



**THE PUBLIC AND ENVIRONMENTAL HEALTH PRACTITIONERS
ACT, NO. 15 OF 2012**

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ACT NO. 15 OF 2012

I ASSENT

Ali Shein

{ DR. ALI MOHAMED SHEIN }
PRESIDENT OF ZANZIBAR

AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

4th December, 2012

**AN ACT TO PROVIDE FOR REGISTRATION AND CONTROL OF
PUBLIC AND ENVIRONMENTAL HEALTH PRACTITIONERS
AND ESTABLISH A COUNCIL FOR PUBLIC AND
ENVIRONMENTAL HEALTH PRACTITIONERS AND
ANY OTHER MATTER CONNECTED
AND INCIDENTAL HERETO**

**PART I
PRELIMINARY PROVISIONS**

Short title and Commencement. 1. This Act may be cited as the Public and Environmental Health Practitioners Act, 2012 and shall come into force upon being assented to by the President.

Interpretation. 2. In this Act, unless the context otherwise requires:-

"Assistant Environmental health practitioner" means person who has qualified in environmental health science training in any institution recognized by the Council and capable of rendering services as an environmental health assistant or sanitary inspector;

"Assistant public health practitioner" means person who has qualified in public health science training in any institution recognized by the Council and capable of rendering services as a public health assistant;



"Council" means the Council for Public and Environmental Health Practitioners as established under the provisions of section 3(1) of this Act;

"Code of Conduct" or ethical code of conduct means ethical code of conduct for Public and Environmental Health Practitioner;

"Director" means the Director responsible for preventive services;

"District Health Officer" means a qualified health professional person who is appointed by the Minister to oversee public and environmental health matters in a specific district;

"Environmental Health Services" means services provided in relation to sewage or refuse management, vector and vermin control, food hygiene, premises sanitation, air pollution, Social Health Preventive Services and any other related health services;

"Environmental Health Practitioners" means a qualified environmental health officer or Environmental Health Scientist or any other person with equivalent qualification from any institution recognized by the Council, and has the capacity to use his or her expertise in offering environmental health services according to the provisions of this Act;

"Foreigner" means an officer of public and environmental health who practise outside Tanzania;

"License" means a license issued under section 16 of this Act, giving the bearer permission to practice as practitioner according to qualification obtained;

"Minister" means Minister responsible for Health;

"Practitioner" means environmental health practitioner, allied environmental health practitioner, public health practitioner or allied public health practitioner;



"Public health practitioner" means a qualified public health officer or public health scientist or any other person with equivalent qualification from any institution recognized by the Council, and has the capacity to use his or her expertise in offering public health services according to the provisions of this Act;

"President" means President of Zanzibar and Chairman of Revolutionary Council;

"Registrar" means Registrar of the Council appointed under section 14(1) of this Act;

"Training institution" means an academic institution offering public or environmental health programme.

PART II ESTABLISHMENT OF THE COUNCIL

Establishment
of the
Council.

3.(1) There is hereby established a Council to be known as the Council for Public and Environmental Health Practitioners.

(2) There shall be a seal for the Council as may be approved by the Council.

Composition
of the
Council.

4.(1) The Council shall consist of the following members:-

- (a) A Chairperson who shall have an education of at least a diploma and well experienced of Environmental Health Practitioner or Public Health Practitioner of at least five years and shall be appointed by the Minister.
- (b) Legal Officer from Ministry Responsible for Health appointed by the Minister;
- (c) Director responsible for Public and Environmental health;
- (d) A representative from the Ministry responsible for Local Government having qualification of being a health officer appointed by the Minister after consultation with the Minister responsible for local government;



- (e) A head of institution responsible for environment;
 - (f) A representative from a professional association related to environmental health appointed by the Minister;
 - (g) Not more than other two members appointed by the Minister, amongst them, one shall be an experienced on public health or an environmental health from private sector.
- (2) Members of the council shall elect a vice chairperson amongst themselves.
- (3) Every member of the Council other than ex-officio shall hold office for three years and may be eligible for reappointment for not more than two consecutive terms.
- (4) Where a member fails to attend three consecutive meetings of the council without reasonable grounds shall cease to be a member.
- (5) Where a member ceases to be a member for any other reasons before expiration of his term of office, the Minister shall appoint another person in his place and the person so appointed shall hold office for the remainder of the term of his predecessor.
- (6) The Council when dealing with a specific matter or which extra expertise is required may co-opt a person who has relevant expertise; provided that such co-opted person shall have no right to vote.

