

Tanzania

## Tanzania Library Services Act Chapter 102

Legislation as at 31 July 2002

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# Tanzania

## Tanzania Library Services Act

### Chapter 102

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*[This is the version of this document at 31 July 2002.]*

*[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.]*

*[Acts Nos. 6 of 1975; 1 of 1977; 5 of 1995]*

**An Act to provide for the continuance of the Tanganyika Library Services Board under the name of Tanzania Library Services Board, to enlarge the functions of the Board and to provide for the management and control of the Board.**

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

##### 1. Short title

This Act may be cited as the Tanzania Library Services Act.

##### 2. Interpretation

In this Act, unless the context requires otherwise—

"**appointing authority**" in relation to any member of the Board, shall have the meaning assigned to that expression by paragraph 1 of the Schedule to this Act;

"**Board**" means the Tanzania Library Services Board;

"**book**" includes any book, document, periodical, magazine, news paper, pamphlet, music-score, gramophone record, picture, print, engraving, etching, deed, photograph, map, chart, plan, film, filmstrip, microfilm, slide or manuscript, and any other article or thing of a like nature, provided for use in any library;

"**Director**" means the Director of the Tanzania Library Services appointed under section 6;

"**documentation service**" means the publication, processing, preservation, summarisation and indexing of books and other literary works and includes the preparation of bibliographies, abstracts, copies and translations of books and other literary works;

"**library**" includes any organised collection of printed books and periodicals or of any other graphic or audio-visual materials;

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

"**public library**" means any library to which a member of the public has or is permitted to have access, whether on payment of any fee, or by virtue of his being a member of any community, club, association, organisation or institution, or otherwise;

"**repealed Act**" means the Tanganyika Library Services Act <sup>1</sup>.

## Part II – Tanzania Library Services Board (ss. 3-5)

### 3. Tanzania Library Services Board

- (1) The Tanganyika Library Services Board established by the repealed Act shall continue in existence as a body corporate having perpetual succession and a common seal:  
  
Provided that the said Board shall, after the commencement of this Act, be known as the Tanzania Library Services Board.
- (2) The Board shall, in its corporate name, be capable of—
  - (a) suing and being sued;
  - (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of property, movable or immovable; and
  - (c) entering into contracts and doing or performing all other things or acts for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.
- (3) The provisions of the Schedule to this Act shall have effect as to the composition of the Board, the members of the Board constituted the appointment of its members, the proceedings of the Board and any other matters in relation to the Board and its members which are provided for in that Schedule.
- (4) The President may, by order in the *Gazette*, amend, vary or replace all or any of the provisions of the Schedule to this Act.
- (5) Notwithstanding the provisions of the Schedule to this Act relating to the composition of the Board, the appointment and termination of under the repealed Act and holding office as such immediately before the commencement of this Act shall continue in office as the members of the board until the expiration of the term of their office as provided for in the repealed Act:

Provided that nothing in this subsection shall be construed as preventing the appointing authority from revoking the appointment of any member and appointing another member in his place.

### 4. Functions of the Board

- (1) The functions of the Board shall be—
  - (a) to promote, establish, equip, manage, maintain and develop libraries in the United Republic;
  - (b) to set up, establish, equip, manage, maintain and develop documentation centres and to provide documentation services;
  - (c) to provide facilities for the study of, and for training in, the principles, procedure, and techniques of librarianship and any other related subjects which the Board may from time to time decide;
  - (d) to conduct examinations and to grant diplomas, certificates and other awards of the Board;
  - (e) to sponsor, arrange and provide facilities for conferences and seminars for discussion of matters relating to library and documentation services;
  - (f) to initiate, sponsor, participate in, finance and assist in campaigns for the eradication of illiteracy;
  - (g) to provide an efficient library service both in the urban and rural areas and to stimulate public interest in literature generally and in Tanzania literature in particular;

