# THE PRIVATE HOSPITALS (REGULATION) ACT, 1977

## ARRANGEMENT OF SECTIONS

### PART I

**PRELIMINARY**

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Short title and commencement.</td>
</tr>
<tr>
<td>2.</td>
<td>Application of this Act and exemptions.</td>
</tr>
<tr>
<td>3.</td>
<td>Interpretation.</td>
</tr>
</tbody>
</table>

### PART II

**APPOINTMENT OF OFFICER**  **RESTRICTION ON MANAGEMENT OF PRIVATE HOSPITALS**

4. Appointment of Registrar and Assistant Registrars.
5. Restriction on management of private hospitals.
6. Power of Minister to approve organizations.
7. Particulars of approved organizations to be registered and published.
8. Revocation of approval.

### PART III

**REGISTRATION OF PRIVATE HOSPITALS**

9. Registration of private hospitals.
10. Duties of Registrar in relation to registered hospitals.
11. Cancellation of registration of hospitals.

### PART IV

**CONTROL OF FEES CHARGEABLE BY PRIVATE HOSPITALS IN RESPECT OF MEDICAL TREATMENT**

12. Definition of "price"
13. Power of Minister to determine price structures.
14. Decisions of Minister not subject to review by courts.
15. Publication of maximum prices.
17. Books of account and other records.
18. Issue of receipts.
PART V
REGULATION OF SCALES OF EMOLUMENT PAYABLE TO MEDICAL PRACTITIONERS EMPLOYED AT PRIVATE HOSPITALS

19. Regulation of scales of salaries of medical practitioners.
20. Enforcement of statutory maximum, salaries.
21. Records of salaries to be kept.
22. Agreements designed to evade this Act.

PART VI
GENERAL PROVISIONS

23. Inspection and search.
24. Offences by organizations.
25. Amendment of Cap. 409.
26. Regulations.
27. Transitional provisions.
THE UNITED REPUBLIC OF TANZANIA

An Act to make provision to restrict the management of private hospitals to approved organizations, to control fees and other charges payable in respect of medical treatment and other services rendered by private hospitals, to regulate scales of emoluments payable to medical Practitioners employed at private hospitals, and to make other provisions connected with those matters

ENACTED by the Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY

1. This Act may be cited as the Private Hospitals (Regulation) Act, 1977 and shall, subject to the provisions of subsection (1) of section 2, come into operation on such date as the Minister may, by notice published in the Gazette, appoint.

2.-(1) Subject to the provisions of subsection (2). this Act shall apply to all private hospitals and also in relation to all persons concerned with the management of private hospitals, whether as owners or employees of the private hospitals:

Provided that in the case of a private hospital which is in existence on the date of the enactment of this Act, the provisions of this Act shall not apply in relation to that hospital until the Minister has, by notice in the Gazette, specified the hospital and the date from which the provisions of this Act shall apply in relation to that hospital.

'(2) The Minister may, if in his opinion it is in the public interest to do so, by notice published in the Gazette, exempt from all or
any of the provisions of this Act either absolutely or subject to such conditions as he may think fit any private hospital or any person.

(3) Notwithstanding any provision contained in this Act to the contrary, a medical practitioner shall not be deemed to be in contravention of any requirement prescribed by or under this Act in respect of any thing done by him anywhere for the purpose of rendering medical treatment, free of charge, to any person-

(a) in an emergency situation; or

(b) who is a member of his household or under his control.

Interpretation

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

"approved organization" means an organization approved by the Minister under section 6 to manage a private hospital in accordance with the provisions of this Act;

"hospital" means any institution for the reception and medical treatment of persons who are injured, infirm or suffering from illness, and includes a dispensary, maternity home, clinic (whether mobile or not) and also any place or premises used for purposes of medical treatment, whether regularly or periodically;

"medical officer" means a medical practitioner in the employment of the Government;

"medical practitioner" means a person for the time being authorized to practise the medical profession by virtue of his being registered or licensed under the provisions of the Medical Practitioners and Dentists Ordinance;

"medical treatment" includes dentistry, surgery, obstetrics, nursing, the administration of medicine, health counselling and the provision of any other service or the supply of any goods in connection with any of the matters specified in this definition, but does not include veterinary surgery;

"Minister" means the Minister for the time being responsible for matters relating to medical and health services;

"organization" includes any society, association or other body of persons, whether or not incorporated under any written law, and also a person recognized as a corporation sole under the law for the time being in force relating to corporations;

"private hospital" means any hospital other than a public hospital;

"public hospital" means any hospital which is within any one of the following descriptions-

(a) a hospital owned by Chama Cha Mapinduzi or any organization affiliated to Chama Cha Mapinduzi;

(b) a hospital owned by the Government;

(c) a hospital owned by any corporation or company which is owned by the Government, other alone or jointly with any person or organization, or which is owned by any subsidiary of any corporation or company of that description;
(d) a hospital owned by any organization, the management of which is wholly or partly financed or materially aided from the public revenue;
(e) a hospital owned by any corporation or institution within the East African Community or owned by any other international organization of which the United Republic is a member;
(f) any other hospital which the Minister may, by notice published in the Gazette, declare to be a public hospital for the purposes of this Act.

(2) For the purpose of enabling members of the public to distinguish between private hospitals of approved organizations and public hospitals the Minister may give directions in writing requiring all private hospitals to be identified by such means as he may prescribe in the directions and every approved organization concerned shall comply with those directions.

(3) In the interpretation or application of the provisions of this Act the following rules shall apply
(a) a person shall be deemed to manage a private hospital if, for himself or on behalf of any other person, he actually renders or holds himself out as ready and willing to render medical treatment on payment to any person attending the hospital;
(b) medical treatment shall be deemed to have been rendered to a person at a private hospital irrespective of whether the treatment is rendered to him alone or jointly with other persons at a time and whether it is rendered to him on one or more occasions;
(c) where two, or more places or sets of premises, whether comprised in one or more rights of occupancies, are used collectively as a single unit for purposes of a private hospital, there shall be deemed to be one hospital and references to "hospital" shall be construed accordingly.

PART II
APPOINTMENT OF OFFICERS AND RESTRICTION ON MANAGEMENT OF PRIVATE HOSPITALS

4.-(l) The Minister shall appoint a public officer to be a Registrar of Private Hospitals and may appoint any number of other public officers to be Assistant Registrars of Private Hospitals as he may consider necessary.

(2) The Registrar shall perform the duties and exercise the functions prescribed in this Act in relation to, his office and such other duties and functions as the Minister may direct or prescribe by regulations made under this Act.

(3) Every Assistant Registrar shall assist the Registrar in the performance of his duties under this Act and may, under the direction of the Registrar, exercise any of the functions of the Registrar.
5.- (1) It shall be unlawful for any individual to manage or cause to be managed any private hospital except on behalf of an approved organization.

(2) No organization shall manage any private hospital unless it is an approved organization and, there is subsisting in respect of the hospital valid registration made in accordance with the provisions of this Act.

(3) Any person who contravenes the provisions of subsection (1) or of subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding five years or to both that fine and imprisonment.

6.- (1) Subject to the Provisions of subsection (3), the Minister may, on receipt of an application, approve or renew the approval of any organization which is eligible for approval in the terms of subsection (2) for the purpose of the management by that organization of a private hospital.

(2) An organization shall only be eligible for approval under this section if-

(a) it has as its object the advancement of religion; or

(b) it has been established for the promotion of the welfare of workers or peasants; or

(c) it is engaged in the advancement of any other public purpose.

(3) The Minister shall not approve any organization under this section: if the organization is engaged or intends to engage, whether directly or indirectly, in the management of a private hospital for any one of the following purposes,-

(a) making profit; or

(b) the promotion of the economic interests of the members of the organization; or

(e) facilitating the operations of any other organization engaged in activities designed to make profit or to advance, the economic interests of its members.

(4) The Minister may refuse to approve or renew the approval of any organization under this section without assigning any reasons for the refusal.

(5) An application for approval or renewal of approval under this section shall be made to the Minister in writing specifying the name and address of the organization, the private hospital in respect of which the application is made, and setting out such other information as may be prescribed by any regulations made under this Act.

(6) Approval of an organization under this section-

(a) shall be in writing under the hand of the Minister and shall be given free of charge;
(b) subject to, section 7, shall be valid for such period as, may be, specified by the Minister and may be renewed from time to time.

(c) shall not be transferable.

7.- (1) The Registrar shall keep a register in the prescribed form in which, he shall enter the name of every approved, organization and of such other particulars relating to the organization as he may consider to be relevant, and shall delete or amend any of those particulars as circumstances may require.

(2) At least, once each year the Registrar shall publish in the Gazette or in any national newspaper a list of an approved organizations whose approval is still in force.

