

Tanzania

## Tanzania Institute of Education Act Chapter 142

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# Tanzania Institute of Education Act

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## Tanzania

# Tanzania Institute of Education Act

## Chapter 142

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*[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]*

*[ss. 3 and 4; Acts Nos. 13 of 1975; 4 of 1987; 11 of 1988; 13 of 1988; 5 of 1993]*

**An Act to establish the Tanzania Institute of Education.**

### Part I – Preliminary provisions (ss. 1-2)

#### 1. Short title

This Act may be cited as the Tanzania Institute of Education Act.

#### 2. Interpretation

In this Act, unless the context requires otherwise—

"**Council**" means the Council of the Institute established under [section 5](#);

"**decree**" means a decree promulgated by the Council under [section 7](#);

"**Director**" means the Director of the Institute appointed by the President under [section 9](#);

"**Deputy Director**" means the Deputy Director of the Institute appointed by the Council under [section 10](#);

"**Institute**" means the Tanzania Institute of Education established by [section 3](#);

"**member**" in relation to the Council, includes its Chairman;

"**Minister**" means the Minister responsible for national education;

"**Secretary**" means the Executive Secretary of the Institute appointed by the Council under [section 12](#);

"**student**" means any person accepted for any course of study conducted by the Institute.

### Part II – The Tanzania Institute of Education (ss. 3-4)

#### 3. Establishment of Institute

- (1) There is hereby established an institute to be known as the Tanzania Institute of Education.
- (2) The Institute shall be a body corporate and shall—
  - (a) have perpetual succession and a common seal;
  - (b) in its corporate name, be capable of suing and being sued;

- (c) be capable of purchasing and otherwise acquiring, and of alienating, any movable or immovable property;
- (d) subject to the provisions of this Act, have power from time to time to borrow such sums of money as it may require for its purpose.

#### **4. Objects and functions of Institute**

The functions of the Institute shall be—

- (a) to assume responsibility for the development of educational programmes within the United Republic having regard to objectives specified by the Government and to undertake the evaluation of courses of study and practices on the basis of such objectives;
- (b) to undertake analysis, review and revision of curricula and syllabi;
- (c) to initiate, promote and supervise such changes in the syllabi and educational programmes as are necessary for the implementation of the national policy on education;
- (d) to specify the standards of equipment, instruments and other devices which may be used for educational purposes in schools, colleges and other institutions of learning or training;
- (e) to provide facilities for and to undertake the production of equipment, instruments and other devices for educational use;
- (f) to conduct training programmes in such subjects associated with the development of curricula and syllabi as the Council may from time to time decide;
- (g) to collect and make available to the Government and other public authorities information on methods of teaching, content of courses of study and current technological development in education;
- (h) to give advice and make recommendations on such matters relating to curriculum reform as the Minister may refer to the Institute;
- (i) to give advice and assist the Government and other public authorities in the United Republic on matters relating to the achievement and maintenance of high standards of competence in teaching;
- (j) to conduct examinations on subjects within the competence of the Institute and to grant diplomas, certificates and other awards of the Institute;
- (k) to sponsor, arrange and provide facilities for in-service training courses, conferences, workshops and seminars for discussion of matters relating to its work and activities;
- (l) to manage the affairs of any institute, college, training establishment or other educational institution the interests of which are transferred to or otherwise acquired by the Institute; and
- (m) to do anything or enter into any transaction which, in the opinion of the Council, is calculated to facilitate the proper and efficient carrying on of its activities and the proper performance of its functions as specified under this section.

### **Part III – Administration (ss. 5-8)**

#### **5. The Council**

- (1) There shall be a Council of the Tanzania Institute of Education.
- (2) The provisions of the Schedule shall have effect as to the composition of the Council, tenure of office of its members, termination of their appointments, the proceedings of the Council and other matters in relation to the Council and its members as are provided therein.

## 6. Powers and duties of Council

- (1) Subject to the provisions of this Act, the government and control of the Institute shall be vested in the Council.
- (2) In particular and without prejudice to the generality of subsection (1) the Council shall have power —
  - (a) to administer the funds and other assets of the Institute;
  - (b) to administer the properties of the Institute, both movable and immovable;
  - (c) to signify the acts of the Institute by use of common seal;
  - (d) on behalf of the Institute to receive gifts, fees, donations, grants or other moneys;
  - (e) subject to the provisions of this Act, to appoint such officers of the Institute as it may consider necessary; and
  - (f) to do all such acts and things as may be provided for in this Act or as may, in the opinion of the Council, be necessary or expedient for the proper performance of its functions.

