

TENGERU INSTITUTE OF COMMUNITY DEVELOPMENT (ESTABLISHMENT)
ORDER, 2013

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GOVERNMENT NOTICE NO.....published on.....

THE NATIONAL COUNCIL FOR TECHNICAL EDUCATION ACT
(CAP. 129)

ORDER

(Made under section 6)

TENGERU INSTITUTE OF COMMUNITY DEVELOPMENT
(ESTABLISHMENT) ORDER, 2013

PART I
PRELIMINARY PROVISIONS

- Citation 1. This Order may be cited as the Tengeru Institute of Community Development (Establishment) Order, 2013.
- Definition
Cap. 129 2. In this Order unless the context otherwise requires-
- “Act” means the National Council for Technical Education Act;
 - “Board” means the governing Board established under paragraph 19;
 - “By-laws” means the by-law made under paragraph 32 of this Order;
 - “Department” means a department established under paragraph 5;
 - “Directorate” means a directorate established under paragraph 13;
 - “Examination Committee” means the Examination Committee of the Institute established under paragraph 17;
 - “effective date” means the date of commencement of this Order as appointed by the Minister under paragraph 1;
 - “former Institute” means CDTI-Tengeru;
 - “financial year” means the period of twelve month’s commencing on the first day of July in any year, unless the board determines any other period of twelve months;

“member” in relation to the Board includes the chairperson;
 “Minister” means the Minister for the time being responsible for education;
 “NACTE” means the National Council of Technical Education;
 “Institute Year” means such period of twelve months as the Board may determine;
 “Principal” means the Principal of the Institute appointed under paragraph 8;
 “Student” means any person admitted to the Institute as a candidate for a degree, diploma, certificate or other award of the Institute.

PART II ESTABLISHMENT OF THE INSTITUTE

Establishment of
the Institute

3.-(1) There is hereby established an Institute to be known as Tengeru Institute of Community Development.

- (2) The Institute shall be a body corporate and shall:
- (a) have 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 and immovable property;
 - (d) be capable of entering into contracts;
 - (e) have power to borrow such sums of money as it may require for its purposes; and
 - (f) have powers to perform all other acts and things which are necessary for the proper performance of its function.

Functions of the
Institute

- 4.- (1) The functions of the Institute shall be to-
- (a) promote community, social, and economic development by providing opportunities for the study of, and training in the principles, techniques and their practical application in all aspects of community development;
 - (b) conduct training programmes leading to professional qualifications in community development and other subjects as the Board may, from time to time decide;
 - (c) undertake, individually or jointly with person or persons, corporate or otherwise, within or outside the United Republic, research in the modus and techniques of community development and the like;

- (d) provide consultancy services to the public, private organization and individuals at their request;
 - (e) publish and disseminate materials produced in connection with the work and activities of the institute, including teaching manuals and materials textbooks, and results of any research carried out by the Institute;
 - (f) to initiate, organize and/ or participate in both local and international seminars, meeting and conferences relating to community development and development discipline in its entirety;
 - (g) to conduct examinations for degrees, diplomas, certificates and other awards of the Institute as approved by the National Council for Technical Education;
 - (h) to develop professional technical information system that will promote community development at all levels.
 - (i) establish faculties, departments and or centres within the Institute for the organizations and administration of its work and activities;
 - (j) engage in self reliance activities for effective financing and promotion of entrepreneurship;
 - (k) to establish and foster closer association with the universities, community development colleges and other Institutions of higher education and promote international cooperation with similar Institutions; and
 - (l) to perform any other function conferred upon the Institute by or under this Order.
- (2) The Institute in the performance of the functions under subparagraph (1) shall be guided by existing macro and sectoral policies.

Faculties and
Departments of
the Institute

5.-(1) The Institute shall consist of such number of faculties, departments and other divisions as the Board may, with the approval of the Minister responsible for Community Development determine.

(2) Academic departments established under subparagraph (1) shall include departments responsible for:

- (a) Community Development;
- (b) Project Planning and Management;
- (c) Gender and Development;
- (d) Post graduate Studies and Short courses;
- (e) Research and Consultancy;
- (f) Outreach and Community Based Programmes;

(g) Any other department which conforms to the core functions prescribed under Order 4 as the Institute may determine.

(3) The Institute may, for the purpose of extending its service, establish branches, campuses or centers as may be required.

Transfer of assets
and liabilities

6.-(1) All property of the Institute which was vested in the former Institute shall, as from the effective date vest in the Institute, and as from such commencement the Institute shall have all the rights which the former Institute has, and be subject to all the liabilities to which the Institute is subject, immediately before such commencement.

