

Persons With Disabilities (General)

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THE PERSONS WITH DISABILITIES ACT
(CAP. 183)

REGULATIONS

(Made under section 61)

THE PERSONS WITH DISABILITIES (GENERAL) REGULATIONS, 2012

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THE PERSONS WITH DISABILITIES (GENERAL) REGULATIONS, 2012

PART I
PRELIMINARY PROVISION

- 1. These Regulations may be cited as the Persons with Disabilities (General) Regulations, 2012. Citation

- 2. In these Regulations, unless the context otherwise requires:
“Act” means the persons with Disabilities Act; Interpre-
tation
Cap. 183
“assistive device” means devices referred to under regulation 21(2);
“high rise building” means any building having more than six storeys;

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“Minister” means the Minister responsible for persons with disabilities;
“Council” means council established under section 57(1) of the Act.

“The Fund” means Funds established under section 57(1) of the Act;

PART II
NON-DISCRIMINATION

Prohibition of discrimination

3.-(1) Every person with disability shall have equal rights to exercise and enjoy in society as other persons without disability.

(2) No person shall discriminate, harass or incite any person on ground of his disability, whether direct or indirect.

(3) A person who contravene sub-regulation (1) commits an offence and shall on conviction be liable to a fine not less than five hundred thousands shillings but not exceeding seven million shillings or imprisonment for a term of one year or both.

(4). Notwithstanding any provision of this regulation, positive discrimination or affirmative action directed to persons with disabilities shall not be construed as discrimination for the purpose of these Regulations.

PART III
EARLY DETECTION AND PREVENTION, INTERVENTION ASSESSMENT AND TREATMENT

(a) Detection and prevention of Disabilities

A right to health care

4.-(1) A person with disability shall have a right to health care services including prevention of disabilities without any discrimination.

(2) Health professionals and community health workers are obliged to identify and assess the status of children born with disabilities and make early intervention as appropriate to rectify the disability concerned.

(3) Every health facility shall, whether private or public, record the disability status of new born babies, children, youth and adult patients with disabilities and appropriate interventions made to them.

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(4) Every local government authority shall put in place a mechanism for the better and timely implementation of sub-regulation (1).

(5) Every owner, manager or incharge of any health facility shall put in place procedures which will enable persons with disabilities to get appropriate medical services without any delay or disturbances.

(6) The rights and dignity of patients with disability shall be given primary consideration by all health professionals and workers.

(7) Any person who negligently cause a disability to any person shall be guilty of an offence and be liable on conviction to a fine or imprisonment pursuant to section 62 of the Act.

(8) Every health facility shall, whether public or private develop code of ethics on dealing with patients with disabilities in accordance with the Act.

(9) The code of ethics shall be regularly inspected and monitored by the Minister and the Council.

5.-(1) The Government shall, in collaboration with persons with disabilities, organisation of, and for persons with disabilities, Non Governmental Organisations, Community Based Organisations, Faith Based Organisations, private institutions, media organs and other stakeholders launch campaigns, through mass media in order to create awareness amongst the general public on the causes of disabilities and measures to avert the occurrence of disability.

Aware-
ness
cam-
paigns

(2) Every local government authority shall ensure that social workers, public health personnel and voluntary organisations participate in disabilities preventive programmes.

6.(1) The Ministry shall-

(a) extend co-operation in implementing the relevant immunisation programmes for prevention of disabilities;

(b) in collaboration with other ministries and stakeholders, disseminate information on measures to avert accidents causing disabilities;

Measures
to
prevent
disabili-
ties

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- (c) disseminate information on prenatal, during delivery and post natal care of the mother and the child;
- (d) collect data, conduct survey and research on factors causing disabilities and treatment thereof; and
- (e) undertake programmes to support early identification and prevention of sound pollution.

(2) For the purpose of sub-paragraph (c) and in regards to prevention of disabilities, the pregnant woman shall be provided with the relevant information on prevention of disability occurred to the child at prenatal stage.

Identifi-
cation of
Disability
in
children

7.-(1) The Government shall, from time to time and in consultation with relevant stakeholders during the population census, arrange for identification of persons with disabilities.

(2) The Ministry shall, in collaboration with the local government authorities, improve village registers to accomodate data related to children and adults with disabilities.

(3) The information collected under sub-regulation (1) shall be used for identification, treatment and education purposes.

Children
at risk

8. The Government shall undertake measures to identify children who are at risk of being victims of disability.

(c) Treatment of Disability

Support-
ive
materials

9. The Government shall endeavour to supply supportive logistics and materials for treatment of persons with disabilities to health facilities including rehabilitation centres, freely or at a low cost.

