

Tanzania

Public Corporations Act

Kibaha Education Center (Establishment) Order, 1970

Government Notice 2 of 1970

Legislation as at 31 July 2002

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Kibaha Education Center (Establishment) Order, 1970

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Kibaha Education Center (Establishment) Order, 1970

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[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.]

[Sections 3, 5, 8, 9 and 10; G.N. No. 2 of 1970]

1. Citation

This Order may be cited as the Kibaha Education Center (Establishment) Order.

2. Interpretation

In this Order, unless the context otherwise requires—

"**Act**" means the Public Corporations Act ¹;

"**Board**" means the Board of Directors provided for in paragraph 6;

"**Center**" means the Kibaha Education Center established by paragraph 3;

"**Minister**" means the Minister responsible for regional administration and rural development;

"**Nordic Board**" means the Board established under the Kibaha Nordic Project (in accordance with the 1962 Agreement concluded between the Tanganyika Government and the Nordic countries), to administer the Project;

"**Project**" means the Kibaha Nordic Project.

3. Establishment of the Center

There is hereby established a public corporation to be known as the Kibaha Education Center.

4. Functions of the Center

The functions of the Center shall be—

- (a) with the consent of the Nordic Board, to take over the assets and liabilities of the Project and to undertake all the activities of the Project;
- (b) to promote agricultural development, including the provisions of academic and practical courses in agriculture and food production;

- (c) to train and to provide training facilities for medical students, nurses and rural medical aids in preventive as well as curative medicine, public health and environmental hygiene;
- (d) to train members of the public in public health and environmental hygiene;
- (e) to provide any service or facility which the Ministry responsible for Health or the Faculty of Medicine at the University of Dar es Salaam may deem necessary to be established or performed for the furtherance of the objects for which the Center is established;
- (f) to provide secondary school education in accordance with Government policy;
- (g) to do anything or to enter into any transaction which, in the opinion of the Board, is calculated to facilitate the proper and efficient carrying on of its activities and the proper performance of its functions as specified in this paragraph.

5. Appointment of Director and staff

- (1) The Minister shall appoint the Director, who shall be the principal administrator, executive and co-ordinating officer of the Center, and he shall be responsible to the Board.
- (2) The Director shall be the Secretary to the Board for the purposes of attending meetings of the Board, keeping the minutes of the meetings and performing other secretarial duties as the Board may require.
- (3) The Board, may, from time to time, appoint on such terms and conditions as it may think fit, any officers and servants whom it may think necessary for carrying out its functions:
 - (a) The headmaster of any Secondary School;
 - (b) a Medical Officer of Health in charge of the Health Services;
 - (c) an Assistant Rural Development Officer in charge of the rural development center, if any, shall be appointed by the Minister responsible for Education, the Minister responsible for Health, the Minister responsible for Agriculture, and the Minister responsible for Regional Administration, respectively, in consultation with the Board;
 - (d) an Agricultural Officer in charge of the Farmer Training Center.

6. Board of Directors

- (1) The management of the Center is hereby vested in a Board of Directors.
- (2) The Board shall consist of—
 - (a) the Chairman who shall be appointed by the President;
 - (b) one member to be appointed by the Minister responsible for agriculture;
 - (c) one member to be appointed by the Minister responsible for finance;
 - (d) one member to be appointed by the Minister responsible for health;
 - (e) one member to be appointed by the Minister responsible for education;
 - (f) one member to be appointed by the Minister responsible for regional administration;
 - (g) the District Commissioner of the Kibaha District or any person duly authorised by him to represent him at any meeting of the Board;
 - (h) three other members to be nominated by the members of the Board appointed in accordance with the provisions of subparagraphs (a) to (g) above.
- (3) The members shall elect a Vice-Chairman of the Board from amongst their number.

- (4) The Board may co-opt any person or persons to serve on the Board and the co-opted person or persons may take part in the deliberations of the Board but shall not vote.
- (5)
 - (a) A member of the Board appointed to represent a Ministry shall, unless he sooner dies or resigns or his appointment is revoked by the Minister who appointed him, hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment.
 - (b) A member of the Board appointed under subparagraph (g) of paragraph (2) shall, unless he sooner dies or resigns or his appointment is revoked, hold office for a period of two years from the date of his appointment, and shall be eligible for re-appointment.
 - (c) If any member is, without the permission of the Board, absent for more than three consecutive meetings of the Board, he shall, unless the Minister directs otherwise, cease to be a member of the Board.
 - (d) A member of the Board may at any time resign by giving notice in writing to the Minister and from the date specified in the notice or, if no date is specified, from the date of the receipt by the Minister of the notice, he shall cease to be a member.
- (6) For the purposes of this Order "member of the Board" includes the Chairman.

