

Tanzania

Executive Agencies Act

Executive Agencies (Ministerial Advisory Boards) Rules, 1999

Government Notice 74 of 1999

Legislation as at 31 July 2002

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Executive Agencies (Ministerial Advisory Boards) Rules, 1999

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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.]

[section 8; G.N. No. 74 of 1999]

1. Citation

These Rules may be cited as the Executive Agencies (Ministerial Advisory Boards) Rules.

2. Meetings of the Board

- (1) A Ministerial Advisory Board may, in addition to the minimum of two meetings in each financial year as provided for under section 8 of the Act, hold its meeting as often as the Chairman may determine.
- (2) The Chairman may, upon the written request of five or more members, at any time convene a special meeting of the Board in order to deliberate on a specific matter of which notice has been given.
- (3) The Chairman shall preside at every meeting of the Board and, in his absence, the members present may elect a member from among themselves to preside at that meeting.
- (4) Meetings of a Board shall be held at such places, dates and times as the Chairman may determine and notice shall be given in writing to each member of the Board at least seven days in the case of an ordinary meeting or, at least three days in the case of a special meeting, before the day fixed for the meeting.
- (5) The Board may at any time co-opt any person to participate in the deliberations of the Board regarding a specific matter but a person so co-opted shall not be entitled to participate in the making of decisions by the Board.

3. Quorum

Except as provided in subparagraph (b) of paragraph 6(4) of these Rules, no fewer than half of the members of a Board shall constitute a quorum for a meeting of the Board.

4. Decision of the Board

- (1) A question proposed at a meeting for decision by a Board shall be taken to have been decided by the Board if the proposal is accepted by the majority of the members present, so long as there is a quorum; and in the event of an equality of votes, the person presiding shall have a casting vote in addition to his deliberative vote.

- (2) A decision may be made by a Board without holding a meeting by circulation of the relevant papers among the members and by the expression of their views in writing, and the provisions of paragraph (1) shall apply to that decision in the same manner as they apply to a decision made at a meeting of the Board, but any member shall be entitled to request that the decision be deferred and the matter on which a decision is sought be considered at a meeting of the Board; and the Chairman shall grant such request if it is made by a majority of members.
- (3) Notwithstanding that the minutes of a meeting may not yet have been confirmed, as soon as possible after a decision has been made by a Board, the Chairman shall convey that decision to the Minister responsible for the Executive Agency.

5. Minutes of the meetings

- (1) The Chairman shall cause the minutes of all proceedings, including any matter relating to a decision in accordance with paragraph 4(2), to be recorded and kept and the minutes of each meeting shall be confirmed by the Board at the next meeting and signed by the Chairman or the person who presided at a particular meeting.
- (2) The Chairman of the Board shall submit to the Minister responsible for the Executive Agency and the Minister responsible for the public service a copy of the minutes of each meeting as soon as the minutes have been confirmed.
- (3) Except as a Board may, for good cause, determine otherwise, minutes of the meetings of a Board shall be available for inspection by any person free of charge in order to promote transparency.
- (4) The Chairman shall provide from among the officers of his Ministry a secretary to the Board for the purpose of recording its proceedings, keeping the minutes of meetings and other records and performing such other secretarial duties as the Board may require.

6. Personal interests

- (1) A member of the Board who has a direct or indirect personal interest in a matter being considered or about to be considered by the Board shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest to the Board.
- (2) A disclosure of interest under subparagraph (1) shall be recorded in the minutes of the meeting of the Board and the member making such disclosure shall not—
 - (a) be present during any further deliberation on the matter by the Board;
 - (b) take part in the decision of the Board, unless the Board determines that the interest in question is not likely to prejudice the member's consideration of, or decision on, the matter.
- (3) For the purpose of the making of a decision by the Board under subparagraph (2) in relation to a member who has made a disclosure under subparagraph (1), the member who has made such disclosure shall not—
 - (a) be present during the deliberation of the Board for the making of the determination regarding his personal interests or;
 - (b) influence any other member or participate in the making by the Board of the determination.
- (4) When there is no quorum for the continuation of a meeting only because of the exclusion of a member from the deliberations on a matter in which he has disclosed a personal interest, the other members present may—
 - (a) postpone the consideration of the matter until a quorum, without that member, is realised; or
 - (b) proceed to consider and decide the matter as if there was a quorum.

7. Proceedings not to be affected by irregularity

The validity of any act or proceedings shall not be affected by any vacancy among the members or by any defect or irregularity in the appointment of any member or because any person who purported *bona fide* to act as a member at the time of the act or proceeding was in fact disqualified or not entitled to act as a member.

8. Persistent absence from meetings

Where a member absents himself from three consecutive meetings without sufficient cause or without the permission of the Chairman, the chairman shall report the fact to the Minister responsible for the Executive Agency who may terminate the appointment of the member and appoint another member to replace him.

9. Allowances for members

All the members of a Board and every secretary to a Board shall serve on a part-time basis and the members of the Board appointed by the Minister shall be entitled to receive such allowances as the Minister responsible for the public service may determine.

10. Signification of documents and decisions

All documents and decisions of the Board shall be signified under the hand of the Chairman.

11. Residual power to regulate proceedings

Subject to these Rules, a Board may regulate its own proceedings.