

Tanzania

## National Board for Materials Management Act Chapter 179

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## Tanzania

# National Board for Materials Management Act Chapter 179

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*[This is the version of this document at 31 July 2002.]*

*[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]*

*[G.N. No. 80 of 1985; Acts Nos. 9 of 1981; 8 of 1983]*

**An Act to provide for the registration of supplies officers, and stock verifiers, the establishment of a National Board for Materials Management, to regulate the standards of conduct and activities of supplies officers and for matters connected with the practice of the profession of materials management.**

### Part I – Preliminary provisions (ss. 1-2)

#### 1. Short title

This Act may be cited as the National Board for Materials Management Act.

#### 2. Interpretation

In this Act, unless the context otherwise requires—

"**Appeals Board**" means the Appeals Board established under [section 18](#);

"**approved supplies officer**" means any person registered as an approved supplies officer;

"**authorised stock verifier**" means any person registered as an authorised stock verifier;

"**Board**" means the National Board for Materials Management established by [section 3](#);

"**materials management**" means the effective economic co-ordination of—

- (a) stock identification, classification and coding;
- (b) inventory control and provisioning, including procurement and stock verification;
- (c) storehouse layout and organisation;
- (d) preservation and packing; and
- (e) handling transport and distribution;

"**member**" in relation to the Appeals Board, means a member of the Appeals Board or, as the case may be, the Appeals Board, and includes the Chairman and the Vice-Chairman;

"**Minister**" means the Minister responsible for materials management;

"**register**" means the register of authorised supplies officers or the register of approved supplies officers or the register of approved stock verifiers, maintained by the Board in accordance with the provisions of this Act;

"**registered supplies officer**" means a supplies officer whose name is for the time being entered in the register;

"**Registrar**" means the Registrar of Supplies Officers and Stock Verifiers appointed in accordance with the provisions of [section 5](#);

"**secretariat**" means the secretariat of the Board;

"**stock verifier**" means any person trained, qualified or holding himself out as trained, qualified or experienced in the verification of stock of the business of any person or body of persons;

"**supplies**" means the stock or materials physically existing and available for use or for disposal for use, and includes spare parts;

"**supplies officer**" means any person trained or qualified, or holding himself out as trained or qualified to undertake responsibility for all or specialised aspects of materials management.

## Part II – The National Board for Materials Management (ss. 3-5)

### 3. Establishment of the Board

- (1) There is hereby established a Board to be known as the National Board for Materials Management.
- (2) The Board shall be a body corporate and shall—
  - (a) have perpetual succession and an official seal;
  - (b) in its corporate name, be capable of suing and being sued;
  - (c) subject to the provisions of this Act, be capable of holding, purchasing or acquiring in any other way, any movable or immovable property, and of disposing of any of its property.
- (3) The Board shall consist of a Chairman who shall be appointed by the President, and not less than nine and not more than fifteen other members who shall be appointed by the Minister.
- (4) The provisions of the Schedule to this Act shall have effect as to the tenure of office of members, the proceedings of the Board and other matters relating to it.

### 4. Functions of Board

Subject to the provisions of this Act, the functions of the Board shall be—

- (a) to consider and decide upon applications for registration made by stock verifier and supplier officers;
- (b) to keep and maintain a register or registers for the registration of stock verifiers and supplies officers in accordance with this Act;
- (c) to formulate, establish and enforce the maintenance of standards of conduct and regulate the activities of stock verifiers and supplies officers, and the practice of the profession of materials management;
- (d) to train or provide opportunities for the training of persons in the principles, procedures and techniques of materials management;
- (e) to conduct professional examinations leading to the grant of, and to grant diplomas, certificates and other awards of the Board in storekeeping stock verification and other subjects relating to materials management;
- (f) to evaluate academic and practical qualifications for the purpose of registration of persons under this Act;

- (g) to sponsor, arrange and provide facilities for conferences, seminars, discussions and consultations on matters relating to materials management;
- (h) to assist members of the public in matters touching upon, ancillary incidental or conducive to the practice of the profession of materials management;
- (i) to plan, direct, co-ordinate, monitor and control personnel requirements in materials management;
- (j) to formulate overall policy relating to the profession of materials management; and
- (k) to carry out such other functions as may be conferred upon the Board by any written law or as are necessary or expedient for the proper carrying out of its functions under this Act.

