

CHAPTER 353

THE EDUCATION ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

Section

Title

PART I

PRELIMINARY PROVISIONS

1. Short title.
2. Interpretation.
3. Exemptions.

PART II

CENTRAL ADMINISTRATION OF NATIONAL SCHOOLS

A: Duties and Powers of Minister

4. Minister to promote education.

5. Powers of Minister.

B: Educational Advisory Council

6. Establishment of Educational Advisory Council.
7. Functions of Advisory Council.

C: The Commissioner for Education

8. Duties of the Commissioner for Education.

PART III

LOCAL ADMINISTRATION OF LOCAL EDUCATION AUTHORITY SCHOOLS

A: Local Education Authorities

9. Local Education Authorities.
10. Functions of Local Education Authorities.
11. Education Committees.

B: Powers of Minister in relation to Local Education Authorities

12. Minister may give directions to Local Education Authorities.
13. Minister may transfer the functions of Local Education Authority.

PART IV

ESTABLISHMENT AND REGISTRATION OF SCHOOLS

A: Establishment of Schools

14. Restriction on establishment of schools.
15. Conditions to be complied with prior to establishment of a school.
16. Approval of owners.
17. Approval of managers.
18. Local authorities may establish schools.

B: Registration of Public Schools

19. Government schools to be registered.
20. Public schools providing adult education.

21. Premises where literacy classes are conducted.
22. Branches of Government schools.

C: Registration of Private Schools

23. Establishment of non-Government schools.
24. Non-Government schools to be registered.
25. Application for registration.
26. Registration of non-Government schools.
27. Schools in premises not designed and constructed for the purpose of a school.
28. Refusal to register a non-Government school.
29. Cancellation of registration of non-Government school.
30. [Repealed.]

PART V

MANAGEMENT AND CONTROL OF SCHOOLS

A: Categories of Schools

31. Categories of schools for purposes of management.

B: Management of Schools

32. Management of national schools.
33. Establishment of Education Training Boards.
34. Management of schools.

C: Control of Schools

35. Compulsory enrolment and attendance of pupils at schools.
36. Age for pre-primary education.
37. Classification of schools.
38. Curricula and syllabi of schools.
39. Establishment of School Boards.
40. Establishment of Schools Committees.

D: Inspection of schools

- 41. Appointment of inspectors.
- 42. Inspection of schools.
- 43. Powers of inspectors.
- 44. Power to direct remedial measures.

PART VI

PROVISIONS RELATING TO TEACHERS

- 45. Prohibition of teaching by unauthorised persons.
- 46. Certification of teachers.
- 47. Registration of teachers.
- 48. Grounds for refusal to register a teacher.
- 49. Cancellation of registration of teachers.
- 50. Licensing of teachers.
- 51. Register of teachers.

PART VII

APPEALS

- 52. Establishment of District Appeals Boards.
- 53. Establishment of Regional Appeals Boards.
- 54. Appeals to the Minister.
- 55. Appeals to Appeals Boards.
- 56. Powers of Appeals Boards and certain offences.

PART VIII

GENERAL PROVISIONS

- 57. Basic principles of education.
- 58. Control of fees, subscription, etc., in schools.
- 59. Power to prohibit use of books, etc.
- 60. Offences and evidence.
- 61. Minister may make regulations.
- 62. Delegation of functions and powers of Commissioner.
- 63. Repeal, transitional and savings provisions.

PART IX

THE HIGHER EDUCATION ACCREDITATION COUNCIL

- 64. Interpretation.
- 65. Establishment of the Council.
- 66. Functions of the Council.
- 67. Secretary of the Council and other staff.
- 68. Self study report.
- 69. Accreditation period and status.
- 70. Professional bodies.
- 71. Committees of the Council.
- 72. Accreditation Committee.
- 73. Grants Committee.
- 74. Admissions Committee.

PART X

FINANCIAL PROVISIONS

- 75. Funds and other resources of the Council.
- 76. Financial year.
- 77. Accounts and audit.

PART XI

GENERAL AND TRANSITIONAL PROVISIONS

- 78. Regulations.
- 79. Fees and allowances.
- 80. Liability of members.
- 81. Secretary.

SCHEDULES

CHAPTER 353

THE EDUCATION ACT

An Act to provide for the better development of the system of education.

[1st July, 1979]

[G.N. No. 30 of 1979]

Acts Nos.

25 of 1978

7 of 1982

3 of 1986

10 of 1986

11 of 1992

10 of 1995

2 of 1998

PART I

PRELIMINARY PROVISIONS (ss 1-3)

[PCh353s1]1. Short title Act No. 3 of 1986

This Act may be cited as the Education Act.

[PCh353s2]2. Interpretation Acts Nos. 7 of 1982; 10 of 1995

(1) In this Act, unless the context requires otherwise—

"adult education" means the training of persons in the art of reading, writing and arithmetic, and in other fields of learning, the training in which they could not obtain through the formal process of education;

"Adult Education Centre" means a place or institution where adult education is provided;

"Advisory Council" means the Educational Advisory Council established under section 6;

"Commissioner" means the Commissioner for Education and includes any person to whom he delegates the power to perform any of the functions of the Commissioner under this Act;

"Community School" means a school owned by a local community or owned by an institution on behalf of the Community;

"District Development Council" means a District Development Council established under section 7(2) of the Decentralisation of Government Administration (Interim Provisions) Act *;

"District Education Officer" means any Government education officer appointed by the Minister to be in charge of education services in a district and includes any person to whom he delegates his duties;

"education" means the instruction or training of persons of all ages in various fields of learning designed to contribute to the spiritual, moral, mental and physical development of the community and to the attainment of the wider national goals;

"Education Secretary" means a person appointed, with the approval of the Commissioner for Education, by a recognised body or organisation to administer its schools and to act in

Education liaison with the Commissioner for Education through the Education Secretary-General where such exists;

"Education Secretary-General" means the person appointed by the Minister by a recognised body or organisation to co-ordinate the education work of such body or organisation and to act for it in liaison with the Commissioner for Education;

"Education Service" means all such services, things and materials which facilitate the efficient and effective, provision of education;

"Education Trust" means a community based organisation registered under the Trustees' (Incorporation) Act * responsible for the promotion of education in a specified area;

"Educational Assessment Centre" means a place where the formal evaluation of performances in a variety of settings and activities, of persons of a handicapped nature is carried out for the purpose of preventing, reducing, eliminating of significant deficits of a learner and for proper placement;

"Government school" means a school directly maintained and managed by the Ministry or a local authority;

"grant in aid" means a grant of money or of education materials and supplies from the Central Government or from a local authority or from a non-Government education authority in aid of any school or group of schools or of any educational activity;

"local authority" means a City Council, a District Council, Municipal Council or a Town Council;

"local authority school" means a pre-primary school, primary school, secondary school or adult education centre under the jurisdiction of a local authority;

"maintain" in relation to a school, means to be responsible for the financial up-keep of the school;

"manager" in relation to any school, means a person who is responsible for the administration and management of that school or of the activities of the pupils in that school, fees and in the case of any institution or organisation giving instructions by means of correspondence delivered by hand or through postal service, the person who is responsible for its administration or management;

"Minister" means the Minister responsible for education;

"Ministry" means the Ministry responsible for education;

"non-Government organisation" means a non-Government education agency;

"non-Government school" means a school wholly owned and maintained by a person, body of persons or any Institution other than the Government;

"owner" in relation to a school means the Government, local authority, a person or group of persons owning the buildings of the school;

"parent" in relation to any child or pupil, includes a guardian and every person who has the actual custody of the child or pupil;

"pre-primary education" means the full-time formal education given to children of five and six years of age before primary education;

"pre-primary school" means the school providing pre-primary education but where the school concerned provided pre-primary, primary, secondary or teacher education, reference in this Act to pre-primary school includes the school to the extent to which it provides pre-primary education;

"primary education" means full time formal education given for seven years after completion of pre-primary education in accordance with the syllabus approved by the Commissioner;

"primary school" means a school providing primary education; but where the school concerned provides both primary and secondary education, references in this Act to primary school shall be construed as including that school to the extent to which it provides primary education;

"proper officer" means the Minister responsible for local government, and includes any person appointed by him to perform the functions of the proper officer under this Act;

"public funds" means such sums as are provided by Parliament or by a non-Government organisation or by any other person to, or obtained in any other way by the Government, or local authority or non-Government organisation for the purposes of facilitating the provisions of education to the public;

"pupil" means a person who is enrolled at any school for the purposes of receiving education;

"Regional Education Officer" means any Government officer appointed by the relevant authority to be in charge of education services in the region and includes any person to whom he delegates his duties;

