

# THE PRIVATE HOSPITALS (REGULATION) ACT, 1977

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## THE UNITED REPUBLIC OF TANZANIA



No. 6 OF 1977

I ASSENT,

*Julius K. Nyerere*  
 President

22nd June, 1977

**An Act to make provision to restrict the management of private hospitals to approved organizations, to control fees and other charges payable in respect of medical treatment and other services rendered by private hospitals, to regulate scales of emoluments payable to medical Practitioners employed at private hospitals, and to make other provisions connected with those matters**

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ENACTED by the Parliament of the United Republic of Tanzania.

**PART I**  
 PRELIMINARY

1. This Act may be cited as the Private Hospitals (Regulation) Act, 1977 and shall, subject to the provisions of subsection (1) of section 2, come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

Short title  
and  
commence-  
ment

2.-(1) Subject to the provisions of subsection (2). this Act shall apply to all private hospitals and also in relation to all persons concerned with the management of private hospitals, whether as owners or employees of the private hospitals:

Application of  
this Act and  
exemptions

Provided that in the case of a private hospital which is in existence on the date of the enactment of this Act, the provisions of this Act shall not apply in relation to that hospital until the Minister has, by notice in the *Gazette*, specified the hospital and the date from which the provisions of this Act shall apply in relation to that hospital.

(2) The Minister may, if in his opinion it is in the public interest to do so, by notice published in the *Gazette*, exempt from all or

any of the provisions of this Act either absolutely or subject to such conditions as he may think fit any private hospital or any person.

(3) Notwithstanding any provision contained in this Act to the contrary, a medical practitioner shall not be deemed to be in contravention of any requirement prescribed by or under this Act in respect of any thing done by him anywhere for the purpose of rendering medical treatment, free of charge, to any person-

- (a) in an emergency situation; or
- (b) who is a member of his household or under his control.

Interpretation	<p>3,(1) In this Act, unless the context otherwise requires-</p> <p>" approved organization" means an organization approved by the Minister under section 6 to manage a private hospital in accordance with the provisions of this Act;</p> <p>"hospital" means any institution for the reception and medical treatment of persons who are injured, infirm or suffering from illness, and includes a dispensary, maternity home, clinic (whether mobile or not) and also any place or premises used for purposes of medical treatment, whether regularly or periodically;</p> <p>"medical officer" means a medical practitioner in the employment of the Government;</p> <p>"medical practitioner" means a person for the time being authorized to practise the medical profession by virtue of his being registered or licensed under the provisions of the Medical Practitioners and Dentists Ordinance;</p> <p>"medical treatment" includes dentistry, surgery, obstetrics, nursing, the administration of medicine, health counselling and the provision of any other service or the supply of any goods in connection with any of the matters specified in this definition, but does not include veterinary surgery;</p> <p>"Minister" means the Minister for the time being responsible for matters relating to medical and health services;</p> <p>"organization" includes any society, association or other body of persons, whether or not incorporated under any written law, and also a person recognized as a corporation sole under the law for the time being in force relating to corporations;</p> <p>"private hospital" means any hospital other than a public hospital;</p> <p>"public hospital" means any hospital which is within any one of the following descriptions-</p> <ul style="list-style-type: none"> <li>(a) a hospital owned by Chama Cha Mapinduzi or any organization affiliated to Chama Cha Mapinduzi;</li> <li>(b) a hospital owned by the Government;</li> <li>(c) a hospital owned by any corporation or company which is owned by the Government, other alone or jointly with any person or organization, or which is owned by any subsidiary of any corporation or company of that description;</li> </ul>
Cap 409	

- (d) a hospital owned by any organization, the management of which is wholly or partly financed or materially aided from the public revenue;
- (e) a hospital owned by any corporation or institution within the East African Community or owned by any other international organization of which the United' Republic is a member;
- (f) any other hospital which the Minister may, by notice published in the Gazette, declare to be a public hospital for the purposes of this Act.

(2) For the purpose of enabling members of the public to distinguish between private hospitals of approved organizations and public hospitals the Minister may give directions in writing requiring all private hospitals to be identified by such means as he may prescribe in the directions and every approved organization concerned shall comply with those directions.

(3) In the interpretation or application of the provisions of this Act the following rules shall apply

- (a) a person shall be deemed to manage a private hospital if, for himself or on behalf of any other person, he actually renders or holds himself out as ready and willing to render medical treatment on payment to any person attending the hospital;
- (b) medical treatment shall be deemed to have been rendered to a person at a private hospital irrespective of whether the treatment is rendered to him alone or jointly with other persons at a time and whether it is rendered to him on one or more occasions;
- (c) where two, or more places or sets of premises, whether comprised in one or more rights of occupancies, are used collectively as a single unit for purposes of a private hospital, there shall be deemed to be one hospital and references to "hospital" shall be construed accordingly.

## PART II

### APPOINTMENT OF OFFICERS AND RESTRICTION ON MANAGEMENT OF PRIVATE HOSPITALS

4.-(1) The Minister shall appoint a public officer to be a Registrar of Private Hospitals and may appoint any number of other public officers to be Assistant Registrars of Private Hospitals as he may consider necessary.

Appointment  
of Registrar  
and Assistant  
Registrars

(2) The Registrar shall perform the duties and exercise the functions prescribed in this Act in relation to, his office and such other duties and functions as the Minister may direct or prescribe by regulations made under this Act.

(3) Every Assistant Registrar shall assist the Registrar in the performance of his duties under this Act and may, under the direction of the Registrar, exercise any of the functions of the Registrar.

Restriction  
on manage-  
ment of  
private  
hospitals

**5.**-(1) It shall be unlawful for any individual to, manage or cause to be managed any private hospital except on behalf of an approved organization.

(2) No organization shall manage any private hospital unless it is an approved organization and, there is subsisting in respect of the hospital valid registration made in accordance with the provisions of this Act.

(3) Any person who contravenes the provisions of subsection (1) or of subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to, imprisonment for a term not exceeding five years or to both that fine and imprisonment.

Power of  
Minister to  
approve  
organizations

**6.**-(1) Subject to the Provisions of subsection (3), the Minister may, on receipt of an application, approve or renew the approval of any organization which is eligible for approval in the terms of subsection (2) for the purpose of the management by that organization of a private hospital.

(2) An organization shall only be eligible for approval under this section if-

(a) it has as its object the advancement, of, religion; or.

(b) it has been established for the promotion of the welfare of workers or peasants; Or

(c) it is engaged in, the advancement of any other public purpose.

(3) The Minister shall not approve any organization under this section: if the organization is engaged or intends to engage, whether directly or indirectly, in the management of a, private hospital for any one of the following purposes,-

(a) making profit; or

(b) the promotion of the economic interests of the members of the organization; or

(e) facilitating the operations of any other organization engaged in activities designed to make profit or to advance, the economic interests of its members.

(4) The Minister may refuse to approve or renew the approval of any organization under this section without assigning any reasons for the refusal.

(5) An application for approval or renewal of approval under this section shall be made to the Minister in writing specifying the name and address of the-, organization, the private hospital in respect of which the application is made, and setting out such other information as may, be prescribed by any regulations made under this Act.

(6) Approval of an organization under this section-

(a) shall be in writing under the hand of the Minister and shall be given free of charge;

(b) subject to, section. 7, shall be valid for such period as, may be. specified by the Minister and may be renewed from tune to time.

(c) shall not be transferable.

7.-(1) The Registrar shall keep a register in the prescribed form in which, he shall enter the name of every approved, organization and of such other particulars relating to the organization as he may consider to be relevant, and shall delete or amend any of those particulars as , circumstances may require.

Particular  
of approved  
organizations  
to be  
registered  
and  
published

(2) At least, once each year the Registrar shall publish in the *Gazette* or in any national newspaper a list of an approved organiza- tions whose approval is still m force.

8. The Minister may at any time revoke any approval, or its renewal given under section 6 if he: is satisfied-

Revocation  
of approval

(a) that the approved organization has ceased to be eligible for approval in the terms of section 6 (2); or

(b) that. the approved organization is managing a private hospital for one or more of the purposes specified in section 6 (3); or,

(c),, that the approved organization is no, longer At to manage a private hospital.

### PART III

#### REGISTRATION OF PRIVATE HOSPITALS

9.-(1) No approved organization shall manage any private hospital unless the hospital is registered under this section.

Registration  
of private  
hospitals

(2). An application for registration of a private, hospital shall, be- made to the Minister in writing specifying the hospital in respect of which the application is made and setting out such other relating to the approved organization or to the hospital as be prescribed by regulations made under this Act.

(3) There shall be separate, registration, in respect of every private hospital managed by an approved organization.

(4) The registration of a private hospital under this section shall become. void, upon the, expiration of thirty days from the; date: of any change in the ownership or management of the hospital

(5) On receipt of an application together with the- prescribed fees (if any) for the registration of a private hospital under this section, the Minister may approve or refuse, to approve the application. Where the Minister approves the application he shall direct the Registrar to register the private hospital specified in the application and issue to the applicant a certificate of registration in the prescribed form either without conditions or upon such conditions as the Minister may prescribe.

(6) Every certificate of registration issued under this section in respect of a private hospital shall be- displayed in a conspicuous position 'within the premises of the hospital.

(7) Without prejudice to the general Power conferred upon the Minister by subsection (5) to refuse to approve an application under this section, the Minister may refuse to register a private hospital if he is satisfied--

- (a) that the applicant is not an approved organization or is not an organization which is eligible for approval in the terms of section 6 (2); or
- (b) that the private hospital specified in the application is not under the charge of a medical practitioner or other person who is fit to manage a hospital or a hospital of the description given in the application; or
- (c) that for reasons connected with the situation, construction, accommodation, staffing or equipment of the private hospital or of any premises used in connection with the hospital, it is not in the public interest to register the hospital.

