

# THE NATIONAL EDUCATION ACT, 1978

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**SCHEDULE**

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## THE UNITED REPUBLIC OF TANZANIA



No. 25 OF 1978

ASSENT,

*Julius K. Nyerere*  
 President

4TH DECEMBER, 1978

**An Act to repeal and replace the Education Act, 1969, and to provide  
 for the better development of the system of National Education**

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ENACTED by the Parliament of the United Republic of Tanzania.

**PART I**

## PRELIMINARY

**1.** This Act may be cited as the National Education Act, 1978, and shall come into operation on such date as the Minister may, by notice in the and *Gazette*, appoint.

Short title and commencement

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

Interpretation

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

"Advisory Council" means the Educational 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;

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

Acts, 1972  
No 27

"Education Secretary-General" means the person appointed by the Minister to co-ordinate the educational activities of private schools or any group of private schools or religious schools owned by religious organizations;

- "folk development college" means an adult education centre at or in which training is provided in a specific field of learning for the purposes of particular developmental requirements of a District or any Part of it, or a group of Districts;
- "grant-in-aid" means a grant of money or of educational materials and supplies from the Government or from a local authority in aid of any school or group of schools or of any educational activity;
- "higher education" means full-time or part-time formal education beyond the stage of secondary education, provided at or in any school -
- "local authority" means a District Development Council, a City Council, a Municipal Council or a Town Council;
- "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 or management of that school or of the activities of the pupils in that school, 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 matters relating to national education;
- "Ministry" means the Ministry of National Education;
- "national 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 of ujamaa and self-reliance;
- "national school" means a school directly maintained and managed by the Ministry;
- "Owner" in relation to a school means-
- (a) the person who receives the fees paid by or on behalf of the pupils, whether or not the whole or any part of it is expended on the maintenance of the school or for the purposes exclusively relating to the school; or
  - (b) if there is no such person as is specified in paragraph (a), the person who has the power to appoint and dismiss the teachers of the school - or
  - (c) if there is no such person as is specified in paragraph (a) or (b), the person entitled in possession to the premises in which the school is conducted:
- Provided that where a school is the property of a body of persons, and that body of persons has appointed a person to represent it in matters relating to the school, the person so appointed shall be deemed to be the owner of the school for the purposes of this Act;
- "parent" in relation to any child or pupil, includes a guardian and every person who has the actual custody of the child or pupil;

"Primary education" means, subject to subsection (2), full-time education given during the first seven Years of formal 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;

"Private school" means a school wholly owned and maintained by a Person or body of Persons other than the Government or a local authority;

"Proper officer" means the Minister for the time being responsible for regional administration, and includes any Person appointed by him to Perform the functions of the proper officer under this Act -

"Public finds" means such sums as, are provided by Parliament or by any Other Person to, or obtained in any other way by, the Government or a local authority for the Purposes Of facilitating the provision of national education to the public, and includes the Proceeds from commercial or other projects undertaken by any school as part of its self-reliance scheme;

"Public school" means any school maintained by the Ministry or by a local authority;

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

"regional school" means a school managed by a District Development Council;

"school" means any assembly, institution, organization or place, by whatever name called, which provides, or where there is Provided, for seven or more persons, whether or not at the same time, primary, secondary higher education or adult education, and in the case of instruction, given by means of correspondence delivered by hand or through postal service, the institution or 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 law;
- (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 -
- W 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 is person by the Minister;
- (d) any club established for and consisting substantially of 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 national culture and the approval has not been withdrawn;

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

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

"secondary education" means formal full-time education 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 both secondary and primary education, references in this Act to secondary school shall include that school to the extent to which it provides secondary education;

"special school" means a school which provides education for persons suffering from any infirmity of mind or body;

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

"technical field of learning" means any field of learning comprising the impartation of knowledge relating to the practical aspects of agriculture, commerce, engineering and such other applied sciences as the Minister may permit to be taught in schools;

Acts 1975  
No. 21

"Village Council" means a village council established under section 5 of the Villages and Ujamaa Villages (Registration, Designation and Administration) Act, 1975.

(2) The Minister may, by an order published in the *Gazette*, extend the period of primary education to any number of years not more than seven, as he may deem desirable in the public interest.

Exemptions

3. The Minister may, by an order published in the *Gazette*, and subject to such conditions as he may specify in that order, exempt any school or any teacher from all or any of the provisions of this Act.

## PART II

### CENTRAL ADMINISTRATION OF NATIONAL SCHOOLS

#### *Duties and Power of Minister*

Minister to  
promote  
national  
education

4.-(1) The Minister shall, subject to the provisions of this Act, be responsible for the promotion of the education of the people of Tanzania and the progressive development of institutions devoted to that purpose, and for securing the effective execution by local authorities, under his guidance, control and direction, of the national policy for providing a varied, comprehensive and nationally beneficial educational service in their respective jurisdictions.

(2) The Minister shall ensure that there is available an adequate supply of teachers and other skilled personnel for the provision of educational services.

5. For the purposes of discharging his responsibility under this Act, the Minister may- Power of Minister

- (a) subject to the provisions of any written law in that behalf, cause modifications to be made in the development plans of any parastatal organization engaged in or whose activities are connected with the provision of educational services or facilities;
- (b) seek and secure modifications in the educational development plans prepared by managers of private schools;
- (c) after consulting with and obtaining the consent of the Minister for the time being responsible for regional administration, modify and co-ordinate the development plans of local authorities in so far as they relate to the provision of national education, and incorporate those plans in the educational development plans for the whole of Mainland Tanzania;
- (d) give to head teachers, headmasters, managers and other heads of schools directions of a general or specific character regarding the use of public funds by their schools;
- (e) order or cause research or inquiries to be carried out into, or returns to be made to him relating to, the various aspects of national education and of the provision of educational services and facilities for the purposes of ensuring the better provision of national education, to the people of Tanzania;
- (f) subject to the provisions of this Act, and of any other written law in that behalf, do any other act or thing which in his opinion is designed to or may further the promotion of national education, having regard at all times to the national interests and the interests of the people of the United Republic.

#### *Educational Advisory Council*

6.-(1) The Minister shall, by an order published in the *Gazette*, establish an Educational Advisory Council which shall consist of such number of persons as he shall determine. Establishment of Educational Advisory Council

(2) The Minister may, on making the order referred to in subsection (1), establish such committees of the Advisory Council in respect of such areas or aspects of national education or of fields of learning as he may determine.