- (h) to sponsor, promote, assist and engage in the production of books and other literary works;
  - (i) to assume responsibility for the revival, production and preservation of indigenous and traditional literary works;
  - (j) to plan and co-ordinate library and documentation services in the United Republic;
  - (k) to advise the government and parastatal institutions on all matters relating to the production of books and other literary works;
  - (l) to advise the Government and parastatal institutions on all matters relating to library and documentation services;
  - (m) to provide advisory services and financial and technical assistance necessary for or incidental to the proper and efficient development of enterprises engaged in the production of books and other literary works;
  - (n) to carry out research in the development of library and documentation services and the production and marketing of books and other literary works;
  - (o) to do all acts and things, which in the opinion of the Board are necessary to uphold and support the credit of the Board and to obtain and justify public confidence, and to avert and minimise any loss to the Board;
  - (p) to do anything or enter into any transaction which, in the opinion of the Board, is calculated to facilitate the proper and efficient exercise by the Board of its functions under this Act, including—
    - (i) the carrying on of any of the activities of the Board in participation with any other person;
    - (ii) the acquisition, by agreement, of interests in enterprises engaged in activities in which the Board may lawfully be engaged under this Act, and the management of the affairs or the continuance of the business of these enterprises;
    - (iii) the establishment of branches within the United Republic or elsewhere.
- (2) In the performance of its functions under this Act the Board shall have regard to the need of making accessible to the people of Tanzania books and other literary works which would promote a better understanding of the principles of socialism and cultivate and enhance respect for indigenous and traditional literature and shall discourage the people of Tanzania from books and other literary works which are immoral or which, in any manner glorify or encourage criminal or other undesirable activities.

## 5. Power of the Board in relation to libraries

- (1) The Board may, with the consent of the Minister, make by-laws—
- (a) requiring all or any category of public libraries in Mainland Tanzania to be registered with the Board and providing for the form of and the fee for the registration;
  - (b) prohibiting employment of any person as a librarian of any public library unless that person holds a degree, diploma or other award specified in the by-laws;
  - (c) requiring schools and other educational institutions, including institutes of higher education, which are specified in the by-laws to establish and maintain libraries in the manner and of the standard prescribed;
  - (d) requiring public libraries registered with it to comply with the requirements as to the maintenance of indexes, the preparation of registers of members, the submission of financial and other returns and any other matter which may be prescribed.

- (2) It shall be the duty of every person who prints or produces or causes to be printed or produced in Tanzania any book or other literary (other than a film) work intended for sale or public distribution or exhibition, whether in consideration of any fee or otherwise, to supply the Board, free of charge, not less than two copies of that book or other literary work:

Provided that in the case of any gramophone record, film or other book, not being printed material, the Board may direct that the person producing the same shall supply the Board with one copy only.

- (3) It shall be lawful for the Board by notice in writing, to require the person responsible for the management of any public library registered with it to make available in or to remove from any the library books and other literary works which the Board may specify in the notice.
- (4) Any person who contravenes any by-law made under subsection (1) or fails to comply with the requirement of subsection (2) or with any notice given under subsection (3) shall be guilty of an offence and shall be liable to a fine not exceeding fifty thousand shillings or to imprisonment for a term of not less than six months nor more than twelve months.

### **Part III – Administration and financial provisions (ss. 6-19)**

#### **6. Director**

The President shall appoint a Director of Library Services who shall be the principal executive officer of the Board.

#### **7. Appointment of employees**

The Board may from time to time and subject to any directions given by the Minister in that behalf, appoint at the salaries and upon the terms and conditions it thinks fit, any other officers and employees of the Board it deems necessary for the proper and efficient conduct of the business and activities of the Board.

#### **8. Remuneration and allowances of members**

The members of the Board shall be entitled to receive any remuneration, allowances and other benefits which the Minister may direct.

#### **9. Superannuation benefits**

- (1) The Board may—
- (a) grant gratuities or other retirement allowances or benefits to the officers and employees of the Board;
  - (b) establish and contribute to a superannuation fund and a medical benefits fund for the officers and employees of the Board;
  - (c) require any officer or employee of the Board to contribute to any superannuation fund or medical benefits fund and fix the amounts and method of payment of the contribution.
- (2) Any superannuation benefit or medical scheme in operation immediately before the commencement of this Act shall continue in operation as if established under this section.