## 7. Decrees

- (1) The Council may promulgate decrees—
  - (a) fixing enrolment fees and other charges;
  - (b) subject to regulations made under this Act, prescribing the terms and conditions of service, including the appointment, dismissal, salary and retiring benefits of the members of the staff of the Institute;
  - (c) subject to any regulations made under this Act, prescribing the qualifications or conditions necessary for entry to the Institute, the courses of instruction to be provided by the Institute, the duration of such courses and the award of diplomas, certificates and other awards of the Institute;
  - (d) regulating the grant of scholarships and studentships, and the revocation of any such grant;
  - (e) relating generally to the academic management of the Institute.
- (2) The Council may promulgate decrees regulating discipline among the members of the staff of the Institute and students.
- (3) It shall not be necessary for the Council to publish in the *Gazette* any decree promulgated by it under this section:

Provided that where any such decree is not so published, the Council shall in such manner as it may determine, bring, or cause to be brought, the decree to the notice of any person who is or is likely to be affected thereby.

## 8. Council may establish Boards and Committees

- (1) The Council may, from time to time, establish Boards and Committees of members of the Boards as it may consider necessary to which it may delegate powers to decide any matters except powers which the Council may not exercise without the prior consent of approval of the Minister.
- (2) Subject to the provisions of subsection (1), the Council shall have power to establish other committees for the purposes of the Institute, and to appoint persons who are not members of the Council to such committees.

- (3) Subject to the provisions of this Act and any regulations made hereunder in that behalf, and subject to any directions given by the Council in that behalf, a Board or committee established under this section may regulate its own proceedings.

## **Part IV – The staff of the Institute (ss. 9-13)**

### **9. Director**

- (1) The President shall appoint a suitable person to be the Director of the Institute.
- (2) The Director shall be the chief administrative and academic officer of the Institute and shall be responsible to the Council—
- (a) for the proper administration of the Institute in accordance with the policy laid down by the Council;
  - (b) for the academic management of the Institute in accordance with the policy laid down by the Council;
  - (c) for the proper enforcement of decrees;
  - (d) for the discipline of persons admitted to courses of instruction provided by the Institute.

### **10. Deputy Director**

- (1) The Council may appoint on such terms and conditions of service as it may determine, a Deputy Director of the Institute.
- (2) The functions of the Deputy Director shall be generally to assist the Director and in the event of the Director being unable to perform his functions by reason of illness, infirmity, absence from the United Republic or otherwise, to act in the office of Director and perform the functions of that office.

### **11. Director and Deputy Director entitled to attend meetings of Council**

The Director or in his absence the Deputy Director shall be entitled to be present and to speak at any meeting of the Council but shall not be entitled to vote unless he is a member thereof.

### **12. Secretary**

- (1) The Council may appoint a suitable person to be the Executive Secretary of the Institute.
- (2) The Secretary shall also act as the Secretary of the Council and, subject to the provisions of this Act, shall have such functions as may be conferred upon him by the Council.
- (3) The Secretary shall attend meetings of the Council, but shall not, save where he is also a member of the Council, be entitled to participate in the deliberations of the Council.

### **13. Appointment of staff**

The administrative and academic members of the staff of the Institute shall, subject to any direction given in that behalf by the Minister, be appointed by the Council.

## Part V – Financial provisions (ss. 14-20)

### 14. Funds of the Institute

The funds and resources of the Institute shall consist of—

- (a) such moneys as may be provided for the purposes of the Institute by Parliament;
- (b) such funds or assets which may vest in or accrue to the Institute from other sources by way of fees, gifts or otherwise;
- (c) such sums as the Council may, subject to the provisions of [section 15](#), borrow for the purposes of the Institute;
- (d) such sums as may in any manner become payable to or vested in the Institute either under the provisions of this Act or incidental to the carrying out of its functions, or by way of fees, gifts, grants or otherwise.

### 15. Power to borrow

- (1) With the prior approval of the Minister, the Council may, from time to time, borrow moneys for and on behalf of the Institute by way of loan or overdraft, and upon such security and such terms and conditions relating to the repayment of the principal and the payment of the interest as, subject to any directions by the Minister, the Council may deem fit.
- (2) A person lending money to the Institute shall not be bound to enquire whether the borrowing of that money by the Council has been approved by the Minister.

### 16. Annual and supplementary budget

- (1) Not less than two months before the beginning of any financial year (other than the first financial year after the commencement of this Act) the Council shall at its meeting especially convened for that purpose, pass a detailed budget (in this Act called "the annual budget") of the amount respectively—
  - (a) expected to be received; and
  - (b) expected to be disbursed,by the Institute during that financial year.
- (2) If in any financial year the Council requires to make any disbursement not provided for or of an amount in excess of the amount provided for in the annual budget for that year, the Council shall, at a meeting, pass a supplementary budget detailing such disbursement.
- (3) The annual budget and every supplementary budget shall be in such form and include such details as the Minister may direct.
- (4) Forthwith upon passing any annual budget or any supplementary budget, the Council shall submit the same to the Minister for his approval.
- (5) The Minister shall, upon receipt of the annual budget or any supplementary budget, approve or disapprove the same or may approve subject to such amendments as he may deem fit.
- (6) Where the Minister has approved any annual budget or any supplementary budget, the budget or, as the case may be, the supplementary budget, as amended by him, shall be binding on the Council which, subject to the provisions of subsection (7), shall confine the disbursement within the items and the amounts contained in the budget or supplementary budget as approved by the Minister.

