

THE UNITED REPUBLIC OF TANZANIA



No. 10 OF 1995

I ASSENT,

14/9/95
President

An Act to amend the Education Act, 1978, to establish the Higher Education Accreditation Council, to provide the procedure for accreditation and other related matters.

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Education (Amendment) Act, 1995 and shall be read as one with the Education Act 1978, hereinafter referred to as the "principal Act"

Short title
Act No.
25 of 1978

2. The Principal Act is amended by deleting —

General
Amend-
ment

(a) the phrases "higher education", "folk development college", "technical field of learning and "village council" wherever they appear in the Act;

(b) the phrases "Regional School" "private school" "public school" and national school wherever they appear in the Act and substituting for them the phrases " local education authority school". "Non government school" and "government school" respectively;

3. Section 2 of the principal Act is amended by deleting subsection (1) and substituting for it the following —

Amend-
ment of
section 3

"Interpre-
tation

2.-(1) In this Act, unless the context-requires otherwise-
"adult education" means the training of persons in the art of treading, writing and arithmetic, and in other fields of learning, the training in which they could not obtain through the formal process of education;

"adult education centre" means a place or institution where adult education is provided;

"Advisory Council" means the Education Advisory Council established under section 6;

"Commissioner" means the Commissioner for National Education, and includes any person to whom he delegates the power to perform any of the functions of the Commissioner under this Act;

"Community School" means a school owned by a local community or owned by an institution on behalf of the Community";

"District Development Council" means a District Development Council established under section 7(2) of the Decentralization of Government Administration (Interim Provisions) Act, 1972;

"District Education Officer" means any government education officer appointed by the Minister to be in charge of education services in a district and includes any person to whom he delegates his duties;

education" means the instruction or training of persons of all ages in various fields of learning designed to contribute to the spiritual, moral, mental and physical development of the Community and to the attainment of the wider national goals;

"Educational Assessment Centre" means a place where the formal evaluation of performances in a variety of settings and activities, of persons of a handicapped nature is carried out for the purpose of preventing, reducing, eliminating of significant deficits of a learner and for proper placement;

"Education Secretary" means a person appointed, with the approval of the Commissioner for Education, by a recognized body or organization to administer its schools and to act in liaison with the Commissioner for Education through the Education Secretary General where such exists;

"Education Secretary General" means the person appointed with the approval of the Minister by a recognized body or organization to coordinate the education work of such body or organization and to act for it in liaison with the Commissioner for Education;

"education service" means all such services, things and materials which facilitate the efficient and effective, provision of education;

- Cap. 375 "Education Trust" means a community based organization registered under the Trustees (Incorporation) Ordinance responsible for the promotion of education in a specified area.
- "Government School" means a school directly maintained and managed by the Ministry or a local authority;
- "grant in aid" means a grant of money or of education materials and supplies from the Central Government or from a local authority or from a non-governmental education authority in aid of any school or group of schools or of any educational activity;
- "local authority" means a City Council, a District Council, Municipal Council or a Town Council;
- "local authority school" means a pre-primary school, primary school, secondary school or adult education centre under the jurisdiction of a local authority;
- "maintain" in relation to a school, means to be responsible, for the financial up-keep of the school;
- "manager" in relation to any school, means a person who is responsible for the administration and management of that school or of the activities of the pupils in that school, fees and in the case of any institution or organization giving instructions by means of correspondence delivered by hand or through postal service, the person who is responsible for its administration or management;
- "Minister" means the Minister for the time being responsible for education;
- "Ministry" means the Ministry for the time being responsible for education;
- "non-government school" means a school wholly owned and maintained by a person, body of persons or any Institution other than the government;
- "non-Governmental organization" means a non-governmental education agency;
- "owner" in relation to a school means the Government, local authority, a person or group of persons owning the buildings of the school;
- "parent" in relation to any child or pupil, includes a guardian and every person who has the actual custody of the child or pupil;
- "pre-primary education" means the full-time formal education given to children of five and six years of age before primary education;
- "pre-primary school" means the school providing pre-primary education but where the school concerned provided pre-primary, primary, secondary or teacher education, reference in this act to pre-primary school shall include the school to the extent to which it provides pre-primary education;

