

THE PERSONS WITH DISABILITIES ACT, 2010**ARRANGEMENT OF SECTIONS**

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SCHEDULES

THE UNITED REPUBLIC OF TANZANIA



NO. 9 OF 2010

I ASSENT,

President

20th May, 2010

An Act to make provisions for the health care, social support, accessibility, rehabilitation, education and vocational training, communication, employment or work protection and promotion of basic rights for the persons with disabilities and to provide for related matters.

ENACTED by Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY PROVISIONS

Short title

1. This Act may be cited as the Persons with Disabilities Act, 2010 and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

Application

2. This Act shall apply to Mainland Tanzania.

Interpreta-
tion

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

“accessibility” means enabling or allowing a person with disability to have access directly or indirectly to benefits of public social services in all spheres of society and it includes access to information, communication and physical environment such as tactile and sign language, interpretation for deaf and deaf blind persons, audio tapes, braille, large print, low vision facilities, computerized information and programmes and making physical environment in buildings, public transport, roads and streets accessible for persons with disabilities;

“authorized officer” means any officer appointed by the Commissioner in writing, either generally or specifically, to act in matters of any specified kind;

“civil society” means a non-governmental actor including a Community Based Organization, Non-Governmental Organization, Faith Based Organization, organization of and for persons with disabilities, private sector organization, trade union and a professional organization;

“Commissioner” means the Commissioners for Social Welfare;

“Committee” means -

- (a) when used in relation to a village, the Village Committee;
- (b) when used in relation to Mtaa, the Mtaa Committee;
- (c) when used in relation to a Council, the Council Committee; and
- (d) when used in relation to a region, the Regional Committee;

“communication” includes spoken and sign languages, display of text, braille, tactile communication, large print, accessible multimedia as well as written, audio, plain, language, human reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology;

“Council” means the National Advisory Council for Persons with Disabilities established under section 8;

“disability” in relation to an individual means loss or limitation of opportunities to take part in the normal life of the community on an equal level with others due to physical, mental or social factors;

“discrimination” means any distinctions, exclusion or restriction on the basis of disability which has the purpose, effect or impairing or nullifying the recognition, enjoyment or exercise on equal basis of human rights and fundamental freedom in the political, economic, social, cultural, civil or any other field and includes all forms of discrimination and denial of reasonable accommodation;

“discriminate” means any distinction, exclusion or restriction to different persons solely or mainly as a result of their disabilities and includes words, gestures or caricatures that demean, scandalize or embarrass persons with disabilities by-

- (a) treating such a person less favourably from a person without disability;
- (b) treating such a person with one type of disability less favourably from a person with another type of disability;
- (c) requiring such a person to comply with a requirement or condition which a person without disability may have an advantage over; or
- (d) failure to effect affirmative action;

“employee” means an individual who -

- (a) has entered into a contract of employment; or
- (b) has entered into any other contract under which -
 - (i) the individual undertakes to work personally for the other party to the contract; and
 - (ii) the other party is not a client or customer or of any profession, business or undertaking carried on by the individual; or
- (c) is deemed to be an employee under the provisions of the Employment and Labour Relations Act;

“employer” means any person who have entered into a contract of service to employ any person or group of persons and it shall include employee defined and recognized under other existing written laws;

“Fund” means the National Fund for Persons with Disabilities established under section 54 of this Act;

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“heritage site” shall have the meaning ascribed to it under the Antiquities Act;

“inclusion” means the process whereby people or society value and respect diversity as part of life, hence minimize barriers in order to accommodate persons with disabilities to participate in, and contribute to that society;

“inclusive school” means a place where barriers have been removed to enable students with disabilities to learn and participate effectively within the general school system;

“integration” means a level of involvement and acceptance of person with a disability in the community;

“job accommodation” means appropriate measures to design and adapt work places and work premises in such a way they become accessible to persons with disabilities;

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and 288

“local government authority” shall have the meaning ascribed to it under the Local Government (District Authorities) Act and Local Government (Urban Authorities) Act;

“Minister” means the Minister responsible for persons with disabilities;

“mental disability” means inability to meet individual and societal needs by reason of emotional and mental retardation;

“organisation for persons with disabilities” means an association or a society formed by non-disabled individuals interested in the field of disability registered under the relevant laws in order to promote and protect the rights, well being and dignity of persons with disability;

“organization of persons with disabilities” means an association or a society formed by persons with disabilities registered under the relevant laws in order to promote and protect the rights, well being and dignity of persons with disabilities;

- “person with disability” means a person with a physical, intellectual, sensory or mental impairment and whose functional capacity is limited by encountering attitudinal, environmental and institutional barriers;
- “positive discrimination” means policies and practices which favour persons with disabilities;
- “public building” means building or part of a building, to which members or the public generally have access and which is occupied, managed or controlled by the Government or private person which provides services to the public;
- “reasonable changes” means necessary, appropriate and adjustments offered in a manner that does not impose a disproportionate burden, where needed in a particular case, to ensure persons with disabilities enjoy or exercise on an equal basis with others all human rights and fundamental freedoms;
- “rehabilitation” means combined efforts in the domain of health, education, vocational training, psychology, public awareness and work including community based rehabilitation intended to raise the functional level of a person with disability so as to enable him, take part in the normal life of the community;
- “relative” means a person who is related to a person with disability by blood, marriage or adoption;
- “settlement” means a public building established for the purpose of providing welfare requirements of the needy persons with disabilities;
- “social protection” means family or community support structures, and interventions by state or non-state actors that support individuals, households and communities to prevent, manage, overcome the risks threatening their security and well-being;
- “social support” means a support or assistance given to a person with disability in order to help that person to cope with his situation in a given environment.

PART II

PRINCIPLES AND OBLIGATION FOR REALISATION OF THE RIGHTS OF PERSONS WITH DISABILITIES

Basic
principles

4. The principles of this Act shall be -

- (a) respect for human dignity, individual's freedom to make own choices and independency of persons with disabilities;
- (b) non discrimination;
- (c) full and effective participation and inclusion of persons with disabilities in all aspects in the society;
- (d) equality of opportunity;
- (e) accessibility;
- (f) equality between men and women with disabilities and recognition of their rights and needs; and
- (g) provide basic standard of living and social protection.

Obligation
for
realization
of the rights
of the
persons
with
disabilities

5.-(1) The Minister shall take appropriate steps to ensure and promote the realization of all rights and freedoms of persons with disabilities without discrimination and shall, in that respect –

- (a) undertake measures to effectively comply with the rights of persons with disabilities as provided for under this Act;
- (b) take appropriate steps to ensure the realization of the rights of persons with disabilities in all national policies, programmes and legislation;
- (c) refrain from engaging in any act or practice that is inconsistent with provisions of this Act, and to ensure that public authorities and institutions at all levels act in conformity with this Act;
- (d) take all appropriate measures to eliminate discrimination on the basis of disability by any persons, private or public;
- (e) in collaboration with relevant institutions, undertake and promote researches in relation to disabilities, development, availability and use of:
 - (i) universally designed goods, services, equipment and facilities to meet specific needs of persons with disabilities, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with a disability and to promote universal design in the;

development of standards and guidelines

- (ii) new technologies, including information and communication technologies, technical aids, devices, assistive technologies suitable for persons with disabilities, giving priority to technologies at an affordable cost;
- (f) provide accessible information to persons with disabilities on technical aids, devices and assistive technologies, including new technologies as well as other forms of assistance, support services and facilities; and
- (g) promote the training of professionals and staff who are working with persons with disabilities on their rights, as recognized in this Act so as to provide better assistance and services guaranteed by those rights.

(2) The Minister shall take appropriate legislative and administrative measures available, with a view to achieving the full realization of rights of persons with disabilities as set out under the provisions of this Act.

