

THE ARDHI INSTITUTE ACT, 1974

ARRANGEMENT OF SECTIONS

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SCHEDULE

THE UNITED REPUBLIC OF TANZANIA



No. 35 OF 1974

An Act to establish Ardhi Institute and to provide for the functions, management and control of the Institute and for matters connected therewith and incidental thereto

[_____]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Ardhi Institute Act, 1974 and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

Short title
and com-
mencement

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

Interpreta-
tion

"Council" means the Council of the Institute established under section 6;

"decree" means a decree promulgated by the Council under section 8;

"Examination Board" means an Examination Board of the Institute established under section 7;

"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;

"the Institute" means the Ardhi Institute established by section 3;

"member" in relation to the Council, includes the Chairman of the Council;

"Minister" means the Minister for the time being responsible for the Ministry of Lands, Housing and Urban Development;

"Principal" means the Principal appointed under section 9.

PART II

THE ARDHI INSTITUTE

Establishment
of Institute

3.-(1) There is hereby established an institute which shall be known as Ardhi Institute.

(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.

Departments

4.-(1) The Institute shall consist of the Department of Land Surveying, Department of Urban and Regional Planning, Department of Estate Management and Valuation, Department of Design, Building Construction and Housing Management and such other Departments as the Council may, with the consent of the Minister, establish.

(2) The Council may, with the consent of the Minister, disestablish any Department or merge any two or more Departments.

Functions of
Institute

5. The functions of the Institute shall be-

- (a) to provide facilities for the study of and training in, the principles, procedures and techniques of land surveying, physical planning, estate management and valuation, design, building construction, and housing management and such other related subjects as the Council may from time to time decide;
- (b) to conduct training programmes in the subjects specified in paragraph (a) and in such other associated subjects as the Council may from time to time decide;
- (c) to engage in research into theoretical, operational and organizational problems and training needs in the subjects specified in paragraph (a) and to evaluate the results achieved by the Institute's training programmes;
- (d) to provide consultancy services to the Government, parastatal bodies and such other bodies or organizations as may be designated by the Minister;
- (e) to sponsor, arrange or provide facilities for conferences and seminars;
- (f) to establish departments within the Institute for the organization and administration of its work and activities;
- (g) to conduct professional examinations and to grant professional diplomas, certificates of different types and other awards of the Institute,

- (h) to do all such acts and things, and 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;
- (i) to arrange for the publication and general dissemination. of materials produced in connection with the work and activities of the Institute;
- (j) to establish and foster closer association with the University of Dar es Salaam, the technical colleges and other institutes of higher learning.

6.-(1) There shall be a Council of the Institute.

Council

(2) The provisions of the Schedule to this Act shall have effect as to the composition of the Council, tenure of office of the 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.

7. (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 properties of the Institute, both movable and immovable;
- (b) to administer the funds and other assets of the Institute;
- (c) to signify the acts of the Institute by use of the co on seal;
- (d) on behalf of the Institute to receive gifts, 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 establish Examinations Boards for the conduct of examinations and such other boards and committees as the Council may deem fit and delegate to any such board or committee any of its functions under this Act;
- (g) 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 discharge of its functions.

(3) The Council shall manage all the assets and properties movable and immovable, of the Institute, in such manner and for such purposes as in the opinion of the Council would promote the best interests of the Institute.

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

Decrees

- (a) prescribing 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 retirement benefits of the members of the staff of the institute.

(2) The Council may, after consultation with the appropriate Examination Boards, promulgate decrees relating generally to the academic management of the Institute and in particular to-

- (a) the qualifications necessary for entry to the Institute, the courses of instruction to be provided by the Institute, the duration and number of academic terms, and the award of diplomas, certificates of different types and other awards of the Institute;
- (b) the grant of scholarships and studentship, and the revocation of any such grant.

(3) The Council may promulgate decrees regulating discipline among the members of the staff of the Institute and the students.

