

CHAPTER 110

THE NATIONAL SOCIAL WELFARE TRAINING INSTITUTE ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

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CHAPTER 110

THE NATIONAL SOCIAL WELFARE TRAINING INSTITUTE ACT

An Act to establish the National Social Welfare Training Institute and to provide for related matters.

[14th January, 1974]

[G.N. No. 25 of 1974]

Acts Nos.

33 of 1967

1 of 1968

26 of 1973

12 of 1989

PART I

PRELIMINARY PROVISIONS (ss 1-2)

[PCh110s1]1. Short title

This Act may be cited as the National Social Welfare Training Institute Act.

[PCh110s2]2. Interpretation Act No. 12 of 1989 Sch.

In this Act, unless the context requires otherwise—

"Board" means the Board of Governors of the Institute established by section 5;

"decree" means a decree promulgated by the Board 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;

"Institute" means the National Social Welfare Training Institute established by section 3;

"member" in relation to the Board includes its Chairman;

"Minister" means the Minister responsible for matters relating to social welfare;

"Principal" means the Principal of the Institute appointed by the Board under section 9;

"Secretary" means the Secretary of the Institute appointed by the Board under section 10;

"student" means any person accepted for any course of study conducted by the Institute.

PART II

THE NATIONAL SOCIAL WELFARE TRAINING INSTITUTE (ss 3-4)

[PCh110s3]3. Establishment of Institute

(1) There is hereby established an institute to be known as the National Social Welfare Training 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 any sums of money which it may require for its purposes.

[PCh110s4]4. Objects and functions of Institute

The objects and functions of the Institute shall be—

- (a) to provide facilities for the study of, and for training in, the principles, procedures and techniques of community development and social welfare and any other related subjects which the Board may from time to time decide;
- (b) to conduct training programmes leading to professional qualifications in generic and multi-functional social practice and development and any other related subjects which the Board may from time to time decide;
- (c) to stimulate and promote the pursuit by students of specialised and higher professional courses of study in social work in accordance with national policies and development requirements;

(d) to create a sense of public responsibility in the students and to prepare them to work with the people of Tanzania for the benefit of the nation;

(e) to co-operate with the Government of the United Republic and other persons or organisations in the carrying out of any of the purposes for which the Institute is established;

(f) to sponsor, arrange and provide facilities for conferences and seminars for discussion of matters relating to welfare and social development;

(g) to conduct examinations and to grant diplomas, certificates and other awards of the Institute;

(h) to arrange for the publication and general dissemination of materials produced in connection with the work and activities of the Institute.

PART III

ADMINISTRATION (ss 5-8)

[PCh110s5]5. The Board

(1) There shall be a Board of Governors of the National Social Welfare Training Institute.

(2) The provisions of the Schedule to this Act shall have effect as to the composition of the Board, tenure of office of its members, termination of their appointment, the proceedings of the Board and otherwise in relation to the Board and its members.

(3) The Minister may, by order published in the Gazette amend, vary or replace the Schedule to this Act.

[PCh110s6]6. Powers and duties of Board

(1) Subject to the provisions of this Act, the government and control of the Institute shall be vested in the Board.

(2) In particular, and without prejudice to the generality of subsection (1), the Board 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 common seal;
- (d) on behalf of the Institute to receive gifts, donations, grants and other monies;
- (e) subject to the provisions of this Act, to appoint any officers of the Institute whom it may consider necessary;
- (f) to do all other acts and things which are provided for in this Act or which are, in the opinion of the Board, necessary or expedient for the proper discharge of the functions of the Institute.

[PCh110s7]7. Decrees

- (1) The Board may promulgate decrees—
- (a) fixing enrolment fees and other charges;
 - (b) subject to regulations made under this Act, prescribing the terms and conditions of service, including appointment, dismissal, salary and retirement and other terminal benefits of the members of the staff of the Institute;

(c) prescribing 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 grant of diplomas, certificates and other awards of the Institute;

(d) regulating the grant of scholarships, and the revocation of any such grant;

(e) regulating discipline among the members of the staff of the Institute and the students.

(2) It shall not be necessary for the Board to publish in the Gazette any decree promulgated by it under this section:

Provided that where any decree is not so published, the Board shall, in any other manner it determines, bring the decree or cause it to be brought, the decree to the notice of all persons who are or are likely to be affected by it.

[PCh110s8]8. Board may appoint Committees

(1) The Board may, from time to time appoint any Committees which it considers necessary and, subject to the provisions of this Act and any directions given by the Minister in that behalf, delegate to any Committee any of its functions under this Act.