(3) In the development and implementation of the rights under this Act, and in other decision making processes concerning issues relating to persons with disabilities the Minister shall consult representative organizations and other established mechanisms.

(4) The standards provided in this Act shall be minimum standards for realization of rights of persons with disabilities and, without prejudice to their rights, individually or collectively, through their organizations or other legitimate entities.

Equality
and non
discrimina-
tion

6. The Government shall -

- (a) ensure that all persons with disabilities are equal, and are fully entitled without any discrimination to the equal protection and benefits of this Act;
- (b) prohibit all forms of discrimination on the basis of disability and guarantee the persons with disabilities equal and effective legal protection against discrimination on all grounds; and
- (c) for purposes of promoting equality and elimination of all forms of discrimination, take all appropriate

measures to ensure that reasonable changes are provided to persons with disabilities of all ages and gender.

Awareness
raising

7. The Minister shall, in collaboration with civil societies and other actors, undertake appropriate measures to -

- (a) raise public awareness throughout the society regarding the potential, contributions and rights of persons with disabilities and to foster for their rights and dignity;
- (b) combat stereotypes, prejudices and harmful practices relating to persons with disabilities in all aspects of life; and
- (c) promote awareness of the abilities, talents and contributions of persons with disabilities in order to enhance the level of awareness in the society about persons with disabilities by-
 - (i) initiating and maintaining effective public awareness campaigns designed to -
 - (aa) nurture receptiveness to the rights of persons with disabilities;
 - (bb) promote positive perceptions and greater social awareness towards persons with disabilities; and
 - (cc) promote recognition of the skills, merits, abilities and contribution of persons with disabilities to the workplace and the labour market;
 - (ii) fostering at all levels of the education system, including children of early age, an attitude of respect for the rights of persons with disabilities;

- (iii) encouraging all organs of the media to portray persons with disabilities in a manner consistent with this Act; and
- (iv) promoting awareness and training programmes in relation to persons with disabilities and their rights.

PART III INSTITUTIONAL ARRANGEMENT

Establishment of the National Advisory Council

8.-(1) There is established a Council to be known as the National Advisory Council for Persons with Disabilities.

(2) All members of the Council other than the Chairman shall be appointed by the Minister.

(3) The Commissioner shall be the officer incharge of the day to day functions of the Council and head of the Secretariat.

Functions and powers of the Commissioner

9. The functions and powers of the Commissioner shall be to -

- (a) maintain the register of persons with disabilities;
- (b) register and maintain a register of settlements for persons with disabilities;
- (c) determine the form and entries to be included in the registers;
- (d) suspend or revoke registration of settlements for persons with disabilities;
- (e) order re-accommodation of persons with disabilities to any institution with suitable facilities;
- (f) issue licence for settlement for persons with disabilities;
- (g) monitor funds disbursed by the Council;
- (h) coordinate the works of authorized officers;
- (i) direct, order and receive quarterly report from the organizations of, and for person with disabilities;
- (j) submit periodic reports to the Council;

- (k) inspect facilities providing services to persons with disabilities for the compliance of the provisions of this Act;
- (l) enter into any premises for the purpose of investigating the compliance of this Act; and
- (m) carry out any other duty as may be directed by Minister or the Council.

Objectives
of the
Council

- 10.** The objectives of the Council shall be to -
- (a) promote the implementation and the equalization of opportunities for persons with disabilities;
 - (b) advise on the impact of policies and programmes designed for equality and full participation of persons with disabilities;
 - (c) advocate for, and promote effective service delivery and collaboration between service providers and persons with disabilities;
 - (d) advise on the enactment of laws and the reviewing of existing laws with a view to complying with the equalization of opportunities; and
 - (e) encourage best practices in the treatment of persons with disabilities in all aspects of life.

Composi-
tion of the
Council

- 11.**(1) The Council shall be composed of -
- (a) a Chairman to be appointed by the President;
 - (b) a representative of the Attorney General;
 - (c) a representative from Ministries responsible for -
 - (i) health;
 - (ii) local government authorities;
 - (iii) public service management;
 - (iv) community development;
 - (v) labour;
 - (vi) education;
 - (d) a representative of the Association of Tanzania Employers;
 - (e) a representative from the apex organization of persons with disabilities;
 - (f) one member from the Commission for Human Rights and Good Governance; and

- (g) five other members to be appointed by the Minister from organizations of persons with disabilities.
- (2) The Commissioner shall be the Secretary to the Council.
- (3) The Council may co-opt any person during its meetings for the purposes of giving advice on any matter which is the subject of consideration.
- (4) Matters relating to tenure of office, meetings and other procedural matters of the Council shall be as set out in the First Schedule to this Act.

Functions of
the Council

12.-(1) The functions of the Council shall be to-

- (a) act as national advisory body through which the needs, problems, concerns, potentials and abilities of persons with disabilities can be communicated to the Government and its agencies, for action;
- (b) advise the Minister on matters relating to care and maintenance of persons with disabilities;
- (c) advocate for the promotion of, and the encouragement of activities undertaken by institutions, organizations and individuals for the promotion and development of programmes and projects designed to improve the lives and situations of persons with disabilities;
- (d) advise on possible measures to prevent discrimination;
- (e) advise on preparation of code of conduct for effective implementation of relevant provisions of this Act;
- (f) recommend ways and means of controlling the unnecessary increase of persons with disability in Tanzania;
- (g) advise the National Electoral Commission on how persons with disabilities can fully participate and benefit in elections;
- (h) advise on the establishment of a data base for keeping records of persons with disabilities and their institutions, and in this respect seek the assistance of the Commissioner in relation to registers and other statistical data of persons with disabilities;

- (i) endeavour to secure the reservation of casual and contractual positions in the private and public sectors for persons with disabilities;
 - (j) recommend exemption and reliefs for persons with disabilities to the Government;
 - (k) monitor and evaluate the implementation of this Act in relation to the Convention on the Rights of the Persons with Disabilities; and
 - (l) perform any other functions relating to implementation of this Act as the Minister may determine.
- (2) Notwithstanding the provision of subsection (1), the Council may advise the Government on -
- (a) formulation of programmes which may secure the education and social integration and inclusion of persons with disabilities;
 - (b) all matters relating to the promotion of the welfare of the persons with disabilities;
 - (c) co-ordination of policies, programmes and the provision of grants relating to the persons with disabilities;
 - (d) the promotion of the collection and dissemination of information relating to programmes, services, facilities, goods, housing and accommodation for persons with disabilities and the maintenance of inventories thereof;
 - (e) the training or facilitation of the training of persons such as councilors and administrators who shall carry out programmes for the vocational rehabilitation of persons with disabilities;
 - (f) prevention of discrimination against persons with disabilities resulting from or arising out of their disabilities;
 - (g) provision of assistive devices, appliances and other equipment to persons with disabilities;
 - (h) provision of tax exemptions to importers of appliances and other equipment for use of persons with disabilities;

- (i) provision of any international treaty or agreement relating to the rights of persons with disabilities and its benefits to the country; and
- (j) any other matters relating to the promotion and protection of the rights and development of persons with disabilities.

Sources of
Funds of the
Council

13.-(1) The sources of funds for purposes of operations of the Council shall be:

- (a) moneys to be appropriated by the Parliament; and
 - (b) any other funds legally acquired.
- (2) The report of the Council shall be laid by the Minister before the National Assembly.

Village,
Mtaa,
Council,
District and
Regional
Committees

14.-(1) There shall be in every –

- (a) village or Mtaa, a Village Committee or a Mtaa Committee;
- (b) Council, a Council Committee; and
- (c) region, a Regional Committee.

(2) The composition, functions and proceedings of-

- (a) the Council Committee shall be as set out in the Second Schedule;
- (b) the Regional Committee shall be as set out in the Third Schedule; and
- (c) the Village Committee or Mtaa Committee shall be as set out in the Fourth Schedule and Fifth Schedule; to this Act.

