

Tanzania

Institute of Finance Management Act Chapter 91

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Institute of Finance Management Act

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Tanzania

Institute of Finance Management Act

Chapter 91

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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. 52 of 1972; Acts Nos. 3 of 1972; 15 of 1985; 2 of 1988]

An Act to establish the Institute of Finance Management and to provide for matters related to it.

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

1. Short title

This Act may be cited as the Institute of Finance Management Act.

2. Interpretation

In this Act unless the context otherwise requires—

"**appropriate Board**" means, in the matters relating to banking of finance management, the Bankers' Examination Board, and in the matters relating to insurance, the Insurers' Examination Board;

"**Council**" means the Council of the Institute established by [section 5](#);

"**decree**" means a decree promulgated by the Council under [section 7](#);

"**Director**" means the Director of the Institute appointed by the Council under [section 10](#);

"**Examination Board**" means an Examination Board of the Institute established by [section 9](#);

"**financial year**" in relation to the Institute includes the Institute's first accounting period, whether shorter or longer than a year and if the Institute changes its accounting period, the period, whether shorter or longer than a year, employed to give effect to the change;

"**Institute**" means the Institute of Finance Management established by this Act;

"**member**" in relation to the Council or an Examination Board includes its Chairman;

"**Minister**" means the Minister responsible for Finance;

"**Secretary**" means the Executive Secretary of the Institute appointed by the Council;

"**student**" means any person accepted for any course of study conducted by the Institute.

Part II – The Institute of Finance Management (ss. 3-4)

3. Establishment of Institute

- (1) There is hereby established an institute which shall be known as the Institute of Finance Management.
- (2) The Institute shall be a body corporate and shall—
 - (a) have perpetual succession and a common seal;
 - (b) in its corporate name, be capable of suing and being sued;
 - (c) be capable of purchasing and otherwise acquiring, and of alienating, any movable or immovable property;
 - (d) subject to the provisions of this Act, have power from time to time to borrow any sum of money which it requires for its purposes.

4. Objects and functions of Institute

The objects and functions of the Institute shall be—

- (a) to provide facilities for the study of, and for training in, the principles, procedures and techniques of banking, insurance, finance management and other related subjects which the Council may from time to time decide;
- (b) to conduct training programmes leading to professional qualifications in banking, insurance, finance management and any other related subjects as the Council may from time to time decide;
- (c) to conduct examinations and to grant diplomas, certificates and other awards of the Institute;
- (d) to sponsor, arrange and provide facilities for conferences and seminars for discussion of matters relating to banking, insurance and finance management;
- (e) to arrange for the publication and general dissemination of materials produced in connection with the work and activities of the Institute.

Part III – Administration (ss. 5-7)

5. The Council

- (1) There shall be a Council of the Institute of Finance Management.
- (2) The provisions of the First Schedule shall have effect as to the composition of the Council, tenure of office of its members, termination of their appointments, the proceedings of the Council and other matters in relation to the Council and its members.

6. Powers and duties of Council

- (1) Subject to the provisions of this Act, the government and control of the Institute is vested in the Council.
- (2) In particular and without prejudice to the generality of subsection (1), the Council 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 common seal;
- (d) on behalf of the Institute to receive gifts, donations, grants or other moneys;
- (e) subject to the provisions of this Act, to appoint such officers of the Institute as it may consider necessary;
- (f) to do all acts and things which are provided for in this Act or may, in the opinion of the Council, be necessary or expedient for the proper discharge of its functions.

7. Decrees

- (1) The Council may promulgate decrees—
 - (a) fixing enrolment fees and other charges;
 - (b) subject to regulations made under this Act, prescribing the terms and conditions of service, including the appointment, dismissal, salary and retiring benefits of the members of the staff of the Institute.
- (2) The Council may, after consultation with the appropriate Examination Board, issue decrees relating generally to the academic management of the Institute and in particular to—
 - (a) the qualifications necessary for entry to the Institute, the courses of instruction to be provided by the Institute, the duration and number of academic terms and the award of diplomas, certificates and other awards of the Institute;
 - (b) the grant of scholarships and studentships, and the revocation of any grant.
- (3) The Council may promulgate decrees regulating discipline among the members of the staff of the Institute and the students.
- (4) It shall not be necessary for the Council to publish in the *Gazette* any decree promulgated by it under this section:

Provided that where any decree is not so published, the Council shall, in the manner it determined by it, bring, or cause to be brought, the decree to the notice of any person who is or is likely to be affected by it.