(3) The Minister shall, by the order made under subsection (1) or by a subsequent order made under this subsection, provide for the tenure of office, conditions of retirement of members; meetings of the Advisory Council and for other matters in relation to it.

(4) The Minister shall, as far as is practicable, appoint to the Advisory Council persons who have experience of the system of national education or of institutions dealing or connected with matters relating to national

education, or persons whose contribution may be of significant advantage to the formulation and execution of the national policy on national education.

- Functions of Advisory Council
7. The Advisory Council shall be responsible for advising the Minister upon matters relating to the execution of the national policy on national education, and in particular upon-
- (a) the organization of educational facilities in Tanzania;
  - (b) the promotion of national education and development of schools in accordance with the purposes and provisions of this Act;
  - (c) any proposed legislation relating to or affecting national education which it is intended to submit to the National Assembly;
  - (d) such other matters connected with educational theory and practice as it may think fit; and
  - (e) any Other matter which may be referred to it by the Minister.

*The Commissioner for National Education*

Duties of the Commissioner for National Education

8.-(1) Subject to the provisions of this Act and to any directions and instructions given to him by or on behalf of the Minister, the Commissioner shall be responsible for the general management and administration of all schools for whose management the Government is responsible or for whose maintenance the Government makes a contribution.

(2) Where, prior to the commencement of this Act, any public school other than a Government school was managed by a person or body of persons other than the Commissioner, such school shall, upon the commencement of this Act, be managed and administered by, or in accordance with the directions of, the Commissioner.

**PART III**

LOCAL ADMINISTRATION OF NATIONAL SCHOOLS

*Local Education Authorities*

Local Education Authorities

9.-(1) Subject to subsection (2), every local authority shall be the Local Education Authority for regional schools within the area of its jurisdiction.

(2) The Minister may, by an order published in the *Gazette*, direct that the local authority named in the order shall be the Local Education Authority for any regional school situated outside its area of jurisdiction and thereupon that school or those schools shall, for the purposes of this section, be deemed to be situated within the area of jurisdiction of the local authority so named; and where the order is made then, notwithstanding any other provision of this Act, the local authority, if any, within whose area of jurisdiction the school or schools mentioned in the order are situate shall not be the Local Education Authority for that school or those schools while the order remains in operation.

(3) Notwithstanding the generality of the power conferred upon the Minister by subsection (2), no order may be made by the Minister under that subsection except with the consent of the local authority within whose area of jurisdiction the school or group of schools concerned is to be deemed to be situated.

**10.**-(1) Subject to the provisions of Part V of this Act, the functions of a Local Education Authority in respect of the regional schools for which it is the Local Education Authority shall be-

Functions of  
Local Educa-  
tion Autho-  
rities

- (a) to submit to the Minister for his approval plans for the promotion and development of national education and to carry out the plans approved by the Minister;
- (b) to prepare and submit to the proper officer for his approval estimates of revenue and expenditure;
- (c) subject to any directions of a general or specific character given by the Minister, to administer, in accordance with the approved estimates, any subventions or grants-in-aid from the Government;
- (d) subject to any written law for the time being in force relating to payment of school fees, to collect and receive school fees;
- (e) to make recommendations to the Minister with respect to the ownership, management and registration of new private schools;
- (f) to manage any school owned by the local authority;
- (g) to exercise such other functions as may be conferred upon it by or under this Act or any other written law;
- (h) subject to any directions of a general or specific character given by the Minister in that behalf, to provide guidance to schools under its jurisdiction regarding the undertaking and execution by them of commercial or other projects as part of their self-reliance schemes;
- (i) subject to the directions of the Minister, to do all such acts and things as may be necessary or expedient for the efficient discharge of its functions.

(2) Subject to any written law for the time being in force relating to the payment of school fees, and subject to any order made by the Minister prescribing the minimum fees payable in respect of any pupil, a Local Education Authority may, in respect of the pupils in schools for which it is the Local Education Authority, Prescribe the school fees payable in respect of pupils in those schools.

**11.**-(1) Every Local Education Authority shall establish an Education Committee which shall advise that Authority on the performance of its functions under this Act.

Education  
Committees

(2) The Minister shall, after consultation with the proper officer, by an order published in the *Gazette*, provide for the constitution, proceedings and acts of, and other matters in relation to, an Education Committee established under subsection (1).

*Powers of Minister in Relation to Local Education Authorities*

Minister may transfer the functions of local Education Authority

**12.** The Minister may, after consultation with the proper officer, give to any Local Education Authority directions of a general or specific character regarding the performance by that Authority of any of its functions under this Act, and every Authority to which the directions are given shall give effect to them.

Minister may transfer the functions of local Education Authority

**13.**-(1) Where the Minister considers that it is in the public interest of to do so, he may, after consultation with the proper officer, by an order published in the *Gazette*, transfer the functions of a Local Education Authority in relation to any regional school to the Ministry or to any person or body of persons appointed by him in that behalf.

(2) Where an order under subsection (1) is made in respect of any regional school, the Local Education Authority shall cease to exercise its functions under this Act in respect of that school, and where that order is made in respect of all the schools within the jurisdiction of a Local Education Authority that Local Education Authority shall not perform any of the functions of a Local Education Authority while the order remains in operation.

(3) Where the functions of a Local Education Authority are transferred to the Ministry or to any person or body of persons, the Ministry or, as the case may be, the person or body of persons to whom the functions are transferred may exercise all the powers of a Local Education Authority necessary for the performance of those functions and, in addition to those powers, may exercise such other power or powers as the Minister may confer upon it or him, and references in this Act to a Local Education Authority shall be construed as references to the Ministry or to that person or body of persons.

## PART IV

### ESTABLISHMENT AND REGISTRATION OF SCHOOLS

#### *Establishment of Schools*

Restriction on establishment of schools

**14.** No school other than a public school shall be established except with the approval of the Commissioner.

Conditions to be complied with prior to establishment of a school

- 15.**-(1) The Commissioner shall not grant approval for the establishment of any school under this Act unless-
- (a) the owner of the school has been approved as an owner of a school of that type by the Minister, or such approval has not been withdrawn;
  - (b) the manager of the school is either the owner or a person or body of persons approved as manager for the school by the Commissioner, or such approval has not been withdrawn;
  - (c) the school is intended to provide training wholly or mainly in technical fields of learning;

- (d) the school is registered under this Act;
- (e) such other conditions as may be prescribed by the Minister from time to time have been complied with.