(4) 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.

PART III

OFFICERS OF THE INSTITUTE

Principal
and Vice-
Principal

9.-(1) The Council shall appoint a suitable person to, be the Principal of the Institute.

(2) The Principal 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 and by-laws made by the Council.

(3) Notwithstanding any other provision of this Act, the appointment of the Principal and terms and conditions of his service shall be subject to the approval of the Minister.

(4) The Council may appoint on such terms and conditions of service as it may determine, a Vice-Principal of the Institute.

(5) The Principal or in his absence the Vice-Principal 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.

(6) The functions of the Vice-Principal shall be generally to assist the Principal and in the event of the Principal being unable to perform his functions by reason of illness, infirmity, absence from the United Republic or otherwise, to act in the office of the Principal and perform the functions of that office.

Secretary

10.-(1) The Council may appoint a suitable person to be the Secretary of the Institute.

(2) The Secretary shall also act as the Secretary of the Council, shall attend the meeting 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.

11.-(1) The Administrative Staff of the Institute shall, subject to the provisions of section 21, be appointed by the Council. Staff

(2) The academic members of the staff of the Institute shall, subject to the provisions of section 21, be appointed by the Council.

(3) The Council may, subject to such conditions and restrictions as it may impose, delegate to any person or body of persons, the powers of appointment of any members of the administrative or the academic staff of the Institute.

PART IV

FINANCIAL PROVISIONS

12. 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, grants or otherwise;
- (c) such sums as the Council may, subject to the provisions of section 13, 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.

Funds of
the Institute

13.-(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.

Power to
borrow

(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.

14.-(1) In this Act "financial year" means any period not exceeding twelve consecutive months designated in that behalf by the Council - Provided that the first financial year after the commencement of this Act shall commence on the date of the commencement of this Act and may be of a longer or shorter period than twelve months.

Annual and
supple-
mentary
budget

(2) Not less than two months before the beginning of any financial year (other than the first financial year) the Council 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 Institute during that financial year.

(3) 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.

(4) The annual budget and every supplementary budget shall be in such form and include such details as the Minister may direct.

(5) Forthwith upon passing any annual budget or any supplementary budget the Council 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 such amendments as he may deem fit.

(7) 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 (8), shall confine the disbursements within the items and the amounts contained in the budget or supplementary budget as approved by the Minister.

(8) 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.

Investment

Acts 1967
No. 33

15. 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.

Accounts
and audit

16.-(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, 1968.

Acts, 1968
No. 1

(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.

17. The Principal 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.

Principal's
report

18. 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 state-
ment of
accounts and
report to be
laid before
National
Assembly

- (a) prescribing professional diplomas, certificates of different types
- (b) a copy of the auditor's report, if any;
- (c) a copy of the Principal's report.

PART V

MISCELLANEOUS PROVISIONS

19.-(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 diploma, certificate of different types and other award, 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 the students;
- (h) prescribing anything which may be prescribed under this Act;
- (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 <i>Gazette</i> .
Fees and allowances	20. The Minister may, by directions under his hand, prescribe the fees and allowances payable to the members of the Council.
Minister may give directions	21. The Minister may give the Council directions of a general or specific character and the Council shall give effect to every such direction.
Council may make by-laws	22.-(1) The Council may make by-laws, regulating discipline amongst students and to provide for better government, control and administration of the Institute. (2) By-laws made under this section shall not be required to be published in the <i>Gazette</i> .
Protection of members of Council	23.-(1) No matter or thing done by any member or officer of the Institute or the Council shall, if done <i>bona fide</i> in the execution or purported execution of the functions conferred upon such officer by this Act or by regulations, render such member or officer personally liable for such matter or thing. (2) For the avoidance of doubts it is hereby declared that the provisions of this section shall be without prejudice to the provisions of section 284A of the Penal Code, or the provisions of the Specified Officers (Recovery of Debts) Act, 1970.
Cap. 16 Acts, 1970 No. 7	

