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THE UNITED REPUBLIC OF TANZANIA

ACT NO. 1 OF 2023

ENGLISH VERSION

THE PLANNING COMMISSION ACT

[PRINCIPAL LEGISLATION]

This version of the Planning Commission Act, No. 1 of 2023 has been translated into English Language, and is published pursuant to section 84(4) of the Interpretation of Laws Act, Chapter 1.

Dodoma,
10th Octoer, 2023

ELIEZER MBUKI FELESHI
Attorney General

THE PLANNING COMMISSION ACT
(NO. 1 OF 2023)

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THE PLANNING COMMISSION ACT

An Act to establish a Planning Commission; to provide for its membership and to specify its functions and powers; and to provide for matters related thereto.

[17th July, 2023]
[GN. NO. 476A of 2023]

Act No.
1 of 2023

PART I
PRELIMINARY PROVISIONS

Short title

1. This Act may be cited as the Planning Commission Act, 2023.

Application

2. This Act shall apply to Mainland Tanzania.

Interpretation

3. In this Act, unless the context otherwise requires-

"Nomination Committee" means the Nomination Committee of the Commission established under section 14(2);

"Executive Secretary" means the Chief Executive of the Commission appointed pursuant to section 11;

"strategic plan" means a plan formulated by a ministry, independent departments, executive agencies, regional secretariats, local government authorities and other public institutions pursuant to the guidelines issued by the Commission;

"member" means a member of the Commission appointed pursuant to section 5;

"Chairman" means the Chairman of the Commission declared as such in section 5(1);

"President" means the President of the United Republic of Tanzania;

"Commission" means the Planning Commission established under section 4; and

"Minister" means the Minister responsible for national development planning.

PART II
THE PLANNING COMMISSION

Establishment of Commission

4.-(1) There is hereby established a Commission to be known as the Planning Commission.

(2) The Commission shall be an independent department under the Office of the President.

Composition of Commission

5.-(1) The Commission shall be composed of the President who shall be the Chairman and six other members who shall be appointed by the President as follows:

(a) the Minister responsible for national development planning;

(b) the Minister responsible for finance; and

(c) four other members, all of whom shall be part-time.

(2) The Commission may co-opt any person who is not a member to attend meetings of the Commission and give expertise or contribution as the Commission deems fit.

(3) In appointing members of the Commission, regard shall be had of the need to appoint persons who have adequate knowledge and experience in economic and development planning affairs, monitoring and evaluation, research and development or the management of

Government or public affairs, and who have proven ability in dealing with national and international affairs.

(4) Without prejudice to subsection (5), a member other than the Chairman shall hold office for a period of five years and may be reappointed for one further term.

(5) Notwithstanding subsection (4), the office of a member may become vacant before the expiration of five years if the member-

(a) who is a Minister, has ceased to be a Minister;

(b) resigns his office by giving notice in writing to the President;

(c) dies; or

(d) is removed from office by the President.

Functions of Commission

6.-(1) The Commission shall be responsible for the management of the economy, planning process and implementation of the national development plans as approved, with a view to securing sustained national economic growth and development as intended.

(2) Without prejudice to the generality of subsection (1), the functions of the Commission shall be to-

(a) assess the state of the national resources and advise the Government on the efficient utilisation of such resources;

(b) formulate the national development vision, long-term development plan, medium-term development plan and short-term development plan and oversee their implementation;

(c) propose areas for sustainable flagship projects and implementation strategies in line with the national development vision and strategies;

(d) conduct periodic assessment and analysis of key economic variables including balance of

payments, money supply and prices, national debt and advise the Government accordingly;

(e) assess various existing policies with a view to strengthening their implementation in regard to national development plans and to propose new policies where it is deemed necessary in the national interest;

(f) monitor the performance of the national key result areas of various sectors of the economy and ensure that appropriate measures are taken to solve any operational problems detected in those sectors;

(g) provide guidance on economic relations between the United Republic and other countries and international organisations;

(h) ensure alignment of sectoral plans to the national plans for effective utilisation of the country's resources;

(i) monitor and evaluate the implementation of national plans and flagship projects and take such measures as are necessary for ensuring successful implementation of such projects;

(j) advise the Government on any change in the approved national development plan;

(k) monitor the implementation of Cabinet decisions on matters of development planning and management of the economy;

(l) advise on the strategies for the development of science, technology and innovation in the country;

(m) foster innovation approaches in the implementation of development plans;

(n) identify and research on any matter the Commission deems relevant to the attainment of the objects of the national development;

(o) oversee and provide guidance in the preparation of strategic plans formulated by ministries, independent departments, executive agencies, regional secretariats, local government authorities and other public institutions;

(p) coordinate and develop cadres in the fields of economics, planning, statistics and other similar professions;

(q) coordinate stakeholder forums for discussion of matters pertaining to development planning;

(r) ascertain country resources for sustainable utilisation for national development;

(s) facilitate private sector engagement in the development planning and implementation; and

(t) perform any other functions in relation to development planning as the President may direct.