## 5. Appointment and functions of Registrar

- (1) The Minister shall appoint a public officer to be the Registrar of the Board, who shall also be Secretary of the Board.
- (2) The Registrar shall perform the duties prescribed in relation to his office by or under this Act and shall perform such other functions as the Minister or the Board may specify from time to time.

## Part III – Registration (ss. 6-12)

### 6. Registers of supplies officers and stock verifiers

- (1) The Registrar shall keep and maintain a register of authorised supplies officers, a register of authorised stock verifiers, a register of approved supplies officers and a register of approved stock verifiers in which the name of every person entitled to have his name entered therein as an authorised supplies officer, an authorised stock verifier or an approved supplies officer, or an approved stock verifier as the case may be, shall be entered as soon as is practicable after his being accepted by the Board for registration, showing against his name—
  - (a) the date of such entry;
  - (b) his address;
  - (c) his qualifications;
  - (d) the classification, if any, under which he is registered;
  - (e) such other particulars as the Board may from time to time direct.
- (2) All changes in the particulars registered under subsection (1) shall be entered in the appropriate register by the Registrar.

### 7. Publication of register and list

- (1) The Registrar shall cause to be published in the *Gazette*, as soon as may be practicable after registration, the name, address and qualifications of each authorised supplies officer and authorised stock verifier and, subject to the directions or the Board may cause to be so published any amendment to or deletion from the register.
- (2) The Registrar shall cause to be published in the *Gazette*, as soon as conveniently may be after the first day of January in each year, a list containing the names, addresses and qualifications of all registered supplies officers and stock verifiers remaining on the registers at the close of the previous year.

## 8. Publication of list *prima facie* evidence of registration

- (1) A publication under the provisions of [section 7](#) shall be *prima facie* evidence that the persons named therein are registered under this Act, and the deletion from the register of the name of any person notified by such publication shall be *prima facie* evidence that such person is not so registered.
- (2) The registers, lists and all copies thereof or extracts therefrom which purport to have been certified under the hand of the Registrar shall be receivable in all courts and tribunals or other bodies authorised to receive evidence as *prima facie* evidence of the facts stated therein.

## 9. Provisional registration

- (1) Subject to any regulations made under [section 34](#) providing for the suspension or cancellation or registration granted under this Act, any person who is not entitled to be registered by reason only of the fact that he has not complied with the additional requirement referred to in paragraph (c) of subsection (1) and subsection (2) of [section 10](#) shall, if upon application in the prescribed manner, he satisfies the Board that he has secured an offer for employment or training in the public service or by a person or persons approved by the Board for the purposes of enabling him to comply with the additional requirements, be entitled to be registered under this section.
- (2) A person registered under this section shall be deemed to be registered as far as is necessary to enable him to be employed or trained for the purposes stated in subsection (1) and while so employed or being trained, but not otherwise, may carry out the duties and responsibilities, exercise the rights and be entitled to enjoy the privileges of a registered stock verifier or registered supplies officer.
- (3) The registration of a person under this section shall cease to have effect upon his being registered under [section 10](#) or [section 12](#), subject to the provisions of [section 22](#).

## 10. Qualifications for registration of authorised supplies officers and stock verifiers

- (1) Subject to the provisions of this section, a person shall be entitled, on making an application to the Board in the prescribed manner and on payment to the Board of the prescribed fee, to be registered under this Act and to have his name entered in the register of authorised supplies officers or authorised stock verifiers if he is—
  - (a) a member of an institute of Materials Management the membership of which is recognised for the time being by the Board as furnishing a sufficient evidence of academic knowledge of materials management;
  - (b) a person who is the holder of a degree, diploma or certificate or other award of the Board, or of a university or school, which may be recognised for the time being by the Board as furnishing a sufficient guarantee of an adequate academic training in materials management; or
  - (c) a person who has sat for and passed an examination conducted by or under the authority of the Board, being an examination prescribed by the Board as qualifying examination for authorised supplies officer, or authorised stock verifier.
- (2) Notwithstanding the provisions of paragraphs (a) and (b) of subsection (1), the Board may require any person to whom either of the said paragraphs applies to pass such examination as the Board may prescribe, before such person is entitled to registration.
- (3) The Board shall require an applicant for registration under this section to satisfy it that his professional and general conduct has been such as, in the opinion of the Board, would make him a fit and proper person to be registered under this section.

