

THE INSTITUTE OF ADULT EDUCATION ACT, 1975

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SCHEDULE

THE UNITED REPUBLIC OF TANZANIA



No. 13 OF 1975

I ASSENT,

Julius K. Nyerere
 President

12TH AUGUST, 1975

An Act to establish the Institute of Adult Education

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Institute of Adult Education Act, 1975 and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

Short title
and
commence-
ment

2. In this Act, unless the context otherwise requires-

"the Council" means the Council of the Institute established by section 5;

Interpretation

"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;

"financial year" in relation to the Institute includes the Institute's first accounting period, whether shorter or longer than a year and if the Institute changes its accounting period, the period, whether shorter or longer than a year, employed to give effect to the change;

"Institute" means the Institute of Adult Education established by section 3;

"member" in relation to the Council, a Board or Committee of the Council, means a member of the Council, Board or Committee and includes its chairman-

"Minister" means the Minister for the time being responsible for National Education.

PART II

THE INSTITUTE OF ADULT EDUCATION

Establishment
of Institute

3.-(1) There is hereby established an institute which shall be known as the institute of Adult 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 purposes.

objects and:
functions of
Institute

4. The objects and functions of the Institute shall be-

- (a) to formulate and execute programmes for the training of teachers and administrators of adult education;
- (b) to assume responsibility for adult education within the United Republic -and to make. pro-vision for places and, centres of learning, training and research in matters pertaining to adult education;
- (c) to co-operate with the Government of the United Republic and the people of Tanzania, in the. planned and orderly development of adult education in the United Republic;
- (d) to promote, and engage: in research into the., operational and organizational aspects of adult education and to. evaluate. and make available to the Government and other public authorities in the United Republic its findings on, any such research- carried out. by it;
- (e) to disseminate information on findings of research pertaining to adult education carried out~by other -institutions -or organizations in Tanzania or. elsewhere;
- (f) to engage in the production and standardization of books and other study materials for adult education and to disseminate information on new methods and; developments -in, the, promotion of adult education;
- (g) to render advice and assistance to the Government, public and other organizations and persons engaged in, adult education in curriculum development and preparation of syllabi or programmes for adult education;
- (h) to provide consultancy services and. to render assistance to workers or employers, or organizations- representative of workers or employers, in the planned and orderly development of workers' education- in the United Republic;

- (i) to co-operative with public authorities and other organizations in the provision of library facilities for adults in rural as well as urban areas;
- (j) to stimulate and promote mass education and the development of mass media resources,; including cinematography, photography, radio and newspapers for adult education purposes and to co-operate with the Government, institutions and organizations in Tanzania in the, production; and, distribution of magazines, newspapers and other similar publications;
- (k) to provide education by correspondence;
- (l) to co-operate with, the, University of Dar es Salaam in the implementation of any scheme pertaining to the entry to the University of adults;
- (m) to co-operate with other institutions or organizations in- the United Republic which are concerned with the promotion of adult education and to endeavor to co-ordinate their activities;
- (n) to manage the affairs of any institute, college, or other educational or training institution the interests of which are vested in, transferred to or otherwise acquired by the Institute;
- (o) to participate in, or to make arrangement for conferences, seminars and discussions on matters connected with the work of the Institute;
- (p) to conduct examinations for, and to grant diplomas, certificates and other awards of the Institute;
- (q) to do all such acts and things, and to enter into all such contracts and transactions, as are, in the opinion of the Council, expedient or necessary for the proper and efficient discharge of the functions of the Institute.

PART III

ADMINISTRATION

5.-(1) There shall be a Council of the Institute of Adult Education. Council

(2) The provisions of, the Schedule to this Act 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.-(1) Subject to the provisions of this Act; the government and control of the Institute shall be vested in the Council.

Powers and
duties of
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 the 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;
- (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.

Decrees

7.-(1) The Council may promulgate decrees-

- (a) fixing enrollment 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) 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.

(2) The Council may promulgate decrees regulating discipline among the members of the staff of the Institute and the persons admitted to any course of instruction provided by the Institute.

(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.

Council may
establish
Boards and
committees

8.-(1) The Council may, from time to time, appoint Boards and Committees of members of the Board 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 or approval of the Minister.

(2) Subject to the provisions of subsection (1), the Council shall have power to appoint 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

9.-(1) The President shall appoint a suitable person to be the Director of the Institute. Director

(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.