(8) Any person who manages any private hospital which is not registered under this Act or any private hospital the registration of which has been cancelled or has ceased to have effect for any other reason shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand shilings or to imprisonment for a term not exceeding three years or to both that fine and imprisonment.

Duties of Registrar in relation to registered hospitals

**10.**-(1) The Registrar shall keep a register in the prescribed form in which he shall enter the name of every private hospital approved by the Minister for registration under section 9 and such other particulars relating to the hospital as he may consider relevant, and shall delete or amend any of those particulars as circumstances may require.

(2) At least once each year the Registrar shall publish in the *Gazette* or in any national newspaper a list of all private hospitals the registration of which is, still in force.

Cancellation of registration of hospitals

**11.** (1) Where, in respect of any registered private hospital, the Minister is satisfied--

- (a) that the premises of the hospital are no longer fit to be used as a hospital by reason of their being kept in an unclean or insanitary condition; or
- (b) that provision made for the medical treatment of persons attending the hospital is inadequate; or
- (c) that the approved organization responsible for the management of the hospital has failed to comply with any regulations made under this Act relating to the staff, accommodation or equipment to be provided at a private hospital or prescribing minimum standards of diet to be provided to persons admitted to the hospital as in-patients,

the minister may, by notice in writing, require the approved organization to remedy to the satisfaction of the Minister defects specified in the notice within such period as he may specify in the notice.

(2) If the approved organization fails to comply with the requirements of a notice under subsection (1) within the specified period, the Minister may, after calling upon the approved organization to show cause why the registration of the hospital should not be cancelled, cancel the registration.

#### PART IV

##### CONTROL OF FEES CHARGEABLE BY PRIVATE HOSPITALS IN RESPECT OF MEDICAL TREATMENT

**12.** In this Act, the term "price", when used in relation to medical treatment, means any fee or other payment of any description charged or chargeable by any private hospital in respect of medical treatment rendered to any person.

Definition of "price"

**13.**-(1) The Minister may, from time to time, determine and review, in accordance with the provisions of this Act, the price structures of medical treatment rendered by private hospitals either on a national basis or in relation to any particular area or areas.

Power of Minister to determine price structures

(2) In the exercise of the power conferred upon, him by subsection (1) to determine price structures in relation to medical treatment the Minister shall have power to fix maximum prices of any type of medical treatment rendered by private hospitals and to prescribe the manner in which the maximum prices shall be ascertained.

(3) In determining the price structures of any type of medical treatment the Minister shall have regard to-

- (a) the types of medical treatment essential to the community available at private hospitals and at public hospitals;
- (b) the need to prevent unduly rapid or frequent variations in prices;
- (c) the need to maintain reasonable standards of services rendered by private hospitals;
- (d) the need to promote the continued ability of private hospitals to maintain efficiency and expand their services to supplement services rendered by public hospitals;
- (e) the need to ensure the availability of adequate medical and health services in rural as well as urban areas.

(4) In addition to the factors specified in subsection (3), in determining the maximum price of medical treatment the Minister shall take into account the cost of material (if any) used, the direct and overhead costs of providing the service and the level of any duties or taxes collected from private hospitals and such other factors as the Minister may consider relevant

(5) In the exercise of his powers under this section the Minister shall have power-

- (a) to receive and review applications for determination or variation of maximum prices from approved organizations;
- (b) to receive and review applications or representations in respect of prices from any person or organization or from any public authority;
- (c) to refer to any public authority any matter relating to prices of medical treatment for the purpose of obtaining advice on the matter;
- (d) notwithstanding any written law to the contrary, to secure access to relevant data concerning the provision of medical treatment from any person or organization or from any public authority.

(6) The Minister may, by notice in writing, require any approved organization responsible for the management of any private hospital to produce to him, within such period as he may specify in the notice-

- (a) books of account- or other records relating to the management of the hospital;
- (b) a return of income made by the approved organization in respect of any year for the purposes of assessment of income tax or other similar taxes;
- (c) such, other information as the Minister may consider relevant.

Decisions of  
Minister not  
subject to  
review by  
courts

**14.** No decision of the Minister made in accordance with the provisions of this Act relating to prices shall be subject to review by any court on any ground.

Publication  
of maximum  
prices

**15.**-(1) Where the Minister has fixed the maximum price of any type of medical, treatment he shall issue a notice setting out a description of the type of medical treatment and the maximum price fixed in relation to it.

(2) A notice issued under subsection (1) may be published in any manner as will, in the opinion of the Minister, ensure that its contents come to the notice of members of the public who will or are likely to be affected by the contents of the notice.

(3) With effect from the date of the publication of any notice under this section or any subsequent date specified in the notice the maximum price of the type of medical treatment described in the notice shall be the price described in relation to it.

(4) Any person, who renders medical treatment at any private, hospital at, a price in excess of the maximum price fixed in relation to that type of medical treatment shall be guilty, of an offence and

shall be liable on conviction to a fine not exceeding fifteen thousand shillings or to imprisonment for a term not exceeding three years or to both that fine and, imprisonment.

**16.**-(1) The Minister may, by order published in the *Gazette*, require any approved organization responsible for the management of any private hospital to, display in a prominent manner and in a conspicuous position so that it, may be easily read and, is clearly legible to patients in those parts of the premises of the hospital. where medical treatment is rendered, a list of the current maximum prices of such types of medical treatment as are mentioned in the order which the approved organization may render.

Display of  
maximum  
prices

(2) An order under this section may provide for the form in which the list of maximum prices which it requires to be displayed shall be arranged.

(3), Any person responsible for the, management of any private hospital who. fails to display at the hospital a list of current maximum prices fixed in relation to medical treatment shall be guilty of an offence and shall, be liable on conviction to a fine not exceeding five thousand shillings or imprisonment for a term not exceeding twelve months or to both that fine and imprisonment.

**17.**-(1) Every approved organization responsible for the management of a private hospital rendering medical treatment in respect of which maximum prices have been fixed under this Act shall keep books of account or other records in respect of the medical treatment and shall make such entries in those books or records as may be prescribed by. regulations made under this Act.

Book of  
account and  
other  
records

(2) The approved organization shall, after the last entry in every book of account or record kept under this section, preserve the book or record for a period of two years or such longer period as may be prescribed by regulations made under this Act.

**18.**-(1) Every person in charge of a private hospital which renders to any person medical treatment in respect of which a maximum price has been fixed under this Act and for which a price is paid or is to be paid shall, as. soon as, possible after the treatment is rendered, supply to, the, person, a receipt or an invoice describing the type of treatment rendered and showing, the price which has been or is. to be paid for the treatment.

issue of  
receipts

(2) Every person who issues a receipt or an invoice under this section shall retain in the records of the private hospital a duplicate copy of the receipt or invoice.

(3.) Any person in charge of any private hospital who fails to comply with the provisions of subsection (1) or of subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding twelve months or to both that fine and imprisonment.

## PART V

### REGULATION OF SCALES OF EMOLUMENTS PAYABLE TO MEDICAL PRACTITIONERS EMPLOYED AT PRIVATE HOSPITALS

Regulation of  
scales of  
salaries of  
medical  
practitioners

**19.**-(1) Whenever the Minister is of the opinion that it is in the public interest that the scales of emoluments payable to medical practitioners employed at private hospitals should be controlled or that the scales of emoluments be reviewed, he may determine or review the scales of emoluments in accordance with the provisions of this Act.

(2) In the exercise of the power conferred upon him by subsection (1) the Minister shall have power to fix the maximum scale of basic salaries or wages or remuneration as well as allowances and other benefits (in this Act referred to collectively as "salaries") payable or accruing to medical practitioners generally or medical practitioners of any particular category in respect of services rendered under a contract of service or an agreement, or an other arrangement.

(3) In determining maximum salaries the Minister shall have regard to-

- (a) differences in basic qualifications, experience and levels of skill and responsibility among medical practitioners of any particular specialization or between medical practitioners of different branches of the medical profession;
- (b) the need to maintain (the highest standards of efficiency in the practise of the medical profession;
- (c) the need to maintain and expand the level of employment of medical practitioners at private hospitals;
- (d) the need to maintain a fair relation between the incomes of different sectors of the community.

(4) In the exercise of his powers under this section the Minister shall have power-

- (a) to receive and review applications for the determination and, subject to section 20 (3)I, variation of maximum salaries;
- (b) to receive and review applications or representations in respect of salaries of medical practitioners from any organization or from any public authority;
- (c) to refer to any public authority any matter relating to salaries of medical practitioners for the purpose of obtaining advice on the matter;
- (d) notwithstanding any written law to the contrary, secure access to relevant data concerning the payment of salaries of medical practitioners from any person or organization or from any public authority.

(5) The, Minister may, by notice in writing, require any approved organization responsible for the management of any private hospital to submit to him, within such period as he may specify in the notice\_

- (a) particulars relating to scales of salaries applicable to medical practitioners employed at any private hospital managed by the organization;
- (b) particulars of sums of money which it is expected the organization will receive during the current financial year of the organization and the sources from which the sums of money are expected;
- (c) particulars of the estimated expenditures of the organization during the current financial year of the organization.

(6) On receipt of the particulars specified in subsection (5) the Minister may approve without amendment the scales of salaries submitted by the organization or he may, if in his opinion it is in the public interest to do so, by order in writing under his hand require the organization to vary its scales of salaries to conform to, maximum limits prescribed in the order within such period as the Minister may specify in the order (and the organization shall comply with the requirement.

