

SUBSIDIARY LEGISLATION

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**PUBLIC LEADERSHIP CODE OF ETHICS ACT
(CAP. 398)**

REGULATIONS

(Made under section 31(2)(f))

THE PUBLIC LEADERSHIP CODE OF ETHICS (CONTROL OF CONFLICT OF INTEREST)
REGULATIONS, 2020

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PUBLIC LEADERSHIP CODE OF ETHICS ACT
(CAP. 398)

REGULATIONS

(Made under section 31(2)(f))

THE PUBLIC LEADERSHIP CODE OF ETHICS (CONTROL OF CONFLICT OF INTEREST)
REGULATIONS, 2020

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the Public Leadership Code of Ethics (Control of Conflict of Interest) Regulations, 2020.
- Interpretation 2. In these Regulations, unless the context otherwise requires:
- Cap.398 “Act” means the Public Leadership Code of Ethics Act;
 “child” has the meaning ascribed to it under the Act;
 “conflict of interest” has the meaning ascribed to it under the Act;
 “family” means a group consisting of parents and their children living together as a unit;
 “fundraising” means an act or process of collecting funds from organizations, companies or individuals for the purposes of providing support or political activity;
 “gift” means something that is voluntarily given to a public leader to show kindness or respect for an event or a sign of appreciation;
 “hospitality” means custom or practice in the community of accepting or welcoming guests by providing them with food, refreshment or entertainment;
 “public leader” or “leader” means a public leader as defined by the Act;
 “relatives” means people who are directly related or otherwise to the leader by birth, marriage or adoption and

includes biological children above eighteen years of age.

PART II
CONFLICT OF INTEREST

Conflict of
interest

3.-(1) A conflict of interest for the purposes of these Regulations, includes where a public leader has a personal interest that-

- (a) affects the implementation of his responsibilities to the public;
- (b) may affect the implementation of his responsibilities to the public; and
- (c) appears to affect the implementation of his responsibilities to the public.

(2) A public leader shall be considered to have a conflict of interest for the purposes of these Regulations, where the leader-

- (a) makes decisions or participates in any decision-making process related to his authority, duties or office contrary to the laws, regulations, procedures and public interest;
- (b) uses his office directly or otherwise for personal benefit or to assist another person to gain benefit contrary to law and ethical principles;
- (c) uses information obtained in the course of his official duties and which is not yet publicly disclosed, for personal benefit or to assist someone else to gain benefit;
- (d) participates, influences or enables implementation of development projects in the area that he has interest without taking into regard the national policies, national priorities and equitable distribution of national resources;
- (e) participates in the process of making decisions or making decisions on any matter relating to himself, his company or any other person with whom he has a relationship such as family, close relatives or companies in which those persons have interest;

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- (f) uses his office to assist a company or an individual in their dealing with the Government in the context that would result in preferential treatment to any person;
- (g) obtains financial interest or is employed by a private company with which he had been affiliated during his tenure of office, within six months after retirement;
- (h) exerts improper influence in appointing or promoting his spouse, child, parent, relative or any other person contrary to the Public Service Act, and its Regulations and procedures;
- (i) exerts improper influence in taking disciplinary action or dismissing the public officer from the public service contrary to the Public Service Act and its Regulations and procedures;
- (j) compels members of the Tender Board to award tender to a company, organization or institution contrary to procedures laid by the law;
- (k) uses public resources for personal gain or assists any other person to gain benefit;
- (l) participates in activities outside his employment that affect the implementation of his responsibilities to the public;
- (m) the leader's spouse, parents or children or any company or association to which he is affiliated enter into or take any part in any contract with the Government or entity of the Government which is under direct management of the leader;
- (n) has personal interest in a company or organization that affects the public duties he discharges;
- (o) assists his relatives or any other person in matters related to his official duties without following the procedure; and
- (p) engages in a fundraising event or raises funds from any individual or any institution in order to obtain personal benefits.

Responsibilit

4.-(1) It shall be the responsibility of every public

y to disclose
conflict of
interest leader to-

- (a) report to the Ethics Commissioner regarding any incidence of conflict of interest that comes to his knowledge in the performance of his official duties; and
- (b) declare to the Ethics Commissioner, the personal interest he has if such interest is contrary to the implementation of his official duties.