- (7) The Council may—
- (a) with the sanction in writing of the Minister make a disbursement notwithstanding that such disbursement is not provided for in any budget;
  - (b) from the amount of expenditure provided for in any budget in respect of any item, transfer a sum not exceeding ten thousand shillings, to any other item contained in such budget;
  - (c) adjust expenditure limits to take account of circumstances not reasonably foreseeable at the time the budget was prepared, subject to submitting a supplementary budget to the Minister within two months of such alteration of expenditure limits becoming necessary.

## 17. Investment

With the prior approval of the Minister, the Council may, from time to time, invest any part of the moneys available in any fund in investments authorised by the Trustee Investments Act<sup>1</sup>, for the investments of any trust fund.

## 18. Accounts and audit

- (1) The Council shall cause to be provided and kept proper books of account and records with respect to —
- (a) the receipt and expenditure of moneys by, and other financial transactions of, the Institute;
  - (b) the assets and liabilities of the Institute,
- and shall cause to be made out for every financial year a balance sheet showing details of the income and expenditure of the Institute and all its assets and liabilities.
- (2) Within six months of the close of a financial year the accounts including the balance sheet of the Institute in respect of that financial year shall be audited by the Tanzania Audit Corporation established by the Tanzania Audit Corporation Act<sup>2</sup>.
- (3) As soon as the accounts of the Institute have been audited, and in any case not later than six months after the close of such financial year, the Council shall submit to the Minister a copy of the audited statement of accounts together with a copy of the report thereon made by the auditors.
- (4) Every such audited balance sheet shall be placed before a meeting of the Council and, if adopted by the Council, shall be endorsed with a certificate that it has been so adopted.

## 19. Director's report

The Director shall, at the end of each financial year, prepare a report on the activities of the Institute during the financial year and submit such report to the Minister.

## 20. Annual statement of accounts and report to be laid before National Assembly

The Minister shall, as soon as may be practicable and not later than twelve months after the close of a financial year, lay before the National Assembly the following documents in relation to such financial year a copy of—

- (a) the audited statement of accounts of the Institute;

<sup>1</sup>

[Cap. 53](#)

<sup>2</sup>

[Cap. 56](#)



- (b) the auditor's report, if any; and
- (c) the Director's report.

## **Part VI – Miscellaneous provisions (ss. 21-25)**

### **21. Regulations**

- (1) With the consent of the Minister, the Council may make regulations for the better carrying out of the purposes of this Act, and without prejudice to the generality of the foregoing, may make regulations—
  - (a) prescribing professional diplomas, certificates of different types and other awards which may be conferred or granted by the Institute;
  - (b) prescribing the conditions which may be satisfied before any diplomas, certificates of different types and other awards, may be granted;
  - (c) prescribing the manner in which diplomas, certificates of different types or other awards may be granted;
  - (d) regulating the conduct of examinations;
  - (e) prescribing fees for admission to the Institute;
  - (f) prescribing fees payable by the candidates for any examination held or conducted by the Institute;
  - (g) providing for and regulating disciplinary proceedings against the officers of the Institute and persons admitted to any course of instruction provided by the Institute;
  - (h) prescribing anything which may be prescribed under this Act; and
  - (i) providing for any matter or thing which, in the opinion of the Council, is necessary to provide for the more efficient performance of the functions of the Institute.
- (2) Regulations made under this section shall be published in the *Gazette*.

### **22. Fees and allowances**

The Minister may, by directions under his hand, prescribe the fees and allowances payable to the members of the Council.

### **23. Minister may give directions**

The Minister may give the Council directions of a general or specified character and the Council shall give effect to every such directions.

### **24. Liability of members of Council, etc.**

Without prejudice to the provisions of section 284A of the Penal Code<sup>3</sup> or of the Public Officers (Recovery of Debts) Act<sup>4</sup>, no act or thing done, or omitted to be done, by any member of the Council or by any officer, servant or agent of the Institute shall, if done or omitted to be done *bona fide* in the execution or

<sup>3</sup>

[Cap. 16](#)

<sup>4</sup>

[Cap. 76](#)

purported execution of his duties as such member, officer, servant or agent, subject any such person to any action, liability or demand whatsoever.

