

Tanzania

Audio-Visual Institute of Dar-es-Salaam Act Chapter 121

Legislation as at 31 July 2002

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Tanzania

Audio-Visual Institute of Dar-es-Salaam Act

Chapter 121

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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.]

[G.N. No. 136 of 1975; Acts Nos. 26 of 1974; 1 of 1977]

An Act to establish the Audio-Visual Institute of Dar-es-Salaam.

1. Short title

This Act may be cited as the Audio-Visual Institute of Dar-es-Salaam Act.

2. Interpretation

In this Act, unless the context requires otherwise—

"**Governing Board**" means the Governing Board of the Institute established under [section 6](#);

"**Institute**" means the Audio-Visual Institute of Dar-es-Salaam established by [section 3](#);

"**member**" in relation to the Governing Board includes the Chairman of the Board;

"**Minister**" means the Minister responsible for Information and Broadcasting.

3. Establishment of the Institute

(1) There is hereby established an Institution which shall be known as the Audio-Visual Institute of Dar-es-Salaam.

(2) The Institute 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) be capable of purchasing or otherwise acquiring and of alienating any movable or immovable property.

4. Functions of the Institute

The functions of the Institute shall be—

- (a) to provide facilities for training in all aspects of film production including film laboratory processes;
- (b) to undertake the production of films and other audio-visual material as may be required for education or development purposes by institutions of the Government;
- (c) to provide for the Government facilities for the establishment and maintenance of a National Film Library;

- (d) to construct and maintain workshops and associated facilities and to undertake the repair, maintenance and servicing of film projectors and other visual-aid equipment;
- (e) in collaboration with the Ministry responsible for information services, to undertake the distribution of films and audio-visual aids produced by the Institute or which may in any manner become vested in the Institute for the purpose of the distribution;
- (f) to carry out research into the needs for the use of audio-visual aids by public institutions in Tanzania and to make available to the Government and other public authorities in the United Republic its findings on the research carried out by it;
- (g) to stimulate and promote the production and development of audio-visual aids of any types, qualities and quantities which will adequately meet the needs of the people of the United Republic;
- (h) to render advice and assistance to persons engaged in the production of audio-visual aids designed for educational or development purposes in Tanzania and to endeavour to coordinate the activities of those persons;
- (i) to participate in, or to make arrangements for, conferences seminars and discussions on matters connected with the work and activities of the Institute;
- (j) to do all other acts and things, and enter into all contracts and transactions, which are, in the opinion of the Governing Board, expedient or necessary for the proper and efficient discharge of the functions of the Institute.

5. Delivery to National Film Library of copies of films made in Mainland Tanzania

- (1) Every person, other than the Institute, who produces or causes to be produced in Mainland Tanzania any film intended for sale or public distribution or exhibition, whether for a fee or other valuable consideration or without a fee or other valuable consideration, shall, within thirty days after the day on which the production of the film is completed and notwithstanding any agreement in respect of the production of the film, deliver at his own expense two copies of the film to the Governing Board:

Provided that the Governing Board may direct, either in relation to any particular film or class of films or in relation to any particular person or category of persons, that the person producing the film shall deliver one copy only:

Provided further that the Minister may, if he considers it to be in the public interest to do so, by writing under his hand exempt any person from the requirement of this subsection.

- (2) The Governing Board shall deliver every copy of a film delivered to it under this section to the National Film Library referred to in [section 4](#) (c).
- (3) Every copy of a film delivered under this section shall be a copy of the whole film finished in the same manner and made of the same material as the best copies of the film are produced.
- (4) Any person who fails to comply with the provisions of subsection (1) or of subsection (3) commits an offence and upon conviction is liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding three years or to both fine and imprisonment, and the court before which the offender is convicted may in addition order him to deliver to the Governing Board a copy of the film in respect of which conviction is recorded.

6. The Governing Board

There shall be a Governing Board of the Institute.

7. Composition and procedure of Governing Board

- (1) The provisions of the Schedule to this Act shall have effect as to the composition of the Governing Board, the tenure of office of its members, termination of their appointment, the proceedings of

the Governing Board and other matters in relation to the Governing Board and its members as are provided for.