(2) On or after the effective date, every contract made by or on behalf of the Institute, whether or not of such a nature that rights and liabilities under it could be assigned to the Institute, shall have effect as if made by or on behalf of the Institute, and as if references in it to the Institute and to any of its officers or authorities were replaced, in relation to anything failing to be done on or after such commencement, by reference to the Institute and to the corresponding officer or authority of the Institute.

(3) Any proceedings by or against the Institute pending immediately before the effective date shall be continued by or against the Institute.

Right of
occupancy

7. - (1) All the assets and liabilities of the former Institute shall with the effect from the effective date vest in the Institute.

(2) The Institute shall be granted a right of occupancy over the sites previously occupied by the former Institute or other place upon such terms and conditions as prescribed by the relevant authority.

PART III ADMINISTRATION OF THE INSTITUTE

Principal of the
Institute

8.-(1) There shall be a Principal of the Institute who shall be appointed by the Minister upon the advice by the Board and after consultation with the Minister responsible for Community Development.

(2) The principal appointed under sub-paragraph (1) shall serve for a term of five years and may subject to his satisfactory performance be eligible for re-appointment for one more term.

Duties of the
Principal

9. The Principal shall be the Chief Administrative and Academic Officer of the Institute and shall be responsible to the Board-

- (a) for the proper administration of the Institute in accordance with the general principles, policies and regulations laid down by the Board;
- (b) for the academic management of the Institute in accordance with the policies, decisions and directives of the Board;
- (c) for the proper enforcement of the by-laws, decrees and regulations made by the Board;
- (d) as the accounting officer;
- (e) for the discipline of students; and
- (f) as secretary to the Board.

Vice-Principal
Academic

10.-(1) The Board may, on such terms and conditions as it may determine, appoint the Vice-Principal Academic who shall-

- (a) assist the Principal;
- (b) act as the Principal where the Principal is unable to perform his functions by reason of illness, infirmity or absence from the Institute.

(2) The Vice-Principal Academic shall hold office for a term of three years which may be renewable for such other term as the Board may determine.

Vice-Principal-
Finance and
Administration

11.-(1) The Board may, on such terms and conditions as it may determine, appoint the Vice-Principal (Finance and Administration) of the Institute.

(2) The Vice-Principal (Finance and Administration) shall hold office for three years which may be renewable for such other term as the Board may determine.

Staff of the
Institute

12. The Board may, on such terms and conditions appoint such number of academic, non-academic staff and other employees of the Institute as it may consider necessary for the proper and efficient carrying out of functions of the Institute.

Directorate and
Departments

13. There shall be established such number of directorates and departments as may be required for the division of functions of the Institute.

Heads of
Directorates and
Departments

14.-(1) The Board shall, after determining the directorates and departments to be established appoint heads in respect of each directorate and department.

(2) The functions of heads of directorates and departments appointed under this paragraph shall be to supervise and oversee the performance in the respective department and to perform such other functions as may be assigned to him in accordance with the provisions of this Order or any other relevant regulation.

Disciplinary Code

15. The Board may promulgate a disciplinary code to regulate the conduct of rules regulating the discipline among the members of the staff and of the students of the Institute.

PART IV

ADMISSION, EXAMINATIONS AND EXAMINATION COMMITTEE

Admission to the
Institute

16.-(1) Any person may, subject to such terms and conditions as the Board may impose, be admitted to the Institute.

(2) Admitted student shall pay all fees and other costs of the study to the Institute.

(3) Any student who is a non-Tanzanian shall pay admission and other fees in convertible foreign currency to the Institute.

Conducting of
examination

17.-(1) All examinations shall be conducted by the Academic Planning and Examination Committee of the Board.

(2) The Academic Planning and Examination Committee shall-

(a) satisfy itself with regard to the content and academic standard of the relevant course of study offered by the Institute in respect of any professional certificate ,diploma, degree or other awards;

(b) advise the Principal, NACTE and the Minister on the standards of proficiency to be obtained in each examination for a relevant certificate, diploma, degree or other awards;

(c) decide whether any candidate for the relevant certificate or other award has attained the standards of proficiency required; and

(d) make proposals to the Board on matters relating to the academic activities of the Institute;

(e) perform such other functions as may be conferred upon it by the Board.

Power to make
Regulations

18. The Board shall make sure that examinations are conducted in accordance with the NACTE Examination Regulations.

PART V
THE BOARD OF THE INSTITUTE

Establishment of the
Board

- 19.** There shall be a Board of the Institute which shall consist of-
- (a) a Chairperson who shall be appointed by the President on the advice of the Minister after prior consultation with the Minister responsible for community development; and
 - (b) not more than ten other members who shall be appointed by the Minister upon consultation with the Minister responsible for community development.

