

SUBSIDIARY LEGISLATION

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GOVERNMENT NOTICE No. 253 published on 23/8/2013

THE PUBLIC SERVICE (NEGOTIATING MACHINERY) ACT
(CAP. 105)

ORDER

(Made under sections 17(5) and (7))

**THE PUBLIC SERVICE (NEGOTIATING MACHINERY)
(PUBLICATION OF AWARD) ORDER, 2013**

1. This Order may be cited as the Public Service (Negotiating Machinery) (Publication of Award) Order, 2013. Citation

2. This Order shall apply to public servants who are employed in the Service. Application

(3)-(1) Notice is hereby given that Minister has made the award in respect of minimum salary for public servants. Award

(2) Subject to paragraph 4, the minimum salary for public servants shall be-

(a) two hundred and forty thousand shillings per month; and

(b) due and payable beginning on 1st July, 2013.

Public Service (Negotiating Machinery) (Publication Of Award)

GN No. 253 (contd.)

Finality of Award 4. This award shall be final and binding upon the Government and Public Servants to whom the award relates for a period of twelve months beginning on 01st July, 2013.

Dar es Salaam,
13th August, 2013

CELINA O. KOMBANI,
*Ministry of State
President's Office, Public Service Management*

GOVERNMENT NOTICE No. 254 published on 23/8/2013

THE ENERGY AND WATER UTILITIES REGULATORY
AUTHORITY ACT

(CAP. 414)

ORDER

(Made under section 41)

THE ENERGY AND WATER UTILITIES REGULATORY AUTHORITY
(GOVERNMENT CONSULTATIVE COUNCIL) REGULATIONS, 2013

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THE ENERGY AND WATER UTILITIES REGULATORY
AUTHORITY ACT,
(CAP.414)

THE ENERGY AND WATER UTILITIES REGULATORY AUTHORITY (GOVERNMENT CONSULTATIVE
COUNCIL) REGULATIONS, 2013

(Made under section 41)

PART I
PRELIMINARY PROVISIONS

1. These Regulations may be cited as the Energy and Water Utilities Regulatory Authority (Government Consultative Council) Regulations, 2013. Citation

2. Unless the context otherwise requires:

“Act” means the Energy and Water Utilities Regulatory Authority Act;

“Authority” means the Energy and Water Utilities Regulatory Authority established under the Act;

“Chairman” means the chairman of the Council appointed by the Minister pursuant to regulation 5;

“Council” means the EWURA Government Consultative Council established under the provisions of regulation 3;

“Director General” means the chief executive officer of the Authority appointed pursuant to the provisions of the Act;

“member” means a member of the Council;

“Minister” means the Minister responsible for the Authority;

“regulated service” shall have the same meaning as provided under the Act; and

“sector ministry” means the Prime Minister’s Office, ministry responsible for finance, ministry responsible for water supply and sanitation, ministry responsible for energy matters, ministry responsible for transportation matters, ministry responsible for trade and the ministry responsible for legal matters. Interpre-
tation
Cap. 414
Establish-
ment
of the
Council

PART II

Energy and Water Utilities Regulatory Authority (Government Consultative Council)

GN No. 254 (contd.)

ESTABLISHMENT OF THE COUNCIL

Establishment of the Council

3.-(1) There is hereby established a Council known as the EWURA Government Consultative Council which shall be constituted of seven members appointed pursuant to the provisions of regulation 7.

(2) The members of the Council shall be nominated by the sector ministries and appointed by the Minister pursuant to these Regulations.

Duties and Functions of the Council

4. The Council shall generally act as a link between the Authority and the Government and shall specifically be responsible for-

- (a) receiving, analysing and giving opinion on any regulatory matter that may be submitted to the Council by the Authority or the Government;
- (b) advising the Government and the Authority on matters related to the regulated sectors; and
- (c) protecting Government interests on any matter that is before the Authority.