(7) Every scale of salary the maximum of which has been fixed by the Minister under subsection (2) or the maximum of which has been approved or determined in accordance with an order of the Minister pursuant to subsection (6) shall be known as the "statutory maximum salary" and shall be enforced in accordance with the provisions of this Act.

**20.-**(1) The Minister shall publish in the *Gazette* a notice setting out particulars relating to every statutory maximum salary fixed or approved or determined by him under section 19 and shall include in those particulars a description of the category of medical practitioners to whom the statutory maximum salary is applicable.

Enforcement  
of  
statutory  
maximum  
salaries

(2) Every statutory maximum salary published in the *Gazette*-

- (a) shall not be liable to be challenged, reviewed or questioned in any court on any ground;
- (b) shall be binding on the employers or approved organizations and medical practitioners to whom it relates; notwithstanding any provision to the contrary in any written law, contract, agreement or any other arrangement;
- (c) shall be an implied term of the contract, agreement or other arrangement between the employers or approved organizations and medical practitioners to whom it relates, and the conditions of service to be observed under the contract, agreement or arrangement shall be in accordance with the statutory maximum salary so published until varied by a subsequent notice published in the *Gazette*.

(3) Except with the permission of the Minister, no application shall be made under section 19 (4) to vary any statutory maximum salary published in the *Gazette* within twelve months of the date of its coming into force.

Records of salaries to be kept

21. Every approved organization responsible for the management of any private hospital shall keep records relating to salaries paid to medical practitioners employed at the hospital and shall preserve all those records for a period of two years or such longer period as may be prescribed by regulations made under this Act.

Agreements designed to evade this Act

22. On or after the -enactment of this Act it shall be unlawful for any employer or organization to alter, vary or amend (whether or not with the consent of the medical practitioner) any term, of any contract, agreement or arrangement with the medical practitioner which is designed to defeat or modify the provisions of this Act in relation to the salary payable to the medical practitioner

## PART VI

### GENERAL PROVISIONS

Inspection and search

23.-(1) The Registrar of Private Hospitals, an Assistant Registrar of Private Hospitals, a medical officer or any other public officer authorized by the Minister in writing for that purpose, may if he has reasonable cause to believe that medical treatment is being given on any premises used as a private hospital, demand that the person in charge of those premises shall allow him free entry to the premises and afford him all reasonable facilities to ascertain whether the medical treatment is being rendered in accordance with the provisions of this Act or of the regulations made under it.

(2) If the officer after producing proof of his authority to any person who -may reasonably require that proof, is unable to gain entry to the premises without unreasonable delay or inconvenience, he may enter the premises without warrant and inspect them to ascertain the matters specified under subsection (1).

(3) Any person who prevents or obstructs any officer -acting under this section in the performance of his duties shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand shillings or to, imprisonment for a term not exceeding twelve months or to both that fine and imprisonment.

Offences by organizations

24. Where any offence under this Act or any regulations made under it is committed by an organization, every person charged with, or concerned, or acting in, the control or management of the affairs or activities of the organization shall also be guilty of the offence and shall be liable to be proceeded against and punished accordingly, unless the person proves to the satisfaction of the court that, through no act or omission on his part, he was not aware that the offence was being or was intended or about to be committed, or that he took all reasonable steps to prevent its commission.

Amendment of cap 409

25. The Medical Practitioners and Dentists Ordinance is hereby amended-

- (a) in section 2, by deleting the definitions of "'dentist", "medical practitioner" and "practise medicine or surgery" and substituting for them in the appropriate alphabetical positions the following definitions: -

"dentist" means any Person Professing to practise dentistry or holding himself out as ready and willing to give dental treatment to patients;  
 "medical practitioner" means any person professing to practise medicine or surgery; or holding himself out as ready and willing to give medical or surgical treatment to patients;  
 "practice medicine or surgery" means to give, medical or surgical treatment or advice on one or more occasions; ;  
 (b) by repealing subsection (2) of section 21; and  
 (C) by repealing section 22.

26. The Minister may make regulations generally for the better carrying out of the purposes and purpose of this Act, and, without prejudice to that generality, may make regulations-

Regulations

- (a) prescribing forms to be used for the purposes of this Act;
- (b) prescribed fees which shall be payable in respect of any matters specified in any regulations made under this section;
- (c) providing for submission of audited balance sheets and other records, returns and particulars of approved organizations;
- (d) providing for the enforcement of scales of statutory maximum salaries;
- (e) prescribing minimum standards of diet to be provided to persons admitted to private hospitals as m-patients;
- (f) requiring approved organizations to provide facilities for the welfare of patients admitted to private hospitals;
- (g) regulating the staff, accommodation and equipment to be provided at private hospitals;
- (h) relating to any matter which is required or permitted to be prescribed under this Act.

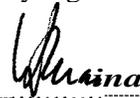
27.-(1) The Minister may at any time after the enactment of this and before its commencement receive and consider any application required to be submitted to him under this Act and may determine the application in accordance with the provisions of this Act:

Transitional provisions

Provided that no application approved under this section shall take effect until the date on or after which this Act shall come into operation.

(2) The Minister may within six months from the date of the coming into operation of this Act, by order published in the *Gazette*, make such transitional or supplementary provisions as he may consider necessary or expedient to give effect or enable effect to be given to the purposes and provisions of this Act.

Passed in the National Assembly on the twenty-eighth day of April, 1977.



.....  
 Clerk of the National Assembly

**SHERIA YA UONGOZI WA HOSPITALI ZA WATU BINAFSI  
YA MWAKA 1977**

YALIYOMO

**SEHEMU YA KWANZA**

UTANGULIZA

*Ibara*

*Kichwa cha Habari*

- 1 - Jina la Sheria na tarehe ya kuanza kutumika.
2. Matumizi ya Sheria na msamaha.
3. Ufafanuzi.

**SEHEMU YA PILI**

UTEUZI WA WATENDAJI NA MASHARTI KUHUSU UENDESHAJI WA  
HOSPITALI ZA WATU BINAFSI

4. Uteuzi wa Msajili na Wasaidizi wake.
5. Masharti kuhusu uendeshaji wa hospitali za watu binafsi.
6. Uwezo wa Waziri wa kuyakubali mashirika.
7. Uandikishaji na utangazaji wa maelezo ya mashirika yaliyo-  
kubaliwa.
8. Kubatilisha kwa kibali.

**SEHEMU YA TATU**

UANDIKISHAJI WA HOSPITALI ZA WATU BINAFSI

9. Uandikishaji wa Hospitali za watu binafsi.
10. Wajibu wa Msajili kuhusu hospitali zilizoandikishwa
11. Kufutwa kwa uandikishaji wa hospital

**SEHEMU YA NNE**

USIMAMIZI JUU YA VIWANGO VYA ADA ZINAZOTOZWA KATIKA HOSPITALI  
ZA WATU BINAFSI KWA AJILI YA MATIBABU

12. Ufafanuzi wa "ada".
13. Uwezo wa Waziri wa kuweka viwango vya ada.
14. Uamuzi wa Waziri hautaingiliwa na mahakama.
15. Utangazaji wa viwango vya juu vya ada.
16. Namna ya kuonyesha viwango vya juu vya ada.
17. Utunzaji wa vitabu vya hesabu na kumbukumbu nyinginezo.
18. Utoaji wa stakabadhi za malipo ya ada.

**SEHEMU YA TANO****USIMAMIZI JUU YA VIWANGO VYA MISHAHARA YA MADAKTARI WAFANYAKAZI KATIKA HOSPITALI ZA WATU BINAFSI**

19. Usimamizi juu ya viwango vya mishahara ya madaktari.
20. Utekelezaji wa masharti ya Sheria kuhusu viwango vya juu vya mishahara.
21. Utunzaji wa kumbukumbu kuhusu malipo ya mishahara.
22. Marufuku kufanya mapatano yenye lengo la kuepa masharti ya Sheria hii.

**SEHEMU YA SITA****MASHARTI MBALI MBALI**

23. ukaguzi na upekuzi.
24. Ufafanuzi wa makosa yanayotendwa na mashirika.
25. Mabadiliko katika Sheria, Sura ya 409.
26. Kanuni.
27. Masharti yatakayotumika kwa muda.

## JAMHURI YA MUUNGANO WA TANZANIA



NA. 6 YA 1977

NAKUBALI

*Julius K. Nyerere*  
Rais

22 Juni 1977

**Sheria ya kuweka masharti ya usimamizi juu ya hospitali zisizo za umma ambazo zitaendeshwa tu na mashirika yaliyokubaliwa, kuweka utaratibu wa kuweka viwango vya juu vya ada zinazotozwa katika hospitali za watu binafsi kwa ajili ya matibabu yanayopatikana katika hospitali hizo, kuweka masharti ya kuthibiti viwango vya mishahara ya madaktari wanaofanya kazi katika hospitali za watu binafsi na kuweka masharti mengineyo yanayohusika na mambo hayo yote**

[.....]

IMETUNGWA na Bunge la Jamhuri ya Muungano wa Tanzania.

## SEHEMU YA KWANZA

## UTANGULIZI

1. Sheria, hii iitwe Sheria ya Uongoji wa Hospitali za Watu Binafsi mwaka, 1977 na, bila ya kuathiri masharti ya ibara ndogo ya (1) ya ibara ya 2, itanza kutumika mnamo tarehe itakayoteuliwa na Waziri na kutangazwa katika *Gazeti la Serikali*.