"primary education" means full time formal education given for seven years after completion of pre-primary education in accordance with the Syllabus approved by the Commissioner;

"primary school" means a school providing primary education; but where the school concerned provides both primary and secondary education, references in this Act to primary school shall be construed as including that school to the extent to which it provides primary education;

"proper officer" means the Minister for the time being responsible for local government, and includes any person appointed by him to perform the functions of the proper officer under this Act;

"Public funds" means such sums as are provided by Parliament or by a non-governmental organization or by any other person to, or obtained in any other way by the Government, or local authority or non-governmental organization for the purposes of facilitating, the provisions of education to the public;

"pupil" means a person who is enrolled at any school for the purposes of receiving education;

"Regional Education Officer" means any government officer appointed by the relevant authority to be in charge of education services in the region and includes any person to whom he delegates his duties;

"school" means any assembly, institution, organization or place, by whatever name called, which provides or where there is provided, for several or more persons whether or not at the same time, pre-primary, primary, secondary, teacher education or adult education and in the case of instruction given by hand or through postal service, the place where the instruction is prepared or where the work of the pupils is received dispatched, or examined but does not include—

- (a) any institution of that kind which is established by or under any written laws;
- (b) any assembly, institution, organization or place in respect of which the Minister is satisfied that its sole or main purpose is to provide for religious instruction and which is licensed by the Minister as a religious school;
- (c) any institution maintained by a religious organization for the purpose of training for the ordained ministry or for admission to a religious order, operating under a licence issued by the Minister;

(d) any club established for and consisting substantially or persons under the age of eighteen years, notwithstanding that instruction is given therein, where the establishment of the club has been approved in writing by the Minister for the time being responsible for culture and the approval has not been withdrawn;

"School Board" means a board established under section 38 of this Act for the purposes of supervising and advising on the management of a post primary school;

"School Committee" means a Committee established under section 39 of this Act for the purposes of supervising and advising on the management of primary school;

"secondary education" means formal full time education of duration of four years for Ordinary Level and two years for Advanced Level continued immediately after primary education in accordance with the syllabus approved by the Commissioner;

"secondary school" means a school providing secondary education, but where the school concerned provides secondary, primary, pre-primary and/or teacher education, reference in the Act to secondary school include that school to the extent to which it provides secondary education;

"special ability school" means a school which provides education for pupils with outstanding abilities;

"special education" means the profession concerned with the arrangement of education variables dealing with the prevention, or elimination of those conditions that produce significant deficits in one or more of the learning avenues;

"special school" means a school which provides education for the handicapped;

"subvention" means a block grant paid by the Government towards the cost of educational services;

"teacher" means any person registered as a teacher under this Act.

4. Section 5 of the principal Act is amended—

- (b) by deleting the words "and obtaining the consent of" appearing in the first line of paragraph (c);
- (c) by deleting the phrase "give to head teachers, headmasters, managers and other heads" appearing in the first line of paragraph (d) and substituting for it the phrase "give to managers , and
- (d) by deleting the phrase "to the people of Tanzania" in paragraph (e).

Amend-
ment of
Section 5

5. Section 8 of the principal Act is amended—

- (a) subsection (1) by deleting the phrase "for whose management the Government is responsible or for whose maintenance the Government makes a contribution";

Amend-
ment of
section 8

(b) by deleting subsection (2) and substituting for it the following —
 "(2) Notwithstanding the provisions of subsection (1), non-governmental schools shall be managed and administered in accordance with the directions of the Commissioner"

Amendment of title to Part III

6. Part III of the Principal Act is amended by deleting the title to that Part and substituting for it the following-

LOCAL ADMINISTRATION OF LOCAL EDUCATION AUTHORITY SCHOOLS
 LOCAL EDUCATION AUTHORITY SCHOOLS

Amendment of section 9

7. Section 9 of the Principal Act is amended by deleting subsection (1) and substituting for-it the following-

"(1) Subject to subsection (2), every local authority shall be the local education authority for local authority school".