"school" means any assembly, institution, organisation or place, by whatever name called, which provides or where there is provided, for several or more persons whether or not at the same time, pre-primary, primary, secondary, teacher education or adult education and in the case of instruction given by hand or through postal services, the place where the instruction is prepared or where the work of the pupils is received, dispatched, or examined but does not include—

- (a) any institution of that kind which is established by or under any written law;
- (b) any assembly, institution, organisation or place in respect of which the Minister is satisfied that its sole or main purpose is to provide for religious instruction and which is licensed by the Minister as a religious school;
- (c) any institution maintained by a religious organisation for the purpose of training for the ordained ministry or for admission to a religious order, operating under a licence issued by the Minister;
- (d) any club established for and consisting substantially of persons under the age of eighteen years, notwithstanding that instruction is given therein, where the establishment of the

club has been approved in writing by the Minister responsible for education and the approval has not been withdrawn;

"School Board" means a board established under section 39 of this Act for the purposes of supervising and advising on the management of a post primary school;

"School Committee" means a Committee established under section 40 of this Act for the purposes of supervising and advising on the management of primary school;

"secondary education" means formal full time education of duration of four years for Ordinary Level and two years for Advanced Level continued immediately after primary education in accordance with the syllabus approved by the Commissioner;

"secondary school" means a school providing secondary education, but where the school concerned provides secondary, primary, pre-primary and/or teacher education, reference in the Act to secondary school include that school to the extent to which it provides secondary education;

"special ability school" means a school which provides education for pupils with outstanding abilities;

"special education" means the profession concerned with the arrangement of education variables dealing with the prevention, or elimination of those conditions that produce significant deficits in one or more of the learning avenues;

"special school" means a school which provides education for the handicapped;

"subvention" means a block grant paid by the Government towards the cost of educational services;

"teacher" means any person registered as a teacher under this Act.

(2) The Minister may, by an order published in the Gazette, extend the period of primary education to any number of years not more than seven, as he may deem desirable in the public interest.

[PCh353s3]3. Exemptions

The Minister may, by an order published in the Gazette, and subject to such conditions as he may specify in that order, exempt any school or any teacher from all or any of the provisions of this Act.

PART II

CENTRAL ADMINISTRATION OF NATIONAL SCHOOLS (ss 4-8)

A: Duties and Powers of Minister (ss 4-5)

[PCh353s4]4. Minister to promote education

(1) The Minister shall, subject to the provisions of this Act, be responsible for the promotion of the education of the people of Tanzania and the progressive development of institutions devoted to that purpose, and for securing the effective execution by local authorities, under his guidance, control and direction, of the national policy for providing a varied, comprehensive and nationally beneficial educational service in their respective jurisdictions.

(2) The Minister shall ensure that there is available and adequate supply of teachers and other skilled personnel for the provision of educational services.

[PCh353s5]5. Powers of Minister Act No. 10 of 1995

For the purposes of discharging his responsibility under this Act, the Minister may–

(a) subject to the provisions of any written law in that behalf, cause modifications to be made in the development plans of any parastatal organisation engaged in or whose activities are connected with the provision of educational services or facilities;

(b) seek and secure modifications in the educational development plans prepared by managers of private schools;

(c) after consulting with the Minister responsible for regional administration, modify and co-ordinate the development plans of local authorities in so far as they relate to the provision education, and incorporate those plans in the educational development plans for the whole of Mainland Tanzania;

(d) give to managers of schools directions of a general or specific character regarding the use of public funds by their schools;

(e) order or cause research or inquiries to be carried out into, or returns to be made to him relating to, the various aspects of education and of the provision of education services and facilities for the purposes of ensuring the better provision education;

(f) subject to the provisions of this Act, and of any other written law in that behalf, do any other act or thing which in his opinion is designed to or may further the promotion of education, having regard at all times to the national interests and the interests of the people of the United Republic.

B: Educational Advisory Council (ss 6-7)

[PCh353s6]6. Establishment of Educational Advisory Council

(1) The Minister shall, by an order published in the Gazette, establish an Educational Advisory Council which shall consist of such number of persons as he shall determine.

(2) The Minister may, on making the order referred to in subsection (1), establish such committees of the Advisory Council in respect of such areas or aspects of education or of fields of learning as he may determine.

(3) The Minister shall, by the order made under subsection (1) or by a subsequent order made under this subsection, provide for the tenure of office, conditions of retirement of members; meeting of the Advisory Council and for other matters in relation to it.

(4) The Minister shall, as far as is practicable, appoint to the Advisory Council persons who have experience of the system of education or of institutions dealing or connected with matters relating to education, or persons whose contribution may be of significant advantage to the formulation and execution of the national policy on education.

[PCh353s7]7. Functions of Advisory Council

The Advisory Council shall be responsible for advising the Minister upon matters relating to the execution of the national policy on education, and in particular upon—

- (a) the organisation of educational facilities in Tanzania;
- (b) the promotion of education and development of schools in accordance with the purposes and provisions of this Act;
- (c) any proposed legislation relating to or affecting education which it is intended to submit to the National Assembly;
- (d) such other matters connected with educational theory and practice as it may think fit; and
- (e) any other matter which may be referred to it by the Minister.

C: The Commissioner for Education (s 8)

[PCh353s8]8. Duties of the Commissioner for Education Act No. 10 of 1995

(1) Subject to the provisions of this Act and to any directions and instructions given to him by or on behalf of the Minister, the Commissioner shall be responsible for the general management and administration of all schools.

(2) Notwithstanding the provisions of subsection (1), non-Government schools shall be managed and administered in accordance with the directions of the Commissioner.

PART III

LOCAL ADMINISTRATION OF LOCAL EDUCATION AUTHORITY SCHOOLS (ss 9-13)

A: Local Education Authorities (ss 9-11)

[PCh353s9]9. Local Education Authorities Act No. 10 of 1995

(1) Subject to subsection (2), every local authority shall be the local education authority for local authority schools.

(2) The Minister may, by an order published in the Gazette, direct that the local authority named in the order shall be the Local Education Authority for any regional school situated outside its area of jurisdiction and thereupon that school or those schools shall, for the purposes of this section, be deemed to be situated within the area of jurisdiction of the local authority so named; and where the order is made then, notwithstanding any other provision of this Act, the local authority, if any, within whose area of jurisdiction the school or schools mentioned in the order are situated shall not be the Local Education Authority for that school or those schools while the order remains in operation.

(3) Notwithstanding the generality of the power conferred upon the Minister by subsection (2), no order may be made by the Minister under that subsection except with the consent of the local authority within whose area of jurisdiction the school or group of schools concerned is to be deemed to be situated.

[PCh353s10]10. Functions of Local Education Authorities Act No. 10 of 1995

(1) Subject to the provisions of Part V of this Act, the functions of a Local Education Authority in respect of the regional schools for which it is the Local Education Authority shall be—

(a) to submit to the Minister for his approval plans for the promotion and development of education and to carry out the plans approved by the Minister;

(b) to prepare and submit to the proper officer for his approval estimates of revenue and expenditure;

(c) subject to any directions of a general or specific character given by the Minister, to administer, in accordance with the approved estimates, any subventions or grants-in-aid from the Government;

(d) subject to any written law for the time being in force relating to payment of school fees, to collect and receive school fees;

(e) to make recommendations to the Minister with respect to the ownership, management and registration of new private schools;

(f) to manage any school owned by the local authority;

(g) to establish an Education Trust which shall cater for educational development in that district;

(h) to exercise such other functions as may be conferred upon it by or under this Act or any other written law;

(i) subject to any directions of a general or specific character given by the Minister in that behalf, to provide guidance to schools under its jurisdiction regarding the undertaking and execution by them of commercial or other projects as part of their self-reliance schemes;

(j) subject to the directions of the Minister, to do all such acts and things as may be necessary or expedient for the efficient discharge of its functions.

(2) Subject to any written law for the time being in force relating to the payment of school fees, and subject to any order made by the Minister prescribing the minimum fees payable in respect of any pupil, a Local Education Authority may, in respect of the pupils in schools for which it is the Local Education Authority, prescribe the school fees payable in respect of pupils in those schools.

[PCh353s11]11. Education Committees Cap. 287

Every Local Education Authority shall establish an Education Committee which shall advise that Authority on the performance of its functions under this Act.

B: Powers of Minister in Relation to Local Education Authorities (ss 12-13)

[PCh353s12]12. Minister may give directions to Local Education Authorities

The Minister may, after consultation with the proper officer, give to any Local Education Authority directions of a general or specific character regarding the performance by that Authority of any of its functions under this Act, and every Authority to which the directions are given shall give effect to them.