(2) For the purposes of this Act the establishment of a school shall be deemed to include-

- (a) the provision in or at any school of any category, nature or level of national education for seven or more persons, whether or not at the same time, where that national education is of a different category, nature or level from the category, nature or level of national education for the provision of which the school is registered under this Act;
- (b) the reopening of any school which has remained closed for a period of six or more consecutive months;
- (c) the voluntary transfer, whether by way of partnership or otherwise, of the ownership or management of any school other than a public school;
- (d) the transfer of any school to a new site, save where that transfer has taken place with the prior approval in writing of the Commissioner.

**16.**-(1) Every application for approval as owner of a school or schools shall be made in such manner as the Minister may prescribe. Approval of  
owners

(2) The Minister may approve any person as owner of a school or schools or may reject any application and may, subject to subsection (3), at any time withdraw any approval.

(3) No approval may be withdrawn unless-

- (a) the Minister shall have first caused a notice of withdrawal to be served on the owner specifying the grounds upon which the withdrawal is proposed to be made and the conditions, if any, to be complied with by the owner within such reasonable period, being not less than three months, as may be specified in the notice as a condition of cancelling the notice; and
- (b) the owner shall have failed within such period as may be specified in the notice, or such further period as the Minister may in any particular case allow, either to comply with the conditions set out in the notice or to show cause to the satisfaction of the Minister why the notice should be cancelled.

(4) Where the Minister has withdrawn his approval of any person as owner of a school, he shall cause that person to be informed accordingly and thereupon that person shall, within such time as the Minister may direct-

- (a) transfer the school to some person approved by the Minister; or
- (b) close the school.

(5) The Commissioner shall cause the name of any person approved as owner of a school or schools, and the withdrawal of any approval by the Minister, to be published in the *Gazette* within thirty days of the approval or withdrawal.

(6) Notwithstanding subsection (5), failure to publish any approval or Withdrawal in the *Gazette* shall not affect the validity of that approval or that withdrawal.

(7) In exercising his power under this section to reject an application for approval of any person as owner or to withdraw any approval given, the Minister shall have regard only to the interests of the public as a whole, and his decision shall be final and shall not be challenged in, or be subject to review by, any court.

Approval of  
Managers

**17.**-(1) Every application for approval of a person as manager of a school shall be made to the Commissioner in such manner as the Minister may prescribe.

(2) The Commissioner may approve any person as manager of a school or may reject any application, and may at any time withdraw any approval so given.

(3) Where the Commissioner has withdrawn the approval of any person as manager of a school he shall inform that person accordingly, and the appointment of that person as manager of that school shall cease and the owner of the school shall, within such time as the Commissioner may direct-

- (a) assume personally the responsibility for the management of the school; or
- (b) appoint as manager a person approved by the Commissioner; or
- (c) close the school.

Local  
authorities  
may estab-  
lish school

**18.**-(1) Notwithstanding the preceding provisions of this Part, any local authority may, after consultation with the Minister and with the consent of the proper officer, establish a school or schools for the provision to the public of national education other than secondary education.

(2) Where any local authority proposes to establish a school, it shall comply with the provisions of this Part relating to the registration of public schools and with those of Part V of this Act which relate to the management of schools.

(3) Subject to the provisions of section 30, the Minister may, if he considers it in the public interest, order that any school established by a local authority be transferred to the Government or to such other person or body of persons as the Minister may specify.

(4) Where a local authority establishes a school pursuant to subsection (1), it shall be deemed to be the manager of that school and, subject to the directions of the Commissioner, shall be responsible for its administration and maintenance.

#### *Registration of Public Schools*

All public  
schools to  
be registered

**19.** Subject to section 21, the Commissioner shall cause to be kept and maintained, in such form as the Minister may direct, a register of public schools in which there shall be entered in respect of every public school the following particulars-

- (a) the name of the school;
- (b) its address, including the region in which it is situated- p
- (c) the person or body of Persons responsible for its management and administration;
- (d) the date of its establishment;
- (e) the category, nature or level of national education which it provides; and
- (f) such other particulars as the Minister may, from time to time, direct.

**20.** Where adult education is provided at any public school in addition to primary or secondary education or, as the case maybe, both primary and secondary 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 i 9.

Public schools providing adult education

**21.**-(1) Subject to section 22, it shall not be necessary for the Commissioner to cause to be registered under section I 9 as a public school any premises in which adult literacy classes are regularly conducted if those premises are not a permanent or semi-permanent building.

Premises where literacy classes are conducted

(2) For the purposes of this section a "Permanent building" means a building whose walls are constructed with stones, concrete blocks or baked bricks and has a roof of tiles or corrugated iron sheets; and a Permanent building" is a building constructed with earth or with unbaked bricks and has a roof of corrugated iron sheets.

**22.** -(1) Where adult literacy classes are regularly conducted in premises other than a permanent or semi-permanent building or buildings, and the Minister considers that those Premises qualify to be part of a school, he may, after consultation with the Local Education Authority concerned, direct that, subject to the continuation of the regular conduct of adult literacy classes in those premises, those premises be deemed to be a branch or branches of a Particular public school or schools within the area of jurisdiction of that Local Education Authority.

Branches of public schools

(2) Where the Minister makes a direction under subsection (1) in relation to any public school, that public school shall be deemed to be providing adult education in the premises in respect of which the order is made in addition to the primary or secondary education or other category, nature or level of national education which that public school provides.

(3) Where the Minister has made a direction under subsection (1) in relation to any public school, that school shall be the Centre responsible for the facilitation of the supply of teachers, books and other for the conduct of adult literacy classes in the premises deemed to be a branch or branches of the public school.

(4) Upon the making of the direction under subsection (1) in relation to any Public school the provisions of section 20 shall apply to that school, and it shall be registered under section 19 accordingly .

*Registration of Private Schools*

All private school to be technical schools

**23.** With effect from the commencement of this Act, no person may establish a private school unless it is intended to provide national education wholly or mainly in technical fields of learning.

All private schools to be registered

**24.**-(1) Every private school established or intended to be established under this Act shall be registered by the Commissioner in such manner as the Minister may direct.

(2) Where it is proposed to provide national education in the premises of a public school involving the training of persons in fields of learning other than those provided for in the curriculum of that public school, that national education shall be deemed to be privately provided and there shall be deemed to be intended to establish a private school separate from the public school, and that separate school shall be registered under this Act before it is established.

