

CHAPTER 178

THE TANZANIA SCHOOL OF JOURNALISM ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

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CHAPTER 178

THE TANZANIA SCHOOL OF JOURNALISM ACT

An Act to establish the Tanzania School of Journalism.

[PART II: 1st July, 1974]

[s. 1(2)]

[PARTS III, IV and V]

[G.N. No. 377 of 1986]

Act No. 8 of 1981

PART I

PRELIMINARY PROVISIONS (ss 1-2)

[PCh178s1]1. Short title

This Act may be cited as the Tanzania School of Journalism Act.

[PCh178s2]2. Interpretation

In this Act, unless the context otherwise requires—

"Council" means the Council of the School established by section 6;

"member" in relation to the Council means a member of the Council and includes the Chairman and Vice-Chairman;

"Minister" means the Minister responsible for information and broadcasting;

"Principal" means the principal of the School appointed under section 8;

"School" means the Tanzania School of Journalism established by section 3.

PART II

THE TANZANIA SCHOOL OF JOURNALISM (ss 3-5)

[PCh178s3]3. Establishment of the School

(1) There is hereby established a school to be known as the Tanzania School of Journalism.

(2) The school shall be a body corporate and shall—

- (a) have perpetual succession and an official seal;
- (b) in its corporate name, be capable of suing and being sued;
- (c) subject to this Act, be capable of holding, purchasing or acquiring in any other way, any movable or immovable property, and of disposing of any of its property.

[PCh178s4]4. Objects and functions of School

The objects and functions of the School shall be—

(a) to provide facilities for the study of, and training in the principles, procedures and techniques of journalism and such other subjects related to journalism as the Council may from time to time decide;

(b) to conduct training programmes leading to recognised professional and sub-professional qualifications in journalism and in such other associated subjects as the Council may from time to time decide;

(c) to engage in research into theoretical, operational and organisational problems and training needs in journalism in the United Republic and to evaluate the results achieved by the training programmes of the School;

(d) in co-operation with public authorities and other organisations, to engage in any other educational activity which, in the opinion of the Council, is necessary, expedient or conducive for the promotion of journalism within the United Republic;

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

(f) to conduct professional examinations and to grant professional and sub-professional diplomas, certificates of different types and other awards of the School.

[PCh178s5]5. Diplomas, certificates and other awards

(1) The School may grant advanced diplomas, certificates or other awards to persons—

(a) in respect of courses of study provided by the School with the approval of the Council; or

(b) who, in the opinion of the Council, are entitled to receive such diplomas, certificates or other awards.

(2) Where, after the commencement of this Part but before the enactment of this Act, any advanced diploma, certificate or other award was granted by the School or any other lawful act was done in furtherance of the objects and purposes for which the School is established, the advanced diploma, certificate or other award shall be deemed to have been granted, and the lawful act shall be deemed to have been done, under this Act.

PART III

ADMINISTRATION (ss 6-10)

[PCh178s6]6. Composition and proceedings of the Council

(1) There shall be a Council of the School which shall, subject to this Act, be responsible for the performance of the functions and management of the affairs of the School.

(2) The provisions of the Schedule to this Act shall have effect in respect of the constitution of the Council, its proceedings and other matters relating to it.

(3) Save in the case of matters relating to the appointment of the Chairman of the Council, the Minister may, by order in the Gazette, amend, add to, vary or replace any of the provisions of the Schedule to this Act.

[PCh178s7]7. Powers and duties of the Council

(1) Subject to the provisions of this Act, the administration and control of the School is hereby 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 movable and immovable properties of the School;
- (b) to administer the funds and other assets of the School;
- (c) to signify the acts of the School by use of the official seal;
- (d) on behalf of the School, to receive fees, gifts, grants, and other moneys and to make disbursements to other persons or bodies;

(e) subject to the provisions of this Act, to appoint such officers of the School as it may deem necessary; and

(f) to do all acts or things provided for in this Act or which may, in the opinion of the Council, be necessary for the proper carrying out of the functions of the School.

[PCh178s8]8. Principal

(1) There shall be a Principal of the School who shall be appointed by the President.

(2) The Principal shall hold office upon such terms and conditions as may be specified in relation to his office.

(3) The Principal shall be the chief executive officer of the School and shall exercise such of the functions of the School as the Council may delegate to him to enable him to transact all the day-to-day business of the School, and in particular, but without prejudice to the generality of the foregoing and subject to any directions, conditions or restrictions given or imposed by the Council, the Principal shall have power to exercise supervision and control over acts and proceedings of all the employees of the School, and to decide upon and to dispose of all questions relating to the terms and conditions of service of the employees of the School.

(4) In the exercise of the power vested in him by this section or delegated to him by the Council, the Principal shall comply with any direction of policy of a general or specific nature given to him by the Council and shall not, without the prior approval of the Council, whether given generally or specifically, depart or permit the departure from the

approved estimates of expenditure or the approved establishment of the School or the normal procedures for dealing with any particular matter.