- (2) The Minister may, by order in the *Gazette*, amend, vary or replace all or any of the provisions of the Schedule to this Act.

8. Powers and duties of the Governing Board

- (1) Subject to the provisions of this Act, the management and control of the Institute shall be vested in the Governing Board.
- (2) In particular and without prejudice to the generality of subsection (1) the Governing Board shall have power—
 - (a) to administer the properties of the Institute, both movable and immovable;
 - (b) to administer the funds and other assets of the Institute;
 - (c) to signify the acts of the Institute by use of the official seal;
 - (d) on behalf of the Institute to receive gifts, fees donations, grant or other moneys;
 - (e) subject to the provisions of this Act, to appoint any officers of the Institute whom the Board may consider necessary;
 - (f) to do all acts and things as may be provided for in this Act or as may, in the opinion of the Governing Board, be necessary or expedient for the proper discharge of the functions of the Institute.

9. Director of the Institute

- (1) The President shall appoint a suitable person to be Director of the Institute.
- (2) The Director shall be the chief administrative officer of the Institute.
- (3) The Governing Board may, with the consent of the Minister, appoint a Deputy Director or an Assistant Director who shall perform any functions which the Director may assign to him and who shall, in the absence of the Director from the United Republic, act in his place.
- (4) The Director or in his absence the Deputy or Assistant Director shall be the executive secretary of the Governing Board and shall as such be entitled to be present and to speak at any meeting of the Governing Board, but shall not be entitled to vote unless he is also appointed as a member of the Board.

10. Appointment of staff

The administrative, professional and technical staff of the Institute shall, subject to the provisions of [section 10](#), be appointed by the Governing Board.

11. Delegation

The Governing Board may, subject to any conditions which it may impose, delegate to any person or body of persons, the powers of appointment to any post in the administrative, professional or technical staff of the Institute.

12. Governing Board responsible for management of assets

The Governing Board shall manage the assets and properties of the Institute in the manner which, in the opinion of the Governing Board, would promote the best interests of the Institute.

13. Funds of the Institute

The funds and resources of the Institute shall consist of—

- (a) any moneys which may be provided for the purposes of the Institute by Parliament;
- (b) any funds or assets which may vest in or accrue to the Institute from other sources by way of fees, gifts, grants or otherwise;
- (c) any sums which the Governing Board may, subject to the provisions of [section 14](#), borrow for the purpose of the Institute.

14. Power to borrow

- (1) With the prior approval of the Minister, the Governing Board may, from time to time borrow moneys for the purposes of the Institute by way of loan or overdraft, and upon such security and such terms and conditions relating to the repayment of the principal and the payment of the interest as, subject to any directions by the Minister, the Governing Board may deem fit.
- (2) A person lending money to the Board shall not be bound to enquire whether the borrowing of that money by the Board has been approved by the Minister.

15. Annual and supplementary budget

- (1) In this Act "financial year" means any period not exceeding twelve consecutive months designated in that behalf by the Governing Board:

Provided that the first financial year after the commencement of this Act shall commence on the date of the commencement of this Act and may be of a longer or shorter period than twelve months.
- (2) Not less than two months before the beginning of any financial year (other than the first financial year) the Governing Board shall, at its meeting especially convened for that purpose, pass a detailed budget (in this Act called "the annual budget") of the amounts respectively—
 - (a) expected to be received; and
 - (b) expected to be disbursed,by the Institute during that financial year.
- (3) If in any financial year the Governing Board requires to make any disbursement not provided for or of an amount in excess of the amount provided for, in the annual budget for that year, the Governing Board shall, at a meeting pass a supplementary budget detailing the disbursement.
- (4) The annual budget and every supplementary budget shall be in the form and include the details as the Minister may direct.
- (5) Forthwith upon passing any annual budget or any supplementary budget the Governing Board shall submit the same to the Minister for his approval.
- (6) The Minister shall, upon receipt of the annual budget or any supplementary budget, approve or disapprove the same or may approve subject to any amendment which he may deem fit.
- (7) Where the Minister has approved any annual budget or supplementary budget, the budget or, as the case may be, the supplementary budget, as amended by him, shall be binding on the Governing Board which, subject to the provisions of subsection (8), shall confine the disbursements within the items and the amounts contained in the budget or supplementary budget as approved by the Minister.