- (4) The Board may, if in its opinion, an applicant is not a fit and proper person to be registered as an authorised supplies officer or authorised stock verifier, direct the Registrar to reject the application or to register the applicant—
- (a) in the case of an application for registration as an authorised supplier officer, as an approved supplies officer;
  - (b) in the case of an application for registration as an authorised stock verifier, as an approved stock verifier,
- and the Board shall specify the classification under which the registration shall be effected.

## **11. Temporary registration as authorised supplies officers or authorised stock verifiers**

- (1) Where a person satisfies the Board that—
- (a) he is not ordinarily resident in Tanzania;
  - (b) he is or intends to be present in Tanzania in the capacity of a professionally qualified supplies officer for the express purpose of carrying out a specific assignment for which he has been engaged; and
  - (c) he is or, immediately prior to entering Tanzania was practising or employed as a supplies officer or manager in such a capacity as to satisfy the Board of his fitness to serve the public as an authorised supplies officer or authorised stock verifier,

the Board may, if it thinks fit, direct that such person be registered under this section as an authorised supplies officer or authorised stock verifier either for a period not exceeding one year or for the duration of any specific assignment.

- (2) An application for registration under this section shall be in the prescribed form, accompanied by the prescribed fee, and the Board may require an applicant to appear before it for the purposes of considering his application and shall require every applicant to produce documentary evidence of his work or employment immediately prior to his entering Tanzania.
- (3) Registration of a person under this section shall continue only for the period or for the duration of the assignment as is directed by the Board under subsection (1) and on its termination such person shall cease to be so registered and in case of doubt the decision of the Board as to the termination of the assignment shall be conclusive.
- (4) A person registered under this section shall, in relation to the period or the duration of the assignment as is directed by the Board under subsection (1) and to things done and omitted in the course of such assignment, be treated as being duly registered under this Act as an authorised supplies officer or an authorised stock verifier, but in relation to other matters shall be treated as not registered.

## **12. Qualifications for registration of approved supplies officer or approved stock verifier**

- (1) Subject to the provisions of this Act, a person shall be entitled, on making an application to the Board in the prescribed manner and on payment to the Board of the prescribed fee, to be registered under this Act as an approved supplies officer or approved stock verifier officer and to have his name entered in the appropriate register if he is—
- (a) a member of an institute of materials management the membership of which is recognised for the time being by the Board as furnishing a sufficient evidence of academic knowledge of and practical experience in materials management;
  - (b) a person who has sat for and passed an examination conducted by or under the authority of the Board, being an examination prescribed by the Board as a qualifying examination for approved supplies officer or approved stock verifier; or

- (c) a person in respect of whom his employer for the time being has certified in writing in the manner prescribed by the Board, that he is a person experienced in such field of materials management as may be stated in such certificate.
- (2) Notwithstanding the provisions of paragraphs (a), and (c) of subsection (1), the Board may require any person to whom any of the said paragraphs apply to pass such examination as the Board may prescribe, before such person is entitled to be registered as an approved supplies officer or approved stock verifier.
- (3) The Board shall require an applicant for registration under this section to satisfy it that his professional and general conduct has been such as, in the opinion of the Board, would make him a fit and proper person to be registered under this section.
- (4) The Board may, if in its opinion an applicant is not a fit and proper person to be registered as an approved supplies officer, or approved stock verifier direct the Registrar to reject the application.
- (5) Where the Board approves an application for registration, it shall specify the classification under which the registration shall be effected.

#### **Part IV – Control over conduct of registered supplies officers and stock verifiers (ss. 13-17)**

### **13. Power to cancel registration**

- (1) The Board may at any time direct that the name of an authorised supplies officer, an authorised stock verifier an approved supplies officer or approved stock verifier be deleted from the relevant register or be transferred, in the case of authorised supplies officer or in the case of authorised stock verifiers, to the register of approved supplies officer, or register of approved stock verifier in the case of authorised supplies officer, to the register of approved supplies officers, approved stock verifier or be entered on a lower classification, where such person has—
  - (a) failed within a period of six months from the date of an enquiry sent by the Registrar by registered letter to the address appearing in the register against his name, to notify the Registrar of his current address; or
  - (b) requested that his name be deleted from the register, in which case such person may be required to satisfy the Board by affidavit lodged with the Registrar that no criminal proceedings or proceedings under [section 14](#) or [section 15](#) are being or are likely to be taken against him; or
  - (c) been found by the Board to be guilty of such misconduct as is specified in [section 14](#).
- (2) The Registrar shall delete from the register the name of every deceased person.
- (3) The Registrar shall rectify or delete any entry in any register which has been incorrectly or fraudulently made or procured.
- (4) Except in the circumstances specified in paragraph (a) of subsection (1) and in subsection (2), every deletion from a register, transfer to another register or re-classification or registration shall be notified by the Registrar to the person concerned by a registered letter to the address appearing in the register against his name immediately prior to such deletion, transfer or re-classification, as the case may be.
- (5) Subject to the provisions of [section 15](#), a person whose name has been deleted from a register under this section shall cease from the date of such deletion to be registered for the purposes of this Act.