#### **10. Agents and contractors**

The Board may, from time to time, appoint and employ upon any terms and conditions which it thinks fit such agents and contractors of the Board which the Board may deem necessary.

## 11. Power of the Board to delegate

- (1) Subject to subsection (6), the Board may from time to time, by writing under the delegate seal of the Board, subject to any terms, conditions and restrictions which it may specify, to any committee of the Board or to any officer or employee of the Board, all or any of the functions, powers, authorities, or duties conferred by or under this Act upon the Board, and where any delegation is so made the delegated function, power authority or duty may be performed or, as the case may be, exercised by the delegate subject to the terms, conditions and restrictions specified in writing.
- (2) Any delegation under subsection (1) may be made to the holder of an office under the Board specifying the office but without naming the holder, and in every such case each successive holder of the office in question and each person who occupies or performs the duties of that office may, without any further authority perform or, as the case may be, exercise the delegated function, power, authority or duty in accordance with the delegation made.
- (3) The Board may revoke a delegation made by it under this section.
- (4) No delegation made under this section shall prevent the Board from itself performing or exercising the function, power, authority or duty delegated.
- (5) Any delegation made under this section may be published in the *Gazette*, and upon publication shall be judicially noticed and be presumed to be in force unless the contrary is proved.
- (6) The Board shall not have power under this section to delegate—
  - (a) its power of delegation; or
  - (b) the power to approve the annual budget or any supplementary budget of receipts and expenditure, the annual balance sheet or any statement of account.

## 12. Minister may give directions to the Board

The Minister may give to the Board directions of a general or specific character as to the performance by the Board of any of its functions under this Act in relation to any matter appearing to the Minister to affect the national interest, and the Board shall give effect to every such direction.

## 13. Financial resources

The funds and resources of the Board shall consist of—

- (a) any sums which may be provided by Parliament by way of loan or grant for the purposes of the Board;
- (b) any sums borrowed by the Board in accordance with the provisions of this Act;
- (c) any gift, bequest or donation;
- (d) any sums which may in any manner become payable to or vested in the board as a result of the performance by the Board of its functions under this Act or any other written law.

## 14. Annual and supplementary budget

- (1) In this Act "financial year" means any period not exceeding twelve consecutive months designated in that behalf by the Board:

Provided that the first financial year after the commencement of this Act shall expire on the date on which the financial year of the Board would have expired had this Act not been enacted.

- (2) 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 Board shall, at its meeting especially convened

for that purpose, pass a detailed budget (in this Act called the annual budget) of the amounts respectively—

- (a) expected to be received; and
  - (b) expected to be disbursed,
- by the Board during that financial year.
- (3) If in any financial year the Board requires to make any disbursement not provided for, or of an amount in excess of the amount provided for, in the annual budget for the year, the Board shall, at a meeting, pass a supplementary budget detailing such disbursement.
  - (4) The annual budget and every supplementary budget shall be in such form and include such details as the Minister may direct.
  - (5) Upon passing of any annual budget or any supplementary budget the Board shall submit the same to the Minister for his approval.
  - (6) The Minister shall, upon receipt of the annual budget or any supplementary budget, approve or disapprove the same or may approve subject to any amendment which he may deem fit.
  - (7) Where the Minister has approved any annual budget or supplementary budget, the budget, as amended by him, shall be binding on the Board which, subject to the provisions of subsection (8), shall confine its disbursements within the items and the amounts contained in the applicable estimates as approved by the Minister.
  - (8) The Board may—
    - (a) with the sanction in writing of the Minister, make a disbursement notwithstanding that the 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 fifty thousand shillings to any other item contained in the 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 the alteration of expenditure limits becoming necessary.

## 15. Reserve and special funds

The Board may, and shall if so directed by the Minister, establish and maintain any reserve or special funds of the Board which the Board or the Minister may consider necessary or expedient, and shall make into or from any such funds any payments which the Board may deem fit or, in the case of a fund established pursuant to a direction by the Minister, as the Minister may direct.