8. The Minister may at any time revoke any approval, or its renewal given under section 6 if he: is satisfied-

(a) that the approved organization has ceased to be eligible for approval in the terms of section 6 (2); or

(b) that, the approved organization is managing a private hospital for one or more of the purposes specified in section 6 (3); or,

(c), that the approved organization is no longer At to manage a private hospital.

PART III
REGISTRATION OF PRIVATE HOSPITALS

9.- (1) No approved organization shall manage any private hospital unless the hospital is registered under this section.

(2). An application for registration of a private, hospital shall, be made to the Minister in writing specifying the hospital in respect of which the application is made and setting out such other particulars relating to the approved organization or to the hospital as be prescribed by regulations made under this Act.

(3) There shall be separate, registration, in respect of every private hospital managed by an approved organization.

(4) The registration of a private hospital under this section shall become void, upon the, expiration of thirty days from the; date: of any change in the ownership or management of the hospital.

(5) On receipt of an application together with the prescribed fees (if any) for the registration of a private hospital under this section, the Minister may approve or refuse, to approve the application. Where the Minister approves the application he shall direct the Registrar to register the private hospital specified in the application and issue to the applicant a certificate of registration in the prescribed form either without conditions or upon such conditions as the Minister may prescribe.

(6) Every certificate of registration issued under this section in respect of a private hospital shall be displayed in a conspicuous position within the premises of the hospital.
(7) Without prejudice to the general Power conferred upon the Minister by subsection (5) to refuse to approve an application under this section, the Minister may refuse to register a private hospital if he is satisfied--

(a) that the applicant is not an approved organization or is not an organization which is eligible for approval in the terms of section 6 (2); or

(b) that the private hospital specified in the application is not under the charge of a medical practitioner or other person who is fit to manage a hospital or a hospital of the description given in the application; or

(c) that for reasons connected with the situation, construction, accommodation, staffing or equipment of the private hospital or of any premises used in connection with the hospital, it is not in the public interest to register the hospital.

(8) Any person who manages any private hospital which is not registered under this Act or any private hospital the registration of which has been cancelled or has ceased to have effect for any other reason shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding three years or to both that fine and imprisonment.

10. (1) The Registrar shall keep a register in the prescribed form in which he shall enter the name of every private hospital approved by the Minister for registration under section 9 and such other particulars relating to the hospital as he may consider relevant, and shall delete or amend any of those particulars as circumstances may require.

(2) At least once each year the Registrar shall publish in the Gazette or in any national newspaper a list of all private hospitals the registration of which is still in force.

11. (1) Where, in respect of any registered private hospital, the Minister is satisfied--

(a) that the premises of the hospital are no longer fit to be used as a hospital by reason of their being kept in an unclean or insanitary condition; or

(b) that provision made for the medical treatment of persons attending the hospital is inadequate; or

(c) that the approved organization responsible for the management of the hospital has failed to comply with any regulations made under this Act relating to the staff, accommodation or equipment to be provided at a private hospital or prescribing minimum standards of diet to be provided to persons admitted to the hospital as in-patients,

the minister may, by notice in writing, require the approved organization to remedy to the satisfaction of the Minister defects specified in the notice within such period as he may specify in the notice.
(2) If the approved organization fails to comply with the require-
ments of a notice under subsection (1) within the specified period, the
Minister may, after calling upon the approved organization to show
cause why the registration of the hospital should not be cancelled,
cancel the registration.

PART IV
CONTROL OF FEES CHARGEABLE BY PRIVATE HOSPITALS IN RESPECT OF
MEDICAL TREATMENT

12. In this Act, the term "price", when used in relation to medical
treatment, means any fee or other payment of any description charged " or chargeable by any private hospital in respect of medical treatment rendered to any person.

13.-(1) The Minister may, from time to time, determine and review, in accordance with the provisions of this Act, the price structures of medical treatment rendered by private hospitals either on a national basis or in relation to any particular area or areas.

(2) In the exercise of the power conferred upon, him by subsection (1) to determine price structures in relation to medical treatment the Minister shall have power to fix maximum prices of any type of medical treatment rendered by private hospitals and to prescribe the manner in which the maximum prices shall be ascertained.

(3) In determining the price structures of any type of medical treatment the Minister shall have regard to-

(a) the types of medical treatment essential to the community available at private hospitals and at public hospitals;

(b) the need to prevent unduly rapid or frequent variations in prices;

(c) the need to maintain reasonable standards of services rendered by private hospitals;

(d) the need to promote the continued ability of private hospitals to maintain efficiency and expand their services to supplement services rendered by public hospitals;

(e) the need to ensure the availability of adequate medical and health services in rural as well as urban areas.

(4) In addition to the factors specified in subsection (3), in determining the maximum price of medical treatment the Minister shall take into account the cost of material (if any) used, the direct and overhead costs of providing the service and the level of any duties or taxes collected from private hospitals and such other factors as the Minister may consider relevant.
(5) In the exercise of his powers under this section the Minister shall have power-

(a) to receive and review applications for determination or variation of maximum prices from approved organizations;

(b) to receive and review applications or representations in respect of prices from any person or organization or from any public authority;

(c) to refer to any public authority any matter relating to prices of medical treatment for the purpose of obtaining advice on the matter;

(d) notwithstanding any written law to the contrary, to secure access to relevant data concerning the provision of medical treatment from any person or organization or from any public authority.

(6) The Minister may, by notice in writing, require any approved organization responsible for the management of any private hospital to produce to him, within such period as he may specify in the notice-

(a) books of account or other records relating to the management of the hospital;

(b) a return of income made by the approved organization in respect of any year for the purposes of assessment of income tax or other similar taxes;

(c) such other information as the Minister may consider relevant.

14. No decision of the Minister made in accordance with the provisions of this Act relating to prices shall be subject to review by any court on any ground.

15.-(1) Where the Minister has fixed the maximum price of any type of medical treatment he shall issue a notice setting out a description of the type of medical treatment and the maximum price fixed in relation to it.

(2) A notice issued under subsection (1) may be published in any manner as will, in the opinion of the Minister, ensure that its contents come to the notice of members of the public who will or are likely to be affected by the contents of the notice.

(3) With effect from the date of the publication of any notice under this section or any subsequent date specified in the notice the maximum price of the type of medical treatment described in the notice shall be the price described in relation to it.

(4) Any person, who renders medical treatment at any private hospital at a price in excess of the maximum price fixed in relation to that type of medical treatment shall be guilty of an offence and
shall be liable on conviction to a fine not exceeding fifteen thousand shillings or to imprisonment for a term not exceeding three years or to both that fine and imprisonment.

16.-(1) The Minister may, by order published in the Gazette, require any approved organization responsible for the management of any private hospital to, display in a prominent manner and in a conspicuous position so that it may be easily read and, is clearly legible to patients in those parts of the premises of the hospital where medical treatment is rendered, a list of the current maximum prices of such types of medical treatment as are mentioned in the order which the approved organization may render.

(2) An order under this section may provide for the form in which the list of maximum prices which it requires to be displayed shall be arranged.

(3) Any person responsible for the management of any private hospital who fails to display at the hospital a list of current maximum prices fixed in relation to medical treatment shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand shillings or imprisonment for a term not exceeding twelve months or to both that fine and imprisonment.

17.-(1) Every approved organization responsible for the management of a private hospital rendering medical treatment in respect of which maximum prices have been fixed under this Act shall keep books of account or other records in respect of the medical treatment and shall make such entries in those books or records as may be prescribed by regulations made under this Act.

(2) The approved organization shall, after the last entry in every book of account or record kept under this section, preserve the book or record for a period of two years or such longer period as may be prescribed by regulations made under this Act.

18.-(1) Every person in charge of a private hospital which renders to any person medical treatment in respect of which a maximum price has been fixed under this Act and for which a price is paid or is to be paid shall, as soon as, possible after the treatment is rendered, supply to the person, a receipt or an invoice describing the type of treatment rendered and showing, the price which has been or is to be paid for the treatment.

(2) Every person who issues a receipt or an invoice under this section shall retain in the records of the private hospital a duplicate copy of the receipt or invoice.

(3) Any person in charge of any private hospital who fails to comply with the provisions of subsection (1) or of subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding twelve months or to both that fine and imprisonment.
19.- (1) Whenever the Minister is of the opinion that it is in the public interest that the scales of emoluments payable to medical practitioners employed at private hospitals should be controlled or that the scales of emoluments be reviewed, he may determine or review the scales of emoluments in accordance with the provisions of this Act.

(2) In the exercise of the power conferred upon him by subsection (1) the Minister shall have power to fix the maximum scale of basic salaries or wages or remuneration as well as allowances and other benefits (in this Act referred to collectively as “salaries”) payable or accruing to medical practitioners generally or medical practitioners of any particular category in respect of services rendered under a contract of service or an agreement, or an other arrangement.