(2) Where the Ethics Commissioner considers that the interest declared by the public leader in terms of sub-regulation (1)(b) affects or may affect the execution of the public leader's duties, the Ethics Commissioner shall advise the public leader's disciplinary authority to direct such a public leader the proper action to be taken to control the conflict of interest.

(3) The declaration referred to in sub-regulation (1)(b) shall be made in the prescribed Form A set out in the Schedule to these Regulations.

(4) The Ethics Commissioner may give advice or direction to the public leader who makes a declaration of personal interests which conflict with his official duties in accordance with sub-regulation (1)(b).

(5) Every public office shall open and maintain an interests and conflict of interest register which will be as prescribed in Form B set out in the Schedule to these Regulations.

Disclosing
interest in
decision-
making
sessions

5.-(1) Where a public leader has direct pecuniary interest, affiliation or otherwise in a matter being discussed at any meeting or any formal decision-making session such as the Cabinet, the Parliament, the Local Government Council, the Board or its Committee or any part of it, he shall disclose the interest he has in the session or part thereof before the discussion.

(2) A disclosure made pursuant to sub-regulation (1) shall be made by declaration orally and in writing as prescribed in Form C set out in the Schedule to these Regulations.

(3) A declaration of conflict of interest made by a public leader in accordance with sub-regulation (2) shall be

recorded in the minutes of that meeting.

(4) The Secretary to the Cabinet, the National Assembly, the Local Government Council or its Committee shall keep and maintain the register of interests and conflict of interest.

(5) Pursuant to sub-regulations (3) and (4) and without prejudice to the rules governing Parliamentary and Cabinet meetings, the declaration made by a leader shall be submitted to the Ethics Secretariat within two weeks after the relevant session or meeting for reference and monitoring.

PART III

GIFTS AND OTHER BENEFITS TO PUBLIC LEADERS

Prohibition
of solicitation

6.-(1) A public leader shall not solicit, request or accept gifts or hospitality contrary to the procedure laid down by the Act and these Regulations.

(2) A public leader shall not solicit, request or accept gifts or hospitality from persons whom he has relationship with, in execution of his official responsibilities.

(3) Without prejudice to the provisions of section 12(1)(e)(i),(ii) and (iii) of the Act, a public leader shall not receive a gift of the value exceeding two hundred thousand shillings where such a gift affects his integrity or execution of official duties or brings perception of a preferential treatment or conflict of interest.

(4) The public leader shall, where he receives a gift of the value exceeding two hundred thousand shillings-

(a) declare the received gift and its value by filling the prescribed Form D set out in the Schedule to these Regulations within seven days from receipt of the gift; and

(b) submit the declaration made pursuant to paragraph (a) and the gift to the accounting officer of the office in which he is employed.

(5) The public office which receives declaration of gift in terms of sub-regulation (4) shall cause the gift to be recorded in the gift register.

Gift register

7.-(1) Every public office shall keep and maintain a

gift register into which shall be kept information and details of gifts declared by public leader.

(2) The gift register referred to in sub-regulation (1) shall be as prescribed in Form E set out in the Schedule to these Regulations.

Maintenance and disposal of gift

8. Where a gift is submitted to an accounting officer pursuant to the regulation 6(4), the accounting officer shall-

(a) maintain the gift in a safe environment:

Provided that, where the gift is of a perishable nature, the accounting officer may decide as soon as practicable the use of such gift; and

(b) where the gift is intended to be a public property, receive and dispose of the gift in accordance with the procedures prescribed in Public Procurement Act and the Public Procurement Regulations:

Provided that before using or disposing the gift, the accounting officer shall cause it to be recorded in the assets register like any other public asset.

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Report on disposal of gift

9.-(1) Each public office shall, within thirty days after the end of each calendar year, submit to the Ethics Commissioner, the information regarding declaration and disposal of gifts.

(2) The information on received gifts submitted to the Ethics Commissioner by the accounting officer shall be open to the public.

PART IV AVOIDANCE OF CONFLICT OF INTEREST

Avoidance of conflict of interest

10.-(1) A public leader shall avoid conflict of interest and where it arises, the public leader shall resolve it in the public interest.