Counsel-
ing
services

10. The Ministry shall, in consultation with local government authorities:

- (a) provide counselling services for physically and cognitive deveopment of children, education and employment of the persons with disabilities;

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- (b) urge relevant stakeholders to prepare and publish articles and other scientific papers on various aspect of daily life of persons with disabilities; and
- (c) support organisations dealing with persons with disabilities to conduct research about day to day life of such persons.

PART IV
EDUCATION AND EXAMINATIONS

11.-(1) Every person with disability shall have the same rights to education and training in inclusive setting according to his ability and capacity.

Equality
in
education

(2) A child with disability shall have equal rights in relation to admission to the public and private school.

(3) A child referred to under sub-regulation (2) shall attend and complete compulsory education in ordinary public or private school, except where a need for special communication is required.

(4) A person who contravenes any of the provisions of this regulation commits an offence and shall on conviction be liable to or to a fine of not less than one million shillings to imprisonment for a term of one year or to both.

12. A child with disability shall be provided with such appropriate disability related support services and other learning services from a qualified teacher or a teacher assigned for that purpose.

Child
support

13.-(1) The Government shall establish and encourage other stakeholders to establish specialised education institutions to cater for the specific needs of special categories of children with disabilities.

Provision
of
special-
ized
education

(2) In performing the function under sub-regulation (1), the Government shall design and prepare:

- (a) specialised curricular;
- (b) writing and publication of special text books; and

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(c) introduction of special examination system, if necessary.

(3) All teachers training institutions shall develop special programmes for teachers and other employees working with persons with disabilities.

(4) A pupil or student with disability shall, depending on his special needs, be afforded extra time during examinations.

(5) The extra time to be afforded under subregulation (3) shall, depending on the level of education, be as set out in the First Schedule to these Regulations.

Opportunities for inclusive education and vocational training

14.-(1) All categories of persons with disabilities in all gender and school age shall have equal opportunity to receive education and vocational training through inclusive education system.

(2) It shall be the duty of the Government, Civil societies, Faith Based Organisations, private sector, owners and managers of learning institutions and the community to minimize barriers and maximize resources in ensuring that all children, youths and adults with disabilities are enrolled, actively participate and achieve in regular schools, vocational training and other educational programmes regardless of their diverse backgrounds and abilities and without any kind of discrimination.

(3) Inclusive education shall be progressively introduced in the country and the progress shall be periodically monitored by the Council in collaboration with the Minister responsible for education and take necessary intervention for better improvement.

(4) Any person who denies a person with disability an opportunity to inclusive education commits an offence.

Promote inclusive education

15.-(1) In order to promote inclusive or specialised schools, the Government through local government authority may provide incentives, exemption and reliefs or any other form of motivation to a person who establishes inclusive or specialised schools for the purpose of encouraging other stakeholders to do the same.

(2) Notwithstanding sub-regulation (1), the eligibility criteria for receiving the prescribed motivations shall be determined by the Council based on the requests received from the applicants.

16.-(1) Every owner or manager of a learning institution shall take appropriate measures to ensure that school environments are physically accessible to persons with disabilities to enable them to interact freely with their fellow students, teachers, other staffs and available facilities in such leaning institutions.

Accessi-
bility of
school
environ-
ment

(2) Notwithstanding sub-regulation (1), managers and owners of school in public or private sector shall progressively undertake appropriate measures to make sure that learning environment is improved or modified to match with the accessibility requirements under the Act.

17. The Minister shall, in collaboration with the Ministers responsible for education, higher learning institutions, local government authorities and any other relevant stakeholder, endeavour to incorporate appropriate syllabi and topics in the social science subjects aiming at creation of public awareness on the life style and associated problems faced by persons with disabilities.

Public
awareness

18. The Minister shall, in consultation with the Minister responsible for education, transport and any other stakeholders, arrange for a mechanism of provision of public transport to pupils and students with disabilities.

Provision
of public
transport

19.-(1) Every City, Municipal or District Executive Director shall, in collaboration with education matters within the area where the school is located, allocate funds to meet education, accomodation, meals, transport and other expenses for pupils and students with disabilities residing in and outside that area.

Alloca-
tion of
funds

(2) Every owner or manager of a tertiary learning Institution shall allocate annual budget to cater for disability related support needs for students with disabilities.

20. The Minister shall, in collaboration with the Ministers responsible for education, local government authorities and finance, make budget guidlines to explicity mention disability to the government budget for education sector.

Budget
guidelines

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Monitor-
ing
compli-
ance

21. The compliance requirements of these Regulations shall, periodically be inspected and monitored by the Commissioner and an authorised officer.

PART V

REHABILITATION AND PROVISION OF ASSISTIVE DEVICES

Vocational
training

22.-(1) The Minister shall, in collaboration with other relevant stakeholders, provide or make arrangement for the provision of vocational training courses for persons with disabilities under the age of eighteen years.

(2) The training under sub-regulation (1) shall be directed to enable a person with disabilities to be competent to undertake employment or work on his own, depending on his age, experience and qualification.

