

Tanzania

Executive Agencies Act

Executive Agencies (Tanzania Airports Authority) (Establishment) Order, 1999

Government Notice 404 of 1999

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Executive Agencies (Tanzania Airports Authority) (Establishment) Order, 1999
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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.]

[Section 3; G.N. No. 404 of 1999]

1. Citation

This Order may be cited as the Executive Agencies (Tanzania Airports Authority) (Establishment) Order.

2. Establishment of the TAA

There is established the Tanzania Airports Authority as an Executive Agency in relation to the Department of Aerodromes provided for under the Aerodromes (Licensing and Control) Act¹.

3. TAA Framework Document Schedule

The function, aim, objective, authority performance standards and other matters relating to the Airports Authority shall be as specified in the Framework Document set out in the Schedule to this Order.

Schedule

Ministerial foreword

It is with pleasure that I am being called upon to establish The Tanzania Airports Agency (TAA) as an Executive Agency of the Ministry of Communications and Transport. TAA assumes the responsibilities of the Department of Aerodromes, which was established in 1974 by the Aerodromes (Licensing and Control) Act¹.

The creation of the Tanzania Airports Agency will no doubt facilitate better management of airports in Tanzania. It is confidently expected that airport infrastructure and facilities, airport safety and security and the delivery of services to airport users will improve. Admittedly, the improvements call for an improvement in the currently limited and restricted budget. This will be achieved, in part at least, from an increase in revenue generation through efficient collection and by attracting additional investments at airports.

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This document sets out the framework within which the Tanzania Airports Agency will organize its affairs. Additionally, TAA has set out its future direction in the midterm and the way it has planned to operate in the first year after launch. The strategies are specified in the Strategic and Business Plans, which are being published simultaneously.

I have every confidence that the establishment of the Tanzania Airports Agency will provide the impetus for airport improvements with a view to providing services to airport users of the highest standards.

With these few remarks, I wish TAA and its staff all the best.

Hon. Ernest Nyanda (MP),

Minister for Communications and Transport.

1. Introduction

The Directorate of Aerodromes was formed in 1974 as a division of the Roads and Aerodromes Department in the Ministry of Works. In 1980 it was made a separate Government Department under the Ministry of Works, Communications and Transport, and when in 1985 the Ministry was re-divided, airport construction and maintenance remained with the Ministry of Works while airport operations became a division of the Directorate of Civil Aviation. In 1995 the Directorate of Aerodromes became a unified department again under the Ministry of Communications and Transport.

The Government has decided that its non-core functions should be examined to see which could be better undertaken either outside Government or in semi autonomous Executive Agencies. As an "operations" department The Directorate of Aerodromes is one of those selected to be an Executive Agency, and has been re-named as the Tanzania Airport Agencies (TAA).

This document forms part of a formal performance agreement between the Agency and the Ministry of Communications and Transport. It describes the framework within which the TAA has been established and it will operate as an Agency. It also sets out the responsibilities of those involved.

The responsible Minister is the Minister for Communications and Transport. The head of the TAA will be chief Executive who shall be responsible for the operation of the Agency and will exercise statutory powers as vested in him under the following primary and subsidiary legislation:

- The Executive Agencies Act³.
- The Aerodrome (Licensing and Control) Act⁴.
- The Aerodrome Control Regulations⁵.
- The Tanzania Air Navigation Regulations⁶.
- The Aerodrome Licensing Regulations⁷.
- The Aerodrome (Landing and Parking Fees) Regulations, 1984.

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5

G.N. No. 71 of 1981

6

G.N. No. 170 of 1983

7

G.N. No. 125 of 1983

- The Airport Service Charge Act, 1962.
- Civil Aviation Act⁸.
- Fire and Rescue Service Act, 1985.
- Fire Rescue Force Regulations, 1992.

At launch the TAA had staff of 1245 employees and in the financial year 1998/99 had a gross budget of T.Shs. 3.6 billion.

2. Status & governance

2.1 Status

The formation of Executive Agencies is an important element of the Government's programme of public management reforms. It is a means by which quality and cost effectiveness of the delivery of the public services can be improved. The creation of Agencies will clarify roles and responsibilities, assist with financial accountability, with resource management, and encourage initiative.