Application for registration

**25.** An application for registration of a private school shall be made to the Commissioner in the prescribed form and shall be accompanied by such information relating to the proposed private school as the Minister may prescribe.

Registration of private schools

**26.**-(1) Subject to subsection (2), upon receipt of an application for registration of a private school, the Commissioner shall, subject to sections 27 and 28, and if he is satisfied that the requirements of this Act have been or will be complied with, either register the school or state the conditions upon compliance with which that school shall be registered.

(2) A school registered under this section shall be in the name which the Commissioner approves, and the commissioner shall not, save with the consent of the Minister, approve any name which contains the English word "University" or the Kiswahili words "Chuo Kikuu", or any similar word or combination of words in any language calculated to suggest that the school is a University.

(3) Upon the registration of a private school, the Commissioner shall issue to the owner or the manager of that school a certificate of registration in the prescribed form, and the owner or manager to whom it is given shall cause that certificate to be kept exhibited in a conspicuous place in the school.

(4) The Commissioner shall at convenient intervals, cause to be published in the *Gazette* a list of all private schools registered under this Act and the category, nature or level of national education provided at each of those schools.

Schools in premises not designed and constructed for the purpose of a school

**27.**-(1) Every application for the registration of a private school which is intended to be operated in premises not designed and constructed for the purposes of a school shall be accompanied by a certificate from the Principal Secretary to the Ministry of Works, or from a duly qualified architect appointed by him in that behalf, containing-

- (a) his opinion with regard to the suitability of the premises, in relation to the loading for which they were designed and constructed, for the purposes of a school;
- (b) a statement that the premises do not have structural timber floors;
- (c) a statement that the use of those premises for the purposes of a school would not give rise to any undue risk of fire or danger from panic in the event of fire.

(2) For the purposes of subsection (1) (c), the Principal Secretary to the Ministry of Works or, as the case may be, the architect appointed by him may, in making the statement referred to, prescribe any provisions which he considers should be made to minimize the risk of fire or the danger from panic in the event of fire, and may specify whether or not those provisions are to be made before the school is registered -

(3) Every application to the Principal Secretary to the Ministry of Works or, as the case may be, to the architect appointed by him, for a certificate required for the purposes of subsection (1) shall be made in the form prescribed by the Minister and shall be accompanied by plans of the premises showing the parts which are to be used for the purposes of a school.

(4) Without prejudice to any other provisions of this Act, no private school which is to be operated in premises not designed and constructed for the purposes of a school shall be registered under this Act-

- (a) where the application for registration is not accompanied by the certificate required by subsection (1); or
- (b) where, if in exercise of the powers conferred by subsection (2), the Principal Secretary to the Ministry of Works, or the architect appointed by him in that behalf, specifies provisions which are to be made before the school is registered and those provisions have not been made.

**28.** The Commissioner may refuse to register a private school if it appears to him-

- (a) that registration of that school would not be in the public interest;
- (b) that the school is not intended to provide national education wholly or mainly in technical fields of learning;
- (c) that the school is not likely to be able in the near future to provide national education wholly or mainly in technical fields of learning;
- (d) that there would be any danger to persons using the premises of the proposed school arising inside or outside those premises or that there would be a risk of that danger;
- (e) that the premises of the proposed school are, or are likely to be, unsanitary or unsuitable for a school;
- (f) that the proposed school does not conform to any regulations made under this Act;
- (g) that the qualifications and experience of the proposed teachers are not adequate to ensure the efficient conduct of the school;
- (h) that the proposed terms and conditions of service of the teachers are not adequate to ensure the efficient performance of their duties; or

Refusal to register a private school

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- (i) that the premises of the proposed school or the equipment will not allow of effective tuition in the subjects to be taught in the school; or
- (i) that adequate educational facilities already exist in the area in which it is proposed to establish the school; or
- (k) that the proposed school has previously been refused registration or its registration has been cancelled either under the Education Act, 1969, or under this Act, and that the reasons for that refusal or, as the case may be, cancellation, are still valid; or
- (l) that any part of the premises of the proposed school -
  - (i) were to have been used for the purposes of a school in relation to which registration has previously been refused; or
  - (ii) have been used for the purposes of a school whose registration has been cancelled either under the Education Act, 1969, or under this Act,
 and that the reasons for the refusal or, as the case may be, cancellation are still valid; or
- (m) that the proposed school is affiliated to or connected with or controlled by a foreign government or its department, or by any organization or group of a political nature; or
- (n) that in the application for registration a statement was made or information furnished which is false in a material particular or by reason of the omission of a material particular.

Cancellation  
of registra-  
tion of  
private  
school

- 29.** Without prejudice to the provisions of section 16(4) and of section 17(3) relating to the power to close schools, the Commissioner may cancel the registration of any private school-
- (a) on any of the grounds on which he would have been entitled to refuse registration as specified in section 28 other than the ground in paragraph (j); or
  - (b) if, subsequent to the registration of the school, an offence against this Act has been committed by its manager or owner;
  - (c) if it appears to him that the school has ceased to exist; or
  - (d) if the school has failed or is not likely to succeed in the near future to provide national education wholly or mainly in technical fields of learning.

Take-over  
of private  
school by  
Government

- 30.**-(1) Where, in the opinion of the Minister, any private school-
- (a) has failed to provide national education whose category, nature or level is in the public interest; or
  - (b) has been closed or its registration has been cancelled and it is not likely to be reopened; or
  - (c) the owner or manager is no longer able to maintain the school; or

(d) the service and facilities provided at the school would be enhanced for the benefit of the public if it were a public school, he may, after consultation with the Minister for the time being responsible for finance, by order published in the *Gazette*, require the owner or manager of that school to hand over to the Commissioner the management and maintenance of the school.

(2) Where the Minister makes an order under subsection (1), all the buildings and other property of the school shall, without further assurance, vest in the Commissioner on behalf of the Government.

(3) Upon the take-over by the Government of any private school the Government shall pay such compensation to the former owner or manager of the school as the Minister for the time being responsible for finance shall consider to be fair, taking into account all relevant circumstances.

## PART V

### MANAGEMENT AND CONTROL OF SCHOOLS

#### *Categories of Schools*

**31.-1)** For the purposes of the management of public schools under this Act, there shall be the following categories of schools-

Categories of schools for purposes of management

- (a) national schools, which shall consist of-
  - (i) all public schools, other than primary schools or adult education centres, managed by a local authority;
  - (ii) all folk development colleges; and
  - (iii) all colleges of national education;
- (b) regional schools, which shall consist of-
  - (i) all primary schools; and
  - (ii) all adult education centres.

