

CHAPTER 402

THE EASTERN AFRICA STATISTICAL TRAINING CENTRE ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 402

THE EASTERN AFRICA STATISTICAL TRAINING CENTRE ACT

An Act to establish the Eastern Africa Statistical Training Centre and for related matters.

[1st October, 1995]

[G.N. No. 547 of 1995]

Act No. 28 of 1994

PART I

PRELIMINARY PROVISIONS (ss 1-2)

[PCh402s1]1. Short title

This Act may be cited as the Eastern Africa Statistical Training Centre Act.

[PCh402s2]2. Interpretation

In this Act, unless the context otherwise requires—

"academic staff" means the teaching staff of the Centre whether engaged on full-time or part-time basis;

"administrative staff" means the staff of the Centre other than the academic staff;

"Board" means the Advisory Board of the Centre established by section 8;

"Centre" means the Eastern Africa Statistical Training Centre established by Section 3;

"Council" means the Governing Council of the Centre established by section 5;

"Director" means the Director of the Centre appointed under section 9;

"former Centre" means the Eastern Africa Statistical Centre existing as a department in the Planning Commission, prior to the coming into operation of this Act;

"member states" means the member states of the Centre referred to in section 21.

PART II

THE EASTERN AFRICA STATISTICAL TRAINING CENTRE (ss 3-4)

[PCh402s3]3. Establishment of Centre

(1) There is hereby established a Centre which shall be known as the Eastern Africa Statistical Training Centre.

(2) The Centre shall be—

(a) an independent national institution under the General control and supervision of the Government of the United Republic;

(b) a body corporate and shall—

(i) have perpetual succession and an official seal;

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

(iii) be capable of holding, purchasing or otherwise acquiring any movable or immovable property and of disposing of any of its property.

[PCh402s4]4. Objects and functions of the Centre

(1) The primary objective of the Centre shall be to improve the capabilities of the United Republic and other member states to produce the statistical data necessary for the assessment, planning and development of the people and the economics of those states through the training of personnel engaged in the production of statistical data.

(2) Without prejudice to the generality of subsection (1), the functions of the Centre shall be to—

(a) provide facilities for the study of, and training in the principles, procedures and techniques relating to the collection processing storage and use of statistical data;

(b) prepare and conduct training programmes in the study of statistics and in such other related subjects as the Council may from time to time determine;

(c) provide consultancy services to the Government of the member states and to such other bodies as the Council may deem fit;

(d) sponsor, arrange and to provide facilities for conferences or seminars, and workshops in particular in the field of statistics and statistical data;

(e) conduct professional examinations and to award professional diplomas, certificates and other awards in relation to training programmes conducted by the Centre;

(f) arrange for publications and general dissemination in the member states of information and material produced in connection with the activities of the Centre;

(g) associate and foster co-operation with institutions of higher learning and other institutions dealing in activities related to the functions of the Centre within and outside the territories of the members states;

(h) do all such acts and things and involve the Centre in all such contracts and transactions as may in the opinion of the Council be expedient or necessary for the proper and efficient discharge of the functions of the Centre.

PART III

ADMINISTRATION (ss 5-12)

[PCh402s5]5. The Council

- (1) There shall be a Governing Council of the Centre which shall be composed of—
- (a) a Chairman who shall be appointed by the President;
 - (b) the Government Statistician of the Government of the United Republic;
 - (c) six members appointed by the Minister as follows—
 - (i) one member from the Ministry or Department responsible for statistics;
 - (ii) one member from the department dealing with statistics in the University of Dar es Salaam;
 - (iii) a representative of the Ministry responsible for finance;
 - (iv) one member from the Ministry or department responsible for regional co-operation;
 - (v) one member from amongst the academic staff of the Centre;

(vi) one member from the Ministry or Department responsible for statistics in the Revolutionary Government of Zanzibar;

(d) not more than two other members appointed by the Minister.

(2) Every member of the Council other than the Chairman shall unless his appointment is sooner revoked or he otherwise ceases to be a member, hold office for a period of three years and shall be eligible for reappointment.

(3) The Council shall meet at least twice every year and at such additional times as may be necessary or expedient for the transaction of business under this Act.

(4) The First Schedule shall apply and have effect as to the meetings of the Council.

[PCh402s6]6. Powers and duties of the Council

(1) Subject to the provisions of this Act, the governing, management and control of the Centre shall be vested in the Council.

