

THE INSTITUTE OF DEVELOPMENT MANAGEMENT ACT, 1972

ARRANGEMENT OF SECTIONS

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THE UNITED REPUBLIC OF TANZANIA



No. 15 OF 1972

I ASSENT,

Julius K. Nyerere
President

27th JUNE, 1972

An Act to establish the Institute of Development Management

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Institute of Development Management Act, 1972 and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

2. In this Act, unless the context otherwise requires—
“Institute” means the Institute of Development Management established by section 3;

“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;

“Governing Body” means the Governing Body of the Institute established under section 7;

“member” in relation to the Governing Body, includes the Chairman;

“Minister” means the Minister for the time being responsible for the Central Establishment Division;

“Principal” means the Principal appointed under section 9 (1).

3.—(1) There is hereby established an institute which shall be known as the Institute of Development 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 such sums of money as it may require for its purposes.

Departments

4.—(1) The Institute shall consist of the Department of Management and Administration, the Department of Accountancy, the Department of Secretaryship, the Department of Local Government and Law, the Department of Rural Development and such other Departments as the Governing Body may, with the consent of the Minister, establish.

(2) The Governing Body may, with the consent of the Minister, disestablish any department or merge any two or more Departments.

Functions of the Institute

5. The functions of the Institute shall be—

- (a) to promote social, economic and political development by providing opportunities for the study of, and for training in, the principles, procedures and techniques of management, accountancy and secretarial practice, public administration, the administration of justice, local government and rural development (hereinafter referred to as "the specified subjects");
- (b) to conduct training programmes in the specified subjects and in such other subjects associated with development management as the Governing Body may from time to time decide;
- (c) to engage in research into the operational and organizational problems and training needs in the specified subjects and to evaluate the results achieved by its training programmes;
- (d) to provide consultancy services in the specified subjects to the Government, local authorities and such other bodies or organizations as may be designated by the Minister;
- (e) to sponsor, arrange or provide facilities for conferences and seminars on the specified subjects and other topics related thereto;
- (f) to give advice and make recommendations on such matters of administrative reform as the Minister may refer to the Institute for its advice;

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- (g) to establish departments within the Institute for the management and administration of its work and activities;
- (h) to manage the affairs of any institute, college, training centre or other educational institution the interests of which are transferred to or otherwise acquired by the Institute;
- (i) to arrange for the publication and general dissemination of material produced in connection with the work of the Institute, including training manuals and material handbooks and the recorded results of research projects;
- (j) to do anything or enter into any transaction which, in the opinion of the Governing Body, is calculated to facilitate the efficient carrying on of its activities and the proper performance of its functions as specified in this paragraph.

The Govern-
ing Body

6. There shall be a Governing Body of the Institute.

7. The provisions of the First Schedule shall have effect as to the composition of the Governing Body, tenure of office of its members, termination of their appointments, the proceedings of the Governing Body and other matters in relation to the Governing Body and its members as are provided therein.

8.—(1) Subject to the provisions of this Act, the government and control of the Institute shall be vested in the Governing Body.

(2) In particular and without prejudice to the generality of subsection (1) the Governing Body 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, fees, 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 such acts and things as may be provided for in this Act or as may, in the opinion of the Governing Body be necessary or expedient for the proper discharge of its functions.

9.—(1) The Governing Body shall appoint a suitable person to be the Principal of the Institute.

(2) The Principal shall be the Chief Administrative and Academic Officer of the Institute and shall be responsible to the Governing Body—

- (a) for the proper administration of the Institute in accordance with the policy laid down by the Governing Body;
- (b) for the academic management of the Institute in accordance with the policy laid down by the Governing Body;
- (c) for the proper enforcement of by-laws made by the Governing Body.

(3) Notwithstanding any other provision of this Act, the appointment of the Principal and the terms and conditions of his service shall be subject to the approval of the Minister.