Jina la  
Sheria  
na tarehe ya  
kuanza  
kutumika

2.-(1) Bila ya kuathiri masharti ya ibara ndogo ya (2), Sheria hii itatumika kwa hospitali zote za watu binafsi na, vile vile kwa watu wote wanaohusika na uendeshaji wa hospitali za watu binafsi, bila ya kujali kuwa watu hao ndio wenye hospitali au watumishi katika hospitali hizo:

Matumizi ya  
Sheria na  
msamba

Isipokuwa kwamba kwa hospitali ya mtu binafsi ambayo itakuwa ipo tayari siku Sheria hii itakapitishwa kwenye Bunge, masharti ya Sheria hii hayatumika kuhusu hospitali hiyo mpaka Waziri atakiapotoa

taarifa katika Gazeti la Serikali ya kuitaja hospitali hiyo na tarehe ambayo masharti ya Sheria hii yatakapoanza kutumika kuhusu hospitali hiyo.

(2) Iwapo Waziri ataona, kuwa masilahi ya Umma yahitajia afanye, hivyo, basi aweza kutoa tangazo katika *Gazeti la Serikali* la kuisamehe hospitali ya mtu binafsi yoyote, au kumsamehe mtu yeyote kutokana na masharti yote au baadhi ya masharti ya Sheria hii, na msamaha huo waweza kutolewa ama bila masharti au kwa masharti yoyote ambayo Waziri ataona yanafaa.

(3) Bila ya kujali masharti yoyote yaliyomo katika Sheria hii yana-yoeleza vinginevyo, daktari hatahesabiwa kuwa ametenda kinyume cha masharti ya Sheria hii kutokana na jambo lolote, alilotenda mahali popote kwa madhumuni ya kutoa huduma ya matibabu kwa mtu yeyote bila kumtoza ada, ila kwa sharti kwamba-

- (a) mtu huyo aliyehudumiwa awe aliyekuwa katika hali ya hatari; au
- (b) mtu huyo aliyehudumiwa awe ni mtu wa kaya yake au mtu ambaye daktari huyo anajukumu la kumwangua.

Ufafanuzi

**3.**-(1) Katika Sheria hii, ila, iwapo maelezo yahitaji vinginevyo-"shirika lilokubaliwa" maana yake ni' shirika lilokubaliwa na Waziri kwa mujibu wa ibara, ya 6 kwa ajili ya kuendesha hospitali ya mtu binafsi kwa mujibu wa masharti ya Sheria hii;

"hospitali" maana yake m mahali popote panapotumiwa kwa ajili ya kutoa huduma ya matibabu kwa watu walioumia au watu wenye maradhi au wenye magonjwa, na maana hiyo ifahamike kuwa ni pamoja na zahanati, kituo cha afya ya wazazi na watoto, kiliniki inayotoa huduma kwenye gari au chombo cha aina nyingine yoyote kinachosafiri kila mara au kiliniki iliyoko mahali pa kudumu, na vile vile jengo lolote linalotumiwa kwa ajili ya kutoa huduma ya matibabu, iwe siku zote au mara moja;

"daktari wa Umma" maana yake ni daktari aliye katika utumishi wa Serikali;

Sura ya  
409

"daktari" maana yake ni mtu ambaye ameandikishwa au amepewa leseni kwa mujibu wa, Sheria ya Madaktari na Waganga wa Meno, na anayeruhusiwa na Sheria hiyo kuendesha shughuli za madaktari;

" matibabu" ifahamike kwa maana ya kawaida ya neno hilo na vile vile ni pamoja na shughuli zinazotekelezwa na wataalamu zinazohusika na uganga wa meno, kupasua wagonjwa, uzalishaji wa akina mama waja wazito, uuguzi, utoaji wa madawa, ushauri juu ya afya na utoaji wa huduma ya namna nyingine yoyote katika hospitali au utoaji wa vifaa vyovyote vinavyohusika na lolote kati ya mambo yaliyotajwa katika tafsiri hii, lakini maana hiyo isifahamike kuwa ni pamoja na shughuli za uganga wa wanyama;

"Waziri" maana yake ni Waziri mwenye dhamana ya mambo yanayohusika na huduma, za utabibu na afya;

"shirika" ifahamike kwa maana ya kawaida ya neno hilo na vile vile ni pamoja na chama, ushirika au kikundi chochote cha watu, na

ni mambo kama kikundi hicho kimeandikishwa kama shirika kwa mujibu wa Sheria au sivyo, na vile vile maana hiyo ifahamike kuwa ni pamoja na mtu mmoja anayetambuliwa kuwa ni shirika kwa mujibu wa Sheria inayotumika kuhusu mashirika;

"hospitali ya mtu binafsi" maana yake ni hospitali yoyote isiyo hospitali ya Umma;

"hospitali ya Umma" maana yakea ni hospitali ya aina yoyote kati ya aina hizi zifuatazo, yaani-

- (a) hospitali ya Chama cha Mapinduzi au hospitali ya jumuiya yoyote iliyoshirikishwa na Chama cha Mapinduzi;
- (b) hospitali ya Serikali;
- (c) hospitali ya shirika lolote linalomilikiwa na Serikali au ya kampuni yoyote inayomilikiwa na Serikali, ama kwa Serikali kumiliki hivyo peke yake au kwa kushirikiana na shirika lolote au na kampuni yoyote, au hospitali ya shirika dogo la shirika kubwa linalomilikiwa na Serikali kwa namna hiyo iliyoelezwa awali au ya kampuni ndogo ya kampuni kubwa inayomilikiwa na Serikali kwa namna hiyo iliyoelezwa awali;
- (d) hospitali ya mtu binafsi yoyote ambayo baadhi ya mahitaji yake hupatikana kama msaada kutoka na na mali ya Umma au ambayo matumizi yake yote au sehemu ya matumizi yake hupatikana kama msaada kutokana na fedha ya Umma;
- (e) hospitali inayomilikiwa na idara yoyote ya Jumuiya ya Afrika Mashariki au na shirika lolote la Jumuiya hiyo, au hospitali inayomilikiwa na shirika lolote jingine la kimataifa ambalo Jamhuri ya Muungano ni mwanachama wake;
- (f) hospitali yoyote nyingine ambayo Waziri ataitaja na kuitangaza katika *Gazeti la Serikali* kuwa ni hospitali ya Umma kwa madhumuni ya Sheria hii.

(2) Kwa madhumuni ya kuwawezesha watu kuzitambua hospitali za watu binafsi za mashirika yaliyokubaliwa na hospitali za Umma, Waziri aweza kutoa maagizo kwa maandishi kwamba kila hospitali ya watu binafsi itambulishwe kwa, namna yoyote itakayoelezwa na Waziri katika maagizo hayo, na kila shirika lililokubaliwa linalohusika litatakiwa kutimiza maagizo hayo.

(3) Kanuni zifuatazo zitatumika katika ufafanuzi au utekelezaji wa masharti ya Sheria hii, yaani-

- (a) mtu atahesabiwa kuwa kuwa anaendesha hospitali ya mtu binafsi iwapo kwa niaba yake mwenyewe au kwa niaba ya mtu mwingine yeyote anatoa matibabu katika hospitali kwa mtu yeyote, kwa malipo, au anawaelewesha watu kwamba yuko tayari na anaweza kutoa matibabu katika hospitali kwa mtu yeyote, kwa malipo;
- (b) mtu atahesabiwa kuwa amepewa matibabu katika hospitali ya mtu binafsi bila ya kujali kama matibabu hayo amepewa yeye peke yake au pamoja na watu wengine kwa, wakati mmoja na vile vile bila ya kujali kama amepata matibabu hayo mara moja tu au zaidi ya mara moja;

- (c) iwapo eneo lote la mahali panapotumiwa kama hospitali ya mtu binafsi au eneo lote la majengo yanayotumiwa kwa ajili ya hospitali ya mtu binafsi limtumiwa kama ni eneo la hospitali moja, basi eneo hilo lote litahesabiwa kuwa na hospitali moja tu, bila ya kujali kama eneo hilo limeandikishwa katikia hati za kumiliki ardhi mbili au zaidi, hivyo, maana ya neno "hospitali" inabidi ifahamike kwa mujibu huo.

### SEHEMU YA PILI

#### UTEUZI WA WATENDAJI NA MASHARTI KUHUSU UENDESHAJI WA HOSPITALI ZA WATU BINAFSI

Uteuzi wa Msajili na Wasaidizi wake

4.-(1) Waziri atamteua mtumishi wa Serikali kuwa Msajili wa Hospitali za Watu Binafsi na aweza kuteua idadi yoyote anayoona inafaa ya watumishi wengineo wa Serikali kuwa Wasajili Wasaidizi wa, Hospitali za Watu Binafsi.

(2) Msajili atafanya kazi na kutekeleza shughuli zilizotajwa katika Sheria hii kuwa ni kazi na shughuli za Msajili na pia atafanya kazi na kutekeleza shughuli nyinginezo zozote atakazoagiza Waziri au ambazo Waziri atazitaja katika Kanuni atakazoweka kwa mujibu wa Sheria hii.

(3) Kila Msajili Msaidizi atamsaidia Msajili katika utendaji wa kazi na shughuli zake kwa mujibu wa Sheria hii na, kwa, kufuata uongozi na usimamizi wa Msajili, Msajili Msaidizi aweza kufanya kazi au kutekeleza shughuli yoyote ya Msajili.