Amendment of Section 10

8. Section 10 of the principal Act is amended-

(a) by adding the following paragraph immediately after paragraph (F)-

"(g) to establish an Education Trust which shall cater for educational development in that district";

(b) by re-arranging the present paragraph (g) to be paragraph (j).

Repeal and replacement of section 14

9. Section 14 of the principal Act is repealed and replaced by the following-

"Restriction on establishment of school

14. No school shall be established except with the written approval of the Commissioner."

Amendment of section 15

10. Section 15 of the principal Act is amended-

(a) in subsection (I)--

(i) by deleting paragraph (c) and substituting for it the following-

"(c) owners and managers of all schools ensure that standard infrastructure, facilities equipment and instructional materials necessary for effective and optimum teaching and learning are of good quality available in adequate quantities and are regularly maintained";

(ii) by adding the following paragraph immediately after paragraph (c) —

"(f) the school has been inspected of its capability to provide educational service,, in accordance with this Act."

(b) in paragraph (c) of subsection (2) by deleting the words "other than a public school" appearing in the second and third lines.

11. Section 17 of the principal Act is amended by inserting the words "or education secretary" and "schools" immediately after the words "manager" and "school" respectively.

Amendment of section 17

12. Section 18 of the principal Act is amended—

Amendment of section 18

(a) in subsection (1) by deleting the words "to the public of national education other than secondary education" and substituting for them the words "of education;

(b) by deleting subsection "(3)" and renumbering subsection "(4)" as subsection "(3)"

13. Section 19 of the principal Act is amended by deleting the word "public" appearing in the sub-topic titled "Registration of Public Schools"

Amendment of section 19

14. Section 20 of the principal Act is repealed and replaced by the following-

Repeal and replacement of section 20

"Schools providing adult education

20. Where adult education is provided at any school in addition to pre-primary, primary, secondary or teacher education, there shall be deemed to be a separate school in respect of the adult education provided at that school and that separate school shall be separately registered under section 19. "

15. Section 21 of the principal Act is amended-

Amendment and section 21

(a) by deleting the word "public" appearing in the second lines;

(b) in subsection 2 by inserting the words "or concrete roof" immediately after the word "iron sheets"

16. Section 23 of the principal Act is repealed and replaced by the following-

Repeal and replacement of Section 23

"Establishment of non-government schools

23. With effect from the commencement of this Act, no person shall establish a non-government school unless it is intended to provide education in accordance with the national education policy.

- Amen-
dment
of Sec-
tion 24
17. Section 24 of the principal Act is amended-
- (a) by deleting subsection (1);
 - (b) deleting figure "(2) and substituting for it the figure "42".
- Amen-
dment
of Sec-
tion 26
18. Section 26 of the principal Act amended—
- (a) in subsection (1) by deleting the words "or will be" appearing in the fourth line;
 - (b) by deleting the whole of subsection (2) and substituting for it the following—
 - "2. A school registered under this section shall be in the name which the Commissioner approves"
- Amen-
dment
of Sec-
tion 27
19. Section 27 of the principal Act is amended in subsection (2) —
- (i) by inserting the following paragraph
 - "(a) title deed or evidence of land ownership;"
 - (ii) by re-arranging paragraphs (a), (b) and (c) as paragraphs (b) (c) and (a) respectively.
- Amen-
dment
of Sec-
tion 28
20. Section 28 of the principal Act is amended —
- (a) by deleting paragraphs "(j)" and "(m)";
 - (b) by renumbering paragraphs -(k)", "(1)", and "(m)" as paragraphs 610), "(k)" and "(1)" respectively.
- Amen-
dment
of Sec-
tion 29
21. Section 29 of the principal Act is amended —
- (a) in paragraph (a) by deleting the words "other 'than the ground in paragraph (j);
 - (b) in paragraph (d) by deleting the words "wholly or mainly in technical fields of learning" and substituting for them the words "in accordance with the national education policy."
- Repeal
and re-
place-
ment
of Sec-
tion 31
22. Section 31 of the principal Act is repealed and replaced by the following—
- "Cate-
gories of
schools
for
pur-
poses
of
man-
age-
ment
- 31.-(I) For the purpose of the management of schools under this Act, there shall be the following categories of schools-
- (a) Government schools of which shall consist all schools maintained and managed by the Ministry or local authorities and shall include pre- primary schools, primary schools, secondary schools colleges of teachers education and adult education centres;
 - (b) grant aided schools which shall consist of all community schools owned and managed by a non-government organization but gets subvention or grant in aid from governmental organization;
 - (c) non-government schools which shall consist 4 all schools wholly maintained and managed by Non-Governmental Organizations.