(3) The Minister shall undertake measure to encourage the establishment and maintenance of rehabilitation centres by the Government and other stakeholders.

(4) The Minister may make arrangement with any other government department or any other person for the exercise by that department or person of any of the powers conferred on him by this regulation.

Training
Manual

23.-(1) The Minister shall cause to be designed and prepared a Training Manual for vocational training of the persons with disabilities.

(2) The Training Manual under sub-regulation (1) shall be used to carry out various training programmes sponsored or coordinated by the Government.

Industrial
rehabilita-
tion

24. Subject to section 30, Minister shall, in collaboration with relevant authorities and other stakeholders, provide or make arrangement for the provision of industrial rehabilitation courses for persons with disabilities under the age of twenty five years who by reason of disability are in need of such facilities in order to:

- (a) render them fit for employment;
- (b) work on their own;

(c) make use of a vocation training courses which shall include:

- (i) Information Communication;
- (ii) tailoring;
- (iii) fine arts;
- (iv) plumbing;
- (v) electronic;
- (vi) carpentry;
- (vii) catering;
- (viii) house keeping;
- (ix) weaving;
- (x) tie and dye; and
- (xi) shoe making.

25. The Minister shall cause to be prepared schemes and programmes for community rehabilitation of persons with disabilities.

Schemes
and
Progra-
mmes

26.-(1) The Ministry shall, in collaboration with other stakeholders, provide or arrange for the provision of assistive devices to persons with disabilities in order to assist them in their day to day life.

Provision
of
assistive
devices

(2) The devices referred to under sub-regulation (1) shall include:

- (a) mobility aids, such as wheel chair, calpa, white cane;
- (b) assistive learning aids, such as perking braille, hearing aids computer with JAWS program, books in accessible formats;
- (c) working tools;
- (d) wheel chair; and
- (e) hearing aids.

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PART VI
ADMISSION IN SETTLEMENTS

Admission in settlement

27.-(1) Subject to the provisions of section 15 and 18 of the Act, a person with disability may be admitted in the settlement for persons with disabilities.

(2) A person referred to under subregulation (1) shall not be admitted in the settlement unless his consent has been issued to that effect.

Establishment, operation, management and maintenance of settlements

28.-(1) The Government shall, in collaboration with the local government authorities or any other person, establish, operate, manage, coordinate and maintain settlement for persons with disabilities.

(2) A local government authority shall provide for care and maintenance to a person with disabilities who resides within its area of jurisdiction and has no relative capable to provide for his care and maintenance.

Application of settlement

29.-(1) A person with disabilities other than special disability referred to in section 18(1) of the Act shall apply to the District Committee for consideration for admission in a settlement.

(2) The application under sub-regulation (1) shall be made by filling the form set out in the Second Schedule to these Regulations.

(3) The District Committee shall, consider every application made under sub-regulation (1) and if it is satisfied that:

- (a) the person applying is a person with disability within the meaning of the Act;
- (b) the person applying has no relative who may provide for his care and maintenance;
- (c) owing to special circumstances, the local authority in which he is ordinarily reside can not facilitate for his care and maintenance; or
- (d) the person is in a condition that no other way of resettlement is possible except through the statutory assistance, may recommend the person to admitted in settlement.

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30.-(1) The Commissioner shall keep and maintain a register of settlements for persons with disabilities.

Register
of
settle-
ments

(2) The register under sub-regulation (1) shall be as set out in the Third Schedule to these Regulations.

(3) Without prejudice to sub-regulation (3) of regulation 29, a person may be admitted in the settlement if:

- (a) he has been registered under these Regulations;
- (b) has been referred to the settlement by the Regional or District Committee; or
- (c) he has been referred to the settlement by the Regional Welfare Officer, temporarily, while looking for permanent solution;

31.-(1) Every person operating, managing or maintaining a settlement under these Regulations shall ensure that:

Standards
of
settle-
ments

- (a) the building for settlement is:-
 - (i) accessible and habitable in terms of providing the inhabitants with adequate space and protecting them from air and water pollution, heat, rain, structural hazards, disease vectors or other threats to health;
 - (ii) located in an area which can easily be accessible, or allow a free movement of persons with disability;
 - (iii) in nature and style that can easily be merged with village buildings; and
 - (iv) in permanent nature and built within reasonable distance with the community and essentials of life, including water, food, arable land, medical services and other utilities;
- (b) the food is of:
 - (i) a standard approved by the relevant authorities;
 - (ii) a standard that complies with the necessary standards;

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- (c) beddings, clothes and articles of similar nature are compatible to the relevant health standards;
- (d) healthy, sanitation and safety of the settlement;
- (e) availability of communication tools to ensure accessibility of public information;
- (f) availability of social amenities to guarantee the right of worship, recreation, sports and leisure;
- (g) accessibility to education and vocational training opportunities; and
- (h) the funds under his control are sufficient to run the settlement and provide for the persons living therein.