SCHEDULE

Construction	1. In this Schedule, unless the context otherwise requires- "appointing authority" in relation to any member means the person or authority, by whom such member was appointed under paragraph 2 and in the case of any member who is a member by virtue of his holding some other office, the Minister shall be deemed to be his appointing authority; "member" includes the Chairman.
Composition of Council	2.-(1) The Council shall consist of a Chairman who shall be appointed by the President and the following other members: - (i) the Principal Secretary, Ministry of Lands, Housing and Urban Development; (ii) the Principal Secretary, Central Establishment; (iii) the Principal Secretary, Ministry of Communications and Works. (iv) the Principal Secretary, Ministry of National Education; (v) the Principal Secretary, Ministry of Water and Power; (vi) the Principal Secretary, Ministry of Finance; (vii) the Principal of the Institute; (viii) one member nominated by NUTA; (ix) one member nominated by the Vice-Chancellor of the University of Dar es Salaam; (x) not more than ten other member appointed by the Minister. (2) The Minister may, by order in the <i>Gazette</i> , amend or replace sub-paragraph (1) and may make such consequential amendments to this Schedule as he may consider necessary.

3. Every member shall hold office-	Tenure of office
(a) in the case of a member appointed by an appointing authority, until such time as the appointing authority revokes his appointment and appoints another member in his place;	
(b) in the case of a member who is a member by virtue of his holding some other office, until such time as he ceases to hold such other office.	
4. 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 terminate the appointment of the member and appoint another member in his place.	Absence from three consecutive meetings
5. Where any member is by reason of illness, infirmity or absence from the United Republic, unable to attend any meeting of the Council the appointing authority may appoint a temporary member in his place and such temporary member shall cease to hold office on the resumption of office of the substantive member.	Appointment of temporary member
6. 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 for re-election.	Vice-Chairman
7.-(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.	
(4) The Chairman, Vice-Chairman or a 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.	
8.-(1) Subject to any general or specific direction of 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	Meetings and procedure of council
(2) The Chairman or, in his absence from the United Republic, the Vice-Chairman, may, and upon application in writing by at least five members, convene a special meeting of the Council at any time.	
(3) The Secretary of the Council shall give to each member adequate notice of the time and place of meeting.	
9. 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
10. Subject to the provisions relating to a casting vote, all questions at a meeting of the Council shall be determined by a majority of the votes of the members present, and if any member refuses or fails to vote on any question he shall be deemed to have cast a negative vote.	Decision of Council
11. 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:	Decision by circulation of papers
Provided that any member shall be entitled to require that any such decision be deferred and the subject matter be considered at a meeting of the Council.	
12.-(1) The seal of the Institute shall be of such shape, size and form as the Council may determine.	Seal of the Institute
(2) The seal shall be authenticated by the signature of the Principal, or the Secretary, or any officer of the Institute as the Principal may nominate in that behalf.	
13. All documents to which the Institute is a party, other than documents required by law to be under seal, and all decisions of the Council, may be signified under the hand of the Principal, or the Secretary, or other officer of the Institute authorized in that behalf by the Principal.	Signification of other documents
14.-(1) The Council shall cause minutes of all proceedings of meetings of the Council to be entered in a book kept for that purpose.	Record of proceedings of Council
(2) Any such minutes if purporting to be approved by, and signed by the Chairman of, the next succeeding meeting of the Council shall be evidence of such proceedings and until the contrary is proved, the meeting to which the minutes relate shall be deemed to have been duly convened and all proceedings thereat to have been duly transacted.	

Proceedings
not to be
invalid by
reason of
irregularity

Council may
regulate its
proceedings

15. No act or proceeding of the Council shall be invalid by reason only of the number of members not being complete at the time of such 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.

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

Passed in the National Assembly on the twenty-second day of October, 1974.


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Clerk of the National Assembly