

CHAPTER 129

THE NATIONAL COUNCIL FOR TECHNICAL EDUCATION ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 129

THE NATIONAL COUNCIL FOR TECHNICAL EDUCATION ACT

An Act to establish the National Council for Technical Education and to provide for other matters related to it.

[1st July, 1997]

[G.N. No. 773 of 1997]

Act No. 9 of 1997

PART I

PRELIMINARY PROVISIONS (ss 1-2)

[PCh129s1]1. Short title

This Act may be cited as the National Council for Technical Education Act.

[PCh129s2]2. Interpretation

In this Act, unless the context requires otherwise—

"academic staff" means staff engaged by a technical institution for the purposes of teaching;

"award" means an award to be granted by the Council under section 5;

"Board" means a Board established by the Council pursuant to Section 7;

"Chairman" means the Chairman of the Council appointed under section 4;

"Committee" means the Committee appointed by the Board under section 10;

"Council" means the National Council for Technical Education established under section 3;

"course" means a course as approved by the Council and leading to award of the Council;

"Minister" means the Minister responsible for science and technology;

"Moderator" means a senior suitably qualified person appointed by the Council to ensure it that the standards of its awards are being maintained and that the assessment has been conducted fairly and to report accordingly to the council;

"Secretariat" means the Secretariat established under section 13;

"Secretary" means Executive Secretary appointed by the Council under section 13;

"staff" includes academic, technical and administrative staff employed by a given technical institution;

"student" means a person admitted by a Technical Institution as a Candidate for an award of the Council;

"technical education" means education and training undertaken by students to equip them to play roles requiring higher levels of skill, knowledge and understanding and in which they take responsibility for their area of specialisation;

"technical institution" means an institution registered by the Council and accredited to deliver courses leading to the awards of the Council.

PART II

THE COUNCIL (ss 3-6)

[PCh129s3]3. Establishment of the Council

(1) There is hereby established a body to be known as the National Council for Technical Education.

(2) The Council 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 or otherwise acquiring and of alienating or disposing of any movable or immovable property;
- (d) have power to lend or borrow any sums of money which it may require for its purposes;
- (e) be capable of entering into contracts; and

(f) have power to perform all other acts and things which are necessary for the proper performance of its functions or which may be performed under this Act.

[PCh129s4]4. Composition of the Council

(1) The Council shall consist of—

(a) a Chairman who shall be appointed by the President, on the advice of the Minister; and

(b) not more than nine other members who shall be appointed by the Minister.

(2) The Minister shall appoint members of the Council from amongst persons having the qualifications and pursuant to the procedures set out in the Schedule to this Act.

(3) The provisions of the Schedule shall have effect as to the qualifications and tenure of office of Council Members termination of their appointments, the proceedings of the Council and other matters in relation to the Council and its members.

(4) The Minister may from time to time by notice published in the Gazette amend, vary, alter or replace any or all of the provisions of the Schedule, other than the provisions of paragraph 1.

[PCh129s5]5. Powers and functions of the Council

(1) The functions of the Council shall be—

(a) to register and accredit technical institutions capable of delivering courses;

(b) to register technical teachers and other qualified technicians;

(c) to assist technical institutions in the transmission of knowledge; principles and training in the field of technical education and training for the benefit of the people of Tanzania;

(d) to assist technical institutions in the overall development of the quality of education they provide and to promote and to maintain approved academic standards;

(e) to establish and make awards in technical education which are consistent in standard and comparable to related awards in Tanzania and internationally;

(f) to ensure that the quality of education required for the award is met and maintained throughout the duration of the delivery of the course;

(g) to assist technical institutions in their development by introducing and developing policies and procedures that will allow institutions to attain greater autonomy in the delivery of the courses;

(h) to advise the government on the planning and development of technical education including matters relating to manpower planning, staffing, budgetary and capital provision, the efficiency of the sector and the development of the curriculum;

(i) to review technical education and training policies from time to time in the light of changing technologies and economic development;

(j) to accept in partial fulfilment of a course of study leading to the Council's awards such periods of learning and training as it may recognise as being equivalent in outcome to that award;

(k) to co-operate with other bodies and organisations for such purposes as the Council may from time to time deem to be appropriate to achieve its objectives;

(l) to advise the minister on the grant of autonomy to any accredited technical college;

(m) to appoint the members of its Constituent Boards and Committees;

(n) to appoint moderators of its Constituent Boards and Committees;

(o) to receive income and undertake expenditure as may be necessary or appropriate for the discharge of its functions;

(p) to introduce any measures and procedures which may be necessary for the furtherance of the objectives of the Council.