[PCh353s13]13. Minister may transfer the functions of Local Education Authority

(1) Where the Minister considers that it is in the public interest to do so, he may, after consultation with the proper officer, by an order published in the Gazette, transfer the functions of a Local Education Authority in relation to any regional school to the Ministry or to any person or body of persons appointed by him in that behalf.

(2) Where an order under subsection (1) is made in respect of any regional school, the Local Education Authority shall cease to exercise its functions under this Act in respect of that school, and where that order is made in respect of all the schools within the jurisdiction of a Local Education Authority that Local Education Authority shall not perform any of the functions of a Local Education Authority while the order remains in operation.

(3) Where the functions of a Local Education Authority are transferred to the Ministry or to any person or body of persons, the Ministry or, as the case may be, the person or body of persons to whom the functions are transferred may exercise all the powers of a Local Education Authority necessary for the performance of those functions and, in addition to those powers, may exercise such other power or powers as the Minister may confer upon it or him, and references in this Act to a Local Education Authority shall be construed as reference to the Ministry or to that person or body of persons.

PART IV

ESTABLISHMENT AND REGISTRATION OF SCHOOLS (ss 14-30)

A: Establishment of Schools (ss 14-18)

[PCh353s14]14. Restriction on establishment of schools

No school shall be established except with the written approval of the Commissioner.

[PCh353s15]15. Conditions to be complied with prior to establishment of a school Act No. 10 of 1995

(1) The Commissioner shall not grant approval for the establishment of any school under this Act unless—

(a) the owner of the school has been approved as an owner of a school of that type by the Minister, or such approval has not been withdrawn;

(b) the manager of the school is either the owner or a person or body of persons approved as manager for the school by the Commissioner, or such approval has not been withdrawn;

(c) owners and managers of all schools ensure that standard infrastructure, facilities equipment and instructional materials necessary for effective and optimum teaching and learning are of good quality available in adequate quantities and are regularly maintained;

(d) the school is registered under this Act;

(e) such other conditions as may be prescribed by the Minister from time to time have been complied with;

(f) the school has been inspected of its capability to provide educational services in accordance with this Act.

(2) For the purposes of this Act the establishment of a school shall be deemed to include—

(a) the provision in or at any school of any category, nature or level of education for seven or more persons, whether or not at the same time, where that education is of a different category, nature or level from the category, nature or level of education for the provision of which the school is registered under this Act;

(b) the re-opening of any school which has remained closed for a period of six or more consecutive months;

(c) the voluntary transfer, whether by way of partnership or otherwise, of the ownership or management of any school;

(d) the transfer of any school to a new site, except where that transfer has taken place with the prior approval in writing of the Commissioner.

[PCh353s16]16. Approval of owners

(1) Every application for approval as owner of a school or schools shall be made in such manner as the Minister may prescribe.

(2) The Minister may approve any person as owner of a school or schools or may reject any application and may, subject to subsection (3), at any time withdraw any approval.

(3) No approval may be withdrawn unless—

(a) the Minister shall have first caused a notice of withdrawal to be served on the owner specifying the grounds upon which the withdrawal is proposed to be made and the

conditions, if any, to be complied with by the owner within such reasonable period, being not less than three months, as may be specified in the notice as a condition of cancelling the notice; and

(b) the owner shall have failed within such period as may be specified in the notice, or such further period as the Minister may in any particular case allow, either to comply with the conditions set out in the notice or to show cause to the satisfaction of the Minister why the notice should be cancelled.

(4) Where the Minister has withdrawn his approval of any person as owner of a school, he shall cause that person to be informed accordingly and thereupon that person shall, within such time as the Minister may direct—

(a) transfer the school to some person approved by the Minister; or

(b) close the school.

(5) The Commissioner shall cause the name of any person approved as owner of a school or schools, and the withdrawal of any approval by the Minister, to be published in the Gazette within thirty days of the approval or withdrawal.

(6) Notwithstanding subsection (5), failure to publish any approval or withdrawal in the Gazette shall not affect the validity of that approval or that withdrawal.

(7) In exercising his power under this section to reject an application for approval of any person as owner or to withdraw any approval given, the Minister shall have regard only to the

interest of the public as a whole, and his decision shall be final and shall not be challenged in, or be subject to review by, any court.

[PCh353s17]17. Approval of managers Act No. 10 of 1995

(1) Every application for approval of a person as manager or education secretary of a school or schools shall be made to the Commissioner in such manner as the Minister may prescribe.

(2) The Commissioner may approve any person as manager of a school or may reject any application, and may at any time withdraw any approval so given.

(3) Where the Commissioner has withdrawn the approval of any person as manager of a school he shall inform that person accordingly, and the appointment of that person as manager of that school shall cease and the owner of the school shall, within such time as the Commissioner may direct—

- (a) assume personally the responsibility for the management of the school; or
- (b) appoint as manager a person approved by the Commissioner; or
- (c) close the school.

[PCh353s18]18. Local authorities may establish schools Act No. 10 of 1995

(1) Notwithstanding the preceding provisions of this Part, any local authority may, after consultation with the Minister and with the consent of the proper officer, establish a school or schools for the provision of education.

(2) Where any local authority proposes to establish a school, it shall comply with the provisions of this Part relating to the registration of public schools and with those of Part V of this Act which relate to the management of schools.

(3) Where a local authority establishes a school pursuant to subsection (1), it shall be deemed to be the manager of that school and, subject to the directions of the Commissioner, shall be responsible for its administration and maintenance.

B: Registration of Public Schools (ss 19-22)

[PCh353s19]19. Government schools to be registered Act No. 10 of 1995

Subject to section 21, the Commissioner shall cause to be kept and maintained, in such form as the Minister may direct, a register of Government schools in which there shall be entered in respect of every Government school the following particulars—

- (a) the name of the school;
- (b) its address, including the region in which it is situated;
- (c) the person or body of persons responsible for its management and administration;
- (d) the date of its establishment;
- (e) the category, nature or level of education which it provides; and
- (f) such other particulars as the Minister may direct.

[PCh353s20]20. Public schools providing adult education Act No. 10 of 1995

Where adult education is provided at any school in addition to pre-primary, primary, secondary or teacher education, there shall be deemed to be a separate school in respect of the adult education provided at that school and that separate school shall be separately registered under section 19.

[PCh353s21]21. Premises where literacy classes are conducted Act No. 10 of 1995

(1) Subject to section 22, it shall not be necessary for the Commissioner to cause to be registered under section 19 as a school any premises in which adult literacy classes are regularly conducted if those premises are not a permanent or semi-permanent building.

(2) For the purposes of this section a "permanent building" means a building whose walls are constructed with stones, concrete blocks or baked bricks and has a roof of tiles or corrugated iron sheets or concrete roof and a "semi-permanent building" is a building constructed with earth or with unbaked bricks and has a roof of corrugated iron sheets.

[PCh353s22]22. Branches of Government schools

(1) Where adult literacy classes are regularly conducted in premises other than a permanent or semi-permanent building or buildings, and the Minister considers that those premises qualify to be part of a school, he may, after consultation with the Local Education Authority concerned, direct that, subject to the continuation of the regular conduct of adult literacy classes in those premises, those premises be deemed to be a branch or branches of a particular Government school or schools within the area of jurisdiction of that local education authority.

(2) Where the Minister makes a direction under subsection (1) in relation to any Government school, that Government school shall be deemed to be providing adult education in the premises in respect of which the order is made in addition to the primary or secondary education or other category, nature or level of education which that Government school provides.

(3) Where the Minister has made a direction under subsection (1) in relation to any Government school, that school shall be the centre responsible for the facilitation of the supply of teachers, books and other facilities for the conduct of adult literacy classes in the premises deemed to be a branch or branches of the Government school.

(4) Upon the making of the direction under subsection (1) in relation to any Government school, the provisions of section 20 shall apply to that school and it shall be registered under section 19 accordingly.

C: Registration of Private Schools (ss 23-30)

[PCh353s23]23. Establishment of non-Government schools

With effect from the commencement of this Act, no person shall establish a non-Government school unless it is intended to provide education in accordance with the national education policy.

[PCh353s24]24. Non-Government schools to be registered Act No. 10 of 1995

Where it is proposed to provide education in the premises of a Government school involving the training of persons in fields of learning other than those provided for in the curriculum of that Government school, that education shall be deemed to be privately provided

and there shall be deemed to be intended to establish a non-Government school separate from the Government school, and that separate school shall be registered under this Act before it is established.