PART IV

INTEGRATION OF PERSONS WITH DISABILITIES

Living
independently
and being
included
in the
commu-
nity

15.-(1) Every person with disability shall be assisted by his local government authority, relative, disability organizations, civil society or any other person to live as independently as possible and be integrated in the community.

(2) A person with disability shall not be forced to live in an institution or in a particular living arrangement including settlement for persons in need of special protection.

(3) The Minister shall, in consultation with the Council, make regulations and take other effective measures as may be necessary to enable and support persons with disabilities to live as independently and fully integrated in the community, including-

- (a) provision of equal opportunity for every person with a disability to choose his place of residence and living arrangements, in accordance with any relevant laws;
- (b) community services for the general public are available without discrimination to persons with disabilities and are responsive to their basic needs; and
- (c) accessibility to a wide range of community based rehabilitation and inclusion services such as in-house, residential and other community support services, including personal assistance, sign language interpretation, necessary to support living and integration in community access to information about available support services, and to prevent community from disability based discriminations.

Obligation
to provide
social
support

16.-(1) Every relative of a person with disability shall have an obligation to provide social support to such person.

(2) Where there is more than one relative of a person with disability, the relatives shall be under collective obligation to provide the social support to such person.

Failure to
provide
reasonable
social
support

17.-(1) Where it is established that a relative neglects to provide reasonable social support to a person with disability the court may, on the application of either the person with disability or a legal representative, order the relative to make monthly payments of such sum as it may deem fit.

(2) The court may, from time to time and by an order, vary or discharge any previous order made under subsection (1).

(3) Where the court makes an order under subsection (1), it may order the relative to secure to the satisfaction of the court, monthly payment to the person with disability and may for that purpose give directions.

Settlement
for persons
with
disabilities

18.-(1) Without prejudice to the provisions of subsection (2), where a person with disability has no relative who can provide for him or due to the nature of his disability needs to be admitted to the settlement and he consents to live in such settlement, he may, subject to the provisions of this Act, be admitted in the settlement.

(2) A person with disability other than a person provided under subsection (1), shall apply in person or through his representative duly appointed by him, to the Council, local government authority or respective settlement for consideration to be admitted in a settlement for persons with disabilities, provided that-

- (a) the person applying is a person with disability within the meaning of this Act;
- (b) the person applying has no relative who can provide for him; and
- (c) owing to special circumstances, the local authority in which he is ordinarily resident cannot facilitate for his social support.

(3) The Minister may, after consultation with the Council and by regulation, prescribe conditions for admission of persons with disabilities in settlements.

Formulation
of
program-
mes

19.-(1) The Minister shall, in consultation with the Council and relevant Ministers, formulate programmes in order to secure integral and inclusive social development of persons with disabilities including their vocational training and rehabilitation.

(2) The programmes provided in subsection (1) may also provide for shelter, employment, marketing, accessibility and innovation.

PART V

SUPPORT SERVICES FOR PERSONS WITH DISABILITIES BY LOCAL GOVERNMENT AUTHORITIES

Duty of local government authorities to safeguard persons with disabilities

20.-(1) A local government authority shall have the duty to safeguard and promote the rights and welfare of a person with disability within its area of jurisdiction.

(2) The social welfare officer in the local government authority shall exercise his functions in relation to the rights and welfare of a persons with disabilities and, can be assisted by such officers of the local government authority as the authority may determine.

(3) The Local government authority through a social welfare officer shall provide counseling to parents, guardians, relatives and persons with disabilities for the purpose of reducing or removing the degree of stigma among them.

(4) The local government authority shall, within its area of jurisdiction, be required to provide assistance to persons with disabilities in order to enable them develop their potential, empowerment and self reliance.

(5) Every local government authority shall have the duty to keep and maintain a register of people with disabilities and shall submit particulars therein to the Commissioner.

Duty to report infringement of rights of a child with disabilities

21.-(1) It shall be the duty of any member of the community who has evidence or information that rights of a child with disabilities are being infringed or that a parent, a guardian or relative having custody of a person with disabilities who is able to, but refuses or neglects to provide the right to play, medical care, leisure and education to report the matter to the local government authority as well as to any other relevant authority of the area.

(2) The social welfare officer may, upon receiving the report, summon the person against whom the report was made to discuss the matter and the decision shall be made by that officer in the best interest of person with disability.

(3) Where the person against whom the report was made refuses to comply with the decision made under sub-section (2), the social welfare officer shall refer the matter to the court which shall

hear the matter and in that respect order the parent, guardian or relative to execute a bond to exercise proper care and guardianship by signing and undertaking to provide a person with disability with any or all of the requirements.

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(4) Procedure for handling any matter under subsection (2) and (3) shall be as prescribed in the Law of the Child Act.

Responsibility of local government authorities

22.-(1) Every local government authority may where necessary, either alone or in collaboration with any person, establish, operate, manage or maintain settlement and services for the protection of persons with disabilities.

(2) Where a local government authority or any institution identifies a person with disability who has no relative to provide for his social support and who is ordinarily resident in the area of its jurisdiction, it shall take care of such person.

PART VI

REGISTRATION OF PERSONS WITH DISABILITIES AND SETTLEMENTS

Register

23.-(1) The Commissioner shall, after consultation with the Council, establish and maintain a register of persons with disabilities and settlements to be known as the Persons with Disabilities Register.

(2) Entries and other alterations in the register shall be made in such a manner as the Commissioner may, from time to time, determine.

(3) The register established under subsection (1) shall only be used for identification and other statistical purposes.

Removal from the register

24. No person with disability shall remove his name from the register while he is still with the disability.

Requirement of registration of settlements for persons

25.-(1) A person shall not establish, operate, manage or maintain a settlement for persons with disabilities unless such settlement has been registered.

with
disabi-
lities

(2) A person who intend to establish, operate, manage or maintain a settlement for persons with disabilities shall apply to the Commissioner for registration of such settlement.

(3) Upon application for registration of premises as a settlement for persons with disabilities, the Commissioner may cause an inspection to be made to such premises.

(4) Except as otherwise provided for under this section, no person shall establish or maintain settlement for persons with disabilities except under and in accordance with a licence issued by the Commissioner.

PART VII

HEALTH CARE, EDUCATION, REHABILITATION AND EMPLOYMENT

Health
care and
rehabi-
litation

26.-(1) Every person with a disability shall have the right to enjoy the attainable standard of health care services without any discrimination.

(2) Every health facility whether public or private shall not deprive a person with disability the right to health care service and shall take all reasonable and necessary measures to ensure access for such person to health services.

(3) Every health facility, public or private shall-

- (a) provide persons with disabilities with the same level and standard of health and rehabilitation services as provided to other citizens, including health counseling, reproductive health, family planning, prenatal and postnatal child care and other general public health services;
- (b) make available basic facilities essential for health and rehabilitation services needed by persons with disabilities in their respective locations; and
- (c) provide all health and rehabilitation personnel, with an appropriate education and training to increase their knowledge, disability sensitive awareness and respect for the rights, dignity and needs of persons with disabilities, in accordance with the provisions of this Act.

- (4) The Minister shall, after consultation with the Council, ensure that -
- (a) a code of ethics for public and private care, which promotes quality care, openness and respect for the rights, dignity and autonomy of persons with disabilities, is put in place and ensure that the service and conditions of public and private health care and rehabilitation facilities are well monitored in that respect;
 - (b) the health and rehabilitation services provided to persons with disabilities, and disclosure of information in that regard is made only after the person concerned has given his free and informed consent, and that health and rehabilitation professionals inform the persons with disabilities of their rights;
 - (c) encourage development of sufficient numbers of health and rehabilitation professionals at all levels including persons with disabilities, covering all disciplines needed to meet the health and rehabilitation needs of such persons and ensure that they have adequate specialized training; and
 - (d) promote effective participation and empowerment of persons with disabilities and their organization in planning, delivering, monitoring and evaluation of health and rehabilitation services.
- (5) A person with disability shall be entitled to provision of effective medical care and measures that prevent occurrence of impairment which may cause permanent functional limitation or disability.
- (6) A person with disability shall be entitled to receive appropriate information related to health in the accessible formats.
- (7) It shall be an offence under the provisions of this Act to deny or discriminate against any person with a disability in relation to access of health care and rehabilitation.