Secretary to the Council

5. The Authority shall provide secretarial services to the Council.

PART III

MEMBERSHIP OF THE COUNCIL

Procedure for Appointment

6.-(1) No person shall be appointed as a Chairman or a member save as provided for under these Regulations.

(2) Notwithstanding the generality of sub-regulation (1), all existing members shall be deemed to have been appointed under the provisions of these Regulations.

(3) The Director General shall, in the event the office of a chairman or a member becomes vacant or is due to become vacant for any reason, inform the Minister in writing of such vacancy.

(4) The Minister shall, after receipt of a communication from the Director General in sub-regulation (3) or on his own motion, inform the Minister of the respective sector Ministry to nominate the name of a suitable person to be appointed as a member.

(5) The respective sector Minister shall, after receipt of a request from the Minister under sub-regulation (3), nominate and communicate such nomination to the Minister the name of the suitable person, provided that no person shall be nominated to be a member unless such person is of a rank of or above an Assistant Director to that respective Ministry.

7.-(1) The Minister shall, after receipt of the name from the respective sector Minister under Regulation 6(4), consider such name for appointment as a member.

Decision
of the
Minister

(2) In the event the Minister declines to appoint the nominated candidate under sub-regulation (1), he shall notify the respective sector Minister and request the nomination of another candidate.

(3) The appointment under sub regulation (1) shall immediately be communicated to the Director General who shall cause to be published in newspapers of wide circulation the details of the new appointment.

8.-(1) The sector ministers and the Minister; shall, while nominating and appointing the chairman or a member, as the case may be, have regards to the desirability of the Council to have members with knowledge and understanding of Government policies and Regulatory services of the Council.

Things to
Consider
when
nominating
or
Appointing
a Member

(2) Without prejudice to sub-regulation (1), no person shall be appointed as a member unless that person:

- (a) is a graduate of a recognized University or equivalent;
- (b) has at least ten years experience in one or more of management, law, economics, mass communication, sociology, finance or engineering fields;

GN No. 254 (contd.)

- (c) has knowledge of the energy, water or utility regulation industry;
- (d) is willing and available to serve as a member; and
- (e) is, in the opinion of the sector Minister, otherwise suitable to perform the functions and duties of a member competently and honestly.

PART IV
TENURE OF APPOINTMENT OF MEMBERS

Tenure-
of
Appointment

9.-(1) The incumbent chairman and members shall, subject to the provisions of sub-regulation (3), be deemed to have been appointed for the following fixed terms, which shall be counted from the date of their appointment:

- (a) Chairman-four years;
- (b) three members-three years; and
- (c) three members-four years.

(2) Subject to the provisions of sub-regulation (3), the chairman and each member shall be eligible for re-appointment for a further period of three years.

(3) Notwithstanding the provisions of sub-regulation (1), the Minister shall, after coming into force of these regulations, stagger the respective tenure of the chairman or the member as required in sub-regulation (1).

Resignation
of a
member

10. A member may, by giving notice in writing specifying the date to the Minister, resign from office, and where no date is specified, the date of resignation shall be deemed to have taken effect upon receipt of the Notice by the Minister.

Removal
of a
member

11. The Minister may remove a member from office at any time if:
- (a) the member is declared bankrupt;
 - (b) the member is convicted of a criminal offence;

(c) he is satisfied that the member is incapable of carrying out his duties due to ill health or physical or mental impairment; or

(d) the member has failed to attend at least two third of all meetings of the council in a period of twelve consecutive months.

12.-(1) Where a member ceases to be an employee of his sector ministry, resigns, dies, is removed pursuant to regulation 10 or is appointed to a position higher than a Director or demoted to a position lower than an Assistant Director he shall cease to be a member and his position shall, subject to sub-regulation (2), be filled in by a new appointment.

Filling of vacant posts of a member

(2) Any vacant post as a result of the reasons mentioned under sub-regulation (1), shall be filled in pursuant to regulation 4, provided that any person appointed to fill in the vacant post under sub-regulation (1), shall serve for the remaining tenure of the departing member.