[PCh353s25]25. Application for registration

An application for registration of a non-Government school shall be made to the Commissioner in the prescribed form and shall be accompanied by such information relating to the proposed non-Government school as the Minister may prescribe.

[PCh353s26]26. Registration of non-Government schools Act No. 10 of 1995 s. 18

(1) Subject to subsection (2), upon receipt of an application for registration of a non-Government school, the Commissioner shall, subject to sections 27 and 28, and if he is satisfied that the requirements of this Act have been complied with, either register the school or state the conditions upon compliance with which that school shall be registered.

(2) A school registered under this section shall be in the name which the Commissioner approves.

(3) Upon the registration of a non-Government school, the Commissioner shall issue to the owner or the manager of that school a certificate of registration in the prescribed form, and the owner or manager to whom it is given shall cause that certificate to be kept exhibited in a conspicuous place in the school.

(4) The Commissioner shall at convenient intervals, cause to be published in the Gazette a list of all non-Government schools registered under this Act and the category, nature or level of education provided at each of those schools.

[PCh353s27]27. Schools in premises not designed and constructed for the purpose of a school Act No. 10 of 1995

(1) Every application for the registration of a non-Government school which is intended to be operated in premises not designed and constructed for the purposes of a school shall be accompanied by a certificate from the Permanent Secretary to the Ministry of Works, or from a duly qualified architect appointed by him in that behalf, containing—

- (a) title deed or evidence of land ownership;
- (b) his opinion with regard to the suitability of the premises, in relation to the loading for which they were designed and constructed, for the purposes of a school;
- (c) a statement that the premises do not have structural timber floors;
- (d) a statement that the use of those premises for the purposes of a school would not give rise to any undue risk of fire or danger from panic in the event of fire.

(2) For the purposes of paragraph (d) of subsection (1)(c), the Permanent Secretary to the Ministry of Works or, as the case may be, the architect appointed by him may, in making the statement referred to, prescribe any provisions which he considers should be made to minimise the risk of fire or the danger from panic in the event of fire, and may specify whether or not those provisions are to be made before the school is registered.

(3) Every application to the Permanent Secretary to the Ministry of Works or, as the case may be, to the architect appointed by him, for a certificate required for the purposes of subsection (1) shall be made in the form prescribed by the Minister and shall be accompanied by plans of the premises showing the parts which are to be used for the purposes of a school.

(4) Without prejudice to any other provisions of this Act, no non-Government school which is to be operated in premises not designed and constructed for the purposes of a school shall be registered under this Act—

(a) where the application for registration is not accompanied by the certificate required by subsection (1); or

(b) where, if in exercise of the powers conferred by subsection (2), the Permanent Secretary to the Ministry of Works, or the architect appointed by him in that behalf, specifies provisions which are to be made before the school is registered and those provisions have not been made.

[PCh353s28]28. Refusal to register a non-Government school Act No. 10 of 1995

The Commissioner may refuse to register a non-Government school if it appears to him—

(a) that registration of that school would not be in the public interest;

(b) that the school is not intended to provide education wholly or mainly in technical fields of learning;

(c) that the school is not likely to be able in the near future to provide education wholly or mainly in technical fields of learning;

(d) that there would be any danger to persons using the premises or that there would be a risk of that danger;

(e) that the premises of the proposed school are, or are likely to be, unsanitary or unsuitable for a school;

(f) that the proposed school does not conform to any regulations made under this Act;

(g) that the qualifications and experience of the proposed teachers are not adequate to ensure the efficient conduct of the school;

(h) that the proposed terms and conditions of service of the teachers are not adequate to ensure the efficient performance of their duties;

(i) that the premises of the proposed school or the equipment will not allow effective tuition in the subjects to be taught in the school;

(j) that the proposed school has previously been refused registration or its registration has been cancelled under this Act, and that the reasons for that refusal or, as the case may be, cancellation, are still valid;

(k) that any part of the premises of the proposed school—

(i) were to have been used for the purposes of a school in relation to which registration has previously been refused; or

(ii) have been used for the purposes of a school whose registration has been cancelled under this Act,

and that the reasons for the refusal or, as the case may be, cancellation are still valid; or

(l) that in the application for registration a statement was made or information furnished which is false in a material particular or by reason of the omission of a material particular.

[PCh353s29]29. Cancellation of registration of non-Government school Act No. 10 of 1995

Without prejudice to the provisions of section 16(4) and of section 17(3) relating to the power to close schools, the Commissioner may cancel the registration of any non-Government school—

(a) on any of the grounds on which he would have been entitled to refuse registration as specified in section 28; or

(b) if, subsequent to the registration of the school, an offence against this Act has been committed by its manager or owner;

(c) if it appears to him that the school has ceased to exist; or

(d) if the school has failed or is not likely to succeed in the near future to provide education in accordance with the national education policy.

[PCh353s30]30. Repealed

[Repealed by Act No. 11 of 1992 Sch.]

PART V

MANAGEMENT AND CONTROL OF SCHOOLS (ss 31-45)

A: Categories of Schools (ss 31-32)

[PCh353s31]31. Categories of schools for purposes of management

(1) For the purposes of the management of schools under this Act, there shall be the following categories of schools—

(a) Government schools of which shall consist all schools maintained and managed by the Ministry or local authorities and shall include pre-primary schools, primary schools, secondary schools, colleges of teachers education and adult education centres;

(b) grant aided schools of which shall consist all schools maintained and managed by a non-Government organisation but gets subvention or grant in aid from governmental organisation;

(c) non-Government schools which shall consist of all schools wholly maintained and managed by non-Government organisations.

(2) Subject to subsections (1) and (3) the owner of any school of any category may, upon request made to the appropriate authority and upon approval being granted by the Minister, move the school from one category to another.

(3) The approval granted under subsection (1) shall be published in the Gazette.

[s. 31A]

B: Management of Schools (ss 33-35)

[PCh353s32]32. Management of national schools

The Management of all Government schools shall be in accordance with the directions of the Commissioner.

[PCh353s33]33. Establishment of Education Training Boards Act No. 10 of 1995

(1) There shall be established for every district, municipality and township an Education and Training Board responsible for the management of all levels of education and training in its area of jurisdiction.

(2) The Minister may, by notice in the Gazette, provide for—

- (a) the maximum number of members of any Education and Training Board;
- (b) the tenure of office of the Education and Training Board;
- (c) the procedure at meetings of the Education and Training Boards; and

(d) any other matters relating to Education and Training Boards, as he may deem necessary for the proper functioning of such Boards.

[PCh353s34]34. Management of schools

(1) Notwithstanding the provisions of section 33—

(a) the management of all local authority schools shall be vested in the local authorities within whose area of jurisdiction they are situated and in accordance with such directions as it may from time to time give;

(b) the management of non-Government schools shall be vested in the owner or manager as the case may be.

(c) the management of aided schools shall be vested in the owner or manager as the case may be.

(2) Notwithstanding the provisions of section 33 and this section, the Regional Education Officer and the District Education Officer shall be the representative of the Commissioner in their respective areas.

(3) The Minister may by regulations prescribe the powers and functions of Regional Education Officers and District Education Officers.

(4) The regulations made under subsection (1) shall be published in the Gazette.

C: Control of Schools (ss 36-41)

[PCh353s35]35. Compulsory enrolment and attendance of pupils at schools

(1) It shall be compulsory for every child who has reached the age of seven years to be enrolled for primary education.

(2) The parent or parents of every child compulsorily enrolled for primary education shall ensure that the child regularly attends the primary school at which he is enrolled until he completes primary education.

(3) Every pupil enrolled at any school shall regularly attend the school at which he is enrolled until he completes the period of instruction specified in respect of the level of education for the attainment of which he is enrolled at the school.

(4) The Minister shall make rules, which shall be published in the Gazette, for the better carrying out of the purposes of this section and may, in those rules, prescribe acts or things which shall be done by any person and penalties for the contravention of those rules.

[PCh353s36]36. Age for pre-primary education Act No. 10 of 1995

Every child of not less than five years of age shall be eligible for enrolment for pre-primary education for a period of two years.

[PCh353s37]37. Classification of schools

The Commissioner may adopt a system of classification with appropriate nomenclature for distinguishing—

(a) different types of schools according to the category, nature or level of education provided in them; or

(b) different classes, standards or forms within schools according to the category, nature or level of education provided in them.

[s. 36]

[PCh353s38]38. Curricula and syllabi of schools

(1) Every school shall provide education within the curricula and in accordance with the syllabi approved by the Commissioner, after consultation with the Minister.

