



**THE PUBLIC SERVICE (AMENDMENT) ACT,
NO. 5 OF 2012**

ARRANGEMENT OF SECTIONS

SECTIONS	TITLE
PART I PRELIMINARY PROVISIONS	
1.	Short title and commencement.
2.	Construction.
PART II AMENDMENT PROVISIONS	
3.	Amendment of section 3.
4.	Amendment of section 25.
5.	Repeal and replacement of section 29.
6.	Repeal and replacement of section 47.
7.	Amendment of section 49.
8.	Amendment of section 60.
9.	Amendment of section 65.



ACT NO. 5 OF 2012

I ASSENT

{ DR. ALI MOHAMED SHEIN }
PRESIDENT OF ZANZIBAR
AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

26th May, 2012

AN ACT TO AMEND THE PUBLIC SERVICE ACT,
NO. 2 OF 2011

ENACTED by the House of Representatives of Zanzibar.

**PART I
PRELIMINARY PROVISIONS**

- Short title and commencement. 1. This Act may be cited as the Public Service (Amendment) Act, 2012 and shall come into operation immediately after being assented to by the President.
- Construction. 2. This Act shall be read as one with the Public Service Act No. 2 of 2011 in this Act referred to as the "Principal Act".

**PART II
AMENDMENT PROVISIONS**

- Amendment of section 3. 3. Section 3 of the Principal Act is amended by:
- (a) deleting the interpretation of the word "Central Office" and substituting by the following
"Central Office for Public Service" means the Central Office for Public Service Management established under section 47 of this Act;
 - (b) adding new interpretation of the following word at its alphabetical order:



“special service” means a service in the public service as provided under section 60 of this Act where its expertise is very rare or needs very special skilled and experienced personnel or in the opinion of Minister such position require a specialist from Zanzibar or out side Zanzibar.

Amendment
of section
25.

4. Section 25 of the Principal Act is amended by:

- (a) deleting paragraphs (l) and (n); and
- (b) re-naming paragraphs (m), (o), (p) and (q) as (l), (m), (n), (o) and (p).

Repeal and
replacement
of section
29.

Annual
Report on the
Status of
Public
Service.

5. Section 29 of the Principal Act is repealed and replaced as follows:

29.(1) The Commission shall not later than three months after the end of each financial year prepare and submit to the Minister an annual report on condition and efficiency of the Public Service and the Minister within thirty days shall submit that report to the President, and if the Minister fails to submit the report within thirty days, the Commission shall submit the same to the President.

(2) The President shall, as soon as practicable after the report submitted to him, direct the Minister to lay the report before the House of Representatives.

(3) The report shall among other things contain matters specified under section 15(2) of this Act.

Repeal and
replacement
of section
47.

Establishment
of Central
Office for
Public
Service.

6. Section 47 of the Principal Act is repealed and replaced as follows:

47.(1) There is hereby established an Office to be known as the Central Office for Public Service which shall be under the Principal Secretary's Office who shall be a Chief Assistant to the Chief Secretary in all matters relating to public service.

(2) The Central Office for Public Service shall be implementing, coordinating and facilitating agency in the execution of the directives of the Chief Secretary in the public service.

Amendment
of section 49.

7. Section 49 of the Principal Act is amended by:



- (a) deleting the opening words and substituting with "The Central Office for Public Service shall be a coordinating and monitoring agency of public service management and shall, without prejudice to other functions vested to it by this Act or any other law, exercise the following responsibilities";
- (b) adding new paragraphs (i), (j) and (k) as follows:
 - "(i) to investigate and inspect the human resource management from time to time;
 - (j) to ensure that operation, management, relationship and effectiveness of public service structures are evaluated time to time and recommend to the Minister the appropriate changes;
 - (k) to issue and review from time to time the public service staff guideline;"

Amendment
of section
60.

8. Section 60 of the Principal Act is amended by:

- (a) adding the following words at the end of sub section (1)(b) "except for those special posts as may be prescribed by the Minister in the Official Gazette";
- (b) adding new sub section (5) immediately after sub section (4) as follows:
 - "(5) The Chief Secretary may, after consultation with the respective Service Commission, approve the employment, on special contract, of a person with special profession, skill and experience in such post as prescribed by the Minister under sub section (1)(b) of this section".

Amendment
of section
65.

9. Section 65 of the Principal Act is amended by:

- (a) repealing sub section (3) and substituting the following:
 - "(3) Deployment of public service staff from one Ministry or agency to another within the public service shall be made by the Principal Secretary of Public Service after consultation with the chief executive officers of the institutions involved in the deployment."



(b) by adding a new subsection (7) as follows:

“(7) Notwithstanding any provision in this Act, special government agencies responsible for control and deployment of specific cadre or profession of public service employees may deploy such employees within the public service institutions in accordance with their procedure of deployment.

Save that such deployment powers under this provision shall be exercised only if authorized by a specific law or in the absence of such law, by the authority of the Minister made by special notice published in the official gazette”.

PASSED in the House of Representatives of Zanzibar on 2nd day of April, 2012.

{YAHYA KHAMIS HAMAD}
CLERK OF THE HOUSE OF REPRESENTATIVES
ZANZIBAR