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ACT SUPPLEMENT

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THE CHEMIST PROFESSIONALS ACT, 2016

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THE UNITED REPUBLIC OF TANZANIA



NO. 9 OF 2016

I ASSENT,
JOHN POMBE JOSEPH MAGUFULI,
President

[23rd September, 2016]

An Act to establish the Chemist Professionals' Council and to provide for the powers, functions, management and regulation of the chemist, chemical laboratory technologist and the assistant chemical laboratory technologist, and to provide for related matters.

ENACTED by Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

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| Short title and commencement | 1. This Act may be cited as the Chemist Professionals Act, 2016 and shall come into operation on such date as the Minister may, by notice published in the <i>Gazette</i> , appoint. |
| Application | 2. This Act shall apply to Mainland Tanzania. |
| Interpretation | 3. In this Act, unless the context otherwise requires: “assistant chemical laboratory technologist” means a person who holds a certificate in chemistry or any specialized discipline majoring in chemistry from a recognized institution; |

- “certificate” means a certificate issued under section 16;
- “chemist” means a person who holds a degree in chemistry or any specialized discipline majoring in chemistry from a recognized institution;
- “chemical laboratory technologist” means a person who holds a diploma in chemistry or any specialized discipline majoring in chemistry from a recognized institution;
- “chemist professional” means a chemist, chemical laboratory technologist or assistant chemical laboratory technologist registered, enrolled or enlisted, as such under this Act;
- “committee” means any committee established under section 8;
- “Council” means the Chemist Professionals’ Council established under section 4;
- “financial year” means the financial year of the Government;
- “Minister” means the Minister responsible for health;
- “Register” means the Register of chemist professionals established under section 17;
- “Registrar” means the Registrar of the Council appointed under section 9;
- “supervisory authority” means any legal entity which serves as an employer of the chemist professional.
- “Roll” means the Roll of chemical laboratory technologists established under section 17; and
- “List” means the List of assistant chemical laboratory technologists established under section 17.

PART II
THE CHEMIST PROFESSIONALS' COUNCIL

Establishment
and composition
of Council

4.-(1) There is established a council to be known as the Chemist Professionals' Council.

(2) The Council shall be a body corporate with perpetual succession and a common seal.

(3) The Council may, in its own name, be capable of-

- (a) suing and being sued;
- (b) acquiring and holding movable and immovable property;
- (c) borrowing and lending;
- (d) entering into any contract or other transaction; and
- (e) doing all or such other acts and things which a body corporate may lawfully perform, do or suffer to be done.

(4) Notwithstanding the preceding provisions of this section, the Attorney General shall have the right to intervene in any suit or matter instituted for or against the Council.

(5) Where the Attorney General intervenes in any matter pursuant to subsection (4), the provisions of the Government Proceedings Act, shall apply in relation to the proceedings of that suit or matter as if it had been instituted by or against the Government.

(6) For the purpose of subsection (4), the Council shall have the duty to notify the Attorney General of any impending suit or matter by, or against the Council.

(7) The Council shall consist of ten members of whom at least three shall be women to be appointed by the Minister as follows:

- (a) a Chairman;
- (b) a representative from the Government Chemist Laboratory;
- (c) two representatives of an umbrella society of

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- chemist professionals;
- (d) a chemist of a level of senior or above representing public universities;
 - (e) a chemist of a level of senior lecturer or above representing private universities;
 - (f) a Law Officer representing the Attorney-General;
 - (g) a chemical laboratory technologist or assistant chemical laboratory technologist;
 - (h) a chemist representing private chemist laboratories; and
 - (i) a police officer of a rank of Inspector or above representing the Inspector General of Police.

(8) The Council may, for efficient execution of its functions and where it considers necessary, co-opt any person who is not a member of the Council to attend its meeting except that, such person shall not have a right to vote.

(9) In appointing members of the Council and committees, the Minister or Council shall consider gender representation and senior members who possess requisite knowledge and experience.

(10) Tenure of membership and procedures of the Council shall be as set out in the Schedule to this Act.