Composition of the
Board

- 20.-(1)** The Board shall compose the following members-
- (a) a Chairperson who shall be appointed in accordance with the paragraph 19 (a); and
 - (b) not more than ten members appointed by the Minister as follows:
 - (i) one member elected from the Staff of the Institute;
 - (ii) Director of local government from the Ministry responsible for local government;
 - (iii) one academic staff member from a technical institution offering tertiary education;
 - (iv) One member from the students Organisation at the Institute who shall attend Board meetings relating to matters pertaining to students welfare ;
 - (v) the Director of Community Development, Tanzania Mainland or his representative;
 - (vi) One member in charge of Technical Education Training from the Ministry responsible for technical and vocational training;
 - (vii) A prominent and renowned community development practitioner.

(2) The Minister shall, in appointing the members under paragraph 20(1) (b), ensure gender representation;

Provided that, in making such appointment the Minister shall ensure that every person appointed is a person who, in his opinion, has the necessary experience and qualifications to assist the Board in the discharge of its functions.

(3) The provisions of the schedule to this Order shall have effect as to the tenure of office of members, termination of their appointment,

the proceedings of the Board and other matters in relation to the Board and its members.

Duties of the Board

21. –(1) The duties of the Board shall be-

- (a) to govern and control the management of the Institute;
- (b) to administer both movable and immovable assets of the Institute;
- (c) to administer the funds and other assets of the Institute;
- (d) to receive grants, gifts, donation or other money on behalf of the Institute;
- (e) To signify the acts of the Institute by using the common seal;
- (f) to establish Committees as the Board may deem fit;
- (g) to provide for welfare of the students and the staff of the Institute;
- (h) to formulate policies of the Institute;
- (i) To set fees for the Institute; and
- (j) to do all such acts and things which, in the opinion of the Board, are necessary or expedient for the proper discharge of its functions.

(2) Notwithstanding the provisions of sub-paragraph (1), the Minister may give to the Board directions of a general or specific character which directions shall be consistent with the purposes and provisions of this Order as to the performance by the Board of any of its functions under this Order, and the Board shall give effect to the direction given by the Minister.

Delegation of powers
of the Board

22.-(1) The Board may, by instrument in writing under the seal of the Institute, delegate to any committee of its members or to any employee of the Institute any of its functions or powers under this Order.

(2) A delegation under subparagraph (1) may be made to the holder of an office under the Institute specifying the office but without naming the holder, and in that case each successive holder of the office in question, and each person who occupies or performs the duties of that office, may, without any further authority, exercise the delegated function or power in accordance with the delegation made.

(3) The Board may at any time revoke a delegation made under this paragraph and no delegation so made shall prevent the Board from itself exercising the function or power delegated.

- (4) The Board shall not delegate-
 - (a) its power of delegation; or
 - (b) the power to approve the annual budget, the annual balance sheet or any statement of accounts.

PART VII FINANCIAL PROVISIONS

Funds of the Institute

- 23.**-(1) The funds and resources of the Institute shall consist of-
- (a) such sums of money as may be appropriated by Parliament for the purposes of the Institute;
 - (b) all fees and other charges payable under this Order;
 - (c) any sum which may be payable to the Institute by way of donations, gifts, grants, loans or bequest from any lawful sources within or outside the United Republic;
 - (d) any sum accrued from the Institutes investments’;
 - (e) any sum which the Institute, after consultation with the Minister for Finance, borrow for the purposes of the Institute and;
 - (f) any sum which may in any manner become payable to or vested in the Institute as a result or in the course of discharging of its functions under this Order.

(2) The Board shall manage all assets and properties, movable and immovable, of the Institute, in such manner and for such purposes as in the opinion of the Board would promote the best interests of the Institute.

Annual Budget Estimates

24.-(1) The Chief Accountant shall, within two months before the commencement of financial year, prepare or cause to be prepare annual budget estimates of revenue and expenditure of the Institutes for the ensuing financial year.

(2) The Chief Accountant shall submit the annual budget prepared under sub-paragraph (1) to the Board and the Board shall consider and approve subject to such modification and amendments as it may consider appropriate.

(3) The annual estimates shall contain provision for all the estimated expenditure during the ensuing year and in particular-

- (a) for the payment of salaries, allowances and other charges in respect of welfare of the staff of the Institute;
- (b) for the payment of allowance, fees and expenses in respect

of the members of the Board;

- (c) for the payment of all pensions gratuities and other charges in respect of retiring benefits which are payable out of the fund of the Institute;
- (d) for the construction of buildings or the improvement, maintenance, replacement and rental of the buildings and other immovable properties owned or occupied by the Institute;
- (e) for the proper maintenance of equipments of the Institute;
- (f) for the creation of such reserve funds to meet future contingent liabilities as the Board may think fit.