### **14. Restoration to the register**

- (1) Where the name of any person has been deleted from a register under [section 13](#), the name of that person shall not again be entered in the register except by direction of the Board.

- (2) Where the name of any person has been deleted from a register, transferred from one register to another or the registration relating to him has been re-classified, or where the effect of the registration of any person has been suspended in terms of paragraph (d) of [section 15](#) the Board may, either on its own motion or on the application in the prescribed manner of the person concerned, and in either case after holding such inquiry as the Board may deem fit, direct that—
  - (a) the deletion, transfer or re-classification be confirmed;
  - (b) the name of that person be restored to the register;
  - (c) the re-classification be cancelled; or
  - (d) the suspension of the effect of the registration of that person be terminated.
- (3) A direction given by the Board under subsection (2) may include provisions for the date upon which restoration to the register cancellation of the re-classification or the termination of suspension of the effect of registration shall take effect and for the payment by the person concerned of such fee, not exceeding the fee payable on an application for registration, as the Board may determine.

### 15. Powers to suspend registration, etc.

If any authorised supplies officer, authorised stock verifier approved supplies officer or approved stock verifier is convicted of any offence under this Act or is, after due inquiry held by the Board, found to have been guilty of any act or omission amounting to professional misconduct, the Board may—

- (a) caution or censure him;
- (b) direct that his name be transferred to another register;
- (c) direct that his name be transferred to a lower classification in a register; or
- (d) direct that, during such period as the Board may specify, the registration of his name shall not have effect;
- (e) direct that his name be deleted from the register.

### 16. Proceedings at inquiry

- (1) Where any inquiry is held by the Board under [section 15](#), the person whose conduct is being inquired into shall be entitled to appear and to be heard in person but shall not be entitled to be represented by an advocate.
- (2) For the purposes of proceedings at any inquiry held by it, the Board shall have power—
  - (a) to administer oaths;
  - (b) to summon persons to attend and give evidence; and
  - (c) to order the production of documents.
- (3) All summons and orders issued under the hand of the Chairman or the Vice-Chairman of the Board shall be deemed to be issued by the Board.
- (4) The Chairman, or in his absence the Vice-Chairman, shall record or cause to be recorded a summary of any oral evidence given at an inquiry held by the Board.
- (5) Subject to the provisions of this section and of any regulations made under [section 34](#), the Board shall have power to regulate its own procedure at an inquiry held by it.
- (6) For the purpose of Chapter XI of the Penal Code<sup>1</sup>, an inquiry held by the Board shall be deemed to be judicial proceedings.

## 17. Disobedience of summons and refusal to give evidence

Any person who, having been served with a summons or an order issued under the provisions of [section 16](#), refuses or omits without sufficient cause to attend at the time and place mentioned in the summons, or refuses without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief all questions put to him by or with the concurrence of the Board, or refuses or omits without sufficient cause to produce any document in his possession or under his control which is specified in the order, commits an offence and is liable upon conviction to a fine not exceeding five thousand shillings:

Provided that every person giving evidence before the Board shall, in respect of any evidence given by him or any document produced by him, be entitled to all privileges to which he would be entitled as a witness before the High Court.