(2) Subject to subsections (1) and (3) the owner of any school of any category may, upon request made to the appropriate authority and upon approval being granted by the Minister, move the school from one category to another.

(3) The approval granted under subsection (1) shall be published in the *Gazette*."

23. Section 32 of the principal Act is hereby repealed.

Repeal of
Section 32

24. Section 33 of the principal Act is amended—

- (a) by renumbering the section as section 32;
- (b) by deleting the section and substituting for it the following-

Amend-
ment of
Section 33

"32. The Management of all government schools shall be in accordance with the directions of the Commissioner."

25. The principal Act is amended by adding a new section immediately after section 32-

Addition
of a new
section 33

"Estab-
lishment
of Educa-
tion
Training
Boards

33. (1) There shall be established for and every region, district, municipality and township an Education and Training Board Responsible for the management of all levels of education and training in its area of jurisdiction.

- (2) The Minister may, by notice in the *Gazette*, provide for:
 - (a) the maximum number of members of any Education and Training Board;
 - (b) the tenure of office of the Education and Training Board;
 - (c) the procedure at meetings of the Education and Training Boards; and
 - (d) any other matters relating to Education and Training Boards, as he may deem necessary for the proper functioning of such Boards.

26. Section 34 of the principal Act is repealed and replaced by the following-

"Manage-
ment of
Schools

- 34.-(1) Notwithstanding the provisions of section 33 —
- (a) the management of all local authority schools shall be vested in the local authorities within whose area of jurisdiction they are situate and in accordance with such directions as it may from time to time give;
 - (b) the management of non-government schools shall be vested in the owner or manager as the case may be.
 - (c) the management of aided schools shall be vested in the owner or manager as the case may be.

Repeal
and re-
placement
of Section
34

(2) Notwithstanding the provisions of section 33 and 34 the Regional Education Officer and the District Education Officer shall be the representative of the commissioner in their respective areas.

(3) The Minister may by regulations prescribe the powers and functions of Regional Education Officers and District Education Officer.

(4) The regulations made under subsection (Jr) shall be published in the *Gazette*.

Amend-
ment of
Section 35

27. Section 35 of the principal Act is amended-

(a) by deleting subsection (1) and substituting for it the following-

"35 - (1) It shall be compulsory for every child who has reached the age of seven years to be enrolled for primary education. ;

(b) by deleting subsection (3) and substituting for it the following-

"(3) Every pupil enrolled at any school shall regularly attend the school at which he is enrolled until he completes the period of instruction specified in respect of the level of education for the attainment of which he is enrolled in that school".

Addition
of new
section 35

28. The Principal Act is amended by adding the following new section-

A

"Age for
pre-prim-
ary
educa-
tionl

35A. Every child of not less than five years of age shall be eligible for enrollment for pre-primary education for a period of two years."

Amend-
ment of
Section 38

29. Section 38 of the principal Act amended-

(a) by deleting subsections (1), (2), (3) and (4) and substituting for them the following-

98.-(1) The Minister shall by an order published in the *Gazette* establish a school Board in respect of every Government post primary school which shall be responsible for the management, development planning, discipline and finance of the school.