(11) The Minister may, by Order published in the *Gazette* amend the Schedule to this Act.

Functions of the Council

5.-(1) The Council shall be responsible for-

- (a) registering, enrolling and enlisting of chemists, chemical technologists, and assistants chemical technologists, respectively; and
- (b) setting and enforcing standards, code of conduct and regulating practice of chemist professional.

(2) Without prejudice to the generality of subsection (1), the Council shall perform the following functions-

- (a) advise the Minister on matters relating to the chemist professional;
- (b) inquire into any query relating to a chemist professional;
- (c) maintain and enhance integrity of the chemist professional;
- (d) foster cooperation between the Council and other institutions or organisations, dealing with the chemist profession;
- (e) administer the accounts and assets of the Council or any assets to be held in trust for the benefit of the Council;
- (f) determine the fees payable to the Council for services performed by the Council under this Act;
- (g) consider any matter affecting the chemist professionals, and take such action in connection therewith as the Council may consider necessary;
- (h) issue, renew, replace and cancel chemist professional practising licence;
- (i) conduct inspection in all chemistry or chemistry related laboratories by availability of chemistry personnel; and
- (j) carry out such other functions as the Minister may direct.

Powers of the Council

- 6.** The Council shall have powers to-
- (a) set qualification requirements of chemist professionals for the purpose of being registered, enrolled or enlisted;
 - (b) delegate any of its powers, and functions to any person registered under this Act for such period as it considers necessary, except powers:
 - (i) to deal with disciplinary matters;
 - (ii) to approve the annual budget, supplementary budget, statement

- of financial position or any statement of account; and
- (iii) to borrow.
- (c) remove or restore any name from the register, roll or list subject to such conditions as the Council may impose;
- (d) appoint any officer or inspector to conduct inspection or perform any duty or action on behalf of the Council;
- (e) demand any information from a person registered, enrolled or enlisted or involved in chemistry practice as it deems necessary;
- (f) inquire into any matter, complaint, charge or allegation of improper or disgraceful conduct against any person registered, enrolled or enlisted;
- (g) approve the annual budget of the Council; and
- (h) recommend to the bodies responsible for accreditation of universities and technical institutions on curricula for Chemist Professionals.

Members of the Council and Committees

7. A person shall not be appointed a member of the Council or Committee unless such person is a citizen of Tanzania.

Committees of the Council

8.-(1) The Council may, for the purpose of ensuring efficient performance of its functions and exercise of its powers, establish such number of committees to perform functions as it may direct.

(2) Without prejudice to the generality of subsection (1), the Council shall establish committees relating to the following-

- (a) registration, enrolment and enlisting;
- (b) ethics and disciplinary; and
- (c) practice review and professional advancement.
- (3) The functions, composition and procedures of

committees shall be prescribed in the regulations.

(4) The committee may, for efficient execution of its functions and where it considers necessary, co-opt any person who is not a member of the committee to attend its meeting, except that, such person shall not have a right to vote.

Appointment of
the
Registrar

9.-(1) The Minister shall appoint a senior or principal chemist who possesses at least a Masters Degree, with experience, requisite knowledge and good character from the public service to be the Registrar of the Council.

(2) The Registrar shall be the Secretary to the Council.

(3) The Registrar shall, unless his appointment is terminated, hold office for a period of three years and shall subject to his satisfactory performance be eligible for reappointment for one more term of three years.

Functions of the
Registrar

10.-(1) Subject to approval by the Council, the Registrar shall-

(a) cause to be published in the *Gazette*, as soon as may be practicable after registration, the particulars entered in the Register, Roll and List in respect of each person and any amendment or deletion of the particulars therein; and

(b) issue a certificate upon registration, enrolment, enlisting and payment of prescribed fees.

(2) Without prejudice to the generality of subsection (1), the Registrar shall-

(a) keep proper accounts and other records relating to the funds and resources of the Council;

(b) establish one or more separate accounts in a credible commercial bank into which all monies received by the Council shall be paid in and out;

(c) prepare annual estimates of income and

- expenditure and adhere to any such estimates;
- (d) implement the decisions of the Council;
 - (e) prepare and publish an annual report which shall include-
 - (i) an account of the operations of the Council during the year covered by the report;
 - (ii) a set of audited accounts;
 - (iii) such other matters as may be prescribed;
 - and
 - (f) perform any other function that may be required under this Act or as the Council may direct.