(3) In determining maximum salaries the Minister shall have regard to-

(a) differences in basic qualifications, experience and levels of skill and responsibility among medical practitioners of any particular specialization or between medical practitioners of different branches of the medical profession;

(b) the need to maintain (the highest standards of efficiency in the practice of the medical profession;

(c) the need to maintain and expand the level of employment of medical practitioners at private hospitals;

(d) the need to maintain a fair relation between the incomes of different sectors of the community.

(4) In the exercise of his powers under this section the Minister shall have power-

(a) to receive and review applications for the determination and, subject to section 20 (3), variation of maximum salaries;

(b) to receive and review applications or representations in respect of salaries of medical practitioners from any organization or from any public authority;

(c) to refer to any public authority any matter relating to salaries of medical practitioners for the purpose of obtaining advice on the matter;

(d) notwithstanding any written law to the contrary, secure access to relevant data concerning the payment of salaries of medical practitioners from any person or organization or from any public authority.

(5) The Minister may, by notice in writing, require any approved organization responsible for the management of any private hospital to submit to him, within such period as he may specify in the notice.
(a) particulars relating to scales of salaries applicable to medical practitioners employed at any private hospital managed by the organization;

(b) particulars of sums of money which it is expected the organization will receive during the current financial year of the organization and the sources from which the sums of money are expected;

(c) particulars of the estimated expenditures of the organization during the current financial year of the organization.

(6) On receipt of the particulars specified in subsection (5) the Minister may approve without amendment the scales of salaries submitted by the organization or he may, if in his opinion it is in the public interest to do so, by order in writing under his hand require the organization to vary its scales of salaries to conform to maximum limits prescribed in the order within such period as the Minister may specify in the order (and the organization shall comply with the requirement.

(7) Every scale of salary the maximum of which has been fixed by the Minister under subsection (2) or the maximum of which has been approved or determined in accordance with an order of the Minister pursuant to subsection (6) shall be known as the "statutory maximum salary" and shall be enforced in accordance with the provisions of this Act.

20.- (1) The Minister shall publish in the Gazette a notice setting out particulars relating to every statutory maximum salary fixed or approved or determined by him under section 19 and shall included in those particulars a description of the category of medical practitioners to whom the statutory maximum salary is applicable.

(2) Every statutory maximum salary published in the Gazette-

(a) shall not be liable to be challenged, reviewed or questioned in any court on any ground;

(b) shall be binding on the employers or approved organizations and medical practitioners to whom it relates; notwithstanding any provision to the contrary in any written law, contract, agreement or any other arrangement;

(c) shall be an implied term of the contract, agreement or other arrangement between the employers or approved organizations and medical practitioners to whom it relates, and the conditions of service to be observed under the contract, agreement or arrangement shall be in accordance with the statutory maximum salary so published until varied by a subsequent notice published in the Gazette.

(3) Except with the permission of the Minister, no application shall be made under section 19 (4) to vary any statutory maximum salary published in the Gazette within twelve months of the date of its coming into force.
21. Every approved organization responsible for the management of any private hospital shall keep records relating to salaries paid to medical practitioners employed at the hospital and shall preserve all those records for a period of two years or such longer period as may be prescribed by regulations made under this Act.

22. On or after the enactment of this Act it shall be unlawful for any employer or organization to alter, vary or amend (whether or not with the consent of the medical practitioner) any term, of any contract, agreement or arrangement with the medical practitioner which is designed to defeat or modify the provisions of this Act in relation to the salary payable to the medical practitioner.

PART VI
GENERAL PROVISIONS

23.-(1) The Registrar of Private Hospitals, an Assistant Registrar of Private Hospitals, a medical officer or any other public officer authorized by the Minister in writing for that purpose, may if he has reasonable cause to believe that medical treatment is being given on any premises used as a private hospital, demand that the person in charge of those premises shall allow him free entry to the premises and afford him all reasonable facilities to ascertain whether the medical treatment is being rendered in accordance with the provisions of this Act or of the regulations made under it.

(2) If the officer after producing proof of his authority to any person who may reasonably require that proof, is unable to gain entry to the premises without unreasonable delay or inconvenience, he may enter the premises without warrant and inspect them to ascertain the matters specified under subsection (1).

(3) Any person who prevents or obstructs any officer acting under this section in the performance of his duties shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding twelve months or to both that fine and imprisonment.

24. Where any offence under this Act or any regulations made under it is committed by an organization, every person charged with, or concerned, or acting in, the control or management of the affairs or activities of the organization shall also be guilty of the offence and shall be liable to be proceeded against and punished accordingly, unless the person proves to the satisfaction of the court that, through no act or omission on his part, he was not aware that the offence was being or was intended or about to be committed, or that he took all reasonable steps to prevent its commission.

25. The Medical Practitioners and Dentists Ordinance is hereby amended-

(a) in section 2, by deleting the definitions of "dentist", "medical practitioner" and "practise medicine or surgery" and substituting for them in the appropriate alphabetical positions the following definitions:
No. 6  Private Hospitals (Regulation)  1977  15

"dentist" means any Person Professing to practise dentistry or holding himself out as ready and willing to give dental treatment to patients;
"medical practitioner" means any person professing to practise medicine or surgery; or holding himself out as ready and willing to give medical or surgical treatment to patients;
"practice medicine or surgery" means to give medical or surgical treatment or advice on one or more occasions;
(b) by repealing subsection (2) of section 21; and
(C) by repealing section 22.

26. The Minister may make regulations generally for the better carrying out of the purposes and purpose of this Act, and, without prejudice to that generality, may make regulations-
(a) prescribing forms to be used for the purposes of this Act;
(b) prescribed fees which shall be payable in respect of any matters specified in any regulations made under this section;
(c) providing for submission of audited balance sheets and other records, returns and particulars of approved organizations;
(d) providing for the enforcement of scales of statutory maximum salaries;
(e) prescribing minimum standards of diet to be provided to persons admitted to private hospitals as in-patients;
(f) requiring approved organizations to provide facilities for the welfare of patients admitted to private hospitals;
(g) regulating the staff, accommodation and equipment to be provided at private hospitals;
(h) relating to any matter which is required or permitted to be prescribed under this Act.

27.- (1) The Minister may at any time after the enactment of this and before its commencement receive and consider any application required to be submitted to him under this Act and may determine the application in accordance with the provisions of this Act:
Provided that no application approved under this section shall take effect until the date on or after which this Act shall come into operation.

(2) The Minister may within six months from the date of the coming into operation of this Act, by order published in the Gazette, make such transitional or supplementary provisions as he may consider necessary or expedient to give effect or enable effect to be given to the purposes and provisions of this Act.

Passed in the National Assembly on the twenty-eighth day of April, 1977.

Clerk of the National Assembly

Printed by the Government Printer, Dar es Salaam, Tanzania.
SHERIA YA UONGOZI WA HOSPITALI ZA WATU BINAFSI
YA MWAKA 1977
YALIYOMO

SEHEMU YA KWANZA

UTANGULIZA

Ibara

Kichwa cha Habari

1. Jina la Sheria na tarehe ya kuanza kutumika.
2. Matumizi ya Sheria na msamah.

SEHEMU YA PILI

UTEUZI WA WATENDAJI NA MASHARTI KUHUSU UENDESHAJI WA
HOSPITALI ZA WATU BINAFSI

4. Uteuzi wa Msajili na Wasaidizi wake.
5. Masharti kuhusu uendeshaji wa hospitali za watu binafsii.
6. Uwezo wa Waziri wa kuyakubali mashirika.
7. Uandikishaji na utangazaji wa maelezo ya mashirika kaliyo-
kubaliwa.
8. Kubatilisha kwa kibali.

SEHEMU YA TATU

UANDIKISHAJI WA HOSPITALI ZA WATU BINAFSI

9. Uandikishaji wa Hospitali za watu binafsii.
10. Wajibu wa Msajili kuhusu hospitali zilizoandikishwa
11. Kufutwa kwa uandikishaji wa hospital.

SEHEMU YA NNE

USIMAMIZI JUU YA VIWANGO VYA ADA ZINAZOTOZWA KATIKA HOSPITALI
ZA WATU BINAFSI KWA AJILI YA MATIBABU

12. Ufafanuzi wa “ada”.
13. Uwezo wa Waziri wa kuweka viwango vya ada.
14. Uamuzi wa Waziri hautaingiliwa na mahakama.
15. Utangazaii wa viwango vya juu vya ada.
17. Utunzaji wa vitabu vya hesabu na kumbukumbu nyinginezo.
18. Utoaji wa stakabadhi za malipo ya ada.
19. Usimamizi juu ya viwango vya mishahara ya madaktari.
20. Utekelezaji wa masharti ya Sheria kuhusu viwango vya juu vya mishahara.
22. Marufuku kufanya mapatano yenye lengo la kuepa masharti ya Sheria hii.