(2) The Minister may by an order published in the *Gazette* provide for-

- (a) the membership of the Board and the tenure of office of members;
- (b) the representation of the board of any Organization Which owns the school and of such other persons as the Minister may determine;
- (c) the representation of -the Commissioner on the Board";
- (d) the exercise by the Board of matters pertaining to the management, development planning, discipline and finance of the school:

- (e) the managerial or supervisory powers which may be exercised by the Board over the school;
- (f) such other matters relating to the Constitution, functions and procedure of the Board.as the Minister may deem, necessary to prescribe";
- (b) by renumbering subsections (5) and (6) as subsections (3) and (4) respectively.
30. Section 39 of the principal Act is amended-
- (a) by, repealing subsection (1) and (2) and repelling with the following-
- (1) There shall be established a school committee for every pre primary and primary school responsible for the management and maintenance of the school.
- (2) In establishing School Committees the relevant authority .
-shall ensure that-
- (a) the Community served by the school is represented;
- (b) in subsection (4) by deleting the words "established in respect of a regional school".
31. Section 40 of the principal Act is amended by adding the following-
- "(3) The Minister shall after consultation with the Commissioner make regulations with respect to which offices shall automatically perform the functions of an Inspector or which officers are authorized by the Act or under any written law to visit a school in order to carry out their lawful functions."
32. Section 41 of the principal Act is amended-
- (a) by deleting subsection (3) and substituting for it the following-
- "(3) Where an inspector reports to the Commissioner on an inspection of a local education authority school made by him, he shall send a copy of that report to the manager of the school and to any other local authority responsible for the school. ;
- (b) by adding the following new subsections-
- "(4) subject to section 43, every inspector shall make appropriate recommendations to the head of school as to methods or ways of rectifying the observed problems during the inspection and after so doing make a follow up on the report.
- (5) subject to subsection (3), every Manager, or local authority to whom the copy of the report was sent, shall react appropriately to such a report.";
33. Section 45 is amended by adding the following new subsection—
- "(5) The Commissioner may designate to be a teacher any person from any country, trained as a teacher and may authorize the recruitment of such a person"

Amend-
ment of
Section 39

Amendmend-
ment of
Section 40

Amend-
ment of is
Section 41

Amendment
of
section 45

- Amend-
ment of
Section 47
34. Section 47 of the principal Act is amended by deleting the semicolon after the word "character" and adding immediately thereafter the words "or does not observe professional ethics"
- Amend-
ment of
Section 51
35. Section 51 of the principal Act is amended by adding the following subsection Immediately after subsection (3) *—
"(4) Any person aggrieved by the decision of a District Appeals Board may appeal to the Regional Appeals Board."
- Amend-
ment of
Section 55
36. Section 55 of the principal Act is amended-
(a) in subsection (3) by deleting the words "five hundred" and substituting for them the words "fifty thousand";
(b) in subsection (5) by deleting the words "four hundred" and substituting for them the words "Thirty thousand",
- Amend-
ment of
Section 59
37. Section 59 of the principal Act is amended-
(a) in paragraph (i) of subsection (1) by inserting the words "a school Board, school committee,, immediately after the word "Commissioner-
1(b) in subsection (1) by adding the following paragraph immediately after paragraph (i)-
"(j) denies any child access to pursue formal education due to sex, creed, political persuasion or socio-economic status;"
(c) by deleting the words "one thousand" and "three hundred" appearing in the text at the end of subsection (1) and substituting for them the words "ten thousand" and "three thousand" respectively;
(d) in paragraph (c) of subsection (3) by deleting the word "eighteen" and substituting for it the words "twenty one ;
- Amend-
ment of
Section 60
38. Section 60 of the principal Act is amended-
(a) in paragraph (e) by inserting the words "Education Secretary and" immediately after the words "of the"
(b) by inserting the following paragraphs immediately after paragraph (s)-
(t) to prescribe instructions for accurate interpretation and implementation of self-reliance policy and self-reliance activities in schools;
(w) to prescribe the manner and required qualification which various education posts may be filled;
- Addition
of new
Part IX
39. The principal Act is amended by adding the following new Part immediately after section 62,

