

**THE AUDIO-VISUAL INSTITUTE OF DAR ES SALAAM ACT,
1974**

ARRANGEMENT OF SECTIONS

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SCHEDULE

THE UNITED REPUBLIC OF, TANZANIA



No. 26 OF 1974

ASSENT,

Julius K. Nyerere
President

20TH AUGUST, 1974

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

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Audio-Visual Institute of Dar es Salaam Act, 1974 and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

Short title
and
commence-
ment

2. In this Act, unless the context otherwise requires-

Interpretation

"Governing Board" means the Governing Board of the Institute established under section 5;

"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 for the time being responsible for Information and Broadcasting.

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

Establish-
ment
of the
Institute

(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. The functions of the Institute shall be-

Function
of the
Institute

(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 educational 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 such 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 any such research carried out by it;
- (g) to stimulate and promote the production and development of audio-visual aids of such types, qualities and quantities as 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 co-ordinate the activities of such 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 such acts and things, and enter into all such contracts and transactions, as are, in the opinion of the Governing Board, expedient or necessary for the proper and efficient discharge of the functions of the Institute.

The Governing Board

5. There shall be a Governing Board of the Institute.

Composition and procedure of Governing Board

6.-(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 therein.

(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.

Powers and duties of the Governing Board

7.-(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, grants or other money.

- (e) subject to the provisions of this Act, to appoint such officers of the Institute as 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.

8.-(1) The President shall appoint a suitable person to be the Director of the Institute. 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 such functions as 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 thereat unless he is also appointed as a member of the Board.

9. The administrative, professional and technical staff of the Institute shall, subject to the provisions of section 10, be appointed by the Governing Board. Appointment of staff

10. The Governing Board may, subject to such conditions as 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. Delegation

11. The Governing Board shall manage the assets and properties of the Institute in such manner as, in the opinion of the Governing Board, would promote the best interests of the Institute. Governing Board responsible for management of assets

12. The funds and resources of the Institute shall consist of-

- (a) such moneys as may be provided for the purposes of the Institute by Parliament;
- (b) such funds or assets which may vest in or accrue to the Institute from other sources by way of fees, gifts, grants or otherwise;
- (c) such sums as the Governing Board may, subject to the provisions of section 13, borrow for the purpose of the Institute.

Funds of the Institute

13.-(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. Power to borrow

(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.

Annual and
supplement-
ary budget

14.-(1) In this Act "financial year" means any period not exceeding twelve consecutive months designed 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 such disbursement.

(4) The annual budget and every supplementary budget shall be in such form and include such 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 such amendment as he may 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 such 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 such 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 such alteration of expenditure limits becoming necessary.

15. 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 authorized by the Trustees Investments Act, 1967 for the Investment of any trust fund.

Investment
Acts, 1967
No. 33

16.- (1) The Governing Board shall cause to be provided and kept proper books of account and records with respect to-

Accounts
and Audit

- (a) the receipt and expenditure of moneys 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 Corporation established by the Tanzania Audit Corporation Act, 1968.

Acts, 1968
No. 1

(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 thereon made by the auditors.

(4) Every such audited balance sheet shall be placed before a meeting of the Governing Board and, if adopted by the Governing Board shall be endorsed with a certificate that it has been so adopted.

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

Director's
report

18. 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 such financial year-

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

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

19.-(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—

Regulations
and
by-laws

- (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 awards may be granted;
- (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 such by-laws to be published in the *Gazette*.

Fees and allowances

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

Minister may give directions and grant exemptions

21.-(1) The Minister may give the Governing Board directions of a general or specific character and the Governing Board shall give effect to every such direction.

(2) Notwithstanding the provisions of any written law the Minister may, after consultation with the Minister for the time being 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, whatsoever, on any transaction to which the Institute is a party or in relation to any property transferred to or owned by the Institute.

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

22. 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 such 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.

Protection of members of Governing Board and officers of Institute

23.-(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 such member or officer by this Act or by regulations made hereunder, render such member or officer personally liable for such matter or thing.

Cap. 16
Act, 1970
No.7

(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 Code or the provisions of the Specified Officers (Recovery of Debts) Act, 1970.

SCHEDULE

<p>1. In this Schedule "appointing authority" means-</p> <p>(a) in relation to the chairman of the Governing Board, the President;</p> <p>(b) in relation to any other member, the Minister.</p>	<p>Interpretation</p>
<p>2.-(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.</p> <p>(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.</p>	<p>Composition</p>
<p>3. The members of the Governing Board shall, from among their member, elect a vice-chairman who shall hold office for so long as he remains a member of the Governing Board.</p>	<p>Vice Chairman</p>
<p>4.-(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 such period as the appointing authority may specify in his appointment:</p> <p>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.</p> <p>(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.</p>	<p>Tenure of office</p>
<p>5. 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.</p>	<p>Absent member to be replaced at meetings</p>
<p>6. 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 the remainder of the term of office of his predecessor.</p>	<p>Casual vacancies</p>
<p>7.-(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 such 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 such meeting.</p> <p>(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 such meeting shall be given to all members of the Governing Board in the manner prescribed in sub-paragraph (1).</p> <p>(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 any such person shall not be entitled to vote.</p>	<p>Meetings</p>
<p>8.-(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.</p> <p>(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.</p> <p>(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 veto in addition to his deliberative vote.</p>	<p>Procedure</p>

(4) Notwithstanding the provisions of sub-paragraph (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 any such decision shall be considered at a meeting of the Board.

Minutes of meetings

9. 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.

Execution of documents

10. 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 authorized in writing by the Director in that behalf.

Seal of the Governing Board

11. The seal of the Government 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.

Governing Board may regulate its own proceedings

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

Passed in the National Assembly on the twenty-fourth day of July, 1974.

MMwindadi

Acting Clerk of the National Assembly