SEHEMU YA SITA
MASHARTI MBALI MBALI

23. ukaguzi na upekuzi.
24. Ufafanuzi wa makosa yanayotendwa na mashirika.
25. Mabadiliko katika Sheria, Sura ya 409.
27. Masharti yatakayotumika kwa muda.
Sheria ya kuweka masharti ya usimamizi juu ya hospitali zisizo za umma ambazo zitaendeshwa tu na mashirika yaliyokubaliwa, kuweka utaratibu wa kuweka viwango vya juu vya ada zinazo-tozwa katika hospitali za watu binafsi kwa ajili ya matibabu yana-yopatikana katika hospitali hizo, kuweka masharti ya kuthibiti viwango vya mishahara ya madaktari wanaofanya kazi katika hospitali za watu binafsi na kuweka masharti mengineyo yanayohusika na mambo hayo yote

[.................................]

IMETUNGWA na Bunge la Jamhuri ya Muungano wa Tanzania.

SEHEMU YA KWANZA

UTANGULIZI

1. Sheria, hii itewe Sheria ya Uongoji wa Hospitali za Watu Binafsi rwaka, 1977 na, bila ya kuathiri masharti ya ibara ndogo ya (1) ya ibara ya 2, itaanza kutumika mmamo tarehe itakayoteuliwa na Waziri na kutangazwa katika Gazeti la Serikali.

2.-(1) Bila ya kuathiri masharti ya ibara ndogo ya (2), Sheria hii itatumika kwa hospitali zote za watu binafsi na. vile vile kwa watu wote wanaohusika na uendeshaji wa hospitali za watu binafsi, bila ya kuja kuwa watu hao ndio wenye hospitali au watumishi katika hospitali hizo:

Isipokuwa kwamba kwa hospitali ya mtu binafsi ambayo itakuwa ipo tayari siku Sheria hii itakapopitishwa kwenye Bunge, masharti ya Sheria hii hayatatumika kuhusu hospitali hiyo mpaka Waziri atakapotoa
taarifa katika Gazeti la Serikali ya kuitaja hospitali hiyo na tarehe ambayo masharti ya Sheria hii yatakapoanza kutumika kuhusu hospitali hiyo.

(2) Iwapo Waziri ataona, kuwa masilahi ya Umma yahitajia afanye, hivyo, basi aweza kutoa tangazo katika Gazeti la Serikali la kuisamehe hospitali ya mtu binafsi yoyote, au kumsamehe mtu yeyote kutokana na masharti yote au baadhi ya masharti ya Sheria hii, na msamaha huo waweza kutolewa ama bila masharti au kwa masharti yoyote ambayo Waziri ataona yanafaa.

(3) Bila ya kujali masharti yoyote yaliyomo katika Sheria hii yana-yoeleza vinginevyo, daktari hatahesabiwa kuwa ametenda kinyume cha masharti ya Sheria hii kutokana na jambo lolote, aliitendaji mahali popote kwa madhumuni ya kutoa huduma ya matibabu kwa mtu yeyote bila kuntoza ada, ila kwa sharti kwamba-

(a) mtu huyo alyehudumiwa awe alye kuwa kati ya hatari; au
(b) mtu huyo alyehudumiwa awe ni mtu wa kaya yake au mtu ambaye daktari huyo anajumuza la kumwangalia.

Ufanuzi

3.- (1) Katika Sheria hii, ila, iwapo maelezo yahitaji vinginevyo-
"shirika lilokubaliwa" maana yake ni' shirika lilokubaliwa na Waziri kwa mujibu wa ibara ya 6 kwa ajili ya kuendesha hospitali ya mtu binafsi kwa mujibu wa masharti ya Sheria hii;
"hospitali" maana yake ni mahali popote panapotumiwa kwa ajili ya kutoa huduma ya matibabu kwa watu walioumia au watu wenye uwezo wa mungu, na maana hicho ifahamikana kama uwezo wa kutosha kuleta huduma kwenye gari au chombo cha aina nyingine yoyote kina chosafiri kila mara au kinalikini iliyo mahali pa kudumu, na vile vile jengo lolote linalotumiwa kwa ajili ya kutoa huduma ya matibabu, iwe siku zote au mara moja moja ya kila mara;
"daktari wa Umma" maana yake ni daktari aliye katika utumishi wa Serikali;
"daktari" maana yake ni mtu ambaye amewa na le-seni kwa mujibu wa, Sheria ya Madaktari na Waganga wa Memo, na anayeruhusiwa na Sheria hiyo kuendesha shughuli za madaktari;
" matibabu" ifahamikwa kwa maana yake ni maelezo yahitaji wakati kwa nyuma hilo na vile vile ni pamoja na shughuli zingatokkazwa na kitaaluma zinazo-kesa kwa uganga wa mena, kupsawaa wagonjwa, uzalishaji wa akina mama wa wata wajoto, uugizi, ukuaji wa watawada, uchawi juu ya aya na ukuaji wa huduma ya namna nyingine yoyote kutoa恰当 kwa hospitali au ukuaji wa ufala vyovyote vinavyohusika na lolote kati ya mambo ya yaliyotajwa katika tafsiri hii, lakini maana yake hicho ifahamikana kwa maana yake ni pamoja na shughuli za uganga wa watawada, wa watawada, na
"Waziri" maana yake ni Waziri mwenye dhamana ya mambo yanayohusika na huduma, za utabibu na aya;
"shirika" ifahamikwa kwa maana yake ni maelezo yahitaji wakati kwa nyuma hilo na vile vile ni pamoja na chama, uhuru kwa kikundi chochote na wa watu, na
Sheria ya Uongozi wa Hospitali za Watu Binafsi
5Na.6 1977

ni mamoja kama kikundi hicu kimeandikishwa kama shirika kwa mujibu wa Sheria au sivyo, na vile vile maana hiyo ifahamikizi wa muhoja na mtu mmoja anayetambuliwa kuwa ni shirika kwa mujibu wa Sheria inayotumika kuhusu mashirika;
"hospitali ya mtu binafsi" maana yake ni hospitali yoyote isiyoni hospitali ya Umma;
"hospitali ya Umma" maana yake ni hospitali ya aina yoyote kati ya aina hizo zifuatazo, yaani-
(a) hospitali ya Chama cha Mapinduzi au hospit,ali ya jumuiya yo. yote iliyoshirikishwa na Chama cha Mapinduzi;
(b) hospitali ya Serikali;
(c) hospitali ya shirika lolote linalomilikiwa na Serikali au ya kampuni yoyote inayotambuliwa na Serikali, ama kwa Serikali kumiliki hiyo peke yake au kwa kushirikiana na hospitali lolote au na kampuni yoyote, au hospitali ya shirika dogo la shirika kubwa linalomilikiwa na Serikali kwa namna hiyo iliyoelezwa awali au ya kampuni ndogo ya kampuni kubwa inayomilikiwa na Serikali kwa namna hiyo iliyoelezwa awali;
(d) hospitali ya mtu binafsi yoyote ambayo baadhi ya mahitaji yake hupatikana kama msaada kutoka, na na mali ya Umma au ambayo matumizi yake yote au schemu ya matumizi hupatikana kama msaada kutokana na fedha ya Umma;  
(e) hospitali inayomilikiwa na idara yoyote ya Jumuiya ya Afrika Mashariki au na shirika lolote la Jumuiya hiyo, au hospitali inayomilikiwa na shirika lolote jinginelo la kimataifa ambalo Janhuri ya Mwagano ni mwanachama wake;
(f) hospitali yoyote nyingineyo ambayo Waziri ataitaja na kuitangaza katika Gazeti ya Serikali kuwa ni hospitali ya Umma kwa madhumuni ya Sheria hi.

(2) Kwa madhumuni ya kuwawezesha watu kwitambua hospitali za watu binafsi za mashirika iliyoshirikishwa na hospitali za Umma, Waziri aweza kutoa maagizo kwa maandishi kwamba kila hospitali ya watu binafsi iliyotumika kwamba kila hospitali ya watu binafsi iliyoelezwa kwa, namna yoyote itakayoelezwa na Waziri katika maagizo hayo, na kila shirika lilolokubaliwa linalohusika litatika kutimiza maagizo hayo.