(3) Notwithstanding the provisions of any other written law, the Commission may, for the purposes of effective implementation of its functions under this Act, call any strategic plan formulated by ministries, independent departments, executive agencies, regional secretariats, local government authorities and other public institutions for scrutiny and issue directives accordingly.

(4) Any long term development plan or short term development plan formulated in accordance with this Act or any other written law and approved by the National Assembly in accordance with Article 63(3)(c) of the Constitution shall not be changed or its implementation abandoned in the prescribed implementation period without resolution of the National Assembly.

Powers of Commission Caps. 2, 97, 287 and 288

7. Subject to the provisions of the Constitution, the Regional Administration Act, the Local Government (District Authorities) Act, the Local Government (Urban Authorities) Act and any other written laws relating to the organisation and performance of the functions of the Government, the Commission shall be the highest advisory body in all matters relating to development planning and management of the economy and for that purpose it shall have powers to-

(a) identify and approve national development key priority areas and issue directives for their integration in the national and sectoral development plans and for their realisation and execution;

(b) give ministries, independent departments, executive agencies, regional secretariats, local government authorities or other public institutions any directives and guidance relating to matters of economic and development planning as approved by the Government;

(c) call for, from any institution, any information or statistics relating to matters of development planning and economic management; and

(d) issue directives and guidelines necessary for effective and efficient performance of its functions under this Act.

Quorum and proceedings of Commission

8.-(1) At any meeting of the Commission, one half of the members for the time being in office shall constitute a quorum.

(2) Subject to the provisions of subsection (1) and of such rules as the Chairman may make in that behalf, the Commission shall have power to regulate its own proceedings.

Remuneration and allowances

9. Members of the Commission shall be paid such allowances and remuneration as may be determined by the appropriate authority.

Commission to maintain collaboration

10. For purposes of better performance of its functions, the Commission shall establish and maintain a system of collaboration and consultation with such other institutions and persons, whether corporate or unincorporated, and whether within or outside the United Republic, as are likely to assist it in the effective and efficient performance of its functions under this Act.

PART III
ADMINISTRATION PROVISIONS

Appointment of Executive Secretary

11.-(1) There shall be an Executive Secretary of the Commission who shall be appointed by the President.

(2) The Executive Secretary shall be the Chief Executive Officer and secretary to the Commission and shall be responsible for implementation of the Commission's functions and administration of the day to day activities of the Commission.

(3) In appointing the Executive Secretary, regard shall be had to expertise in economics, planning and financial affairs and experience in administration and top leadership positions.

Deputy Executive Secretaries

12.-(1) There shall be such number of Deputy Executive Secretaries of the Commission as may be necessary who shall be appointed by the President.

(2) The Deputy Executive Secretaries shall assist the Executive Secretary in the performance of the functions of the office of the Executive Secretary as may be assigned by the Commission.

Appointment of employees

13.-(1) There shall be appointed on competitive basis such number of employees as it is necessary for carrying out the functions of the Commission.

(2) Officers of the Commission, other than the members, shall be public servants.

Committees

14.-(1) The Commission may establish committees for the performance of its functions and it may delegate to any such committees so established any of its functions.

(2) Without prejudice to the generality of subsection (1) and the provisions of sections 11 and 12 and notwithstanding any other written laws, for the purpose of facilitating the appointment process of members of the Commission, Executive Secretary, Deputy Executive Secretaries and other staff of the Commission, there shall be a Nomination Committee whose appointment and functions shall be prescribed in the regulations.

(3) A committee established under this section may, where it considers necessary and subject to the approval of the Commission-

(a) co-opt any person to be a member of the committee for a specified period of time; and

(b) invite any person to attend any meeting of the committee.

Consultation with Ministry responsible for finance

15. The Commission shall maintain a system of consultation with the Ministry responsible for finance so as to ensure effective implementation of development projects as set out in the national development plans.

PART IV
FINANCIAL PROVISIONS

Sources of funds

16. The funds of the Commission shall consist of-

(a) such sums of moneys as shall be appropriated by the Parliament;

(b) Government subsidies; and

(c) such other income.

Estimates of income and expenditure and financial control

17.-(1) The Executive Secretary shall, not less than three months before the end of each financial year, prepare and submit to the Commission for approval the budget that includes the estimates of income and expenditure for the next financial year.

(2) The Commission may require the Executive Secretary to revise the budget if in its opinion the budget does not represent a fair and reasonable projection of income and expenditure.

Expenditure of funds

18. An expenditure shall not be incurred from the funds of the Commission unless that expenditure is part of the expenditure approved by the Commission under section 17(1) for the respective financial year.

Supplementary budget

19.-(1) The Executive Secretary may, at any time before the end of the current financial year, prepare and submit to the Commission for approval any estimates supplementary to the estimates of the current year.