Agree-
ment of
transfer

32. The Government or Local Government authority which maintains a settlement for persons with disabilities may enter into agreement with any person for purposes of transferring the maintenance of such settlement from the Government or Local authority, as the case may be.

PART VII

BARRIER FREE MOVEMENT AND COMMUNICATION

Free
move-
ment

33. A persons with a disability shall have a right to free movement as provided for in the Act.

Adequate
support
services

34. The Minister shall, i collaboration with Local Government authorities, civil societies and other relevant stakeholders, endeavour to undertake appropriate measure to ensure that persons with disabilities have adequate support services, particularly personal assistance, assistive devices provision, and sign language interpreter services to facilitate their free movement within the communities.

Driving
and road
safety
matters

35. The Minister shall, in collaboration with the Ministers responsible for home affairs, transportation services and other relevant stakeholders:

- (a) take appropriate measures under the Act to ensure availability of adopted motor vehicles for persons with disabilities;
- (b) facilitate persons with disabilities to obtain driving trainings and licenses;

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(c) ensure road signs and symbols are made to cater for safety and needs of persons with disabilities; and

(d) ensure auditory signals are fixed in traffic lights, elevators in the public building and other public premises.

36. It shall be the responsibilities of all public transport providers to use motor vehicles, train and vessels which are physically accessible to persons with disabilities.

Accessible
transport
facilities

37.-(1) All planners responsible for urban plans, infrastructure and outdoor spaces shall take into consideration barrier-free standards.

Barrier
free
standards

(2) Every engineer, contractor and consultants dealing with construction activities shall take into consideration universal design standards for planning and construction infrastructures and public buildings.

38. The Minister shall, in collaboration with the Council, Ministers responsible for public buildings, infrastructure and other relevant stakeholders, develop construction code on barrier free compliance pursuant to the requirements of the Act.

Construc-
tion codes

39. The Minister shall, in collaboration with civil society organisations and other relevant stakeholders, raise awareness within the community, public and private construction entities on free movement for persons with disabilities as a legal right under the Act.

Awareness
raising

PART VIII

EMPLOYMENT FOR PERSONS WITH DISABILITIES

40.-(1) Employers with the workforce of twenty or more employees shall employ persons with disabilities based on a quota system and shall ensure that three *per centum* of the quota constitutes persons with disabilities.

Employ-
ment

(2) Notwithstanding the provision of sub regulation (1), employers with the workforce of less than twenty employees shall give employment to persons with disabilities without quota system requirement.

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(3) Employers shall not discriminate against employees who are persons with disabilities where they require special facilities to satisfactorily perform their jobs.

Register
of
employers

41.-(1) The Minister shall, in collaboration with Ministers responsible for labour, the Public Service, local government authorities, Association of Tanzania Employers (ATE), private institutions, and other relevant stakeholders, identify, prepare and maintain employers register for effective monitoring the implementation and compliance with employment requirements for persons with disabilities as provided for in the Act.

(2) The employers register shall be kept and maintained by the Commissioner and shall be as set out in the Fourth Schedule to these Regulations.

Lodging
complaint

42.-(1) Any person who has been denied an employment opportunity by any employer on the ground stipulated in section 31(3) of the Act may lodge complaint to the Minister and the Council.

Cap. 300

(2) Subject to the provision of subregulation (1), where the decision of the Minister or the Council is in favor of the complainant, the employer concerned shall be ordered to offer employment to such complainant.

Cap. 300

(3) Any aggrieved person on the decision made by the Minister or the Council may refer the matter to the relevant labour institutions as provided for by Labour Institutions Act.

Job
accomoda-
tion

43.-(1) Job accommodation in relation to employment shall be interpreted to include:

- (a) making existing facilities used by employees readily accessible and used by employees with disabilities;
- (b) job restructuring, modifying work schedules or reassignment to a vacant position;
- (c) acquiring or modifying equipment or assistive devices, adjusting or modifying tests, training materials or policies; and
- (d) providing sign language interpreters or readers to employees who have hearing impairments visual impairment or have low vision.

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(2) It shall be the duty of every employer to make job accommodation at the work place to meet the needs of persons with disabilities and perform effectively their work.

(3) It shall be the duty of employees with disabilities to report to the Minister and the Council on the failure of the employer to provide job accommodation.

(4) The report under sub-regulation (3) shall indicate the evidence that:-

(a) the persons is in need of job accommodation;

(b) the employer is aware of that person's needs; and

(c) with job accommodation, the persons could perform the essential of that particular job.

(5) The Minister and the Council shall, upon receipt and being satisfied with the complaint from employee with disability as specified in sub-regulation (3), intervene to ensure that job accommodation is provided.