(3) Kanuni zifuatazo zitatumika katika ufanuzi au utekelezaji wa masharti ya Sheria hii, yaani-
(a) mtu atahesabiwa kuwa kuwa anaendesha hospitali ya mtu binafsi iwapo kwa niaba yake mwenyewe au kwa niaba ya mtu mwingine yeyote anatoa matibabu katika hospitali kwa mtu yeyote, kwa malipo, au anawaelweshwa watu kwamba yuko tayari na anaweza kutumia matibabu katika hospitali kwa mtu yeyote, kwa malipo;
(b) mtu atahesabiwa kuwa amepewa matibabu katika hospitali ya mtu binafsi bila ya kujali kama matibabu hayo amepewa yeye peke yake au pamoja na watu wengine kwa, wakati mmoja na vile vile bila ya kujali kama amepata matibabu hayo mara moja tu au zaidi ya mara moja;
(c) iwapo eneo lote la mahali panapotumiwa kama hospitali ya mtu binafsi au eneo lote la majengo yanayotumiwa kwa ajili ya hospitali ya mtu binafsi limtumiwa kama ni eneo la hospitali moja, basi eneo hilo lote litahesabiwa kuwa na hospitali moja tu, bila ya kujali kama eneo hilo limeandikisha katika hati za kumiliki ardhi mbili au zaidi, hivyo, maana ya neno "hospitali" inabidi ifahamike kwa mujibu huo.

**SEHEMU YA PILI**

**UTEUZI WA WATENDAJI NA MASHARTI KUHUSU UENDESHAJI WA HOSPITALI ZA WATU BINAFSI**

4.-(1) Waziri atamteua mtumishi wa Serikali kuwa Msajili wa Hospitali za Watu Binafsi na aweza kuteua idadi yoyote anayoona inafaa ya watumishi wengine wa Serikali kuwa Wasaidizi wa Hospitali za Watu Binafsi.

(2) Msajili atafanya kazi na kutekeleza shughuli zilizotajwa katika Sheria hii kuwa ni kazi na shughuli za Msajili na pia atafanya kazi na kutekeleza shughuli nyinyezo zozote atakazoagiza Waziri au ambazo Waziri atazitaja katika Kanuni atakazoweka kwa mujibu wa Sheria hii.

(3) Kila Msajili Msaidizi atamsaidia Msajili katika utendaji wa kazi na shughuli zake kwa mujibu wa Sheria hii na, kwa, kufuata uongozi na usimamizi wa Msajili, Msajili Msaidizi aweza kufanya kazi au kutekeleza shughuli yoyote ya Msajili.

5. (1) Ni marufuku kwa mtu yeyote kuendesha hospitali ya mtu binafsi au kumruhusu mtu mwingine kuendesha hospitali ya mtu binafsi, ila kwa niaba ya shirika lilolokubaliwa.

(2) Ni marufuku kwa shirika lolote kuendesha hospitali ya mtu binafsi, ila kama shirika hilo liwe ni shirika lilolokubaliwa na hiyo hospitali iwe imeandikisha kwa mujibu wa Sheria hii.

(3) Mtu yeyote atakayetenda kinyume cha masharti ya ibara ndogo ya (1) au ya ibara ndogo ya (2) atakuwa ametenda kosa na akipatikana na hatia mbele ya mahakama atapawezekwa kuadhibiwa kwa kutozwa faini istyozidi shilingi laki moja au kufungwa gerezani kwa muda, usiozidi miaka mitano au kupewa adbhabu hizo zote mbili pamoja.

6.-(1) Bila ya kuathiri masharti ya ibara ndogo ya (3), baada ya kupokea maombi, Waziri aweza kutoa kibali au kutoa kibali upya cha kulikubali shirika lolote linalostahili kukubaliwa kwa mujibu wa ibara ndogo ya (2) ili shirika hilo liendeshe hospitali ya mtu binafsi.

(2) Shirika litastahili kukubaliwa kwa mujibu wa ibara hii iwapo tu linatimiza masharti yafuatayo, yaani-

(a) madhumuni ya shirika yawe ni shughuli za kuendeleza dini; au

(b) shirika liwe limeundwa kwa madhumuni ya kuinua hali ya maisha ya wafanyakazi au wakulima; au

(c) shirika liwe linatekeleza shughuli nyininge yoyote inayoleta au kuendeleza masilahi ya Umma.
(3) Wazari hana madaraka ya kulikubali shirika lolote kwa mujibu wa ibara hii ivapo shirika hilo linatekeleza au linakusudia kutekeleza shughuli yoyote inayohusika na uendeshaji wa hospitali ya mtu binafsi. Yoyote kwa madhumuni ya kutimiza jambo lolote kati ya mambo yafuatayo, yaani-
(a) kupata faida; au
(b) kuendeleza masilahi ya kiuchumi ya wanachama wa shirika hilo; au
(c) kusaidia uтеkeleza bora au kurahisisha. Uтеkeleza kwa shughuli za shirika jingine lolote finalotekeleza shughuli zenye lengo la kuleta faida au kuendeleza masilahi ya kiuchumi ya wanachama wake.

(4) Waziri aweza kukataa kutoa kibali au kutoa kibali upya kwa mujibu wa ibara hii kwa ajili ya shirika lolote bila ya kutoa, sababu zozote za kukataa kwake.

(5) Maombi ya kumtaka Waziri atoe kibali au atoe kibali upya yatapeleka kwa Waziri kwa maandishi na yatajiri jina na anwani ya shirika linalopajisuka maombi, hospitali inayohusika na maombi hayo na yataoto maelezo mengineyo, yoyote yatakayotakiwa kwa mujibu wa Kanuni zitakazoweke kwa kwa muhibu wa Sheria hili.

(6) Kanuni ziufatazo zitatumika kwa kila kibali kitakachotolewa na Waziri kwa muhibu wa ibara hii, yaani-
(a) kibali kitatolewa kwa hati iliyoandikwa au kutwa sahihi na Waziri, na kitatolewa bure;
(b) kibali kitatumika kwa muda wowote utakaotakiwa na Waziri, na muda huo ukimalizika, Waziri aweza kutoa kibali upya, lakini Kanuni hiijitatumika bila ya kuathiri masharti ya, ibara, ya 8;
(c) shirika lililopewa kibali halitaruhusiwa kuazimisha kibali chake kwa shirika jingine lolote.

7.-(1) Msajili ataweka daftari maalum atakamoandika jina la kila shirika lililokubaliwa na pia maelezo, mengineyo yoyote juu ya shirika hilo anayoona yanaathiri kufanya katika daftari hilo, na kila inapohitaji atatuata au atashirahisha maelezo haya.

(2) Kila mwaka Msajili atatangaza angalau mara moja katika Gazeti la Serikali au katika gazetola linafuatazwa, nchini kote orodha, ya mashirika yaliyokubaliwa yote ambayo vibali vyake bado vinatumika.

(8). Wakati wowote Waziri aweza kubatilisha kibali chochote kilichotolewa kwa mara ya kwanza au kilichotolewa upya, kwa mujibu wa ibara ya 6, kwa sababu yoyote kati ya sababu ziuatazo yaani-
(a) kwamba, shirika linalokubaliwa limekoma kuwa shirika linalostahili kukuibiwa kwa muhibu wa ibara ya 6 (2); au
(b) kwamba shirika, lilokubaliwa, linaendeshia hospitali ya shirika kwa, madhumuni ya kutimiza jambo moja au zaidi kati ya mambo yaliyotajwa, katika. Ibara ya, 6 (3); au
(c) kwamba, shirika lilokubaliwa halifai tena, kuendeshia hospitali ya shirika.
SEHEMU YA TATU

UANDIKISHAJI WA HOSPITALI ZA WATU BINAFSI

9.-(1) Ni marufuku kwa shirika lililokubaliwa lolote kuendesha hospitali ya mtu binafsi ila mpaka hospitali hiyo iwe imeandikishwa kwa mujibu wa ibara hii

(2) Maombi ya kuandikisha hospitali ya mtu binafsi yatapeleka kwa Waziri kwa maandishi ambayo yatataja hospitali inayohusika na maombi hayo, na kutoa maelezo mengine yoyote yatakayotakiwa kwa mujibu wa Kanuni zitakazowekwa kwa mujibu wa Sheria hii kuhusu maelezo ya hilo shirika lililokubaliwa au hospitali yenye.

(3) Kila hospitali ya mtu binafsi inayoenyesha na shirika lililokubaliwa itaandikishwa pekee, yaani bila yachukuliwa katika hospitali ya mtu binafsi nyingineyo yoyote.

(4) Iwapo kutoktokea mabadiliko yatakayosababisha hospitali ya mtu binafsi iliyoandikishwa kwa mujibu wa ibara hii kumilikiwa au kueandeshwa na, shirika jingine, basi uandikishaji wa awali wa hospitali hiyo utabatilika baada ya siku thalathini tangu siku ikiwa ile kuhusika ya hospitali hii hayo.