Part IV – Examination Boards (ss. 8-9)

8. Examination Boards

- (1) There shall be a Bankers' Examination Board and an Insurers' Examination Board.
- (2) The provisions of the Second Schedule to this Act shall have effect as to the composition of the Bankers' Examination Board, the tenure of office of its members and the duration of their appointments.
- (3) The provisions of the Third Schedule to this Act shall have effect as to the composition of the Insurers' Examination Board, the tenure of office of its members and the duration of their appointments.
- (4) The provisions of the Fourth Schedule shall have effect as to the proceedings of the Examination Boards and any other matters in relation to the Boards.

9. Functions of Boards

- (1) The Bankers' Examination Board shall be responsible to the Council for the general control and regulation of the instruction, education and research relating or pertaining to banking and finance management.

- (2) The Insurers' Examination Board shall be responsible to the Council for the general control and regulation of the instruction, education and research relating or pertaining to insurance.
- (3) In addition, each Board shall, in respect of matters over which it has general responsibility and matters relating to it, have the function—
 - (a) to satisfy itself with regard to the content and academic standard of the relevant courses of study offered by the Institute in respect of any diploma, certificate and other award and to report its findings to the Council;
 - (b) with the consent of the Council, to make by-laws with regard to the standards of proficiency to be obtained in each examination for a relevant diploma, certificate or other award;
 - (c) to decide whether any candidate for the relevant diploma, certificate or other award, has attained the standards of proficiency prescribed in the by-laws made under paragraph (b) and is otherwise fit for the grant of the diploma, certificate or other award;
 - (d) to make proposals to the Council on matters relating to the academic activities of the Institute;
 - (e) to perform any other functions as may be conferred upon it by the Council or by regulations made under this Act.
- (4) Where, by subsection (3), any function is conferred upon the Board in relation to any relevant course, diploma, certificate or award, the term "relevant" shall be construed as being relevant to the general academic functions of the Board, in the case of the Bankers' Examination Board, as specified in subsection (1) and in the case of Insurers' Examination Board, as specified in subsection (2).

Part V – The staff of the Institute (ss. 10-14)

10. Director and Deputy Director

- (1) The Council shall appoint a suitable person to be the Director of the Institute.
- (2) The Director shall be the Chief Administrative and Academic Officer of the Institute and shall be responsible to the Council—
 - (a) for the proper administration of the Institute in accordance with the policy laid down by the Council;
 - (b) for the academic management of the Institute in accordance with the policy laid down by the Council;
 - (c) for the proper enforcement of decrees;
 - (d) for the discipline of the students.
- (3) Notwithstanding any other provision of this Act, the appointment of the Director and the terms and conditions of his service shall be subject to the approval of the Minister.
- (4) The Council may appoint on the terms and conditions of service it determines, a Deputy Director of the Institute.
- (5) The Director, or in his absence the Deputy Director, shall be entitled to be present and to speak (but not to vote) at any meeting of the Council.
- (6) The functions of the Deputy Director shall generally be to assist the director and in the event of the Director being unable to perform his functions by reason of his absence from Tanzania or by reason of illness, infirmity or otherwise, to act in the office of the Director.

11. Secretary

- (1) The Council shall appoint a suitable person to be the Executive Secretary to the Council and the Examination Boards.
- (2) The Secretary shall be entitled to attend the meetings of the Council and of the Examination Boards but shall not be entitled to vote unless he is also a member.
- (3) Subject to the provisions of this Act, the Secretary shall have such functions as may be conferred upon him by the Council.

12. Administrative staff

The members of the administrative staff of the Institute shall subject to the provisions of [section 14](#) be appointed by the Council.

13. Academic staff

The members of the academic staff of the Institute shall, subject to the provisions of [section 14](#), be appointed by the Council and the Council may, where it considers it desirable, before making any appointment, consult the appropriate Board.

14. Delegation of powers of appointment

The Council may, subject to any conditions and restrictions which it may delegate to any person or body of persons, the power of appointment of any member of the administrative or the academic staff of the Institute.

Part VI – Financial provisions (ss. 15-21)**15. Council to be responsible for management of assets, etc.**

The Council shall manage all the assets and properties, movable and immovable, of the Institute, in the manner and for the purposes as in the opinion of the Council would promote the best interests of the Institute.

16. Funds of Institute

The funds and resources of the Institute shall consist of—

- (a) the sums provided for the purposes of the Institute by Parliament, either by way of grant or loan;
- (b) the sums which the Institute may receive by way of grant or loan from any person or organisation;
- (c) any sums which the Council may, from time to time, with the consent of the Minister, borrow for the purposes of the Institute;
- (d) any sums which may in any manner become payable to or vested in the Institute either under the provisions of this Act or any other written law, or incidental to the carrying out of its functions.