Functions of the Council.

5.(1) Subject to the provisions of this Act, the Council shall have the following functions:-

- (a) to register and license practitioners;
- (b) to approve public and environmental health training programmes;
- (c) to examine, issue, suspend, cancel and revoke registration and license issued under this Act;



- (d) to take disciplinary measures to registered and licensed practitioners and training institutions offering public and environmental health programmes working contrary to the provisions of this Act;
- (e) to prepare and publish reports or other information relative to the public and environmental health;
- (f) to oversee the quality of public and environmental health services;
- (g) to prescribe, promote and maintain code of conduct and integrity of practitioners;
- (h) to prescribe fees for application forms, registration of practitioners, issue of licenses and renewal thereof;
- (i) to promote, monitor and ensure successful implementation of the provisions of this Act;
- (j) to impose disciplinary penalty for breach of code of conducts for practitioners;
- (k) to advise the Ministry on matters pertaining to public and environmental health services;
- (l) generally, to carry out any other functions and responsibilities in accordance with directions of the Minister or powers and duties conferred in this Act.

(2) In the performance of its functions the Council shall, as far as practicable, maintain a system of consultation and corporation with other institutions or bodies responsible for matters relating to public and environmental health.

Powers of
the
Council.

6.(1) In executing its functions under section 5, the Council shall have powers to caution, censure, suspend or de-register the name of any practitioner or training institution for malpractice, negligence or any other professional misconduct.

(2) The Council may give any lawful order as it deems fit.



Registration of Public and Environmental Health Training Institutions.	7.(1) Any training institution that intends to provide public and environmental health training programmes shall be required to be registered and apply for accreditation of the programme from the relevant institutions dealing with registration and accreditation of training and academic programme.
Meeting of the Council.	8. The Council shall hold its meetings at least quarterly a year and, in case of emergency, at any time as may be determined by the chairperson of the Council.
Quorum of the Council.	9. A quorum of the Council's meetings shall be constituted by attendance of at least half of the total members of the Council.
Decision of the Council.	10. Any decision of the Council shall be decided by a simple majority of votes of the members present and voting and in the event of an equality of votes the chairperson shall have a casting vote.
Orders and Other Directives of the Council.	11. All orders or directives or other documents made or issued on behalf of the Council shall be signed by the Chairperson and or Registrar or any authorized official acting on such behalf.
Minutes of the Council Meetings.	12.(1) The Council shall keep or cause to be kept the records and minutes of a business conducted or transacted at its meetings, and the minutes of each meeting of the Council shall be read and confirmed or amended and confirmed at the next or subsequent next meeting of the Council and signed by the Chairman and Registrar at the meeting.
Remuneration of Members.	13. Members of the Council shall be paid allowances at the rates as the Minister may determine.

PART III REGISTRATION AND GRANT OF LICENCE

Registrar of the Council.	14.(1) There shall be a Registrar of the Council who shall be appointed by the Minister.
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(2) The Registrar shall be a duly qualified public and Environmental Health Practitioner, or a degree holder in public administration or law with experience of not less than three years.

(3) The registrar shall be the Secretary of the Council.

Functions
of the
Registrar.

15.(1) The functions of the registrar shall include the following:-

- (a) to keep and maintain a register of the practitioners;
- (b) to keep records and maintain all minutes of the Council;
- (c) to coordinate the activities of the Council;
- (d) to supervise and implement the decisions and directives of the Council;
- (e) to keep the seal of the Council; and
- (f) to carry out any other relevant functions which may be assigned to him by the Council.