(2) The Minister may, after consultation with the Commissioner and with Local Education Authorities, make regulations with respect to any school or, all or any category of schools, prescribing—

- (a) the maximum number of pupils in any one class;
- (b) the number and qualifications of teachers required to teach at any one school or group of schools;
- (c) the minimum structural standards of school buildings;
- (d) the educational materials and equipment to be used in schools;
- (e) the duration of the school year;
- (f) public examinations to be taken by pupils;
- (g) registers and records to be kept and the returns to be made to the Minister by persons in charge of schools;

(h) any matter which in the opinion of the Minister, after consultation with any interested parties, is necessary for ensuring the efficiency of the education provided by schools and the welfare of pupils and teachers.

[s. 37]

[PCh353s39]39. Establishment of School Boards Act No. 10 of 1995

(1) The Minister shall, by an order published in the Gazette, establish a School Board in respect of every Government post primary school which shall be responsible for the management, development planning, disciplining and finance of the school.

(2) The Minister may by an order published in the Gazette provide for—

- (a) the membership of the Board and the tenure of office of members;
- (b) the representation of the Board of any organisation which owns the school and of such other persons as the Minister may determine;
- (c) the representation of the Commissioner on the Board;
- (d) the exercise by the Board of matters pertaining to the management, development planning, discipline and finance of the school;
- (e) the managerial or supervisory powers which may be exercised by the Board over the school;
- (f) such other procedure of the Boards as the Minister may deem, necessary to prescribe;

(3) The Minister may, if in his opinion the public interest so requires—

- (a) suspend a School Board from the exercise of any or all of its functions; or
- (b) require the resignation of all or any of the members and appoint a replacement or replacements.

(4) Where the Minister suspends any School Board from the exercise of its functions, or requires the resignation of all the members, he may vest those functions in the Commissioner or, in the case of a folk development college, in the District Development Council within whose area of jurisdiction the college is situated, for such period not exceeding one year as he may determine.

[s. 38]

[PCh353s40]40. Establishment of School Committees

(1) There shall be established a School Committee for every pre-primary and primary school responsible for the management and maintenance of the school.

(2) In establishing School Committees the relevant authority shall ensure that the Community served by the school is represented.

(3) The Minister shall by a notice published in the Gazette, provide for—

- (a) the maximum number of members of a School Committee;
- (b) the tenure of office of members of School Committees;

- (c) the co-option on the School Committee of persons who are not members;
- (d) the procedure at meetings of School Committees; and
- (e) such other matters relating to School Committees as the Minister may prescribe.

(4) Every School Committee shall perform the following functions—

- (a) to consider and accept or reject applications for the admission of pupils to the school;
- (b) to confirm or disallow the dismissal of pupils from the school;
- (c) to advise the head teacher, or other head of the school, and the local authority on matters relating to the management and conduct of the school.

(5) In the performance of its functions, a School Committee shall have regard to the following matters—

- (a) the need to integrate the school in the life of the community which it serves;
- (b) the promotion of the policy of self-reliance;
- (c) the welfare of the pupils and the teachers;
- (d) the promotion and development of the school as a centre for the provision of education to the community which it serves.

[s. 39]

D: Inspection of Schools (ss 42-45)

[PCh353s41]41. Appointment of inspectors Act No. 10 of 1995

(1) The Minister shall appoint, by name or office, public officers each of whom shall perform the functions of an inspector of schools under this Act.

(2) Every appointment made under subsection (1) shall be published in the Gazette.

(3) The Minister shall after consultation with the Commissioner make regulations with respect to which offices shall automatically perform the functions of an inspector or which officers are authorised by the Act or under any written law to visit a school in order to carry out their lawful functions.

[s. 40]

[PCh353s42]42. Inspection of schools Act No. 10 of 1995

(1) The Commissioner shall cause every school to be inspected by an inspector for the purposes of ensuring that school complies with this Act and of ascertaining whether that school is being properly and efficiently conducted.

(2) Every inspector shall make a report to the Commissioner in respect of every school inspected and with regard to such matters as the Commissioner may require him to report upon.

(3) Where an inspector reports to the Commissioner on an inspection of a local education authority school made by him, he shall send a copy of that report to the manager of the school and to any other local authority responsible for the school.

(4) Subject to section 44, every inspector shall make appropriate recommendations to the head of school as to methods or ways of rectifying the observed problems during the inspection and after so doing make a follow up on the report.

(5) Subject to subsection (3), every Manager, or local authority to whom the copy of the report is sent, shall react appropriately to such a report.

[s. 41]

[PCh353s43]43. Powers of inspectors

For the purpose of section 42, the Commissioner and any inspector may—

(a) at all reasonable times enter the premises of any school, or any place in which it is reasonable suspected that a school is conducted;

(b) enter any premises upon which he has reason to suspect that an offence under this Act has been or is being committed;

(c) after entering the premises of any school, require any manager or teacher to produce any book, document or other article or to furnish any information relating to the administration or management of or teaching or activities in school;

(d) remove for further examination any book, document or other article which he has reason to suspect is evidence of the commission of an offence under this Act or of grounds for cancellation of the registration of the school or of any teacher in the school;

(e) do such other things or acts as may be necessary for the furtherance of the purpose of inspection.

[s. 42]

[PCh353s44]44. Power to direct remedial measures

(1) If it appears to the Commissioner that any provisions of this Act have not been complied with in any school or that any school is not being properly or efficiently conducted, he may, without prejudice to any other powers vested in him by this Act, by notice in writing under his hand addressed to the manager, headteacher, headmaster or principal of the school, give to him such directions as he may specify in the notice so as to secure compliance with that provision or the more efficient conduct of the school.

(2) The Commissioner may specify in the notice any period of time within which the directions contained in it must be complied with.

(3) The Commissioner may in his discretion in any particular case cause a copy of the notice to be sent to any person or body of persons connected with the management or administration of the school concerned.

[s. 43]

PART VI

PROVISIONS RELATING TO TEACHERS (ss 46-52)

[PCh353s45]45. Prohibition of teaching by unauthorised persons

(1) No person shall teach or be employed as a full-time teacher in any school other than a school exempted from the provisions of this Act unless he is an authorised person.

(2) For the purpose of this Part, an "authorised person" means a person who is certified, licensed or registered as a teacher under this Act.

[s. 44]

[PCh353s46]46. Certification of teachers Act No. 10 of 1995

(1) Subject to subsection (3), the Commissioner shall issue an appropriate certificate to every person who has successfully completed a course approved for the training of teachers, entitling that person to teach in such category of school as shall be specified in that certificate.

(2) Any person to whom an appropriate certificate is issued under the provisions of this section may teach or be employed as a teacher on probation for such period as the Commissioner may prescribe.

(3) The Commissioner may, by an order published in the Gazette, designate any certificate or diploma issued by any institution or school to persons completing a period of training as teachers at, or passing examinations of, that institution or school to be an appropriate certificate for the purposes of this section.

(4) Where the Commissioner makes an order under subsection (3), he shall specify in that order the period of probation for, and the category of school in, which the holder of the certificate or diploma concerned may teach.

(5) The Commissioner may designate to be a teacher or any person from any country, trained as a teacher and may authorise the recruitment of such a person.

[s. 45]

[PCh353s47]47. Registration of teachers

(1) Subject to section 48, where any teacher to whom an appropriate certificate is issued under section 46 completes an approved period of probation, the Commissioner shall, upon due application by that person and after such inquiry as may be necessary, register the applicant as a teacher and shall issue to him a certificate of registration in the prescribed form.

(2) Upon being registered as a teacher under this section a person shall be entitled to teach or be employed as a full-time teacher in such category of schools as may be specified in the certificate.

(3) Every application for registration under this section shall be made to the Commissioner in the prescribed form and shall be accompanied by the documents specified in that form.

[s. 46]

[PCh353s48]48. Grounds for refusal to register a teacher

The Commissioner may refuse to register any person as a teacher if it appears to him that that applicant—

(a) has not successfully completed the approved period of probation; or

(b) has not established that he is a person of good character or does not observe professional ethics; or

(c) has been convicted of a criminal offence; or

(d) does not satisfy such other requirements as may be prescribed by the Minister under this Act; or

(e) is medically unfit to be a teacher; or

(f) in making the application for registration has made any statement or furnished information which is false in a material particular or by reason of the omission of a material particular.

[s. 47]

[PCh353s49]49. Cancellation of registration of teachers

The Commissioner may cancel the registration of any teacher—

(a) on any of the grounds on which he would have been entitled to refuse registration;
or

(b) if it appears to the Commissioner that the teacher has been guilty of professional misconduct or is incompetent; or

(c) if the teacher has been convicted of any offence under this Act.