The Tanzania Airports Agency (TAA) has been established as an Executive Agency of the Ministry of Communications and Transport in accordance with the Executive Agencies Act⁹. It replaces the Directorate of Aerodromes.

2.2 Governance

The Tanzania Airports Agency will be managed by a Chief Executive appointed for a period of up to five years by the Minister for Communications and Transport. The Permanent Secretary will be responsible for the strategic management of TAA.

A Ministerial Advisory Board (MAB) consisting of the Permanent Secretary as Chairman, up to eight members, all of whom shall be appointed by the Minister for a period not exceeding three years from among persons, whether or not from the public sector, who possess the necessary qualifications and expertise. The function of the Ministerial Advisory Board is to give advice to the Minister and the Permanent Secretary on the strategic management of the Agency, as specified in the Executive Agencies Act.

2.3 Organisation

TAA launches with a headquarters structure considerably smaller than the Directorate of Aerodromes, and reflects that the main business of the Agency is conducted at the airports. The headquarters has three divisions and three specialist units supporting the Chief Executive. The Director of Dar es Salaam airport (DIA) also reports direct to the Chief Executive. Organograms for the Agency and DIA are shown overleaf.

The Chief Executive may make changes in the organisation of TAA as he considers necessary to maintain and improve the efficiency and overall performance of the Agency within the policy framework set by the Permanent Secretary, and within the delegations outlined in this Framework Document or approved subsequently.

TAA organization structure

[Editorial note: Image is missing.]

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3. Aim, role and strategic objectives

3.1 Aim

The aim of Tanzania Airports Agency (TAA) shall be to provide high quality airport services and facilities to the international and domestic air transport system in a most cost-effective manner.

The vision of TAA is to become a model for the provision of airport facilities and services in Eastern Africa.

3.2 Role

The role of the Tanzania Airports Agency shall be:

- to operate, manage, maintain and develop Government-owned airports in a professional and cost-effective manner;
- provide comfortable, efficient and secure services and facilities for the movement of passengers and cargo in its airports thereby giving a positive image of the country to the outside world;
- to give technical advice to the Government on the development of airports;
- to ensure that the Government's airport policies, regulations and procedures are implemented in accordance with international standards;
- to advise the Government on national and international aspects of airport administration, regulations, fees and charges;
- to support national economic development by providing the necessary airport infrastructure, facilities and services.

3.3 Strategic objectives

The Agency's strategic objectives are:

- Achieving a surplus of income over expenditure while implementing the provisions of the National Transport Policy and implementing the Agency's other strategic objectives.
- Improving service delivery at airports through planned programme of infrastructure and facilities development and maintenance.
- Building a competent and efficient workforce through the adoption of best practice human resource management policies and procedures.
- Implementing the International standards and recommended practices with respect to Airport Safety and Security and Information systems.
- Increasing revenue generation by attracting additional investments at airports.

3.4 Performance criteria

The Ministerial Advisory Board shall regularly evaluate the performance of the TAA in terms of the quality of services provided and the financial and operational performance. Assessments will be based on the Quarterly Performance Reports submitted by the Chief Executive to the Permanent Secretary.

4. Responsibilities

4.1 Responsibilities of the Minister

The Minister for Communications and Transport shall ultimately be responsible for determining the policy framework and the operational boundaries within which TAA works, and the financial resources that are to be made available to the Agency.

The Minister is responsible for establishing the Agency, for appointing its Chief Executive and members of the Ministerial Advisory Board, and for ensuring that the Government derives maximum benefit from the creation of the agency. He is accountable to Parliament for the Agency's policy and operations.

The Minister shall not be involved in the day-to-day management of TAA but will be consulted by the Chief Executive on the handling of operational matters which could give rise to significant public or Parliamentary concern.

4.2 Responsibilities of the Permanent Secretary

The Permanent Secretary, as Accounting Officer for the Ministry of Communications and Transport, has overall responsibility to the Minister on matters concerned with voted funds, and is the principal policy advisor to the Minister.