Masharti kuhusu uendeshaji wa hospitali za watu binafsi

5. (1) Ni marufuku kwa mtu yeyote kuendesha hospitali ya mtu binafsi au kumruhusu mtu mwingine kuendesha hospitali ya mtu binafsi, ila kwa niaba ya shirika lililokubaliwa.

(2) Ni marufuku kwa shirika lolote kuendesha hospitali ya mtu binafsi, ila kama shirika hilo liwe ni shirika lililokubaliwa na hiyo hospitali iwe imeandikishwa kwa mujibu wa Sheria hii.

(3) Mtu yeyote atakayetenda kinyume cha masharti ya ibara ndogo ya (1) au ya ibara ndogo ya (2) atakuwa ametenda kosa na akipatikana na hatia mbele ya mahakama atapaswa kuadhibiwa kwa kutozwa faini isiyozidi shilingi laki moja au kufungwa gereza kwa muda, usiozidi miaka mitano au kupewa adhabu hizo zote mbili pamoja.

Uwezo wa Waziri wa kuyakubali mashirika

6.-(1) Bila ya kuathiri masharti ya ibara ndogo ya (3), baada ya kupokea maombi, Waziri aweza kutoa kibali au kutoa kibali upya cha kulikubali shirika lolote linalostahili kukubaliwa kwa mujibu wa ibara ndogo ya (2) ili shirika hilo liendeshe hospitali ya mtu binafsi.

(2) Shirika litastahili kukubaliwa kwa mujibu wa ibara hii iwapo tu linatimiza masharti yafuatayo, yaani-

- (a) madhumuni ya shirika yawe ni shughuli za kuendeleza dini; au
- (b) shirika liwe limeundwa kwa madhumuni ya kuinua hali ya maisha ya wafanyakazi au wakulima; au
- (c) shirika liwe linatekeleza shughuli nyingine yoyote inayoleta au kuendeleza masilahi ya Umma.

(3) Wazari hana madaraka ya kulikubali shirika lolote kwa mujibu wa ibara hii iwapo shirika hilo linatekeleza au linakusudia kutekeleza shughuli yoyote inayohusika na uendeshaji wa hospitali ya mtu binafsi yoyote kwa madhumuni ya kutimiza jambo lolote kati ya mambo yafuatayo, yaani-

- (a) kupata faida; au
- (b) kuendeleza masilahi ya kiuchumi ya wanachama wa shirika hilo; au
- (c) kusaidia utekelezaji bora au kurahisisha. utekelezaji wa shughuli za shirika jingine lolote linalotekeleza shughuli zenye lengo la kuleta faida au kuendeleza masilahi ya kiuchumi ya wanachama wake.

(4) Waziri aweza kukataa kutoa kibali au kutoa kibali upya kwa mujibu wa ibara hii kwa ajili ya shirika lolote bila ya kutoa, sababu zozote za kukataa kwake.

(5) Maombi ya kumtaka Waziri atoe kibali au atoe kibali upya yatapelekwa kwa Waziri kwa maandishi na yatataja jina na anwani ya shirika linalopeleka maombi, hospitali inayohusika na maombi hayo na yatatoa maelezo mengineyo, yoyote yatakayotakiwa kwa mujibu wa Kanuni zitakazowekwa kwa mujibu wa Sheria hii.

(6) Kanuni zifuatazo zitatumika kwa kila kibali kitakachotolewa na Waziri kwa mujibu wa ibara hii, yaani-

- (a) kibali kitatolewa kwa hati iliyoandikwa au kutiwa sahihi na Waziri, na kitatolewa bure;
- (b) kibali kitatumika kwa muda wowote utakaotakiwa na Waziri, na muda huo ukimalizika, Waziri aweza kutoa kibali upya, lakini Kanuni hii itatumika bila ya kuathiri masharti ya, ibara, ya 8;
- (c) shirika lililopewa kibali halitaruhusiwa kuazimisha kibali chake kwa shirika jingine lolote.

7.-(1) Msajili ataweka daftari maalum atakamoandika jina la kila shirika lililokubaliwa na pia maelezo, mengineyo yoyote juu ya shirika hilo anayoona yanafaa kuandikwa katika daftari hilo, na kila inapohitajia atafuta au atasahihisha maelezo hayo.

(2) Kila mwaka Msajili atatangaza angalau mara moja katika *Gazeti la Serikali* au katika gazed lolote linaalosambazwa, nchini kote orodha, ya mashirika yaliyokubaliwa yote ambayo vibali vyake bado vinatumika.

(8). Wakati wowote Waziri aweza kubatilisha kibali chochote kilichotolewa kwa mara ya kwanza au kilichotolewa upya, kwa mujibu wa ibara ya 6, kwa sababu yoyote kati ya sababu ziuatazo yaani-

- (a) kwamba, shirika linalokubaliwa limekoma kuwa shirika linalostahili kukubaliwa kwa mujibu wa ibara ya 6 (2); au
- (b) kwamba shirika, lilokubaliwa, linaendesha hospitali ya shirika kwa, madhumuni ya kutimiza jambo moja au zaidi kati ya mambo yaliyotajwa, katika. ibara ya, 6 (3); au
- (c) kwamba, shirika lilokubaliwa halifai tena, kuendesha hospitali ya shirika.

Uandikishaji  
na utanga-  
zaji wa  
maelezo ya  
mashirika  
yaliyoku-  
baliwa

Kubatilishwa  
kwa kibali

## SEHEMU YA TATU

## UANDIKISHAJI WA HOSPITALI ZA WATU BINAFSI

Uandikishaji  
wa hospitali  
za watu  
binafsi

9.-(1) Ni marufuku kwa shirika lililokubaliwa lolote kuendesha hospitali ya mtu binafsi ila mpaka hospitali hiyo iwe imeandikishwa kwa mujibu wa ibara hii

(2) Maombi ya kuandikisha hospitali ya mtu binafsi yatapelekwa kwa Waziri kwa maandishi ambayo yatataja hospitali inayohusika na maombi hayo, na kutoa maelezo mengine yoyote yatakayotakiwa kwa mujibu wa Kanuni zitakazowekwa kwa mujibu wa Sheria hii kuhusu maelezo ya hilo shirika lililokubaliwa au hospitali yenyewe.

(3) Kila hospitali ya mtu binafsi inayoendeshwa na shirika lililokubaliwa itaandikishwa pekee, yaani bila ya kuchanganywa katika hospitali ya mtu binafsi nyingineyo yoyote.

(4) Iwapo kutatokea mabadiliko yatakayosababisha hospitali ya mtu binafsi iliyoandikishwa kwa mujibu wa ibara hii kumilikiwa au kuendesha na, shirika jingine, basi uandikishaji wa awali wa hospitali hiyo utabatilika baada ya siku thelathini tangu siku ile yalipotokea mabadiliko hayo.

(5) Baada ya kupokea maombi ya kuandikisha hospitali ya mtu binafsi yatakayopelekwa kwake kwa mujibu wa ibara hii pamoja na ada ya uandikishaji (kama inatozwa), Waziri aweza kuyakubali au kuyakataa maombi hayo iwapo Waziri, atayakubali maombi, basi atamwagiza Msajili kuiandikisha hiyo hospitali ya mtu binafsi iliyotajwa katika maombi na kumpa hiyo mwombaji cheti maalum cha kuthibitisha uandikishaji wa hiyo hospitali, na Waziri aweza kutaja masharti yatakayoambatana na cheti hicho au aweza kuagiza kwamba cheti hicho kito-  
lewe bila ya masharti yoyote.

(6) Kila cheti cha uandikishaji wa hospitali ya mtu binafsi kilichotolewa kwa mujibu wa ibara hii kitatakiwa kiwekwe katika hospitali inayohusika mahali kinapoweza kuonekana kwa urahisi.

(7) Bila ya kuingiliwa uwezo aliopewa Waziri na ibara ndogo ya (5) wa kukataa kuyakubali maombi yaliyopelekwa kwake kwa mujibu wa ibara hii, Waziri aweza kukataa, kuyakubali maombi ya kuandikisha hospitali ya mtu binafsi kwa sababu yoyote kati ya sababu zifuatazo, yaani-

- (a) kwamba mwombaji si shirika lililokubaliwa au kwamba si shirika linalostahili kukubaliwa kwa mujibu wa ibara ya 6 (2); au
- (b) kwamba hospitali ya mtu binafsi iliyotajwa katika maombi haiko chini ya usimamizi wa daktari au mtu mwingine yeyote anayefaa kuendesha hospitali yoyote au hospitali ya aina iliyotajwa katika maombi; au
- (c) kwamba itakuwa ni kinyume cha masilahi ya Umma kuandikisha hospitali hiyo kwa sababu ya dosari lililoko katika hospitali hiyo kutokana na mahali ilipo, jinsi ilivyojengwa, nafasi zake za sehemu za kuhudumia wagonjwa, wafanyakazi wake au zana na vifaa vyake, au kwamba majengo yanayotumika kama sehemu ya hospitali hiyo yana dosari kama hizo.

(8) Mtu yeyote atakayeendesha hospitali ya mtu binafsi yoyote ambayo haikuandikishwa kwa mujibu wa Sheria hii au atakayeendesha hospitali ya mtu binafsi yoyote ambayo uandikishaji wake umefutwa au umebatilika kwa sababu nyingine yoyote, atakuwa ametenda kosa na akipatikana na hatia mbele ya mahakama atapaswa kuadhibiwa kwa kutozwa faini isiyoziidi shilingi elfu hamsini au kufungwa gerezeni kwa muda usioziidi miaka mitatu au kupewa adhabu hizo zote mbili pamoja.

