

CHAPTER 396

THE LOCAL GOVERNMENT TRAINING INSTITUTE ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 396

THE LOCAL GOVERNMENT TRAINING INSTITUTE ACT

An Act to establish the Local Government Training Institute, to define its functions and to provide for other matters relating to the Institute.

[1st November, 1995]

[G.N. No. 657 of 1995]

Act No. 26 of 1994

PART I

PRELIMINARY PROVISIONS (ss 1-2)

[PCh396s1]1. Short title

This Act may be cited as the Local Government Training Institute Act.

[PCh396s2]2. Interpretation

In this Act, unless the context requires otherwise—

"Board" means the Board of Trustees established under section 5;

"Chairman" means the Chairman of the Board and includes the Acting Chairman and any person who presides over at any meeting of the Board;

"Institute" means the Local Government Training Institute established under section 3;

"member" in relation to the Board means a member of the Board and includes the Chairman;

"Minister" means the Minister for the time being responsible for local government;

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

PART II

THE LOCAL GOVERNMENT TRAINING INSTITUTE (ss 3-4)

[PCh396s3]3. Establishment of the Institute

(1) There is established an Institute which shall be known as the Local Government Training Institute.

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

- (a) have a perpetual succession and common seal;
- (b) in its corporate name be capable of suing and being sued;
- (c) be capable of purchasing and otherwise acquiring and of alienating, any movable or immovable property;
- (d) subject to the provisions of this Act have the power from time to time to borrow such sums of money as it may require for its purposes;
- (e) have powers to employ officers, employees and agents.

[PCh396s4]4. Objects and functions of the Institute

The functions of the Institute shall be—

- (a) to promote social and economic development by providing opportunities for the study of, and training in, the principles, techniques and their practical application, in various aspects of local government administration and management;
- (b) to provide facilities, places and centres of learning, education training and research in local government practices and such other related subjects and disciplines as the Board of Trustees may, from time to time, decide;

(c) to conduct long and short term training programmes in all disciplines relating to local government including the preparation, application and evaluation of development programmes;

(d) to undertake, either alone or in association with any other person or body of persons within or outside United Republic, research in methods and techniques of improving local government administration and management;

(e) to monitor and co-ordinate research and training programmes relating to local government;

(f) to collect, publish or otherwise disseminate, data and other information relating to local government including the publication of results of any research carried out by the Institute;

(g) to sponsor, arrange or provide facilities for conferences, seminars, or symposia on subjects related to local government;

(h) to provide advisory, consultancy and other services to the Government, local authorities, organisations, villages and individuals in matters relating to local government;

(i) to prepare students for such examinations as may be conducted by the Institute and to grant such awards as may be prescribed under or in accordance with this Act;

(j) to establish and maintain a system of consultation and co-operation with any person or body of persons within or outside the United Republic engaged in activities related to the functions of the Institute; and

(k) to perform any other function conferred upon the Institute by this Act or as may, in the opinion of the Board be necessary or expedient for the discharge of its functions.

PART III

ADMINISTRATION (ss 5-13)

[PCh396s5]5. Board of Trustees

(1) There is established a Board of Trustees of the Institute which shall be responsible for the management and control of the affairs and business of the Institute.

(2) The Board of Trustees shall consist of—

- (a) a Chairman, who shall be appointed by the Minister;
- (b) two members appointed by the Minister;
- (c) ten other members appointed by the Minister upon nomination one each from—
 - (i) the Institute of Development Management-Mzumbe;
 - (ii) the Local Authority Service Commission;
 - (iii) the Local Government Service Commission;
 - (iv) the Commissioner for Local Government;
 - (v) the Local Government Loans Board;
 - (vi) the Association of Local Authorities in Tanzania;

- (vii) the Director of Training of Civil Service;
- (viii) the Trainees Representative;
- (ix) the academic staff; and
- (x) the Institute of Rural Development Planning.

(3) Every member of the Board shall hold office for three years from the date of his appointment or for such longer or lesser period as may be specified in the instrument of his appointment; save that the appointing authority may, by notice published in the Gazette, revoke the appointment of a member and appoint a replacement.

(4) In case the Chairman of the Board of Trustees is unable to exercise the functions of his office for reason of absence or other sufficient causes, the Acting Chairman or any person who presides over the meeting shall have and may exercise all the powers and authority of the Chairman.

