

Tanzania

Public Service Act

Local Government Service (Staff Code of Conduct) Regulations, 2000 Government Notice 279 of 2000

Legislation as at 31 July 2002

FRBR URI: /akn/tz/act/gn/2000/279/eng@2002-07-31

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PDF created on 20 April 2024 at 14:10.

Collection last checked for updates: 31 July 2002.

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Local Government Service (Staff Code of Conduct) Regulations, 2000

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Tanzania
Public Service Act
Local Government Service (Staff
Code of Conduct) Regulations, 2000
Government Notice 279 of 2000

Published in Tanzania Government Gazette

Commenced on 4 August 2000

[This is the version of this document at 31 July 2002.]

[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.]

[Section 20A of Act [No. 10 of 1982](#); G.N. No. 279 of 2000]

Part I – Preliminary provisions (regs 1-3)

1. Citation

These Regulations may be cited as the Local Government Service (Staff Code of Conduct) Regulations.

2. Application

These Regulations shall apply to all Local Government Authorities established in accordance with section 5 of the Local Government (District Authorities) Act ¹, and section 5 of the Local Government (Urban Authorities) Act ², and shall be read together with the Local Government Staff Regulations.

3. Interpretation

In these Regulations unless the context requires otherwise—

"**Act**" means the Local Government Service Act ³;

"**Commissioner**" means the Ethics Commissioner appointed under section 20 of the Public Leadership Code of Ethics Act ⁴;

"**complaint**" means a complaint made against a staff member of the council regarding his conduct and duly filed with committee responsible for staff ethics under these Regulations;

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Act No. 10 of 1982

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Cap. 398

"conflict of interest" means a situation where a person who has a responsibility to be involved in making an impartial, or unbiased decision is himself a part to, or has a direct or indirect pecuniary or personal interest upon which one will benefit or expect to benefit from the decision to be reached;

"corrupt practice" means and includes any dishonest behaviour done by a local government officer acting in public office or on his or her own behalf which involves corruptly soliciting, receiving, giving or agreeing to receive any gift, loan, fee, reward or advantage in consideration of doing or forbearing to do anything in connection with the council;

"councillor" means a member of the council;

"Director" means a District Executive Director of a district council or a Director of a town, municipal, or city council;

"disclosure" means and includes revealing a fact or information known to oneself that is required to be revealed in accordance with these regulations;

"Ethics Committee" means a committee of the council responsible for ethics under these Regulations;

"Local Government Act"—

- (a) when used in relation to district authorities means the Local Government (District Authorities) Act ⁵; and
- (b) when used in relation to Urban Authorities means the Local Government (Urban Authorities) Act ⁶;

"local government authority" means a District Council or an Urban Council;

"local government office" means an office of emolument in the Local Government Service;

"local government officer" means a person holding or acting in a local government office but does not include employees in auxiliary grades;

"local government staff" means an employee who is employed by or is in the service of a local government authority but does not include a casual labourer;

"local government staff regulations" means regulations made by the Minister pursuant to the provisions of section 33A of the Act;

"maladministration" means and includes a failure or negligence to properly discharge public responsibility or a breach or abuse of laid down procedures;

"management functions" means the functions the implementation of which calls for technical knowledge, experience or speciality;

"member" means a member of a council elected in pursuance of the provisions of the Local Government (Elections) Act ⁷, and includes a member of Parliament and other members of the council who are members pursuant to the provisions of the Local Government Acts ⁸;

"Minister" means the Minister for the time being responsible for local government;

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"misconduct" includes any act done without reasonable excuse by a local government officer which amounts to a failure to perform in a proper manner any duty imposed on him or displaying behaviour prejudicial to the efficient conduct of council affair or tends to bring the council into disrepute or damage the integrity or confidence of the public in the council;

"Political party" means a political party registered under as such in accordance with the provisions of the Political Parties Act ⁹;

"standards" means the standards set by the Council in conformity with National Standards.

Part II – Government principles, vision, mission and objectives (regs 4-7)

4. Vision

A local government officer shall in the discharge of his responsibilities be guided by principles of efficiency, effectiveness, diligence, discipline, honesty and should be client service oriented.