(2) The Council shall, in discharging its functions under paragraph (h), of subsection (1) take over the role and functions of the National Training Advisory and Co-ordinating Council (NATTACC) and of the National Management Development Advisory Council (NAMDAC) so far as the technical institutions accredited by the council are concerned.

[PCh129s6]6. Grant of autonomy

(1) The Minister may, after consultation with the Council and by order published in the Gazette, declare any technical institution accredited by the Council to be an autonomous institution.

(2) The Council shall, before advising the Minister on the granting of autonomy under subsection (1), consider all relevant matters including academic management, quality control systems, quality assurance procedures, staffing policies and the facilities of the institution.

(3) Every order made under subsection (1) shall not come into operation until it is approved by resolution of the National Assembly.

(4) A technical institution declared autonomous in pursuance of this section, shall be entitled to set its own examinations and grant awards or certificates bearing its own emblem.

PART III

BOARDS AND COMMITTEES (ss 7-10)

[PCh129s7]7. Boards and Committees

(1) The Council may establish such Boards and approve such Committees as may be required to carry out its functions.

(2) The Boards or Committees established by the Council under subsection (1) shall exercise powers delegated to them by the Council.

[PCh129s8]8. Members of Boards

(1) In establishing a Board or Committee, the Council shall have the power to determine the size and to appoint the members thereof.

(2) Members appointed under subsection (1) shall include—

(a) three academic members from members of academic staff of technical institutions and which have the appropriate subject expertise;

(b) two subject experts currently employed in a University and who have professional qualifications in the subject areas covered by the Boards; and

(c) two professionally qualified members from industries or professions directly concerned with the employment of the holder of the Council awards in the subject area of the Board.

(3) Members of the Board shall hold office for a period of three years and shall be eligible for re-appointment.

[PCh129s9]9. Functions of the Board

The functions of the Board shall be—

- (a) to formulate, develop and renew curricula;
- (b) to validate courses for the awards of the Council;
- (c) to give guidance to technical institutions on the delivery of courses and the elements required to enhance their quality;
- (d) to determine the conduct and arrangements for assessment and examination; and
- (e) to recognise the Departments within accredited technical institutions and to deliver courses leading to the Councils awards.

[PCh129s10]10. Appointment of Committees

(1) A Board may with the approval of the Council appoint Committees to which it may delegate responsibilities for any of its functions.

(2) The membership of a Committee may, unless otherwise agreed by the Council, reflect the membership qualifications stated in subsection (2) of section 8 and shall be limited to six members.

(3) The Committees shall report their proceedings to the appropriate Board.

PART IV

AWARDS OF THE COUNCIL (ss 11-12)

[PCh129s11]11. Awards

The Council shall have the power within the public sector and other interested private sectors to approve curricular, examinations, and awards for autonomous non-University Institutions and to conduct and set examinations for other non autonomous institutions; confer certificates, diplomas, degree, and other related awards to students who have—

(a) either completed successfully all components of an approved course of the Council; or

(b) been deemed by the Council on the basis of previous identifiable measurable learning experience to have satisfied some of the elements of the course and have completed and passed the remaining elements.

[PCh129s12]12. Consideration for awards

In proposing the awards to be conferred under section 11, the Council shall take into account—

- (a) the development of a coherent hierarchy of awards;
- (b) the relationship to awards made by other higher educational institutions and bodies; and
- (c) the advantages of adopting a credit based system.

PART V

ADMINISTRATION (ss 13-15)

[PCh129s13]13. The Secretariat

(1) There is hereby established a Secretariat of the Council which shall consist of the Secretary and such number of other staff as may be appointed by the Council.

(2) The Secretary shall be the Chief Executive Officer of the Council.

(3) A person appointed Secretary shall hold that office for a period of three years, at the end of which he may be reappointed.