Education and training for persons with disabilities

27.-(1) Persons with disabilities in all ages and gender shall have same rights to education, training in inclusive settings and the benefits of research as other citizens.

(2) Every child with a disability shall have equal rights in relation to admission to the public or private schools.

(3) Every child with disability shall attend an ordinary public or private school except where a need for special communication is required.

(4) A child provided for in subsection (3) shall be provided with appropriate disability related support services or other necessary learning service from a qualified teacher or a teacher assigned for that purpose.

Prohibition of discrimination in learning institutions

28.-(1) Every learning institution shall be under the general obligation not to discriminate against persons with disabilities.

(2) Discrimination shall be implied where an institution -

(a) refuses or fails to accept to admit such person on grounds of his disability;

(b) gives terms and conditions on which it is prepared to admit such a person because of his disability;

(c) denies or limits any person with disability access to any benefit provided by that learning institution;

(d) expels a student or pupil with disability on the grounds of his disability;

(e) discriminates against the person in any other way on the grounds of his disability; or

(f) construct or adapt a school and infrastructures that are not user friendly.

Facilities for special schools

29.-(1) Every manager or owner of a learning institution shall, in respect of admission, take into account the special needs of persons with disabilities.

(2) Any person who owns or establishes a special school for persons with disabilities shall provide adequate facilities for such purposes.

(3) Notwithstanding the provisions of subsection (2), special schools shall be for transitional period towards inclusive schools.

Industrial
rehabili-
tation

30.-(1) The Minister shall, in consultation with the Council, make regulations prescribing industrial rehabilitation courses for persons with disabilities on or above the age of sixteen years in order to render them fit for employment or work on their own or for making use of vocational training courses.

(2) The industrial rehabilitating course provided for under subsection (1) shall consist of facilities where such persons may, under adequate medical supervision and circumstances conducive to the restoration of fitness, obtain physical training exercise and occupation conducive to the evaluation of functional level, and such other incidental facilities as may appear to the Minister to be necessary for enabling persons attending such rehabilitation to obtain full benefit of the courses.

Obligatio
n to give
employ-
ment

31.-(1) Every employer, public or private, shall, where there is a vacant post fit for a person with disability and the person applies for the vacancy, give the employment to the persons with disabilities who meet the minimum qualification for such an employment.

(2) The Minister shall, in consultation with the Minister responsible for labour, make regulations requiring every employer with the work force of twenty and above to employ persons with disabilities based on a quota system and to ensure that three percentum of it constitutes persons with disabilities.

(3) Notwithstanding subsection (2), the employers shall not contravene subsection (2) unless the employer can prove to the satisfaction of the Minister and the Council that-

- (a) after reasonable efforts he has failed to find a person with disability or a qualified person with disability for that post;
- (b) due to the nature of the employment, he could not get a person with disability with the skills or experience required;
- (c) due to the nature of work or the circumstance of the working place it may not be possible to employ a person with disability; and

(d) taking into consideration of the conditions of the person with disability, he is not or would not be able to perform the work adequately as required.

(4) Every employer shall submit an annual report to the Commissioner on the employment status of persons with disabilities employed in his office, workplace, institution or organisation.

Continuance of employment for persons with disabilities

32. For purposes of maintenance and safeguarding employment of persons with disabilities, every employer shall endeavour to maintain employment of the persons with disabilities on his working place.

Prohibition of discrimination in employment

33.-(1) An employer shall not treat a person with disability different from a persons with non-disabilities in relation to-

- (a) advertisement of employment;
- (b) recruitment of persons for employment;
- (c) offering terms or conditions of employment;
- (d) creation, classification or abolition of jobs or posts;
- (e) determination or allocation of wages, salaries, leave or accommodation, and any other similar benefits;
- (f) training, advancement, apprenticeship, transfer, promotion or retrenchment;
- (g) provision of facilities related to or connected with employment; and
- (h) provision of any other benefits or other matters related to employment.

(2) A public or private organization which advertises any employment shall encourage persons with disabilities to apply.

(3) Any employer who discriminates against any person with a disability in relation to employment commits an offence and shall, on conviction, be liable to a fine of two million shillings or imprisonment for a term of two years or both.

Working
environ-
ment

- 34.**-(1) It shall be a duty of every employer to-
- (a) take all necessary measures to improve work environment to prevent injuries and impairment;
 - (b) provide job accommodation and provision of working tools;
 - (c) ensure safe and healthy working conditions for all employees with disabilities;
 - (d) protect employees with disabilities from harassment;
 - (e) permit employees with disabilities to exercise their labour and trade union rights in accordance with any relevant laws; and
 - (f) enable employed persons with disabilities to have effective access to general, technical and vocational guidance and continuing training for their carrier and advancement.
- (2) The Minister shall ensure-
- (a) the promotion of employment for persons with disabilities by applying affirmative action treatment;
 - (b) job retention and return to work for any employee who has obtained disability in a workplace; and
 - (c) reasonable changes is provided to persons with disabilities in the work place.

PART VIII

ACCESS TO BUILDINGS, SERVICES, INFORMATION AND PHYSICAL ENVIRONMENT

Access to
public
buildings

35.-(1) The Minister shall, in consultation with the Minister responsible for buildings and as far as practicable, ensure that every public building and other buildings which provide services to the public are accessible to all persons with disabilities.

(2) The Minister shall, in consultation with the Council, prepare regulations prescribing accessibility of public buildings for the purpose of giving guidance to public and private bodies.

(3) Every public or private body shall comply with the regulations to such extent as is practical and in particular, shall do so-

- (a) at the time of the construction, material alteration or extension of a public building; or

- (b) if by doing so, access to public buildings would be provided to a greater number of persons with disabilities in a more cost effective manner than would otherwise be the case.
- (4) Any public building shall be brought into compliance with accessibility requirement under this Part.
- (5) The Minister may, in consultation with the Council and by order, exempt any building from the conditions provided under this section.

Services
provided
by public
body

36.-(1) Where a service is provided by a public body, the head of the body shall –

- (a) ensure that the provision of access to the service by persons with disabilities and non disabled persons is integrated; and
- (b) where appropriate, ensure the availability of persons with appropriate expertise and skills to give advice to the body on means of ensuring that the service provided by the body is accessible to persons with disabilities.

(2) Each head of a public body referred to in subsection (1) shall, if necessary, authorize at least one of his officers to provide, arrange or coordinate the provision of assistance and guidance to persons with disabilities in accessing its services.

Accessi-
ble
services

37. Where a service is provided by a public body, the head of the body shall ensure that the service is also accessible to persons with disabilities.

Access to
informa-
tion

38.-(1) Where a public body communicates with one or more persons, the head of the body shall ensure that-

- (a) if the communication is an oral one, and the person with disability has a hearing impairment and so requests; or

- (b) if the communication is a written one, and the person or persons aforesaid have a visual impairment and so requests,

as far as practicable, the contents of the communication shall be communicated in a form that is accessible to the person concerned.

(2) Where a public body communicates in electronic form with one or more persons, the head of the body shall, as far as practicable, ensure that the contents of the communication are accessible to persons with visual impairment to whom adaptive technology is available.

(3) The head of a public body shall, as far as practicable, ensure that, information published by the body, which contains information relevant to persons with intellectual disabilities, is in a clear language, legible and easily understood by such persons.