(2) Without prejudice to subsection (1), the Executive Secretary may, where exigencies occur in relation to the performance of the functions of the Commission, incur, with approval of the Chairman, expenditure not approved by the Commission in which case the Executive Secretary shall, within three months following such expenditure, seek approval of the Commission.

Accounts and audit

20.-(1) The Executive Secretary shall keep books of accounts and maintain proper records of the operations of the Commission in accordance with accounting standards.

(2) The Executive Secretary shall, within six months after the end of each financial year, prepare a

report on the performance of the functions of the Commission during that financial year, and one copy of such report together with a copy of the audited accounts shall be submitted to the Commission.

(3) The accounts of the Commission shall be audited by the Controller and Auditor General or such other person appointed by the Controller and Auditor General for that purpose.

Annual report

21. The Commission shall, within two months after it has received audited accounts and the auditor's report on such accounts, cause the Minister to lay before the National Assembly, within two months or at the next meeting of the National Assembly, a copy of annual report in respect of that year containing-

(a) a copy of the audited accounts of the Commission, together with the auditor's report on such accounts;
(b) a report on the performance of key targets and any other related information;
(c) a report on operations of the Commission during that financial year; and
(d) such other information as the Commission may direct.

PART V
GENERAL PROVISIONS

Powers to make regulations

22.-(1) The Minister may make regulations for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of the provisions of subsection (1), the Minister may make regulations to prescribe for-

(a) composition, appointment and other matters of the Nomination Committee;

(b) monitoring and evaluation of the implementation of national development plans;
(c) guidelines for preparations of various plans required to be prepared under this Act; and
(d) any other matter which he considers necessary for better implementation of this Act.

Official oath

23.-(1) Every member of the Commission, Executive Secretary and Deputy Executive Secretary shall, before taking office, subscribe to an oath in accordance with the relevant law.

(2) The provisions of subsection (1) shall not apply to the Chairman.

Power to require information

24. The Commission may, in writing, call upon any person or body of persons in whose custody there is any information which may be relevant to its functions, to-

(a) furnish it with such information or produce such document as the Commission may specify; or
(b) appear before the Commission for consultation or clarification in relation to such information or document.

Duty to cooperate

25.-(1) Every person shall have an obligation to accord the Commission any cooperation as may be reasonably required for the exercise of its powers and performance of its functions and responsibilities.

(2) Ministries, independent departments, executive agencies, regional secretariats and local government authorities shall, in the formulation of strategic plans, abide with the guidelines issued by the Commission.

Offences and penalty

26. Any person who-

(a) makes any statement or gives any statistics knowing it to be false or provides any

information or documentation that is materially incorrect with the intention of misleading the Commission;

(b) hinders the Commission from efficient discharge of its functions under this Act; or

(c) without written permission of the Commission, publishes or discloses to any unauthorised person or otherwise than in the course of duty, the contents of any document, communication or information of any kind which has come to his knowledge in the course of his duty under this Act,

commits an offence and shall, upon conviction, be liable to a fine not exceeding ten million shillings or to imprisonment for a term of not less than one year but not exceeding five years.

PART VI
CONSEQUENTIAL AMENDMENTS
(a) Amendment of the Budget Act, Cap. 439

Construction Cap. 439

27. This Sub Part shall be read as one with the Budget Act, hereinafter referred to as the "principal Act".

Amendment of section 11

28. The principal Act is amended in section 11 by deleting the word "preparation" appearing in paragraph (a) and substituting for it the words "coordination of the preparation".

Amendment of section 13

29. The principal Act is amended in section 13 by deleting the words "the powers" appearing at the beginning of the opening phrase of the section and substituting for them the phrase "Without prejudice to the provisions of section 11 of the Planning Commission Act, the powers".

(b) Amendment of the Government Loans, Guarantee and Grants Act, Cap. 134

Construction Cap. 134

30. This Sub Part shall be read as one with the Government Loans, Guarantee and Grants Act, hereinafter referred to as the "principal Act".

Amendment of section 25

31. The principal Act is amended in section 25(1), by-

(a) deleting paragraph (d) and substituting for it the following:

"(d) Permanent Secretary of the Ministry responsible for development planning;"; and

(b) adding immediately after paragraph (h) the following:

"(i) Executive Secretary of the Planning Commission;";

(c) renaming paragraphs (i), (j), (k), (l) and (m) as paragraphs (j), (k), (l), (m) and (n) respectively.

Amendment of section 26

32. The principal Act is amended in section 26(1) by deleting paragraph (b) and substituting for it the following:

"(b) Executive Secretary of the Planning Commission;".

(c) Amendment of the Official Oaths Act, Cap. 266

Construction Cap. 266

33. This Sub Part shall be read as one with the Official Oaths Act, hereinafter referred to as the "principal Act".

Amendment of Second Schedule

34. The Second Schedule to the principal Act is amended by adding immediately below the words "members of the Planning Commission" the following:

"Executive Secretary of the Planning Commission;

Deputy Executive Secretaries of the Planning Commission;".