(6) Failure to provide job accommodation shall be interpreted as a form of discrimination in employment opportunities and shall be punishable as Offence under the Act.

44.-(1) Every employer shall, whether in public or private give equal opportunities for career advancement to all employees irrespective of their disability status.

Career advancement

(2) Any employee with disability shall endeavor to explore available opportunities for his career advancement.

45.-(1) Every employer shall ensure that job interviews involving persons with disabilities consider-

Conducting a job interview involving persons with disabilities

(a) in the case of oral interview, if:

(i) the applicant has hearing impairment, sign language interpreters is available;

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- (ii) the applicant is a deaf or blind, tactile sign interpreters is allowed to assist him;
- (iii) the applicant has visual impairment personal assistance or any other form of guidance is allowed to lead him to the interview place;
- (iv) the applicant has a physical impairment and it is not possible for him to climb upstairs, special arrangement is made to interview such applicant in a physically accessible place;
- (v) the applicant has albinism impairment, arrangements is made to conduct interview in a place where he can not face direct sunlight;
- (b) in the case of written interviews, arrangement is made to ensure that written equipment for persons with disabilities concerned are made available.
- (2) In order to increase the number of persons with disabilities in the work force, it shall be the responsibility of every employer whether public or private to employ affirmative actions in the recruitment process.

Training
for self
employ-
ment
activities

46.-(1) The Minister shall, in collaboration with Ministers responsible for labour, local government authorities, community development, finance, industries and trade, civil society and other relevant stakeholders, mobilise and train youth and adults persons with disabilities to undertake self employment activities.

(2) In order to secure employment and income, the persons with disabilities shall be eligible to access loans, grants and other necessary support from available micro finance institutions and the Government funds specifically allocated for the disadvantaged groups and the poor.

Require-
ment for
employers

47. Employers shall, whether in public or private sector, endeavour to learn, understand and promote skills, merit, working abilities and contributions made by persons with disabilities to the workplace and in the labour market.

PART IX
ACCESSIBILITY

48.-(1) Subject to the provisions of sections 35 and 49 of the Act, all public buildings, premises, transport services, stations and platform services and other recreational activities shall be made accessible to persons with disabilities.

Public
buildings
to be
accessible

(2) Notwithstanding subregulation (1), all new buildings and spaces shall be accessible pursuant to accessibility standards set under the Act.

(3) All owners and managers of existing public buildings which are not accessible to persons with disabilities shall ensure that modification and adaptations are made to ensure that exterior and interior parts of the buildings are fully accessible.

49. The Council shall, in collaboration with the Minister responsible with public buildings and premises, prepare codes for public building to ensure:

Standard
and
guidelines
on
accessibil-
ity to
public
premises,
transport
facilities
and
sports
other
recre-
ational
activities

- (a) that public buildings are constructed without architectural barriers to all persons with disabilities;
- (b) for buildings with storey, other facilities are be made available and be fully operational to enable persons with disabilities to access the buildings without difficulties, including installation of elevators with signs and symbols, auditory elevators, ramps, excreters and other assistive devices;
- (c) located far away from traffic congested cross roads or corners;
- (d) the surroundings within which a public building is located are friendly to persons with disabilities;
- (e) highways and busy roads have road signs or under bridges which allows easy and free movement;
- (f) dissemination of information relating to meaning and significance of white cane to the drivers and public in general; and
- (g) encourage the availability and purchase of special public vehicles by the Government, local government authorities and other stakeholders which are fitted with facilities for carriage of persons with disabilities.

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Wheel
chairs

50.-(1) A person shall not distribute, sell or offer a wheel chair to any person with disability unless has a permit sought and granted by Commissioner for that purpose.

(2) The Commissioner or an authorised shall not grant any permit referred to under sub-regulation (1), unless the wheel chair meets the standards set or adopted for that purpose.

Accessi-
bility
require-
ment

51.-(1) The Government shall, in collaboration with local government authorities and other stakeholders, endeavour to:-

- (a) mark parkings areas;
- (b) install automatic doors in public buildings;
- (c) make public places accessible; and
- (d) improve accessibility in housing.

2. The Government shall develop programmes to ensure that planners, architects and construction engineers have acces to adequate information on disability policy and measures to achieve accessibility.

Recogni-
tion of
other
means of
commu-
nication

52. The Government shall endeavour to recognize:-

- (a) sign language as official language for deaf;
- (b) braille as official communication means for the visually impaired persons; and
- (c) tectile signs as official communication means for deaf blind persons.

Obliga-
tion to
certain
persons

53.-(1) It shall be general responsibility of providers of telecommunications services to ensure that such equipment and services are accessible to and usable by persons with disabilities.

(2) The Minister shall, for the purpose of this Part and in collaboration with other relevant authorities, provide specific obligations with which telecommunication carriers, equipment manufacturers and broadcasting proprietors complies with.