(2) Without prejudice to the provisions of sub-regulation (1), conflict of interest may be avoided by a public leader by-

(a) declaring the pecuniary interest he has on the matter being discussed in the Cabinet, Parliament,

- Local Government Council or its committees, or any other decision-making sessions before speaking on that matter;
- (b) refraining from acting or making decisions in furtherance of his private interest or interests of the members of his family or any other person for whom he has fiduciary relationship;
 - (c) making declaration of assets, income, interest, liabilities and gifts;
 - (d) making declaration of interest in Government contracts;
 - (e) refraining from business, professional activities or other activities that lead him into conflict of interest;
 - (f) resigning from the post that leads him into conflict of interest;
 - (g) disclosing any form of employment held at the time, whether in the public service or private sector; or
 - (h) any other way as the leader may be directed or advised by the Ethics Secretariat or his accounting officer.

PART V
MISCELLANEOUS PROVISIONS

Compliance
with these
Regulations

11.-(1) A public leader shall comply with the requirements stipulated in these Regulations.

(2) Any public leader who acts contrary to these Regulations shall be deemed to have violated the provisions of the Act.

Advice on
implementati
on

12. For the effective implementation of these Regulations, a public leader or public office may consult the Ethics Commissioner for guidelines, explanation or advice regarding the promotion of Public Leadership Ethics, ethical dilemmas, implementation of the Act and these Regulations.

SCHEDULE

FORM A

THE UNITED REPUBLIC OF TANZANIA



DECLARATION OF INTEREST

(Made under section 13 and 14 of the Act and regulation 4(3))

Name :

Title :

Institution :

Details of Interest

No.	Type of Personal Interest	Amount/Value	Details
1.			
2.			

I,, in recognition of the requirements of sections 6(1)(d), 6(1)(e) and 13(1) of the Act, declare that the information I have provided above is true to the best of my own knowledge.

Signature:

Date :

THE UNITED REPUBLIC OF TANZANIA



(Made under regulation 4(5))

INTERESTS AND CONFLICT OF INTEREST REGISTER

N O.	Name	Title	Nature of Interest	Date of Declarati on	Name and signature of the Receiving Officer	Given Directions	Receivin g Date
1.							
2.							

THE UNITED REPUBLIC OF TANZANIA



DECLARATION OF CONFLICT OF INTEREST

(Made under regulation 5(2))

Name of Declarant :

Title:

Institution:

Individual or institution with whom he has interests:

Details of conflict of interest :

.....

.....

I,, being the (full title) in recognition of the requirements of sections 6(1)(d), 6(1)(e) and 13(1) of the Act, declare that the information I have provided above is true to the best of my own knowledge.

Signature: Date:

RECEIVED BY:

Name :

Designation :

Signature :

Date :

THE UNITED REPUBLIC OF TANZANIA



DECLARATION OF GIFT AND HOSPITALITY

(Made under section 12(2) of the Act and regulation 6(4))

(Submit two copies. Attach any other document in relation to the gift or hospitality if available)

SECTION I

Name of Recipient :
Title :
National ID No. :
Name of Employer :
Name of Donor :
Title :
Description of Gift :
Value of Gift :
Gift Location :
Date of Reception :
Date of Declaration :
Date of Submission :
Event where Gift was given:

Signature of Declarant: .. Date:

SECTION II- For Official Use

Recommendation of the Accounting Officer:

Declarant to retain the gift/Gift to be public property (strike the inapplicable)

.....
.....
.....
.....
.....

Name and Title of Accounting Officer

Signature

Date

THE UNITED REPUBLIC OF TANZANIA



GIFT REGISTER

(Made under regulation 7(2))

Name of Institution:

S N.	Name and title of the Recipient	National ID Number	Name of the Donor	Description of Gift	Value of Gift	Date of receipt	Event where gift was given	Date of Declaration of Gift	Date of Submission of Gift	Recommended Use/disposal
1.										
2.										
3.										
4.										
5.										

Dodoma,
4th February 2020

GEORGE H. MKUCHIKA
*Minister of State, President's Office,
Public Service Management
and Good Governance*