The Permanent Secretary shall be responsible for the strategic management of the TAA, and for that purpose may give directions to the Chief Executive but with due regard to the need to uphold TAA's autonomy in the operational management of its affairs.

The Permanent Secretary shall ensure that the Chief Executive is fully empowered to deliver his objectives and targets, and that the staff of the Ministry do not interfere in the business of the Agency.

The Ministerial Advisory Board, chaired by the Permanent Secretary, shall assist the Permanent Secretary to review the TAA's Strategic Plans, Business Plans and Performance Reports, and in setting objectives and key performance targets.

After consultation with the users of TAA's services, normally through the Ministerial Advisory Board, the Permanent Secretary will define clearly what services are required from TAA.

The Permanent Secretary shall decide, taking into account overall Government policies, and the business case presented, whether the Chief Executive's proposals to borrow money, or to acquire or dispose of immovable property are acceptable. He shall formally approve all such cases after consultation with the Ministry of Finance.

The Permanent Secretary may be required to appear before the Parliamentary Public Accounts Committee at hearings relating to the TAA.

The Permanent Secretary will promote in conjunction with the Chief Executive the interests of TAA and keep the Agency aware of higher level Government thinking.

4.3 Responsibilities of the Chief Executive

4.3.1 Operation of the Agency

The Chief Executive shall:

- be accountable to the Permanent Secretary for the effective and efficient management of the Agency, and for achieving the aims, objectives and targets for the Agency in this Framework Document, and the Strategic and Business Plans;
- be responsible for the day to day operations of the Agency, the proper management of its funds, property and business and for the discipline of the employees or the Agency;
- manage the affairs of the Agency in an efficient and cost-effective manner and in accordance with modern management practices and techniques and, in particular, to apply to its operations the best standards of financial management and accounting;
- ensure that the services provided to the Agency's customers are of the highest standard and in accordance with the agreements made with them; and
- perform Agency functions in accordance with an annual Performance Agreement concluded between him and the Permanent Secretary.

4.3.2 Agency Accounting Officer

- The Chief Executive is the Agency's Accounting Officer with such financial responsibilities as provided for in this Framework Document, the Executive Agencies Act and Executive Agencies Regulations. In particular he is responsible for ensuring the propriety and regularity of revenue collection and expenditure, and for prudent administration.

4.3.3 In relation to International Organisations

To participate in the activities of appropriate Subregional, Regional and International Organisations.

4.4 Responsibilities of the Ministerial Advisory Board

The Ministerial Advisory Board is established to give advice the Minister and Permanent Secretary on the strategic management of the Agency, as specified in the Executive Agencies Act.

The Chief Executive shall attend all meetings of the Board and may participate in its deliberations, except in matters affecting his own interest, but shall have no right to vote.

The Ministerial Advisory Board shall be chaired by the Permanent Secretary. It shall hold its meetings as often as the Chairman may determine, but shall have no right to vote.

The Advisory board shall also receive and discuss appeals of employees who are aggrieved by the decision of the Chief Executive under subsection (3) of section 10 of the Executive Agency Act¹⁰.

5. Accountability

The Minister of Communications and Transport is accountable to Parliament for all aspects of the TAA. The Permanent Secretary assists him in the discharge of this responsibility.

5.1 Accounting Officer's responsibilities

The Permanent Secretary is the Accounting Officer for the Ministry and therefore has responsibility for ensuring a high standard of financial management in the conduct of all Ministry of Communication and Transport activities.

The Chief Executive is the Agency Accounting Officer, and is therefore accountable for ensuring the propriety and regularity of expenditure, for prudent and economical financial administration and ensuring that the requirements of the Ministry of Finance are met in accordance with the Executive Agency Regulations and its accounting manual.

The Chief Executive is responsible for establishing proper management systems for these purposes. He is required to follow the guidance issued by the Treasury in respect of financial matters, and the personnel management guidance issued by the Civil Service Department. The Chief Executive shall also put into effect the recommendation accepted by the Government from the Public Accounts and any other Parliamentary Committees.