17. Power to invest

The Council shall have power to invest the funds of the Institute in investments which are authorised by, and subject to conditions prescribed by, the Trustee Investments Act¹ in relation to investment of funds by a trustee.

¹

18. Annual estimates

- (1) At least two months before the commencement of any financial year the Secretary shall prepare or cause to be prepared for the approval of the Council, annual estimates of the revenue and expenditure of the Institute for the ensuing financial year.
- (2) The Council shall, before the commencement of a financial year, consider and approve, subject to any modifications and amendments it considers appropriate, the estimates prepared in accordance with subsection (1).
- (3) The annual estimates shall contain provision for all the estimated expenditure during the ensuing financial year and in particular—
 - (a) for the payment of salaries, allowances, passages and other charges in respect of the members of the staff of the Institute;
 - (b) for the payment of allowances, fees and expenses in respect of the members of the Council or a Board;
 - (c) for the payment of all pensions, gratuities and other charges in respect of retiring benefits which are payable out of the funds of the Institute;
 - (d) for the construction of buildings for use by the Institute and for the improvement, maintenance, replacement and rental of the buildings and other immovable properties owned or occupied by the Institute;
 - (e) for the proper maintenance and replacement of the furniture and equipment of the Institute;
 - (f) for the creation of reserve funds to meet any future contingent liabilities.
- (4) No expenditure shall be incurred for the purposes of the Institute save in accordance with the provisions of the annual estimates or in accordance with the provisions of any supplementary estimates approved by the Council.
- (5) A copy of the annual estimates and of every supplementary estimate, if any, shall immediately upon the approval of the annual estimates or, as the case may be, supplementary estimate, by the Council, be forwarded to the Minister.

19. Accounts and audit

- (1) The Council shall cause to be kept proper accounts and shall, as soon as practicable after the end of each financial year, cause the accounts relating to that financial year together with—
 - (a) a statement of income and expenditure during the financial year; and
 - (b) a statement of the assets and liabilities of the Institute on the last day of the financial year, to be submitted to and audited by the Tanzania Audit Corporation established by the Tanzania Audit Corporation Act².
- (2) Copies of the statement referred to in subsection (1) and a copy of the auditors' report, if any, shall be forwarded to the Minister.

20. 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 that report to the Minister.

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21. Annual statement of accounts and Director's report to be laid before National Assembly

The Minister shall cause to be laid before the National Assembly, as soon as may be practicable after he has received them—

- (a) copies of the statements referred to in subsection (1) of [section 19](#) together with a copy of the auditors' report, if any;
- (b) a copy of the Director's report.

Part VII – Miscellaneous provisions (ss. 22-26)

22. Regulations

- (1) The Council 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 this power, 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 any diploma, certificate or other award, may be granted;
 - (c) prescribing the manner in which diplomas, certificates or other awards may be granted;
 - (d) regulating the conduct of examinations;
 - (e) prescribing fees for admission to the Institute;
 - (f) prescribing fees payable by the candidates for any examination held or conducted by the Institute;
 - (g) providing for and regulating disciplinary proceedings against the officers of the Institute and the students;
 - (h) prescribing anything which may be prescribed under this Act;
 - (i) providing for any matter or thing which, in the opinion of the Council, is necessary to provide for the furtherance of the functions and objects of the Institute.
- (2) Regulations made under this section shall be published in the *Gazette*.

23. Fees and allowances

The Council may, with the approval of the Minister, issue directions prescribing fees and allowances payable to the members of the Council or a Board.

24. Minister may give directions

The Minister may give the Council directions of a general or specific character and the Council shall give effect to every direction so given.

25. Proceedings of Council or Board not to be invalid by reason of irregularity

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

26. Protection of members of Council and Boards

- (1) No matter or thing done by any member or officer of the Council or a Board shall, if done *bona fide* in the execution or purported execution of the functions of the Council or Board, render the 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.

First Schedule

The Council

1. Interpretation

In this Schedule the "**appointing authority**" means, in the case of the Chairman, the President, and in the case of any other member of the Council, the Minister.

2. Composition

The Council shall consist of—

- (a) a Chairman who shall be appointed by the President;
- (b) not more than fifteen and not less than ten other members, who shall be appointed by the Minister.