(2) Notwithstanding subsection (1), the Minister may, by order published in the *Gazette*, designate to be a national school managed by the Commissioner-

- (a) any Public school providing primary education; or
- (b) any public school providing education wholly or mainly to pupils belonging to a particular section of the community.

**32.-(1)** The Minister may, if he considers it necessary in the public interest to do so, by order published in the *Gazette*, designate any private school registered under this Act to be a regional school or a national school.

Private schools declared regional or national schools

(2) Where the Minister designates any private school to be a regional or a national school under this section, the management of that school shall be in accordance with the provisions relating to the management of a public school which is a regional school or, as the case may be, a national school.

(3) Notwithstanding subsection (1), the Minister may designate any private school to be a regional school or a national school if he is so requested by the owner or manager of that school, but the Minister shall not designate any private school to be a regional school under this subsection unless he has consulted with and obtained the consent of the proper officer.

(4) Where the Minister has designated any private school to be a regional school or a national school under this section-

- (a) he shall specify whether or not the management and administration of that school shall be under the Commissioner;
- (b) the school shall be deemed to have been taken over by the Government and the provisions of section 30 shall apply for the purposes of vesting in the Government the property of the school and for the payment of compensation.

#### *Management of Schools*

Management of national schools

**33.** Subject to section 32, the management of all national schools shall be in accordance with the directions of the Commissioner.

Management of regional schools

**34.** Subject to this Act, and to such directions as the relevant local authority may, from time to time, give in that behalf, the management of all regional schools shall be vested in the District Development Council within whose area of jurisdiction they are situated and in accordance with such directions as it may, from time to time, give.

#### *Control of Schools*

Compulsory enrolment and attendance of pupils at schools

**35.**-(1) It shall be compulsory for every child who has attained the age of seven years but has not attained the age of thirteen years to be enrolled for primary education.

(2) The parent or parents of every child compulsorily enrolled for primary education shall ensure that the child regularly attends the primary school at which he is enrolled until he completes primary education.

(3) Every pupil enrolled at any national 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 national education for the attainment of which he is enrolled at the school.

(4) The Minister shall make rules, which shall be published in the *Gazette*, for the better carrying out of the purposes of this section and may, in those rules, prescribe acts or things which shall be done by any person and penalties for the contravention of those rules.

Classification of schools

**36.** The Commissioner may adopt a system of classification with appropriate nomenclature for distinguishing-

- (a) different types of schools according to the category, nature or level of education provided in them; or
- (b) different classes, standards or forms within schools according to the category, nature or level of national education provided in them

**37.**-(1) Every school shall provide national education within the curricula and in accordance with the syllabi approved by the Commissioner, after consultation with the Minister.

Curricula  
and syllabi-  
of schools

(2) The Minister may, after consultation with the Commissioner and with Local Education Authorities, make regulations with respect to any school or, all or any category of schools, prescribing-

- (a) the maximum number of pupils in any one class;
- (b) the number and qualifications of teachers required to teach at any one school or group of schools;
- (c) the minimum structural standards of school buildings;
- (d) the educational materials and equipment to be used in schools;
- (e) the duration of the school year;
- (f) public examinations to be taken by pupils;
- (g) registers and records to be kept and the returns to be made to the Minister by persons in charge of schools;
- (h) any matter which in the opinion of the Minister, after consultation with any interested parties, is necessary for ensuring the efficiency of the national education provided by schools and the welfare of pupils and teachers.

**38.**-(1) The Minister shall, by an order published in the *Gazette*, establish a School Board in respect of every national school.

Establishe-  
ment of  
school  
Boards

(2) An order made under subsection (1) may establish a School Board in respect of one school or a group of schools or, as the Minister may see fit, in respect of national schools within particular areas of Tanzania.

(3) Every order establishing a School Board shall provide for-

- (a) the membership of the Board and the tenure of office of members;
- (b) the representation on the Board of any voluntary organization which originally established the school and of such other persons or bodies of persons as the Minister may determine;
- (c) the representation on the Board of the Commissioner;
- (d) the exercise by the Board of advisory functions with respect to particular aspects relating to the management and conduct 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.

(4) Notwithstanding subsection (3), where a School Board, is established in respect of a folk development college, not less than two-thirds of its members shall be appointed by the District Development Council within whose area of jurisdiction the college is situated.

- (5) The Minister may, if in his opinion the public interest so requires-
- (a) suspend a School Board from the exercise of any or all of its functions; or
  - (b) require the resignation of all or any of the members and appoint a replacement or replacements.

(6) Where the Minister suspends any school Board from the exercise of its functions, or requires the resignation of all the members, he may vest those functions in the Commissioner or, in the case of a folk development college, in the District Development Council within whose area of jurisdiction the college is situated, for such period not exceeding one year as he may determine.

Establishment of School Committees

**39.**-(1) Subject to subsection (3), each District Development Council or, where no District Development Council is established, any other local authority, shall establish a School Committee in respect of every regional school for whose management and maintenance it is responsible.

(2) In establishing School Committees for regional schools the District Development Council or other local authority shall ensure that-

- (a) the community served by the school is represented;
- (b) any voluntary organization which originally established the school is represented;

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- (c) where a regional school is situated in a village or an ujamaa village' registered under the Villages and Ujamaa Villages (Registration Designation and Administration) Act, 1975, the members of the School Committee representing the community served by that school shall be in the majority and shall be appointed by the Village Council.

(3) The Minister shall by a notice published in the *Gazette*, provide for-

- (a) the maximum number of members of any School Committee;
- (b) the tenure of office of members of School Committees-
- (c) the co-option on the School Committee of Persons who are not members;
- (d) the procedure at meetings of School Committees; and
- (e) such other matters relating to School Committees as the Minister may prescribe.

(4) Every School Committee established in respect of a regional school shall perform the following functions-

- (a) to consider and accept or reject applications for the admission of pupils to the school;
- (b) to confirm or disallow the dismissal of Pupils from the school;
- (c) to advise the head teacher, or other head of the school, and the local authority on matters relating to the management and conduct of the school.

(5) In the performance of its functions, a School Committee shall have regard to the following matters-

- (a) the need to integrate the school in the life of the community which it serves;
- (b) the Promotion of the policy of self-reliance;
- (C) the welfare of the pupils and the teachers;
- (d) the promotion and development of the school as a centre for the provision of national education to the community which it serves.