Secretariat of
the Council

11.-(1) There shall be a Secretariat of the Council which shall consist of-

- (a) the Registrar; and
 - (b) such number of staff as may be determined and appointed by the Council.
- (2) The members of the Secretariat shall be public servants.

Remuneration of
the members of
the Council and
Secretariat

12. Members of the Council and the Secretariat shall be paid such allowances from the funds of the Council as the Minister may, after consultation with the Treasury Registrar, determine.

PART III

REGISTRATION, ENROLMENT AND ENLISTING OF CHEMISTS, CHEMICAL LABORATORY TECHNOLOGISTS AND ASSISTANT CHEMICAL LABORATORY TECHNOLOGISTS

Qualification for
registration,
enrolment, and
enlisting

13.-(1) A person intending to be registered, enrolled or enlisted as a chemist, a chemical laboratory technologist or an assistant chemical laboratory technologist, as the case may be, shall apply to the Council in the manner to be prescribed by the Council.

(2) A person shall not be eligible for registration, enrolment or enlisting as a chemist professional and offer

his services unless such person satisfies the Council that:

- (a) he is a holder of-
 - (i) in the case of a chemist, a degree in chemistry or any specialized discipline majoring in chemistry from a recognized or accredited institution,;
 - (ii) in the case of a chemical laboratory technologist, a diploma in chemistry; and
 - (iii) in the case of an assistant chemical laboratory technologist, a certificate in chemistry or majoring in chemistry; from a recognized or accredited institution; and
- (b) his professional render him fit and proper to be registered as a chemist, a chemical laboratory technologist or an assistant chemical laboratory technologist, as the case may be.

(3) The Minister shall, upon consultation with the Council, make regulations prescribing for additional qualification requirements for registration, enrolment or enlisting as he may consider necessary.

Internship
training

14.-(1) A chemist shall not be registered as such unless the Council is satisfied that he has undergone internship training for a period of one year.

(2) The procedures and requirements for internship training shall be as prescribed in the regulations.

Temporary
registration

15.-(1) Where a person who is not ordinarily a resident of Tanzania satisfies the Council that:

- (a) is or intends to be present in Tanzania in the capacity of a professionally qualified chemist for the express purpose of carrying out specific work or works for which he has been engaged for a period not exceeding twelve months;
- (b) is or immediately before entering Tanzania was practising as a professional chemist and that he

is eligible for registration under this Act; and
(c) his professional renders him fit and proper to be registered,

he may be temporarily registered.

(2) The Council shall require any person applying for registration under this section, to appear before the Committee responsible for registration and to produce documents relating to his assignment or employment.

(3) The registration of a person under this section shall continue only while engaged on the specific assignment and on ceasing to be so engaged or on expiration of the period, his registration shall cease to have effect.

(4) Registration of a person under this section may be renewed as the Council deems fit.

(5) A person who contravenes the provision of this section commits an offence and shall, upon conviction, be liable to a fine of not less than five million shillings or to imprisonment for a term of two years or to both.

Issuance of
certificate

16.-(1) The Council shall approve issuance of a certificate to a person who is registered, enrolled or enlisted under this Act.

(2) Subject to subsection (1), a certificate shall contain:

- (a) full name and address of the applicant;
- (b) academic qualifications and title; and
- (c) such terms and conditions in respect of which a certificate is issued.

Register, Roll
and List

17.-(1) Subject to this Act, the Council shall establish, keep and maintain a Register, Roll and List of chemist professionals.

(2) Every person registered, enrolled or enlisted shall, before the 31st December of each year, file information with the Council in the prescribed manner for the retention of his name in the Register.

(3) The information to be submitted under subsection (2), shall be accompanied by a prescribed fee as set out in the regulations.