3. Representation

In making appointments of members of the Council, the Minister shall ensure that there is adequate representation on the Council of organisations and professional and academic bodies which are likely to utilise the skills and disciplines to be promoted by the Institute and shall further ensure that every person appointed by him is a person who, in his opinion, has the necessary experience or qualifications to enable him to make useful contribution to the deliberations of the Council and to assist the Council in the discharge of its functions.

4. Tenure of office

Every member of the Council shall hold office until his appointment is revoked by the appointing authority.

5. Absence from three consecutive meetings

Where any member absents himself from three consecutive meetings of the Council without reasonable excuse the Council shall advise the appointing authority of the fact and the appointing authority may, if it deems fit so to do, terminate the appointment of the member and appoint another member in his place.

6. Appointment of temporary member

Where any member is by reason of illness, infirmity or absence from the United Republic, unable to attend any meeting of the Council, the Minister may appoint a temporary member in his place and the temporary member shall cease to hold office on the resumption of office by the substantive member.

7. Vice-Chairman

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

8. Power of Chairman and Vice-Chairman

- (1) The Chairman shall preside at all meetings of the Council.
- (2) Where at any meeting of the Council the Chairman is absent, the Vice-Chairman shall preside.
- (3) In the absence of both the Chairman and the Vice-Chairman at any meeting of the Council, the members present may, from amongst their number, elect a temporary Chairman who shall preside at that meeting.
- (4) The Chairman, Vice-Chairman or temporary Chairman, presiding at any meeting of the Council, shall have a vote and, in the event of an equality of votes, shall have a casting vote in addition to his deliberative vote.

9. Meeting and procedure of Council

- (1) Subject to any general or specific direction by the Minister, the Council shall meet not less than four times during every financial year and at any additional times, which may be fixed by the Chairman or, if he is absent from the United Republic or unable for any reason to act, the Vice-Chairman:

Provided that the Chairman or, if he is absent from the United Republic or is unable for any reason to act, the Vice-Chairman shall, at the request of at least seven members, summon meeting of the Council within thirty days of the request being made to him in writing.
- (2) The Secretary of the Council shall give to each member not less than fourteen days' notice of the time and place of the meeting.

10. Quorum

- (1) At any meeting of the Council not less than one-third of the members in office for the time being shall constitute a quorum.
- (2) If a quorum is not present within half-an-hour of the time appointed for the meeting the members present or the majority of them, or any one member if only one is present, or the Secretary if no member is present, may adjourn the meeting to any time not later than fourteen days from the date of adjournments.

11. Decisions of Council

Subject to the provisions relating to a casting vote, all questions at a meeting of the Council shall be decided by a majority of the votes of the members present at the meeting, and if any member fails or refuses to vote on any question, his vote shall be counted in the negative.

12. Decision by circulation of papers

Notwithstanding the preceding provisions of this Schedule decision may be made by the Council without a meeting, by circulation of the relevant papers among the members and the expression of the views of the majority in writing:

Provided that any member shall be entitled to require any such decision to be deferred and the subject matter to be considered at the next meeting of the Council.

13. Seal of Institute

- (1) The seal of the Institute shall be of a shape, size and form determined by the Council.
- (2) The seal shall be affixed in the presence of—
 - (a) the Director; or
 - (b) the Secretary; or
 - (c) any other officer of the Institute who the Director may nominate in that behalf,and the person or persons present shall sign over or underneath the seal in witness.

14. Execution of contracts, etc

Subject to paragraph 13, all conveyances, transfers, contracts, guarantees, agreements, bonds, mortgages, charges, bills of exchange, promissory notes, bank drafts, letters of credit, securities and any other instruments to which the institute is a party shall be executed on behalf of the Institute by—

- (a) the Director; or
- (b) the Secretary; or
- (c) any other officer of the Institute who the Director may nominate on that behalf.

15. Council to regulate its proceedings

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

Second Schedule

Banker' Examination Board

1. Interpretation

In this Schedule "**Board**" means the Bankers' Examination Board.

2. Composition

The Board shall consist of—

- (a) The Managing Director of the National Bank of Commerce, who shall be the Chairman; and
- (b) the following persons, who shall be members—
 - (i) the Director-General of the National Insurance Corporation;
 - (ii) the Governor the Bank of Tanzania;
 - (iii) the Managing Director of the Tanzania Investment Bank;
 - (iv) the Managing Director of the Co-operative and Rural Development Bank;
 - (v) the Director of the Institute;
 - (vi) the Dean of the Faculty of Law of the University of Dar es Salaam;
 - (vii) the Head of the Department of Economics of the University of Dar es Salaam;
 - (viii) the Head of the Department of Management and Administration of the University of Dar es Salaam;
 - (ix) one nominee of the Tanzania Institute of Bankers;
 - (x) the Director of Operations of the Tanzania Investment Bank;
 - (xi) the Development Manager of the Co-operative and Rural Development Bank;
 - (xii) the Exchange Control Manager of the Bank of Tanzania;
 - (xiii) the Chief International Manager of the National Bank of Commerce;
 - (xiv) not more than two members appointed by the Council.

