

CHAPTER 364

THE TANZANIA TOURIST BOARD ACT

[PRINCIPAL LEGISLATION]

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SCHEDULE

CHAPTER 364

THE TANZANIA TOURIST BOARD ACT

An Act to establish a Tourist Board for Tanzania.

[1st December, 1962]

Acts Nos.

25 of 1962

[R.L. Cap. 470]

1 of 1968

18 of 1992

G.N. No. 133 of 1968

[PCh364s1]1. Short title G.N. No. 133 of 1968

This Act may be cited as the Tanzania Tourist Board Act.

[PCh364s2]2. Interpretation

In this Act, unless the context requires otherwise—

"Board" means the Tanzania Tourist Board established by section 3;

"financial year" means a year commencing on the first day of July and ending on the next following thirtieth day of June:

Provided that the first financial year of the Board shall commence on the date of coming into operation of this Act and end on the next following thirtieth day of June;

"member" means a member of the Board and includes the Chairman;

"Minister" means the Minister responsible for tourism;

"the Ministry" means the Ministry for the time being under the charge of the Minister;

"Tourism Fund" means the Tourism Fund established pursuant to section 17 of the Public Finance Act *.

[PCh364s3]3. Establishment of Board G.N. No. 133 of 1968

(1) There is hereby established a Board which shall—

(a) be a body corporate to be known as the Tanzania Tourist Board with perpetual succession and a common seal;

(b) in its corporate name be capable of suing and being sued;

(c) subject to the provisions of this Act, be capable of holding, purchasing and otherwise acquiring, and of alienating any movable or immovable property for the purposes or in the course of the carrying out of its functions.

(2) The provisions of the Schedule to this Act shall have effect as to the constitution and proceedings of, and otherwise in relation to, the Board.

[PCh364s4]4. Functions of the Board Act No. 18 of 1992 s. 4; G.N. No. 133 of 1968

(1) The functions of the Board shall be to promote and develop all aspects of the tourist industry in Tanzania and, in particular, but without prejudice to the generality of the foregoing—

(a) to adopt all such measures as it may consider necessary to advertise and publicise Tanzania as a tourist attraction and destination;

(b) to encourage by such measures as it may think fit the development of amenities in Tanzania which may enhance the attractiveness of Tanzania to tourists;

(c) to undertake research, experiments and operations which may appear to it to be necessary to improve the basis of the tourist industry;

(d) to foster an understanding within Tanzania of the importance and economic benefits of the tourist industry; and

(e) to make all inquiries and collect all information which it may think necessary for the purpose of carrying out its functions.

(2) The Board shall have power for the purpose of carrying out its functions to do all acts which appear to it to be requisite, advantageous or convenient for or in connection with the carrying out of its functions or to be incidental or conducive to their proper discharge, and may carry on any activities in that behalf either alone or in association with any other person or body (including the Government).

(3) For the avoidance of doubt it is hereby declared that the provisions of subsection (2) with respect to the powers of the Board relate only to its capacity as a body corporate and nothing in that subsection shall authorise the disregard by the Board of any enactment or rule of law.

[PCh364s5]5. Powers of the Minister Act No. 18 of 1992 s. 5

The Minister may give directions in writing to the Board as to any matter relating to the exercise of its functions and the Board shall give effect to every direction.

[PCh364s6]6. Appointment of a Managing Director and other employees Act No. 18 of 1992 s.

6

(1) The Minister may, upon such terms and conditions as he may specify, appoint a Managing Director of the Board who shall be the chief executive officer of the Board.

(2) The Board may, from time to time, appoint on the terms and conditions which it may think fit, other officers and employees whom it may consider necessary for the efficient carrying out of its functions under this Act.

[PCh364s7]7. Funds of the Board Act No. 18 of 1992 s. 7

The funds and resources of the Board shall consist of–

- (a) any sums which may be provided by Parliament for the purpose;
- (b) any sum which may be provided from the Tourism Fund;
- (c) all other sums or property which may in any manner become payable to or vested

in the Board in respect of any matter incidental to the carrying out of its functions.

[PCh364s8]8. Borrowing powers Act No. 18 of 1992 s. 8

(1) The Board may, with the prior approval of the Minister and subject to any conditions which he may determine, borrow sums required by it for meeting any of its obligations or for the purpose of carrying out its functions.

(2) The powers of the Minister under this section shall be exercised with the concurrence of the Minister responsible for finance and shall extend to the amount, the nature and sources of the borrowing and the terms and conditions on which the borrowing may be effected and the Minister's approval may be either general or limited to a particular borrowing.

(3) A person lending money to the Board shall not be bound to inquire whether the borrowing of that money is within the power of the Board.

[PCh364s9]9. Investment Act No. 18 of 1992 s. 9

The Board may invest any part of its funds which are not required for the purpose of its business in the manner which the Minister may approve.