(4) The Council may remove any person from the relevant Register, Roll or List who does not comply with the provisions of subsections (2) and (3).

(5) A person may, after a payment of a prescribed fee and within such time as the Council may determine, inspect the Register, Roll or the List.

Suspension,
revocation or
cancellation of
certificates

18.-(1) The Council may, upon being satisfied that the terms and conditions of issuance of a certificate have been violated-

(a) revoke, suspend or cancel the certificate, as the case may be;

(b) notify the person whose certificate has been revoked, suspended or cancelled; and

(c) delete from the Register, Roll or List the name of the person whose certificate has been revoked or cancelled, as the case may be.

(2) A person whose name has been deleted from the Register, Roll or List shall, within thirty days of such deletion, surrender to the Council the certificate issued under section 16.

(3) A person who fails to surrender the certificate within the prescribed period commits an offence under this Act.

(4) Notwithstanding the provisions of subclause (1), the Council may, before revoking, suspending or cancelling the certificate or deleting from the Register, Roll or List the name of the person whose certificate has been revoked or cancelled, give that person the right to be heard.

Restoration of
name to the
Register, Roll
or List

19.-(1) Where a name of any chemist, a chemical laboratory technologist or an assistant chemical laboratory technologist has been deleted from the Register, Roll or List in accordance with the provisions of section 18, the name of that person shall not be entered in the Register, Roll or List except by order of the Council.

(2) Where an order has been made for the deletion of a person's name from the Register, Roll or List, the Council may, on its own motion or on the application of the person concerned, and in either case, after holding such inquiry as the Council may deem proper, cause the name of the person to be restored to the Register, Roll or List upon payment of prescribed fee.

(3) The provisions of section 34 shall apply to a person who is aggrieved by the decision of the Council under this section.

Restriction on
the use of title

20.-(1) A person other than a chemist, a laboratory technologist or an assistant laboratory technologist shall not, on or after the commencement of this act, assume, take, exhibit or in any way make use of any title, emblem or description reasonably calculated to suggest that he is a chemist, a chemical laboratory technologist or an assistant chemical laboratory technologist.

(2) A person who contravenes subsection (1), commits an offence and shall, upon conviction, be liable to a fine of not less than one million shillings but not more than five million shillings or to imprisonment for a term not less than five years or to both.

PART IV FINANCIAL PROVISIONS

Sources of
funds

21.-(1) Sources of funds for the Council shall include-

- (a) monies as may be appropriated by Parliament;
- (b) any funds or assets which may be vested in or accrued from other sources;

- (c) loans granted by the Government or by any other person or body;
- (d) fees imposed and other charges collected from provision of services under this Act;
- (e) gifts, grants and donations;
- (f) proceeds derived from sale of assets and any other source of income identified by the Council; and
- (g) any other money received by or made available to the Council for the purpose of its functions.

(2) The fees and charges payable under this Act shall be prescribed in the regulations.

Annual
report and
accounts

22.-(1) The Council shall, at the end of each financial year, prepare an annual implementation report on the activities of the financial year and submit the report to the Minister.

(2) The Council shall ensure that the annual financial statements are prepared and submitted to the Controller and Auditor General within three months after the end of each financial year.

(3) The financial statements shall include-

- (a) statement of financial performance;
- (b) statement of financial position;
- (c) statement of cash flows;
- (d) statement of changes of equity;
- (e) notes to the financial statements; and
- (f) directors report.

Submission
of annual
financial
report

23.-(1) The Council shall submit to the Minister an audited financial report on those accounts six months after the end of each financial year.

(2) The Council shall prepare and submit to the Minister an estimate of the revenue and expenditure for the Council three months before the end of the preceding year.

(3) No expenditure shall be made unless authorized by the Council within the estimate of that financial year.

Management and control of funds

24.-(1) The Council shall keep books of accounts and maintain proper records of its operations in accordance with national accounting standards.

(2) The Council shall cause to be prepared and kept proper books of accounts and record with respect to-

- (a) the assets and liabilities;
- (b) the receipt and expenditure of monies and other financial transactions; and
- (c) a statement of financial position and a statement showing details of the financial performance to be prepared in every financial year.

