeting and signed by the Chairman of the Commission. Minutes of meetings

7. Subject to the provisions of paragraph 5 of this Schedule relating to a quorum, Vacancies, the Commission may act notwithstanding any vacancy in the membership thereof and etc. not to no act or proceeding of the Commission shall be invalid by reason only of some defect invalidate in the appointment of a member or a person who is acting as a member of the proceedings Commission.

8. Subject to the provisions of this Schedule, the Commission shall have power to Procedure regulate its own procedure.

SECOND SCHEDULE

(Section 7)

OATH OR AFFIRMATION OF MEMBER OF THE COMMISSION

I, having been appointed the Chairman/a Member of the Unified Co-operative Service Commission do swear/solemnly and sincerely affirm that I will, without fear or favour, affection or ill-will, discharge the functions of the office of Chairman/Member of the Unified Co-operative Service 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.

Sworn/Affirmed before me this.....day of.....19.....

.....
Judge of the High Court

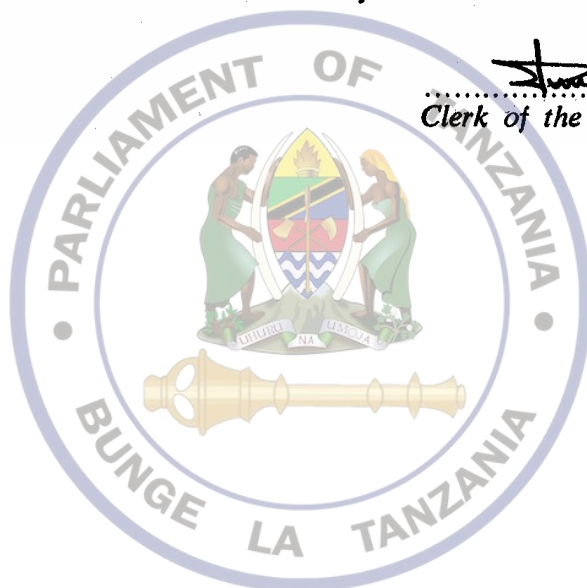
OATH OR AFFIRMATION OF OFFICER OF THE COMMISSION

I, having been called upon to exercise the functions of the Secretary to an Officer of the Unified Co-operative Service Commission do swear/solemnly and sincerely affirm that I will not, directly or indirectly, reveal to any unauthorized person or otherwise than in the course of duty the contents or any part of the contents of any document, communication or information whatsoever which may come to my knowledge in the course of my duties as the Secretary to an Officer of the Unified Co-operative Service Commission.

Sworn/Affirmed before me this day of 19.....

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Chairman of the Unified Co-operative
Service Commission

Passed in the National Assembly on the nineteenth day of July, 1968.



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Clerk of the National Assembly