PART IX

THE HIGHER EDUCATION
ACCREDITATION COUNCILInterpre-
tation

63. In this part, unless the context requires otherwise-
accreditation" means a system for recognizing higher educa-
tion institutions and professional programmes affiliated with
those institutions for a level of performance, integrity appro-
priate standards and quality which entitled them to the con-
fidence of the education community and the public they serve;

"Council" means the Higher Education accreditation Council established
under section 64;

"Institution" means a higher education institution whose minimum ad-
mission requirement is possession of an A level certificate or its equi-
valent;

"Minister" means the Minister for the time being responsible for higher
education;

"professional body" means a body mainly for professional advancement
and addresses itself to the quality of training offered in the training
institutions;

"programme" means a curriculum of studies that leads to some form of
recognition;

"self study" means a unilaterally initiated comprehensive effect by an
institution or a professional programme aimed at measuring progress
according to previously accepted standards and objectives.

*Establishment and functions of the Council*Establish-
ment of
the Coun-
cil

64.-(1) There is hereby established a Council to be known
as the Higher Education Accreditation Council.

(2) The council shall be a body corporate with perpetual
succession and a common seal and its corporate name be
capable of-

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding,
charging and disposing of movable and immovable
property;
- (c) borrowing and lending money;
- (d) entering into contracts; and
- (e) doing or performing all such other things or acts neces-
sary for the proper performance of its functions which
may lawfully be done or performed under this Act.

(3) The Minister shall appoint all the members of the
Council.

(4) In appointing the members of the Council regard shall
be to persons who have or are still serving in higher education
institutions as teachers, researchers or administrators.

(5) The Minister shall appoint one of the Vice -Chancellors who is a member of the Council to be the Chairman of the Council.

(6) The composition, tenure of officer, quorum, meetings and proceedings of the Council shall be as prescribed in the Second Schedule to this Act.

(7) The Minister may, by notice in the *Gazette*, alter, vary or amend the Second Schedule to this Act.

Functions
of the
Council

65. Subject to this Part, the functions of the Council shall be-

- (a) to promote the objectives of higher education namely the development, processing, storage and dissemination of knowledge for the benefit of mankind;
- (b) to advise the government on the establishment of higher education institutions;
- (c) to accredit higher education institutions;
- (d) to co-ordinate the long term planning, staff development, scholarship and physical development of higher education institutions;
- (e) to approve admissions into state institutions of higher education;
- (f) to promote Cooperation among the institutions of higher education in Tanzania;
- (g) to examine and approve proposals for courses of study and course regulations submitted to it by institutions of higher education;
- (h) to receive and consider applications from institutions or organizations seeking to establish private higher education institutions in Tanzania and make recommendations thereon to the government;
- (i) to make regulations in respect of admission of persons seeking to enroll in state institutions of higher education and to provide a central admission service to higher education institutions;
- (j) to ensure the maintenance of standards of programmes and examinations in higher education institutions;
- (k) to advise and make recommendations to the government on matters relating to higher education and research;
- (l) to collect, examine and publish information relating to higher education and research;
- (m) to co-ordinate current and development budgets for state institutions of higher education;