7. Meetings

- (1) The Board shall meet at least once in every six months and may meet at any times which the Chairman may deem necessary or expedient for the transaction of the business of the Board.
- (2) All meetings of the Board shall be convened by the Chairman or, in his absence from the United Republic or incapacity through illness or other case, the Vice-Chairman who shall appoint the time, place and date for that meeting.
- (3) The Chairman or, in his absence, the Vice-Chairman, shall preside at any meeting of the Board and in the absence of both the Chairman and the Vice-Chairman from any meeting, the members present at the meeting shall elect one of their number to be Chairman for that meeting.

8. Quorum and procedure at meetings

- (1) A simple majority of the total number of the members of the Board shall constitute a quorum for any meeting of the Board.
- (2) All acts, matters and things, authorised to be done by the Board shall be decided by resolution at a meeting of the Board at which a quorum is present.
- (3) A decision of the majority of the members present and voting at a meeting of the Board at which a quorum is present shall be deemed to be a decision of the Board. If any member fails or refuses to vote he shall be deemed to have voted in the negative.
- (4) Every member of the Board shall have one vote and in the event of an equality of votes the Chairman of the meeting shall have a second or casting vote in addition to his deliberative vote.

9. Minutes

Minutes in the proper form of each meeting of the Board shall be kept and those minutes shall be submitted to the Board at its next meeting and, if confirmed by the meeting, shall be signed by the Chairman of the meeting.

10. Execution of documents

- (1) The seal of the Center shall be affixed by the Chairman, the Vice-Chairman or the Director and witnessed by one other member of the Board.

- (2) All contracts, guarantees, bonds, securities, mortgages, charges, bills of exchange, promissory notes, bank drafts, letters of credit, securities and any other instruments to which the Center is a party shall be executed on behalf of the Center—
 - (a) by the Director and a member of the Board; or
 - (b) by any other person or persons who may be authorised by the Board in that behalf:

Provided that as respects any instrument specified in this subparagraph, the Director may in writing delegate his functions under this subparagraph to any officer of the Center, but that delegation shall not prevent the Director from exercising the functions himself.

11. Vacancies not to invalidate proceedings

Subject to the provisions of paragraph 8 relating to quorum, the Board may act notwithstanding any vacancy in its membership and no act or proceedings of the Board shall be invalid by reason only of some defect in the appointment of a member of a person who purports to be a member.

12. Funds of the Center

- (1) The funds of the Centre shall consist of—
 - (a) any sums of money which may be provided by Parliament for the purposes of the Centre;
 - (b) any sums of money or other assets which the Centre may receive from the Nordic Project or any other source whatsoever;
 - (c) such sums of money as the Board may, subject to subparagraph (2) raise from time to time by way of loan or loans.
- (2) The Centre may from time to time borrow any sums of money which it may require to meet any of its obligations and for the purposes of its business, and may secure any loans in any manner which the Board may, with the approval of the Minister, authorise.

13. Salaries, etc., to be paid out of Center's funds

- (1) The Center shall apply its funds for the following purposes—
 - (a) the payment of all the salaries, fees and any other allowances duly payable to the Chairman, any other member of the Board, the Director and other officers or servants for the Center;
 - (b) the payment of the expenses, and other charges duly incurred by the Center or for which the Center may become duly liable in the course of its business;
 - (c) with the approval of the Minister, the creation of a reserve fund;
 - (d) any other purposes which the Board may approve.
- (2) The Board may invest all or any portion of any moneys which are surplus to its requirements in any securities as may be approved by the Minister.

14. Director to prepare on Center's activities

The Director shall prepare and make a report of the activities of the Center and submit it to the Board twice every year and so that the period intervening between any one and the next report shall not exceed seven months.

15. Proceedings

Subject to the provisions of this Order, the Board shall regulate its own procedure.

16. Delegation of power

- (1) *[Superseded by section 7 of R.E. [Cap. 257](#)]*
- (2) The Minister is hereby designated as the Minister for the purposes of the provisions of section [35](#) of the Act which relates to the accounts of the Center.