(5) Baada ya kupokea maombi ya kuandikisha hospitali ya mtu binafsi yatakayopelekwa kwa muhuri wa ibara hii pamoja na ada ya uandikishaji (kama inatozwa), Waziri aweza kuyakubali au kuyakataa maombi hayo iwapo Waziri, atayakubali maombi, basi atamwagiza Msajili kuiandikisha hospitali ya mtu binafsi iliyoandikishwa kila kwa kufanywa na Waziri aweza kuyakubali au kuyakataa maombi hayo iwapo Waziri, atayakubali maombi, basi atamwagiza Msajili kuiandikisha hospitali ya mtu binafsi iliyoandikishwa kila kwa kufanywa na Waziri aweza kuyakubali au kuyakataa maombi ya kuandikisha hospitali ya mtu binafsi kwa sababu yoyote katifu ya sababu zifuatazo, yaani-

(a) kwamba mwombaji si shirika lililokubaliwa au kwamba si shirika linalosthili kubaliwa kwa mujibu wa ibara ya 6 (2); au
(b) kwamba hospitali ya mtu binafsi iliyoandikishwa katika maombi haiiko chini ya usimamizi wa daktari au mtu mwingine yeyote anayefaa kuandikisha hospitali ya mtu binafsi kali ya aina iliyoandikishwa katika maombi; au
(c) kwamba itakuwa ni kinyume cha masilahi ya Umma kuandikisha hospitali hiyo kwa sababu ya dosari lililoko katika hospitali hiyo kutokana na mahali ilipo, jinsi iliivyojengwa, nafasi zake za sehemu za kuhudumia wagonjwa, wafanyakazi wake au zana na vifaa vyake, au kwamba majengo yanayotumika kama sehemu ya hospital hiyo yana dosari kama hizo.

10.-(1) Msajili ataweka, daftari maalam atakamoandika jina la kila hospitali ya mtu binafsi iliyo kudikisha na Waziri kuandikishwa kwa mujibu wa ibara ya 9 na pia maelezo mengineyo yoyote anayoa yana faa kuandikishwa kwa daftari hilo kuhusu hospitali hiyo, kila inapohitajika atafuta au atasisaishi maelezo hayo.

(2) Kila mwaka, Msajili atatangaza angalau mara moja katika gazeti la Serikali au katika gazeti lolote linوش wawili ya hospitali za watu binafsi zote zilizoandikishwa na ambazo uandikishaji wake bado unatumika.

11.-(1) Iwapa kuna sababu yoyote kati ya sababu zifuatazo inayohusika na hospitali ya mtu binafsi iliyo kudikishwa, yaani-

(a) kwamba majengo ya hospitali hiyo hayafai kuendelea kutumia kwa ajili ya hospitali ya sababu yanawekeza katika hali ya uchafu au yanawekeza katika hali inayohatarisha afya ya watu; au

(b) kwamba huduma za matibabu zinazotolewa kwa wagonjwa hazi iridishi; au

(c) kwamba shirika lilikutubaliwa kuendeshwa hospitali hiyo limeshindwa kutimiza masharti ya Kanuni zilizoweza kwa mujibu wa Sheria hii kuhusu wa maelezo yanayotaka wake, nafasi ya sehemu za kuhudumia wagonjwa au zana na vifaa vinaavyopasa, kuwemo katika hospitali ya mtu binafsi au kwamba shirika limeshindwa kutimiza Kanuni zilizoweza kwa wagonjwa waliolazwa hospitalini.

basi Waziri aweza kutoa taarifa kwa maandishi ya katika hospitali ya shirika lilikutubaliwa linaloaendeshwa hospitali hiyo lirekebishwa dosari zilizotaja na Waziri kuhusu hospitali hiyo na litimizie maagizo hayo kabla ya muda wowote utaotaja na Waziri katika taarifa hiyo.

(2) Iwapo shirika lilikutubaliwa litishindwa kutimiza katika muda ibara ndogo ya (1), basi Waziri aweza kutoa taarifa kwa shirika lilikutubaliwa hospitali ya sababu yoyote ya maana ya kuzuia kufutwa kwa uandikishaji wa hospitali hiyo na iwapo shirika hilo litishindwa kabisa kujieleza au litatoa sababu isiyi ya maana, basi Waziri aweza kutoa taarifa kwa uandikishaji wa hospitali.

SEHEMU YA NNE

USIMAMIZI juu YA VIWANGO VYA ADA ZINAZOTOZWA KATIKA HOSPITALI ZA WATU BINAFSI KWA AJILI YA MATIBABU

A: Katika Sheria hii, neno "ada" linapatumika kuhusu matibabu, maana yake ni malipo yoyote yanayotiza katika hospitali ya mtu binafsi yoyote kwa ajili ya matibabu aliyo mwa "ada".
13.- (1) Waziri aweza, mara kwa mara, kuweka, kwa mujibu wa Sheria hii, viwango vya ada zitakazotozwa na, hospitali za, watu binafsi kwa ajili ya, matibabu yanayotolewa na hospitali hizo, na, awesa kuweka viwango hivyo 11i vitumike katika, nchi nzima au katika sehemu maalum za nchi, na Waziri aweza, pia, kwa mujibu wa Sheria; hii, kufikiria tena viwango hivyo na kuviabadilisha kilo inapohitaiika.

(2) Katika kutumia uwezo aliopewa na ibara ndogo ya (1) wa, kuweka viwango vya ada kwa ajili ya matibabu, Waziri aweza pia kuweka kima, cha juu kabisa. cha ada kwa ajili ya aina yoyote ya, matibabu yanayotolewa, katika hospitali za, watu binafsi na aweza kueleza jinsi hicho kima, cha juu cha ada. kitaakavyopangwa na. kudhihirishwa.

(3) Wakati wa kuweka kima, cha ada, kwa ajili ya aina yoyote ya matibabu Waziri atazingatia mambo yaafuatayo, yaani-

(a) aina za matibabu ya lazima. kwa wananchi yanayopatikana. katika hospitali za watu binafsi na katika hospitali za Umma;
(b) haja ya kuepukana na hali ya kuwa na mabadiliko ya haraka au ya. mara kwa mara. ya. kima, cha ada;
(c) haja ya kudumisha ubora, wa huduma zinazotolewa katika hospitali za watu binafsi;
(d) haja ya kuziwezesha hospitali za watu binafsi kuendelea kutoa huduma bora na kupumisha shughuli zake ili zisaidie huduma zinazopatikana katika hospitali za umma;
(e) haja ya kuhakikisha, kwamba, huduma za matibabu na, za afya kwa jumla zinapatikana, katika sehemu za mijini na pia katika sehemu za vijijini.

(4) Zaidi ya mambo yaliyotajwa katika, ibara ndogo ya (3), wakati wa kuweka kima, cha, juu cha ada, kwa ajili ya matibabu, Waziri atafikiria gharana, za vifaa, (kama vinetumia), gharana za huduma yenyeshe na viwango vya ushuru au kodi zinazotakwa hospitali za watu binafsi na mambo mengineyo yoyote ambayo waziri anaona. inafaa kufikiria.

(5) Katika kutumia uwezo wake kwa mujibu wa ibara hii, Waziri atakuwa na uwezo pia wa-

(a) kupokea na kufikiria maombi kutoka mashirika yaliyokubaliwa ya kutaka Waziri aweke kuna cha juu cha ada au abadilishe kima cha juu cha ada;
(b) kupokea na kufikiria maombi kutoka kwa mtu yeyote au shirika lolote au idara yoyote ya Serikali ya kutaka Waziri afikirie jambo lolote linalohusika na ada;
(c) kupelekea idara yoyote ya Serikali maelezo juu ya jambo lolote linalohusika na ada za matibabu 11i apate ushauri juu ya jambo hilo kutoka idara hiyo;
(d) bila ya kujaji masharti ya Sheria yoyote, kuagiza kwamba apatiwe maelezo juu ya jambo lolote linalohusika na huduma ya matibabu kutoka kwa mtu yeyote au shirika lolote au idara yoyote ya Serikali.
(6) Waziri aweza kutoa taarifa kwa maandishi ya kulitaka shirika lilokubaliwa lolote linaloendesha hospitali ya watu binafsi liwasilishe kwake, kabla ya kulitaka mabina kwa atakaotaja Waziri katika taarifa hiyo, mambo yafuatayo, yaani-

(a) vitabu vyakubadha na kumbukumbu nyinginezo zinazokhutunika na uendeshaji wa hospitali hiyo;

(b) maelezo ya kuvumilisha ya hilo shirika lilokubaliwa kwa idara ya hospitali ya watu binafsi kwa ajili ya makadiri ya kodi au kodi ya hospitali ya watu binafsi hiyo kwa ajili ya hospitali ya watu binafsi hiyo.

(c) habari nyinginezo zozote zinatoa ujumla la Waziri la Hospitali ya Watu Binafsi.

14. Hakuna mahakama yoyote itakayokuwa na mamaki ya kuchunguza uamuzi wa wote uliotolewa na Waziri kwa mujibu wa Sheria hihi kuhusu ada za matibabu.