[s. 48]

[PCh353s50]50. Licensing of teachers

(1) Any person who is not eligible to teach or be employed as a teacher under section 46 and section 47 may, upon making an application to the Commissioner in the prescribed form, be issued with a licence to teach and may teach only in the school, and subject to any limitations which may be, specified in the licence.

(2) The Commissioner may revoke any licence issued to any person under this section—

(a) if the services of that person are no longer required by the school in which he is employed;

(b) if that person is convicted of any offence under this Act;

(c) on any of the grounds on which he would have been entitled to cancel the registration of any teacher under section 49.

[s. 49]

[PCh353s51]51. Register of teachers

(1) The Commissioner shall cause to be kept and maintained in such manner as he may deem necessary a register of all teachers.

(2) For the purposes of this section the register of teachers shall be kept in three parts, and teachers shall be registered as follows—

(a) teachers registered under section 47 shall be registered in Part I of the Register;

(b) teachers to whom appropriate certificates are issued under section 46 shall be registered in Part II of the Register;

(c) teachers to whom licences have been issued under section 50 shall be registered in Part III of the Register.

(3) Where any teacher registered in Part II of the Register by virtue of having been issued an appropriate certificate under section 46 successfully completes the period of probation and is registered under section 47, his name shall be deleted from Part II and entered in Part I of the Register.

[s. 50]

PART VII

APPEALS (ss 53-57)

[PCh353s52]52. Establishment of District Appeals Boards

(1) There is established a District Appeals Board in respect of every district in Mainland Tanzania.

(2) The provisions of the Schedule to this Act shall have effect as to the constitution, the tenure of office of members, the procedure to be followed by, and all other matters in relation to, the District Appeals Board.

(3) The District Appeals Board shall hear and determine appeals from decisions of managers and School Committees on the matters specified in section 55.

(4) Any person aggrieved by the decision of a District Appeals Board may appeal to the Regional Appeals Board.

[s. 51]

[PCh353s53]53. Establishment of Regional Appeals Boards

(1) There is hereby established a Regional Appeals Board in respect of every region in Mainland Tanzania.

(2) The provisions of the Schedule to this Act shall have effect as to the constitution, the tenure of office of members, the procedure to be followed by, and all other matters in relation to, the Regional Appeals Board.

(3) The Regional Appeals Board shall hear and determine appeals arising from—

(a) decisions of District Appeals Boards on appeals heard and determined pursuant to section 52;

(b) decisions of managers and School Boards of national schools on the matters specified in section 55.

(4) A decision of a Regional Appeals Board on any appeal arising from a decision of a District Appeals Board shall be final and binding on all the parties concerned.

[s. 52]

[PCh353s54]54. Appeals to the Minister

(1) Any person aggrieved by any decision of a Regional Appeals Board relating to an appealable decision of a Manager or a School Board may appeal to the Minister.

(2) The Minister shall hear and determine any appeal made to him under this section and his decision on the matter shall be final and binding on all the parties concerned.

(3) The Minister may by writing under his hand delegate his power to hear appeals under this section to such person or body of persons as he may determine.

[s. 53]

[PCh353s55]55. Appeals to Appeals Boards

(1) Any person aggrieved by a decision given under this Act may appeal to the appropriate Appeals Board against that decision if it relates to—

(a) the rejection by a School Committee of an application for the admission of a pupil;

(b) the confirmation by a School Committee of the dismissal of a pupil;

(c) the imposition of the punishment of suspension on a pupil by a School Committee.

(2) The Minister may, by notice published in the Gazette, provide for other matters in relation to which appeals may be made by aggrieved persons to the appropriate Appeals Board and to the Minister.

[s. 54]

[PCh353s56]56. Powers of Appeals Boards and certain offences

(1) For the purpose of hearing appeals, an Appeals Board may—

- (a) hear, receive and examine evidence;
- (b) summon any person to attend any hearing of the Appeals Board to give evidence or to produce any document or other thing in his possession, to examine him as a witness or require him to produce any document or other thing in his possession, subject to all just exceptions;
- (c) order an inspection of any premises used for a school;
- (d) enter and view any premises used for a school.

(2) A witness summons shall be in such form as the Minister may direct.

(3) Subject to subsection (4), any person who having been summoned to attend as a witness or to produce any document at a hearing of an Appeals Board refuses or fails to attend or, without any lawful excuse, wilfully fails or refuses to answer any questions put to him with the concurrence of the chairman or to produce any document or other thing required to be produced, commits an offence and upon conviction is liable to a fine not exceeding fifty thousand shillings.

(4) No person shall be bound to answer any question if in doing so he may incriminate himself; and every witness shall in respect of any evidence given by him before an Appeals Board be entitled to the same privileges to which he would be entitled if he were giving evidence before a court of a Resident Magistrate.

(5) Any person who behaves in an insulting manner or uses any threatening or insulting expression to or in the presence of an Appeal Board commits an offence and on conviction is liable to a fine not exceeding thirty thousand shillings or to imprisonment for a term not exceeding three months or to both that fine and imprisonment.

[s. 55]

PART VIII

GENERAL PROVISIONS (ss 58-64)

[PCh353s57]57. Basic principles of education

(1) Subject to the national policy on education and to other national plans and priorities appropriately specified from time to time, every citizen of the United Republic shall be entitled to receive such category, nature and level of education as his ability may permit him.

(2) No person may, within the United Republic, be denied opportunity to obtain any category, nature or level of education for the reason only of his race, religion or political or ideological beliefs:

Provided that any school may, in its admission procedures, afford preference to citizens of the United Republic.

(3) Every school shall provide in its curriculum for the provision of religious instruction to its pupils on the premises of the school, but no pupil shall be compelled to attend any

particular religious class or worship against his will if he is above the age of eighteen years, or against the will of his parent or parents, if he has not yet attained the age of eighteen years.

(4) Nothing in this section shall be construed as imposing on any school or on any of its teachers, in his official capacity as a teacher, the responsibility for organising or providing religious education or worship.

[s. 56]

[PCh353s58]58. Control of fees, subscription, etc., in schools Act No. 10 of 1986 s. 9

(1) No fees, subscriptions or contributions shall be charged, levied or collected as a condition of admission into or attendance at any private school except with the written approval of the Commissioner.

(2) Where a pupil admitted into or attending at any school is not a citizen of the United Republic or a person whose parents are ordinarily domiciled in the United Republic, any fees, subscriptions or contributions paid in relation to his admission or attendance shall be in a prescribed foreign currency or other convertible currency approved by the Minister after consultation with the Minister responsible for finance.

[s. 57]

[PCh353s59]59. Power to prohibit use of books, etc.

The Minister may, by order in writing, prohibit the use in any school of any book or material for any reason which he may think fit.

[s. 58]

[PCh353s60]60. Offences and evidence

(1) Any person who—

(a) establishes or maintains any school without having been approved by the Minister as its owner, or continues to maintain the school after the approval has been withdrawn; or

(b) conducts any school without having been approved by the Minister as its owner, or without having been approved by the Commissioner as the Manager, as the case may be, or in either case continues to conduct the school after the approval has been withdrawn; or

(c) establishes or maintains any school which is not registered under this Act; or

(d) maintains or conducts or permits to be maintained or conducted any school in respect of which an order for closure has been made; or

(e) uses or permits to be used in any school any book or material the use of which has been prohibited by the Minister under this Act; or

(f) not being a person who gives religious instruction in a school, teaches in that school without being an authorised person; or

(g) permits any unauthorised person to teach any secular subject in any school; or

(h) being the owner, manager or headmaster of a private school, or a person concerned with the administration or management of that school, collects, receives or charges any school fees or other contributions which have not been approved by the Commissioner; or

(i) obstructs, resists or impedes the Commissioner or an inspector in the exercise of his duties;

(j) denies any child access to pursue formal education due to sex, creed, political persuasion or socio-economic status,

commits an offence and on conviction is liable to a fine not exceeding ten thousand shillings or, in the case of a second or subsequent offence, is liable to that fine or to imprisonment for a term not exceeding six months, or to both that fine and imprisonment, and in every case where the offence is a continuing one, with an additional fine not exceeding three thousand shillings in respect of every day during which the offence continues.

(2) No proceedings shall be taken against any person in respect of any of the offences specified in subsection (1) without the prior consent of the Director of Public Prosecutions.

(3) In any proceedings for an offence under this Act—

(a) where it is proved that any equipment, materials or documents of an educational nature or suitable for the purposes of a school were found at any place, it shall be presumed, until the contrary is proved, that an educational course was provided at that place;

(b) where it is proved that any person did any act in connection with the conduct or management of a school, it shall be presumed, until the contrary is proved, that that person took part in the management of that school;

(c) where it is proved that any person was in charge of or issued instructions to any person under twenty one years of age on any school premises, it shall be presumed, until the contrary is proved, that that person was teaching in that school.

