

SUBSIDIARY LEGISLATION

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THE TEACHERS' SERVICE COMMISSION ACT,
(CAP. 448)

ORDER

(Made under section 23)

THE TEACHERS' SERVICE COMMISSION (TRANSITIONAL AND
SUPPLEMENTARY PROVISIONS) ORDER, 2016

PART I
VESTING PROVISIONS

Citations

1. This Order may be cited as the Teachers' Service Commission (Transitional and Supplementary Provisions) Order, 2016 and shall come into operation on the date of publication.

Cessation of operations of the Teachers Service Department.

2.-(1) With effect from effective date, the former Teachers Services Department shall cease to operate.

(2) With effect from the effective date, the Teachers Service Commission shall handle teachers' service in accordance with the provisions of the Teachers' Services Commission Act, 2015.

Act No. 25 of 2015

(3) For the purpose of these Orders, the term "effective

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Provisions)*

G.N. No. 307 (contd.)

date" means the date on which the Teachers' Service Commission Act, 2015 shall come into operation.

Vesting of
assets of the
Defunct
Teachers
Service
Department

3. With effect from the effective date, consequent upon the coming into force of the Teachers' Service Commission Act, 2015, all the assets which were designated for use by the defunct Teachers Services Department, immediately before the effective date shall, subject to any inter-ministerial arrangement, vest in the Teachers Services Commission.

PART II
SAVINGS

Provisions
concerning
instruments

4. Notwithstanding the repeal of the Teachers Service Department, all circulars, instruments, directives, guidelines and orders made under it immediately before the effective date and which are required for the continuation of the operations of Teachers' Service Commission shall continue in force until they are revoked or repealed.

Continuation
and completion
of disciplinary
proceedings

- 5.-(1) Where immediately before the effective date-
- (a) any disciplinary proceedings have been initiated against any teacher by the defunct Teachers Services Department and such proceedings are still pending or in the course of being heard or investigated by the defunct Teachers Services Department or had been heard or investigated by the defunct Teachers Services Department and no order or decision had been rendered thereon; or
 - (b) any such teacher has been interdicted or suspended, the Teachers' Service Commission shall-
 - (i) in the case of paragraph (a), carry on and complete the hearing or investigation and make an order or render a decision, as the case may be; and
 - (ii) in the case of paragraph (b), deal with such matter in such manner as it deems appropriate, having regard to the offence

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against the teacher, including the institution and completion of disciplinary proceedings and the making of an order or the rendering of a decision as the case may be, as if those disciplinary proceedings had been commenced by Teachers Services Commission.

(2) Where on the effective date any penalty, other than dismissal, has been imposed on any teacher pursuant to disciplinary proceedings conducted against him and the penalty has not been or remains to be, served by such teacher, he shall on coming into force of Teachers' Service Commission Act serve or continue to serve that penalty to its full term as if it had been imposed under the Teachers' Service Commission Act.

Public officers and employees of defunct Teachers Services Department Act No. 25 of 2015

6.-(1) Subject to the provisions of the Teachers' Service Commission Act, the public officers and employees who, immediately before the effective date, are serving under the defunct Teachers Services Department shall, with effect from the effective date be transferred to Teachers Services Commission.

(2) With effect from the effective date, a public officer or employee of the defunct Teachers Services Department shall be transferred to the Teachers' Service Commission on terms not less favourable than those applicable to him before his transfer.

(3) Subject to subparagraph (2), until such time when new scheme of service and terms and conditions of service are drawn up by Teachers' Service Commission, the scheme of service and terms and conditions of service in the defunct Teachers' Service Department shall continue to apply to every public officer or employee transferred to the service of the Teachers Service Commission.

(4) A public officer or employee transferred to the service of Teachers' Service Commission who is a member of any statutory or voluntary pension scheme or provident fund, shall, for the purposes of this Order, continue to be governed under that pension scheme or provident fund.

Outstanding remunerations

7. The Public Service Commission shall pay all

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outstanding remunerations to a public officer or employee of the defunct Teachers Services Department; including any unpaid salaries and allowances.

Transfer of records and documents

8. All documents and records of the defunct Teachers' Service Department relating to the Teachers Service Department, public officers and employees transferred to the Teachers Service Commission shall, from the effective date, be transferred to the Teachers' Service Commission, including all records and documents of the public officers and employees which were, prior to the effective date, in the possession of the Public Service Commission.

Dodoma,
14th May, 2016

JOHN POMBE MAGUFULI,
President