Access-
ibility of
persons
with
disabili-
ties to
heritage
and
tourism
sites

39. The head of a public body shall, as far as practicable, ensure that the whole or part of a heritage site or tourism facility or activity to which the public has access is accessible to persons with disabilities in accordance with this Act.

Prepara-
tion of
code of
practice

40.-(1) The Minister shall cause the Council to prepare and submit to him a code of practice for public bodies relating to the matters referred to in sections 35 to 39.

(2) In preparing a code of practice under subsection (1), the Council shall consult with relevant Ministries or any other person as it may consider appropriate or as the Minister may direct.

(3) The Minister may, after consultation with the Council, amend a code of practice.

(4) The code of practice prepared under this section shall be published in the *Gazette*.

Respon-
sibilities of
certain
Ministers

41.-(1) The Minister shall ensure that all relevant Ministries prepare and publish "Sectoral Plans" outlining the programme of the measures proposed to be taken by or on behalf of the ministries responsible for matters relating to the provision of services to persons with specified disabilities or by public bodies or other persons in relation to which performs functions or allocates funds.

(2) Before publishing a Sectoral Plan under subsection (1), the relevant Ministries shall consult with representatives of persons with disabilities.

(3) The Sectoral Plan prepared under subsection (1) may be amended, replaced or revoked.

(4) The Sectoral Plan shall contain-

- (a) appropriate information concerning code of practice and relations, if any, relating to the subject matter of the Plan;
- (b) complaints procedure to be provided by a public body or by other persons in relation to any matters which are the subject matter of the Plan;
- (c) monitoring and reviewing procedures in relation to subject matter of the Plan;
- (d) a statement of the intervals at which reports shall be prepared relating to the progress made in the implementation of the Plan, being intervals of not more than three years from the date of the publication of the Plan;
- (e) if appropriate, the level of access relating to the services specified in the Plan; and
- (f) such other matters as the Minister concerned may consider appropriate.

(5) Where an accessible public transport service and associated buildings and infrastructure are required by a Sectoral Plan to be provided in a specified date and the specified date is later than the date which would otherwise apply by virtue of section 35, the buildings or infrastructure may be provided at any time before the specified date.

(6) For the purpose of this section "Sectoral Plan" shall provide for matters specified in section 42 to 46.

Sectoral
Plan by
the
ministry
respon-
sible for
commu-
nity
develop-
ment

42.-(1) A Sectoral Plan prepared by the Minister responsible for community development shall contain information-

- (a) concerning services provided by or on behalf of the Minister to persons with disabilities;
- (b) the criteria governing the eligibility of such a person to services of community development;
- (c) the proposed arrangements for the implementation;
- (d) arrangements for cooperation by the civil societies and development partners; and
- (e) any other matters as the Minister may consider appropriate.

(2) A plan referred to in subsection (1) shall provide for appropriate cooperation by the Minister with the Ministry responsible for education, vocational training, information, sports and culture in relation to development and coordination of services provided by them for persons with disabilities and services referred to in subsection (1).

Sectoral
Plan by
the
Ministry
respon-
sible for
social
welfare

43.-(1) A Sectoral Plan prepared by the Minister shall contain information relating to-

- (a) the information, advice and advocacy services and sign language interpretation services provided or arranged to be provided to the persons who need such service;
- (b) any other services provided by or on behalf of the Minister which he considers appropriate; and
- (c) any other matters as the Minister may considers appropriate.

(2) A plan referred to in subsection (1) shall provide for responsible appropriate co-operation by the Minister with all stakeholders in relation to the development and coordination of services provided by, or for persons with disabilities and services referred to in subsection (1).

Sectoral
Plan by
the
Ministry
respon-
sible

44. A Sectoral Plan prepared by the Minister responsible for buildings shall contain information relating to-

- (a) a programme of projected measures for the provision of access to persons with disabilities to passenger

ble for
buildings

transport services for the general public, provided by a public body in relation to which he performs functions or by a person licensed or regulated by the Minister;

- (b) measures to be taken for the purpose of facilitating access by persons with disabilities to such services and the time within which such measures are to be taken;
- (c) arrangements proposed to be put in place by the Minister and the Minister responsible for environment, settlement and local authorities to facilitate access to the vehicles providing transport services by such persons on public roads;
- (d) measures to be taken by the operators of passenger ships for the purpose of facilitating access by persons with disabilities to marine passenger transport services provided by them, and the time within which the measures are to be taken;
- (e) measures to be taken by the bodies responsible for the control and operation of specified ports and harbours for the purpose of facilitating access by those persons to places therein, where such services originate or terminate in and time within which such measures are to be taken; and
- (f) any other matter which the Minister may consider appropriate.

Sectoral
Plan by
ministry
respon-
sible for
local
govern-
ment
authori-
ties

45.-(1) A Sectoral Plan prepared by the Minister responsible for local government shall contain information relating to-

- (a) measures to be taken to facilitate access by persons with disabilities to public roads and other public places, and to other services provided by local authorities or other public bodies in relation to which he performs functions and the time proposed within which such measures are to be taken;
- (b) arrangements proposed to put in place by the Minister and the Minister responsible for infrastructure to facilitate access to the vehicles providing passenger transport services by such persons on public roads;
- (c) accommodation for persons with disabilities;

- (d) proposed arrangements for co-operation with authorities relating to settlement in relation to development and coordination of services provided by them to persons with disabilities; and
 - (e) any other matters which the Minister may consider appropriate.
- (2) In this section "public place" includes-
- (a) street furniture, pavements and pedestrian zones;
 - (b) public parks and open spaces owned or maintained by a local authority;
 - (c) signage; and
 - (d) harbours, bus and rails stops for which a local government authority is responsible, but does not include a public building under section 29 to which section 30 of this Act applies.

Sectoral
Plan by
ministry
responsible
for
labour
and
employ-
ment

46.-(1) A Sectoral Plan prepared by the Minister responsible for labour, employment and youth development shall contain information relating to -

- (a) employment support services and programmes made available to persons with disabilities in accordance with National Policy on Disability, employment promotion policy, labour laws and labour standards as may be recognized by the United Republic;
- (b) a programme of the measure proposed to be taken for, and in relation to the provision of appropriate vocational training and employment support services to facilitate the integration of persons with disabilities into employment;
- (c) measures to be taken to review the delivery of such training and services, and the time within which such review is to be carried out;
- (d) any other measures to be taken to ensure effective provision of such training and services; and
- (e) any other matters which the Minister may consider appropriate.

(2) A Plan referred to in subsection (1) shall provide for appropriate cooperation by the Minister with other stakeholders in relation to the development and coordination of services related to the

forementioned services provided by them to persons with disabilities.

Compl-
aint

47.-(1) The Commissioner or the Committee may, on its own motion or where a person aggrieved or a legal representative lodge a complaint relating to -

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

(2) Without prejudice to the provisions of subsection (1), the complainant or a person with disability may, by himself or through a legal representative, lodge a complaint to any public body.

(3) Except as otherwise provided for under any other written law, the Minister shall make regulations prescribing procedures for handling complaints.

Barrier
free
move-
ment

48.-(1) All persons with disabilities shall be entitled to a barrier free and disability friendly environment to enable them to have access to public premises and facilities for public use, roads, communications and other social amenities to assist and promote their mobility.

(2) Architects, construction engineers and other persons who are involved in design and construction of the physical environment shall observe and comply with accessibility requirements to ensure that all new buildings, roads, play grounds, transport facilities and renovation of the old ones, conforms to designs aimed at creating access for persons with disabilities.

(3) The Minister shall, in consultation with the Ministers responsible for roads and road traffic, make regulations for prescribing road signs for persons with disabilities and for better implementation of this section.