#### Inspection of Schools

**40.**-(1) The Minister shall appoint, by name or office, public Officers each of whom shall Perform the functions of an inspector of schools under of this Act. Appointment of inspectors

(2) Every appointment made under subsection (1) shall be published in the Gazette.

**41.**-(1) The Commissioner shall cause every school to be inspected by an inspector for the purposes of ensuring that that school complies with of this Act and of ascertaining whether that school is being properly and efficiently conducted. Inspection of schools

(2) Every inspector shall make a report to the Commissioner in respect of every school and with regard to such matters as the Commissioner may require him to report upon.

(3) Where any inspector reports to the Commissioner on any inspection of a regional school made by him, he shall send a copy of that report to the District Development Council or to any other local authority, which is responsible for the school.

**42.** For the purposes of section 41, the Commissioner and any inspector may- Power of Inspectors

- (a) at all reasonable times enter the premises of any school, or any place in which it is reasonably suspected that a school is conducted;
  - (b) enter any premises upon which he has reason to suspect that an offence against this Act has been or is being committed;
  - (c) after entering the premises of any school, require any manager or teacher to produce any book, document or other article or to furnish any information relating to the administration or management of or teaching or activities in the school;
  - (d) remove for further examination any book, document or other article which he has reason to suspect is evidence of the commission of an offence against this Act or of grounds for cancellation of the registration of the school or of any teacher in the school;
- (1) do such other things or acts as may be necessary for the furtherance of the purpose of inspection.

**43.**-(1) If it appears to the Commissioner that any provisions of this Act have not been complied with in any school or that any school is not being properly or efficiently conducted, he may, without prejudice to any other powers vested in him by this Act, by notice in writing under his hand Power to direct remedial measure

addressed to the manager, head teacher, headmaster or principal of the school, give to him such directions as he may specify in the notice so as to secure compliance with that provision or the more efficient conduct of the school.

(2) The Commissioner may specify in the notice any period of time within which the directions contained in it must be complied with.

(3) The Commissioner may in his discretion in any particular case cause a copy of the notice to be sent to any person or body of persons connected with the management or administration of the school concerned.

## PART VI

### PROVISIONS RELATING TO TEACHERS

Prohibition  
of teaching  
by autho-  
rized person

**44.**-(1) No person shall teach or be employed as a full-time teacher in any school other than a school exempted from the provisions of this Act unless he is an authorized person.

(2) For the purpose of this part, an "authorized person" means a person who is certified, licensed or registered as a teacher under this Act.

Certification  
of teachers

**45.** (1) Subject to subsection (3), the Commissioner shall issue an appropriate certificate to every person who has successfully completed a course approved for the training of teachers, entitling that person to teach in such category of school as shall be specified in that certificate.

(2) Any person to whom an appropriate certificate is issued under the provisions of this section may teach or be employed as a teacher on probation for such period as the Commissioner may prescribe.

(3) The Commissioner may, by an order published in the *Gazette*, designate any certificate or diploma issued by any institution or school to persons completing a period of training as teachers at, or passing examinations of, that institution or school to be an appropriate certificate for the purposes of this section.

(4) Where the Commissioner makes an order under subsection (3), he shall specify in that order the period of probation for, and the category of school in, which the holder of the certificate or diploma concerned may teach.

Registration  
of teachers

**46.**-(1) Subject to section 47, where any teacher to whom an appropriate certificate is issued under section 45 completes an approved period of probation, the Commissioner shall, upon due application by that person and after such inquiry as may be necessary, register the applicant as a teacher and shall issue to him a certificate of registration in the prescribed form.

(2) Upon being registered as a teacher under this section a person shall be entitled to teach or be employed as a full-time teacher in such category of schools as may be specified in the certificate.

(3) Every application for registration under this section shall be made to the Commissioner in the prescribed form and, shall be accompanied by the documents specified in that form.

Grounds for refusal to register a teacher

**47.** The Commissioner may refuse to register any person as a teacher if it appears to him that that applicant-

- (a) has not successfully completed the approved period of probation; teacher or
- (b) has not established that he is a person of good character; or
- (c) has been convicted of a criminal offence; or
- (d) does not satisfy such other requirements as may be prescribed by the Minister under this Act; or
- (e) is medically unfit to be a teacher; or
- (f) in making the application for registration has made any statement or furnished information which is false in a material particular or by reason of the omission of a material particular.

**48.** The Commissioner may cancel the registration of any teacher-

- (a) on any of the grounds on which he would have been entitled to refuse registration; or
- (b) if it appears to the Commissioner that that teacher has been guilty of professional misconduct or is incompetent; or
- (c) if the teacher has been convicted of any offence under this Act.

Cancellation of registration of teachers

**49.**-(1) Any person who is not eligible to teach or be employed as a teacher under section 45 and section 46 may, upon making an application to the Commissioner in the prescribed form, be issued with a licence to teach and may teach only in the school, and subject to any limitations which may be, specified in the licence.

Licensing of teachers

(2) The Commissioner may revoke any licence issued to any person under this section-

- (a) if the services of that person are no longer required by the school in which he is employed;
- (b) if that person is convicted of any offence under this Act;
- (c) on any of the grounds on which he would have been entitled to cancel the registration of any teacher under section 48.

**50.**-(1) The Commissioner shall cause to be kept and maintained in such manner as he may deem necessary a register of all teachers.

Register of teachers

(2) For the purposes of this section the register of teachers shall be kept in three parts, and teachers shall be registered as follows-

- (a) teachers registered under section 46 shall be registered in Part I of the Register;
- (b) teachers to whom appropriate certificates are issued under section 45 shall be registered in Part II of the Register;

(c) teachers to whom licences have been issued under section 49 shall be registered in Part III of the Register.

(3) Where any teacher registered in Part 11 of the Register by virtue of having been issued an appropriate certificate under section 45 successfully completes the period of probation and is registered under section 46, his name shall be deleted from Part 11 and entered in Part I of the Register.

## PART VII

### APPEALS

Establishment of District Appeals Boards

**51.**-(1) There is hereby established a District Appeals Board in respect of every district in Mainland Tanzania.

(2) The provisions of the Schedule to this Act shall have effect as to the constitution, the tenure of office of members, the procedure to be followed by, and all other matters in relation to, the District Appeals Board.

(3) The District Appeals Board shall hear and determine appeals from decisions of managers and School Committees of regional schools on the matters specified in section 54.