(3) The funds and resources of the Council shall be used for the better carrying out the objective of this Act.

(4) The Council's expenditure shall be subject to monitoring and review.

Annual and supplementary budget

25.-(1) Not less than one month before the beginning of any financial year, the Council shall approve the annual budget of the amount expected to be received and disbursed during that financial year.

(2) Where in any financial year, the Council 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 Council shall approve a supplementary budget detailing the disbursement.

(3) The annual budget and every supplementary budget shall be in the form and manner as may be prescribed or directed by the Minister.

Operational principles

26.-(1) The Council shall-

- (a) open and operate all sets of books of accounts, ledgers, journal, and other subsidiary books of accounts in accordance with its accounting manual; and
- (b) review and change its documentation in order to facilitate the proper keeping of books of account as may be directed by the relevant authorities.

(2) All cash received shall be deposited to the revenue account and payments shall be made from the expenditure account.

(3) No expenditure shall be incurred from the funds of the Council unless that expenditure is part of the expenditure plan approved by the Minister.

Powers to invest

27. The Council may, after obtaining approval of the Minister and after consultation with the Treasurer Registrar and the Minister responsible for finance, invest any monies in such a manner as it deems fit.

PART V DISCIPLINARY PROVISIONS

Receipts of complaints by the Registrar

28.-(1) Where a chemist, a chemical laboratory technologist or an assistant chemical laboratory technologist is alleged to be unfit to practise as such, such complaint shall be lodged to the Registrar who shall forward the complaint to the Council.

(2) For the purpose of this section, a chemist, a chemical laboratory technologist or an assistant chemical laboratory technologist shall be considered unfit to practise if that person:

- (a) has committed a professional misconduct;
- (b) is incompetent;
- (c) has been convicted of an offence under this Act;
- (d) is convicted of an offence involving dishonestly, fraud or moral turpitude;
- (e) has committed any malpractice, negligence or breach any directive issued under this Act; or
- (f) is mentally sick and approved as such by a medical board in Tanzania or any other licensing authority responsible for health regulation in any other jurisdiction.

(3) For the purpose of subsection (2), the term professional misconduct shall be construed to include:

- (a) a contravention of this Act or the regulations;

- (b) failure to abide by the terms, conditions or limitations of a registered, enrolled or enlisted chemist, a chemical laboratory technologist or an assistant chemical laboratory technologist, as the case may be;
- (c) having a conflict of interest which affects the client and a chemist, a laboratory technologist or an assistant laboratory technologist;
- (d) practising chemistry profession without a valid certificate of registration, enrolment, enlisting or temporary registration;
- (e) an attempt to use as his own certificate, number or seal of another chemist, a chemical laboratory technologist or an assistant chemical laboratory technologist or to impersonate any registered chemist, a chemical laboratory technologist or an assistant chemical laboratory technologist;
- (f) abetting or aiding illegal practise of chemist professional by any person;
- (g) furnishing false information or document to the Council in order to secure a certificate of registration, enrolment or enlisting; or
- (h) Impersonation of a registered, enrolled or enlisted chemist professional or a holder of temporary registration certificate.

(4) Every complaint under this section shall be accompanied by a written statement made by the complainant or any person acting on his behalf or any other person interested in the act or omission giving rise to the complaint.

(5) Notwithstanding subsection (4), the Council may, on its own motion, initiate any preliminary inquiry into a chemist, a chemical laboratory technologist or an assistant chemical laboratory technologist if it is satisfied that the information received by the Council warrants holding a preliminary inquiry.

(6) Except for complaints arising under subsection (2), no inquiry shall proceed unless a statutory declaration by the complainant has been obtained.

Temporary
suspension
pending
inquiry

29. The Council may upon receipt of-

- (a) a complaint against a chemist professional; or
- (b) a report from a supervisory authority,

temporarily suspend a chemist professional from practising pending the completion of inquiry.

Procedure
for Inquiry

30.-(1) The Council shall, where it is of the opinion that a *prima facie* case has been established by the complainant, direct that an inquiry be held.