(2) A Committee appointed under this section shall be composed of any number of members as the Board may determine and the members shall be appointed by the Board:

Provided that at least one-third of the total number of the members appointed to the Committee shall be appointed from amongst the members of the Board.

(3) The quorum necessary for the conduct of any business of any Committee appointed under this section shall be fixed by the Board.

(4) Where the Board establishes a Committee under this section, the Board shall elect one of its members to be the Chairman of the Committee.

(5) Where at any meeting of a Committee appointed under this section the Chairman is absent, the members present may elect one of their number to be the Chairman for that meeting.

(6) Subject to the provisions of this Act and any regulations made under it in that behalf, and subject to any directions given by the Board in that behalf, a Committee appointed under this section may regulate its own proceedings.

(7) For the purposes of this sections Principal and the Secretary shall be deemed to be members of the Board.

PART IV

THE STAFF OF THE INSTITUTE (ss 9-11)

[PCh110s9]9. Principal

(1) The Board 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 Board—

(a) for the proper administration of the Institute in accordance with the policy laid down by the Board;

(b) for the management of the academic affairs of the Institute in accordance with the policy laid down by the Board;

(c) for the proper enforcement of decrees;

(d) for the discipline of the students.

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

(4) The Principal shall be entitled to attend the meetings of the Board but shall not be entitled to vote unless he is also a member of the Board.

[PCh110s10]10. Secretary

(1) The Board shall appoint a suitable person to be the secretary of the Board.

(2) The Secretary shall be entitled to attend the meetings of the Board but shall not be entitled to vote unless he is also a member of the Board.

[PCh110s11]11. Administrative and academic staff

The administrative and academic members of staff of the Institute shall be appointed by the Board:

Provided that the Board may, subject to any conditions and restrictions which it may impose, delegate to any person or body of persons, the power of appointment of any member of the administrative or academic staff of the Institute.

PART V

FINANCIAL PROVISIONS (ss 12-16)

[PCh110s12]12. Funds of Institute

(1) The funds and resources of the Institute shall consist of—

(a) any sums which may be provided for the purposes of the Institute by Parliament, either by way of grant or loan;

(b) any donations, grants, bequests and loans which the Institute may, from time to time, receive from any person or organisation;

(c) any sums which the Board may, from time to time with the consent of the Minister, borrow for the purposes of the Institute;

(d) any sums which may in any manner become payable to or vested in the Institute either under the provisions of this Act or any other written law, or incidental to the carrying out of its functions.

(2) The funds and resources of the Institute shall be applied to the purposes for which the Institute is established under this Act.

[PCh110s13]13. Power to invest

. The Board shall have power to invest the funds of the Institute in any investments which are authorised by, and subject to any conditions as are prescribed by, the Trustees Investments Act *, in relation to investment of funds by a trustee.

[PCh110s14]14. Estimate of expenditure and revenue

(1) The Board shall, in respect of every financial year, cause to be prepared estimates of the expenditure and revenue of the Institute, and any estimates shall be approved by the Board before the commencement of any financial year.

(2) Except with the consent of the Minister in writing, no expenditure shall be incurred for the purposes of the Institute otherwise than in accordance with the provisions of the annual estimates or of any supplementary estimates approved by the Board.

(3) Copies of every annual estimate and of every supplementary estimate prepared in accordance with this section shall be forwarded to the Minister.

[PCh110s15]15. Financial statements and report

- (1) The Board shall cause to be prepared in respect of every financial year—
- (a) a statement of income and expenditure during the financial year;
 - (b) a statement of the assets and liabilities of the Institute on the last day of that financial year;
 - (c) a report upon the progress and work of the Institute during the financial year, and shall cause the statements and report to be forwarded to the Minister.

(2) Within six months after the end of each financial year the Board shall cause the statements referred to in paragraphs (a) and (b) of subsection (1) to be audited by the Tanzania Audit Corporation and copies of the report of the auditor shall be forwarded to the Minister together with the statements to which the report relates.

[PCh110s16]16. Annual statements of accounts and report to be laid before National Assembly

The Minister shall, as soon as may be practicable after he has received copies of the statements and not later than seven months after the close of a financial year, or any longer period which the National Assembly may, by resolution, approve in that behalf, lay before the National Assembly copies of the statements referred to in subsection (1) of section 15 together with copies of the report of the auditor referred to in subsection (2) of that section.