PART V GENERAL PROVISIONS

13. Members shall be paid remuneration and allowances as shall be set out in their letters of appointment or as may be determined by the Minister on the advice of the Authority.

Remuneration of a member

14.-(1) For the purpose of these Regulations the incumbent chairman shall be deemed to have been appointed by the Minister and shall, subject to regulation 7(3), be eligible for a re-appointment for one further term.

Appointment of the Chairman and Deputy Chairman

(2) Members shall elect amongst themselves the Deputy Chairman, to be in office for a term of one year and the Deputy Chairman be eligible for re-appointment for one further term.

15. The Authority shall pay from its funds expenses incurred by the Council in the course of its duties.

The Authority to Provide Funds to the Council

Energy and Water Utilities Regulatory Authority (Government Consultative Council)

GN No. 254 (contd.)

Minister to
Supple-
ment
Procedures

16. Where procedures are not provided for in these Regulations, the Minister may do whatever is necessary and permitted by applicable law to enable it to effectively and completely adjudicate on any matter before it.

Dar es Salaam,
....., 2013

JUMANNE A. MAGHEMBE,
Minister for Water

*Energy and Water Utilities Regulatory Authority (Appointment and Qualifications
of Board Members)*

GOVERNMENT NOTICE No. 255 published on 23/8/2013

THE ENERGY AND WATER UTILITIES REGULATORY
AUTHORITY ACT

(CAP. 414)

(Made under section 41)

THE ENERGY AND WATER UTILITIES REGULATORY AUTHORITY
(APPOINTMENT AND QUALIFICATIONS OF BOARD MEMBERS)
REGULATIONS, 2013

ARRANGEMENT OF REGULATIONS

Regulation *Title*

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GOVERNMENT NOTICE No. published on

THE ENERGY AND WATER UTILITIES REGULATORY
AUTHORITY ACT

(CAP. 414)

(Made under section 41)

THE ENERGY AND WATER UTILITIES REGULATORY
AUTHORITY
(APPOINTMENT AND QUALIFICATIONS OF BOARD
MEMBERS) REGULATIONS, 2013

PART I

PRELIMINARY PROVISIONS

1. These Regulations may be cited as the Energy and Water Utilities Regulatory Authority (Appointment and Qualifications of Board Members) Regulations, 2013.

2. These Regulations shall come into force on the date of publication in the Gazette.

3. In these Regulations unless the context otherwise requires: “Act” means the Energy and Water Utilities Regulatory Authority Act; “Authority” means the Energy and Water Utilities Regulatory Authority established under the provisions of the Act; “Board” means the Board of Directors of the Authority; “Code of Conduct” means a code of conduct adopted by the Authority in accordance with section 11 (2) of the Act; “Chairman” means the chairman of the Board; “Council” means the EWURA Consumer Consultative Council established under section 30 of the Act; “Director General” means the Director General of the Authority; “first Chairman” means the first Chairman appointed as the Chairman after the Authority became operational;

- “first member” means the first member appointed as a member after the Authority became operational;
- “member” means a member of the Board;
- “Minister” means the Minister responsible for the Authority;
- “nomination committee” means an ad hoc committee established under Part IV;
- “Permanent Secretary” means the Permanent Secretary of the Ministry responsible for the Authority;
- “President” means the President of the United Republic of Tanzania;
- “regulated sector” shall have the same meaning as provided under the Act;
- “regulated service” shall have the same meaning as provided under the Act; and
- “sector Minister” means the Minister for the time being responsible for a regulated sector.

PART II MEMBERSHIP OF A BOARD MEMBER

4.-(1) A person shall not be appointed as the Chairman or a member of the Council except in accordance with the provisions of these Regulations.

(2) The Director General shall, in the event the position of any member remains vacant or it is due for any reason to become vacant, inform the Minister in writing of such vacancy.