54. The Minister shall, in consultation with the Council and other relevant stakeholders:-

Strategies
on
informa-
tion

(a) develop strategies to make information services and documentation accessible to different groups of persons with disabilities; and

(b) establish the use of accessible technology, products and services related to information and mass communication for persons with disabilities.

PART X

INDEPENDENCE INTEGRATION AND INCLUSION

55.-(1) Subject to the provisions of sections 15(3) and 61(f) of the Act, all persons with disabilities shall have right to live independently in their community and be entitled to access all available public assistance and services.

Living
independ-
ently for
persons
with
disabili-
ties

(2) All public or civil society officers in-charge of day to day community affairs shall provide community support services to persons with disabilities to enable them to live independently in the community.

(3) In order to ensure accessibility to a wide range of community social support and inclusion services by persons with disabilities, the Minister shall, in collaboration with the Council, develop guidelines to be used for community development plans and budgeting processes.

(4) Every Municipal or District council shall approve the development plans and budgets with disability inclusion aspects responsive to supporting independent living of persons with disabilities in their areas of jurisdiction.

56.-(1) Any head of the public body, development organizations or private entity responsible for development program shall ensure disability inclusiveness and integration of persons with disabilities within their mandates.

Inclusion
of
persons
with
disabili-
ties

(2) The Minister shall, in collaboration with Council, develop guidelines and training manuals for promoting full inclusion and effective participation of persons with disabilities in all community aspects of life.

Persons With Disabilities (General)

GN No. 152 (contd.)

PART XI

PARTICIPATION OF PERSONS WITH DISABILITIES IN POLITICAL AND PUBLIC LIFE

Setting up
criteria
and
proce-
dures for
election

57. Subject to the provisions of section 51(3) (a) (viii) of the Act, eligibility criteria for the election or appointment of persons with disabilities to representation in all decision and policy making organs or bodies shall be based on-

- (a) attainment of the age of eighteen years;
- (b) citizenship of Tanzania;
- (c) minimum level of primary school education;
- (d) being communicate and consult others through recognized means and modes;
- (e) respect of principles of democracy and good governance;
- (f) gender consideration;
- (g) capability to collaborate with others;
- (h) good reputation;
- (i) ability to influence, motivate and enable other persons to contribute to the National Development Goals;
- (j) competence and experience on disability domain;
- (k) ability to speak Kiswahili or English languages; and
- (l) be a member of organization of, and for persons with disabilities.

Appoint-
ment of
persons
with
disabili-
ties in
decision
and
policy
making
bodies

58.-(1) Where a vacancy occurs in any decision or policy making organs, bodies position, an appointing authority shall apply and have regard to the criteria provided in the Act.

(2) Any appointing authority shall treat the requirements stipulated in sub-regulation (1) as the minimum requirements.

Affirma-
tive
action

59. The Minister shall, in consultation with the Minister Responsible for local government authorities and develop guidelines and procedures

for the use of affirmative action or special arrangements to elect persons with disabilities in the elective positions.

PART XII

SOCIAL PROTECTION FOR PERSONS WITH DISABILITIES

60. Subject to the provision of section 54 of the Act, all persons with disabilities shall be entitled to access benefits and services available under the existing social security and protection schemes.

Provision of social security and protection schemes

61. The Minister shall, in consultation with the Council and relevant stakeholders, develop guidelines and eligibility criteria for persons with disabilities to receive benefits and services from existing social security and protection schemes.

Guideline and eligibility criteria

62.-(1) In order to ensure accessibility and affordability to social protection schemes by persons with disabilities, all social security schemes shall review and improve their policies and premiums to address benefits and services coverage for persons with disabilities.

Provision of affordable services and support to persons with disabilities

(2) In effecting the requirements under sub-regulation (1), all social security schemes shall consider:-

- (a) simple and affordable modalities to enable persons with disabilities to pay compulsory contributions to the schemes;
- (b) provision of subsidies by the Government to support social protection schemes that provides disability support pensions and living allowances for persons with severe impairments, inability to work and who need special care for their survivals; and
- (c) encourage private companies and corporations to allocate appropriate funds payable under corporate social responsibility to cater for social protection for persons with disabilities.

Persons With Disabilities (General)

GN No. 152 (contd.)

Accessi-
bility to
social
protec-
tion
progra-
mmes by
persons
with
disabilities

63. Every head of a private company shall have a general responsibility to allocate appropriate funds payable under corporate social responsibility to cater for social protection for persons with disabilities.

Persons
with
disabili-
ties in
accessing
grants
and credit
services
for
income
generat-
ing
activities

64. Persons with disability shall not be denied right to access social protection including grants, credit services and public housing programmes.