## 16. Investment

With the prior approval of the Minister the Board may, from time to time, invest any part of the moneys available in any fund of the Board maintained by it in any manner which, subject to any directions of the Minister, the Board may deem fit.

## 17. Power to borrow

- (1) With the prior approval of the Minister the Board may, from time to time, borrow moneys for the purposes of the Board by way of loan or overdraft, and upon any security and terms and conditions relating to the re-payment of the principal and the payment of interest which, subject to any direction by the Minister, the Board deems fit.
- (2) A person lending money to the Board shall not be bound to enquire whether the borrowing of that money by the Board has been approved by the Minister.

## 18. Accounts and audit

- (1) The Board shall cause to be provided and kept proper books of accounts and records with respect to —
  - (a) the receipt and expenditure of moneys by, and other financial transactions of, the Board;
  - (b) the assets and liabilities of the Board,and shall cause to be made out of every financial year a balance sheet and a statement showing details of the income and expenditure of the Board and all its assets and liabilities.
- (2) Not later than six months after the close of every financial year the accounts including the balance sheet of the Board relating to 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 Board have been audited, and in any case not later than six months after the audit, the Board shall submit to the Minister a copy of the audited statement of accounts together with a copy of the report made by the auditors.
- (4) As soon as practicable after receipt by him of the copy of the statement together with the copy of the report submitted pursuant to subsection (3) the Minister shall lay a copy of the statement together with a copy of the auditors' report before the National Assembly.

## 19. Report by the Board

The Board shall, within six months after the end of each financial year, make a report to the Minister on the conduct of the Board's business during that financial year, and the Minister shall lay a copy of that report before the National Assembly together with a copy of the statement of accounts required to be laid before the National Assembly by section 18.

## Part IV – Miscellaneous provisions (ss. 20-21)

### 20. Liability of members, 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 Board or by any officer, servant or agent of the Board shall, if done or omitted *bona fide* in the execution of purported execution of his duties as a member, officer, servant or agent, subject that person to any action, liability or demand.

### 21. Regulations

The Minister may make regulations for carrying into effect the purposes and provisions of this Act, and without prejudice to the generality of the foregoing, may, by the regulations—

- (a) confer upon any member, officer or employee of the Board the power of entry in or upon any premises, of inspection of any book, record or document and any other powers as the Minister may consider necessary for the purpose of ensuring compliance with the provisions of this Act and of

<sup>2</sup>

[Cap. 56](#)

<sup>3</sup>

[Cap. 16](#)

<sup>4</sup>

[Cap. 76](#)

- any subsidiary legislation made hereunder or for the purpose of the investigation of or prosecution for any offence under this Act or the subsidiary legislation;
- (b) prescribe diplomas, certificates and other awards which may be conferred or granted by the Board;
  - (c) prescribe the conditions which must be satisfied before any diploma, certificate or other award may be granted by the Board;
  - (d) regulate the conduct of examinations held by the Board;
  - (e) provide for conditions (including payment of fees) which must be satisfied before enrolment of any person for any course of study conducted by the Board;
  - (f) provide for and regulate disciplinary conduct of the officers of the Board as well as of students participating in any course of studies conducted by the Board, and provide for disciplinary proceedings and punishment for breach of any of the regulations;
  - (g) provide for appeals to himself against any decision, direction or order of the Board.

## **Part V – Repeals and savings (ss. 22-23)**

### **22. Repeal of R.L. Cap. 532**

*[Repeals the Tanganyika Library Services Board Act.]*

### **23. Transitional provisions**

*[Transitional provisions; Spent.]*

## **Schedule (Section 3(3))**

### **1. Construction**

In this Schedule, unless the context otherwise requires—

"appointing authority" means, in relation to the Chairman of the Board, the President and in relation to any other member the Minister;

"member" includes the Chairman.

### **2. Composition of Board**

(1) The Board shall consist of—

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

(2) The appointments to be made by the Minister shall be made from amongst persons who have had experience of, and shown capacity in, educational development, literature, financial matters or administration.

