

CHAPTER 139

THE INSTITUTE OF ADULT EDUCATION ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 139

THE INSTITUTE OF ADULT EDUCATION ACT

An Act to establish the Institute of Adult Education.

[31st March, 1989]

Acts Nos.

12 of 1975

1 of 1981

11 of 1988

13 of 1988

PART I

PRELIMINARY PROVISIONS (ss 1-2)

[PCh139s1]1. Short title Acts Nos. 12 of 1975; 1 of 1981 Sch. 11; 13 of 1988

This Act may be cited as the Institute of Adult Education Act.

[PCh139s2]2. Interpretation

In this Act, unless the context requires otherwise—

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

"decree" means a decree promulgated by the Council under section 7;

"Director" means a 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 education.

PART II

THE INSTITUTE OF ADULT EDUCATION (ss 3-4)

[PCh139s3]3. Establishment of Institute

(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; and

(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.

[PCh139s4]4. Objects and functions of Institute

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 provision 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 organisational 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;

(e) to disseminate information on findings of research pertaining to adult education carried out by other institutions or organisations in Tanzania or elsewhere;

(f) to engage in the production and standardisation 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 organisations 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 organisations which are representative of workers or employers, in the planned and orderly development of worker's education in the United Republic;

(i) to co-operate with public authorities and other organisations 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 organisations 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 of adults, to the University;

(m) to co-operate with other institutions or organisations in the United Republic which are concerned with the promotion of adult education and to endeavour 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 arrangements 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; and

(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 (ss 5-8)

[PCh139s5]5. Council

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

(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.

[PCh139s6]6. Powers and duties of Council

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

[PCh139s7]7. Decrees

- (1) The Council 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 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.

[PCh139s8]8. Council may establish boards and committees

(1) The Council may, from time to time, appoint boards and committees of the Council from amongst its members 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 establish 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 under the Act 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 (ss 9-10)

[PCh139s9]9. Director

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

(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 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 office, act as Director.

(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 participate in the deliberations at any meeting of the Council, but shall not be entitled to vote unless he is also appointed a member of the Council.

[PCh139s10]10. Appointment of staff

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.

PART V

FINANCIAL PROVISIONS (ss 11-17)

[PCh139s11]11. Funds of the Institute

The funds and resources of the Institute 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 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.

[PCh139s12]12. Power to borrow

(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.

(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.

[PCh139s13]13. Annual and supplementary budget

(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 a meeting specifically 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) Immediately upon passing any annual budget or any supplementary budget, the Council shall submit the same to the Minister for 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 with or without amendment, any annual budget or any supplementary budget, the budget or, as the case may be, the supplementary budget, as approved, 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.

[PCh139s14]14. Investment

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 authorised by the Trustee Investments Act *, for the investment of any trust fund.

[PCh139s15]15. Accounts and audit

(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 or every financial year, a balance sheet showing details of 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 *.

(3) 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.

(4) 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 made by the auditors.

[PCh139s16]16. Director's report

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.

[PCh139s17]17. Annual statement of accounts and report to be laid before National Assembly

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 a copy of—

(a) the audited statement of accounts of the Institute;

- (b) the auditor's report, if any; and
- (c) the Director's report.

PART IV

MISCELLANEOUS PROVISIONS (ss 18-22)

[PCh139s18]18. Regulations

(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 this generality, may make 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 or other awards may be granted;
- (c) prescribing the manner in which diplomas, certificates 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 organisations 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.

[PCh139s19]19. Fees and allowances

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

[PCh139s20]20. Minister may give directions

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

[PCh139s21]21. Liability of members of Council

Without prejudice to the provisions of section 284A of the Penal Code * or of the Public Officers (Recovery of Debts) Act *, 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 of duty as such member, officer, servant or agent, subject any such person to any action, liability or demand.

[PCh139s22]22. Amendment of Schedule Act No. 13 of 1988

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

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 Council, the Minister.

2. Composition

The Council shall consist of—

- (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. Representation

In making appointments of members of the Council, the Minister shall ensure that there is adequate representation on the Council of such organisations, 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 is a person who, in the opinion, of the Minister has the necessary experience or qualification make useful contribution to the deliberations of the Council and to assist the Council in the discharge of its functions.

4. Tenure of office

A member of the Council shall, unless the appointment is sooner determined by the appointing authority or otherwise ceases to be a member, hold office for such period as the appointing authority may specify in the instrument of appointment or if no period is so specified, shall hold office for a term of three years from the date of appointment and, shall be eligible for re-appointment.

5. Absence from three consecutive meetings

Where any member is absent from three consecutive meetings of the Council without reasonable excuse, the Council shall advise the appointing authority of that fact and the appointing authority may, if it deems fit, terminate the appointment of the member and appoint another member.

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 Council, the Minister may appoint a temporary member and such temporary member shall cease to hold office on the resumption of office by the substantive member.

7. Vice-Chairman

The Council shall elect one of its members to be the Vice-Chairman and Vice-Chairman shall, subject to continuing to be a member, hold office for a term of one year from the date of election and, shall be eligible for re-election.

8. Power of Chairman and Vice-Chairman

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

(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 temporary chairman, presiding at any meeting of the Council, shall, in the event of an equality of votes, have a casting vote in addition to the deliberative vote.

9. Meeting and procedure of Council

(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 determined by the Chairman or, in his absence from the United Republic, or inability to act for any other reason, the Vice-Chairman:

Provided that the Chairman or as the case may be, 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 any meeting.

10. Quorum

(1) At any meeting of the Council not less than one-third of the members in office, shall constitute a quorum.

(2) If a quorum is not present within half-an-hour of the time appointed for meeting, the members present or the majority of them or any one member if any one is present or the Secretary if no member is present may adjourn the meeting to any other day, being not later than fourteen days from the date of adjournment.

11. Decisions of Council

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.

12. Decision by circulation of papers

Notwithstanding the preceding 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 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.

13. Seal

(1) The seal of the Institute shall be of such shape, size and form, as 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 in witness.

14. Execution of contracts

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 any other instruments whatsoever to which the institute is 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.

15. Council may regulate its proceedings

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