(4) A copy of the annual estimates and of every supplementary estimates, if any, shall immediately upon the approval in accordance with sub-paragraph (1), be forwarded to the Minister responsible for community development.

(5) The Minister responsible for community development may, upon receipt of the annual budget or any supplementary budget under sub-paragraph (4) approve or disapprove subject to such modifications as may deem fit.

(6) No expenditure shall be incurred for the purposes of the Institute save in accordance with the provisions of the annual estimates or in accordance with the provision of any supplementary estimates approved by the Board unless the Minister for community development consents in writing.

Financial year

25. Notwithstanding the period specified in the definition “financial year” in paragraph 2, the Board may determine any other period of twelve consecutive months:

Provided that, in the event of any change in the financial and for the purposes of the transition from one financial year to another, the transitional period, whether for more or less than twelve months, shall be regarded as if it were a financial year.

Investments
Cap. 53

26. The Board shall have power to invest subject to such conditions as prescribed by the Trustee Investments Act in relation to investment of funds by a trustee.

Accounts and Audits

27.-(1) The Board shall cause to be kept proper accounts and shall, as soon as practicable but not later than three months after the end of each financial year, cause such accounts relating to such financial

year together with a statement of income and expenditure during such financial year be submitted to Controller and Auditor General for auditing.

(2) The audited accounts shall be placed before a meeting of the Board for noting and implementing the Controller and Auditor General findings.

(3) As soon as the accounts of the Institute have been audited and in any case not later than six months after the close of the financial year, the Board shall submit to the Minister responsible for community development a copy of the audited statement of accounts together with a copy of the report made by that auditor on the statement of accounts.

Report to be tabled
before the National
Assembly

28. The Minister responsible for community development shall as soon as practicable after receiving the reports, lay before the National Assembly a report containing-

- (a) a copy of the audited accounts of the Institute;
- (b) a copy of the report regarding the activities of the Institute in the preceding financial year.

PART VII MISCELLANEOUS PROVISIONS

Fees and allowances

29. The Minister, after consultation with the Minister responsible for community development may, by directions under his hand, prescribe the fees and allowances payable to the members of the Board.

Protection of
members

30. No matter or thing done by any member of the Board or officer of the Institute shall, if done *bona fide* in the execution of the functions conferred upon such member or officer by this Order, render such member or officer personally liable for such matter or thing.

Transitional
Provisions

31. (1) The Institute shall carry out and continue the function of the former Institute in accordance with the provisions of this Order and all the students who immediately before the date of commencement of this Order were the students of the former Institute shall as from the date of commencement of this Order become students of the Institute.

(2) Subject to the provisions of sub-paragraph (1), students who immediately before the commencement of this Order were the students of the former institute shall continue with programmes for which they were enrolled until the end of their courses.

(3) Salaries, remuneration and other benefit of the employees of the former Institute shall be maintained until such time as may be preferred for change by the Board.

(4). The Board shall formulate the manner or procedure for dealing with the employees of the former Institute.

Board to make by-laws

32.-(1) The Board may, with the approval of the Minister, make By-laws for the better carrying out of the purposes of the Order, and without prejudice to the generality of this paragraph, may make regulations-

- (a) prescribing degrees, diplomas, certificates and other awards which may be conferred or granted by the Institute;
- (b) prescribing the conditions which must be satisfied before any degree, diploma, certificate or other award, may be granted;
- (c) prescribing the manner in which degrees, diplomas, certificates or other awards may be granted;
- (d) regulating the conduct of examination;
- (e) prescribing fees for admission to the Institute;
- (f) providing for and regulating disciplinary proceedings against the officers of the Institute and the student;
- (g) providing for and regulating disciplinary proceedings against the officers of the Institute and the students;
- (h) Providing for any matter of thing which, in the opinion of the Board is necessary to provide for the furtherance of the functions and objects of the Institute.

(2) The Board shall, in prescribing the awards under subparagraph 1(a), consult the NACTE for the purpose of validation and approval of the awards.

(3) The By-laws made under this section shall be published in the Gazette.

Validity of proceedings of the Board

33. No act or proceedings of the Board or of an Examination committee shall be invalid by reasons only of any defect in the appointment of any member was at the time of such act or proceeding.

Student's organization

34.-(1) There is established a student's organization which shall be known by such name as shall be agreed upon by its founder members.