15.-(1) Iwapo Waziri ameweka kima cha juu cha ada kwa ajili ya aina yoyote ya matibabu, basi Waziri atatoa taarifa itakakoseleza aina wa matibabu inayohusika na kima cha juu cha ada kwa ajili ya hospitali ya watu binafsi.

(2) Taarifa iliyotolewa kwa mujibu wa ibara ndogo ya (1) yasema uendeshaji wa hospitali ya watu binafsi la aina ambayo mabina kwa ujumla la aina ambayo mabina kwa ajili ya shirika lilokubaliwa lolote.

(3) Tangu siku itakakoseleza aina yoyote ya kima cha juu cha ada kwa ajili ya shirika lilokubaliwa lolote, Waziri atatoa taarifa itakakoseleza aina yoyote za shirika lilokubaliwa lolote kwa ajili ya ujumla la aina.

16.-(1) Waziri aweza mazungumzo, ambayo itabidi itapata katika katika gazeti la Serikali, ya kutoka ujumla la aina ambayo mabina kwa ajili ya hospitali ya watu binafsi, basi Waziri atatoa kima cha juu cha ada kwa ajili ya hospitali ya watu binafsi.

(2) Taarifa iliyotolewa kwa maji ya (1) yasema ujumla la aina ambayo mabina kwa ajili ya hospitali ya watu binafsi, basi Waziri atatoa kima cha juu cha ada kwa ajili ya hospitali ya watu binafsi.
17-(1) Kila shirika, lililokubaliwa, linaloendesha hospitali ya watu binafsi inayotoa matibabu ambayo yamewekewa, kima cha juu cha ada kwa mujibu wa Sheria, hii liitaweka vitabu vya, hesabu au kumbukumbu nyinginezo kwa, ajili ya matibabu yanayotolewa, na, shirika, hilo litatandika, katika, vitabu hivyo au kumbukumbu hizo mambo yatakayotakiwa, yaandikwe humo kwa kufuiata, Kanuni zitazowekwa kwa muhibu wa, Sheria, hii.

(2) Kila shirika lililokubaliwa, baada ya kukumilia kundika, kitubu cha, hesabu chote kinachotakiwa, kiwekwe kwa, mujibu wa, ibara hii au baada ya kukumilia kundika kumbukumbu yote inayotakiwa. iweke kwa, muhibu wa, ibara hii, litatunza kitabu hicho au kumbukumbu hiyo kwa maka mwa wa, miaka miwili au kwa muda, mrefu zaidi, itakavyoeleza katika, Kanuni zitazowekwa kwa, muhibu wa, Sheria, hii.

18-(1) Kila, mtu anayehusika na, uongozi katika, uendeshaji wa hospitali ya, watu binafsi, inayotoa kwa, mtu yeyote matibabu ambayo yamewekewa, kima cha juu cha ada kwa, mujibu wa, Sheria hii, na matibabu ambayo yaateli, kiwekwe kwa, matibabu, stakabadhi au hati ya deni ya ada, ambayo itaelsea, aina ya, matibabu yaliyotolewa na ada iliyoliwa au inayodaika kwa, ajili ya matibabu, hayo.

(2) Kila, mtu atakayetoa, stakabadhi au hati ya deni kwa, muhibu wa ibara hii atateliwa, aweke kila matibabu, kumbukumbu za, hiyo hospitali nakala ya hiyo stakabadhi au hati ya deni la ada.

(3) Mtu yeyote, anayehusika, na, uongozi katika, uendeshaji wa hospitali ya, watu binafsi, atakayekosa, kutumia, masharti ya ibara, ndogo ya, (1) au ya, ibara, ndogo ya, (2), atakula ametenda, kosa na, akipatikana, na hatia mbele ya, mahakama atapaswa, kuachibwa kwa, kutozwa finai isiyozidi shilibi elfu tano au kufungwa, gerezani kwa, muda usiozidi, miezi kumi na mbili au kopewa, adhabu hizo zote mbili pamoja.

SEHEMU YA TANO

USIMAMIZI JUU YA VIWANGO VYA MISHAHARA YA MADAKTARI WAFANYAO KAZI KATIKA HOSPITALI ZA WATU BINAFSI

19-(1) Iwapo Waziri ataona wakati wowote kuwa masilahi ya umma yahitajia kwamba inafaa uwepo usimamizi juu ya viwango vya mishahara wanayolipwa madaktari wanaofanya kazi katika hospitali za watu binafsi, au kwamba inafaa viwango vya mishahara hiyo vichunguzwe, basi Waziri aweza kuweka kutoka ku chunguza viwango vya, muhibu wa maasali ya Sheria hii.

(2) Katika kutumia uwezo aliopewa na ibara ndogo ya, (1), Waziri atakula na uwazo pia wa kuweka kima cha juu kabisa cha mishahara halisi na vile vile kima cha juu kabisa cha posho na masilahi mengineyo (rmambo ambayo katika Sheria hii yataitwa kwa jumla "mishahara") wanayolipwa au wanayopata madaktari kwa, jumla au madaktari wa aina maalum, yoyote kwa ajili ya huduma wanayotoa kwa muhibu wa mka taba wa kazi au mapatano au mpango mwingineo wowote.
(3) Wakati wa kuweka kima cha juu cha mishahara Waziri atazingatia mambo, yafuatayo yaani-
(a) tofauti zilizoko baina ya madaraka kwa jumla au kati ya madaktari wenye utaalam wa aina fulani maalum na ama nyingine au kati ya madaktari wa idara moja na wa idara nyingine katika shughuli za madaktari kuhusu elimu ya msingi ya udaktari, ujuzi wa kazi, maarifa katika utekelezaji wa kazi na kiasi cha madaraka ya utendaji;
(b) haja ya kudumisha na kuendeleza ustadhi wa hali ya juu ya katika huduma zina zotolewa m kati ya madaktari;
(c) haja ya kuongeza na kudumisha idadi kubwa ya madaktari, wanao fanya kazi katika hospitali za watu binafsi;
(d) haja ya kuzuia tofauti kubwa kati ya mapato ya wananchi wanao fanya kazi za namna mbali mbali.

(4) Katika kutumia uwezo wake kwa mujibu wa ibara hii, Waziri atakuwa na uwezo pia wa-
(a) kupokea na kufikiria maombi ya kutaka aweke kima cha misha hara au abadilishie kima cha mishahara lakini bila ya kuathiri masharti ya ibara ya 20 (3);
(b) kupokea na kufikiria maombi ku huhsu mishahara ya madaktari kuto kwa shirika lo lote au kuto kwa idara yo yote ya Serikali;
(c) kupelekea idara yo yote ya Serikali maelezo juu ya jambo lolote linalo husika na mishahara ya madaktari ili apate ushauri juu ya jambo hilo kutoka idara hiyo;
(d) bila ya kujali masharti ya Serikali, kupelekea idara yo yote ya Serikali maelezo juu ya jambo hilo kutoka idara hiyo, kuipelekea idara yo yote ya Serikali maelezo juu ya jambo hilo kutoka idara hiyo.

(5) Waziri aweza kutoa taarifa kwa maandishi ya kutaka shirika lili kubaliwa lolote linaloendeshwa hospitali ya watu binafsi lili kubaliwa hospitali ya watu binafsi, kabla ya kumalizika muda ataka outaja Waziri katika taarifa hiyo, mambo ya ku daliwa ya yaani-
(a) maelezo kuhusu viwango vya mishahara ya madaktari wanaofanya kazi katika hospitali, ya watu binafsi inayoeneshwa na shirika hiyo;
(b) maelezo kuhusu mapato ya fedha ambayo shirika hilo lategemea kupata katika mwaka wa hesabu wa shirika hilo na maelezo kuhusu jinsi fedha hiyo, inavyotazariwa kupatikana;
(c) maelezo kuhusu makadario ya matumizi ya shirika hilo katika mwaka hilo wa hesabu wa shirika hilo.

(6) Baada ya kupokea maelezo yaliyotajwa katika ibara ndogo ya (5), Waziri aweza kukubaliwa bila ya mabadiliko viwango vya mishahara vilivyowasilishwa, kwake na hilo shirika au, akiona kwamba masilahi ya uma yahitajia afanye hivyo, aweza kutoa amri kwa maandishi ya kulitaka hilo shirika lirekebishi viwango vyake vya mishahara ili vilingane na vima vya juu vilivyotajwa katika amri yake, na kila shirika litakaloamrwi hivyo lita kuwa lihitajia litimizie maagizo. Hayo ya Waziri kabla ya kumalizika muda 'takaotajwa na Waziri.
(7) Kima cha juu cha mshahara kilichowekea na Waziri kwa mujibu wa ibara ndogo ya (2) au ambacho kimekubaliwa au kimewekwa na Waziri kwa mujibu wa ibara ndogo ya (6) kitaitewa "mshahara wa haki", na kima hicho kitatiliwa nguvu kwa mujibu wa masharti ya Sheria hii.