5. Mission

The mission of local government staff shall be to implement council policies, programmes and decisions and to assist councillors in a professional, technical and effective manner in carrying out their representative and decision making functions.

6. Objective

The objective of these Regulations is to prescribe rules of conduct which will enable local government staff to discharge their responsibilities in an ethical, efficient and effective manner.

7. General principles to be invoked by the code

A local government officer shall at all times exhibit the highest standards of personal conduct in the performance of his duties and shall observe the following principles of conduct namely:

- (a) that he will always conduct himself in such a way as to protect public confidence in the council;
- (b) that he upholds the laws, and acts on all occasions in accordance with the public trust placed in him;
- (c) that he assists the council to act as far as possible in the interest of the whole community of the council in which he is employed;
- (d) that he does not use his position for personal, family or friend's financial benefits, preferential treatment or other advantage;
- (e) that he does not put himself in a situation whereby his integrity becomes doubtful;
- (f) that he is accountable to the council and the council's wider community for his actions and the decisions made by the council;
- (g) that he is open as possible in all of his actions and his contributions in reaching decisions and he shall seek to ensure that reasons for decisions of the council are given;
- (h) that he will give advice to the council impartially, on merit of the matter in consideration, and without being influenced by the views of others, particularly in carrying out public business, making public appointments, awarding contracts or recommending individuals for rewards and benefits;

- (i) that he will ensure confidential information, including information about individuals is handled in accordance with the law and public interest and are not used for personal or private purposes;
- (j) that he or she shall avoid conflict of interests and where he has a conflict of interest on a matter in consideration, he shall refrain from discussion, advising or participating in decision making;
- (k) that he will declare any private interest relating to his public duties at the meeting of the council or committee and refrain from taking part in advising, attending the meeting or doing anything in respect of the matter in consideration;
- (l) that he will respect the role of other staff and officers, and treat them in a manner that promotes mutual respect at all times and he shall always—
 - (i) refrain from any conduct which might impair his performance;
 - (ii) be ready and willing to work at any duty station when required to do so in accordance with the laid down procedures;
 - (iii) avoid the use of foul, rude or abusive language;
 - (iv) maintain punctuality at work and in official appointments and avoid absenteeism or excuse from duty without authorization or reasonable cause.

Part III – Personal attributes (regs 8-11)

8. Openness, honesty and integrity

A local government officer shall—

- (a) be fair, open, truthful, intellectually honest and free of conflict of interest; and
- (b) conduct himself in such a manner as will protect councils integrity and enhance the confidence of the public in the council.

9. Ethical behaviour

For the purposes of enhancing public confidence a local government officer shall observe the highest standard of ethical behaviour at all times when he remains a council employee.

10. Liabilities and personal associates

A local government officer shall not abuse his public trust and confidence by:

- (a) borrowing to the extent of being unable to repay the debts or to the extent of discrediting or compromising his ability to act and make decisions with impartiality;
- (b) associating with individuals of doubtful character so as to damage public image, trust and the confidence which people have in the council.

11. Sexual relationship

- (1) A local government officer shall not have a prohibited sexual relationships with fellow members of staff or members of the council.
- (2) For the purpose of subregulation (1) prohibited sexual relationship means a sexual relationship between persons who are not spouses to each other.

Part IV – Performance standards and *Modus operandi* (regs 12-19)

12. Adherence to established standards

A local government officer shall be required to understand the established performance indicators, means, procedures and system of measuring those indicators and adhere to, and work towards the achievement of the standards set out nationally and by the Council.

13. Officers' conduct and performance of duties

- (1) A local government officer shall devote his time, mental, physical and moral capability in performing his work as an individual and as a member of the community of the area of the jurisdiction of the Council.
- (2) A local government officer shall be dedicated and committed to the concepts of an efficient, effective, representative and participatory democratic local government.

14. Officers to be efficient and effective in their work

- (1) A local government officer shall recognize that the main function of local government system is the provision of services and work towards the development of the social and economic welfare of the people and shall always assist and support them towards economic empowerment and poverty eradication in accordance with approved plans and programmes of the council.
- (2) A local government officer shall affirm the dignity and worthiness of the services rendered by the Local Government Authority and maintain constructive, creative, and proactive attitude towards local government affairs.