(5) The Board of Trustees shall meet at least four times a year and at such additional times as may be necessary or expedient for the transaction of business under this Act.

[PCh396s6]6. Quorum

(1) Fifty per centum of the members shall constitute a quorum. A decision of a majority of the members present and voting shall be deemed to be a decision of the Board.

(2) In case of an equality of votes the Chairman shall have a casting vote in addition to his deliberative vote.

(3) The Board may make rules governing its own procedure and the procedure of any committee appointed by it.

[PCh396s7]7. Committees or boards

(1) The Board may, from time to time, appoint or establish such committees or boards as it may consider necessary and, subject to the provisions of this Act and any directions given by the Minister in that behalf, delegate to any of them any of its functions under this Act.

(2) The Board may appoint members of any committee or board appointed or established under this section from amongst its members, the employees of the Institute or from amongst such other persons as it may consider necessary.

(3) Where the board appoints or establishes any committee or Board under this section, the Board shall elect one of its members to be the chairman of that committee or as the case may be, of that board:

Provided that where at any meeting of a committee or board established under this section the chairman of that meeting is absent, the committee or board may select one of their number to be the chairman of that meeting.

(4) The quorum necessary for the conduct of any business of any committee or board appointed or established under this section shall be fixed by the Board.

(5) Subject to the provisions of this Act, a committee or board appointed or established may regulate its own proceedings.

[PCh396s8]8. Directions

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

[PCh396s9]9. Principal of the Institute

(1) The Minister shall, after consultation with the Board of Trustees, appoint upon such terms and conditions as he may specify a Principal of the Institute.

(2) The Principal shall be the Chief Administrative and Academic Officer of the Institute and shall be responsible to the Board for—

(a) the administration of the Institute in accordance with the policy laid down by the Board;

(b) the management of the academic affairs of the Institute in accordance with the policy laid down by the Board; and

(c) the proper enforcement of regulations made by the Board under the provisions of sections 18 and 19.

(3) The Principal shall be the Secretary to the Board and may take part in their deliberations but shall not be entitled to vote.

[PCh396s10]10. Appointment of the Deputy Principal of the Institute

(1) The Board may after consultation with the Minister appoint a Deputy Principal of the Institute on such terms and conditions as the Board may determine.

(2) In the absence of the Principal the Deputy Principal may perform any of the functions of the Principal including attending the meeting of the Board.

[PCh396s11]11. Appointment of employees

(1) Subject to the provisions of subsection (2), the Board may, from time to time, appoint at such salaries and upon such terms and conditions as it may consider fit, the academic staff, the administrative staff and other employees of the Institute, as the Board may consider necessary for the proper and efficient conduct of the activities and affairs of the Institute.

(2) The Board may, subject to such conditions and restrictions as it may impose, delegate to the Principal or any other person, the power to appoint any category or categories of employees of the Institute.

[PCh396s12]12. Remuneration of members of the Board

Members shall be entitled to such remuneration, fees or allowances for expenses as the Minister may, upon the recommendation of the Board, prescribe from time to time.

[PCh396s13]13. Superannuation benefits

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

(a) grant gratuities or other retirement allowances or benefits to the employees of the Institute;

(b) establish and contribute to a superannuation fund for the employees of the Institute;

(c) require any employee of the Institute to contribute to the superannuation fund or medical benefits fund and fix the amounts and methods of payment of the contribution.

PART IV

FINANCIAL PROVISIONS (ss 14-19)

[PCh396s14]14. Funds and resources of the Institute

The funds and resources of the Institute shall consist of—

- (a) such sums as may be provided for by Parliament for the purposes of the Institute;
- (b) the sums as may become payable to the Institute from local government authorities as fees of contributions towards training of staff;
- (c) all other receipts of the Institute whether by way of interest or investment of the Institute or otherwise;
- (d) such donations, grants, bequests and loans as the Institute may from time to time receive from any person or body of persons;
- (e) such sums as may be provided by the main Trustees such as the Local Authorities Provided Fund and the Local Government Loans Board.

[PCh396s15]15. Annual estimates

(1) Subject to subsection (2) of this section "financial year" means any period not exceeding twelve consecutive months designated by the Board as the accounting period of the Institute.

