

THE NATIONAL INSTITUTE OF TRANSPORT AC-17, 1982

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FIRST SCHEDULE

SECOND SCHEDULE

JAMHURI YA MUUNGANO WA TANZANIA



No. 24 OF 1982

I ASSENT,

President

16TH November, 1982

An Act to establish the National Institute of Transport and to provide
for matters connected therewith and incidental thereto

I.....I

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1.-(1) This Act may be cited as the National Institute of Transport' Act, 1982, and, subject to subsection (2) shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.
(2), Part 11 of this Act shall be deemed to have come into operation on the first day of January, 1976.

short title
and
commence-
tion

2. In this Act, unless the context otherwise requires-
"the Council" means the Council of the Institute established under section 5;

Interpreta-
tion

"the Corporation" means the National Transport Corporation established by the National Transport Corporation (Establishment) Order, 1969;
"Director" means the Director of the Institute appointed under section 8.

G.N 1969
No. 248

"Examination Board" means Examination Board of the Institute established by section 10;

"Institute" means the National Institute of Transport established by section 3;

"Minister" means the Minister for the time being responsible for transport;

PART II

THE NATIONAL INSTITUTE OF TRANSPORT

3.-(1) There is hereby established an institute which shall be known as the National Institute of Transport.

Establishe-
ment of
Institute

Object and
function of
the Institute

- (2) The Institute shall be a body corporate and shall-
- (a) have a perpetual succession and an official seal;
 - (1) in its corporate name, be capable of suing or being sued;
 - (c), be capable of holding, purchasing or otherwise acquiring in any other way, any movable or immovable property, and of disposing of any of its property.

4. The functions of the Institute shall be-

- (a) to provide facilities for the study of, and training *in, the* principles, procedures and techniques ~~a~~ transport management, automobile mechanics, transport operations, physical distribution and such other related subjects as the Council may from time to time decide;
- (b) to conduct training programmes in the subjects specified in paragraph (a) and in such other related subjects as the Council may from time to time decide;
- (c) to engage in research into theoretical, operational and organizational problems and training needs 'in the subjects specified in paragraph (A) and in the transport sector in general and to evaluate the result achieved by the Institute's training programmes.
- (d) to provide consultancy services to the Government parastatal bodies and such other bodies or persons as may be necessary;
- (e) to sponsor, arrange or provide facilities for conferences and seminars;
- (f) to establish departments within the Institute for the organization and administration of its work and activities;
- (g) to conduct certificate examinations and to grant professional diplomas, certificates of different types and other awards of the Institute;
- (h) to do ~~an~~ such acts and things, and enter into all such contracts and transaction, as are, in the opinion of the Council, expedient or necessary for the proper and efficient discharge of the functions of the Institute;
- (i) to arrange for the publication add', general, dissemination of materials produced in connection with the work and activities of 'the Institute;
- (j) to establish and foster closer association with other institutions of higher learning.

PART III

ADMINISTRATION

Council

5.--(1) There shall be a Council of the Nation & Institute of Transport.

(2) The provisions of the First Schedule shall have effect as to, the composition of the Council, tenure of office of its members, 'the proceedings of the Council and other matters in relation to the Council and its members as provided therein,

6.-(1) Subject to the provisions of this Act, the government and control of the Institute shall be vested in the Council.

Power and duties of the council

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

- (a) to administer the property of the Institute, both movable and immovable;
- (b) to administer the funds and other assets of the Institute;
- (c) to signify, the acts of the Institute by use of the official seal;
- (d) on behalf of the Institute, to receive gifts, donations, grants or other moneys and to make disbursements to other persons or bodies;
- (e) subject to the provisions of this Act, to appoint such officers, of the Institute as it may deem necessary; and
- (f) to do all acts or, things provided for this Act or which may, in the opinion of the council, be necessary for the proper carrying out the functions of the Institute.

7.--(1) The Council may promulgate rules--

Rules by council

- (a) prescribing enrollment fees and other charges,
- (b) subject to regulation made under this Act, prescribing the terms and conditions of service, including the appointment, dismissal, salary and retirement benefits of the members of the staff of the Institute.

(2) The Council may, after consultation with the Examination Board and institutions concerned with transport industry, promulgate rules relating generally to the academic management of the institute and in particular to-

- (a) the qualifications necessary for entry to the Institute the courses of instruction to be provided by the Institute and the duration and number of academic terms;
- (b) the grant of scholarships and studentship, and the revocation of any such grant.