PART VI

MISCELLANEOUS PROVISIONS (ss 17-21)

[PCh110s17]17. Regulations

(1) With the consent of the Minister, the Board 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—

(a) prescribing the terms and conditions of service, pension and retirement benefits and the like, of staff;

(b) providing for and regulating disciplinary proceedings against the officers of the Institute and students;

(c) prescribing fees for admission to the Institute;

(d) prescribing fees payable by the candidates for any examination held or conducted by the Institute;

(e) prescribing the financial procedures of the Institute;

(f) prescribing diplomas, certificates and other awards which may be granted or conferred by the Institute;

(g) prescribing the conditions which must be satisfied before any diploma, certificate or other award, may be granted;

(h) regulating the conduct of examinations;

(i) providing for anything which may be prescribed under this Act.

(2) The Board shall cause to be published in the Gazette any regulations made under this section.

[PCh110s18]18. Fees and allowances

The Board may, with the approval of the Minister, issue directions prescribing fees and allowances payable to the members of the Board or a Committee.

[PCh110s19]19. Minister may give directions

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

[PCh110s20]20. Proceedings of Board or Committee not to be invalid by reason of irregularity

No act or proceeding of the Board or of a Committee appointed by the Board shall be invalid by reason only of the number of the 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 in question disqualified or disentitled to act as such.

[PCh110s21]21. Protection of members of Board, Committees, etc.

(1) No matter or thing done by any person exercising or purporting to exercise any function under this Act or under any subsidiary legislation made under it shall, if done in good faith in the execution or purported execution of his functions under any of the provisions of this Act or any subsidiary legislation, subject that person to any action, liability, claim or demand.

(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 *.

SCHEDULE

(Section 5(2))

1. Interpretation

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 Board, the Minister.

2. Composition

The Board shall consist of—

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

3. Representation

In making appointments of members of the Board, the Minister shall ensure that there is adequate representation on the Board of the Organisations and professional and academic bodies as are likely to utilise the skills and disciplines to be promoted by the Institute and shall further ensure that every person appointed by the Minister is a person who, in the Minister's opinion, has the necessary experience or qualification to enable that person to make useful contribution to the deliberations of the Board and to assist the Board in the discharge of its functions.

4. Tenure of appointment

Every member of the Board shall continue to hold office as such until his appointment is revoked by the appointing authority.

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, if it deems fit so to do, 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 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.

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 to be re-elected.

8. Powers of Chairman and Vice-Chairman

(1) The Chairman shall preside at all meetings of the Board.

(2) Where at any meeting of the Board 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 Board, the members present may, from amongst their number, elect a temporary Chairman, who shall preside at that meeting.

(4) The Chairman, Vice-Chairman or temporary Chairman, presiding at any meeting of the Board, 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. Meeting and procedure of Board

(1) Subject to any general or specific directions by the Minister, the Board shall meet not less than four times during every financial year and at any additional times which may be fixed by the Chairman or, if he is absent from the United Republic or is unable for any reason to act, the Vice-Chairman:

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 Board within thirty days of the request being made to him in writing.

(2) The Secretary of the Board shall give to each member not less than fourteen days' notice of the time and place of the meeting.

10. Quorum

(1) At any meeting of the Board not less than one-third of the members in office for the time being shall constitute a quorum.

(2) If a quorum is not present within one hour of the time appointed for the meeting the members present or the majority of them, or any one member if only one member 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.

11. Decisions of Board

Subject to the provisions relating to a casting vote, all questions at a meeting of the Board shall be decided by a majority of the votes of the members present at the meeting.

12. Decision by circulation of papers

Notwithstanding the foregoing provisions of this Schedule decisions may be made by the Board 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 decision to be deferred and the subject matter to be considered at a meeting of the Board.

13. Seal

(1) The seal of the Institute shall be of such shape, size and form as the Board may determine.

(2) The seal shall be affixed in the presence of–

(a) the Principal; or

(b) the Secretary; or

(c) any other officer of the Institute whom the Principal may nominate in that behalf,

and the person or persons present shall sign over or underneath the seal in witness.

14. Execution of contracts, etc.

Subject to paragraph 13, all conveyances, transfers, contracts, guarantees, agreements, bonds, mortgages, charges, bills of exchange, promissory notes, bank drafts, letter of credit, securities and any other instruments to which the institute is a party shall be executed on behalf of the institute by–

(a) the Principal; or

(b) the Secretary; or

(c) any other officer of the Institute whom the Principal may nominate in that behalf.

15. Board may regulate its proceedings

Subject to the provisions of this Schedule the Board may regulate its own proceedings.