(2) The Registrar shall, within three months after the end of each financial year, submit to the Council a general report on affairs and activities of the Council.

Registration
and Grant
of License
of
Practitioners.

16.(1) A person shall not practice as a practitioner without being registered and licensed by the Council.

(2) A person shall be entitled to be registered and licensed to practice as a practitioner if he has the following qualifications:-

- (a) for an environmental health practitioner, a bachelor degree or above from a recognized Institution on Environmental Health sciences or any relevant field approved by the Council;



- (b) for a public health practitioner, a bachelor degree or above from a recognized Institution showing that he has successfully completed a course on public health sciences or any relevant field approved by the Council;
- (c) for an assistant environmental health practitioner, diploma in environmental health or any relevant field approved by the Council;
- (d) for an assistant public health practitioner, diploma in public health or any relevant field approved by the Council.

(3) Upon the fulfillment of the required conditions for registration to the satisfaction of the Council, the Council shall register the applicant and grant him or her the practitioner license.

(4) The Council may refuse any application made under this section for failure to fulfill required conditions or for being convicted by Council or Court for serious professional misconducts. Provided that the Council shall inform the applicant reason for such refusal.

Registration and License Fee.

17.(1) Every application for registration and license shall be accompanied by such fee as may be determined by the Council.

(2) The fee prescribed under subsection (1) of this section may be varied from time to time as the Council shall deem fit.

Renewal of License.

18. Subject to the provisions of this Act every license shall, unless previously revoked or surrendered, remain in force for a period of two years from the date of its issue and may on application being made in the prescribed form and after payment of the prescribed fee, be renewed annually.

Registration of Foreign Practitioner.

19.(1) Every foreign practitioner who intends to practice in Zanzibar shall submit to the Council the following documents:-

- (a) certified copy of certificate for registration of a Board or Institution performing similar functions as those of the council;



- (b) certified copies of academic certificates;
- (c) a valid certificate of good standing issued in the country in which he last worked;
- (d) curriculum vitae;
- (f) any other document as may be required by the Council.

(2) All applications for registration and license shall be made to the Council.

(3) The Council after being satisfied with application made under subsection (2) of this section shall register the applicant as environmental health practitioner.

(4) The Council may refuse any application made under this section provided that the Council shall inform the applicant the reason for such refusal.

Provisional
Registration.

20.(1) The Council may issue a provisional registration if:-

- (a) it is satisfied that such a person holds a degree or a diploma which furnish sufficient knowledge and skills for efficient practice of public or environmental health sciences;
- (b) the foreign applicant meets the requirements of this Act.

(2) This provisional registration shall be valid for three months and shall also apply to volunteers.

Power to
Suspend,
Terminate
and
De-
registration.

21. The Council shall have power to suspend, terminate and de-register any of the registered public and environmental health practitioner if:-

- (a) found to have been guilty of any act or omission amounting to improper, disgraceful, or gross professional misconduct, after due inquiry held by the Council;
- (b) convicted of any offence concerning his or her professional conduct by a court of law; or



- (c) has breached the regulations or by-laws made under the provisions of this Act;
- (d) has been diagnosed with mental health disorder by a reputable psychiatrist.

PART IV DISCIPLINARY PROVISION

Receipt of
Complaint
by the
Registrar.

22.(1) The Registrar shall, on behalf of the Council, receive complaints against any practitioner who is unfit to practice and present such complaints to the Council.

(2) For the purpose of this section, "unfit to practice" means any person whose fitness to practice is impaired by reason of:-

- (a) professional misconduct;
- (b) lack of competence;
- (c) being convicted of a criminal offences; or
- (d) physical or mental impaired.

(3) For the purpose of subsection (2), of this section or any other sections of this Act, the conduct which amount to professional misconduct shall be as prescribe under schedule of this Act.

(4) Every complaint shall be accompanied by a written statement made by a complainant, or any person acting on behalf of complainant or by person interested in the act or omission giving rise to complaint.

(5) Notwithstanding the provision of subsection (4), the Council may, on its own motion initiate any inquiry on a practioner if it is satisfied that the information received by the Council warrants holding a preliminary inquiry.