[s. 59]

[PCh353s61]61. Minister may make regulations

The Minister may make regulations for the better carrying out of the provisions and objects of this Act, and, without prejudice to the generality of the power to make regulations, may make regulations for the following purposes—

- (a) to provide for the structure, hygienic character and sanitation of schools;
- (b) to provide for the health inspection of schools and school premises;
- (c) to provide for the medical examination of teachers and pupils and standards of medical fitness for teachers;
- (d) to prescribe the conditions upon which grants-in-aid and subventions may be paid, their amount, the time and method of their payment and the manner in which they shall be paid;
- (e) to prescribe the duties of the Education Secretary and Education Secretary-General;
- (f) to prescribe the requirements to be fulfilled upon application for approval as owner of a school or as its Manager;

(g) to require private schools to obtain approval for the employment of teachers and to prescribe the terms and conditions upon which teachers may be employed in private schools;

(h) to provide for, and prescribe grounds for, the suspension of the registration of teachers;

(i) to provide for payment of fees or allowances to persons employed in the examination of teachers for the purposes of this Act;

(j) to provide for the control of instruction limitation upon the subjects taught and the documents which may be upon school premises or which may be used in schools, and the preparation and content of syllabi to be used in schools;

(k) to provide for the examination of pupils in schools;

(l) to require statistics and accounts in respect of schools to be furnished to the Commissioner;

(m) to prescribe the conditions of admission to schools;

(n) to prescribe, after consultation with the proper officer, the minimum fees payable in any public school, the manner of payment and the recovery of those fees;

(o) to prescribe the conditions of expulsion or exclusion from schools of pupils on the grounds of age, discipline or health and to provide for and control the administration of corporal punishment in schools;

(p) to prescribe conditions for the grant of bursaries and scholarships and for the remission of fees;

(q) to provide for the licensing of religious schools;

(r) to provide for the keeping in schools of school registers, time-tables and books of account;

(s) to provide for the control of the use of school premises and the entry of persons onto those premises;

(t) to prescribe instructions for accurate interpretation and implementation of self-reliance policy and self-reliance activities in schools;

(u) to prescribe the manner and required qualification which various education posts may be filled;

(v) to prescribe anything which, in the opinion of the Minister, is necessary or expedient for the better carrying out of the provisions of this Act.

(2) Regulations made under this section may be made applicable to all or any category of schools, and may provide that acts shall only be performed if the Commissioner consents to them and may prohibit the performance of acts without his consent or, may authorise the Commissioner to require acts to be performed or to prohibit their performance, and may require acts to be done to the satisfaction of the Commissioner or with his approval.

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

(4) The Commissioner may, with the consent of the Minister, in respect of any particular school by notice in writing to the headmaster, manager or owner, waive or modify the requirements of any regulation if he is of the opinion that the regulation is undesirable or impracticable for the purposes of that school.

[s. 60]

[PCh353s62]62. Delegation of functions and powers of Commissioner

The Commissioner may, with the consent of the Minister, by notice in the Gazette, delegate any of his functions and powers under this Act to any person or body of persons as he may see fit or necessary, but the delegation of those functions and powers shall not preclude him from exercising them himself.

[s. 61]

[PCh353s63]63. Repeal, transitional and savings provisions

(1) [Repeals the Education Act *.]

(2) Notwithstanding the repeal of the Education Act *—

(a) all orders, appointments and regulations made under the Education Act *, shall, until revoked by orders, appointments or regulations, as the case may be, made under this Act, remain in force;

(b) all schools registered under the Education Act *, shall be deemed to have been established and registered under this Act;

(c) all teachers registered under the Education Act *, shall be deemed to have been established and registered under this Act;

(d) all Boards in respect of schools, and all School Committees in respect of primary schools, established under the Education Act *, shall be deemed to be School Boards and School Committees respectively, established under this Act, until the appointments of their respective members are terminated and new members are appointed in their stead under this Act;

(e) the registers of schools and the registers maintained under the Education Act *, shall continue to be maintained as if those registers were registers provided for under this Act.

(3) [Omitted.]

[s. 62]

PART IX

THE HIGHER EDUCATION ACCREDITATION COUNCIL (s 65-75)

[PCh353s64]64. Interpretation Act No. 10 of 1995

In this Part, unless the context requires otherwise—

"accreditation" means a system for recognising higher education institutions and professional programmes affiliated with those institutions for a level of performance, integrity, appropriate standards and quality which entitled them to the confidence of the education community and the public they serve;

"Council" means the Higher Education Accreditation Council established under section 65;

"Institution" means a higher education institution whose minimum admission requirement is possession of an A level certificate or its equivalent;

"Minister" means the Minister responsible for higher education;

"professional body" means a body mainly for professional advancement and addresses itself to the quality of training offered in the training institutions;

"self study" means a unilaterally initiated comprehensive effect by an institution or a professional programme aimed at measuring progress according to previously accepted standards and objectives.

[s. 63]

Establishment and functions of the Council (ss 66-75)

[PCh353s65]65. Establishment of the Council

(1) There is hereby established a Council to be known as the higher Education Accreditation Council.

(2) The Council shall be a body corporate with perpetual succession and a common seal and its corporate name be capable of—

(a) suing and being sued;

(b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;

(c) borrowing and lending money;

(d) entering into contracts; and

(e) doing or performing all such other things or acts necessary for the proper performance of its functions which may lawfully be done or performed under this Act.

(3) The Minister shall appoint all the members of the Council.

(4) In appointing the members of the Council regard shall be to persons who have or are still serving in higher education institutions as teachers, researches or administrators.

(5) The Minister shall appoint one of the Vice-Chancellors who is a member of the Council to be the Chairman of the Council.

(6) The composition, tenure of office, quorum, meetings and proceedings of the Council shall be as prescribed in the Second Schedule to this Act.

(7) The Minister may, by notice in the Gazette, alter, vary or amend the Second Schedule to this Act.

[s. 64]

[PCh353s66]66. Functions of the Council

Subject to this Part, the functions of the Council shall be—

- (a) to promote the objectives of higher education namely the development, processing, storage and dissemination of knowledge for the benefit of mankind;
- (b) to advise the Government on the establishment of higher education institutions;
- (c) to accredit higher education institutions;
- (d) to co-ordinate the long term planning, staff development, scholarship and physical development of higher education institutions;
- (e) to approve admissions into state institutions of higher education;
- (f) to promote co-operation among the institutions of higher education in Tanzania;
- (g) to examine and approve proposals for courses of study and course regulations submitted to it by institutions of higher education;
- (h) to receive and consider applications from institutions or organisations seeking to establish non-Government higher education institutions in Tanzania and make recommendations thereon to the Government;
- (i) to make regulations in respect of admission of persons seeking to enrol in state institutions of higher education and to provide a central admission service to higher education institutions;
- (j) to ensure the maintenance of standards of programmes and examinations in higher education institutions;

(k) to advise and make recommendations to the Government on matters relating to higher education and research;

(l) to collect, examine and publish information relating to higher education and research;

(m) to co-ordinate current and development budgets for state institutions of higher education;

(n) to rule on the standardisation, recognition and equation of degrees, diplomas and certificates conferred or awarded by foreign institutions and local institutions;

(o) to make transfer procedures for courses offered in state institutions of higher education; and

(p) to make visitations and inspection of higher institutions.

[s. 65]

[PCh353s67]67. Secretary of the Council and other staff

(1) The Council shall appoint upon such terms and conditions as it may specify, a secretary of the Council who shall be the Chief Executive of the Council.

(2) The Secretary shall be an ex-officio member of the Council.

(3) The Council may appoint such other employees of the Council as it may deem necessary for the proper and efficient conduct of the business and activities of the Council.

[s. 66]

[PCh353s68]68. Self study report

(1) Every institution shall conduct an institution or programme self study and prepare a report thereon every four years.

(2) The self study report prepared under subsection (1) shall be forwarded to the Council which shall appoint a visitation team to re-examine the institution for purposes of accreditation.

[s. 67]

[PCh353s69]69. Accreditation period and status

(1) Subject to the Regulations made under section 78 the accreditation status given to any institution or programme shall be valid for four years from the date when it was issued.

(2) The Council may, after giving reasonable notice to the institution, revoke any accreditation status of an institution or programme.

(3) The Council may review any change made by an institution in its programme.

(4) The Council may, by notice in the Gazette change the period of accreditation specified in subsection (1).