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

(3) Not less than two months before the beginning of any financial year (other than the first financial year) the Board shall, at its first meeting specially convened for that purpose, pass a detailed budget (in this Act called the "annual budget") of the amounts respectively—

(a) expected to be received;

(b) expected to be disbursed,

by the Board during that financial year.

(4) If in any financial year the Board requires to make any disbursement not provided for, or of any amount in excess of the amount provided for, in any annual budget, the Board shall, at a meeting, pass a supplementary budget detailing that disbursement.

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

(6) Immediately upon passing any annual budget or supplementary budget, the Board shall submit the budget to the Minister for his approval.

(7) The Minister shall, upon receipt of the annual or supplementary budget, approve the budget as submitted, reject it or approve it subject to such amendments as he may consider fit.

(8) Where the Minister has approved any budget, the budget as approved by him shall be binding and the Board shall, subject to the provisions of subsection (9) of this section confine its disbursement within the items and the amounts contained in the applicable estimates as approved.

(9) The Board may—

(a) with the sanction of the Minister in writing, make a disbursement not provided for in any budget;

(b) from the amount of expenditure provided for in any budget in respect of any item, transfer a sum not exceeding five hundred thousand shillings to any other item contained in the budget;

(c) adjust expenditure limits to take account of circumstances not reasonably foreseeable at the time the budget was prepared, subject to submitting a supplementary budget to the Minister within two months of adjustment of expenditure limits becoming necessary.

[PCh396s16]16. Investments

With the prior approval of the Minister, the Board may, from time to time, invest any part of the money available in any fund of the Institute and which is not for the time being required for the purpose of the business of the Institute in such investments as are authorised under the Trustee Investments Act *.

[PCh396s17]17. Accounts and audit

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

- (a) the income, expenditure and other financial transactions of the Institute;
- (b) the assets and liabilities of the Institute which it shall cause to be made out for every financial year, a statement showing details of the income and expenditure, and the assets and liabilities of the Institute.

(2) Not later than six months after the close of every financial year the statement of accounts and the statement of the assets and liabilities of the Institute for that financial year shall be audited by the Tanzania Audit Corporation, or such other auditors as may be approved by the Minister.

(3) As soon as the statement referred to in subsection (2) of this section have been audited, and in any case not later than six months after the audit, the Board shall submit to the Minister a copy of the audited statements made by the auditors.

(4) Every audited statement shall be placed before a meeting of the Board and if adopted by the Board, shall be endorsed with a certificate that it has been adopted.

[PCh396s18]18. Principal's report

The Principal shall, within six months after the close of every financial year, make a report to the Minister on the activities of the Institute during that financial year.

[PCh396s19]19. Laying of accounts and report before the National Assembly

The Minister shall as soon as and in any case not later than twelve months after the close of each financial year lay before the National Assembly, the following documents in relation to that financial year—

- (a) copies of the statement referred to in subsection (2) of section 17;
- (b) copies of the Auditor's report;
- (c) copies of the Principal's report.

PART V

MISCELLANEOUS PROVISIONS (ss 20-21)

[PCh396s20]20. Regulations

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

- (a) prescribing diplomas, certificates and other awards which may be conferred or granted by the Institute;
- (b) prescribing the qualifications necessary for entry to the Institute and the courses of instruction which may be provided by the Institute;

- (c) prescribing the pre-requisites to the grant of any diploma, certificate or other award;
- (d) prescribing the manner in which diplomas, certificates or other awards may be granted;
- (e) regulating the conduct of examinations;
- (f) prescribing fees for admission to the Institute;
- (g) providing for and regulating against the employees and the students of the Institute;
- (h) prescribing anything which may be prescribed under this Act;
- (i) providing for any matters or things which, in the opinion of the Board, is necessary for the furtherance of the functions and objects of the Institute.

(2) Subject to subsection (3), regulations made under this section shall be published in the Gazette.

(3) Where any regulations made under subsection (1) are not of general application the Board may, in addition to or in lieu of publication in the Gazette, publish the regulations in any manner which in the opinion of the Board will ensure their contents coming to the notice of the persons or category of persons to which they apply and of the members of the public who might be affected by those regulations.

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