- (n) to make on the standardization, recognition and equ-ation of degrees, diplomas and certificates conferred or awarded by foreign institutions and local institu-tions;
- (o) to make transfer procedures for courses offered in state institutions of higher education; and
- (p) to make visitations and inspection of higher institu-tions.
- Secretary of the Council and other Staff
- 66.-(I) The Council shall appoint upon such terms and conditions as it may specify, A secretary of the Council who shall be the Chief Executive of the Council.
- (2) The Secretary shall be ex-official member of the Council.
- (3) The Council may from time to time appoint such-other employees of the Council as it may deem necessary for the proper and efficient conduct of the business and activities of the Council.
- Self study report
- 67.-(1) Every institution shall conduct an institution or programme self study and prepare a report thereon every four years.
- (2) The self study report prepared under subsection (1) shall be forwarded to the Council which shall appoint a vis-itation team to re-examine the institution for purposes of accreditation.
- Accredi-tation period and status
- 68.-(I) Subject to the Regulations made under section 77 the accreditation status given to any institution or prog-ramme shall be valid for four years from the date when it was issued.
- (2) The Council may, after giving reasonable notice to the institution, revoke any accreditation status of an institution or programme.
- (3) The council may review any change made by an institu-tion in its programme.
- (4) The Council may, t)y notice in the *Gazette change* the period of accreditation specified in subsection (I).
- 69.---(1) Without prejudice to any other written law, the council shall solicit opinion from professional bodies.
- (2) Subject to subsection (1) the professional association shall advise the Council through an evaluation report on a specific institution or program as provided in section 67.
- (3) The Professional association may advice the Council on matters of professional development.
- Profes-sional

Comm-
tees or
the cou-
ncil

70. (1) The Council shall establish the Accreditation Committee, Grants Committee and Admissions Committee, established under this part, and save as otherwise provided in relation to those three committees, the Council may establish any number of other committees to carry out any special or general function determine&by the Council and may delegate to any such committee, such functions as the council may deem necessary.

(2) The Chairman of each committee shall be appointed by the Council.

(3) Each Committee may co-opt for a particular purpose any person to be a member of the committee and any of such member so-coopted may or may not be an officer in the public service.

(4) Any member of a committee shall, in respect of expenses incurred by him in traveling and subsistence while discharging his duties as a member of that committee, be paid out of the funds of the Council, as the Council may determine.

Accredi-
tation
Commit-
tee

71.-(I) There shall be an Accreditation Committee of the Council.

(2) The Committee shall advise the Council on institution and programmes accreditation.

(3) Without prejudice to the generality of subsection (1) the committee shall advise the Council on-

- (a) the accreditation of higher education institutions and programmes;
- (b) the evaluation of staff qualifications;
- (c) coordination of courses and programmes in institutions of higher education;
- (d) the matters related to higher education, training and research;
- (e) the standardization, recognition and equation of awards;
- (f) transfer procedures for courses offered in institutions of higher education;
- (g) the visitation and inspection of higher education institutions.

Grants
Commit-
tee

72.-(1) There shall be a Grants Committee which shall in respect of state institutions of higher learning have the following advisory function to the Council namely

- (a) assessment of financial needs of higher education institutions;
- (b) advising on the portioning of higher education costs between the government, the individual student;
- (c) provision of guidelines to budgeting norms and resources allocation institutions;
- (d) regulation of various fees charged by higher education institutions.

73.-(I) There shall be an Admissions Committee which shall have the following advisory functions to the Council-

Admissions committee

- (a) coordination of state sponsored admissions to higher educations within and outside the country;
- (b) promotion of cooperation between higher education institutions.
- (c) dissemination of information relating to higher education and research.

FINANCIAL PROVISIONS

74.--(1) The funds and other resources of the Council shall consist of-

Funds and other resources of the council

- (a) donations, gifts or grants from any source within or outside the United Republic;
- (b) fees charged by the Council for its services;
- (c) such monies as may be voted by Parliament as Grants;
- (d) funds accruing from Council investment.

(2) The Funds and other resources of the Council shall constitute a revolving fund to be applied for the self sustaining operation of the council.

75. The financial year of the council shall be the same as the Government financial year.

Financial year

76.-(1) The Council shall keep books of accounts and maintain proper records in relation to its operations in accordance with acceptable accounting principles.

Accounts and Audit

(2) the books of accounts and records of the Council shall be audited by the Controller and Auditor General or by such other authorized Auditor as the Council may, with the approval of the Minister appoint;

(3) The secretary shall at the end of every financial year prepare and submit to the Council a report on the working and audited accounts of the Council, and the council shall within six months, submit the report to the Minister.