[s. 68]

[PCh353s70]70. Professional bodies

(1) Without prejudice to any other written law, the Council shall solicit opinion from professional bodies.

(2) Subject to subsection (1) the professional association shall advise the Council through an evaluation report on a specific institution or program as provided in section 68.

(3) The professional association may advise the Council on matters of professional development.

[s. 69]

[PCh353s71]71. Committees of the Council

(1) The Council shall establish the Accreditation Committee, Grants Committee and Admissions Committee, established under this Part, and except as otherwise provided in relation to those three committees, the Council may establish any number of other committees to carry out any special or general function determined by the Council and may delegate to any such committee, such functions as the Council may deem necessary.

(2) The Chairman of each committee shall be appointed by the Council.

(3) Each Committee may co-opt for a particular purpose any person to be a member of the Committee and any of such member so co-opted may or may not be an officer in the public service.

(4) Any member of a committee shall, in respect of expenses incurred by him in travelling and subsistence while discharging his duties as a member of that committee, be paid out of the funds of the Council, as the Council may determine.

[s. 70]

[PCh353s72]72. Accreditation Committee

(1) There shall be an Accreditation Committee of the Council.

(2) The Committee shall advise the Council on institution and programmes accreditation.

(3) Without prejudice to the generality of subsection (1) the Committee shall advise the Council on—

- (a) the accreditation of higher education institutions and programmes;
- (b) the evaluation of staff qualifications;
- (c) co-ordination of courses and programmes in institutions of higher education;
- (d) the matters related to higher education, training and research;
- (e) the standardisation, recognition and equation of awards;
- (f) transfer procedures for courses offered in institutions of higher education; and
- (g) the visitation and inspection of higher education institutions.

[s. 71]

[PCh353s73]73. Grants Committee

There shall be a Grants Committee which shall in respect of state institutions of higher learning have the following advisory functions to the Council, namely–

- (a) assessment of financial needs of higher education institutions;
- (b) advising on the portioning of higher education costs between the Government and the individual student;
- (c) provision of guidelines to budgeting norms and resources allocation institutions;
and
- (d) regulation of various fees charged by higher education institutions.

[s. 72]

[PCh353s74]74. Admissions Committee

(1) There shall be an Admissions Committee which shall have the following advisory functions to the Council–

- (a) co-ordination of state sponsored admissions to higher education institutions within and outside the country;
- (b) promotion of co-operation between higher education institutions;
- (c) dissemination of information relating to higher education and research.

[s. 73]

PART X

FINANCIAL PROVISIONS (ss 76-78)

[PCh353s75]75. Funds and other resources of the Council

(1) The funds and other resources of the Council shall consist of–

- (a) donations, gifts or grants from any source within or outside the United Republic;
- (b) fees charged by the Council for its services;
- (c) such monies as may be voted by Parliament as grants;
- (d) funds accruing from Council investment.

(2) The funds and other resources of the Council shall constitute a revolving fund to be applied for the self sustaining operation of the Council.

[s. 74]

[PCh353s76]76. Financial year

The financial year of the Council shall be the same as the Government financial year.

[s. 75]

[PCh353s77]77. Accounts and audit

(1) The Council shall keep books accounts and maintain proper records in relation to its operations in accordance with acceptable accounting principles.

(2) The books of accounts and records of the Council shall be audited by the Controller and Auditor-General or by such other authorised Auditor as the Council may, with the approval of the Minister appoint.

(3) The Secretary shall at the end of every financial year prepare and submit to the Council a report on the working and audited accounts of the Council, and the Council shall within six months, submit the report to the Minister.

[s. 76]

PART XI

GENERAL AND TRANSITIONAL PROVISIONS (ss 79-82)

[PCh353s78]78. Regulations

(1) The Minister may, after consultation with the Council make regulations for the better giving effect of the provisions of this Part.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations—

(a) prescribing the procedure which shall be complied with the Council when granting accreditation;

(b) prescribing minimum standards for programmes;

(c) prescribing the accreditation procedures for professional associations;

(d) prescribing qualifications for appointment to the leadership of institutions of higher education;

(e) providing for superannuation and other terminal benefits for the employees of the Council;

(f) prescribing anything which, in the opinion of the Minister or the Council, is necessary or expedient for the better carrying out of the provisions of this Act.

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

[s. 77]

[PCh353s79]79. Fees and allowances

Members of the Council shall be paid of such fees and allowances for expenses as the Minister may, upon recommendations of the Council, from time to time prescribe.

[s. 78]

[PCh353s80]80. Liability of members

A member of the Council or of any of its 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 Committee.

[s. 79]

[PCh353s81]81. Secretary

Without prejudice to the provisions of section 68, the first secretary of the Council shall be appointed by the Minister.

[s. 80]

FIRST SCHEDULE

APPEALS BOARDS

(Sections 53(2) and 54(2))

1. Composition Act No. 2 of 1998

(1) A District Appeals Board shall consist of—

(a) the District Commissioner of the District, who shall be the Chairman of the Board;

(b) the District Chairman of Jumuiya ya Wazazi, who shall be the Vice-Chairman;

(c) the District Education Officer, who shall be the Secretary of the Board;

(d) two other members appointed by the Minister from among the members of the District development Council.

(2) A Regional Appeals Board shall consist of—

(a) the Regional Commissioner of the region, who shall be the Chairman of the Board;

(b) the Regional Administrative Secretary, who shall be the Vice-Chairman;

(c) the Regional Education Officer, who shall be the Secretary of the Board;

(d) two other members appointed by the Minister from among the members of the Regional Development Committee.

2. Meetings of the Board

(1) The Chairman or, in his absence, the Vice-Chairman shall preside at every meeting of the Board.

(2) The quorum at any meeting of the Board shall be four, of whom one shall be the Secretary.

3. Decisions of the Board

(1) Subject to subparagraph (2), questions proposed at a meeting of the Board shall be decided by a majority of the votes of members present and voting.

(2) In the event of an equality of votes the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.

4. Minutes of meetings

(1) The Secretary shall record and keep details of all business conducted or transacted at all meetings of the Board, and the minutes of each meeting of the Board shall be read and confirmed, or be amended and confirmed, at the next meeting of the Board and signed by the person presiding at that meeting.

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

5. Vacancies, etc., not to invalidate proceedings

Subject to subparagraph (2) of paragraph 2, the validity of any act or proceeding of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

6. Proof of document

Any document purporting to be under the hand of the Secretary as to any decision of the Board or as having been issued on behalf of the Board, shall be receivable in all courts or tribunals or other bodies authorised to receive evidence and shall, unless the contrary is shown, be deemed, without further proof, to be sufficient evidence of what is contained in the document.

7. Board may regulate its proceedings

Subject to the provisions of this Schedule, the Board may regulate its own proceedings in any manner it thinks fit.

SECOND SCHEDULE

HIGHER EDUCATION ACCREDITATION COUNCIL

(Section 66)

1. Composition

The Council shall consist of–

- (a) three Vice-Chancellors of Universities in Tanzania;
- (b) two principals of higher education institutions;
- (c) one member from a professional body;
- (d) the Director of Higher Education;
- (e) three other members who shall be appointed by the Council.

2. Vice-Chairman

The members shall elect one of their members to be the Vice-Chairman of the Council and any member elected as 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, but shall be eligible for re-election.

3. Holding of an office

Any member appointed under paragraphs 1(a), (b), (c) and (e)–

(a) shall, unless his appointment is sooner terminated by the appointing authority or he ceases in any other way to be a member, hold office for a period of three years but shall be eligible for re-appointment;

(b) may at any time resign his office by giving notice in writing addressed 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 Minister, he shall cease to be a member.

4. Meetings of Council

(1) The Chairman or, in his absence, the Vice-Chairman shall preside at every meeting of the Council.

(2) The quorum at any meeting shall be five.

5. Decisions of the Council

(1) Subject to subparagraph (2), question proposed at a meeting of the Council shall be decided by a majority of the votes of members present and voting.

(2) In the event of an equality of votes the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.

6. Minutes of meetings

(1) The Secretary shall record and keep details of all business conducted or transacted at all meetings of the Council, and the minutes of each meeting of the Council shall be read and confirmed or be amended and confirmed, at the next meeting of the Council and signed by the person presiding at that 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.

7. 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.

8. Council to regulate its own proceedings

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

9. Proof of documents

Any document purporting to be under the hand of the Secretary as to any resolution of the Council as having been issued on behalf of the Council, shall be receivable in all courts or tribunals or other bodies authorised to receive evidence and shall, unless the contrary is shown, be deemed, without further proof, be sufficient evidence of what is contained in the document.