(2) The Council shall give opportunity for a chemist professional against whom misconduct is alleged, to appear before the Council to be heard, and may be represented by an advocate.

(3) Where a chemist professional fails to appear at an inquiry without reasonable excuse and the Council is satisfied that a notice was duly served, the Council may proceed with the inquiry as if the chemist professional was present.

Disciplinary
powers
of the
Council

31.-(1) The Council may, after due inquiry made in accordance with the provisions of this Act-

- (a) order the removal of the name of the chemist professional from the register;
- (b) order the suspension from the practice of the chemist professional for such period as the Council may consider necessary;
- (c) caution, censure or otherwise reprimand the chemist professional; or
- (d) impose fines or order payment of costs involved in the inquiry or such other cost as may be appropriate.

(2) The Registrar shall communicate the decision of the Council to the parties within seven days after determination of the inquiry.

Power to
summon
witness

32. The Council shall have power to summon any witness and may require him to produce documents for the purpose of conducting an inquiry.

Failure to
appear
before the
Council

33.-(1) A person who, having been served with a summons under section 32-

- (a) fails, without reasonable cause, to appear before Council;
- (b) fails without reasonable cause to produce any document so required;
- (c) refuses without reasonable cause to answer questions put to him by the Council; or
- (d) willfully interrupts the proceedings of the Council or insults any member of the Council,

commits an offence.

(2) A person giving evidence before the Council shall be entitled to privileges which he would have been entitled to as a witness before a court of law.

Appeals

34.-(1) A person who is aggrieved by a decision of the Council may, within three months from the date of notification of the decision, appeal to the Minister.

(2) The Minister shall, within thirty days after the receipt of the appeal, determine the appeal.

(3) The Minister may dismiss or allow an appeal or vary the decision of the Council or make any order as he may consider necessary.

(4) The Minister shall, within one month after determination of the appeal, avail the copy of the decision to the appellant.

PART VI GENERAL PROVISIONS

Regulations

35.-(1) The Minister may, in consultation with the Council, make regulations for the effective carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection

- (1), the Minister shall make regulations prescribing for-
- (a) forms, manner and procedures in which an application for registration, enrolment, enlisting or retention or cancellation of certificates;
 - (b) the appointment or designation, powers and qualifications of inspectors and the manner of conducting inspections for the purpose of this Act;
 - (c) fees and other charges;
 - (d) the custody of property management of the Council and Management of investment and expenditure of the funds of the Council; and
 - (e) procedure for conducting inquiries by the Council, and the attendance of witnesses and production of evidence at inquiries, including the power to take evidence on oath.

Rules

36.-(1) The Council may, with the approval of the Minister, make rules for the proper discharge of its functions under this Act.

(2) Without prejudice to sub section (1), the Council may make such rules prescribing for:

- (a) the qualifications for registration, enrolment or enlisting;
- (b) ethics and code of conducts for chemist professional practice; and
- (c) any other matter which may be required for effective implementation of this Act.

Offences
and
penalties

37.-(1) A person who commits an offence for which no specific penalty is provided shall, upon conviction, be liable to a fine of not less than one million shillings but not exceeding two million shillings or to imprisonment for a term not exceeding one year or to both.

(2) A registered, enrolled and enlisted person shall not engage in illegal work or cooperate with anyone so engaged.

(3) A person shall not procure or attempt to procure registration or enrolment or enlisting under a false or fraudulent declaration, certificate, application or

representation, whether in writing or verbally or willfully makes or causes to be made any falsification in the Register.

(4) A person shall not practise as a chemist professional without being registered, enrolled or enlisted under this Act.

(5) A person who contravenes subsections (2), (3) and (4), commits an offence and shall, upon conviction, be liable to a fine of not less than one million shillings or to imprisonment for a term not less than two years or to both.

Publication
of names of
chemist
professionals

38. The Minister shall, by order published by in the *Gazette*, publish the names of chemist professionals.

Immunity

39. Nothing that is done by the Chairman, a member of the Council, member of committee, employee or any other person authorized to perform, any function under this Act shall, if done in good faith in the performance or purported performance of the functions under this Act, render the member or officer personally liable for that matter or anything done.