(2) In particular and without prejudice to the generality of subsection (1) the Council shall have power—

- (a) to administer the property, funds and other assets of the Centre;
- (b) to signify the acts of the Centre by use of the official seal;
- (c) on behalf of the Centre to receive gifts, donations or grants and to make disbursements;

(d) subject to the provisions of this Act to appoint such academic and administrative staff of the Centre as it may deem necessary for the proper and efficient carrying out of the functions of the Centre;

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

[PCh402s7]7. Rules and regulations

The Council may with the approval of the Minister and having considered any advice of the Board in that regard, make regulations or rules as the case may be—

(a) prescribing the course of instruction to be conducted by the Centre and their duration;

(b) prescribing the professional diplomas, certificates and other awards which may be granted by the Centre;

(c) prescribing the qualifications necessary for enrolment at the Centre;

(d) prescribing the conditions which shall be satisfied before any diploma, certificate or other award is granted;

(e) regulating the conduct of examinations held by the Centre;

(f) prescribing fees payable for admission to the Centre;

(g) prescribing fees payable by candidates for any examination held by the Centre;

(h) prescribing fees or other charges payable on any other services offered by the Centre;

(i) providing for and regulating disciplinary proceedings against the staff and the students of the Centre;

(j) prescribing the terms and conditions of service, including the appointment, termination, salary and terminal benefits of the members of the staff of the Centre;

(k) prescribing anything which needs to be prescribed under this Act; or

(l) providing for any matter which in the opinion of the Council is necessary to provide for the more efficient performance of the functions of the Centre.

(2) Regulations or rules made under this section may be published in the Gazette and, or in such manner as the Council is satisfied that the regulations or rules shall come to the notice of those concerned.

[PCh402s8]8. The Advisory Board of the Centre

(1) There shall be an Advisory Board of the Centre which shall be responsible for advising the Minister and the Council on any matter pertaining to the functions and activities of the Centre.

(2) The Second Schedule shall have effect as to the composition, tenure of office, proceedings and other matters relating to the Board and its members.

[PCh402s9]9. Director of the Centre

(1) There shall be a Director of the Centre who shall be appointed by the President from amongst citizens of the United Republic, upon the joint recommendation of the Board and the Council.

(2) The Director shall hold office upon such terms and conditions as the Council may with the advice of the Board, determine.

(3) The Director shall be the Chief Executive and academic officer of the Centre and shall be responsible to the Council for—

(a) the proper management and administration of the Centre in accordance with the policies and decisions of the Council;

(b) the management of the academic affairs of the Centre;

(c) the proper enforcement of the regulations made under this Act;

(d) the discipline of the students of the Centre.

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

[PCh402s10]10. Appointment of a Deputy Director

(1) The Council may after consultations with the Minister appoint a Deputy Director of the Centre on such terms and conditions as the Council may determine.

(2) In the absence of the Director the Deputy Director may perform any of the functions of the Director including attending the meetings of the Board and the Council.

[PCh402s11]11. Appointment of a Registrar, other members and staff

(1) The Council may appoint for the Centre a Registrar and other members of the academic and administrative staff on such terms and conditions as the Council may determine.

(2) The Council may, subject to such conditions, restrictions or limitations as it may impose, delegate to the Director or to any other person or body of persons at the Centre the power to appoint any member of the staff other than the Deputy Director and the Registrar.

[PCh402s12]12. Superannuation benefits

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

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

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

(c) require any employees of the centre 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 13-17)

[PCh402s13]13. Funds and resources of the Centre

The funds and other resources of the Centre shall consist of—

(a) student fees and other fees and charges payable for services rendered by the Centre;

(b) such sums as may be provided for the purposes of the Centre by Parliament;

(c) grants, gifts, donations received from any source from within and from outside the United Republic;

(d) such sums as the Council may, subject to section 14, borrow for the purposes of the Centre;

(e) such sums as may in any manner become payable or are vested in the Centre either under this Act or incidental to the carrying out of its functions.

[PCh402s14]14. Borrowing powers

(1) The Council may, from time to time, with the approval of the Minister, borrow moneys for and on behalf of the Centre by way of loan or overdraft, and upon such security and such terms and conditions relating to the repayment of the principal and the payment of the interest as the Council may deem fit.

(2) Any person lending money to the Centre pursuant to this section shall not be required to enquire into whether or not the borrowing has been approved by the Minister.

[PCh402s15]15. Annual and supplementary budget

(1) For the purposes of this section "financial year of the Centre" means the period of twelve calendar months beginning on the first day of July every year or such other period as the Governing Council may with the approval of the Minister, determine.

(2) Within not less than two months before the beginning of every financial year of the Centre the Council shall at a meeting convened for that purpose consider and pass the annual plan and the annual budget of the Centre, the annual budget specifying the amounts expected to be received and expected to be disbursed by the Centre during that financial year and in particular expenditures for—

(a) payment of all salaries, passages, pensions, gratuities and other terminal benefits and charges in respect of the staff of the Centre;

(b) payment of all fees and other expenses in respect of members of the Council and the Board;

(c) the construction, improvement, maintenance and replacement of the buildings, compound and equipment of the Centre;

(d) the creation of such reserve funds to meet such contingent liabilities of the Centre as the Council may think fit.

(3) If in any financial year the Council requires to make any disbursements not provided for or of an amount in excess of the amount provided for in the annual budget the Council shall at a meeting pass a supplementary budget detailing such disbursement.

