

Tanzania

## Disabled Persons (Care and Maintenance) Act

### Chapter 183

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## Tanzania

# Disabled Persons (Care and Maintenance) Act

## Chapter 183

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*[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]*

*[G.N. No. 139 of 1983; Act No. 3 of 1982]*

**An Act to provide for the care and maintenance of disabled persons and for purposes connected with those matters.**

### Part I – Preliminary provisions (ss. 1-2)

#### 1. Short title

This Act may be cited as the Disabled Persons (Care and Maintenance) Act.

#### 2. Interpretation

In this Act, unless the context otherwise requires—

"**Commissioner**" means the Commissioner of Social Welfare;

"**disabled person**" means a person who, on account of injury, old age, disease or congenital deformity, is substantially handicapped in obtaining employment, or in undertaking work on his own account, of a kind which apart from that injury, old age, disease or deformity would be suited to his age, experience and qualification, and—

- (a) the expression "disablement" in relation to any person shall be construed accordingly;
- (b) for the purposes of the definitions contained in this paragraph, the expression "disease" shall be construed as including a physical or mental condition arising from imperfect development of any organ;

"**local authority**" includes—

- (a) an Urban Council established or deemed to have been established under the Local Government (Urban Authorities) Act <sup>1</sup>;
- (b) a District Council established under the Local Government (District Authorities) Act <sup>2</sup>;

"**Minister**" means the Minister responsible for the social welfare of the disabled persons;

<sup>1</sup>

[Cap. 288](#)

<sup>2</sup>

[Cap. 287](#)

"**relative**" means the parents of the disabled person or the adult child of the disabled person and includes any person who, according to the customs of the people where the disabled person comes from, may be required to take care and maintain the disabled person.

## **Part II – Administration (ss. 3-6)**

### **3. National Advisory Council**

The National Advisory Council established under section 3 of the Disabled Persons (Employment) Act<sup>3</sup> shall exercise the functions in relation to this Act.

### **4. Functions of the National Advisory Council**

The functions of the National Advisory Council in relation to this Act, shall be to advise the Minister in matters relating to the care and maintenance of persons handicapped by disablement.

### **5. Committees**

The Committees established under section 5 of the Disabled Persons (Employment) Act<sup>4</sup> shall exercise functions in relation to this Act.

### **6. Functions of the Committees**

The functions of the Committees in relation to this Act, shall be to advise upon and report on any matter under this Act, submitted to it for that purpose by the National Advisory Council, the Commissioner or by the Minister.

## **Part III – Registration of disabled persons and settlement for disabled persons (ss. 7-13)**

### **7. Register of disabled persons**

- (1) The Commissioner shall establish and maintain a register of disabled persons to be known as the Disabled Person (Care and Maintenance) Register.
- (2) The register shall be kept in such form, and entries in it and from it shall be made in such manner as the Commissioner may determine.
- (3) A person whose name is for the time being in the register is in this Act referred to as a "disabled person".

### **8. Registration of persons handicapped with disablement**

- (1) Subject to the provisions of this section every disabled person shall be entitled to have his name entered in the Disabled Persons (Care and Maintenance) Register.
- (2) The Minister may make regulations prescribing matters which are to constitute conditions of, or disqualifications from, the entry in the register of the names of any person, either generally or in particular circumstances.

<sup>3</sup>

[Cap. 184](#)

<sup>4</sup>

[Cap. 184](#)

- (3) For the purpose of this section every local authority shall keep a record of all disabled persons who are ordinarily resident within their area of jurisdiction and shall forward a copy of the record to the Commissioner.

## **9. Register of settlements for disabled persons**

- (1) The Commissioner shall establish and maintain a register of settlements for disabled persons.
- (2) The register shall be kept in such form as the Commissioner may determine.

## **10. Requirement of registration of settlements for disabled persons**

- (1) No person shall establish, operate, manage or maintain a settlement for disabled persons unless the settlement has been registered.
- (2) A person who intends to establish, operate, manage or maintain a settlement for disabled persons shall apply to the Commissioner for registration of such a settlement.
- (3) On receipt of an application for registration of premises as a settlement for disabled persons the Commissioner may cause an inspection to be made of the premises and if he is satisfied that the settlement conforms to the standard which may from time to time be prescribed by the Minister under section 11, he may register the settlement.

## **11. Minister may prescribe standards for the maintenance of settlements for the disabled**

The Minister may prescribe standards for the establishment and maintenance of settlements for disabled persons.