- (8) The Governing Board may—
- (a) with the sanction in writing of the Minister make a disbursement notwithstanding that the disbursement is not provide for in any budget;
 - (b) from the amount of expenditure provided for in any estimates in respect of any item, transfer, a sum not exceeding twenty 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 any alteration of expenditure limits becoming necessary.

16. Investment

With the prior approval of the Minister, the Governing Board may from time to time, invest any part of the moneys available in any fund in investments authorised by the Trustees Investments Act¹ for the investment of any trust fund.

17. Accounts and audit

- (1) The Governing Board shall cause to be provided and kept proper books of account and records with respect to—
 - (a) the receipt and expenditure of money by, and other financial transactions of, the Institute;
 - (b) the assets and liabilities of the Institute, and shall cause to be made out for every financial year a balance sheet showing details of the income and expenditure of the Institute and all its assets and liabilities.
- (2) Within six months of the close of a financial year the accounts including the balance sheet of the Institute in respect of that financial year shall be audited by the Tanzania Audit Corporation².
- (3) As soon as the accounts of the Institute have been audited, and in any case not later than six months after the close of such financial year, the Governing Board shall submit to the Minister a copy of the audited statement of accounts together with a copy of the report on it made by the auditors.
- (4) The audited balance sheet shall be placed before a meeting of the Governing Board and, if adopted by the Government Board shall be endorsed with a certificate that it has been so adopted.

18. Director's report

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

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

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

- (a) a copy of the audited statement of accounts of the Institute;
- (b) a copy of the auditor's report, if any;

¹

[Cap. 53](#)

²

[Cap. 56](#)

- (c) a copy of the Director's report.

20. Regulations and by-laws

- (1) The Governing Board may, with the consent of the Minister make regulations for the better carrying out of the purposes of this Act, and without prejudice to the generality of the foregoing may make regulations—
- (a) prescribing diplomas, certificates and other awards which may be conferred or granted by the Institute;
 - (b) prescribing the conditions which must be satisfied before the grant of diploma, certificate or other awards;
 - (c) regulating the conduct of examinations;
 - (d) providing for and regulating disciplinary proceedings against the officers of the Institute and students;
 - (e) prescribing anything which may be prescribed under this Act;
 - (f) providing for any matter or thing which, in the opinion of the Governing Board, is necessary for the furtherance of the functions and objects of the Institute.
- (2) The Governing Board may make by-laws regulating discipline among students enrolled for training by the Institute and to provide for the better government, control and administration of the Institute.
- (3) By-laws made under subsection (2) shall not be required to be published in the *Gazette*:

Provided that the Governing Board may, in its absolute discretion, and shall, if directed to do so by the Minister, cause any by-laws to be published in the *Gazette*.

21. Fees and allowances

The Minister may, by directions under his hand prescribe the fees and allowances payable to the members of the Governing Board.

22. Minister may give directions and grant exemptions

- (1) The Minister may give the Governing Board directions of a general or specific character and the Governing Board shall give effect to every direction.
- (2) Notwithstanding the provisions of any written law the Minister may, after consultation with the Minister responsible for finance by order under his hand, exempt the Institute from stamp duty, land registration fee, land rent and other fees, charges, rates and levies, on any transaction to which the Institute is a party or in relation to any property transferred to or owned by the Institute.

23. Proceedings of Governing Board not to be invalid by reason of irregularity

No act or proceeding of the Governing Board shall be invalid by reason only of the number of members not being complete at the time of the act or proceeding or of any defect in the appointment of any member or of the fact that any member was at the time disqualified or disentitled to act as such.

24. Protection of members of Governing Board and officers of Institute

- (1) No matter or thing done by any member or officer of the Governing Board or the Institute shall, if done *bona fide*, in the execution or purported execution of the functions conferred upon that member or officer by this Act or by regulations made hereunder, render that member or officer personally liable for the matter or thing.

- (2) For the avoidance of doubts it is hereby declared that the provisions of this section shall be without prejudice to the provisions of section 284A of the Penal Code³ or the provisions of the Public Officers (Recovery of Debts) Act⁴.