Standards
and
guide-
lines on
access-
ibility

49.-(1) The Minister may, after consultation with the Council and Ministers responsible for buildings, transport, communications and sports, make standards and guidelines on accessibility by persons with disabilities in relation to transport services, buildings for public use, stations and platforms, services, sports and other recreational activities.

(2) The information service and documentation shall be made accessible to different group of persons with disabilities in such form as-

- (a) braille, tactile services and large print;
- (b) spoken information and appropriate technologies and sign language; and
- (c) computerized information.

(3) Any plan for any premises or amenities approved after the commencement of this Act under the Town and Country Planning laws, shall provide facilities that are accessible to persons with disabilities.

(4) The Minister shall, in consultation with Council and by regulations, set up a monitoring and enforcement mechanism to ensure compliance with the prescribed standards and guidelines on accessibility requirements for persons with disabilities throughout the country.

Prohibition of denial to public premises

50. It shall be an offence for a person with a disability by reason of his disability, to be denied-

- (a) admission into any premises to which members of public are ordinarily admitted;
- (b) access to any building providing public service, roads, transport and other indoor and outdoor facilities including school, housing, banks, medical facilities, sport facilities and work places;
- (c) the provision of any service ordinarily provided to members of the public; or
- (d) access to public facilities, services, information and communication including new information and communication technologies, and systems open or provided to the public both in urban and rural areas.

PART IX

PARTICIPATION OF PERSONS WITH DISABILITIES IN POLITICAL AND PUBLIC LIFE

Participation of persons with disabilities in political and public life

51.-(1) Every person with disability who has attained the age of eighteen years and above shall be entitled to enjoy and exercise political rights and opportunity as any other citizen without any form of discrimination.

(2) Subject to subsection (1), a person with a disability shall have a right to vote, hold public office and otherwise participate in the political rights and opportunity as any other citizen without any form of discrimination.

(3) The Minister shall, after consultation with the Council and National Electoral Commission-

(a) ensure that the right and opportunity for persons with disabilities to vote and be elected in public office is guaranteed by-

- (i) ensuring that voting procedure, facilities and materials are appropriate and accessible to understand and use;
- (ii) ensuring that voter registration locations are accessible to persons with disabilities;
- (iii) ensuring that all polling places in each voting centre have accessible requirements to voters with disabilities including accommodation of voters who use wheelchairs and devices for persons with low vision and tactile ballot templates for visually impaired and deaf blind persons;
- (iv) providing training for poll workers on the rights of persons with disabilities and the practical means of assuring their rights;
- (v) ensuring that voters with disabilities have the same degree of information available when casting their ballot as others;

- (vi) encouraging and providing reasonable accommodation to persons with disabilities to stand for elections, and to hold office and perform all public functions at all levels in the Government;
 - (vii) guaranteeing the free expression of the will of the persons with disabilities as electors, and where necessary, at their request, allowing assistance in voting by a person of their own choice;
 - (viii) setting up criteria and procedures to be applied in appointing qualified persons with disabilities to be elected or be appointed to represent persons with disabilities in all decision and policy making process during the elections, through affirmative action or special prescribed arrangements;
- (b) promote actively an environment on which persons with disabilities can effectively and fully participate in the conduct of public affairs without discrimination and encourage their participation in the public affairs including-
- (i) participation in non-governmental organizations and association concerned with public and political life of the country including the activities and administration of political parties;
 - (ii) forming and joining organizations of persons with disabilities to represent their interest at all levels.

(4) Where a voting place under this section is inaccessible to persons with disabilities, alternative location shall be identified and publicized to be used by such persons.

(5) The Government shall initiate and encourage appointment of persons with disabilities in the organs of the Government at all levels.

Sports,
recreation
and
leisure

52. The Minister shall, after consultation with the Council and the Minister responsible for sports and culture, take appropriate measures to-

- (a) encourage and promote the participation of persons with disabilities in sports activities at all levels;
- (b) ensure that persons with disabilities have an opportunity to organize, develop and actively participate in sports and recreational activities specific for persons with disabilities;
- (c) urge the provision of appropriate instruction, training and resources for their sports and recreational activities;
- (d) encourage persons with disabilities so as to have access to sports and recreational and tourism venues; and
- (e) ensure that children with disabilities have equal access to participate in play, recreation, leisure and other sports activities.

Partici-
pation in
cultural
life

53.-(1) A person with disability shall be entitled to take part like any other citizen in cultural life in the society without discrimination.

(2) The Government shall, in collaboration with the civil societies, take appropriate steps to enable persons with disabilities to have opportunity to develop and utilize their creative, artistic and intellectual potentials for their own benefit and for the enrichment of the society.

(3) The Minister shall, in consultation with the Council and the Minister responsible for cultural affairs, take all effective and appropriate steps to ensure that persons with disabilities-

- (a) enjoy access to cultural materials in all accessible formats;
- (b) enjoy access to television programmes, films, theatres and other cultural activities, in all accessible formats;
- (c) enjoy access to places for cultural performances or services, including theatres, museums, cinemas, libraries and tourism services.
- (4) Sign language, tactile language, white cane and braille shall be recognized and promoted as official means of communication.

Social protection to persons with disabilities

54.-(1) A person with disability shall, without discrimination on the basis of his disability be entitled to social protection.

(2) The Minister shall, after consultation with the Council and the Ministers responsible for labour, employment and finance, take appropriate steps to ensure that persons with disabilities enjoy access to social security and protection, including steps to-

- (a) ensure access by persons with disabilities to appropriate and affordable services, devices and other assistance for disability related needs;
- (b) ensure access by persons with disabilities, in particular the aged and women, to social protection programmes and poverty reduction strategies; and
- (c) ensure access by persons with disabilities to available grants and credit services for income-generating activities and to public housing programmes, if resources allow.

PART X

PROVISIONS RELATING TO TELEVISION PROGRAMMES AND TELEPHONE SERVICES

Television programmes

55.-(1) All television stations shall provide a sign language inset or subtitles in all newscasts, educational programmes and other programmes covering national events.

(2) The Minister may, by order in the *Gazette*, set a period during which the requirements under subsection (1) shall be complied with.

Telephone services

56. All persons providing public telephones services shall, as far as possible, install and maintain telephone devices or units for persons with hearing disabilities and tactile marks on telephone sets to enable persons with visual disabilities to communicate through telephone system.

PART XI

FINANCIAL PROVISIONS

National Fund for Persons with

57.-(1) There shall be within the office of the Commissioner, a Fund to be known as the National Fund for Persons with Disabilities.

Disabili-
ties

- (2) The sources of the Fund shall be-
- (a) moneys appropriated by the Parliament for purposes of this Fund;
 - (b) fees or any sum that may become payable to the Fund in the discharge of its functions under this Act;
 - (c) any moneys legally vested in or accrued to the Fund; and
 - (d) any other source legally acquired.
- (3) The resources of the Fund shall be used in order to-
- (a) finance education and vocational training;
 - (b) finance rehabilitation programme on disability and matters incidental thereto;
 - (c) issue grants to associations of persons with disabilities;
 - (d) support researches on disabilities and other related matters; and
 - (e) do any other things necessary in the promotion and furtherance of objectives of the Fund.

Accounts
and Audit

- 58.**-(1) The National Fund for persons with disabilities shall-
- (a) keep proper accounts and other records of its transactions and shall prepare annual accounts in accordance with generally accepted accounting practices; and
 - (b) satisfy itself that all reasonable management measures have been taken to ensure that resources which are necessary for achieving its objectives are as far as possible, obtained, safeguarded and utilized in the most economic, efficient and effective manner.
- (2) The Commissioner shall manage the Fund.
- (3) The accounts of the Fund shall be audited by the Controller and Auditor General.
- (4) The Fund shall, as soon as practicable and after the end of each financial year, prepare a report on the performance of its functions during that financial year, and one copy of such report together with a copy of the audited accounts shall be submitted to the Minister.