(3) The Minister shall, upon receipt of a communication from the Director General in terms sub-regulation (2) or on his own motion, issue directives to the nomination committee to nominate a new member for the appointment of a vacant post of the Board.

(4) The nomination committee shall, after receipt of a directive from the Minister in sub-regulation (3), publish an advert in newspapers of wide circulation inviting applications from candidates for the vacant post.

(5) The nomination committee shall, after receipt of the applications from the candidates under sub-regulation (4), short list and interview qualified candidates and thereafter-

- (a) for the post of the Chairman, prepare a list of three persons to be forwarded to the President by the Minister to be considered for appointment as the Chairman; and
- (b) for the post of a member, prepare and submit to the Minister a list of three persons for each post to be considered for appointment as the member.

(6) The Minister shall, after receipt of the three proposed names for the post of the Chairman under sub-regulation 5(a), submit such names together with his recommendations to the President for consideration and appointment.

5.-(1) The President shall, after receipt of the proposed names pursuant to Regulation 4(5), proceed and make a decision pursuant to the provisions of the Act and other applicable law.

(2) The Minister shall, after receipt of the proposed names pursuant to Regulation 4(5), and after consultation with sector Minister proceed and make a decision pursuant to the provisions of the Act and other applicable law.

(3) The Director General shall be notified in writing of the appointment of the Chairman or a member in sub-regulations (1) and (2), and he shall thereafter cause to be published in newspapers of wide circulation the details relevant to the new appointment.

6. The President and the Minister shall, in the course of appointing Chairman and members, as the case may be, have regard to the need to appoint persons who:

- (a) are graduates of a recognized University;
- (b) have at least ten years experience in one or more fields of management, law, economics, finance or engineering fields;
- (c) have knowledge of the energy, water or utility regulation industry;

- (d) have satisfied the nomination committee that they are unlikely to have a conflict of interest under section 12 of the Act’
- (e) are willing and available to serve as members; and
- (f) are in the opinion of the nomination committee, otherwise suitable to perform the functions and duties of a member competently and honestly.

PART III

QUALIFICATIONS AND TENURE OF OFFICE OF A BOARD MEMBER

7.-(1) A person shall not qualify for appointment as the Chairman or a member if, owing to the nature of office he holds, is likely to exert influence to the Authority.

(2) Notwithstanding the generality of sub-regulation (1), a person shall not qualify for appointment as the Chairman or a member if he holds:

- (a) the office of Member of Parliament;
- (b) the office of Member of House of Representative of Zanzibar;
- (c) the office of a Judge of the High Court or Court of Appeal;
- (d) the office of the Speaker of the National Assembly and the House of Representative;
- (e) any office which is directly or indirectly connected with, supervises or regulates the regulated service;
- (f) any office in a political party; or
- (g) any office which is directly responsible for policy formulation which may have an impact on the regulated sectors.

(3) An incumbent member holding any of the office mentioned in sub-regulation (2), shall continue serving as a member until his tenure ends and he shall thereafter not be eligible for re- appointment.

(4) Any member who, during his tenure acquires and accept an offer for an office mentioned in sub-regulation (2) shall have his membership in the Board cease immediately.

8.-(1) The tenure of office of the Chairman or a member shall be for such period as specified in the letters of appointment.

(2) After the expiry of the first term, the first Chairman or a first member shall be eligible for re-appointment as the Chairman or the member as the case may be, provided however, the re- appointment shall be for a period of four years only.

(3) Notwithstanding the provisions of sub-regulation (2) and any appointing letter:

(a) the Chairman or any member who has been re-appointed for that post before coming into force of these regulations; or

(b) any member other than the first member who has been appointed before coming into force of these regulations;

shall be deemed to have been re-appointed or appointed as the case may be, for a period of four years, effective from the date of re-appointment or appointment.

(4) Any Chairman or member who has been appointed to fill in the vacancy left out as a result of death, resignation or removal of the Chairman or the member, he shall be appointed for the period left out of the tenure of the deceased, resigned or removed member.