15. Achievement of performance standards

In discharging his duties a local government officer shall conduct himself in a manner as to ensure that he —

- (a) achieves the optimum standard of service delivery and conduct in conformity with national and council performance indicators and standards set out in that regard;
- (b) works conscientiously, diligently with discipline and professionalism;
- (c) sets an example of good conduct to fellow workers, officers and the wider community;
- (d) dedicates his time, skill and expertise to attain performance standards and goals of the council by using the national performance indicators;
- (e) constantly strives to improve his skills, knowledge and attitude in order to improve performance and productivity.

16. Rules of conduct, merit and integrity

- (1) A local government officer shall be dedicated to the highest ideals of honour and integrity in all public and personal relationship in order that the officer may merit the respect and confidence of councillors, other officers and the general public.
- (2) A local government officer shall always be confident and shall demonstrate his ability and capacity in providing technical and professional assistance to councillors, and in carrying out council policies and decisions faithfully, on basis of fairness, terms of employment, adherence to laws and other principles of good governance.

- (3) A local government officer shall abide by the principles of fairness, meritocracy and impartiality when exercising delegated functions in respect of matters concerning recruitment, appointments, salaries, promotions, discipline and training of local government officers.
- (4) A local government officer shall not give false information, which is intended to mislead the public or discredit the image of the council.

17. Privileged, confidential, classified and secret information

- (1) A local government officer shall not use or disclose any information, which is availed to him or her in the exercise or discharge of his powers and responsibilities the disclosure of which is prohibited under the provisions of National Security Act ¹⁰, or any subsidiary legislation made under it.
- (2) Any information obtained or accessed by a local government officer which—
 - (a) has been determined by the council or committee to be privileged, confidential, classified or secret;
 - (b) is by virtue of any law restricted information or classified material;
 - (c) violates the right of another person if disclosed;
 - (d) has been discussed in any committee of the council and has not been authorized or has not been brought for discussion in a meeting of the full council,shall not be disclosed or used by a local government officer for the purpose of obtaining any benefit for himself or any other person.

18. Disclosure of information and communication with the press

- (1) A local government staff shall not make any disclosure of official information or communicate with the press unless he has obtained a proper authorization from the Director.
- (2) Notwithstanding subregulation (1) of this Regulation, no local government staff shall make any disclosure of information on behalf or in respect of council affairs after he has ceased to be an employee of the council.

19. Compliance with other Code of Conduct

Local government staff shall understand and abide by these Regulations, Code of Ethics and Code of Conduct for the Public Servants and any other professional code of ethics relevant to his or her profession.

Part V – Council property, transparency and accountability (regs 20-22)

20. Council property and resources

Local government staff shall safeguard properties and other resources of the council and ensure efficiency and cost effectiveness in the use of council resources by avoiding and preventing damage, loss or misappropriation of the council property and resources.

21. Use of Council properties and resources

Local government staff shall ensure that council funds, resources or other property are applied and used for the following purposes:

- (a) official business or transactions;

- (b) discharging of council responsibilities;
- (c) defraying of legitimate expenses of the council.

22. Transparency and accountability

In the day to day discharge or exercise of responsibilities in the delivery of services, a local government officer shall be—

- (a) guided by the principles of transparency, accountability, meritocracy, representative and participatory democracy;
- (b) accountable to the Government, the Council, his superiors and residents of the council for his actions, omissions, decisions and advise;
- (c) loyal to the Council and diligent in implementing the policies and decisions reached by the Council;
- (d) use all official hours for official duties.

Part VI – Conflict of interest, integrity and political neutrality (regs 23-32)

23. Prohibition of conflicting activities

A local government officer shall not engage in business or professional activities, which would conflict with the activities assigned to him while his employment subsists.

24. Respect of, and demarcation of roles

A local government officer shall not, while performing their advisory functions, assume policy and decision making powers of the council.