PART XIII

RESPONSIBILITIES OF LOCAL GOVERNMENT AUTHORITIES, PRIVATE SECTOR,
COMMUNITY AND OTHER INSTITUTIONS

Responsi-
bility of
local
govern-
ment
authori-
ties

65.-(1) Every local government authority shall, where necessary and in accordance with the relevant provisions of the Act, modify the existing system of social services delivery with a view to upgrading the quality of services and be accessible to persons with disabilities.

Persons With Disabilities (General)

GN No. 152 (contd.)

(2) The Minister shall, in collaboration with Ministers responsible for local government authorities and the Council, develop a strategy to guide local government policies, by-laws and services impacting on people with disabilities to enable effective and equal participation of persons with disabilities in their areas of jurisdiction.

(3) Every local government authority shall endeavour to collaborate, in collaboration with private to, civil society organisations and other relevant stakeholders, provide partial compensation for lost income for parents of children with severe mental or physical impairment who are under the age of eighteen.

(4) It shall be the responsibility of every local government authority to establish conditions for accessibility and non-discrimination of persons with disabilities within their areas of jurisdiction in all necessary walk of life that enables them to earn their living in more appropriate manner.

66. Every private person shall implement rights of persons with disabilities as provided for in the Act and in these Regulations.

Responsibilities of private sectors, community, civil society and other institutions

PART XIV

FEES, CHARGES AND OTHER FINANCIAL PROVISIONS

67.-(1) All fees and charges payable under section 57(2) of the Act shall be determined by the Council as it may consider appropriate.

Paying fees

(2) All funds which shall be received by the council from various sources as set out under sections 31(1) and 57(2) of the Act shall be kept in separate bank account under the management of the Commissioner.

Persons With Disabilities (General)

GN No. 152 (contd.)

(3) There shall be signatories to the bank accounts of the Council to be appointed by the Minister after consultation with the Council.

(4) For effective operations of the Council and utilization of the funds for purposes and objectives provided under the Act, the Minister shall, in collaboration with Council, develop and maintain a Financial Manual of the Council.

(5) The Controller and Auditor General shall, annually, carry out financial auditing for expenditure incurred by the Council and the Fund.

PART XV
COMPLAINT PROCEDURE

Lodging
com-
plaints

68. These procedures shall apply to complaints related to:

- (a) deprivation of the rights of persons with disabilities; and
- (b) non-compliance of laws, guidelines or instructions made or issued by the Minister and protection of the rights of persons with disabilities.

Who may
lodge a
com-
plaint

69. The Commissioner, the Council, an authorized officer, a person with disability or a legal representative shall have a right to lodge a complaint under regulation 68.

Procedure
for
handling
com-
plaints

70.-(1) Any person under regulation 68 may lodge a written complaint on the violation of the rights of persons with disabilities or non-compliance of their implementation as stipulated in section 47 of the Act and these Regulations.

(2) All complaint shall be submitted to the secretariat of the Council during normal working hours.

(3) A complaint lodged under this regulation shall describe in detail:

- (a) full name and address of the complainant;
- (b) nature of the claim;
- (c) to whom the complaint is made against;

Persons With Disabilities (General)

GN No. 152 (contd.)

- (d) place and cause of action;
- (e) remedies prayed for;
- (f) date and signature of the complainant; and
- (g) any other relevant information which may be required by the Council.

71. Upon receipt of the complaint in terms of regulation 70, the Council shall, within thirty days and in writing, make decision and communicate decision to concerned parties.

Handling
of
com-
plaint

72. The Council shall not entertain any complaint which has been lodged to, or previously determined by a court or a tribunal.

Limita-
tion of
handling
com-
plaints

PART XVI
GENERAL

73.-(1) Each sectoral plan to be made by relevant Ministry under the Act shall be coordinated by a designated disability desk or unit in such Ministry.

Coordi-
nation

(2) It shall be the responsibility of the head of each department or division to establish in its administrative structure the disability coordination services desk or unit.

(3) The Secretariat of the Council shall be overall multisectoral coordination services unit of the disability matters as provided for in the Act.

Persons With Disabilities (General)

GN No. 152 (contd.)

FIRST SCHEDULE

(Made Under Regulation 13(5))

THE UNITED REPUBLIC OF TANZANIA

PD FORM NO. 001

MINISTRY OF HEALTH AND SOCIAL WELFARE
EXTRA TIME TO BE AFFORDED TO PUPILS AND
STUDENTS WITH DISABILITIES

<i>S/N</i>	<i>Type of Disability</i>	<i>Primary School Level</i>	<i>Extra Time Afforded</i>
1.	Visually impaired		
2.	Hearing Impaired Persons		
3.	Deaf and blind person		
4.	Autistic person		
5.	Physically impaired person		
6.	Albino		
7.	Mental Handicapped		

<i>S/N</i>	<i>Type of Disability</i>	<i>Secondary school Level</i>	<i>Extra time Afforded</i>
1.	Visually Impaired		
2.	Hearing Impaired Persons		
3.	Deaf and blind person		
4.	Autistic person		
5.	Physically impaired person		
6.	Albino		
7.	Mental Handicapped		

Persons With Disabilities (General)

GN No. 152 (contd.)