9.-(1) There shall be conducted performance appraisal of a chairman or a member subject to the provisions of sub regulation (2) and the Schedule to these Regulations.

(2) The performance appraisal shall be conducted six months prior to the expiration of the tenure of the chairman or a member.

(3) The performance appraisal shall be by way of filling in the performance appraisal form appended to the Schedule and an evaluation which shall be conducted pursuant to the provision of sub-regulation (4).

(4) The filled in performance appraisal form shall be collected by the Director General and be submitted to the permanent secretary for evaluation and analysis.

(5) The Permanent Secretary shall, after receipt of the filled in forms in accordance with sub-regulation (4), proceed to analyse and evaluate by himself or an independent consultant to do the analysis and evaluation.

(6) The Permanent Secretary shall, after conclusion of the evaluation and analysis pursuant to sub-regulation (5), submit to the Minister the performance appraisal report.

10. The Minister shall, while considering re-appointing a member whose tenure has just ended, consider inter alia, the performance appraisal report prepared under the provisions of Regulation 9.

PART IV

GENERAL PROVISIONS

11.-(1) Whenever there is to be appointed the Chairman or a member, the Minister shall establish the nomination committee by Issuing a written notice to candidates selected pursuant to sub regulation (2)

(2) The nomination committee shall be composed of the following members:

(a) the Permanent Secretary who shall be the chairman of the nomination committee;

(b) a representative from the Council; and

(c) a representative from the legally recognized body representing interests of the private sector.

(3) For purpose of making consultation, the nomination committee may invite a representative from academic institutions and a representative from a sector Ministry other than the Ministry responsible for the Authority to any of its meeting.

(4) For the purpose of sub-regulation (2) (c) “a legally recognized body representing interest of the private sector” shall mean any institution established by law representing interests of the private sector.

(5) The Council and the body representing interests of the private sector, shall while appointing members of the nomination committee take into consideration the need to:

(a) have appointed persons with a provable knowledge of the energy and water sectors;

(b) have a person of sound integrity and probity;

(c) the need to avoid having a member serving in the committee for more than two consecutive years; and

(d) as the case may be, the need to take on board interests of various groups representing private sector.

(6) The Second Schedule to the Act, shall have effect to the operations of the nomination committee on matters related to meetings, functions and related matters.

12.-(1) The Minister shall, on the advice by the Authority, determine the allowances, fees and other expenses payable by the Authority to the nomination committee.

(2) The Authority shall, pursuant to sub-regulation (1) pay allowances, fees and other expenses incurred by the nomination committee in the course of its duties.

13. The Chairman or any other member may, at any time by giving notice in writing to the President in the case of a Chairman and Minister in the case of any other member and from the date so specified in the notice or if no date is specified, from the date of receipt of the notice by the President or Minister as the case may be resign from being a member.

14. The President may, acting in accordance with the advice of the Minister and sector Minister, remove the Chairman or a member from office at any time if-

- (a) the Chairman or the member is declared bankrupt;
- (b) the Chairman or the member is convicted of a criminal offence;
- (c) he decide that, the Chairman or the member should be removed because of conflict of interest;
- (d) the Chairman or the member has committed a material breach of a Code of Conduct to which the Authority is subject;
- (e) he is satisfied that the Chairman or the member is incapable of carrying out his duties due to ill health or physical or mental impairment;
- (f) the Chairman or the member has failed to attend at least two thirds of all meetings of the Board in a period of twelve consecutive months; or
- (g) the President decides that the Chairman or the member should be removed because of conflict of interest whether or not the member is required to resign.

15. A member shall be paid remuneration and allowances as shall be set out in their letters of appointment or as may be determined by the Minister on the advice of the Authority.

16. Where procedures are not provided for in these regulations, the Minister may do whatever is necessary and permitted by applicable law to enable it to effectively and completely adjudicate on any matter before it.