Schedule

1. Interpretation

In this Schedule "appointing authority" means—

- (a) in relation to the chairman of the Governing Board, the President;
- (b) in relation to any other member, the Minister.

2. Composition

- (1) The Governing Board shall consist of a Chairman, who shall be appointed by the President and not less than eight and not more than twelve other members appointed by the Minister.
- (2) The Governing Board may, if in its opinion it is desirable so to do, co-opt as members not more than three persons in respect of whom the Governing Board is satisfied that they will make a useful contribution to the functions of the Board.

3. Vice-Chairman

The members of the Governing Board shall, from among their number, elect a Vice-Chairman, who shall hold office for so long as he remains a member of the Governing Board.

4. Tenure of office

- (1) A member of the Governing Board shall, unless his appointment is sooner determined by the appointing authority, or he otherwise ceases, to be a member, hold office for a period which the appointing authority may specify in his appointment:

Provided that in the case of a member who is a member by virtue of his holding some other office, he shall cease to be a member upon his ceasing to hold that office.
- (2) Any member of the Governing Board may at any time resign by giving notice in writing to the appointing authority and from the date specified in the notice or, if no date is so specified from the date of the receipt of the notice by the appointing authority, he shall cease to be a member.

5. Absent member to be replaced at meetings

If a member is unable for any reason to attend a meeting, the body or the Minister, as the case may be, which he represents, may, in writing, nominate another person in his place for the purpose of that meeting.

6. Casual vacancies

Where any member ceases to be a member for any reason before the expiration of his term of office, the appointing authority shall appoint another in his place and the person so appointed shall hold office for remainder of the term of office of his predecessor.

³

[Cap. 16](#)

⁴

[Cap. 76](#)

7. Meetings

- (1) An ordinary meeting of the Governing Board shall be convened by the Chairman and the notice specifying the place, date and time of the meeting shall be sent to each member at his usual place of business or residence not less than seven days before the date of the meeting. In case the Chairman is unable to act by reason of illness, absence from the United Republic, or other sufficient cause, the Vice-Chairman may convene the meeting.
- (2) The Chairman, or in his absence, the Vice-Chairman, shall be bound to convene a special meeting of the Governing Board upon receipt of a request in writing in that behalf signed by not less than five members of the Governing Board. Not less than seven days notice of the meeting shall be given to all members of the Governing Board in the manner prescribed in subparagraph (1).
- (3) The Chairman, the Vice-Chairman, or the temporary Chairman elected in accordance with the provisions of paragraph 8 (2) presiding at any meeting of the Governing Board may invite any person who is not a member to participate in the deliberations of the Governing Board, but that person shall not be entitled to vote.

8. Procedure

- (1) One-half of the total number of the members of the Governing Board or four members, whichever is the lesser number, shall form a quorum for a meeting of the Governing Board.
- (2) In the absence of the Chairman from a meeting of the Governing Board the Vice-Chairman shall preside. In the absence of both the Chairman and the Vice Chairman from any meeting, the members present shall elect one of their number to be a temporary Chairman of that meeting.
- (3) At any meeting of the Governing Board a decision of the majority of the members present and voting shall be deemed to be a decision of the Governing Board. In the event of an equality of votes the Chairman of the meeting shall have a casting vote in addition to his deliberative vote.
- (4) Notwithstanding the provisions of subparagraph (2), where the Chairman so directs, a decision may be made by the Governing Board without a meeting by circulation of the relevant papers among all the members and the expression in writing of their views, but any member shall be entitled to require that that decision be considered at a meeting of the Board.

9. Minutes of meetings

Minutes in proper form of each meeting of the Governing Board shall be kept and shall be confirmed by the Governing Board at the following meeting and signed by the Chairman of the meeting.

10. Execution of documents

All documents and instruments required to be executed by the Governing Board shall be signed by—

- (a) the Director; or
- (b) any member of the Governing Board or other officer of the Board authorised in writing by the Director in that behalf.

11. Seal of the Governing Board

The seal of the Governing Board shall not be affixed to any instrument except in the presence of the Director, or the Vice-Chairman or the Deputy or Assistant Director and at least one other member of the Governing Board.

12. Governing Board may regulate its own proceedings

Subject to the provisions of this Schedule the Governing Board shall have power to regulate its own proceedings.