(3) The Council may, with the consent of the Minister, appoint a Deputy Director or an Assistant Director who shall perform such functions, as the Director may assign to him and who shall, in the absence of the Director from the United Republic, or in the event of the Director being unable to discharge the functions of his office, act in his place.

(4) The Director or in his absence the Deputy or Assistant Director shall be the executive secretary of the Council and shall as such be entitled to be present and to speak at any meeting of the Council, but shall not be entitled to vote thereat unless he is also appointed as a member of the Council.

10. 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. Appointment of staff

PART V

FINANCIAL PROVISIONS

- 11.** The funds and resources of the Institute shall consist of- Funds of the Institute
- (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, grants or otherwise;
 - (c) such sums as the Council may, subject to the provisions of section 12, 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.

Power to borrow

12.-(2) 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.

Annual and supplementary budget

13.-(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 disbursements 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 respect of any item, transfer, a sum not exceeding fifty 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.

14. 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 authorized by the Trustees Investments Act, 1967 for the investment of any trust fund.

Investment
Acts, 1967
No. 33

15.-(1) The Council shall cause to be provided and kept proper books of account and records with respect to-

Accounts
and audit

- (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, 1968.

Acts, 1968
No. I

(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.

16. 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.

Director's
report

17. 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-

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

- (a) a copy of the audited statement of accounts of the Institute;
- (b) a copy of the auditor's report, if any;
- (c) a copy of the Director's report.

PART IV

MISCELLANEOUS PROVISIONS

18.-(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-

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 or 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) providing for any matter or thing specified by the Minister which is necessary for the effective co-ordination by the Institute of activities of institutions or organizations in the United Republic which are concerned with the promotion of adult education;
- (f) prescribing fees for admission to the Institute;
- (g) prescribing fees payable by the candidates for any examination held or conducted by the Institute;
- (h) providing for and regulating disciplinary proceedings against the officers of the Institute and persons admitted to any course or instruction provided by the Institute;
- (i) prescribing anything which may be prescribed under this Act;
- (j) 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*.

Fees and allowances

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

Minister may give directions

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

Liability of members of Council, etc, Cap. 16 Acts, 1970 No. 7 Act, 1974 No. 37

21. Without prejudice to the provisions of section 284A of the Penal Code or of the Specified Officers (Recovery of Debts) Act, 1970 or etc of the Parastatal Employees (Recovery of Debts) Act, 1974 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 purported execution of his duties as such member, officer, servant or agent, subject any such person to any action, liability or demand whatsoever.

Amendment of Schedule


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

SCHEDULE

1. 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. Interpretation
2. The Council shall consist of- Composition
- (a) a Chairman who shall be appointed by the President;
- (b) not more than twenty five and not less than ten other members, who shall be appointed by the Minister.
3. In making appointments of members of the Council, the Minister shall ensure that there is adequate representation on the Council of such organizations and professional and academic bodies as are likely to utilize the skills and disciplines to be promoted by the Institute and shall further ensure that every person appointed by him is a who, in his opinion, has the necessary experience or qualification to enable him to make useful contribution to the deliberations of the Council and to assist the Council in the discharge of its functions. Representation
4. Every member of the Council shall continue to hold office as such until his appointment is revoked by the appointing authority. Tenure of appointment
5. 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. Absence from three consecutive meetings
6. 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. Appointment of temporary member
7. 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. Vice-Chairman
- &--(1) The Chairman shall preside at all meetings of the Council. Power of Chairman and Vice-Chairman
- (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.
- The Chairman Vice-Chairman or temporary Chairman, presiding at any meeting of 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 -(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: Meeting and procedure of Council
- 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 seven 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.-(1) At any meeting of the Council not less than one-third of the members in office for the time being shall constitute a quorum. 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.

- Decisions of Council **11.** 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.
- Decision by circulation of papers **12.** 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.
- Seal **13.**-(1) The seal of the Institute shall be of such shape, am and form " the Council may determine.
(2) The seal shall be affixed in the presence of-
(a) the Director; or
(b) 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 m witness thereof.
- Execution of contracts, etc. **14.** 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 n a party shall be executed on behalf of the Institute by--
(a) the Director; or
(b) such other officer of the Institute as the Director may nominate in that behalf.
- Council may regulate its proceedings **15.** Subject to the provisions of this Schedule the Council may regulate its own proceedings.

Passed in the National Assembly on the ~~sixteenth~~ day of July, 1975.



W. Maina
Clerk of the National Assembly