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

(5) As soon as the annual or supplementary budget has been passed by the Council, the Council shall submit the same to the Minister for approval and a copy to the Board for any advice it may consider necessary to give to the Minister before the approval of the budget.

(6) The Minister shall, upon receipt of the annual or supplementary budget and having considered any advice given by the Board, approve the same with or without any amendments or withdraw that approval and return the same to the Council with such directions as the Minister may see fit.

(7) The annual budget or supplementary budget as approved by the Minister shall be binding upon the Council and no expenditure shall be incurred on behalf of the Centre except in accordance with the approved budget.

[PCh402s16]16. Investment

The Council may with the prior approval of the Minister invest any part of the moneys available in any fund in the investments authorised by the Trustee Investments Act *.

[PCh402s17]17. Accounts and audit

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

(a) a statement of the income and expenditure during the previous financial year; and

(b) a statement of the assets and liabilities of the Centre for the previous year.

(2) The accounts of the Centre 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 Director shall at the end of every financial year of the Centre prepare and submit to the Council a report on the working of the Centre during that year and the Council shall as soon as may be practicable, submit the same to the Minister.

PART V

MISCELLANEOUS AND TRANSITIONAL PROVISIONS (ss 18-21)

[PCh402s18]18. Remuneration of the members of the Council and Board

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

[PCh402s19]19. Liability of members of the Council

A member of the Council 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.

[PCh402s20]20. Vesting of assets and liabilities of the former Centre

(1) All the assets and liabilities of the former Centre existing on the date of coming into operation of this Act, shall by virtue of this section and without further assurance, vest in the Centre.

(2) Every training programme and any activity commenced by the former Centre may be continued by the Centre and every student enrolled by the former Centre shall be deemed to be a student of the Centre;

(3) Every employee serving with the former Centre may be transferred or seconded to the employment of the Centre.

[PCh402s21]21. Member states

The member states of the Centre shall be the members specified in the Third Schedule to this Act who have signed a protocol for the establishment of the Eastern Africa Statistical Centre and shall include such other states as the member states may mutually agree upon.

FIRST SCHEDULE

(Section 5(4))

1. Quorum of the Council

At any meeting of the Council four members shall constitute a quorum.

2. Chairman to preside over meetings

The Meetings of the Council shall be presided over by the Chairman or the Vice-Chairman or both. The Chairman and the members present may elect one of their members to be the Chairman of that meeting.

3. Minutes

The Council shall cause a proper recast of its proceedings to be kept and shall be confirmed and signed by the Chairman of the meeting at the following meeting.

4. Decisions of the Council

A decision of the Council shall be the majority of the members present and voting.

5. Fixing of seal

The seal of the Council shall be affixed in the presence of the Chairman, the Vice-Chairman or a member of the Council.

6. Acts or proceedings of the Council not invalid

Subject to the requirement of a quorum the Council may act notwithstanding any vacancy in the membership of the Council and no proceedings of the Council shall be invalid by reason only of the defect in the appointment of a member.

7. Council to regulate its own proceedings

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

SECOND SCHEDULE

(Section 8(2))

1. Composition of Advisory Board

The Advisory Board shall be composed of—

(a) one officer from each member state who is for the time being the head of the Government Office responsible for statistics in the member state, the officer from the United Republic being the Chairman of the Board;

(b) one representative nominated by each of the following–

(i) the Ministry responsible for Statistics in the Government of the United Republic;

(ii) the Department of Statistics in the Revolutionary Government of Zanzibar;

(iii) the University of Dar es Salaam;

(iv) the Institute of Statistics and Applied Economics, University of Makerere;

(v) the Statistics Division of the United Nations Economic Commission for Africa;

(vi) a representative of any other institution which the Board may recommend.

2. Tenure of office of members

The institutions represented in the membership of the Board shall be deemed to be permanent members of the Board as represented by the officer for the time being nominated by those institutions.

3. Meetings of the Board

(1) The Board shall meet at least once every year and may meet in any member state.

(2) At any meeting of the Board members who represent at least three member states shall constitute a quorum.

(3) Notwithstanding paragraph 1 of this Schedule where a meeting of the Board is held outside the United Republic the head of department responsible for statistics of the host state shall chair the meeting.

(4) The Board may elect from amongst their number a Deputy Chairman.

4. Council may regulate its proceedings

Subject to the provisions of this Schedule the Board may regulate its own proceedings and the manner of transacting its business.

THIRD SCHEDULE

(Section 21)

Subject to the Provisions of section 21 of the member, states of the Centre are—

1. The United Republic of Tanzania.
2. Botswana.
3. Ethiopia.
4. Kenya.
5. Lesotho.
6. Malawi.

7. Mauritius.
8. Namibia.
9. Seychelles.
10. Somalia.
11. Sudan.
12. Swaziland.
13. Uganda.
14. Zambia.
15. Zimbabwe.