

CHAPTER 144

THE DAR ES SALAAM INSTITUTE OF TECHNOLOGY ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 144

THE DAR ES SALAAM INSTITUTE OF TECHNOLOGY ACT

An Act to establish the Dar es Salaam Institute of Technology and to provide for the functions, management and control of the Institute and for incidental or connected matters.

[1st July, 1997]

[G.N. No. 236 of 1997]

Act No. 6 of 1997

PART I

PRELIMINARY PROVISIONS (ss 1-2)

[PCh144s1]1. Short title

This Act may be cited as the Dar es Salaam Institute of Technology Act.

[PCh144s2]2. Interpretation

In this Act unless the context requires otherwise—

"academic staff" means teaching staff employed by the Institute;

"Council" means the council of the Institute established under section 7;

"director" means a director appointed under section 10 or 11;

"financial year" means the Institute's first account period, whether shorter or longer than a year;

"former college" means the Dar es Salaam Technical College as existing before the commencement of this Act;

"Institute" means the Dar es Salaam Institute of Technology 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 science and technology;

"Principal" means the Principal of the Institute appointed under section 9.

PART II

THE DAR ES SALAAM INSTITUTE OF TECHNOLOGY (ss 3-6)

[PCh144s3]3. Establishment of the Institute

(1) There is hereby established an institute to be known as the Dar es Salaam Institute of Technology.

(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 or otherwise acquiring, and of alienating or disposing of any movable or immovable property; and
- (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.

[PCh144s4]4. Functions of the Institute

- (1) The functions of the Institute shall be to—
 - (a) provide facilities for study and training in the principles, procedures and techniques of—
 - (i) Electrical Engineering;
 - (ii) Mechanical Engineering;
 - (iii) Civil Engineering;
 - (iv) Computer Studies;
 - (v) Laboratory Technology;
 - (vi) Electric and Telecommunications Engineering; and
 - (vii) such other related disciplines as the Institute may from time to time decide.
 - (b) conduct training programmes in the disciplines specified in paragraph (a);

(c) engage in applied research and development in the disciplines specified in paragraph (a) and to evaluate the results achieved by the Institute training programmes;

(d) provide Consultancy services to the Government, parastatal bodies or industries and such other bodies or organizations;

(e) sponsor, arrange or provide facilities for conferences and seminars;

(f) establish departments within the Institute for the organizations and administration of its work and activities;

(g) conduct examinations and grant awards of the institute as approved by the National Council for technical education;

(h) arrange for publication and general dissemination of material produced in connection with the work and activities of the Institute;

(i) engage in self-reliance activities for effective financing and promotion of entrepreneurship;

(j) establish and foster closer association with the Universities, technical colleges and other institutions of higher education and promote international co-operation with similar institutions; and

(k) 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.

[PCh144s5]5. Departments and constituent colleges

(1) The Institute shall consist of such departments as the Council may, with the approval of the Minister, establish.

(2) Academic departments established under subsection (1) shall include—

- (a) Mechanical Engineering;
- (b) Civil Engineering;
- (c) Electrical Engineering
- (d) Electronics and Telecommunications Engineering;
- (e) Computer Studies;
- (f) Laboratory Technology; and
- (g) such other departments as may be determined and established by the

council.

(3) The Institute may, for the purposes of extending its services, establish branches, campuses or other departments as the case may be.

(4) The President may, after consultation with the Council, by order published in the Gazette—

- (a) establish any college as a constituent college of the Institute;
- (b) declare any institution of learning or training established by or under any written law, or owned by Government or a parastatal organisation, to be a constituent college of the Institute.

(5) Where the President by an order under subsection (4) establishes a constituent college or declares any institution to be a constituent college of the Institute, the Council may appoint a principal of the constituent college.

(6) Where the President, by an order under subsection (4) of this section declares any Institution to be a constituent college of the Institute, he may transfer any person who is an employee of such institution to the service of the Institute. Such employee shall, as from the date of transfer, be deemed to be an employee of the Institute.

(7) Where the President by an order under subsection (4) to this section declares any Institution to be a constituent college, he may; by the same or subsequent order, repeal or amend, as he may deem necessary, the written law, if any, by or under which such institution was established, and every such order repealing or amending such law shall have effect as if such repeal or amendment, as the case may be, were effective by this Act.

[PCh144s6]6. Vesting of the properties

(1) All the assets and liabilities of the former college shall, with effect from the date of commencement of this Act and without further assurance vest in the Institute.

(2) The Institute shall be granted a right of occupancy over the sites previously occupied by the former college or other place upon such terms and conditions as the President may approve.

