

THE UNITED REPUBLIC OF TANZANIA



No. 20 OF 1979

I ASSENT

Julius K. Nyerere
President

An Act to establish the National Construction Council and to provide for matters connected with and incidental to the establishment of that Council

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the National Construction Council Act, 1979, and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint. Short title and commencement

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

"the Chairman" means the Chairman of the Council;

"Committee" means a Committee established under and in accordance with the provisions of section 9;

"the, Council" means the National Construction Council established under section 3;

"member" in relation to the Council, means a member of the Council an includes the chairman; and m relation to a committee means a member of the committee and includes the Chairman of 'the committee;

"Minister" means the Minister for the time being responsible for Works-,

"Secretary" means die officer appointed by the President to be Secretary to the Council.

PART II

THE NATIONAL CONSTRUCTION COUNCIL

Establish-
ment

3.-(1) There is hereby established a Council to be known as the National Construction Council.

(2) The Council 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) subject to his Act, be capable of holding, purchasing or acquiring in any other way, any movable, or immovable property, and of disposing of any of its property for the purposes or carrying out the functions conferred on the Council by "s Act.

(3) The provisions of the Schedule to this Act shall have effect in respect of the constitution of the council, its proceedings and other matters relating to it.

(4) The Minister may, by Order published in the *Gazette*, amend, add to, vary or replace any of the provisions of the Schedule to this Act.

Functions of
the Council

4. The functions of the Council shall be--

- (a) to promote the development of the construction industry in Tanzania;
- (b) to plan and co-ordinate the activities of persons engaged in the construction industry in Tanzania ;
- (c) to, provide advisory services and technical assistance necessary for, or incidental to the proper development of the construction industry, to institutions and other persons engaged in the construction industry;
- (d) to provide and promote training facilities for persons engaged in or employed or to be employed in the construction industry;
- (e) to advise the government on all matters relating to the development of the construction industry and to formulate proposal and recommendations for their implementation;
- (f) to promote the documentation and dissemination of information on any aspect of research into any activity connected with the construction industry, carried out by the Council or any person or institution, and may for that purpose publish any newspaper, journal or periodical or do any other thing designed to promote research m any matter which is necessary or desirable for the efficient development of the national construction policy;
- (g) to monitor the implementation of standards and regulations relating to the construction industry;
- (h) to monitor construction costs and make suggestion for their control;

- (i) to give advice on, the economical use of materials for construction and to encourage the maximum use of local materials;
- (j) to carry out and promote the carrying out of research in various aspects of the construction industry and to co-ordinate that research;
- (k) to advise the Government, or institutions engaged in the construction industry, on the adaptation of technology in the construction industry:
- (l) to participate in, or to make arrangements for conferences, seminars and discussions on matters connected with the activities of the Council.
- (m) to establish and monitor guidelines for tendering procedures so as to ensure fairness, speed and economy.

5. The Council may, for the purpose of carrying out its functions under this Act, do all such acts as appear to it to be requisite, advantageous or convenient for or in connection with the carrying out of those functions or to be incidental to their proper performance and may carry on any activities in that behalf either alone or in association with any other person or body of persons.

General
power
the Council

6.-(1) There shall be a Secretary of the Council who shall be appointed by the President on such terms and conditions as the President may determine and who shall also act as Secretary to the Executive Committee.

Secretary of
the Council

(2) The Secretary shall be the Chief Executive and Administrative Officer of the Council and shall be responsible for co-ordinating the whole of the work of the Council.

(3) Subject to the provisions of this section, the Secretary shall have such other functions as may be conferred upon him by the Council.

(4) Where the Secretary is not a member of the Council, he shall have no power to vote at any meeting of the Council

7. The Council may appoint on such terms and conditions as it may determine, such number of officers of the Council as it May Consider necessary for the performance of its functions.

The Staff of
the Council

8. The Council may, subject to such conditions as it may impose, delegate to any person or body of persons, the power of appointment to any office or offices on the Staff of the Council.

Delegation of
power of
appointment

9.-(1) The Council shall appoint an Executive Committee comprising: -

- (a) the Chairman, who shall be the Chairman of the Committee- v
- (b) twelve other members of the Council.

(2) The functions of the Executive Committee shall be to act as the executive authority of the Council in the management of its ordinary affairs and to consult and to report to the Council there on and for those purposes it may exercise all the executive powers and functions

vested in the Council by this Act other than the power of approving estimates conferred by section 15 or any function or power delegated by the Council to a committee established under section 10.

(3) The provisions of the Schedule to this Act shall apply, with such modifications as the circumstances may require, in relation to the tenure of office of the members of the Executive Committee, the right to terminate their appointment, and appointment of a new member to fill any vacancy, and also in relation to the quorum, proceedings and meetings of the Committee.

Boards and
other
Committees

10.-(1) Subject to the approval of the Minister, the Council may, from time to time establish such boards and committees as it may consider necessary for the purpose of facilitating the carrying out of the objectives of the Council.