10.-(1) Msajili ataweke, daftari maalum atakamoandika jina la kila hospitali ya mtu binafsi iliyokubaliwa na Waziri kuandikishwa kwa mujibu wa ibara ya 9 na pia maelezo mengineyo yoyote anayoona yanafaa kuandikwa katika daftari hilo kuhusu hospitali hiyo, kila inapohitajika atafuta au atasahihisha maelezo hayo.

(2) Kila mwaka Msajili atatangaza angalau mara moja katika Gazeti la Serikali au katika gazeti lolote linalosambazwa nchini kote orodha ya hospitali za watu binafsi zote zilizoandikishwa na ambazo uandikishaji wake bado unatumika.

11.-(1) Iwapo kuna sababu yoyote kati ya sababu zifuatazo inayohusika na hospitali ya mtu binafsi iliyoandikishwa, yaani-

- (a) kwamba majengo ya hospitali hiyo hayafai kuendelea kutumiwa kwa ajili ya hospitali kwa sababu yanawekwa katika hali ya uchafu au yanawekwa katika hali inayohatarisha afya ya watu; au
- (b) kwamba huduma za matibabu zinazotolewa kwa wagonjwa haziridhishi; au
- (c) kwamba shirika lililokubaliwa kuendesha hospitali hiyo limehindwa kutimiza masharti ya Kanuni zozote zilizowekwa kwa mujibu wa Sheria hii kuhusu wafanyakazi wake, nafasi ya sehemu za kuhudumia wagonjwa au zana na vifaa vinavyopasa, kuwemo katika hospitali ya mtu binafsi au kwamba shirika limeshindwa kutimiza Kanuni zilizowekwa kima cha chini cha kiwango au ubora wa chakula kinachotosha au kinachofaa kwa wagonjwa waliolazwa hospitalini,

basi Waziri aweza kutoa taarifa kwa maandishi ya kulitaka shirika lililokubaliwa linaloendesha hospitali hiyo lirekebishe dosari zozote zilizotajwa na Waziri katika taarifa hiyo na litimize maagizo hayo kabla ya muda wowote utakaotajwa na Waziri katika taarifa hiyo.

(2) Iwapo shirika lililokubaliwa litashindwa kutimiza katika muda ibara ndogo ya (1), basi Waziri aweza kulitaka shirika hilo lिलieze kama kuna sababu yoyote ya maana ya kuzuia kufutwa kwa uandikishaji wa hospitali hiyo na iwapo shirika hilo litashindwa kabisa kujieleza au litatoa sababu isiyo ya maana, basi Waziri aweza kufuta uandikishaji wa hospitali.

### SEHEMU YA NNE

USIMAMIZI juu YA VIWANGO VYA ADA ZINAZOTOZWA KATIKA HOSPITALI ZA WATU BINAFSI KWA AJILI YA MATIBABU

A: Katika Sheria hii, neno "ada" linapotumika kuhusu matibabu, maana yake ni malipo yoyote yanayotowazwa katika hospitali ya mtu binafsi yoyote kwa ajili ya matibabu aliyopewa mtu yeyote.

Wajibu wa Msajili kuhusu hospitali zilizoandikishwa

Kufutwa kwa uandikishaji wa hospitali

Ufafanuzi wa "ada"

Uwezo wa  
Waziri wa  
kuweka  
viwango vya  
ada

**13.**-(1) Waziri aweza, mara kwa mara, kuweka, kwa mujibu wa Sheria hii, viwango vya ada zitakazotowwa na, hospitali za, watu binafsi kwa ajili ya, matibabu yanayotolewa na hospitali hizo, na, aweza kuweka viwango hivyo ili vitumike katika, nchi nzima au katika sehemu maalum za nchi, na Waziri aweza, pia, kwa mujibu wa Sheria; hii, kufikiria tena viwango hivyo na kuvibadlilisha kila inapohitaiika.

(2) Katika kutumia uwezo aliopewa na ibara ndogo ya (1) wa, kuweka viwango vya ada kwa ajili ya matibabu, Waziri aweza pia kuweka kima, cha juu kabisa. cha ada kwa ajili ya aina yoyote ya, matibabu yanayotolewa. katika hospitali za, watu binafsi na aweza pia. kueleza jinsi hicho kima, cha juu cha ada. kitakavyopangwa na. kudhihirishwa.

(3) Wakati wa kuweka kima. cha ada, kwa ajili ya aina yoyote ya matibabu Waziri atazingatia mambo yafuatayo, yaani-

- (a) aina za matibabu ya lazima. kwa wananchi yanayopatikana. katika hospitali za watu binafsi na katika hospitali za Umma;
- (b) haja ya kuepukana na hali ya kuwa na mabadiliko ya haraka au ya. mara kwa mara. ya. kima, cha ada;
- (c) haja ya kudumisha ubora, wa huduma zinazotolewa katika hospitali za watu binafsi;
- (d) haja ya kuziwezesha hospitali za watu binafsi kuendelea kutoa huduma bora na kupanua shughuli zake ili zisaidie huduma zinazopatikana katika hospitali za umma;
- (e) haja ya kuhakikisha, kwamba, huduma za matibabu na, za afya kwa jumla zinapatikana, katika sehemu za mijini na pia katika sehemu za vijijini.

(4) Zaidi ya mambo yaliyotajwa katika, ibara ndogo ya (3), wakati wa kuweka kima, cha, juu cha ada, kwa ajili ya matibabu, Waziri atafikiria gharama, za vifaa, (kama vimetumiwa), gharama za huduma yenyewe na viwango vya ushuru au kodi zinazotowwa hospitali za watu binafsi na mambo mengineyo yoyote ambayo waziri anaona. inafaa kuyafikiria.

(5) Katika kutumia uwezo wake kwa mujibu wa ibara hii, Waziri atakuwa na uwezo pia wa-

- (a) kupokea na kufikiria maombi kutoka mashirika yaliyokubaliwa ya kutaka Waziri aweke kuna cha juu cha ada au abadilishe kima cha juu cha ada;
- (b) kupokea na kufikiria maombi kutoka kwa mtu yeyote au shirika lolote au idara yoyote ya Serikali ya kutaka Waziri afikirie jambo lolote linalohusika na ada;
- (c) kuipelekea idara yoyote ya Serikali maelezo juu ya jambo lolote linalohusika na ada za matibabu ili apate ushauri juu ya jambo hilo kutoka idara hiyo;
- (d) bila ya kujaji masharti ya Sheria yoyote, kuagiza kwamba apatiwe maelezo juu ya jambo lolote linalohusika na huduma ya matibabu kutoka kwa mtu yeyote au shirika lolote au idara yoyote ya Serikali.

(6) Waziri aweza kutoa taarifa kwa maandishi ya kulitaka shirika lililokubaliwa lolote linaloendesha hospitali ya watu binafsi liwasilishe kwake, kabla ya kumalizika muda atakaotaja Waziri katika taarifa hiyo, mambo yafuatayo, yaani-

- (a) vitabu vya hesabu na kumbukumbu nyinginezo zinazohusika na uendeshaji wa hospitali hiyo;
- (b) maelezo ya mapato yaliyotolewa na hilo shirika lililokubaliwa kwa idara ya kodi kwa ajili ya makadirio ya kodi ya mapato au kodi ya aina nyingineyo yoyote iliyopata kulipwa na shirika hilo katika mwaka wowote;
- (c) habari nyinginezo zozote ambazo Waziri ataona inafaa kuzijua.

**14.** Hakuna mahakama yoyote itakayokuwa na mamlaka ya kuchunguza uamuzi wo wote uliotolewa na Waziri kwa mujibu wa Sheria hii kuhusu ada za matibabu.

**15.**-(1) Iwapo Waziri ameweka kima cha juu cha ada kwa ajili ya aina yo yote ya matibabu, basi Waziri atatoa taarifa itakayoeleza aina wa ya matibabu inayohusika na kima cha juu cha ada kilichowekwa kwa , ajili ya aina hiyo ya matibabu.

(2) Taarifa iliyotolewa kwa mujibu wa ibara ndogo ya (1) yaweza kutangazwa kwa namna yo yote ambayo Waziri anaona inafaa, ili mradi ahakikishe kuwa yaliyomo katika taarifa hiyo yatawafikia watu wanaohusika nayo.

(3) Tangu siku itakapotangazwa taarifa yo yote iliyotolewa kwa mujibu wa ibara hii au kuanzia siku nyingine yo yote ya baadaye iliyotajwa katika taarifa hiyo, kima cha juu cha ada kwa ajili ya aina ya matibabu yaliyoelezwa katika taarifa hiyo kitakuwa ndicho kima cha ada kitakachotumika kwa ajili ya aina hiyo ya matibabu.

(4) Mtu ye yote atakayetoa matibabu katika hospitali ya watu binafsi yo yote na kutoza ada inayozidi kima cha juu cha ada kilichowekwa kwa ajili ya aina hiyo ya matibabu, atakuwa ametenda kosa na akipatikana na hatia mbele ya mahakama atapaswa kuadhibiwa kwa kutozwa faini isiyozidi shilingi elfu kumi na tano au kufungwa gerezani kwa muda usiozidi miaka mitatu au kupewa adhabu hizo zote mbili pamoja.

**16.**-(1) Waziri aweza kutoa amri, ambayo itabidi itangazwe katika *Gazeti la Serikali*, ya kulitaka shirika lililokubaliwa lo lote linaloendesha hospitali ya watu binafsi liweke katika hospitali inayohusika, na mahali inapoweza kuonekana kwa urahisi na wagonjwa, orodha ya vima vya juu vya ada vinavyotumika kwa ajili ya aina zote za matibabu zilizotajwa katika hiyo amri ya Waziri.