<i>S/N</i>	<i>Type of Disability</i>	<i>Higher Education Level</i>	<i>Extra Time Afforded</i>
1.	Visually Impaired		
2.	Hearing Impaired Persons		
3.	Deaf and Blind person		
4.	Autistic person		
5.	Physically impaired person		
6.	Albino		
7.	Mental Handicapped		

<i>S/N</i>	<i>Type of Disability</i>	<i>Interviews</i>	<i>Extra time Afforded</i>
1.	Visually Impaired		
2.	Hearing Impaired Persons		
3.	Deaf and Blind person		
4.	Autistic person		
5.	Physically impaired person		
6.	Albino		
7.	Mental Handicapped		

Persons With Disabilities (General)

GN No. 152 (contd.)

SECOND SCHEDULE

(Made Under Regulation 29(2))

THE UNITED REPUBLIC OF TANZANIA

PD FORM NO. 002

MINISTRY OF HEALTH AND SOCIAL WELFARE
REGISTRATION OF PERSONS WITH DISABILITIES

TO.....

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

APPLICATION FOR A SETTLEMENT

1. Name of person:

2. Physical Address:

3. Postal Address:

4. Sex:

F

M

Persons With Disabilities (General)

GN No. 152 (contd.)

5. Date of birth / /

6. Number of Children

i. Ages

ii. Education levels

.....

7. Type of Disability:

8. Reason (s) for application of a settlement:

9. Name of settlement applied for:.....

10. Nature of settlement: Government, Institution, Private Company

(a) Temporary:

(b) Permanent:

11. I, applying for a settlement mentioned herein above do hereby declare that the statement given above is true to my knowledge and I am in need of such settlement.

12. In case the application is being made on behalf of the person with disability.

i. Name.....

ii. Address.....

iii. Relationship.....

Certification

I.....certify that

(name).....who is known to me

Persons With Disabilities (General)

GN No. 152 (contd.)

personally/ was introduced/ was found by me in the course of.....

.....is in need of settlement.

District committee's.

opinion.....

Name.....Date.....

Place.....Title.....

Signature.....

Seal

Social Worker's recommenda-

tions.....

THIRD SCHEDULE

(Made Under Regulation 30(2))

THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF HEALTH AND SOCIAL WELFARE

PD FORM NO. 003

REGISTER OF SETTLEMENTS FOR PERSONS WITH DISABILITIES

1. Name of Settlement.....

2. Permanent Transit Home.....

.....

.....

Persons With Disabilities (General)

GN No. 152 (contd.)

Address:

- I. Postal Address.....
- II. Physical Address.....
- III. Email.....
- IV. Telephone.....
- V. Name of Owner and Administering Agency

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

3. Capacity of intake.....

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

4. Main types of disability of inmate.....

.....
.....

5. Source of Income.....

.....

6. Activities undertaken at the settlements

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

Persons With Disabilities (General)

GN No. 152 (contd.)

7. Buildings available

- a. Administration number.....
- b. Female Dormitories.....
- c. Male Domitories.....
- d. Roundly.....
- e. Dispensary.....
- f. Day Care Centre.....
- g. Spiritual Hall.....
- h. Kitchen.....
- i. Public Toilets.....
- j. Literacy Classes.....
- k. Recreation area.....

8. Accessibility and assistive devices available

.....

.....

.....

.....

.....

9. Personnel available

Administrators:

- a.
- b.
- c.

Persons With Disabilities (General)

GN No. 152 (contd.)

Social Work Personnel:

- a).....
- b).....
- c).....

Health Personnel:

- a).....
- b).....
- c).....

Supporting Staff:

- a).....
- b).....
- c).....

Declaration of Applicant:

I..... declare that:

- a) the information in this application is true and correct to the best of my knowledge and belief.

Date: _____ Signature of applicant:

Designation/ Title.....

Signature of the Commissioner.....Date.....

Seal.....

FOURTH SCHEDULE

(Made Under Regulation 41(2))

THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF HEALTH AND SOCIAL WELFARE

Persons With Disabilities (General)

GN No. 152 (contd.)

PD FORM NO. 004

REGISTER OF EMPLOYERS

Name of the Region.....

Name of the Council.....

Name of the person filling the register.....

Designation.....

Telephone Number.....

Address.....

S/N	Name of Employer	Physical Address	Type of Business Undertaking	Number of Employees	No. of Employees with Disabilities
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					

Dar es Salaam,
17th April, 2012

HADJI H. MPONDA,
*Minister for Health and
Social Welfare*