## Part V – Appeals (ss. 18-19)

### 18. Appeals against decisions of the Board

- (1) Any person aggrieved by a decision of the Board—
  - (a) to refuse to register his name; or
  - (b) to delete his name from a register;
  - (c) to transfer his name from one register to another;
  - (d) to re-classify his registration;
  - (e) to refuse to enter his name in the register or under the classification applied for;
  - (f) to refuse to enter his name to the register; or
  - (g) to suspend the effect or registration of his name,may appeal to the Appeals Board against the decision of the Board and in any such appeal the Appeals Board may give such directions in the matter as it thinks proper, and every order of the Appeals Board under this section shall be final, conclusive and binding upon all parties concerned, and shall not be subject to review by any court.
- (2) The Board may appear as a respondent and be heard on any appeal against its decision and, for the purposes of enabling directions to be given as to the costs of any such appeal, the Board shall be deemed to be a party thereto, whether or not it shall appear at the hearing of the appeal.
- (3) The Minister may make rules regulating appeals to the Appeals Board under this section and providing for the taking of further evidence, the fees to be paid, the procedure to be followed and the manner of notifying the Board of an appeal, and until any such rules are made and subject to any such rules when made, the provisions of the Civil Procedure Code<sup>2</sup> shall apply as if the decisions or direction of the Board were a decree of a court exercising original jurisdiction and as if the Appeals Board were the High Court.
- (4) The Appeals Board shall, for the purposes of an appeal under this section, have all the powers which the High Court has in the exercise of its appellate jurisdiction in civil matters.

## 19. Composition and proceedings

The Appeals Board shall consist of—

- (a) the Attorney-General or a senior law officer nominated in that behalf by the Attorney-General, who shall be the Chairman;
  - (b) the Permanent Secretary to the Ministry responsible for works, who shall be the Vice-Chairman;
  - (c) the Permanent Secretary to the Treasury or an authorised stock verifier working in the Stock Verification Division of the Ministry of Finance;
  - (d) the Director-General of the Tanzania Audit Corporation or an authorised auditor in the employment of the Tanzania Audit Corporation nominated by the Director-General of the Corporation; and
  - (e) an authorised supplies officer in the employment of any parastatal organisation to be nominated by the Chairman.
- (2) The chairman or, in his absence, the Vice-Chairman and two other members shall constitute a quorum at any meeting of the Appeals Board.
  - (3) Every decision of the Appeals Board shall be made by a majority of the votes of the members present and voting and in the event of an equality of votes, the Chairman or other person presiding at the proceedings shall have a casting vote in addition to his original or deliberative vote.

## Part VI – Effect of registration and consequences of non-registration (ss. 20-23)

### 20. Use of certain styles and titles

Every person whose name has been entered on a register shall, so long as his name remains on the register, be entitled to adopt and use the style and title—

- (a) in the case of a person whose name has been entered in the Register of Authorised Supplies Officers "Authorised Supplied Officer" or "Registered Supplies Officer";
- (b) in the case of a person whose name has been entered in the Register of Authorised Stock Verifiers, "Authorised Stock Verifier" or "Registered Stock Verifier";
- (c) in the case of a person whose name has been entered in the Register of Approved Supplies Officers "Approved Supplies Officer" or such contraction of any such style and title as the Board may approve.

### 21. Offences relating to use of styles and titles

- (1) Any person who—
  - (a) not being an authorised supplies officer, an authorised stock verifier or an approved supplies officer falsely pretends to be such; or
  - (b) not being a person entitled to use any style or title referred to in [section 19](#), uses such style or title or uses any other name, style, title or description, implying, whether in itself or in the circumstances in which it is used, that such person is entitled to use such style or title,commits an offence and is liable on conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

## 22. Restriction on employment of supplies officers and stock verifiers

- (1) No person shall employ or continue to employ a supplies officer or a stock verifier any person who is not an authorised or approved supplies officer or an authorised or approved stock verifier.
- (2) No person shall take up or continue in any employment as a supplies officer, unless he is an authorised supplies officer, an authorised stock verifier, an approved supplies officer or an approved stock verifier.
- (3) Any person who contravenes any of the provisions of this section commits an offence and is liable upon conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.
- (4) In this section "employ" means employ under a contract of service or under a contract for services and "employment" shall be construed accordingly.
- (5) Where an employer employs any person as a trainee supplies officer or stock verifier for the purposes of affording such employee an opportunity of being trained as a supplies officer or stock verifier this section shall not apply to such employer or such employee in relation to the employee's employment for the period of eighteen months immediately following the employment or appointment of such employee in or to the office of a trainee supplies officer or stock verifier.
- (6) No person who, having been employed by one employer as a trainee supplies officer or stock verifier shall be employed by or taken up employment with another or subsequent employer as a trainee supplies officer or trainee stock verifier save for a period representing the difference between twelve months and the period or the aggregate or periods during which he was employed as such by his previous employer or employers, and any contravention of the provisions of this section shall be an offence under this section and be punishable in accordance with the provisions of subsection (3).
- (7) The provisions of this section shall extend to every supplies officer in the service of the United Republic.