[PCh178s9]9. Appointment of other employees

The Council may, from time to time, appoint on such terms and conditions as it may consider fit, such academic and administrative staff of the School as it may consider necessary for the proper carrying out of the functions of the School.

[PCh178s10]10. Superannuation benefits

Subject to any written law for the time being in force relating to pensions, the Council may—

- (a) grant gratuities or other retirement allowances or benefits to the employees of the School;
- (b) establish and contribute to any superannuation fund for employees of the School;
- (c) require any employee, of the School to contribute to any superannuation fund so established and fix the amounts and the method of payment of the contribution.

PART IV

FINANCIAL PROVISIONS (ss 11-17)

[PCh178s11]11. Funds and resources of the School

The funds and resources of the School shall consist of—

- (a) such sums as may be provided by Parliament for the purposes of the School;

- (b) donations and grants from any person or body of persons;
- (c) such sums as the School may; from time to time, borrow in accordance with this Act;
- (d) all other sums which may in any manner become payable to or vested in the School in respect of any matter incidental to the carrying out of its functions.

[PCh178s12]12. Power to borrow

(1) With the prior approval of the Minister, given after consultation with the Minister for the time being responsible for finance, the Council may, from time to time, borrow moneys for the purposes of the School by way of loan or overdraft, and upon such security and upon such terms and conditions relating to repayment of the principal and payment of interest, as the Council may consider fit.

(2) A person lending money to the Council shall not be bound to enquire whether the borrowing of that money by the Council has been approved by the Minister.

[PCh178s13]13. Annual and supplementary budget

(1) In this Part, "financial year" means any period not exceeding twelve consecutive months designated in that behalf by the Council, subject to subsection (2).

(2) The first financial year shall commence on the date of the commencement of this Act and may be of a period longer or shorter than twelve months.

(3) Not less than two months before the beginning of any financial year, other than the first year, the Council shall, at a meeting specially 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 School during the financial year, and whenever circumstances so require, the Council may pass a supplementary budget in any financial year.

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

(5) Immediately, upon passing any annual budget or supplementary budget, the Council shall submit to the Minister for his approval, the annual budget or, as the case may be, the supplementary budget.

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

(7) Where the Minister approves any annual or supplementary budget, with or without amendment, the budget, as approved by him, shall be binding on the Council and the Council shall, subject to subsection (8), confine the disbursements of the School within the details and amounts contained in the budget as approved by the Minister.

(8) The Council may—

(a) with the written sanction of the Minister make a disbursement which is not provided for in the budget;

(b) adjust expenditure limits to take account of circumstances not reasonably foreseeable at the time the budget was prepared,
but the Council shall, within two months of the adjustment of expenditure limits, submit a supplementary budget to the Minister.

[PCh178s14]14. Accounts and audit

(1) The Council shall cause to be provided and kept proper books of accounts with respect to—

(a) the receipt and expenditure of money by, and other financial transactions of, the School;

(b) the assets and liabilities of the School,

and shall cause to be made out for every financial year, a balance sheet and a statement showing the details of the income and expenditure of the School including assets and liabilities.

(2) The Council shall, not later than six months after the end of every financial year, cause the accounts, including the balance sheet, of the School to be audited by the Tanzania Audit Corporation, established by the Tanzania Audit Corporation Act *.

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

[PCh178s15]15. Annual report

The Council shall, within six months after the end of each financial year, make a report to the Minister on the conduct of the business of the School.

[PCh178s16]16. Laying of accounts before National Assembly

The Minister shall as soon as practicable, and in any case not later than twelve months after the end of every financial year, lay before the National Assembly, the report

made under section 15, the audited statement of accounts and any report on that statement, made by the auditors.

[PCh178s17]17. 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 Trustees Investments Act *, for the investment of any trust fund.

PART V

GENERAL PROVISIONS (ss 18-22)

[PCh178s18]18. Remuneration of members of Council

The members of the Council shall be entitled to such remuneration, fees or allowances for expenses as the Minister may, upon the recommendation of the Council, prescribe from time to time:

Provided that no remuneration, fees or allowances except as may be expressly authorised by the Minister, shall be paid to a member of the Council who is a public officer.

[PCh178s19]19. Power of Council to delegate

(1) Subject to subsection (6) the Council may, from time to time in writing and under the seal of the School, appoint committees of the Council and subject to such terms and conditions as it may specify, delegate to any of its committees or to any employee of the School all or any of the powers and duties conferred or imposed on the Council by or under this Act.

(2) A delegation under subsection (1) may be made to the holder of an office under the School specifying the office but without naming the holder of that office, and every person who occupies or performs, the duties of that office may, without further authority, perform or exercise the delegated duty or power in accordance with the delegation made by the Council.

(3) A delegation made under this section may be published in the Gazette, and upon being published, shall be judicially noticed and shall be presumed to be in force unless the contrary is proved.