(5) The report of the Fund shall be laid by the Minister before the Parliament.

(6) The Fund shall, biannual or as the Minister may direct, submit to the Minister a report on any matter incidental to the performance of its functions.

PART XII

MISCELLANEOUS PROVISIONS

Power of
entry

59.-(1) The Commissioner or an authorised officer may, at all reasonable time, enter any premises of an employer, institution, organisation or building for the purpose of inspection and ensuring compliance with the provisions of this Act.

(2) The Commissioner may in writing, appoint any person to be an authorised officer for the purposes of this Act.

Delega-
tion of
powers
by the
Minister

60. The Minister may delegate some of his functions to any government department or any person for the exercise by that department or person as the case may be, of any powers conferred on him by this Act.

Regula-
tions

61. The Minister may, after consultation with the Council, make regulations prescribing-

- (a) application, registration, standards for the establishment and management of settlements for persons with disabilities;
- (b) early detection, intervention assessment and treatment of disability;
- (c) treatment and medicines for infants and children with disabilities;
- (d) provision of assistive devices;
- (e) responsibilities of local government authorities, private sector, community and other institutions under this Act;
- (f) inclusion of persons with disabilities;
- (g) registration of persons with disabilities, employers, institutions, association and other organizations including those controlled and managed by the

- Government and local government authorities providing services for the rehabilitation of persons with disabilities;
- (h) the manner in which extra time suitable for students with special needs during examinations shall be given;
 - (i) standards and code of ethics;
 - (j) industrial rehabilitation;
 - (k) co-ordination of services provided to persons with disabilities;
 - (l) setting of average number of persons with disabilities to be employed by every employer;
 - (m) dispute settlement mechanisms;
 - (n) treatment and handling of persons with disabilities in retention homes and prisons;
 - (o) rights and welfare of persons with disabilities in remands and prisons;
 - (p) in collaboration with relevant Ministers, driving and road safety matters in respect of persons with disabilities;
 - (q) fees and charges; and
 - (r) any other matter related to the development, protection and promotion of welfare and rights of persons with disabilities.

Offences
and
penalties

62. Any person who:

- (a) procures or by conduct or causes a person with disability not to be admitted at any place;
- (b) discriminates a person with a disability for whatever reason; or
- (c) hides, conceals or causes a person with a disability not to be accessible to or admitted to schools or training institutions for whatever reason;
- (d) abandons or rejects or denies a person with disability right to social support;
- (e) denies admission of a person with a disability to heritage sites or any institution;
- (f) fails to conduct reasonable inquiry;

- (g) objects a lawful order or obstructs any officer or institution in the performance of its functions;
- (h) builds or constructs any public premises without accessibility of persons with disabilities;
- (i) denies participation of a person with a disability in social, economic and political activities;
- (j) fails to provide health care and rehabilitation to a person with disability;
- (k) without good cause, denies employment to a person with a disability; or
- (l) contravenes any provision of this Act, commits an offence and on conviction -
 - (i) in case of body corporate, shall be liable to a fine of not less than two million but not exceeding twenty million shillings; and
 - (ii) in case of a natural person, to a fine of not less than five hundred thousands shillings but not exceeding seven million shillings or imprisonment for a term of one year or to both.

Repeals
and
savings
Caps.183
and 184

63.-(1) The Disabled Persons (Employment) Act and the Disabled Persons (Care and Maintenance) Act are hereby repealed.

(2) Notwithstanding the provisions of subsection (1), any subsidiary legislation, permits issued, decisions made, powers exercised or delegated, appointment made, directions or any other acts done under the repealed Acts shall continue to be in force until revoked, replaced or cancelled by subsidiary legislation under this Act.

Transi-
tional
period

64. A person maintaining settlement for persons with disabilities immediately before the commencement of this Act may continue to maintain such settlement for a period of two years from the date of such commencement and where that person has made an application for a licence during the transition period, the period of two years shall be construed as extended up to the time when a licence is issued.

FIRST SCHEDULE

(Made under section 11(3))

TENURE, MEETINGS AND RULES OF PROCEDURE

Tenure of
office

1.-(1) A member of the Council shall hold office for a period of three years from the date of his nomination and shall be eligible for re-appointment for a second term only.

(2) A member may resign his office upon giving one month notice in writing to the Chairman of the Council.

Meetings

2.-(1) The Council shall meet quarterly following calendar year and it may also convene an extra-ordinary meeting when the need arises.

(2) All meeting of the Council shall be convened by the chairman or Vice-chairman or any other person nominated for that respect.

(3) The decisions of the Council shall be determined by the majority of votes which shall be reached under the secret voting system.

Quorum

3. The quorum of any Council's meetings shall be half of the total number of members including the Chairman and Secretary of the Council.

Rules and
regulations

4. The Council may, for the better carrying of its day to day activities, make its own rules.

SECOND SCHEDULE

(Made under Section 14(2))

COMPOSITION, FUNCTIONS AND PROCEEDINGS OF THE COUNCIL COMMITTEE

Composition

1. The Composition of the Council Committee shall be-
 - (a) the member of the Parliament in the district;

- (b) District Executive Director;
- (c) the District Medical Officer;
- (d) three representatives from the Community;
- (e) Council Solicitor;
- (f) the District Social Welfare Officer who shall be the Secretary;
- (g) Chairman of the Council Social Services Committee;
- (h) two representatives from the community of persons with disabilities; and
- (i) one member from the voluntary agency dealing with persons with disabilities.

(2) The Council Committee may co-opt any person to its meeting as it may deem appropriate.

Functions

2. Functions of the Council Committee shall be to-
- (a) implement various directives related to the persons with disabilities in the districts;
 - (b) co-ordinate all activities of persons with disabilities in the district;
 - (c) protect and promote all matters related to the welfare and development of persons with disabilities in the district;
 - (d) receive periodic reports from the Village or Mtaa Committee;
 - (e) submit detailed quarterly report to the Regional Committee;
 - (f) receive and determine complaints relating to persons with disabilities;
 - (g) keep proper records of the meetings; and
 - (h) keep statistical data or register of persons with disabilities in the Council area.

Reporting

3.-(1) The Council Committee shall prepare a report every year to the Fund through the Regional Committee on issues related to the promotion and protection of rights and development of persons with disabilities, including matters relating to policy, health care and maintenance, rehabilitation, education, training employment and human rights.

(2) The Council Committee may, at any time if it appears to it desirable, submit to the Fund a special report on matters incidental to the performance of its functions.

Chairman

4.-(1) The Chairman of the Council Committee shall be appointed by the District Commissioner amongst the members.

(2) The Vice-Chairman shall be elected from amongst members of the Committee.

Proceedings

5. Proceedings of the Committee shall, *mutatis mutandis*, be as of the Council

Tenure

6.-(1) A member of the Committee shall hold office for a period of three years from the date of appointment and shall be eligible for re-appointment for another one term.

(2) A member may resign from office by giving one month notice in writing to the Chairman of the Committee; and where the member resigning is the Chairman, the notice shall be submitted to the District Commissioner.

Quorum

7. The quorum of the Committee's meetings shall be half of the total number of members including the Chairman and the Secretary to the Committee.

Decision

8.-(1) The decisions of the Committee shall be determined by the majority of votes which shall be reached under the secret voting system and in case of equality of votes the Chairman shall have a casting or an extra vote.

(2) The decisions of the Committee shall be binding to the parties.

THIRD SCHEDULE

(Made under Section 14(2))

COMPOSITION, FUNCTIONS AND PROCEEDINGS OF THE REGIONAL COMMITTEE

Composition

- 1.-(1) The Regional Committee shall consist of-
- (a) the Chairman who shall be appointed by the Regional Commissioner;
 - (b) The Regional Administrative Secretary;
 - (c) three representatives from the community;
 - (d) a Legal Officer from the Regional Secretariat;
 - (e) Social Welfare Officer who shall be the Secretary;
 - (f) Regional Medical Officer;
 - (g) a member of the Parliament from the region;
 - (h) three representatives from the organizations of persons with disabilities; and
 - (i) one representative from the voluntary agencies dealing with persons with disabilities in the region.