SCHEDULE

PERFORMANCE APPRAISAL FORM

The following performance shall be filled in by each Board Member including the Chairman and the Director this form shall be in six months before the expiry of tenure of the Chairman, Director General or a Board member.

Name of the Appraisee:

Name of the Appraiser:

	<i>Consideration</i>	<i>5 Excellent</i>	<i>4 Good</i>	<i>3 Average</i>	<i>2 Fair</i>	<i>1 Poor</i>
1.	The Understanding of the Appraisee roles and responsibilities of the Board of the Director					
2.	The Understanding of the Appraisee on the mission, duties and functions of the Authority					
3.	The Conducts of the Appraisee vis-a-vis protection of the image and integrity of the office of a Board Member					
4.	Attendance of the Appraisee to Board meetings together with Board Committee's meetings					
5.	The contributions of the Appraisee during Board meetings and other functions of the Board					

Dar es Salaam,
13th August, 2013

HARUNA MASEBU,
Director General

*Energy and Water Utilities Regulatory Authority (Appointment and Qualifications
of Board Members)*

GN No. 255 (contd.)

*The Energy and Water Utilities Regulatory Authority (Appointment and Tenure of
Members of the Consumer Consultative Council)*

GOVERNMENT NOTICE No. 256 published on 23/8/2013

THE ENERGY AND WATER UTILITIES REGULATORY
AUTHORITY ACT
(CAP. 414)

(Made under section 41)

THE ENERGY AND WATER UTILITIES REGULATORY AUTHORITY ACT,
(CAP.414) THE ENERGY AND WATER UTILITIES REGULATORY AUTHORITY
(APPOINTMENT AND TENURE OF MEMBERS OF THE CONSUMER
CONSULTATIVE COUNCIL) REGULATIONS, 2013

ARRANGEMENT OF REGULATIONS

Regulation *Title*

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1. Citation.
2. Commencement.
3. Interpretation.

PART II

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5. Composition of nomination committee.
6. Procedure for nomination of chairman and members.
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8. Decision of the Minister.
9. Expenses of the Nomination committee.

PART III

TENURE OF APPOINTMENT OF MEMBERS

10. Appointment of Chairman and Members.
11. Tenure of Appointment.
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13. Removal of a Member.
14. Filling vacant post of a member.
15. Secretary to the Council.

Part IV

GENERAL PROVISIONS

16. Remuneration of a Member.
17. Appointment of the Chairman and Deputy Chairman.
18. Minister to Supplement Procedures.

GOVERNMENT NOTICE No. published on

THE ENERGY AND WATER UTILITIES REGULATORY
AUTHORITY ACT
(CAP. 414)

(Made under section 41)

THE ENERGY AND WATER UTILITIES REGULATORY
AUTHORITY (APPOINTMENT AND TENURE OF MEMBERS OF
THE CONSUMER CONSULTATIVE COUNCIL)
REGULATIONS, 2013

PART I
PRELIMINARY PROVISIONS

1. These Regulations may be cited as the Energy and Water Utilities Regulatory Authority (Appointment and Tenure of the Members of the Consumer Consultative Council) Regulations, 2013. Citation

2. These Regulations shall come into force on the date of publication in the *Gazette*. Commencement

3. In these Regulations unless the context otherwise requires: “Act” means the Energy and Water Utilities Regulatory Authority Act; “Authority” means the Energy and Water Utilities Regulatory Authority established under the Act; “Chairman” means the chairman of the Council appointed by the Minister pursuant to regulation 8; “Council” means the EWURA Consumer Consultative Council established under section 30 of the Act; “Executive Secretary” means the chief executive officer of the Council; “member” means a member of the Council; “Minister” means the Minister responsible for the Authority; “Permanent Secretary” means the Permanent Secretary of the Ministry responsible for the Authority; Interpretation
Cap. 414

“regulated sector” shall have the same meaning as provided under the Act”

“regulated service” shall have the same meaning as provided under the Act”

“sector ministry” means a ministry responsible for any of the regulated sector; and

“Nomination committee” means a committee established under regulation 5 with the powers and mandates to receive, evaluate, interview and propose the candidates for the post of the chairman or a member of the council.