## 23. Compulsory employment of authorised supplies officers and stock verifiers

- (1) Every body of persons, whether corporate or unincorporated, engaged in Tanzania in any trade, business or profession, which has—
  - (a) assets in Tanzania the value of which exceeds ten million shillings; or
  - (b) an annual gross turnover in Tanzania exceeding five million shillings,shall employ at least one authorised supplies officer or one approved supplies officer and authorised stock verifier.
- (2) Any body of persons which contravenes the provisions of this section commits an offence and is liable upon conviction to a fine not exceeding fifty thousand shillings.

## Part VII – Financial provisions (ss. 24-30)

### 24. Funds and resources of the Board

The funds and resources of the Board shall consist of—

- (a) such sums which may derive from the operations of the Board;
- (b) such funds or assets as may rest in or accrue to the Board from other sources by way of grants, gifts, fees or in any other way;
- (c) any sum which the Board may, subject to the provisions of [section 26](#) borrow for its purposes;

- (d) such sums as may be provided for the specified purposes by the Parliament either by way of grant or loan.

## 25. Investment

With the prior approval of the Minister the Board may, from time to time, invest any part of the moneys available in any fund in investments authorised by the Trustees Investments Act<sup>3</sup>, for investment of any trust fund.

## 26. Power to borrow

- (1) With prior approval of the Minister, the Board may, from time to time, borrow moneys by way of loan or overdraft, and upon such security and such terms and conditions relating to repayment of the principal and payment of interest, subject to any direction by the Minister, as the Board may consider fit.

## 27. Annual and supplementary budget

- (1) Subject to subsection (2), "financial year" in this Act means any period not exceeding twelve consecutive months designated by the Board as the accounting period.
- (2) The first financial year of the Board shall commence on the date when this Act comes into operation and may be of the period longer or shorter than twelve months.
- (3) Not less than two months before the beginning of any financial year the Board shall at its first meeting especially convened for that purpose, pass a detailed budget (in this Act called the "annual budget") of the amounts respectively—
  - (a) expected to be received; and
  - (b) expected to be disbursed,by the Board during the financial year.
- (4) If in any financial year the Board requires to make any disbursement not provided for in the annual budget for the year, the Board shall at a meeting, pass a supplementary budget detailing the disbursement.
- (5) Forthwith upon the passing of the annual budget or any supplementary budget the Board shall submit the budget to the Minister for his approval.
- (6) The Minister shall, upon the receipt of the annual budget or supplementary budget, approve or disapprove it or approve it subject to such amendment as he may consider fit.
- (7) Where the Minister has approved any annual budget or supplementary budget the budget as approved by him whether with or without amendment, shall be binding on the Board which, subject to the provisions of subsection (8) shall confine its disbursement within the items and amounts contained in the applicable estimates as approved by the Minister.
- (8) The Board may—
  - (a) with the sanction in writing of the Minister make disbursement notwithstanding that the disbursement is not provided for in any budget;
  - (b) from the amount of expenditure provided for in any budget in respect of any item, transfer a sum not exceeding two hundred thousand shillings to any other item contained in the budget;

- (c) adjust expenditure limits to take account of circumstances not reasonably foreseeable at the time the budget was prepared, subject to submitting a supplementary budget to the Minister within two months of the alteration of expenditure limits becoming necessary.

## **28. Accounts and audit**

- (1) The Board shall cause to be kept and maintained proper books of accounts and record with respect to—
  - (a) the receipt and expenditure of moneys by, and other financial transactions of the Secretariat and the Board;
  - (b) the assets and liabilities of the Board and shall cause to be made out for every financial year a balance sheet and a statement showing details of the income and expenditure of the Board and all its assets and liabilities.
- (2) Not later than six months after the close of the financial year the accounts including the balance sheet of the Board in respect of that financial year shall be audited by the Tanzania Audit Corporation established by the Tanzania Audit Corporation Act<sup>4</sup>.
- (3) Every audited balance sheet shall be placed before a meeting of the Board and, if adopted by the Board, shall be endorsed with the certificate that it has been adopted.
- (4) As soon as the accounts have been audited and adopted by the Board, and, in any case not later than six months after the audit, the Board shall submit to the Minister a copy of the audited statements made by the auditors.

## **29. Annual statement of accounts and report to be submitted to the Minister**

The Board shall within six months after the close of the financial year, cause to be prepared and submitted to the Minister a report dealing generally with its activities and operations during that year and accompanied by—

- (a) a copy of the audited accounts of the board;
- (b) a copy of the auditors report on the accounts; and
- (c) such other information as the Minister may direct.