5.2 In relation to Parliamentary business

Members of the Parliament individually or as a committee can deal with the Chief Executive directly on matters delegated to the Agency by the Executive Agencies Act¹¹ and Framework Document.

¹⁰

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¹¹

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The Chief Executive shall submit to the Permanent Secretary responses regarding Parliamentary enquiries of a policy or political nature, who will in turn pass them on to the Minister for presentation to Parliament.

6. Planning, finance and strategic control

6.1 Planning framework

The Agency shall prepare and submit to the Permanent Secretary for approval, a 3-year Strategic Plan and an Annual Business Plan. The two Plans, when approved by the Permanent Secretary are the framework within which the Chief Executive is to manage the Agency's business operations and development, and against which the performance of the Agency may be measured. The Chief Executive or the Permanent Secretary may seek to review the Business Plan in the course of the year to reflect changes in policies, resources or priorities.

6.2 Strategic Plan

The Agency's Strategic Plan shall be rolled forward and updated annually to reflect the outcome of the review of performance and expenditure. The Plan shall include:

- the Chief Executive's strategies for achieving TAA's aim and strategic objectives;
- strategic performance targets;
- an assessment of the external factors, including demand and key planning assumptions, that influence TAA's activities;
- any major organisational or structural changes;
- proposed capital investment programmes;
- efficiency objectives and plans.

6.3 Business Plan

The Business Plan will set out in detail the TAA's plans and budgetary targets for the first year of the Strategic Plan. It will include:

- key performance targets set by the Permanent Secretary;
- priorities and other performance targets;
- budgets, including estimates of revenue and expenditure;
- the work programmes;
- the key assumptions, including those about resources to be used in meeting the targets;
- initiative to improve quality, performance and value for money.

6.4 Performance measurement

Key performance targets are agreed each year by the Permanent Secretary and the Chief Executive. Particular attention will be paid to the following areas:

- quality of service;
- financial performance;
- results and operational efficiency.

Further targets to cover other aspects of the Agency's performance may also be set.

6.5 Performance review

The Agency's performance will be assessed regularly by the Ministerial Advisory Board on the basis of Quarterly Performance Reports submitted by the Chief Executive.

6.6 Annual Report and Accounts

At the end of each financial year the Chief Executive shall prepare and submit an Annual Report and Statement of Financial Account to the Permanent Secretary and Minister. The reports will be published and circulated to other relevant authorities.

The Annual Report will detail the Agency's performance against the targets set for the past year and will indicate the success of its policies and programmes. The Report shall include a copy of the audited accounts of TAA and the auditor's report on the accounts. It shall also contain the Annual Performance Agreement between the Permanent Secretary and the Chief Executive.

6.7 Value for money

The Chief Executive shall be responsible for obtaining value for money in the procurement of goods and delivery of services. The Chief Executive will implement a range of efficiency measures in accordance with an agreed programme and timetable set out in Business and Strategic Plans.

The Chief Executive shall be responsible for the standard and value for money of any work contracted out and ensuring that security and confidentiality safeguards are maintained.

6.8 Internal audit

The Chief Executive shall be responsible for ensuring that arrangements exist for the provision of an internal audit service that accords with standards set by the Ministry of Finance and with the TAA Accounting Manual. The Internal Auditor of the Ministry of Communications and Transport has the right of access to the Agency to perform work necessary to give independent assurance to the Permanent Secretary, who shall receive all internal audit reports.

6.9 External audit

The Chief Executive shall keep books of accounts and maintain proper records of the Agency's financial transactions in accordance with commercial accounting principles and the Executive Agencies Regulations.

6.10 Source of funds

The Agency's resource requirements may be met from the revenue collected by way of fees and charges for services rendered, supplemented as shown to be necessary in the Business Plan, by Government subvention, loans and grants.

The Agency's expenditure shall be subject to monthly, quarterly and annual monitoring and review.

Government organisations requiring specific services from TAA are to enter into Service Level Agreements, which shall specify the volume, frequency and standard of service, and the price and payment arrangements.

6.11 Financial delegation

The Chief Executive has the authority to approve all expenditure that is consistent with the approved Strategic and Business Plans and in accordance with the Executive Agencies Regulations.