PART III

THE COUNCIL (ss 7-9)

[PCh144s7]7. Establishment of the Council

There shall be a Council of the Institute which shall be a Council of the Institute which shall consist of—

- (a) a Chairman who shall be appointed by the President; and

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

[PCh144s8]8. Members of the Council

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

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

(3) 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.

[PCh144s9]9. Powers and duties of the Council

The duties of the Council shall be to—

- (a) govern and to control the Institute;
- (b) administer both movable and immovable properties of the Institute;
- (c) administer the funds and other assets of the Institute;
- (d) signify the acts of the Institute by using the common seal;
- (e) receive grants, gifts, donations or other moneys on behalf of the Institute;
- (f) establish boards and committees as the Council may deem fit;
- (g) provide for the welfare of the students and the staff of the Institute;
- (h) formulate policies of the Institute;
- (i) set fees of the Institute; and

(j) do all such acts 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.

PART IV

ADMINISTRATION (ss 10-13)

[PCh144s10]10. The Principal

(1) There shall be a Principal who shall be appointed by the Minister under the advice of the Council.

(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 enforcement of by-laws and regulations made by the Council; and

(c) as the accounting officer.

(3) The principal shall be the Secretary of the Council.

[PCh144s11]11. Director of Studies

(1) The Council may, on such terms and conditions as it may determine, appoint a Director of Studies.

(2) The functions of the Director appointed under subsection (1) shall be to assist the principal.

(3) The Director may, where the principal is unable to perform his functions by reason of illness, infirmity or absence from the Institute, act as the principal.

[PCh144s12]12. Director of Administration and Finance

(1) The Council may, on such terms and conditions as it may determine, appoint a Director of Administration and Finance of the Institute.

(2) The functions of the Director appointed under subsection (1) shall be to head the administration and finance department of the Institute.

[PCh144s13]13. Other staff

(1) The Council may, on such terms and conditions as it may deemed necessary, appoint academic and non-academic staff of the Institute.

(2) Notwithstanding the provisions of section 9, 10, 11 and subsection (1) of this section, the Council may, subject to such conditions and restrictions as it may impose, delegate to any person or body of persons the power of appointment of any members or category of academic staff or other staff of the Institute.

PART V

FINANCIAL PROVISIONS (ss 14-19)

[PCh144s14]14. Funds of the Institute

The funds and resources of the Institute shall consist of—

(a) any sums which may be appropriated by Parliament for the purposes of the Institute;

(b) any sums which may be payable to the Institute 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 Institute as a result or in the course of discharging its functions under this Act.

[PCh144s15]15. Annual budget estimates

(1) Not less than two months before the commencement of any financial year the financial controller shall prepare or cause to be prepared for the approval of the Council annual estimates of the revenue and expenditure of the Institute for the ensuing financial year.

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

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

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

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

(c) for the creation of such reserve funds to meet future contingent liabilities as the Council may think fit.

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

(5) The Council shall, upon passing any annual or supplementary budget, submit the budget to the Minister for approval.

(6) The Minister may, upon receipt of the annual budget or any supplementary budget disapprove or approve subject to such amendments as he may deem fit.

[PCh144s16]16. Re-allocation of funds

The Council may, from the amount of expenditure provided for in any budget in respect of any item, transfer a sum not exceeding ten million shillings to any other item contained in such budget.

[PCh144s17]17. Power to invest

The Council with the approval of the Minister shall have power to invest the funds of the Institute in such investments and subject to such conditions as are prescribed by the Trustee Investments Act *, in relation to investments of funds by trustees.

[PCh144s18]18. 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 Institute, and shall cause to be made out for every financial year a balance sheet showing the details of the income and expenditure of the Institute and all its assets and liabilities.

(2) Within three months after the close of each financial year, the accounts including the balance sheet of the Institute in respect of that financial year, shall be submitted to and audited 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 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 statements accounts.

[PCh144s19]19. Financial report to be laid before the National Assembly

The Minister shall as soon as practicable after receiving the reports lay before the National assembly a report containing:

- (a) a copy of the audited accounts of the Institute;
- (b) a copy of the audit report if any; and
- (c) a copy of the report regarding the activities of the Institute in the preceding financial year.

PART VI

MISCELLANEOUS PROVISIONS (ss 20-25)

[PCh144s20]20. Fees and allowances

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

[PCh144s21]21. Minister may give directions

The Minister may in consultation with the Chairman, 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.

[PCh144s22]22. Protection of members

No matter or thing done by any member of the Council or officer of the Institute shall, if done bona fide in the execution of the functions conferred upon such member or officer by this Act or by regulations made under the Act render such member or officer personally liable for such matter or thing.