(4) A delegation made under this section shall prevent the Council from performing or exercising the duty or power delegated.

(5) The Council may revoke any delegation made by it under this section.

(6) The Council shall not have power under this section to delegate—

(a) the power to delegate; or

(b) the power to approve the annual budget or any supplementary budget, the balance sheet or any statement of accounts.

[PCh178s20]20. Liability of Members of Council, etc.

Without prejudice to section 284A of the Penal Code * or of the provisions of the Public Officers (Recovery of Debts) Act *, no act or thing done or omitted bona fide by any member of the Council or employee of the School in the execution or purported execution of his duties as a member of the Council or employee of the School, shall subject that person to any action, liability or demand of any kind.

[PCh178s21]21. Minister may give directions to the Council

The Minister may give to the Council directions of a general or specific character and 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 directions so given.

[PCh178s22]22. Regulations

With the approval 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 this subsection, may make regulations—

- (a) prescribing professional and sub-professional diplomas, certificates of different types and other awards which may be conferred or granted by the School;
- (b) prescribing the conditions which must be satisfied before any diploma, certificate or other award, may be granted;
- (c) prescribing the manner in which diplomas, certificates and other awards may be granted;
- (d) regulating the conduct of examinations.

SCHEDULE

(Section 6(2))

1. Composition of Council

(1) The Council shall consist of—

- (a) A Chairman, who shall be appointed by the President;
- (b) the Principal;

(c) not less than eight nor more than sixteen other members, who shall be appointed by the Minister.

(2) The Council may appoint any employee of the School to be the Secretary to the Council.

2. Vice-Chairman

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

3. Duty of Minister to appoint able persons

In making appointments of members of the Council, the Minister shall ensure that every person appointed by him is a person who, in his opinion, has the necessary experience or qualification to enable that person to make a useful contribution to the deliberations of the Council and to assist the Council in the performance of its functions.

4. Tenure of appointment

(1) Subject to subparagraph (2), a member of the Council shall, unless his appointment is sooner determined by the appointing authority, or he otherwise ceases to be a member, hold office for such period as the appointing authority may specify in his appointment, or if no period is so specified, shall hold office for a term of three years from the date of his appointment, and shall be eligible for re-appointment.

(2) In the case of a member who is a member by virtue of his holding some other office, he shall cease to be a member upon his ceasing to hold that office.

(3) Any member, other than a member referred to in subparagraph (2), may at any time resign by giving notice in writing to the President or, as the case may be, to the Minister, and from the date specified in the notice or if no date is so specified, from the date of the receipt of the notice by the President or the Minister, he shall cease to be a member.

5. Casual vacancies

Where a member ceases to be a member for any reason before the expiration of his term of office, the appointing authority may appoint another person in his place and the person so appointed shall hold office for the remaining term of office of his predecessor.

6. Meeting of the Council

(1) The Council shall ordinarily meet for the transaction of its business at the times and at the places determined by it, but shall meet at least once every three months.

(2) The Chairman, or in his absence the Vice-Chairman, shall preside at every meeting of the Council, and shall call a special meeting upon a written request by a majority of the members in office.

(3) The Chairman, or in his absence the Vice-Chairman, shall preside at every meeting of the Council and in the absence of both the Chairman and the Vice-Chairman the members present shall appoint one of their number to preside over the meeting.

(4) The Chairman, or in his absence the Vice-Chairman, may invite any person who is not a member to participate in the deliberations at any meeting of the Council, but any person so invited shall not be entitled to vote.

7. Quorum

The quorum at any meeting of the Council shall be half of the members in office.

8. Decisions of the Council

(1) Questions proposed at a meeting of the Council shall be decided by a majority of the votes of the members present and voting and in the event of an equality of votes the person presiding shall have a second or casting vote in addition to his deliberative vote.

(2) Notwithstanding subparagraph (1), a decision may be made by the Council without a meeting by circulation of the relevant papers among the members, and the expression of the view of the majority of the members.

9. Minutes of meetings

(1) The Council shall cause to be recorded and kept minutes of all business conducted or transacted at its meetings, and the minutes of each meeting of the Council shall be read and confirmed, or amended and confirmed, at the next meeting of the Council and signed by the person presiding at the meeting.

(2) Any minutes purporting to be signed by the person presiding at a meeting of the Council shall, in the absence of proof of error, be deemed to be a correct record of the meeting whose minutes they purport to be.

10. Vacancies, etc., not to invalidate proceedings

The validity of any act or proceeding of the Council shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

11. Orders directions, etc.

All orders, directions, notices or documents made or issued on behalf of the Council shall be signed by—

(a) the Chairman of the Council; or

(b) the Principal or any other officer of the School authorised in writing in that behalf by the Principal.

12. Seal of the School

The seal of the School shall not be affixed to any instrument except in the presence of the Chairman or the Vice-Chairman or the Principal or some other officer of the School and at least one member of the Council.

13. Council may regulate its proceedings

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