(4) The Governing Body may appoint on such terms and conditions of service as it may determine, a Vice-Principal of the Institute.

(5) The Principal shall, or in his absence the Vice-Principal, shall be entitled to be present and to speak at any meeting of the Governing Body but shall not be entitled to vote unless he is a member thereof.

(6) The functions of the Vice-Principal shall be generally to assist the Principal and in the event of the Principal being unable to perform his functions by reason of illness, infirmity or otherwise, to act in the office of the Principal and to perform the functions of that office.

- Secretary** **10.—**(1) The Governing Body may appoint a suitable person to be the Secretary to the Institute.
- (2) Where the Secretary is not a member of the Governing Body, he shall have no power to vote at any meeting of the Governing Body.
- (3) Subject to the provisions of this Act, the Secretary shall have such functions as may be conferred upon him by the Governing Body.
- Administrative staff** **11.** The administrative staff of the Institute shall, subject to the provisions of section 13, be appointed by the Governing Body.
- Academic Staff** **12.** The academic members of the Staff of the Institute shall, subject to the provisions of section 13, be appointed by the Governing Body.
- Delegation of powers of appointment** **13.** The Governing Body may, subject to such conditions and restrictions as it may impose, delegate to any person or body of persons, the powers of appointment of any members of the administrative or the academic staff of the Institute.
- Governing Body responsible for management of assets etc.** **14.** The Governing Body shall manage all the assets and properties, movable and immovable, of the Institute, in such manner and for such purposes as in the opinion of the Governing Body would promote the best interests of the Institute.
- Funds of Institute** **15.** The funds and resources of the Institute shall consist of—
- (a) such sums as may be provided for the purposes of the Institute by Parliament, either by way of grant or loan;
- (b) such sums as the Governing Body may, from time to time, with the consent of the Minister, borrow for the purposes of the Institute;
- (c) such sums as may in any manner become payable to or vested in the Institute either under the provisions of this Act or incidental to the carrying out of its functions, or by way of fees, gift, grant or otherwise.
- Power to invest** **16.** The Governing Body shall have power to invest the funds of the Institute in such investments, and subject to such conditions, as are prescribed by the Trustee Investments Act, 1967, in relation to investment of funds by a trustee.
- Acts 1967 No. 33**
- Annual estimates** **17.—**(1) At least two months before the commencement of any financial year the Principal shall prepare or cause to be prepared for the approval of the Governing Body, annual estimates of the revenue and expenditure of the Institute for the ensuing financial year.
- (2) The Governing Body shall, before the commencement of a financial year, consider and approve, subject to such modifications and amendments as it may consider 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 officers of the Institute;
- (b) for the payment of allowances, fees and expenses in respect of the members of the Governing Body;

- (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, improvement, maintenance and replacement of any building or other immovable property of the Institute;
- (e) for the proper maintenance and replacement of the furniture and equipment of the Institute;
- (f) for the creation of such reserve funds to meet future contingent liabilities as the Governing Body may think fit.

(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 Governing Body.

(5) A copy of the annual estimates and of every supplementary estimates, if any, shall, immediately upon the approval of such annual estimates or, as the case may be, supplementary estimates, by the Governing Body be forwarded to the Minister.

18.—(1) The Governing Body shall cause to be kept proper accounts and shall, as soon as practicable after the end of each financial year, cause such accounts relating to such financial year together with—

- (a) a statement of income and expenditure during such financial year; and
- (b) a statement of the assets and liabilities of the Institute on the last day of such financial year,

to be submitted to and audited by the Tanzania Audit Corporation established by the Tanzania Audit Corporation Act, 1968.

Acts 1968
No. 1

(2) Copies of the statements referred to in subsection (1) and a copy of the auditor's report, if any, shall be forwarded to the Minister.

19. The Principal 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.

20. 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 18;
- (b) a copy of the auditor's report, if any;
- (c) a copy of the Principal's report.