Inquiry by
the
Council.

23. The conduct of a registered or a licenced practitioner may be the subject of inquiry by the Council if the practitioner is:-



- (a) convicted of an offence under this Act;
- (b) convicted of a criminal offences; or
- (c) alleged to have committed any malpractice, negligence or serious professional misconduct or disobeying any regulation or directive made under this Act.

Procedure
for Inquiry.

24.(1) Where the Council is of the opinion that a prima facie case has been established by the complainant, direct that an enquiry be held.

(2) The Council shall give opportunity to a practitioner against whom misconduct is alleged, to appear before the Council to be heard, and may be represented by an advocate.

(3) The Council may, where at the time and place fixed for the inquiry and the practitioner fails without reasonable excuse to appear and the Council is satisfied that notice was duly served, proceed with the inquiry *ex parte*.

Disciplinary
Powers of
the
Council.

25.(1) The Council may upon receipt of:-

- (a) a complaint against a practitioner; or
- (b) a report from a supervisory authority;

temporarily suspend a practitioner from practicing pending the conduct or completion of inquiry.

(2) On completion of inquiry, the Council may suspend, confirm, extend or reduce the temporary suspension.

(3) The Council after due inquiry made in accordance with the provision of this Act may:-

- (a) order the removal of the name of the practitioner from the register;
- (b) order the suspension from practice of the practitioner for a period that it may deem fit; or



(c) caution, censure or otherwise reprimand the practitioner.

(4) Within seven days after the determination of an inquiry, the Registrar shall communicate the decision of the Council to the parties.

Power to
Summon
Witness.

26. The Council shall have power to summon witness and demand for the production of documents under his possession for the purpose of inquiry conducted under this Act.

Witness
Privileges.

27. Any person giving evidence before the Council shall, in respect of any evidence given by him or any other document produced by him, be entitled to all privileges which he would have been entitled to as a witness before the court of law.

Appeal
Against
Decision
of the
Council.

28.(1) Any person who is aggrieved by the decision of the Council may, within one month from the date of notification of the decision, appeal to the Minister.

(2) The Minister may dismiss or allow any appeal or alter or vary the decision of the Council or make any order, as he deems fit.

(3) The Minister shall, within two weeks after determination of the appeal, serve a notice of such determination to the concerned person.

Appeals
to the
Court.

29. Any person aggrieved by the decision of the Minister may, within one month, appeal to the Court.

PART V FINANCIAL PROVISIONS

Funds of
the
Council.

30.(1) The Funds and resources of the Council shall consist of:-

- (a) funds specifically allocated by the House of Representatives for the purposes of the Council;
- (b) such donations, grants, bequeathed as the Council receives from any person or organization;
- (c) fees and fines charged in accordance with the provisions of this Act or regulation made under this Act; and



- (d) such sums of money or property which may become payable to or vested in the Council under this Act or any other written law or in respect of any matter incidental to the carrying out its functions.

(2) The funds and resources of the Council shall be used for the purpose for which the Council is established and in accordance with the directives of the Council and shall enter into the account of the Council.

Expenditure
and
Budget.

31.(1) The registrar shall, within a period of three months before the end of each financial year, prepare and submit to the Council for the approval, estimates of income and expenditure of the next financial year, which upon approval, shall be forwarded to the Minister.

(2) No expenditure shall be made out of the funds of the Council unless the Council has approved such expenditure.

Accounts
and
Audits.

32.(1) The Council shall cause to be kept and maintained proper book of Accounts with respect to:-

- (a) sums of money received and expended by the Council and matters in respect of which the receipt and expenditure took place;
- (b) the assets and liabilities of the Council; and
- (c) the income and expenditure statement of the Council.

(2) The auditing of the financial reports and books of accounts of the Council shall be made by the Controller and Auditor General or person authorized by him.

(3) The Council shall, not later than six months after the end of financial year, submit to Minister a copy of the audited accounts and annual report of the activities of the Council in respect of that year.



PART VI OFFENCES AND PENALTIES

Penalty
for Illegal
Practice.

