

THE UNITED REPUBLIC OF TANZANIA



NO. 7 OF 1970

I ASSENT,

Julius K. Nyerere
President

30TH MARCH, 1970

An Act to make provision for the Recovery from certain officers of Debts due by them to the Government, the Community and certain Corporations

[1ST MAY, 1970]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Specified Officers (Recovery of Debts) Act, 1970 and shall come into operation on the 1st May, 1970.

Short title
and
commence-
ment

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

Interpretation

“the Community” includes any corporation within the Community and any institution of the Community;

“the court” means a court of a Resident Magistrate;

“debt” means any sum of money due from a specified officer to the Government any local authority, the Community or any scheduled corporation in respect of—

- (a) any tax or rate, or any penalty accruing thereto, imposed by or under any written law;
- (b) any contribution to any provident fund or pension fund or other scheme established and maintained in accordance with any written law;
- (c) any loss caused to the Government, the Community, the local authority or the scheduled corporation, as the case may be, as a result of his negligence, failure by him to take reasonable care or failure by him to discharge his duties in a reasonable manner;
- (d) any rental for any quarters provided by the Government to the specified officer;
- (e) any loan or other payment made to the specified officer by the Government which the specified officer is under a duty to repay or refund;

- (f) goods supplied, services rendered or any other consideration whatsoever given by the Government, the local authority, the Community or the scheduled corporation, as the case may be, to the specified officer or some other person for which the specified officer has rendered himself liable;
- (g) any payment made to a specified officer by way of salary or allowances in excess of the salary or allowances to which he is entitled,

together with such interest thereon as may be agreed upon by the parties concerned or, where no such interest has been agreed upon, interest at such rate as may be prescribed;

“Department” means a Department of the Government which is not part of any Ministry, and includes the Judiciary;

“Division” means a Division of a Ministry;

“the Minister” means the Minister responsible for finance;

“proper authority” means—

(a) in the case of—

- (i) the Speaker;
- (ii) the Chairman of the Permanent Commission of Enquiry;
- (iii) a Minister;
- (iv) a Junior Minister;
- (v) the Attorney-General;
- (vi) the head of any Department;
- (vii) a Regional Commissioner;
- (viii) a Principal Secretary; or
- (ix) an Area Commissioner;

the President;

(b) in the case of a Member of the National Assembly, the Speaker;

(c) in the case of any specified officer employed in any Department, the head of that Department;

(d) in the case of any specified officer employed in any Ministry other than a specified officer employed in a Division, the Principal Secretary to that Ministry;

(e) in the case of any specified officer employed in any Division, the head of that Division;

“salary” includes wages, allowances and any other remuneration or emoluments payable to a specified officer in respect of the office held by him;

“scheduled corporation” means a body corporate specified in the Schedule to this Act;

“specified officer” means the Speaker, the Chairman of the Permanent Commission of Enquiry, a Minister, a Junior Minister, a member of the National Assembly, a Regional Commissioner, an Area Commissioner or any person employed in the service of the United Republic.

3. Where any specified officer is liable for a debt, the proper authority may, without prejudice to any other means that may be available for the recovery of such debt, authorize the recovery of the debt by deductions from the specified officer's salary by monthly instalments not exceeding one-fourth of his monthly salary and the remittance of the sums deducted to the authority or corporation entitled to the payment of the debt:

Provided that where a specified officer is liable for payment of two or more debts the total amount authorized to be deducted from his salary in any month shall not exceed one-third of the salary payable in that month.

4. This Act shall not apply to any debt—

- (a) which the specified officer from whom the same is due has agreed in writing to pay by instalments to be deducted from his salary; or
- (b) which may under the provisions of any other written law be recovered by deductions from the salary of the specified officer from whom the same is due.

Act not to apply to certain debts

5. Where any deduction has been made from the salary of a specified officer in respect of any debt, such deduction shall operate as a complete discharge of the specified officer from his liability in respect of that debt to the extent of the deduction made.

6.—(1) No deduction shall be made from the salary of any specified officer under the provisions of this Act unless a notice in writing has first been given to the specified officer by or on behalf of the proper authority.

(2) Every notice under subsection (1) shall state the amount of the debt due, the circumstances giving rise to the debt and the amount of the proposed deductions from the salary.

(3) A notice under subsection (1) shall, save for the purposes of an appeal under section 7 or for any further appeal, be conclusive proof of the liability of the specified officer to whom it is addressed in respect of the debt specified therein.

(4) A copy of every notice under subsection (1) shall be sent to the officer responsible for paying the salary of the specified officer and it shall be the duty of such officer to make deductions from the salary of the specified officer in accordance with the terms of the notice unless such notice or any term thereof is set aside or varied on any appeal made under section 7 or on any further appeal, in which case such officer shall comply with the order of the court deciding the appeal.

7.—(1) Where a specified officer to whom a notice under section 6 has been given is aggrieved by any of the terms of the notice he may, within thirty days of the receipt of the notice, appeal to the court.

(2) On an appeal under subsection (1) the court may confirm, set aside or vary the notice.

Deductions to operate as a discharge

Notice of deduction

Appeals

(3) An order of the court on an appeal under this section may be appealed from in the same manner and to the same extent in all respects as a decree of that court in a civil suit.

(4) The Chief Justice may make rules regulating the procedure for appeals under this section.

When
attachment
on salary
ordered

8. Where any deduction is made under the provisions of this Act from the salary of any specified officer and an attachment of the salary is ordered by any court under any law for the time being in force regulating attachments, the salary of the specified officer shall, for the purposes of such attachment, be deemed to be the difference between his salary and the deductions made under this Act.

Amendment
of the
Schedule

9. The Minister may by order published in the *Gazette* add to, delete from, amend or replace the Schedule to this Act.

Regulations

10. The Minister may make regulations for the better carrying out of the purposes of this Act and, without prejudice to the generality of the foregoing, may make regulations—

- (a) providing for payment of interest at a rate not exceeding seven per centum per annum on unpaid debts in respect of which no interest has been agreed upon by the parties;
- (b) prescribing anything which under this Act may be prescribed.

SCHEDULE

Tanzania Electric Supply Company Limited.

Passed in the National Assembly on the twenty-third day of March, 1970.


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Clerk of the National Assembly