Annual
statement
of accounts
and
reports
to be laid
before
National
Assembly

21.—(1) With the consent of the Minister the Governing Body may 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) prescribe the conditions which must be satisfied before any diploma, certificate or other award, may be granted;

SCHEDULE

1.—(1) The Governing Body shall consist of a Chairman, who shall be appointed by the President, and the following other members:—

- (i) the Principal Secretary to the Treasury;
- (ii) the Principal Secretary, the Central Establishment Division;
- (iii) the Principal Secretary, Office of the Prime Minister;
- (iv) the Principal Secretary, Ministry of National Education;
- (v) the Principal Secretary, Ministry of Agriculture;
- (vi) the Principal of the Institute;
- (vii) one member nominated by NUTA;
- (viii) one member nominated by the Vice-Chancellor of the University of Dar es Salaam;
- (ix) one member nominated by the Co-operative Union of Tanganyika Limited;
- (x) not more than ten members appointed by the Minister.

Composition
of the
Governing
Body

(2) The Minister may, by order in the *Gazette*, amend, vary or replace sub-paragraph (1) and may make such consequential amendments to this Schedule as he may consider necessary.

2. Every member of the Governing Body shall continue to hold office as such until his appointment is revoked by the appointing authority.

Tenure of
appointment

3. Where any member absents himself from three consecutive meetings of the Governing Body without reasonable excuse the Minister of the fact and the Minister may, if he deems fit so to do, terminate the appointment of the member and appoint another member in his place.

Absence
from three
consecutive
meetings

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

Appoint-
ment of
temporary
member

5. The Governing Body 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 office of Vice-Chairman for a term of one year from the date of his election, and shall be eligible to be re-elected.

Vice-Chair-
man

6.—(1) The Chairman shall preside at all meetings of the Governing Body.

Power of
Chairman
and Vice-
Chairman

(2) Where at any meeting of the Governing Body, the Chairman is absent, the Vice-Chairman shall preside.

(3) In the absence of the Chairman and Vice-Chairman at any meeting of the Governing Body 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 Governing Body shall have a vote and, in the event of an equality of votes, shall have a casting vote in addition to his deliberative vote.

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

ing Body

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 a meeting of the Governing Body within thirty days of such request being made to him in writing.

(2) The Secretary or the Principal shall give to each member not less than fourteen days' notice of the time and place of the meeting.

8.—(1) At any meeting of the Governing Body not less than one-third of the members in office for the time being shall constitute a quorum.

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.

Decisions of Governing Body

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

Decision by circulation of papers

10. Notwithstanding the foregoing provisions of this Schedule decisions may be made by the Governing Body without a meeting, by circulation of the relevant papers among the members and the expression of the views of the majority thereof 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 a meeting of the Governing Body.

Seal

11.—(1) The seal of the Institute shall be of such shape, size and form as the Governing Body may determine.

(2) The seal shall be affixed in the presence of—

(a) the Principal; or

(b) the Secretary; or

(c) such other officer of the Institute as the Principal may nominate in that behalf, and the person or persons present shall sign over or underneath the seal in witness thereof.

Execution of Contracts etc.

12. Subject to paragraph 11, all conveyances, transfers, contracts, guarantees, agreements, bonds, mortgages, charges, bills of exchange, promissory notes, bank drafts, letter of credit, securities and other instruments whatsoever to which the Institute is a party shall be executed on behalf of the Institute by—

(a) the Principal; or

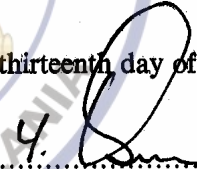
(b) the Secretary; or

(c) such other officer of the Institute as the Principal may appoint on that behalf.

Governing Body may regulate its proceedings

13. Subject to the provisions of this Schedule the Governing Body may regulate its own proceedings.

Passed in the National Assembly on the thirteenth day of June, 1972.


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Clerk of the National Assembly