## **30. Annual statement of accounts and report to be laid before the National Assembly**

The Minister shall as soon as practicable, and in any case not later than twelve months after the close of a financial year, lay before the National Assembly the following documents in relation to that financial year

- (a) a copy of the audited statement of accounts of the Board;
- (b) a copy of the auditors report; and
- (c) a copy of the report by the Board.

## **Part VIII – Miscellaneous provisions (ss. 31-37)**

### **31. Remuneration of members of the Board**

The members of the Board shall be entitled to such remuneration, fees or allowances for expenses as the Minister may, upon the recommendation of the Board, prescribe from time to time:

Provided that no remuneration, fees or allowances, except such allowances for expenses as may be expressly authorised by the Minister, shall be paid to any member of the Board who is a public officer.

### 32. Delegation of powers by the Board

- (1) Subject to the provisions of subsection (6), the Board may, from time to time, by writing under its official seal, appoint committees of the Board and delegate, subject to such terms, conditions and restrictions as it may specify, to any committee of the Board, to the Registrar or to any employee of the Board, all or any of the functions, powers or duties conferred or imposed by or under this Act on the Board, and where any delegation is so made the delegated function, power or duty may be performed or exercised by the delegate subject to the terms, conditions and restrictions specified by the Board.
- (2) The delegation under subsection (1) may be made to the holder, of the office under the Board specifying the office but without naming the holder and in every case where a delegation is so made each successive holder of the office in question and any person who occupies or performs the duty of that office may, without any further authority, perform or exercise the delegated function, power or duty in accordance with the delegation made by the Board.
- (3) The Board may revoke a delegation made by it under this section.
- (4) No delegation made under this section shall prevent the Board from itself performing or exercising the function, power or duty delegated.
- (5) A delegation made under this section may be published in the *Gazette*, and upon its being so published shall be judicially noticed and shall be presumed to be in force unless the contrary is proved.
- (6) The Board shall not have power under this section to delegate—
  - (a) its power of delegation; or
  - (b) the power to approve the annual budget or any supplementary budget, the annual balance sheet or any statement of accounts;
  - (c) its power in relation to registration of persons under this Act.

### 33. Liabilities of members of the Board

Without prejudice to the provisions of section 284A of the Penal Code<sup>5</sup> or of the Public Officers (Recovery of Debts) Act<sup>6</sup>, no act or thing done or omitted to be done, by any person who is a member of the Board or employee or agent of the Board shall, if done or omitted *bona fide* in the execution or purported execution of his duties as the member of the Board or employee or its agent, subject that person to any action, liability or demand of any kind.

### 34. Regulations

The Minister may make Regulations for the better carrying out of the purposes and provisions of this Act and any such regulations may, without prejudice to the generality of the foregoing, provide for—

- (a) the conduct of business of the Board and the procedure to be followed by the Board in any inquiry under this Act;
- (b) the duties of the Registrar;

<sup>5</sup>

Cap. 16

<sup>6</sup>

Cap. 76

- (c) anything which is permitted or required by this Act to be prescribed, other than any matter or thing to be prescribed by the Board.

### 35. By-laws by the Board

- (1) With the consent of the Minister the Board may, for the better carrying out of its objects and functions and provisions this Act, make by-laws—
  - (a) prescribing degrees, diplomas, certificates and other awards which may be conferred or granted by the Board;
  - (b) prescribing degrees, diplomas, certificates awards and other qualifications which shall be recognised as entitling the holder to registration under this Act;
  - (c) prescribing the conditions which must be satisfied before any diploma, certificate or other award may be granted;
  - (d) regulating the conduct of examinations;
  - (e) prescribing fees for admission to any course offered by the Board;
  - (f) prescribing fees payable by the candidate for any examination held or conducted by the Board;
  - (g) providing for and regulating disciplinary proceedings against the officers of the Board, the students and candidates;
  - (h) prescribing rules for professional conduct and ethics of professionals in Materials management;
  - (i) prescribing the fees to be paid on application for registration, the issue of certificate of registration and for extract, copies and lists of, or in relation to, entries in the registers;
  - (j) prescribing classification within the registers for different levels or types of qualifications and competence;
  - (k) prescribing anything which may, or is required to be prescribed by the Board.
- (2) It shall not be necessary for the by-laws made under this section to be published in the *Gazette*.