Establishment of Regional Appeals Boards

**52.**-(1) There is hereby established a Regional Appeals Board in respect of every region in Mainland Tanzania.

(2) The provisions of the Schedule to this Act shall have effect as to the constitution, the tenure of office of members, the procedure to be followed by, and all other matters in relation to, the Regional Appeals Board.

(3) The Regional Appeals Board shall hear and determine appeals arising from-

- (a) decisions of District Appeals Boards on appeals heard and determined pursuant to section 51 ;
- (b) decisions of managers and School Boards of national schools on the matters specified in section 54.

(4) A decision of a Regional Appeals Board on any appeal arising from a decision of a District Appeals Board shall be final and binding on all the parties concerned.

Appeals to the Minister

**53.**-(1) Any person aggrieved by any decision of a Regional Appeals Board relating to an appealable decision of a manager or a School Board may appeal to the Minister.

(2) The Minister shall hear and determine any appeal made to him under this section and his decision on the matter shall be final and binding on all the parties concerned.

(3) The Minister may by writing under his hand delegate his power to hear appeals under this section to such person or body of persons as he may determine.

54.-(1) Any person aggrieved by a decision given under this Act may appeal to the appropriate Appeals Board against that decision if it relates to-

Appeals to  
Appeals  
Boards

- (a) the rejection by a School Committee of an application for the admission of a pupil;
- (b) the confirmation by a School Committee of the dismissal of a pupil;
- (c) the imposition of the punishment Of suspension on a pupil by a School Committee.

(2) The Minister may, by notice published in the *Gazette*, provide for other matters in relation to which appeals may be made by aggrieved persons to the appropriate Appeals Board and to the minister.

55.-(1) For the purposes of hearing appeals, an Appeals Board may-

Power of  
Appeals  
Boards and  
certain  
offences

- (a) bear, receive and examine evidence;
- (b) summon any person to attend any hearing of the Appeals Board to give evidence or to produce any document or other thing in his possession, to examine him as a witness or require him to produce any document or other thing in his possession, subject to all just exceptions;
- (c) order an inspection of any premises used for a school;
- (d) enter and view any premises used for a school.

(2) A witness summons shall be in such form as the Minister may direct.

(3) Subject to subsection (4), any person who having been summoned to attend as a witness or to produce any document at a hearing of an Appeal s Board refuses or fails to attend or, without any lawful excuse, wilfully fails or refuses to answer any questions Put to him with the concurrence of the chairman or to produce any document or other thing required to be produced, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred shillings.

(4) No person shall be bound to answer any question if in doing so he May incriminate himself; and every witness shall in respect of any evidence given by him before an Appeals Board be entitled to the same privileges to which he would be entitled if he were giving evidence before a court of a Resident Magistrate.

(5) Any person who behaves in an insulting manner or uses any threatening or insulting expression to or in the presence of an Appeals Board shall be guilty of an offence and shall be liable on conviction to a fine not exceeding four hundred shillings or to imprisonment for a term not exceeding three months or to both that fine and imprisonment.

### PART VIII

#### GENERAL PROVISIONS

56.-(1) Subject to the national policy on national education and to other national plans and priorities appropriately specified from time to time, every citizen of the United Republic shall be entitled to receive such of category, nature and level of national education as his ability may permit him.

Basic  
Principles  
of National  
Education

(2) No person may, within the United Republic, be denied opportunity to obtain any category, nature or level of national education for the reason only of his race, religion or political or ideological beliefs:

Provided that any school may, in its admission procedures, afford preference to citizens of the United Republic.

(3) Every school shall provide in its curriculum for the provision of religious instruction to its pupils on the premises of the school, but no pupil shall be compelled to attend any particular religious class or worship against his will if he is above the age of eighteen years, or against the will of his parent or parents, if he has not yet attained the age of eighteen years.

(4) Nothing in this section shall be construed as imposing on any school or on any of its teachers, in his official capacity as a teacher, the responsibility for organizing or providing religious education or worship.

Control of fees, subscriptions, etc. in private schools

**57.** No fees, subscriptions or contributions shall be charged, levied or collected as a condition of admission into or attendance at any private school except with the approval of the Commissioner.

Power to prohibit use of books, etc

**58.** The Minister may, by order in writing, prohibit the use in any school of any book or material for any reason which he may think fit.

Offences and evidence

**59.**-(1) Any person who-

- (a) establishes or maintains any school without having been approved by the Minister as its owner, or continues to maintain the school after the approval has been withdrawn; or
- (b) conducts any school without having been approved by the Minister as its owner, or without having been approved by the Commissioner as the manager, as the case may be, or in either case continues to conduct the school after the approval has been withdrawn; or
- (c) establishes or maintains any school which is not registered under this Act; or
- (d) maintains or conducts or permits to be maintained or conducted any school in respect of which an order for closure has been made; or
- (e) uses or permits to be used in any school any book or material the use of which has been prohibited by the Minister under this Act; or
- (f) not being a person who gives religious instruction in a school, teaches in that school without being an authorized person; or
- (g) permits any unauthorized person to teach any secular subject in any school; or
- (h) being the owner, manager or headmaster of a private school, or a person concerned with the administration or management of that school, collects, receives or charges any school fees or other contributions which have not been approved by the Commissioner; or

- (i) obstructs, resists or impedes the Commissioner or an inspector in the exercise of his duties,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand shillings or, in the case of a second or subsequent offence, shall be liable to that fine or to imprisonment for a term not exceeding six months, or to both that fine and imprisonment, and in every case where the offence is a continuing one, with an additional fine not exceeding three hundred shillings in respect of every day during which **the offence continues.**

(2) No proceedings shall be taken against any person in respect of any of the offences specified in subsection (1) without the prior consent of the Director of Public Prosecutions.

(3) In any proceedings for an offence against this Act-

- (a) where it is proved that any equipment, materials or documents of an educational nature or suitable for the purposes of a school were found at any place, it shall be presumed, until the contrary is proved, that an educational course was provided at that place;
- (b) where it is proved that any person did any act in connection with the conduct or management of a school, it shall be presumed, until the contrary is proved, that that person took part in the management of that school;
- (c) where it is proved that any person was in charge of or issued instructions to any person under eighteen years of age on any school premises, it shall be presumed, until the contrary is proved, that that person was teaching in that school.