(2) Amri iliyotolewa kwa mujibu wa ibara hii yaweza kueleza jinsi hiyo orodha ya vima vya juu vya ada inavyotakiwa, kutengenezwa na kupangwa.

(3) Mtu ye yote anayehusika na uongozi katika, uendeshaji wa hospitali ya watu binafsi yo yote atakayekosa kuweka katika hiyo hospitali orodha ya vima vya juu vya ada vilivyowekwa kwa ajili ya matibabu atakuwa ametenda kosa na akipatikana na hatia mbele ya mahakama atapaswa kuadhibiwa kwa kutozwa faini isiyozidi shilingi elfu tano au kufungwa gerezani kwa muda usiozidi miezi kumi na mbili au kupewa adhabu hizo zote mbili pamoja.

Uamuzi wa waziri hautaingiliwa na mahakama Utangazaji wa viwango vya juu vya ada

Namna ya kuonyesha viwango vya juu vya ada

Utunzaji wa vitabu vya hesabu na kumbukumbu nyinginezo

17.-(1) Kila shirika, lililokubaliwa, linaloendesha hospitali ya watu binafsi inayotoa matibabu ambayo yamewekewa, kima. cha. juu cha. ada kwa mujibu wa Sheria, hii litaweka vitabu vya, hesabu au kumbukumbu nyinginezo kwa. ajili ya, matibabu yanayotolewa, na. shirika, hilo litaaandika, katika. vitabu hivyo au kumbukumbu hizo mambo yatakayotakiwa. yaandikwe humo kwa kufuiata, Kanuni zitakazowekwa kwa mujibu wa. Sheria. hii.

(2) Kila shirika lililokubaliwa, baada, ya kumaliza kuandika. kitabu cha, hesabu chote kinachotakiwa. kiwekwe kwa, mujibu wa, ibara. hii au baada ya kumaliza kuandika kumbukumbu yote inayotakiwa. iweke kwa, mujibu wa, ibara hii, litatunza kitabu hicho au kumbukumbu hiyo kwa muda wa, miaka miwili au kwa muda, mrefu zaidi kadri itakavyoelezwa katika Kanuni zitakazowekwa kwa, mujibu wa Sheria, hii.

Utoaji wa stakabadhi za malipo ya ada

18.-(1) Kila. mtu anayehusika, na. uongozi katika. uendeshaji wa hospitali ya, watu binafsi inayotoa kwa. mtu yeyote matibabu ambayo yamewekewa. kima. cha. juu cha, ada kwa. mujibu wa, Sheria hii, na matibabu ambayo yamelipiwa, au yatalipiwa ada, atatakiwa, kumpa huyo mtu aliyetibiwa, mapema; iwezekanavyo baada ya, matibabu, stakabadhi au hati ya deni la ada, ambayo itaeleza. aina, ya, matibabu yaliyotolewa na ada iliyolipwa au inayodaiwa kwa. ajili ya matibabu, hayo.

(2) Kila, mtu atakayetoa. stakabadhi au hati ya deni kwa, mujibu wa ibara hii atatakiwa. aweke katika. kumbukumbu za. hiyo hospitali nakala ya hiyo stakabadhi au hati ya. deni la ada.

(3) Mtu yeyote anayehusika na uongozi katika, uendeshaji wa hospitali ya. watu binafsi atakayekosa. kutimiza. masharti ya ibara. ndogo ya. (1) au ya, ibara. ndogo ya, (2), atakuwa ametenda, kosa. na, akipatikana, na, hatia mbele ya. mahakama atapaswa. kuadhibiwa kwa, kutozwa faini isiyozidi shilingi elfu tano au kufungwa. gerezani kwa, muda usiozidi miezi kumi na mbili au kupewa. adhabu hizo zote mbili pamoja.

## SEHEMU YA TANO

### USIMAMIZI JUU YA VIWANGO VYA MISHAHARA YA MADAKTARI WAFANYAO KAZI KATIKA HOSPITALI ZA WATU BINAFSI

Usimamizi juu ya viwango vya mishahara ya madaktari

19.-(1) Iwapo Waziri ataona wakati wowote kuwa masilahi ya umma yahitajia kwamba inafaa uwepo usimamizi juu ya viwango vya mishahara wanayolipwa madaktari wanaofanya kazi katika hospitali za watu binafsi, au kwamba inafaa viwango vya mishahara hivyo vichunguzwe, basi Waziri aweza kuweka au kuchunguza viwango hivyo kwa mujibu wa masharti ya Sheria hii.

(2) Katika kutumia uwezo aliopewa na ibara ndogo ya (1), Waziri atakuwa na uwazo pia wa kuweka kima cha juu kabisa cha mishahara halisi na vile vile kima cha juu kabisa cha posho na masilahi mengineyo (rnambo ambayo katika Sheria hii yataitwa kwa jumla "mishahara") wanayolipwa au wanayopata madaktari kwa, jumla au madaktari wa aina maalum yoyote kwa ajili ya huduma wanayotoa kwa mujibu wa mka. taba wa kazi au mapatano au mpango mwingineo wowote.

- (3) Wakati wa kuweka kima cha juu cha mishahara Waziri atazi-ngatia mambo, yafuatayo yaani-
- (a) tofauti zilizoko baina ya madaraka kwa jumla au kati ya madaktari wenye utaalum wa aina fulani maalum na ama nyingine au kati ya madaktari wa idara moja na wa idara nyingine katika shughuli za madaktari kuhusu elimu ya msingi ya udaktari, ujuzi wa kazi, maarifa katika utekelezaji wa kazi na kiasi cha madaraka ya utendaji;
  - (b) haja ya kudumisha na kuendeleza ustadi wa hali ya juu katika huduma zinazotolewa m madaktari;
  - (c) haja ya kuongeza na kudumisha idadi kubwa ya madaktari, wanaofanya kazi katika hospitali za watu binafsi;
  - (d) haja ya kuzuia tofauti kubwa kati ya mapato ya wananchi wanaofanya kazi za namna mbali mbali.
- (4) Katika kutumia uwezo wake kwa mujibu wa ibara hii, Waziri atakuwa na uwezo pia wa-
- (a) kupokea na kufikiria maombi ya kutaka aweke kima cha mishahara au abadilishe kima cha mishahara, lakini bila ya kuathiri masharti ya ibara ya 20 (3);
  - (b) kupokea na kufikiria maombi kuhusu mishahara ya madaktari kutoka kwa shirika lo lote au kutoka idara yo yote ya Serikali;
  - (c) kuipelekea idara yo yote ya Serikali maelezo juu ya jambo lolote linalohusika na mishahara ya madaktari ili apate ushauri juu ya jambo hilo kutoka idara hiyo;
  - (d) bila ya kujali masharti ya Sheria yo yote, kuagiza kwamba apatiwe maelezo juu ya jambo lo lote linalohusika na mishahara ya madaktari kutoka kwa mtu ye yote au shirika lo lote au idara yo yote ya Serikali.
- (5) Waziri aweza kutoa taarifa kwa maandishi ya kulitaka shirika lililokubaliwa lolote linaloendesha hospitali ya watu binafsi liwasilishe kwake, kabla ya kumalizika muda atakaoutaja Waziri katika taarifa hiyo, mambo yafuatayo, yaani-
- (a) maelezo kuhusu viwango vya mishahara ya madaktari wanaofanya kazi katika hospitali, ya watu binafsi inayoendeshwa na shirika hilo;
  - (b) maelezo kuhusu mapato ya fedha ambayo shirika hilo lategemea kupata katika mwaka wa hesabu wa shirika hilo na maelezo kuhusu jinsi fedha hiyo, inavyotazarniwa kupatikana;
  - (c) maelezo kuhusu makadirio ya matumizi ya shirika hilo katika mwaka huo wa hesabu wa shirika hilo.
- (6) Baada ya kupokea maelezo yaliyotajwa katika ibara ndogo ya (5), Waziri aweza kukubali bila ya mabadiliko viwango vya mishahara vilivyowasilishwa, kwake na hilo shirika au, akiona kwamba masilahi ya umma yahitajia afanye hivyo, aweza kutoa amri kwa maandishi ya kulitaka hilo shirika lirekebishe viwango vyake vya mishahara ili vilingane na vima vya juu vilivyotajwa katika amri yake, na kila shirika litakaloamriwa hivyo litatikiwa litimize maagizo hayo ya Waziri kabla ya kumalizika muda 'takaotajwa na Waziri.

(7) Kima cha juu cha mshahara kilichowekwa na Waziri kwa mujibu wa ibara ndogo ya (2) au ambacho kimekubaliwa au kimewekwa na Waziri kwa mujibu wa ibara ndogo ya (6) kitaitwa "mshahara wa haki", na kima hicho kitatiliwa nguvu kwa mujibu wa masharti ya Sheria hii.

Utekelezaji  
wa masharti  
ya Sheria  
kuhusu  
viwango vya  
juu vya  
mishahara

**20.**-(1) Waziri atoa taarifa na kuitangaza katika Gazed la Serikali ambayo itakuwa na maelezo kuhusu kila mshahara wa haki uliowekwa au kukubaliwa naye kwa mujibu wa ibara ya 19, na pia maelezo ya vya aina ya madaktari watakaostahili kulipwa mshahara huo.