### **3. Proceedings not to be invalid by reason of irregularity**

No act or proceeding of the Board shall be invalid by reason only of the number of members not being complete at the time of the act or proceeding or of any defect in the appointment of any member or of the fact that any member was at the time disqualified or disentitled to act as such.

### **4. Tenure of appointment**

(1) A member of the Board shall, unless his appointment is sooner determined by the Minister, or he otherwise ceases to be a member, hold office for the period as the appointing authority may specify

in his appointment, or if no period is so specified, for a period of three years from the date of his appointment, and shall be eligible for re-appointment:

Provided that in the case of a member who is a member by virtue of his holding some other office, he shall cease to be a member upon his ceasing to hold that office.

- (2) Any member of the board may, at any time, resign by giving notice in writing to the appointing authority and from the date specified in the notice or, if no date is so specified, from the date of the receipt of the notice by the appointing authority, he shall cease to be a member.

**5. Absence from three consecutive meetings**

Where any member absents himself from three consecutive meetings of the Board without reasonable excuse the Board shall advise the appointing authority of the fact and the appointing authority may 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 board the appointing authority may appoint a temporary member in his place and the temporary member shall cease to hold office on the resumption of office of the substantive member.

**7. Vice-Chairman**

The Board 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 for re-election.

**8. Secretary**

- (1) The Director shall act as the Secretary of the Board.
- (2) In his capacity as the Secretary the Director shall be entitled to attend the meetings of the Board but shall not be entitled to vote.

**9. Meetings**

- (1) An ordinary meeting of the Board shall be convened by the Chairman and the notice specifying the place, date and time of the meeting shall be sent to each member at his usual place of business or residence not less than fourteen days before the date of the meeting. In case the Chairman is unable to act by reason of illness, absence from the United Republic, or other sufficient cause, the Vice-Chairman may convene the meeting.
- (2) The Chairman, or in his absence, the Vice-Chairman shall be bound to convene a special meeting of the Board upon receipt of a request in writing in that behalf signed by not less than five members of the Board. Not less than fourteen days' notice of the meeting shall be given to all members of the Board in the manner prescribed in subparagraph (1).
- (3) The Chairman, the Vice-Chairman, or the temporary Chairman elected in accordance with the provisions of paragraph 10 (2) presiding at any meeting of the Board may invite any person who is not a member to participate in the deliberations of the Board, but that person shall not be entitled to vote.

**10. Procedure**

- (1) One-half of the total number of the members of the Board, or four members, whichever is the lesser number, shall form a quorum for a meeting of the Board.
- (2) In the absence of the Chairman from a meeting of the Board, the Vice-Chairman shall preside. In the absence of both the Chairman and the Vice-Chairman from any meeting, the members present shall elect one of their number to be a temporary Chairman of that meeting.

- (3) At any meeting of the Board a decision of the majority of the members present and voting shall be deemed to be a decision of the Board. In the event of an equality of votes the Chairman of the meeting shall have a casting vote in addition to his deliberative vote.

**11. Decision by circulation of papers**

Notwithstanding the provisions of paragraph 10 where the Chairman, or in his absence, the Vice-Chairman, so directs, a decision may be made by the Board without a meeting by circulation of the relevant papers among all the members and the expression in writing of their views, but any member shall be entitled to require that any such decision shall be deferred until the subject matter shall be considered at a meeting of the Board.

**12. Minutes of meetings**

Minutes in proper form of each meeting of the Board shall be kept and shall be confirmed by the Board at the next meeting and signed by the Chairman of the meeting.

**13. The seal of the Board**

The seal of the Board shall not be affixed to any instrument except in the presence of the Director or any other officer of the Board as the Board may appoint in that behalf.

**14. Orders, by-laws, etc.**

All orders, by-laws, directions, appointments, notices or instrument made or issued by the Board shall be sealed with the seal of the Board and shall be signed by—

- (a) the Director; or
- (b) any member or officer of the Board authorised in writing in that behalf by the Board.

**15. Board may regulate its own proceedings**

Subject to the provisions of this Schedule the Board shall have power to regulate its own proceedings.