25. Officer not to be interested in contracts

- (1) Except as may be authorized by resolution of the council, no local government staff shall have any interest or concern, direct or indirect in any bargain, contract or arrangement of any kind made by or with the council.
- (2) Nothing in this provision shall apply to any interest, in a contract or other work which a local government officer may have as a rate payer or resident of the area of jurisdiction of the council.

26. Conflict of interest

- (1) A local government officer shall not involve himself in the discussion, consideration, advice, and decision in any contract or any matter in which he has any direct or indirect pecuniary or personal interest.
- (2) For purposes of enhancing public confidence a local government officer shall observe the highest standards of behaviour in his day to day activities as a local government officer and shall comply with the provisions of section 71 of the Act regarding conflict of personal or pecuniary interests in performing his day to day duties.

27. Disclosure of interest

- (1) It shall be the duty of a local government officer to disclose to the council, committee and any decision making organ of the council any conflict of interest, which may arise or likely to arise on a matter he has a direct or indirect pecuniary or personal interest, and thereafter he shall desist from taking part in the discussion or providing advice on that matter.

- (2) For purposes of this regulation any matter in which a spouse, a child, mother, father, sister, brother, in-laws, or other family members, a partner, his nominee or a company in which he is member, shareholder or debenture holder has direct or indirect pecuniary or personal interest shall be deemed to constitute an interest for disclosure by him.

28. Register

- (1) Every Director shall keep and maintain a register in which the particulars of any disclosure made by a local government officer pursuant to the provisions of these regulations shall be recorded.
- (2) It shall be the duty of a local government officer to record or to cause to be recorded into the Register particulars of any disclosure relating to a matter which he has direct or indirect pecuniary or personal interest.
- (3) The Director shall make available the register together with any forms or information, which a local government officer has filed for scrutiny by members of the public and any organ responsible for the enforcement of these Regulations.
- (4) Any register maintained by the Director pursuant to subregulation (1), shall be open for inspection during office hours by any member of the public.
- (5) A local government officer who fail to comply with the provisions of this regulation shall be guilty of an offence under section 71A of the Local Government (District Authorities) Act ¹¹, and section 58 of the Local Government (Urban Authorities) Act ¹², and may be proceeded against in accordance with section 96 of the Penal Code ¹³.

29. Political impartiality

- (1) Local government staff shall not participate in any political activity save as provided for under these Regulations—
- (2) In participating in political activities a local government officer shall be bound to observe the following restrictions, namely—
 - (a) to restrain himself from active political activities that may likely undermine confidence in the public about neutrality and impartiality of public servants in government decision making;
 - (b) conduct or engage himself in political activities only outside office premises and after office hours;
 - (c) not take part in political activities, which may likely compromise his loyalty to the council;
 - (d) not pass or disclose any information or documents availed to or accessed by him as a local government officer to a political party;
 - (e) to discharge their responsibilities with political neutrality and impartiality;
 - (f) to implement policies of the Government of the day;
 - (g) to provide services with fairness;

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Cap. 16

- (h) to conduct himself with the highest standard of professional ethics.

30. Restriction in participating in political activities

- (1) Save to the extent to which a local government officer may participate in political activities in accordance with Regulation 29, the employment of a local government officer shall be determined and terminate upon—
 - (a) contesting any post in the office of any political party;
 - (b) contesting an elective political post provided for under the United Republic of Tanzania Constitution;
 - (c) contesting an elective political post in respect of Mtaa Committee, Kitongoji Chairman and Village Council.
- (2) Notwithstanding the generality of subregulation (1), the determination and termination of employment of a local government officer shall be—
 - (a) in the case of a local government officer contesting for any post in the office of the political party, the date he registers as a candidate for the post;
 - (b) in the case of a local government officer contesting for an elective political post provided for under the United Republic of Tanzania Constitution or an elective post in respect of Mtaa Committee, Kitongoji Chairman or Village Council on the date he is declared to have been elected to the elective political post.

31. Gift rewards and hospitality

A local government officer or any member of his family shall not receive gifts, presents in the form of goods, money entertainment or service that may be regarded as compromising his integrity or undermining his impartiality.