(2). Every student of the Institute shall be a member of student Organization upon admission and registration for a course and shall cease to be member after completion of the course or termination from studies or otherwise if he ceases to be a student of the Institute.

FIRST SCHEDULE

(Made under paragraph 20(3))

PROVISIONS RELATING TO THE BOARD

Tenure of Office of
members

1.-(1) A member shall, unless he sooner dies, resigns or is removed from the office, hold office for a period of three years and shall be eligible for re-appointment.

(2) A person who is a member by virtue of his holding some other office shall cease to be a member upon his ceasing to hold the office by virtue of which he is a member.

Termination of
membership

2. Where any member absents himself from three consecutive meeting of the Board without reasonable excuse, the Board may advise the appointing authority of the fact and the appointing authority may, terminate the appointment of the member and appoint or, as the case may be elect another member in his place.

Cessation of
Membership

3.-(1) Where any member of the Board ceases to be a member by-

- (a) resignation;
- (b) death;
- (c) being unable to perform his function;
- (d) reason of his absence from the United Republic; or
- (e) by reason of any infirmity or mind.

the appointing authority may appoint or as the case may be, elect another member in his place, and the member so appointed or elected shall, subject to the provisions of this Schedule, hold office for the remainder of the term of his Predecessor.

(2) Where, in the opinion of the appointing authority, the absence or infirmity of any member is of a temporary nature only, the appointing authority may appoint a temporary member and such temporary member shall have all the powers and functions of a member of the Board Provided that on the resumption of office by the substantive member, the temporary member shall cease to hold office.

Vice-Chairperson

4. The Board shall elect one of its members to be Vice Chairperson and any member elected as such shall, subject to continuing being a member, hold office of the Vice-Chairperson for such period as shall be determined by the Board.

Power of
Chairperson and
Vice Chairperson

5.-(1) Where at any meeting of the Board, the Chairperson is absent, the Vice-Chairperson shall preside.

(2) In the absence of both the Chairperson and the Vice-Chairperson at any meeting of the Board, the members present may from amongst their number, elect a temporary Chairperson who shall preside at that meeting;

(3) the Chairperson, Vice-Chairperson or temporary Chairperson presiding at any meeting of the Board, shall have a vote and, in the event of an equality of votes, shall have a casting vote in addition to his deliberate vote.

6.-(1) Subject to any general or specific directions by the Minister, the Board shall meet not less than four times during every financial year and at such additional time as may be fixed by the Chairperson or, if he is absent from the United Republic or unable for any reason to act, by the Vice-Chairperson.

(2) Provided that the Chairman or, if he is absent from the United Republic or is unable for any reason to act, the Vice-Chairperson shall, at the request of at least six members, summon a meeting of the Board within 21 days of such request being made to him in writing.

(3) The Secretary of the Board shall give to each member not less than fourteen days notice except for an extra ordinary meeting, of the place of the meeting.

Quorum

7.-(1) At any meeting of the Board not less than one- third of the members in office for the time being shall constitute a quorum.

(2) If the quorum is not present within half an hour of the time appointed for the meeting the members present, or the majority of them, or any one member if only one is present, may adjourn the meeting to any time not later than fourteen days from the date of adjournment.

Decision of the
Board

8.-(1) All questions at a meeting of the Board shall be decided by a majority of the votes of the member present at the meeting, and if any member falls or refuse to vote any question, his vote shall be counted in the negative.

(2) In the event of equality of votes the person presiding over the meeting shall have a casting vote in additional to his deliberate vote.

(3) Notwithstanding the preceding provisions of this Schedule, decisions may be made by the Board without a meeting, by circulation of the relevant papers among the member and the expression of the views of the majority thereof in writing.

Seal of the Institute

9.-(1) The seal of the Institute shall be of such shape, size and form as the Board may determine.

(2) The official seal of the Institute shall be authenticated by-

(a) the Principal;

(b) a member of the Board authorized in that behalf by the Board; or

(c) any other officer of the Institute as the Principal may nominate in that behalf.

Execution of
Documents

10. All transactions to which the Institute is a part, shall be executed on behalf of the institute by-

(a) the Principal or Secretary; and

(b) such other officer of the Institute as the Board may elect

Validity of acts of
the Board

11. No act or proceedings of the Board shall be invalid by reason of any defect or irregularity in the appointment of any member by reason that any person who purported *bona fide* to act as a member at the time of the act or proceeding in fact disqualified or not entitled to act as a member.

Board to regulate its
proceedings

12. Subject to the provision of this schedule the Board shall have power to regulate its own proceedings.

Dar es Salaam,
22nd September, 2012

SHUKURU JUMANNE KAWAMBWA
Minister for Education and Vocational Training