Appropriate investment appraisal of all capital expenditure projects shall be carried out by TAA, taking into account such guidance that the Ministry of Finance and the Civil Service Department may issue from time to time.

6.12 Budgetary flexibilities

The Chief Executive has the following authorities which shall be exercised in accordance with Ministry of Finance guidelines and the limits set out in the Executive Agencies (Finance, Procurement and Stores) Regulations 1999, as modified by his letter of delegation.

6.12.1 Capital expenditure:

- authorise capital expenditure on individual capital projects;

- transfer resources allocated to one item in the budget to another;
- carry over in full to the next financial year any funds underspent on capital provision.

6.12.2 Running costs:

- manage all running cost allocations as a single budget;
- transfer resources allocated to one item in the budget to another;
- carry over in full to the next financial year any funds underspent on running costs.

6.12.3 Assets and liabilities:

- authorise all write-offs and special payments;
- authorise the disposal of movable assets;
- authorise expenditure on individual consultancy services;
- authorise expenditure on Information Technology projects;
- authorise single negotiated tender action for procurements.

7. Personnel

7.1 Status and conditions of service

The Agency's Staff are public servants of the United Republic of Tanzania. Their conditions of service are based on the Executive Agencies (Personnel Management) Regulations¹², as amended from time to time by the Minister responsible for the Civil Service, in accordance with the Executive Agencies Act.

The Ultimate disciplinary authority over the Airport Rescue and Fire Fighting Staff shall be in accordance with the Fire and Rescue Services Act¹³ and the Fire and Rescue Force Regulations¹⁴.

7.2 Personnel management

The Chief Executive shall be responsible for the personnel management of Agency staff as set out in this Framework Document and the Executive Agencies (Personnel Management) Regulations, and as laid down in the Labour Laws of Tanzania. He is responsible for ensuring that an Equal Opportunities policy is formulated and implemented. Within these parameters he may introduce such changes as are necessary to maximise the TAA's efficiency and effectiveness.

7.3 Staff complement

The Chief Executive shall be responsible for establishing and keeping under review the Agency's Staff complement. This is aimed at ensuring the efficiency and effectiveness of the Agency.

7.4 Training and career development

TAA'S Chief Executive is responsible for the training and development of the Agency's staff and will prepare a training and development strategy which meets the needs of the Agency and its staff.

¹²

G.N. No. 75 of 1999

¹³

Act [No. 3 of 1985](#)

¹⁴

G.N. No. 329 of 1992

7.5 **Staff relations**

The Chief Executive shall be responsible for staff relations within the Agency. He is required to foster good staff relations as an important aid to the achievement of the Agency's objectives, and to ensure effective communications and consultation with staff and with their recognised Trade Union representatives.

7.6 **Health and safety**

The Chief Executive shall be responsible for the health and safety of TAA staff at the work place, and for complying with all relevant legislation and regulations. He shall consult with staff and their recognised Trade Union representatives on health and safety matters.

8. **Review and publication**

8.1 **Review**

From time to time, but at intervals not exceeding five years, this document will be reviewed by the Minister for Communications and Transport advised jointly by the Permanent Secretary, the Ministerial Advisory Board and the Chief Executive.

The Minister, Permanent Secretary, Chief Executive or Ministerial Advisory Board members may at any time propose changes to this document in the light of the Agency's operational experience or any change of circumstances. Such proposals will be subject to consultation with the Civil Services Department and the Ministry of Finance.

Any change affecting personnel will be subject to consultation with the TAA's staff and their Workers Council or Trade Union representatives. The incorporation of changes may require consultation with the Minister for Industry and Commerce, the Minister for Finance and the Minister responsible for the Public Service, and must have the approval of the Chief Secretary.

8.2 **Publication**

Amendments to the Order establishing TAA, including amendments to this Framework Document shall be published in the official *Government Gazette*.

Copies of the Framework Document and further information about the Agency can be obtained from:

Director General,
Tanzania Airports Agency,
P.O. Box 9144,
Dar es Salaam.