33. Any person who practices as an practitioner without valid license; or who practices while having been suspended from practices as practitioner by the order of the Council, commits an offence and, upon conviction, shall be liable to a fine not less than one million shillings or to imprisonment for a term not exceeding three months or both.

Offence
for Illegal
Procuring
of
Registration
or License.

34. Any person who:-

- (a) procure or attempts to procure registration or license by making or causing it to be made or producing any false or fraudulent statement or document; or
- (b) deliberately makes or causes to be made any falsification in any matter relating to the register; or
- (c) assist or aids another person to commit any offence prescribed under paragraph (a) or (b);

commits an offence and upon conviction, shall be liable to a fine not less than three million shillings or to imprisonment for a term not exceeding six months or both;

Offence of
Falsely
Implying
Qualification
and
Practicing
when
Unregistered.

35.(1) Any person who:-

- (a) not being registered or licensed under the provision of this Act as a practitioner, practices or processes to practice or publishes his name as a practitioner; or
- (b) takes or uses any name, title of addition implying a qualification to practice as a practitioner;

commits an offence and upon conviction shall be liable to a fine not less than two million shillings or imprisonment for a term of three months or both such fine and imprisonment.



Penalty for
Disobeying
the Order
of the
Council.

36. If a person who, having been served with a summons to attend and give evidence or to produce any document at any inquiry held under the provision of this Act:-

- (a) fails without reasonable cause to obey the summons;
- (b) refuses without reasonable cause to answer questions put to him by the Council;
or
- (c) willfully interrupts with the proceedings of the Council or insults an member of the Council;
- (d) willfully refuses to give evidence or produce documents when so required by the Council;

commits an offence and upon conviction, shall be liable to a fine not less than five hundred thousand shillings or to imprisonment for a term of one month or both such fine and imprisonment.

General
Penalty.

37. Any person who commits an offence under this Act for which no specific penalty is provided herein shall be liable to a fine not less than five hundred thousand shillings or imprisonment for one month or both.

Penalty
Without
Prosecution.

38.(1) Where the Registrar has reason to believe that any person or institution is committing or has committed an offence under this Act or regulations made under this Act, he may give him prescribed notice in writing offering the opportunity of discharge of any liability to conviction of that offence by payment of a spot penalty, and no person shall then be liable to be convicted of that offence if the spot penalty is paid in accordance with this section before the expiration of seven days next following the date of the notice or before the date on which proceeding have began whichever event first occur.

(2) Where a person or institution is given a notice under this section, proceeding shall not be taken against such a person or institution by the Registrar until after expiration of seven days next following the date of the notice.

(3) Payment of a spot penalty under this section shall be made to the Registrar who shall issue a receipt for the paid amount.



(4) A sum paid by way of spot penalty shall be treated as if they were fines imposed in conviction for that offence. A notice under subsection (1) of this section shall specify the offence alleged and give such particulars of the offence as a necessary for giving reasonable information of the alleged offence, and shall state also the period during which the sport penalty will not be taken for the offence, the amount of the spot penalty, and the officers to whom and the address at which the spot penalty may be paid.

Powers to
Make
Regulations.

39. The Minister may make regulations for the better carrying out of the provisions of this Act.

SCHEDULE (Under Section 22(3))

- (a) Failure to comply with this Act or its regulation.
- (b) Failure to observe the rules of registration.
- (c) To humiliate the client, by act, physical, psychological or gender.
- (d) To have personal interest that affect the working relation between the client and the practitioner.
- (e) To induce the client to change his will or directives of health immunity; or
- (f) Failure to serve the client who need a service.
- (g) Improper utilization of drugs or any other assets or capital of the employer.
- (h) Failure to report negligence or professional misconduct.
- (i) Failure to keep the secret of the client.
- (j) To give false information regarding the treatment of the client.
- (k) Failure to provide the standard of service and to observe professional conduct.
- (l) Any other act that may lead to professional misconduct or risk to the client.

PASSED in the House of Representatives of Zanzibar on 19th day of October, 2012.

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