[PCh144s23]23. Transitional provisions

The Institute shall carry out and continue the functions of the former College in accordance with the provisions of this Act and all the students who immediately before the date of commencement of this Act were the students of the former College shall, as from the date of commencement of this Act become students of the Institute.

[PCh144s24]24. Employees of the former College

(1) Salaries, remunerations and other benefits of the former College employees shall be maintained until such time as may be preferred for change by the Council.

(2) Subject to subsection (1) the Council shall formulate the manner or procedure in which to deal with the employees of the former College.

[PCh144s25]25. Regulations

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

- (a) prescribing awards which may be conferred or granted by the Institute;
- (b) prescribing the conditions which may be satisfied before the grant of any award;
- (c) prescribing the manner in which awards may be granted;
- (d) regulating the conduct of examinations;
- (e) prescribing instruction courses to be provided by the Institute;
- (f) fixing the duration and number of academic terms;
- (g) prescribing grant of scholarships and studentships and revocation of any grant;
- (h) fixing fees and other charges for the services rendered by the Institute;
- (i) prescribing terms and conditions of service, appointment, salary and retirement benefits of the members of the Institute;
- (j) providing for, and regulating disciplinary proceedings against the staff of the Institute and the students; and
- (k) prescribing anything which may be prescribed under this Act.

(2) Notwithstanding subsection (1) the Council shall in prescribing the awards under subparagraph (a) consult the National council for Technical Education for Technical Education for the purpose of validation and approval of the awards.

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

SCHEDULE

(Section 7)

1. Qualification for appointment

(1) Members of the Council appointed under paragraph (b) of subsection (1) of section 7 of the Act shall include:

- (a) one member from the Minister responsible for science and technology;
- (b) one member from the Ministry responsible for the civil service;
- (c) one member from the Ministry responsible for education;
- (d) one member from the Ministry responsible for industries;
- (e) one member from the Ministry responsible for legal affairs;
- (f) one member from Vocational Education and Training Authority (VETA);
- (g) one member from the faculty of Engineering of the University of Dar es

Salaam;

- (h) one member from the academic staff of the Institute;
- (i) one member from the student community of the Institute;
- (j) one member from the Engineers Registration Board.

(2) The Minister shall, in appointing members under this section ensure that women form at least one third of the total membership of the Council.

2. Tenure of appointment

(1) A Member shall, unless he sooner dies, resigns or is removed from the office, hold office for a period of three years and shall be eligible for re-appointment.

(2) Notwithstanding paragraph (1) a member may resign at any time by giving notice in writing to the appointing authority and from the date is so specified, from the date of the receipt of the notice by the appointing authority he, 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 a Chairman is by reason of illness, infirmity or absence from the United Republic or is 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.

4. Vice-Chairman

The Council shall elect one of its member to be the Vice-Chairman.

5. Power of Chairman

(1) The Chairman shall preside at all meetings of the Council and the Vice-Chairman shall, where at any meeting the Chairman is absent, preside.

(2) 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.

6. Meetings

(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 or unable for any sufficient cause to act, after consulting the members, the Vice-Chairman.

(2) The Chairman or in his absence from the United Republic, the Vice-Chairman may 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 fourteen days' notice of the time and place of every meeting of the Council.

7. 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 a decision of the majority of the members present and voting shall be deemed to be a decision of the Council and in the event of an equality of votes the person presiding over the meeting shall have a casting vote in addition to his deliberative vote.

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

8. Decision by circulation of papers

Notwithstanding the foregoing provisions of this Schedule decisions may, on matters of urgency, be made by the Council without a meeting, by circulation of papers among the members and the expression in writing of the views of the majority of the

members: Provided that five members may be entitled to require that any such decision deferred and the subject matter be considered at a meeting of the council.

9. Minutes of meeting

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

10. Official Seal of the Institute

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

(2) The Seal shall be authenticated by the signature of the principal or any officer of the Institute as the Principal may nominate in that behalf.

11. Execution of documents

All regulations, appointments, instruments or documents made issued or executed by or on behalf of the Institute or the Council shall be sealed with the official seal of the Institute and shall be signed by the Principal or other officer of the Institute authorized in that behalf by the Principal.

12. Proceedings not to be 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.

13. Absence from meetings

The Council shall, where any member is absent from three consecutive meetings without sufficient cause, advise the appointing authority of the fact and the appointing authority may terminate the appointment of that member and appoint another member in his place.

14. The Council to regulate its own proceedings

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