20.- (1) Waziri atatoa taarifa na kuitangaza katika Gazed la Serikali ambayo itakuwa na maelezo kuhusu kila mshahara wa haki uliowekwa au kukubaliwa naye kwa mujibu wa ibara ya 19, na pia maelezo ya vya aina ya madaktari watakaostahili kulipwa mshahara huo.

(2) Kanuni zifuatazo zitatumika kuhusu kila mshahara wa haki uliotangazwa katika Gazeti la Serikali, yaani-

(a) hakuna mahakama yoyote itakayokuwa na mamlaka ya kuchunguza mshahara huo;

(b) mshahara huo tu ndio utakaolipwa na waajiri au mashirika yaliyokubaliwa na ndio huo tu watakaostahili kupokea madaktari wote wanachusua na, na kanuni hii itatimizwa bila ya kuji mshahara wa Sheria yoyote au mapatano ya mkataba wa kazi, mapatano mengineyo yoyote au ya mpango wowote mwingineo;

(c) katika utakasajili au ufadhilisho wa mshahara, mapatano au mpango wowote mwingineo baada ya waajiri au mashirika yaliyokubaliwa na madaktari itabidi ifahamikizo kwamba kuna kazi hiza kwa mshahara hii, ya kulipa au kupokea mshahara wa haki tu, hivyo mshahari yote ya kazi yatakalibeshwa kwenzekhu mswali mkataba au hayo mapatano au huo mpango yatataka yatekelezwa kwa kufundishwa mshahara wa haki uliotangazwa mpaka uwe na wawili mikupa au hauka moveke mshahara na kuwa na maelezo kuhusu kila mshahara wa haki uliotangazwa tena katika Gazeti la Serikali.

(3) Ni marufuku kwa mtu yeyote au Shirika lolote kutoa maombi ya kutaka kutaka mshahara wa haki uliotangazwa katika Gazeti la Serikali kabla ya kuhakikisha kuna nyumbani na mtu mmoja tangu, siku ya kuanza kutumika mshahara huu, ila awe amepata kuanza ruhusa ya Waziri ya kutoa maombi haya.

21. Kila shirika lililokubaliwa linaloendesha hospitali ya watu binafsi litaweka kumbukumbu za mshahara wanayolipwa madaktari watakaaochunguza yaliyokubaliwa na watakaostahili wakati wa hospitali hiyo, na litatunza kumbukumbu hivo kwa muda wa Miaka miwili au kwa muda mrefu zaidi kadi kwa madaktari wanaowekwa kwa mshahara wa hospitali hii, mapatano au mpango wowote mwingineo kwenda na hospitali hii ya kuwa maombi yeyote au kutoa maombi kwa hospitali hii.

22. Tangu siku Bunge litakapopitisha Sheria hii, itakuwa marufuku kwa waajiri wa haki uliotangazwa katika Gazeti la Serikali na mshahara wa hospitali hii, mapatano au mpango wowote mwingineo kwa madhumuni ya hospitali hii, ya kuji mshahara wa hospitali hii.
SEHEMU YA SITA

MASHARTI MBALI MBALI

23.- (1) Msajili wa Hospitali za Watu Binafsi, Msajili Msaidizi wa Hospitali za Watu Binafsi, daktari wa umma, au mtumishi wa Serikali mwingine yeyote aliyeidhiniwa kwa maandishi na Waziri, akiwa na sababu ya kuamini kwamba matibabu yanatolewa katika jengo lolote linalotumilia kama hospitali! ya watu binafsi, aweza kumtaka mtu mwenye madaraka juu ya jengo hilo amruhusu angie ndani na amsaidie kwa njia itakayomwezesha kuhakikisha kama matibabu hayo yanatolewa kwa mujibu wa masharti ya Sheria hii au kwa mujibu wa masharti ya kanuni zilizowekwa kwa mujibu wa Sheria hii.

(2) Iwapo mtumishi wa Serikali yeyote kati ya hao waliotajwa katika ibara ndogo ya (1), baada kuonyesha kitambulisho chake cha kazi kwa mtu yeyote atakayetaka kuhakikisha kwamba mtumishi huyu anayotolewa katika kwa sababu ya kuamini kwamba matibabu yanatolewa kwa sababu ya kuamini kama hospitali ya watu binafsi, aweza kumtaka mtu mwenye madaraka juu ya jengo hilo hata kama hana hati maalum ya kumruhusu kupekeza na kwa wahusika wa hospitali hii kwa mahakama yeyote.

(3) Mtu yeyote atakayemzuzia au kumwekea vipingamizi huyo mtumishi wa Serikali katika utekelezaji wa wajibu wake kwa mujibu wa ibara hii, atakuwa ametenda kosa na akiparikana na hatia mbele ya mahakama atapawasili kwa hospitali na kufuata hatia zote zinazofaa za kuzuia kosa lisitendeke.

24. Iwapo shirika lolote limetenda kosa lolote kinyume cha Sheria hii au kinyume cha Kanuni zilizowekwa kwa mujibu wa Sheria hii, basi kila mtu aliyeusikia katika uongozi wa Shirika lolote limetenda kosa lolote kinyume cha Sheria hii au kinyume cha Kanuni zilizowekwa kwa mujibu wa Sheria hii.

Ukaguzi na upekuzi

25. Mabadiiliko yafuatayo yanafanywa katika Sheria ya Madaktari na Waganga wa Meno, yaani-

(a) katika ibara ya 2, ule ufananuzi wa "mganga wa meno", "daktari" na "kutoa huduma ya matibabu" unafutwa na badala yake kutoa huduma ya uganga wa meno kwa wagonjwa;

(b) ibara ndogo ya (2) ya ibara ya 21 inafutwa;

(c) ibara yote ya 22 inafutwa.
Na. 6  \textit{Sheria ya Uongozi wa Hospitali za Watu Binafsi}  1977

26. Waziri aweza kuweka Kanuni kwa ajili ya utekelezaji bora wa madhumuni na masharti ya Sheria hii, na bila ya kuathiri uwezo huo wa jumla, Waziri aweza, kuweka Kanuni kwa ajili, ya jambo lolote kati ya mambo yafuatayo, yaani-

(a) kutengeneza fomu za namna mbali mbali zitakazotumiwa katika utekelezaji wa masharti ya Sheria hii.

(b) kuweka viwango vya ada zitakazotozwa kwa ajili ya mambo yoyote yatakayotajwa katika Kanuni zitakazowekwa kwa muju binafsi wa ibara hii;

(c) kuyaagiza mashirika yaliyokubaliwa kuwasilisha na waziri miaka ya hesabu zilizocopa na maelezo mengineyo yanayohusika na mashirika hayo;

(d) kuweka utaratibu wa kutekeleza. masharti ya Sheria kuhusu viwango vya mishahara ya haki ya madaktari waliolazwa katika hospitali za watu binafsi wakolazwa; namna mbali mbali zitakazotumiwa katika utekelezaji wa masharti ya Sheria hii.

(e) kutaja kiasi na, aina ya chakula kinachofaa kupewa wagonjwa waliolazwa na maelezo yanayohusika na mashirika hayo;

(f) kuyataka mashirika yaliyokubaliwa yanayozopata hospitali za watu binafsi yaweke katika hospitali ya watu binafsi ya kuelezi yaliyokubaliwa na maelezo yanayohusika na mashirika hayo;

(g) kutaja aina na idadi ya watu wanayotaka wa hospitali za watu binafsi wa kuelezi, aina za nafasi zinapatokana na maelezo yanayohusika na mashirika hayo;

(h) kuyataka jambo zozi ya kuelezi na maelezo yanayohusika na mashirika hayo.

27.-(1) Wakati wowote baada ya kutungwa. Sheria hii, lakini kabla haiza kutumika, Waziri aweza kupokea na kufikiria maombi ya namna yoyote yatakazotumika yanayotaka hospitali za watu binafsi waliolazwa na maelezo yanayohusika na mashirika hayo kwa ajili ya kutoa huduma kwa wagonjwa wa Sheria hii:

Isipokuwa kwamba iwapo Waziri atayakubali maombi yoyote kwa muju binafsi wa ibara hii, basi jambo hilo linaendelea hospitali za watu binafsi waliolazwa na maelezo yanayohusika na mashirika hayo.

(2) Wakati wowote baada ya kuanza kutumika Sheria hii, lakini kabla hii, Waziri aweza kutungwa na maelezo yanayohusika na mashirika hayo kwa ajili ya kutumika Sheria hii na kuanza kutumika Sheria hii.

Imepitishwa katika Bunge tarehe ishirini nane Aprili 1977.

\textit{Katibu wa Bunge}

Imepigwa Chapa na Mpigachapa, wa Serikali, Dar es Salaam, Tanzania