PART II

MEMBERSHIP OF THE COUNCIL

Appoin-
tment of
Chairman
and
Member of
Chairman

4.-(1) A person shall not be appointed as a chairman or a member except in accordance with the provisions of these Regulations.

(2) The Executive Secretary shall, in the event the office of a chairman or a member remains vacant or it is due to become vacant for any reason, inform the Minister in writing of such vacancy.

(3) The Minister shall, after receipt of a communication from the Executive Secretary in sub-regulation (2) or on his own motion, direct the chairman of the Nomination committee to start the process of recruiting a chairman or a member to fill any vacant post in the Council.

Composi-
tion of
nomina-
tion
Committee

5.-(1) The Minister shall, for the purpose of exercising his mandate of the appointment of the Chairman or member, summon a Nomination committee composed under sub-regulation (2) to convene in the manner prescribed under these Regulations.

(2) The Nomination committee shall be composed of the following members:

(a) the Permanent Secretary who shall be the chairman;

(b) a representative from academic institutions;

- (c) a representative from community based organizations;
- (d) a representative from sector Ministry other than the Ministry responsible for the Authority; and
- (e) a representative from the legally recognized body representing interests of the private sector.

(3) For the purpose of sub-regulation (2) (e) “a legally recognized body representing interest of the private sector” shall mean any institution established by law representing interests of the private sector.

(4) Academic institutions, community based organizations and the body representing interests of the private sector, shall while appointing members of the Nomination committee take into consideration the need to:

- (a) have appointed persons with a provable knowledge of the energy and water sectors;
- (b) have a person of sound integrity and probity;
- (c) the need to avoid having a member serving in the committee for more than two consecutive years; and
- (d) as the case may be, the need to take on board interests of various groups representing private sector.

6.-(1) The Nomination committee shall, after receipt of a directive from the Minister in regulation 4 (3), publish an advert in newspapers of wide circulation inviting applications from the tandidates for the vacant post.

Procedure
for
nomina-
tion of
Chairman
and
Members

(2) The Nomination committee shall, after receipt of the names of the candidates in sub-regulation (1), short list and publish the names of qualified candidates in the *Gazette* and newspapers of wide circulation inviting comments, objections and representations over the names published.

(3) The Nomination committee shall evaluate the comments, objections or representations received under sub-regulation (2) and may-

The Energy and Water Utilities Regulatory Authority (Appointment and Tenure of Members of the Consumer Consultative Council)

GN No. 256 (contd.)

(a) require the person who has commented, objected or submitted the representation to provide proof in support of the comments, objections or representations made; or

(b) conduct an investigation over the comments, objections or representations made.

(4) The Nomination committee shall inform the candidate on the comments, objections or representations raised against him and shall allow him to respond if he so wishes.

(5) The Nomination committee shall interview short-listed candidates in sub-regulation (2) and submit a list of three names for each vacant post to the Minister for consideration of appointment or re- appointment as the case may be.

Things to Consider when proposing and Appointing a member

7.-(1) The Nomination committee and the Minister shall, when proposing for names or appointing the chairman or members, as the case may be, have regard to-

(a) the comments, representations or objections from the public and the replies from the respective candidate, if any; and

(b) the desirability of the Council to have members with knowledge and understanding of the interest of the consumers and that of the regulated services, including interest of-

- (i) low income, rural and disadvantaged persons;
- (ii) industrial and business users; and
- (iii) Government and community organizations.

(2) Notwithstanding the generality of sub-regulation (1), a person shall not be appointed as a member unless he:

- (a) is a graduate of a recognized University or equivalent;
- (b) has at least ten years experience in one or more of management, law, economics, mass communication, sociology, finance or engineering fields;
- (c) has knowledge of the energy, water or utility regulation industry;
- (d) is not a leader in a political party;

- (e) is willing and available to serve as a member; and
- (f) is in the opinion of the Nomination committee, otherwise suitable to perform the functions and duties of a member competently and honestly.