(3) The Council may promulgate rules regulating discipline among the members of the staff of the Institute and students.

(4) It shall not be necessary for the Council to publish in the Gazette any rule promulgated by it under this section; and where any such rule is not so public the Council shall, in such manner as it may determine, bring or cause to be brought, the rule to the notice of any person who is or likely to be affected thereby.

8.41) There shall be a Director of the institute who shall be appointed by the President.

Direction

(2) The Director shall hold office upon such terms and conditions as may be specified in relation to his office.

(3) The Director shall be the chief executive officer of the Institute and shall exercise such functions of the Institute as the Council may delegate to him to enable to transact all the day-to-day business of the institute, and in particular, but without prejudice to the generality of the foregoing and subject to any directions, conditions or restrictions given, or imposed by the Council, the Director shall have the power to exercise supervision and control over acts and proceedings of all the employees of the Institute, and to decide, upon and dispose of all questions relating to the terms and conditions of service of the employees of the institute.

(4) In the exercise of the powers vested in him by this section or delegated to him by the Council, the Director shall comply with any direction of policy of a general or specific nature given to him by the Council and shall not, without the prior approval of the Council, whether given generally or specifically, depart or permit departure from the approved estimates of expenditure or the approved establishment of the Institute or the normal procedures, for dealing with any particular matter.

Appoint-
ment Of
other
employees

9. The Council may from time to time appoint on such terms and conditions, as it may consider fit, such academic and administrative staff of the Institute as it may consider necessary for the proper carrying out of its functions of the Institute.

PART IV

EXAMINATION BOARD

Examination
Board

10.-(1) There shall be an Examination Board of the Institute.

(2) Subject to the provisions of this Act the Council shall determine composition of the Board and the tenure of office of its members.

(3) In making appointments of members of the Board, the Council shall ensure that every person so appointed has necessary academic qualification and experience to enable him to make useful contribution to, and perform functions, of the Board.

Functions

11.-(1) The Examination Board shall be responsible to the Council for general control and regulation of the instruction, education and research relating to studies and research on courses offered by the Institute.

(2) In addition, the Board 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 diploma, certificate and other award and to report its findings thereon to the Council;
- (b) with the consent of the Council, to make by-laws regard to the standards of proficiency to be obtained in each examination for a relevant diploma, certificate or other award;

- (c) to decide whether any candidate for the relevant diploma, certificate or other award, has attained the standards of proficiency prescribed in the by-laws made under paragraph (b) and is otherwise fit for the grant of such diploma, certificate or other award;
- (d) to make proposals to the Council on matters relating to the academic activities of the Institute;;
- (e) to perform such other functions as may be conferred upon it by the Council or by regulations made under this Act.

PART V

FINANCIAL PROVISIONS

12. The funds and resources of the Institute shall consist of-

- (a) such moneys as may be provided for the purposes of the Institute by parliament
- (a) such moneys as may be provided for the purposes of the Institute from other sources by way of fees, gifts,, grants or otherwise;
- (c), such sums as the Council may, subject to section 13, borrow for the purposes of the Institute;
- (d) such sums as may in any manner become payable to or vested in the Institute either under the provisions of this Act or incidental to the carrying out of its functions.

Funds of the
Institute

13.-(1) With the prior approval of the Minister, the Council may, from time to time borrow moneys for and on behalf of the Institute 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, subject to any directions by the Minister, the Council may deem fit.

Power to
borrow

(2) A person lending money to the Institute shall not be bound to enquire whether the borrowing of that money by the Council has been approved by the Minister.

14.-(1) In this Act "financial year" means any period not exceeding twelve whether consecutive designated in that behalf by the Council:

Annual and
supplementary
budget

Provided that the first financial year after the commencement of this Act shall commence on the date of the commencement of this Act and may be of a longer or shorter period than twelve months.

(2) Not less than two months before the beginning of any financial year (other than five financial year) the Council shall at its meeting especially convened for that purpose, pass a detailed budget (in this Act called "the annual budget!") of the amounts respectively-

- (a) expected to be received; and
- (b) expected to be disbursed, by the Institute during that financial year

(3) If in any financial year the Council requires to make any disbursement not provided for or of an amount in excess of the amount provided for in the annual budget for that year, 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 include such details as the Minister may direct.

(5) Forthwith upon passage any annual budget or any supplementary budget the Council shall submit the same to the Minister for his approval.