[PCh129s14]14. Duties of the Secretariat

(1) The Duties of the Secretariat shall be—

(a) to organise and to service meetings of Council and its Boards and Committees;

(b) to produce reports and other documents as may be required;

(c) to keep policies, regulations and procedures as agreed by the Council;

(d) to maintain data bases as required;

(e) to keep policies, regulations and procedures as agreed by the Council;

(f) to organise meetings, seminars and courses related to curriculum and staff development; and

(g) to undertake such other duties as may be directed by the Council.

(2) The Council shall, for the purpose of maintaining better administration, specify the terms and conditions for all Secretariat Staff.

[PCh129s15]15. Termination of members of Secretariat

Notwithstanding the provisions of subsection (2) of section 13, the Council may terminate the appointment of the members of the Secretariat if in its view the duties have not been carried out successfully.

PART VI

FINANCIAL PROVISIONS (ss 16-20)

[PCh129s16]16. Funds of the Council

The funds and resources of the Council shall consist of–

- (a) any sums which may be appropriated by Parliament for the purposes of the Council;
- (b) any sums which may be payable to the Council by way of donations, gifts, grants, loans or bequests from any source within or outside the United Republic;
- (c) any sums which may in any manner become payable to or vested in the Council as a result of or in the course of discharging functions;
- (d) any sums which may be allocated to the Council from the Training Levy;
- (e) any funds accruing from Council's investments; and
- (f) any sums which the Council may after consultation with the Minister for finance borrow for the purposes of the Council.

[PCh129s17]17. Annual budget estimates

(1) At least three months before the commencement of any financial year the Council shall prepare or cause to be prepared for approval of the Minister annual estimates of the revenue and expenditure of the Council for the ensuing financial year.

(2) The Council shall consider and approve subject to such modifications and amendments as may consider appropriate, the estimates prepared in accordance with subsection (1) of this section.

(3) The annual budget estimates shall contain provisions for all the estimated expenditure during the ensuring financial year and in particular–

(a) for the payment of salaries, allowances and other charges in respect of the staff, and of members of the Council, Boards and committee;

(b) for the payment of construction, improvement, maintenance and replacement of any building or other immovable property of the Council; and

(c) for the proper maintenance and replacement of the furniture, equipment and other supplies of the Council.

(4) No expenditure shall be incurred for the purposes of the Council except in accordance with the provisions of the annual budget estimates or any supplementary estimates approved by the Council.

(5) A copy of the annual estimates and of every supplementary estimates if any, shall immediately after approval be forwarded to the Minister.

The Council with the approval of the Minister shall have power to invest the funds of the Council in such investments and subject to such conditions as prescribed by the Trustees Investment Act, in relation to investment of funds by trustees.

[PCh129s19]19. Accounts and audit

(1) The Council shall cause to be provided and kept proper books of accounts and records with respect to the receipt and expenditure of money by, and other financial transactions of the Council and assets and liabilities of the Council, and shall cause to be made out for every financial year a balance sheet and statement of income and expenditure.

(2) Within three months after the close of each financial year, the accounts, shall be submitted for auditing to the Tanzania Audit Corporation.

(3) As soon as the accounts of the Council have been audited and in any case not later than six months after the close of the financial year the Council shall submit to the Minister a copy of the audited statement of accounts together with a copy of the report made by the auditor on the statement of accounts.

[PCh129s20]20. Report to be laid before the Parliament

The Minister shall as soon as practicable after receiving the report lay it before the National Assembly together with a report containing—

- (a) a copy of the audited accounts of the Council;
- (b) a copy of the audit report, on the account; and
- (c) a report on the activities of the Council in the preceding financial year.

PART VII

MISCELLANEOUS PROVISIONS (ss 21-24)

[PCh129s21]21. Fees and allowances

With the consent of the Minister the Council may issue directions prescribing fees and allowances payable to the members of the Council, Boards and Committees.

[PCh129s22]22. Directions

The Minister may give to the Council directions of a general or specific character which directions shall be consistent with the purposes and provisions of this Act, as to the performance by the Council of any of its functions under this Act and the Council shall give effect to every such direction given by the Minister.

[PCh129s23]23. Protection of members

A member of the Council or its Boards and Committees shall not be personally liable for anything done or omitted bona fide in the execution or purported execution of any duty as a member of the Council or of any of its Boards or Committees.