Compounding
of
offences

40.-(1) Notwithstanding the provisions of this Act relating to penalties, where a person admits in writing to have committed any offence under this Act, the Council may, at any time prior to the commencement of the hearing by a court of competent jurisdiction, compound such offence and order such person to pay such sum of money, not exceeding one half of the amount of the fine to which such person would otherwise have been liable to pay if he had been convicted of such offence.

(2) Where an offence is compounded in accordance with subsection (1) and proceedings are brought against the offender for the same offence, it shall be a good defence for the offender to prove to the satisfaction of the court that the offence with which the offender is charged has been compounded under subsection (1).

(3) Any person who is aggrieved by any order made under subsection (1), may, within thirty days from the date of that order, appeal to the Minister.

(4) Where the person fails to comply with the order issued under this section, within the prescribed period, the Council shall, in addition to the sum of money ordered, require the person to pay an interest at the rate prescribed in the regulations.

(5) The Minister shall make regulations prescribing offences to be compounded and procedures for compounding of offences under this Act.

SCHEDULE

(Made under section 4)

**APPOINTMENT, COMPOSITION AND PROCEDURES OF
THE COUNCIL**

- Chairman** **1.**-(1) The Chairman shall be appointed by the Minister and shall be a person of good standing, credibility and integrity, with an outstanding experience in chemicals management.
(2) The Council shall elect one of its members to be the Vice- Chairman.
- Tenure of office** **2.**-(1) The Chairman and members of the Council shall, unless his appointment is terminated by the Minister, or he ceases in any other way to be a member, hold office for a period of three years and shall be eligible for reappointment for one more term.
(2) A Member appointed by virtue of their office shall cease to be a member upon ceasing to hold the office entitling appointment to the Council.
(3) A member of the Council shall cease to be a member if the member-
(a) dies or resigns for any reason;
(b) fails without good cause to attend three consecutive meetings of the Council;
(c) is convicted of a criminal offence for a term of, or beyond six months;
(d) becomes mentally ill; or
(e) is disqualified to practice under this Act.
(4) Where an office of a member falls vacant for any of the reasons under subsection (3), the Minister may appoint a person to fill the vacancy during the remainder of the term for which the vacating member was appointed.
(5) Where a member, who was appointed by virtue of his holding some other office, is unable for any reason to attend any meeting of the Council, he may nominate another person from his organization to attend the meeting in his place.
- Meetings** **3.**-(1) The Council shall ordinarily meet at least once in every three months at such times and places as it deems necessary for transaction of its business.
(2) Notwithstanding subsection (1), the Chairman may, upon approval of two thirds of members, call an extra ordinary meeting to transact on matters requiring immediate attention.
(3) The Chairman or in his absence, the Vice-Chairman, may at any time call a special meeting upon a written request by a majority of the members.
(4) The Chairman or in his absence the Vice Chairman, shall preside at every meeting of the Council and in the absence of both, the Chairman and Vice Chairman, the members present shall appoint a member from amongst themselves to preside over the meeting.
- Quorum** **4.**-(1) The quorum at any meeting of the Council shall be two thirds of the

members in office.

(2) Matters proposed at a meeting of the Council shall be decided by a majority of the votes of the members present.

(3) The validity of any act or proceedings of a properly constituted Council meeting shall not be affected by reason of absence of any member or by the defect subsequently raised by the absent member.

Directives
of the
Council

5. All orders, directives, notices of the Council shall be signed by-

- (a) the Chairman ; or
- (b) the Secretary or any other officer authorized in writing in that behalf by the Secretary.

Seal

6. The Seal of the Council shall not be affixed on any instrument except in the presence of the Registrar or such other officer as the Council may appoint in that behalf.

Proceedings

7. Subject to this Schedule, the Council shall regulate its own proceedings.

Passed by the National Assembly on the 13th September, 2016.

THOMAS DIDIMU KASHILILAH,
Clerk of the National Assembly