(6) The Minister shall, upon receipt of the annual budget or any supplementary budget, approve or disapprove the same or may approve subject to such amendments as he may deem fit.

(7) Where the Minister has approved any annual budget or any supplementary budget, the budget or, as the case may be, the supplementary budget, as amended by him, shall be binding on the Council which, subject to the provisions of subsection (8), shall confine the disbursements with the items and the amounts contained in the budget or supplementary budget as approved by the Minister.

(8) The Council may-

(a) with the sanction in writing of the Minister make a disbursement notwithstanding that such disbursement is 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 two hundred thousand shillings, to any other item contained in such 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 such alteration expenditure limits becoming necessary.

Amendment
Acts, 1967
No. 33

15. With the prior approval of the Minister, the Council may from time to time, invest any part of the moneys available in any fund in investments authorized by the Trustees Investments Act, 1967 for the investment of any trust fund,

Accounts
and Audit

16.-(1) The Council shall cause to be provided and kept proper books of account and records with respect to--

(a) the receipt and expenditure of moneys by, and other financial transactions of, the Institute;

(b) the assets and liabilities of the Institute, and shall cause to be made out for every financial year a statement showing details of the income and expenditure of the Institute and a balance sheet in respect of all its assets and liabilities.

(2) Within six months of the close of a financial year the accounts including the balance sheet of the Institute in respect of that financial year shall be audited by the Tanzania Audit Corporation established by the Tanzania Audit Corporation Act, 1968.

Acts 1968
No. 1

(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 such financial year, the Council shall submit to the Minister a copy of the audited statement of accounts together with a copy of the report thereon made by the auditors.

(4) Every such audited balance sheet shall be placed before a meeting of the Council and, if adopted by the Council shall be endorsed with a certificate that it has been so adopted.

17. The Director shall, at the end of each financial year, prepare a report on the activities of the Institute during the financial year and, after the Council has approved the report, submit such report to the Minister.

Director's
Report

18. The Minister shall, as soon as may be practicable and not later than twelve months after the close of a financial year, lay before the National Assembly the following documents in relation to such financial year-

Annual
statement of
accounts and
report to
be laid before
National
Assembly

- (a) a copy of the auditor's report, if any;
- (b) a copy of the principal's report.

PART VI

MISCELLANEOUS

19.-(1) Subject to subsection (2) members of the Council shall be entitled to such remuneration, fees or allowances for expenses as the Minister may, upon the recommendation of the council prescribe from time to time.

Remunera
tion of
member of
the council

(2) No remuneration, fees or allowances, except such allowances for expenses as may be expressly authorized by the Minister, shall be paid to any member of the council who is a public officer.

20.-(1) Subject to the provisions of subsection (6), the Council may, from time to time, by writing under the official seal of the Institute subject to such terms, conditions and restrictions as it may specify, delegate to any committee of the Council or to any employee of the Institute, all or any of the functions, powers or duties conferred or imposed by or under this Act on the Council and where any delegation is so made the delegated functions, power or duty may be performed or exercised by delegate subject to the terms, conditions and restrictions specified by the Council.

Delegation
of powers
by the
Council

(2) The delegation under subsection (1) may be made to the holder of an office under tile institute specifying the office but without naming the holder, and in every case where delegation is so made each successive holder of the office in question and any person who occupies or performs the duty of that office may, without any further authority perform or exercise the delegated function power or duty in accordance with the delegating made by the Council-

(3), The council may revoke delegation made by it under this section.

(4) No delegation made under this section shall prevent the Council from itself performing or exercising the function. power or duty delegated.

(5) A delegation made under this section may be published in the Gazette, and upon its being so published shall be judicially noticed and shall be presumed to be in force unless the contrary is Proved.

(6) The Council shall not have power under this section to delegate-

(a) its power of delegation ; or

(b) the power to approve the annual budget or any supplementary budget, the annual balance sheet or any statement of accounts.