(2) The Committee may co-opt any person to its meetings as it may deem appropriate.

Functions

2. Functions of the Regional Committee shall be to-
- (a) ensure realization of the potential and rights of persons with disabilities within the region;
 - (b) support persons with disabilities, their families and organization to perform effective planning for poverty alleviation through income generating activities;
 - (c) perform monitoring and effective implementation of disability activities at the regional level;
 - (d) submit periodic reports containing accurate information and data relating to conditions of persons with disabilities to the National Advisory Council;
 - (e) co-ordinate all activities of the persons with disabilities in the region; and
 - (f) carryout functions of the Council within the region and protect and promote all matters related to the welfare and development of persons with disabilities in the region;
 - (g) receive periodic reports from the Council Committee;
 - (h) submit detailed quarterly reports to the Council;
 - (i) receive and determine complaints relating to persons with disabilities;
 - (j) keep proper records of the meetings; and
 - (k) keep statistical data or register of persons with disabilities in the region.

Reporting

3.-(1) The Regional Committee shall, every year, prepare a report to the Council for persons with disabilities on matters relating to policy issues, health care and maintenance, rehabilitation, education, training, employment, human rights and other related matters.

(2) The Regional Committee may, at any time if it appears to it desirable, submit to the Council, a special report on any matter incidental to the performance of its functions.

Chairman

4.-(1) The Chairman of the Regional Committee shall be appointed by the Regional Commissioner.

(2) The Vice-Chairman shall be elected from amongst members of the Committee.

Proceedings

5. Proceedings of the Committee shall, *mutatis mutandis*, be as of the Council.

Tenure

6.-(1) A member of the Committee shall hold office for a period of three years from the date of his nomination and shall be eligible for re-appointment for another one term.

(2) A member may resign his office by giving one month notice in writing to the Chairman of the Committee; and in case is the Chairman, resigning shall, in writing, give one month notice to the Regional Commissioner.

Quorum

7. The quorum of the Committee's meetings shall be half of the total number of members including the Chairman and the Secretary to the Committee.

Decision

8.-(1) The decisions of the Committee shall be determined by the majority of votes which shall be reached under the secret voting system and in case of equality of votes the Chairman shall have a casting or an extra vote.

(2) The decisions of the Committee shall be binding to the parties.

FOURTH SCHEDULE

(Made under section 14(2))

Compositions,
functions,
tenure and
reporting of
Village
Committee

1. -(1) The Village Committee shall be composed of the following members-

- (a) Village Chairman;
- (b) Village Executive Officer; who shall be the Secretary to the Committee;
- (c) a representative of extension Workers;
- (d) chairman of the Village Social Services Committee;
- (e) a teacher;
- (f) three representatives from organization of persons with disabilities;
- (g) a representative from each hamlet (kitongoji); and
- (h) two representatives from the Community.

(2) The committee may co-opt any person to its meetings as it may deem appropriate.

Functions of
the Village
Committee

2. Functions of the Village Committee shall be to -

- (a) ensure realization of potential and rights of persons with disabilities within the village area;
- (b) support persons with disabilities, their families and organizations to perform effective planning for poverty alleviation through income generating activities;
- (c) keep proper records of the meetings;
- (d) keep statistical data or register of persons with disabilities in the village area;
- (e) perform monitoring and effective implementation of various activities and directives related to persons with disabilities at the village level;
- (f) coordinate all activities of person with disabilities in the village; and
- (g) protect and promote all matters related to the welfare and development of persons with disabilities in their village.

- Reporting** 3.-(1) The Committee shall quarterly prepare and submit a report to the Council Committee on matters relating to the welfare and development of persons with disabilities.
(2) The Ward Executive officer shall be entitled to a copy of the said report.
- Chairman** 4.-(1) The Chairman of the Committee shall be appointed by the District Commissioner amongst members.
(2) The Vice-chairman shall be elected from amongst its members of the Committee.
- Tenure** 5.-(1) A member of the Committee shall hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment for another one term.
(2) A member may resign from office by giving one month notice in writing to the Chairman of the Committee; and where a member resigning is a Chairman, the notice shall be submitted to the District Commissioner.
- Quorum** 6. The quorum of the Committee's meetings shall be half of the total number of members including the Chairman and the Secretary to the Committee.
- Decision** 7.-(1) The decisions of the Committee shall be determined by the majority of votes which shall be reached under the secret voting system and in case of equality of votes the Chairman shall have a casting or an extra vote.
(2) The decisions of the Committee shall be binding to the parties.
- Meeting** 8.-(1) The Committee shall meet quarterly following the calendar year and it may also convene an extra-ordinary meeting when the need arises.
(2) All meetings of the Committee shall be convened by the Chairman or Vice Chairman or any other person appointed for that respect.
- Rules** 9. The Committee may, for the better carrying out of its day to day activities, make its own rules.

FIFTH SCHEDULE

(Made under section 14(2))

- Compositions, functions, tenure and reporting of Mtaa Committee** 1.-(1)The Mtaa Committee shall be composed of the following members;-
- (a) Mtaa Chairman;
 - (b) Mtaa Executive Officer who shall be the Secretary to the Committee;
 - (c) chairman of the Mtaa Social Services Committee;
 - (d) a teacher;

- (e) three representatives from organization of persons with disabilities; and
- (f) two representatives from the community.
- (2) The Committee may co-opt any person to its meetings as it may deem appropriate.
- Functions**
2. Functions of the Mtaa Committee shall be to-
- (a) ensure realization of potential and rights of persons with disabilities in the mtaa area;
- (b) support persons with disabilities, their families and organizations to perform effective planning for poverty alleviation through income generating activities;
- (c) keep proper records of the meetings;
- (d) keep statistical data and register of persons with disabilities in the mtaa area;
- (e) perform monitoring and effective implementation of various activities and directives related to persons with disabilities at the mtaa level;
- (f) coordinate all activities of person with disabilities in the mtaa; and
- (g) protect and promote all matters related to the welfare and development of Persons with Disabilities in the Mtaa.
- Reporting**
- 3.-(1) The Committee shall on quarterly basis prepare and submit a report to the Council on matters relating to the welfare and development of persons with disabilities.
- (2) The Ward Executive Officer shall be entitled to a copy of the said report, if any.
- Chairman and Vice Chairman**
- 4.-(1) The Chairman of the Committee shall be appointed by the District Commissioner.
- (2) The Vice-Chairman shall be elected from amongst its members of the Committee.
- Tenure**
- 5.-(1) A member of the Committee shall hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment for another one term.
- (2) A member may resign from office by giving one month notice in writing to the Chairman of the Committee; and where a member resigning is a Chairman, the notice shall be submitted to the District Commissioner.
- Meetings**
- 6.-(1) The Committee shall meet quarterly following the calendar year and it may also convene an extra ordinary meeting when the need arises.
- (2) All meetings of the Committee shall be convened by the Chairman or Vice Chairman or any other person appointed for that respect.

- Quorum 7. The quorum of the Committee's meetings shall be half of the total number of members including the Chairman and the Secretary to the Committee.
- Decision 8.-(1) The decisions of the Committee shall be determined by the majority of votes which shall be reached under the secret voting system and in case of equality of votes the Chairman shall have a casting or an extra vote.
(2) The decisions of the Committee shall be binding to the parties.
- Rules 9. The Committee may, for the better carrying out its day to day activities, make its own rules.

Passed in the National Assembly on the 14th April, 2010.



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Clerk of the National Assembly