3. Tenure of office

Every person who is a member of the Board by virtue of his holding any office shall cease to be a member upon his ceasing to hold the office and the person who succeeds him in that office shall be a member of the Board in his place.

4. **Temporary member**

Where any member of the Board who is a member by reason of holding any office is unable to discharge his duties as a member by reason of illness or absence from the United Republic, the person for the time being acting in the office held by him, shall be a temporary member of the Board.

Third Schedule

Insurers' Examination Board

1. **Interpretation**

In this Schedule "Board" means the Insurers' Examination Board.

2. **Composition**

The Board shall consist of—

- (a) the Director-General of the National Insurance Corporation, who shall be the Chairman; and
- (b) the following persons, who shall be members—
 - (i) the Managing Director of the National Bank of Commerce;
 - (ii) the Director of the Institute;
 - (iii) the Dean of the Faculty of Law of the University of Dar es Salaam;
 - (iv) the Head of the Department of Economics of the University of Dar es Salaam;
 - (v) the Head of the Department of Management and Administration of the University of Dar es Salaam;
 - (vi) one nominee of the Tanzania Insurance Institute;
 - (vii) not less than two departmental Managers of the National Insurance Corporation nominated by the Director-General of the National Insurance Corporation;
 - (viii) an officer of the Bank of Tanzania nominated by the Governor;
 - (ix) not more than two members appointed by the Council.

3. **Tenure of office**

Every person who is a member of the Board by virtue of his holding any office shall cease to be member upon his ceasing to hold the office and the person who succeeds him in that office shall be a member of the Board in his place.

4. **Temporary member**

Where any member of the Board who is a member by virtue of his holding any office is unable to discharge his duties as a member by reason of illness or absence from the United Republic, the person for the time being acting in the office held by him shall be a temporary member of the Board.

Fourth Schedule

1. **Interpretation**

In this Schedule "**Board**" means either the Bankers' Examination Board or the Insurers' Examination Board.

2. Vice-Chairman

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

3. Powers of Chairman and Vice-Chairman

- (1) The Chairman shall preside at all meetings of the Board.
- (2) Where at any meeting of the Board the Chairman is absent, the Vice-Chairman shall preside.
- (3) In the absence of both the Chairman and the Vice-Chairman at any meeting of the Board, the members present may, from amongst their number, elect a temporary Chairman who shall preside at that meeting.
- (4) The Chairman, the Vice-Chairman or temporary Chairman presiding at any meeting of the Board, shall have a vote and, in the event of equality of votes, shall have a casting vote in addition to his deliberative vote.

4. Meeting and procedure of Board

- (1) Subject to any general or specific direction by the Council, the Board shall meet not less than four times during every financial year and at any additional times which may be fixed by the Chairman or, if he is absent from the United Republic or unable for any reason to act, the Vice-Chairman:

Provided that the Chairman or, if he is absent from the United Republic or unable for any reason to act, the Vice-Chairman shall, at the request of at least five members, summon a meeting of the Board within thirty days of the request being made to him in writing.
- (2) The Secretary of the Board shall give to each member not less than fourteen days' notice of the time and place of the meeting.

5. Quorum

- (1) At any meeting of the Board not less than one-third of the members in office for the time being shall constitute a quorum.
- (2) If a quorum is not present within half-an-hour of the time appointed for the meeting, the members present or the majority of them, or any one member if only one is present, or the Secretary if no member is present, may adjourn the meeting to any time not later than fourteen days from the date of adjournment.

6. Decisions of Board

Subject to the provisions relating to a casting vote, all questions at a meeting of the Board shall be decided by a majority of the votes of the members present at the meeting, and if any member fails or refuses to vote on any question, his vote shall be counted in the negative.

7. Decision by circulation of papers

Notwithstanding the foregoing provisions of this schedule, decisions may be made by the Board without a meeting, by circulation of the relevant papers among the members and the expression of the views of the majority in writing:

Provided that any member shall be entitled to require that any decision be deferred and the subject matter be considered at the next meeting of the Board.

8. Board may regulate its proceedings

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