Liabilities
of member
of the
Council
Cap. 16
Acts 1970
No 7, Acts
1974
No. 37

21. Without prejudice to the Provisions Of section 284A of the Penal Code or of the Specified officers (Recovery of Debts) Act, 1970 or of the Parastatal Special officers of Debts) Act, 1974, no act or things done or omitted to be done, by any person who is a member of the Council employee or agent of the Institute shall, if done or omitted *bona fide* in the execution or purported execution of h's duties as the member of the Council or employees or agent of the institute, subject that person to any action- liability demand of any kind-

Regulations

22,(1) With the consent of the Minister the Council may make regulations for the bettor carrying out Of the purposes of this Act, and without prejudice to the generality of the foregoing, may make regulations: -

- (a) prescribing professional diplomas, Certificates of different types and other awards which may be conferred or granted by the Institute;
- (b) prescribing the conditions which may be satisfied before any diploma, certificate, or award, may be grated
- (c) prescribing the manner in which diplomas, certificates Of different types or other awards may be granted'-
- (d) regulating the conduct of examinations
- (e) prescribing fees for admission to the Institute;
- (f) prescribing fees payable by the candidates for any examination held or conducted *by the* Institute;

- (g) providing for and regulating disciplinary proceedings against the officers and the students of the Institute;
- (h) prescribing anything which may be prescribed under this Act;
- (i) providing for any matter or thing which, in the opinion of the Council is necessary to provide for the More efficient performance of the functions of the Institute.

(2) Regulations made under this section shall be published in the *Gazette*.

23~(1) Provisions of the Second Schedule rules have effect at the time of transition after the coming into operation of this Act.

Transition and saving of rules and regulations

(2) Subject to the provisions of Second Schedule, rules and regulations of the Institute in force immediately prior to the date upon which this Act comes into operation shall remain in force as if they have been made by the Council under this Act until such time as they are amended or revoked by rules regulation made by the Council under this Act.

24.-(1) Immediately after the coming into operation of this Act, the Treasury Registrar shall assume the responsibility and management of the Transport and Vehicle Operation and Maintenance Training Fund established under the Production Development Fund (Establishment and Management) Act, 1974.

Consequential provisions

Acts 1974 No. 21

(2) The Production Development Funds (Amendment of the First Schedule) Order, 1976 is hereby revoked.

G.N 1976 No. 27

FIRST SCHEDULE

1. The Council shall consist of:-

Composition of the Council

(a) The Chairman who shall be appointed by the President; and

(b) such other members being not less than nine who shall be appointed by the Minister.

2. The appointments made under paragraph I (b) shall be from person with necessary experience of qualification to enable such person to make useful contribution to the deliberations of the Council and to assist the Council in the performance of its functions.

3. Subject to the provisions of this Schedule every member shall hold office for a period of three years from the date of his appointment but he shall be eligible for re-appointment after the end of that period.

Tenure of office

4. Where any member absents himself from three consecutive meetings of the Council without reasonable excuse the Council shall advise the appointing authority of the fact and the appointing authority may terminate the appointment of the member and appoint another member in his place.

Absence from three consecutive meetings

Appoint- ment of temporary member	<p>5. Where any member is by reason of illness, infirmity or absence from the United Republic, unable to attend any meeting of the Council the appointing authority (may appoint a temporary member in his place and such temporary member shall cease to hold off-ice on the resumption of office of the substantive member.</p>
Vice- Chairman	<p>6 The Council shall elect one of its members to be the Vice-Chairman and any member elected as Vice-Chairman and any member elected as Vice-Chairman shall, subject to his continuing to be a member, hold office of Vice-Chairman for a term of One year from the date of this election and shall be eligible for re-election.</p>
Power to Chairman and vice chairman	<p>7.- (1) The Chairman shall preside at all meetings of the Council.</p> <p>(2) Where at any meeting of the council the Chairman is absent, the Vice-Chairman shall preside.</p> <p>(3) In the absence of both the Chairman and the Vice-Chairman at any meeting Of the council, the members present may, from amongst their number, elect a temporary Chairman who shall preside at that meeting.</p> <p>(4) The Chairman, Vice-Chairman or a temporary Chairman presiding at any meeting of the Council, shall have a vote and, in the event of an equality of votes, shall have a casting vote in addition to his deliberative vote.</p>
meetings and proce- dure of the Council	<p>8.-(I) Subject to any general or specific direction of the Minister the Council shall meet not less than four times during every financial year and at such additional times as may be fixed by the Chairman or, if he is absent from the United Republic or unable for any reason to act, the Vice-Chairman.</p> <p>(2) The Chairman or, in his absence from the United Republic, the Vice-Chairman, may and upon application in writing by at least five members, convene a special meeting of the Council at any time.</p>
Quorum	<p>9. At any meeting of the Council not less than one-third of the members in office for the time being shall constitute a quorum.</p>
Decision of Council	<p>10. Subject to the provisions relating to a casting vote, all questions at a meeting of the Council shall be determined by a majority of the votes of the members present, and if any member refuses or fails to vote on any question he shall be deemed to have cast a negative vote.</p>
Decision by circula- tion of papers	<p>11. Notwithstanding the foregoing provisions of this schedule, decisions may be made by the Council without a meeting, by circulation of the relevant papers among the members and the expression of the views of the majority thereof in writing.</p> <p>Provided that any member shall be entitled to require that any such decision be deferred and the subject matter be considered at a meeting of the Council.</p>
Seal of institute tile	<p>12.-(1) The seal of the Institute shall be of such shape, size and form as the Council may determine.</p> <p>(2) The seal shall be authenticated by the signature of the Principal, or any officer of the Institute as the Principal may nominate in that behalf.</p>
Signification of other documents	<p>13. All documents to which the Institute is a party, other than documents required by law to be under seal, and all decisions of the Council, may be signified under the hand of the Principal, or the Secretary or other officer of the Institute authorized in that behalf by the Principal.</p>
Record of proceedings of the Council	<p>14.-(1) The Council shall cause minutes of all proceedings of meetings of the Council to be entered in a book kept for that purpose.</p> <p>(2) Any such minutes if purporting to be approved by the Chairman of the next succeeding meeting of the Council shall be evidence of such proceedings and, until the contrary is proved, the meeting to which the minutes relate shall be deemed to have been duly convened and all proceedings thereat to have been duly transacted.</p>