**60.** The Minister may make regulations for the better carrying out of the provisions and objects of this Act, and, without prejudice to the generality of the power to make regulations, may make regulations for the following purposes—

Minister may  
make regu-  
lations

- (a) to provide for the structure, hygienic character and sanitation of schools;
- (b) to provide for the health inspection of schools and school premises;
- (c) to provide for the medical examination of teachers and pupils and standards of medical fitness for teachers;
- (d) to prescribe the conditions upon which grants-in-aid and subventions may be paid, their amount, the time and method of their payment and the manner in which they shall be paid;
- (e) to prescribe the duties of the Education Secretary-General;
- (f) to prescribe the requirements to be fulfilled upon application for approval as owner of a school or as its manager;
- (g) to require private schools to obtain approval for the employment of teachers and to prescribe the terms and conditions upon which teachers may be employed in private schools;
- (h) to provide for, and prescribe grounds for, the suspension of the registration of teachers;

- (i) to provide for payment of fees or allowances to persons employed in the examination of teachers for the purposes of this Act;
- (j) to provide for the control of instruction given in schools, including limitation upon the subjects taught and the documents which may be upon school premises or which may be used in schools, and the preparation and content of syllabi to be used in schools;
- (k) to provide for the examination of pupils in schools;
- (l) to require statistics and accounts in respect of schools to be furnished to the Commissioner;
- (m) to prescribe the conditions of admission to schools;
- (n) to prescribe, in the case of regional schools, after consultation with the proper officer, the minimum fees payable in any public school, the manner of payment and the recovery of those fees;
- (o) to prescribe the conditions of expulsion or exclusion from schools of pupils on the grounds of age, discipline or health and to provide for and control the administration of corporal punishment in schools;
- (p) to prescribe conditions for the grant of business and scholarships and for the remission of fees;
- (q) to provide for the licensing of religious schools;
- (r) to provide for the keeping in schools of school registers, time-tables and books of account;
- (s) to provide for the control of the use of school premises and the entry of persons onto those premises;
- (t) to prescribe anything which may, or is required to, be prescribed under this Act or in respect of which regulations may be made under this Act;
- (u) to prescribe anything which, in the opinion of the Minister, is necessary or expedient for the better carrying out of the provisions of this Act.

(2) Regulations made under this section may be made applicable to all or any category of schools, and may provide that acts shall only be performed if the Commissioner consents to them and may prohibit the performance of acts without his consent or, may authorize the Commissioner to require acts to be performed or to prohibit their performance, and may require acts to be done to the satisfaction of the Commissioner or with his approval.

(3) Any regulations made under this section shall be published in the *Gazette*.

(4) The Commissioner may, with the consent of the Minister, in respect of any particular school by notice in writing to the headmaster, manager or owner, waive or modify the requirements of any regulation if he is of the opinion that the regulation is undesirable or impracticable for the purposes of that school.

**61.** The Commissioner may, with the consent of the Minister, by notice in the *Gazette*, delegate any of his functions and powers under this Act to any person or body of persons as he may see fit or necessary, but the

delegation of those functions and powers shall not preclude him from exercising them himself.

**62.**-(1) The Education Act, 1969, is hereby repealed.

(2) Notwithstanding the repeal of the Education Act, 1969-

- (a) all orders, appointments and regulations made under the Education Act, 1969, shall, until revoked by orders, appointments or regulations, as the case may be, made under this Act, remain in force;
- (b) all schools registered under the Education Act, 1969, shall be deemed to have been established and registered under this Act;
- (c) all teachers registered under the Education Act, 1969, shall be deemed to have been registered under this Act;
- (d) all Boards in respect of schools, and all School Committees in respect of primary schools, established under the Education Act, 1969, shall be deemed to be School Boards and School Committees, their respective members are terminated and new members are appointed in their stead under this Act -
- (e) the registers of schools and the registers of teachers maintained under the Education Act, 1969, shall continue to be maintained as if those registers were registers provided for under this Act.

Repeals  
transitional  
and savings  
provisions  
Acts 1969

(3) The Minister may, by order published in the *Gazette*, at any time before the expiry of six months from the commencement of this Act, make such consequential, transitional and supplementary provisions as he may consider necessary to give effect to the provisions of this section or to maintain continuity in respect of any matter provided for in this Act.

SCHEDULE (Sections 51 (2) and 52 (2))

*The Appeals Boards*

**1.**-(1) A District Appeals Board shall consist of-

- (a) the Area Commissioner of the district, who shall be the Chairman of the Board;
- (b) the District Chairman of Jumuiya ya Wazazi, who shall be the Vice-Chairman;
- (c) the District Education Officer, who shall be the Secretary of the Board;
- (d) two other members appointed by the Minister from among the members of the District Development Council.

Composition

(2) A Regional Appeals Board shall consist of-

- (a) the Regional Commissioner of the region, who shall be the Chairman of the Board;
- (b) the Regional Chairman of Jumuiya ya Wazazi, who shall be the Vice-Chairman;
- (c) the Regional Education Officer, who shall be the Secretary of the Board;
- (d) two other members appointed by the Minister from among the members of the Regional Development Committee

- Meetings of the Board      2.-(1) The Chairman or, in his absence, the Vice-Chairman shall preside at every meeting of the Board.  
(2) The quorum at any meeting of the Board shall be four, of whom one shall be the Secretary.
- Decisions of the Board      3.-(1) Subject to sub-paragraph (2), questions proposed at a meeting of the Board shall be decided by a majority of the votes of members present and voting.  
(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.
- Minutes of meetings      4.-(1) The Secretary shall record and keep details of all business conducted or transacted at all meetings of the Board, and the minutes of each meeting of the Board shall be read and confirmed, or be amended and confirmed, at the next meeting of the Board and signed by the person presiding at that meeting.  
(2) Any minutes purporting to be signed by the person presiding at a meeting of the Board shall, in the absence of proof of error, be deemed to be a correct record of the meeting whose minutes they purport to be.
- Vacancies, etc., not to invalidate proceedings      5. Subject to paragraph 2 (2), the validity of any act or proceeding of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.
- Proof of documents      6. Any document purporting to be under the hand of the Secretary as to any decision of the Board or as having been issued on behalf of the Board, 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, to be sufficient evidence of what is contained in the document.
- Board may regulate its proceedings      7. Subject to the provisions of this Schedule, the Board may regulate its own proceedings in any manner it thinks fit.

Passed in the National Assembly on the twenty-fourth day of October 1978.



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Clerk of the National Assembly