8.-(1) The Minister shall after receipt of the names of the proposed candidates from the Nomination committee pursuant to regulation 6 (5), appoint or re-appoint a chairman or member, as the case may be.

Decision of the Minister

(2) The Minister shall immediately notify the Executive Secretary of the appointment made pursuant to sub-regulation (1), and the Executive Secretary shall cause the notification of appointment to be published in a newspaper of wide circulation.

9. The Council shall, in the course of its duties, pay from its funds expenses incurred by the Nomination committee.

Expences of the Nomination

PART III

TENURE OF APPOINTMENT OF MEMBERS

10. The incumbent chairman and members shall be deemed to have been appointed by the Minister under the provisions of these Regulations.

Appoin-
tment of
Chairman
and
Members

11.-(1) The incumbent chairman and members shall, subject to the provisions of sub-regulation (3) be deemed to have been appointed for the following fixed terms which shall be counted from the date of their appointment:

Tenure of
Appoint-
ment

- (a) Chairman -four years;
- (b) three members -three years; and
- (c) three members -four years.

(2) The incumbent chairman and members shall, after coming into force of these regulations, be deemed to have finished their first tenure in office and may be eligible for re-appointment for one further term.

(3) Notwithstanding the provisions of sub-regulation (I), the Minister shall, after coming into force of these Regulations, stagger the respective tenure of the chairman or the member as required in sub-regulation (I).

The Energy and Water Utilities Regulatory Authority (Appointment and Tenure of Members of the Consumer Consultative Council)

GN No. 256 (contd.)

Resignation of a Member

12. A member may, by giving notice and a specified date in writing to the Minister, resign from office, and where no date is specified, the date of resignation shall be deemed to have taken after receipt of the notice by the Minister.

Removal of a Member

13. The Minister may remove a member from office at any time if:

- (a) the member is declared bankrupt;
- (b) the member is convicted of a criminal offence;
- (c) he is satisfied that the member is incapable of carrying out his duties due to ill health or physical or mental impairment; or
- (d) the member “has failed to attend at least two thirds of all meetings of the council in a period of twelve consecutive months.

Filling vacant post of a Member

14.-(1) Where a member ceases to be an employee of his sector Ministry or the member resigns, dies or is removed pursuant to regulation 13, the member’s position shall, subject to sub-regulation (2), be filled in by a new appointment.

(2) Any vacant post as a result of the reasons mentioned under sub-regulation (1), shall be filled in the manner set out in Part II of the Regulations, except that the person appointed to fill in the vacant post under sub-regulation (1), shall serve for the remaining tenure of the vacated member.

Secretary to the Council

15. The Executive Secretary shall be the secretary to the Council.

PART IV
GENERAL PROVISION

Remuneration of a Member

16. Members shall be paid remuneration and allowances as shall be set out in their letters of appointment or as may be determined by the Minister in consultation with the Council and the Authority.

Appointment of the Chairman and Deputy chairman

17.-(1) For the purpose of these Regulations, the incumbent chairman shall, subject to the provisions of regulation 11, be eligible for re-appointment for one further term.

*The Energy and Water Utilities Regulatory Authority (Appointment and Tenure of
Members of the Consumer Consultative Council)*

GN No. 256 (contd.)

(2) Members shall elect amongst themselves the Deputy Chairman, to be in office for a term of one year and the Deputy Chairman shall be eligible for re-appointment for one further term.

18. Where procedures are not provided for in these regulations, the Minister may do whatever is necessary and permitted by applicable law to enable it to effectively and completely adjudicate on any matter before it.

Minister to
supple-
ment
procedures

Dar es Salaam,
..... 2013

JUMANNE A. MAGHEMBE,
Minister for Water