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

77.-(1) The Minister may, after consultation with the Council make regulations for the better giving effect of the provisions of this part.

Regulations

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations-

- (a) prescribing the procedure which shall be complied with the Council when granting accreditation;
- (b) prescribing minimum standards for programmes;
- (c) prescribing the accreditation procedures for professional associations;

- (d) prescribing qualifications for appointment to the leadership of institutions of Higher Education.
- (e) providing for superannuation and other terminal benefits for the employees of the Council;
- (f) prescribing anything which, in the opinion of the Minister or the Council, is necessary or expedient for the better carrying out of the provisions of this Act.

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

Fees and
allo-
wances

78. Members of the Council shall be paid of such fees and allowances members for expenses as the Minister may, upon recommendations of the Council, from time to time prescribe.

Liability
of mem-
bers

79. A member of the Council or of any of its Committees shall not be personally liable for anything done or omitted *bonafide* in the execution or purported execution of any duty as a member of the Council or committee.

80. Without prejudice to the provisions of section 66, the first secretary of the Council shall be appointed by the Minister`

Amend-
ment of
Schedule

40. The principal Act is amended by renumbering the "Schedule" as the "First Schedule"

Addition
of Second
Schedule

41. The principal Act is amended by adding the following schedule immediately after the First Schedule-

"SECOND SCHEDULE

(Made under Section 64)

THE HIGHER EDUCATION ACCREDITATION COUNCIL

1. The Council shall consist of-

- (a) three Vice Chancellors of Universities in Tanzania;
- (b) two principals of higher education institutions;
- (c) one member from a professional body;
- (d) the Director of Higher Education;
- (e) three other members who shall be appointed by the Council..

(2) The members shall elect one of their member to be the Vice-Chairman of the Council and any member elected as Vice-Chairman shall subject to his continuing to be a member, hold office for a term of one year from the date of his election, but shall be eligible for re-election.

I Any member appointed under paragraph 1. (a), (b), (c) and (e)-

- (a) shall, unless his appointment is sooner terminated by the appointing authority or he ceases in any other way to be a member, hold office for a period of three years but shall be eligible for re-appointment;

- (b) may at any time resign his office by giving notice in writing addressed to the Minister, and from the date specified in the notice or, if no date is so specified, from the date of the receipt of the notice by the Minister, he shall cease to be a member.
- 4.-(1) The Chairman or, in his absence, the Vice Chairman shall preside at every meeting of the Council. Meetings of Council
- (2) The quorum at any meeting shall be five.
- 5.-(I) Subject to sub-paragraph (2), questions proposed at a meeting of the Council shall be decided by a majority of the votes of members present and voting. Decisions of the Council
- (2) In the event of an equality of votes the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.
- 6.-(I) The Secretary shall record and keep details of all business conducted or transacted at all meetings of the Council, and the minutes of each meeting of the Council shall be read and confirmed or be amended and confirmed, at the next meeting of the Council and signed by the person presiding at that meeting. Minutes of meetings
- (2) Any minutes purporting to be signed by the person presiding at a meeting of the Council shall, in the absence of proof of error, be deemed to be a correct record of the meeting whose minutes they purport to be.
7. The validity of any act or proceeding of the council shall not be affected by any vacancy among its members or by any defect in the appointment of any of them. Vacancies etc. not to invalidate proceedings
8. Subject to the provisions of this schedule, the Council may regulate its own proceedings. Council to regulate its own proceedings
9. Any document purporting to be under the hand of the Secretary as to any resolution of the Council as having been issued on behalf of the Council, shall be receivable in all courts or tribunals or other bodies authorized to receive evidence and shall, unless the contrary is shown, be deemed, without further proof, be sufficient evidence of what is contained in the document. Proof of documents

Passed in the National Assembly on 24th April, 1995.


Clerk of the National Assembly