[PCh129s24]24. Regulations

(1) With the approval of the Minister, the Council may make regulations for the better carrying out of the purposes and provisions of this Act and without prejudice to the generality of this subsection—

(a) prescribing the procedure for registration of technical institutions, qualified technicians and technical teachers;

(b) fixing the fees, rates and other charges for or in connection with the provision by the Council of any facilities or services;

(c) providing for the proper management and control of administration of the Council;

(d) providing for and regulating discipline amongst staff and disciplinary action against them;

(e) prescribing procedures for validation and periodic review of courses;

(f) setting down guidelines regarding staff development, quality control and quality assurance;

(g) prescribing conditions and terms to be observed by technical institutions;

(h) regulating assessment of courses and students;

(i) prescribing the procedure for appointment of Moderators;

(j) drawing up, procedures and guideline for accreditation and recognition of technical institutions and their departments;

(k) providing for any matter which may be prescribed under this Act.

(2) Regulations made under this section shall be published in the Gazette.

SCHEDULE

(Section 4(3))

1. Members of the Council

(1) Members of the Council shall include—

(a) not more than two members from among Ministries employing holders of the Council's awards;

(b) two members nominated by technical institutions who are practising or teaching member of one of the professions convened by the Council;

(c) one member nominated by the Higher Education Council;

(d) one member nominated by the Vocational Education and Training Authority;

(e) one member nominated by appropriate professional bodies;

(f) one representative of non governmental organisations; and

(g) one member from among major employers.

(2) The appointment referred under subparagraphs (a), (b), (c), (d), (e), (f) and (g) shall be confirmed by the Minister after receiving the nominations from the appropriate bodies.

(3) The Minister shall, in determining the Membership to the Council, ensure that women form one third of the total membership of the Council.

2. Tenure of office

(1) Members appointed under paragraph 1 of the Schedule shall hold office for a period of three years and shall be eligible for re-appointment.

(2) Notwithstanding subparagraph (1) of this paragraph, a member may resign at any time by giving notice in writing to the appointing authority and from the date specified in the notice, if no date is so specified from the date of the receipt of the notice by the appointing authority the member shall cease to be a member.

(3) A person who is a member by virtue of his holding some other office, shall cease to be a member upon his ceasing to hold the office by virtue of which he is a member.

3. Temporary member

Where any member other than the Chairman is by reason of illness, absence from the United Republic or any other sufficient cause unable to perform his duties, as a member, the appointing authority may appoint a temporary member in his place and the temporary member shall cease to hold office upon the resumption of office of the substantive member.

4. Meeting of the Council

(1) Subject to any general or specific direction by the Minister, the Council shall meet not less than four times annually and at such additional times as may be fixed by the Chairman.

(2) The Chairman or in his absence the Vice-Chairman who shall be elected by the Council shall preside at every meeting of the Council.

(3) The Chairman or in his absence the Vice-Chairman presiding at any meeting of the Council may invite not more than three co-opted members for specified periods of tenure to participate in the deliberations of the Council, but any person so invited shall not be entitled to vote.

5. Procedure

(1) One half of the total number of members shall form a quorum for a meeting of the Council.

(2) At any meeting of the Council the decision of the majority of the members present and voting shall be a decision of the Council. In the event of an equality of votes the person presiding over at the meeting shall have a casting vote in addition to his deliberative vote.

(3) The Council may act notwithstanding any vacancy in its membership.

(4) Subject to the provisions of this section the Council may regulate its own procedure.

6. Minutes of the meeting

Minutes in proper form of each meeting of the Council shall be kept by the Secretary and shall be confirmed by the Council at the next meeting and signed by the Chairman of the meeting.

7. Official seal of the Council

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

(2) The official seal of the Council shall not be affixed to any instrument or document except in the presence of the Chairman or such other member of the Council as the Chairman may appoint in that behalf.

8. Execution of documents

All regulations, appointments, Instruments or documents made, issued or executed by or on behalf of the Council shall be sealed with the official seal of the Council and be signed by:—

(a) the Chairman or;

(b) the Executive Secretary; or

(c) any other member of the Council or employee of the Council authorised in writing in that behalf by the Council.

9. Proceedings not invalidated by irregularity

No act or proceeding of the Council shall be invalid by reason of any defect or irregularity in the appointment of any member or by reason that 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.

10. Absence from meetings

Where a member absents himself from three consecutive meetings of the Council without sufficient cause 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.

11. The Council to regulate its own proceedings

Subject to the provisions of this Schedule the Council shall have power to regulate its own proceedings.