15. No act or proceedings of the Council shall be invalid by reason only of the number of members not being complete at the time of such act or proceedings or of any defect in the appointment of any member or of the fact that any member was at the time disqualified or disentailed to act as such.

Acts or proceedings of the council not invalid Council may regulate its proceedings

16. Subject to the provisions of this Schedule the Council may regulate its proceeding.

SECOND SCHEDULE

(Section 21)

TRANSFER OF PROPERTY AND TRANSITIONAL PROVISIONS

1. The provision of this Schedule shall have effect notwithstanding the new status of the Institute after the coming into operation of this Act.

2. Any land vested in the National Transport Corporation established by the National Transport Corporation (Establishment) Order 1969 (No. 248 of 1969, for the purposes of the Institute, shall be transferred to, and without further assurance, vest the same interest in the Institute.

3. Upon coming into operation of this Act the National Transport Corporation shall deliver to the Institute, or as the Council may order, all movable property it holds for the purposes of the Institute prior thereto, and all books, papers, documents, minutes, receipts and ledgers appertaining to the Institute and its operations.

4. Subject to the provisions of paragraph 2, all assets and liabilities related to the Institute immediately prior to the coming into operation of this Act shall pass by succession to the Institute, and the Institute shall have all powers necessary to take possession of, recover and deal with such assets and discharge such liabilities.

5. Subject to the provisions of paragraph 6, every agreement in relation to the Institute, whether in writing or not, to which the Corporation was a party immediately prior to the coming into operation of this Act, and whether or not the agreement was of such nature that the rights and liabilities thereunder could be assigned, shall have the effect as from the coming into operation of this Act as if:-

(a) the Institute had been a party to such agreement; and

(b) for any reference (however worded and whether express or implied) to the Corporation there were substituted, in respect of anything to be done or effected after the coming into operation of this Act, a reference to the Institute,

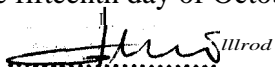
6. The appointment of any staff or employee of the Institute other than appointment of the Principal, subsisting before the coming into operation of this Act, such staff or employee so agrees, be deemed to be made by the Council under the provisions of this Act, and for the purpose of determining the rights of pension or gratuity on retirement, the service of such staff or employee shall be regarded as continuous from the time he was first appointed by the Institute.

7. Any certificate, diploma or other award accordingly issued by the Institute prior to the coming into operation of this Act shall be deemed to have been issued by the Council under the provisions of this Act.

8. Any proceeding in relation to the Institute pending on the coming into operation of this Act to which the Corporation was a party by virtue of being the holding corporation, shall be continued as if the Institute was a party thereto in lieu of the Corporation,

9. Where anything has been commenced by or under the authority of the Corporation, and such thing solely concerns the Institute or was done in relation to any matters transferred by this Schedule to the Institute, such a thing may be carried on and completed, by or under the authority of the Council.

Passed in the National Assembly on the fifteenth day of October, 1982.


Clerk of the National Assembly