## 25. Amendment of Schedule

The Minister may, by order in the *Gazette*, amend, vary or replace all or any of the provisions of the Schedule to this Act.

### Schedule (Section 2)

#### 1. Interpretation

In this Schedule the "appointing authority" means, in the case of the Chairman, the President, and in the case of any other member of the Council, the Minister.

#### 2. Composition

The Council shall consist of—

- (a) a Chairman who shall be appointed by the President;
- (b) not more than ten and not less than seven members, who shall be appointed the Minister.

#### 3. Representation

In making appointments of members of the Council the Minister shall ensure that there is adequate representation on the Council of such organisations and professional and academic bodies as are likely to utilise the skills and disciplines to be promoted by the Institute and shall further ensure that every person appointed by him is a person who in his opinion, has the necessary experience or qualification to enable him to make a useful contribution to the deliberations of the Council and to assist the Council in the discharge of its functions.

#### 4. Tenure of office

Every member of the Council shall continue to hold office for a period of four years and shall be eligible for re-appointment.

#### 5. Absence from three consecutive meetings

Where any member absents himself from three consecutive meetings of the Council without reasonable excuse, the Council shall advise the appointing authority of the fact and the appointing authority may, if it deems fit so to do, terminate the appointment of the member and appoint another member in his place.

#### 6. Appointment of temporary member

Where any member is by reason of illness, infirmity or absence from the United Republic, unable to attend any meeting of the Council, the Minister may appoint a temporary member in his place and such temporary member shall cease to hold office on the resumption of office by the substantive member.

#### 7. Vice-Chairman

The Council shall elect one of its members to be the Vice-Chairman and any member elected as Vice-Chairman shall, subject to his continuing to be a member, hold office of Vice-Chairman for a term of one year from the date of his election, and shall be eligible to be re-elected.

#### 8. Power of Chairman and Vice-Chairman

- (1) The Chairman shall preside at all meetings of the Council.
- (2) Where at any meeting of the Council the Chairman is absent, the Vice-Chairman shall preside.

- (3) In the absence of both the Chairman and the Vice-Chairman at any meeting of the Council, the members present may, from amongst their number, elect a temporary Chairman who shall preside at that meeting.
- (4) The Chairman, Vice-Chairman or temporary Chairman, presiding at any meeting of the Council, shall have a vote and, in the event of an equality of votes, shall have a casting vote in addition to his deliberative vote.

**9. Meeting and procedure of Council**

- (1) Subject to any general or specific direction by the Minister, the Council shall meet not less than four times during every financial year and at such additional times as may be fixed by the Chairman or, if he is absent from the United Republic, or unable for any reason to act, the Vice-Chairman:

Provided that the Chairman or, if he is absent from the United Republic or is unable for any reason to act, the Vice-Chairman shall, at the request of at least ten members, summon a meeting of the Council within thirty days of such request being made to him in writing.

- (2) The Secretary of the Council shall give to each member not less than fourteen days' notice of the time and place of the meeting.

**10. Quorum**

- (1) At any meeting of the Council not less than one-half of the members for the time being in office shall constitute a quorum.
- (2) If a quorum is not present within half an hour of the time appointed for the meeting, the members present or the majority of them, or any one member if only one is present, or the Secretary if no member is present, may adjourn the meeting to any time not later than fourteen days from the date of adjournment.

**11. Decisions of Council**

Subject to the provisions relating to a casting vote, all questions at a meeting of the Council shall be decided by a majority of the votes of the members present at the meeting.

**12. Decision by circulation of papers**

Notwithstanding the foregoing provisions of this Schedule decisions may be made by the Council without a meeting, by circulation of the relevant papers among the members and the expression of the views of the majority thereof in writing:

Provided that any member shall be entitled to require any such decision to be deferred and the subject matter to be considered at a meeting of the Council.

**13. Seal**

- (1) The seal of the Institute shall be of such shape, size and form as the Council may determine.
- (2) The seal shall be affixed in the presence of—
  - (a) the Director;
  - (b) the Secretary; or
  - (c) such other officer of the Institute as the Director may nominate in that behalf, and the person or persons present shall sign over or underneath the seal in witness thereof.

**14. Execution of contracts, etc.**

Subject to paragraph 13, all conveyances, transfers, contracts, guarantees, agreements, bonds, mortgages, charges, bills of exchange, promissory notes, bank drafts, letters of credit, securities and other instruments whatsoever to which the Institute is a party shall be executed on behalf of the Institute by—

- (a) the Director;

- (b) the Secretary; or
- (c) such other officer of the Institute as the Director may nominate in that behalf.

15. **Council may regulate its proceedings**

Subject to the provisions of this Schedule the Council may regulate its own proceedings.