32. Personal gain

A local government officer shall not use his public position or any legal relationship arising therefrom like privilege, trusteeship or confidentiality in order to—

- (a) obtain or procure any private gain or improper benefit to himself or other persons;
- (b) obtain financial interest in any business or transaction with the Council;
- (c) obtain preferential treatment or advantage;
- (d) solicit, accept or give any gift, reward or any other thing or favour be it a consideration or not;
- (e) lobby or represent some personal interest or the interest of a particular group or organization commercial or otherwise, before the council or committee so as to be in conflict with the proper discharge of his public duty or for a consideration paid or promised.

Part VIII – Breach of code and enforcement mechanism (regs 33-40)

33. Offences and breaches of these Regulations

A local government officer commits a breach of these Regulations if—

- (a) he does or cause to be done or permits or suffers to be done anything contrary to or otherwise than as provided by these Regulations;

- (b) he omits or neglects to do, or knowingly permits or suffers to be done anything which according to the true intent, meaning and spirit of these Regulations ought to be done by that person at the time and in the manner provided for in these Regulations; or
- (c) he fails to refrain from doing anything which under these Regulations that person is required to refrain from doing; or
- (d) he refuses or neglects to comply with any notice or direction given in accordance with the provisions of these Regulations; or
- (e) he obstructs or hinders any officer, employee, committee or agent of the council in the performance of any duty lawfully being discharged by such person on enforcing these Regulations; or
- (f) he does anything or causes anything to be done for which a permit or approval or consent from the council is required under these Regulations without first obtaining that permit, approval or consent or other than in accordance with the conditions attached to that permit, approval or consent; or
- (g) he for any purpose whatsoever knowingly or recklessly supplies false information to the council.

34. General penalty

- (1) A local government officer shall comply with the provisions of these Regulations.
- (2) A breach of any provision of these Regulations shall constitute a disciplinary offence under the provisions of the Act and the Local Government Staff Regulations, 2000 or any other subsidiary legislation made under the Act, and shall be liable to a disciplinary punishment provided for under the Local Government Staff Regulations, 2000.

35. Committee responsible for personnel to be a body responsible for staff ethics

- (1) The Committee responsible for personnel matters shall be the committee competent to hear all complaints against a local government officer who breaches these Regulations.
- (2) In discharging its responsibility under these Regulations, the committee responsible for personnel shall be responsible—
 - (a) giving advice to the council on implementation of these Regulations;
 - (b) investigating complaints on breach of the code of conduct by staff and submit recommendations to the council for appropriate action;
 - (c) issuing advisory opinion to the council and to individual staff on issues relating to ethical conduct.

36. Who may complain

A complaint may be presented by any one or more of the following persons namely—

- (a) any person who has been or is likely to be affected by the act or decision made by a councillor;
- (b) a councillor;
- (c) a staff member of the council;
- (d) any person resident in the area of jurisdiction of the council; or
- (e) the committee responsible for personnel matters on its own motion.

37. Procedure for submitting complaint

- (1) A complaint against a local government officer may be made to the Director by the complainant in writing giving particulars of the breach or the complainant shall sign breaches of the code, and such complaint.
- (2) Where the complainant cannot write, he shall cause the facts of the breach to be recorded by the Director and the complainant shall endorse by a thumb print at the end of such narration.

38. Committee responsible for staff matters to adjudicate on complaints

- (1) All complaints received by the Director shall be submitted to the committee responsible for ethics which upon receipt of the same shall sit and adjudicate on the matter.
- (2) The Ethics Committee shall adopt its own procedure in hearing the complaints and may, include the calling upon witnesses to substantiate the allegations or the suspected local government staff to defend himself.

39. Determination of complaints

Where the committee responsible for staff matters makes a determination of a complaint submitted before it and finds that the breach made by the staff is:

- (a) an offence against any law it shall refer the matter to the Director for appropriate action;
- (b) a breach against these regulations,

it shall proceed to deal with the matter in accordance with procedures laid down in the Local Government Staff Regulations.

40. Appeal

Any person aggrieved by a disciplinary action taken against him may appeal in accordance with procedure provided for under the Local Government Staff Regulations.