(2) Kanuni zifuatazo zitatumika kuhusu kila mshahara wa haki uliotangazwa katika Gazeti la Serikali, yaani-

- (a) hakuna mahakama yoyote itakayokuwa na mamlaka ya kuchunguza mshahara huo;
- (b) mshahara huo tu ndio utakaolipwa na waajiri au mashirika yaliyokubaliwa na ndio huo tu watakaostahili kupokea madaktari wote wanaohusika nao, na kanuni hii itatimizwa bila ya kujali masharti ya Sheria yoyote au mapatano ya mkataba wa kazi, mapatano mengineyo yoyote au ya mpango wowote mwingineo;
- (c) katika utekelezaji au ufafanuzi wa mkataba, mapatano au mpango wowote mwingineo baina ya waajiri au mashirika yaliyokubaliwa na madaktari itabidi ifahamike kwamba kuna lazima, kwa mujibu wa Sheria hii, ya kulipa au kupokea mshahara wa haki tu, hivyo masharti yote ya kazi yatakayotajwa kwenye huo mkataba au hayo mapatano au huo mpango yatatakiwa yatekelezwe kwa kufuata mshahara wa haki uliotangazwa mpaka hapo utakapo. badilishwa na kutangazwa tena katika Gazeti la Serikali.

(3) Ni marufuku kwa mtu yeyote au shirika lolote kutoa maombi ya kutaka kubadilisha mshahara wa haki uliotangazwa katika Gazeti la Serikali kabla ya kumalizika miezi kumi na mbili tangu, siku ya kuanza kutumika mshahara huo, ila awe amepata kwanza ruhusa ya Waziri ya kutoa maombi hayo.

Utunzaji wa  
kumbukumbu  
kuhusu  
malipo ya  
mishahara

**21.** Kila shirika lililokubaliwa linaloendesha hospitali ya watu binafsi litaweka kumbukumbu za mishahara wanayolipwa madaktari wanaofanya kazi katika hospitali hiyo, na litatunza kumbukumbu hizo kwa muda wa Miaka miwili au kwa muda mrefu zaidi kadri itakavyoelezwa katika Kanuni zitakazowekwa kwa mujibu wa Sheria hii.

Marufuku  
kufanya  
mapatano  
yenye lengo  
la kuepa  
masharti ya  
Sheria hii

**22.** Tangu siku Bunge litakapopitisha Sheria hii, itakuwa marufuku kwa mwajiri yeyote au kwa shirika lolote kubadilisha au kurekebisha jambo lolote linalohusika na mshahara wa daktari lililotajwa katika mkataba, mapatano au mpango wowote mwingineo kwa madhumuni ya kuepa au kutengua masharti ya Sheria hii, na sharti hili litatimizwa bila ya kujali kama huyo daktari anayehusika amefiki au hakuafiki hiyo hatua ya kubadilisha au kurekebisha hilo jambo.

**SEHEMU YA SITA**  
MASHARTI MBALI MBALI

**23.**-(1) Msajili wa Hospitali za Watu Binafsi, Msajili Msaidiizi wa Hospitali za Watu Binafsi, daktari wa umma, au mtumishi wa Serikali mwingine yeyote aliyeidhiniwa kwa maandishi na Waziri, akiwa na sababu ya kuamini kwamba matibabu yanatolewa katika jengo lolote linalotumiwa kama hospitali ya watu binafsi, aweza kumtaka mtu mwenye madaraka juu ya jengo hilo amruhusu aingie ndani na amsaidie kwa njia itakayomwezesha kuhakikisha kama matibabu hayo yanatolewa kwa mujibu wa masharti ya Sheria hii au kwa mujibu wa masharti ya kanuni zilizowekwa kwa mujibu wa Sheria hii.

Ukaguzi na  
upekuzi

(2) Iwapo mtumishi wa Serikali yeyote kati ya hao waliotajwa katika ibara ndogo ya (1), baada kuonyesha kitambulisho chake cha kazi kwa mtu yeyote atakayetaka kuhakikisha kwamba mtumishi huyo anayo mamlaka ya kukagua na kupekua, haruhusiwi kuingia katika hilo jengo au ikiwa anacheleweshwa au kusumbuliwa bila ya sababu ya maana, basi aweza kuingia katika jengo hilo hata kama hana hati maalum ya kumruhusu kupekua na aweza kukagua na kupekua kwa makusudi ya kuhakikisha mambo yale yaliyotajwa katika ibara ndogo ya (1).

(3) Mtu yeyote atakayemzuia au kumwekea vipingamizi huyo mtumishi wa Serikali katika utekelezaji wa wajibu wake kwa mujibu wa ibara hii, atakuwa ametenda kosa na akipatikana na hatia mbele ya mahakama atapaswa kuadhibiwa kwa kutozwa faini isiyoziidi shilingi elfu tano au kufungwa gerezani kwa muda usioziidi miezi kumi na mbili au kupewa adhabu hizo zote mbili pamoja.

**24.** Iwapo shirika lolote limetenda kosa lolote kinyume cha Sheria hii au kinyume cha Kanuni zilizowekwa kwa mujibu wa Sheria hii, basi kila mtu aliyehusika katika uongozi wa shughuli za shirika hilo atakuwa pia ametenda kosa na atapaswa kushtakiwa na kuadhibiwa vilivyo, ila kama mtu huyo ataithibitishia mahakama kwamba hakujua kabisa kuwa kosa hilo lilikuwa linatendeka au kuwa lilikusudiwa au tilikuwa karibu kutendeka, au kwamba, alichukua hatua zote zinazofaa za kuzuia kosa lisitendeke.

Ufafanuzi wa  
makosa  
yanayo-  
tendwa  
na mashirika

**25.** Mabadiliko yafuatayo yanafanywa katika Sheria ya Madaktari na Waganga wa Meno, yaani-

Mabadiliko  
katika Sheria  
Sura ya 409

(a) katika ibara ya 2, ule ufafanuzi wa "mganga wa meno", "daktari" na "kutoa huduma ya matibabu" unafutwa na badala yake kutakuwa na ufafanuzi ufuatao: -

"mganga wa meno" maana yake m mtu mwenye ujuzi wa kutoa huduma ya uganga wa meno kwa wagonjwa;

"daktari" maana yake ni mtu mwenye ujuzi wa kutoa huduma ya matibabu kwa wagonjwa;

"kutoa huduma ya matibabu" maana yake ni shughuli zinazotekelezwa na madaktari zinazohusika na kupasua wagonjwa, utoaji wa madawa au ushauri juu ya afya, iwe huduma hizo zinatolewa mara moja au mara nyingi;"

(b) ibara ndogo ya (2) ya ibara ya 21 inafutwa;

(c) ibara yote ya 22 inafutwa.

Kanuni

**26.** Waziri aweza kuweka Kanuni kwa ajili ya utekelezaji bora wa madhumuni na masharti ya Sheria hii, na bila ya kuathiri uwezo huo wa jumla, Waziri aweza, kuweka Kanuni kwa ajili, ya jambo lolote kati ya mambo yafuatayo, yaani-

- (a) kutengeneza fomu za namna mbali mbali zitakazotumiwa katika utekelezaji wa masharti ya Sheria hii.
- (b) kuweka viwango vya ada zitakazotoweka kwa ajili ya mambo yoyote yatakayotajwa katika Kanuni zitakazowekwa kwa mujibu wa ibara hii;
- (c) kuyaagiza mashirika yaliyokubaliwa kuwasilisha kwa Waziri mizania za hesabu zilizokaguliwa na pia kumbukumbu na maelezo mengineyo yanayohusika na mashirika hayo;
- (d) kuweka utaratibu wa kutekeleza masharti ya Sheria kuhusu viwango vya mishahara ya haki ya madaktari;
- (e) kutaja kiasi na aina ya chakula kinachofaa kupewa wagonjwa waliolazwa katika hospitali za watu binafsi; kupewa
- (f) kuyataka mashirika yaliyokubaliwa yanayoendasha hospitali za watu binafsi yaweke katika hospitali hizo vifaa na mahitaji mengineyo kwa ajili ya matumizi ya wagonjwa, ili wawe katika hali bora;
- (g) kutaja aina na idadi ya wafanyakazi wanaopasa, kuajiriwa katika hospitali za watu binafsi na pia kueleza, aina za nafasi na zana zinazofaa kwa ajili ya kutoa huduma, ya matibabu kwa wagonjwa;
- (h) kueleza jambo jingine lolote linalotakiwa au linaloruhusiwa kuelezwa kwa Kanuni kwa mujibu wa Sheria hii.

Masharti  
yatakayo-  
tumika  
kwa muda

**27.**-(1) Wakati wowote baada, ya kutungwa. Sheria hii, lakini kabla haijaanza kutumika, Waziri aweza kupokea na kufikiria maombi ya namna yoyote yanayotakiwa yawasilishwe kwake kwa mujibu wa Sheria hii na aweza kukata shauri juu ya maombi hayo kwa mujibu wa Sheria hii:

Isipokuwa kwamba iwapo Waziri atayakubali maombi yoyote kwa mujibu wa ibara hii, basi jambo hilo lililokubaliwa halitakelezwa mpaka siku itakapoanza kutumika Sheria hii au baada ya siku hiyo.

(2) Wakati wowote baada ya kuanza kutumika Sheria hii, lakini kabla ya kumalizika miezi sita tangu siku itakapoanza kutumika Sheria hii, Waziri aweza kutoa amri, ambayo itatakiwa itangazwe katika *Gazeti la Serikali*, ya kuweka masharti ya nyongeza ambayo Waziri anaona yanafaa au yanahitajika kwa ajili ya kutilia nguvu au kurahisisha utekelezaji wa madhumuni na masharti ya Sheria hii.

Imepitishwa katika Bunge tarehe ishirini na nane Aprili 1977.



Katibu wa Bunge