### 36. Powers of exemption

The Minister may by order in the *Gazette*, exempt any person from any or all of the provisions of this Act.

### 37. No prosecution for offences committed within twelve months after commencement of this Act

- (1) No person shall be prosecuted for any offence under this Part where such offence is committed within the period of twelve months immediately succeeding the date of commencement of this Act.
- (2) The Minister may, by Order in the *Gazette*, extend the period of twelve months provided for in subsection (1) by such further period as he may specify in such order.

## Schedule (Section 3(4))

### 1. Secretary and Vice-Chairman

- (1) The Registrar shall be the Secretary of the Board.

- (2) Members of the Board shall elect one of their number to be the Vice-Chairman who shall, subject to his continuing being a member, hold office for a term of one year from the date of his election and shall be eligible for re-election.

## 2. Tenure of appointment

- (1) A member of the Board shall hold office for such period as the appointing authority may specify in his appointment, or if no period is so specified, shall hold office for a term not exceeding three years from the date of his appointment, and shall be eligible for re-appointment.
- (2) In the case of a member who is a member by the virtue of his holding some other office, he shall cease to be a member upon his ceasing to hold that office.
- (3) The appointing authority may at anytime revoke an appointment made by him under paragraph 2 and any member so appointed may at any time resign his office by notice in writing to the appointing authority.
- (4) If a member of the Board who is a member by the virtue of his holding some other office is unable for any reason to attend any meeting of the Board, he may nominate in writing another person from his institution to attend the meeting in his place.
- (5) If any vacancy occurs in the membership of the Board by reason of the death, resignation or permanent incapacity of any member thereof or otherwise, the appointing authority may appoint another person to fill that vacancy, and the person so appointed shall hold office for the unexpired residue of the period of office of the member in whose place he is appointed.

## 3. Meeting and procedure of the Board

- (1) The Board shall ordinarily meet for the transaction of its business at the times and places determined by it, but shall meet at least once every three months.
- (2) The Chairman, or in his absence the Vice-Chairman shall preside at every meeting of the Board and in the absence of both the Chairman and the Vice-Chairman, the members present shall appoint one of their number to preside over the meeting.
- (3) The Secretary of the Board shall give each member adequate notice of the time and place of every meeting and shall keep the record of the proceedings of every meeting of the Board.
- (4) The Chairman or with his consent, the Secretary, may invite any person who is not a member to participate in the deliberations at any meeting of the Board, but any person so invited shall not be entitled to vote.

## 4. Quorum

- (1) The quorum at any meeting of the Board shall be one half of the total number of members of the Board and, where there is an uneven number of members, shall be the whole next number above half.
- (2) Subject to the provisions of subparagraph (1) the Board may act, notwithstanding any vacancy in its number.

## 5. Decision of the Board

- (1) Questions proposed at the meeting of the Board shall be decided by a majority of the votes of the members present and voting and in the event of an equality of votes, the person presiding shall have a second vote in addition to his casting or deliberative vote.
- (2) Notwithstanding subparagraph (1), a decision may be made by the Board without a meeting by circulation of the relevant papers among the members, and the expression in writing of the views of the majority of members.

6. **The Board to confirm minutes of its meetings**

- (1) The Board shall cause to be recorded and kept minutes of all business conducted or transacted at its meetings, and the minutes of each meeting of the Board shall be read and confirmed, or amended and confirmed, at the next meeting of the Board and signed by the person presiding at the meeting.
- (2) Any minutes signed, or purporting to have been signed by the person presiding at the meeting of the Board shall, in absence of proof of error, be deemed to be a correct record of the meeting whose minutes they purport to be.

7. **Vacancies, etc., not to invalidate proceedings**

No act or proceeding of the Board shall be invalid by reason only of any vacancy among its members or defect in the appointment of any of them.

8. **Orders, directions, etc., by the Chairman or the Registrar**

All orders, directions, notices or other documents made or issued on behalf of the Board shall be signed by—

- (a) the Chairman of the Board; or
- (b) the Registrar or any other officer of the Board appointed in writing in that behalf by the Registrar.

9. **Seal**

The seal of the Board shall not be fixed on any instrument except in the presence of any of the following persons—

- (a) the Chairman;
- (b) the Vice-Chairman;
- (c) the Registrar;
- (d) any other employee of the Board appointed in writing in that behalf by the Registrar.

10. **The Board may regulate its proceedings**

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