## **12. Government may enter into an agreement with a voluntary organisation in running a settlement for disabled persons**

The Government or local authority which maintains a settlement for disabled persons may enter into an agreement with any institution or voluntary organisation for the purpose of transferring the maintenance of such settlement from the department of Government or local authority, as the case may be, to the institution or voluntary organisation, subject to any conditions which may be specified in that agreement.

## **13. Power to inspect settlements for the disabled**

The Commissioner or any person authorised by him in that behalf may enter any settlement for disabled persons for the purpose of inspection.

# **Part IV – Care and maintenance of persons handicapped by disablement (ss. 14-21)**

## **14. Relative to have an obligation to care for a person handicapped by disablement**

- (1) Every relative of a disabled person shall have an obligation to care and provide for the maintenance of that disabled person, according to his means.
- (2) Where there are more than one relatives of a disabled person, all relatives shall have the obligation to care and to provide for the maintenance of the disabled person.

## **15. Power of the Court to order maintenance of person handicapped with disablement**

- (1) Where it is established that a relative has been guilty of wilful neglect to provide reasonable care and maintenance to a disabled person the court may, on the application of either the disabled person or the Commissioner, order that the relative make monthly payments towards the

maintenance of that disabled person as the court may think just having regard to the means of the relative.

- (2) The court shall have power from time to time by an order under this section to vary or discharge any previous order made in this regard.
- (3) Where the court makes an order under subsection (1) of this section the court may, if it thinks fit order that the relative shall, to the satisfaction of the court, secure the monthly payments to the relative who is disabled and may for that purpose give directions.

## **16. Local authority to provide facilities for the care and maintenance of disabled persons**

- (1) Every local authority shall, either alone or in collaboration with any person or institution, establish, operate, manage and maintain facilities for the care and maintenance of persons who are disabled.
- (2) A local authority shall provide for the care and maintenance of every disabled person who has no relative who can provide for his care and maintenance and who is ordinarily resident in the area of its jurisdiction.

## **17. Disabled persons may be admitted in a settlement for the disabled**

- (1) Without prejudice to the provisions of subsection (2) of section 16 where a disabled person has no relative who can provide for his care and maintenance or where, because of the special nature of his disability such a person must be admitted in a settlement for disabled persons specially established to cater for such disability, he may, subject to the provisions of this Act, be admitted in a settlement for disabled persons, or a settlement which caters for a special disability as the case may be.
- (2) A disabled person to which subsection (1) refers, other than a person with a special disability as referred to in that subsection, shall apply to the district committee for consideration for admission in a settlement for disabled persons.
- (3) The district committee shall consider every application made in pursuance to subsection (2) of this section and if it is satisfied—
  - (a) that the person applying is a disabled within the meaning of this Act;
  - (b) that the person applying has no relative who may provide for his care and maintenance; and
  - (c) that owing to special circumstances the local authority in which he is ordinarily resident cannot facilitate for his care and maintenance,may recommend that the disabled person be admitted in a settlement for disabled persons.
- (4) The Minister may prescribe conditions for admission of disabled persons in settlements for disabled persons.

## **18. Establishment of a National Fund for Disabled Persons**

- (1) There is hereby established a fund to be known as the National Fund for Disabled Persons.
- (2) The Fund shall consist of—
  - (a) such sums as may from time to time be set for the purpose by Parliament;
  - (b) any further donations and voluntary contributions as may be made towards the Fund.

## **19. Objects of the Fund**

The objects of the Fund shall be—

- (a) to provide for the maintenance, education, benefit or advancement of disabled persons;
- (b) to provide assistance to any disabled person;

- (c) to establish and maintain any settlements and other institutions for disabled persons;
- (d) to provide financial assistance to voluntary or charitable organisations which are engaged in providing for the welfare of disabled persons;
- (e) to be used for any other purpose which in the opinion of the Minister may be beneficial for the welfare of disabled persons.

## **20. Transitional provisions**

The Minister may, within six months from the date of commencement of this act, by order published in the *Gazette*, make such transitional provisions which he may deem necessary to give effect or to enable effect to be given to the purposes and provisions of this Act.

## **21. Delegation**

The Commissioner may, by writing under his hand, delegate any of his powers under the provisions of this Act, in relation to any particular matter, or class of matters or to any particular place, area, district or region, so that the delegated powers may be exercised by the delegate with respect to the matters or class of matters specified in the place, area, district or region specified in the instrument of delegation.