[PCh364s10]10. Accounts and audit Acts Nos. 1 of 1968; 18 of 1992 s. 10

(1) The Board shall keep and maintain proper accounts and other records in relation to the income expenditure, liabilities and assets of the Board and other financial transactions in respect of each financial year of the Board.

(2) The Accounts of the Board shall be audited by the Tanzania Audit Corporation or any other person or body of persons which the Minister may appoint.

(3) As soon as the Accounts of the Board for any financial year have been audited, the Tanzania Audit Corporation shall send a copy of a statement of accounts together with a copy of a report made by auditors prepared in respect of that year to a meeting of the Board specially convened for the purpose.

(4) The Board meeting shall, at the meeting convened for the purpose, endorse the audited statement of accounts and certify them (if adopted) and thereafter submit the statement of accounts to the Minister.

(5) The Minister shall, within six months after the Board submits the statement and reports of accounts, lay a copy of the statement and report before the National Assembly.

[PCh364s11]11. Annual report Act No. 18 of 1992 s. 11

The Board shall within six months after the close of each financial year, prepare and submit to the Minister a report on the general activities and operation of the Board together with the Statement of Accounts of the Board referred to in section 10.

[PCh364s12]12. Annual budget Act No. 18 of 1992 s. 11

The Board shall prepare and submit a detailed budget of the Board to the Minister not later than February each year.

[PCh364s13]13. Execution of documents Act No. 18 of 1992 s. 11

(1) All deeds, instruments, contracts and other documents shall be deemed to be duly executed by or on behalf of the Board—

- (a) if sealed with the common seal of the Board and signed by two members;
- (b) if executed in that behalf by one member of the Board appointed by the Board for that purpose and by the General Manager or any member of the staff of the Board acting in that office.

(2) A deed, instrument, contract or other document executed in accordance with subsection (1) shall, subject to any exception that may be taken to it on any ground other than that of the competence of the party executing the same on behalf of the Board, be effectual in law to bind the Board and its successors and all other parties thereto and may be varied or discharged in like manner as that in which it was executed.

[PCh364s14]14. Regulations Act No. 18 of 1992 s. 11

The Minister may make regulations for the better carrying out of the purposes and provisions of this Act.

[PCh364s15]15. Power of the Board to call for information Act No. 18 of 1992 s. 11

(1) For the purposes of the proper performance of its functions under this Act, the Board may request any tourist agent to furnish it with such information relating to tourism business as the Board may specify.

(2) Any tourist agent who refuses or fails to comply with the request made under subsection (1) commits an offence and upon conviction is liable to a fine not exceeding five hundred thousand shillings.

SCHEDULE

CONSTITUTION AND PROCEEDINGS OF THE BOARD

(Section 3(2))

1. Constitution of Board Act No. 18 of 1992 s. 12

(1) The Board shall consist of a Chairman and not more than five other members.

(2) The President shall appoint the chairman and other members of the Board shall be appointed by the Minister.

(3) A member shall hold office for a period specified in his instrument of appointment or, if it is not so specified, for a period of three years from the date of his appointment and shall be eligible for re-appointment.

(4) Any member of the Board may at any time resign by giving notice in writing to the Minister and from the date specified in the notice or, if no date is specified, from the date of the receipt by the Minister of the notice, he shall cease to be a member of the Board.

2. Casual vacancies

Where any member of the Board ceases to be a member before the normal expiration of his term of office, the Minister may appoint another person in his place to hold office until the date when the first-named person's term of office would have expired had he not so ceased to be a member.

3. Quorum and procedure Act No. 18 of 1992 s. 13

(1) The Board shall meet at any time when it is necessary or expedient for the transaction of business.

(2) At any meeting of the Board not less than one-half of the members of the Board shall constitute a quorum.

(3) At any meeting of the Board the Chairman shall preside or, in the absence of the Chairman, the members present at the meeting shall elect one of their number to be chairman for that meeting.

(4) In the event of an equality of votes, the chairman of the meeting shall have a casting vote in addition to his deliberative vote.

(5) The Managing Director shall be the Secretary of the Board.

(6) Minutes in proper form of each meeting shall be kept by the Secretary of the Board and shall be confirmed by the Board at the next meeting and signed by the chairman of that meeting.

(7) Subject to the provisions of this paragraph and to any directions given by the Minister, the Board may regulate its own procedure.

4. Vacancies, etc., not to invalidate proceedings

Subject to the provisions of paragraph 3 relating to a quorum, the Board may act notwithstanding any vacancy in the membership and no act or proceeding of the Board shall be invalid by reason only of some defect in the appointment of a person who purports to be a member.

5. Remuneration and expenses

The members of the Board shall be paid out of the funds of the Board any reasonable remuneration and expenses which the Minister may from time to time determine.