(2) The Council shall prescribe the composition, powers, duties and procedure of all committees and boards and, subject to the provisions of this Act, may delegate to any such committee or board any of its powers or functions other than the power of approving estimates conferred by section 15.

(3) The Council may appoint on any committee or board established under this section any person notwithstanding that person is not a member of the Council but any person so appointed shall have, no power to vote:

Provided that in no case shall the number of members of any committee or board who are not also members of the Council exceed one thirds of the total number of the members of the Committee.

(4) For the purpose of this section, the Secretary shall be deemed to be a member of the Council.

Information
on
construction
research
to be
furnished
to the
Council

11.-(1) Every person engaged, or intending to engage, in the field of construction industry research within the United Republic shall, at his own expense, furnish to the Council information relating to that research and shall make available to the Council copies of any relevant records or findings in such form and within such periods as may be prescribed,

(2) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand shillings, but no person shall be prosecuted for any offence under this section within six months after the commencement of this Act

(3) Notwithstanding subsection (1), the Council may enter into arrangements with firms or organizations engaged in research in, or activity relating to the construction industry, within or outside Tanzania, for the purposes of establishing a system of exchanging information relating to research in or activity relating to the construction industry.

12.-(1) The Council may require in writing any person or body of persons engaged in research or in any activity relating to, the construction industry within Tanzania, to furnish to it such information relating to that research or activity as the Council may specify.

Council may call for information on research

(2) Every person or body of persons which is required to furnish information under subsection (2) shall comply with the requirement and any person or body of persons which refuses or fails to comply with that requirement shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifteen thousand shillings.

13. The Minister may give to the Council directions of a general or specific character regarding the performance by the Council of any of its functions under this Act, and the Council shall give effect to every direction given to it.

Minister may give direction

PART III

FINANCIAL PROVISIONS

14.-(1) The funds and resources of the Council shall consist of-

Funds of the Council

- (a) such sums as may be provided for the purposes of the Council by Parliament, either by way of grant or loan;
- (b) such donations, grants, requests and loans as the Council may, from time to time receive from any person or organization;
- (c) any sums or property which may vest in the Council under this Act or any other written law or which may vest in the Council in any other manner in the performance of its functions.

(2) The funds and resources of the Council shall be applied for the purposes for which the Council is established under this Act.

15.-(1) The Council shall, in respect of each financial year, cause to be prepared estimates of the expenditure and revenue of the Council and those estimates shall be approved by the Council before the commencement of the relevant financial year.

Annual estimates

(2) If in any financial year the Council requires to make any disbursement not provided for or of any amount in excess of the amount provided for, in the annual budget for that year, the Council shall, at a meeting pass a supplementary budget detailing that disbursement.

(3) The annual budget and every supplementary budget shall be in such form and include such details as the Minister may direct.

(4) Forthwith upon passing any annual budget or any supplementary budget the Council shall submit that annual budget or that supplementary budget, as the case may be, to the Minister for his approval.

(5) The Minister shall, upon receipt of the annual budget or any supplementary budget, approve or disapprove it or may approve it subject to such amendment as he may deem fit.

(6) Where the Minister has approved any annual budget or any annual budget or any supplementary budget, the budget or, as the case may be, the supplementary budget, shall be binding on the Council which, subject to subsection (7), shall confine the disbursements of the Council within the items and amounts contained in the applicable estimates as approved by the Minister.

(7) The Council may-

- (a) with the sanction in writing of the Minister, make a disbursement notwithstanding that the disbursement is not provided for in any budget;
- (b) adjust expenditure limits to take account of circumstances not reasonable foreseeable at the time the budget was prepared, subject to submitting a supplementary budget to the Minister within two months of the alteration of expenditure limits becoming necessary.

Accounts
and audit

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

- (a) the receipt and expenditure of moneys by, and other financial transactions of, the Council;
- (b) the assets and liabilities of the Council;

and shall cause to be made out for every financial year a balance sheet showing details of the income and expenditure of the Council and all its assets and liabilities.

Acts, 1968
No. I

(2) Within six months of the close of every financial year the accounts including the balance sheet of the Council in respect of that financial year shall be submitted for audit by the Tanzania Audit Corporation established by the Tanzania Audit Corporation Act, 1968.

(3) Every audited balance sheet shall be placed before a meeting to the Council which, if it adopts it, shall endorse the balance sheet with a certificate that it has been so adopted.

(4) As soon as the accounts of the Council have been audited, and in any case not later than six months after the close of the financial year, the Council shall submit to the Minister a copy of the audited statement of accounts together with a copy of the report, made by the auditors of the statement of accounts.

Annual
Report

17. The Council shall, within six months after the close of the financial year, cause to be prepared and submitted to the Minister a report dealing generally with the activities and operations of the Council during that year and accompanied by-

- (a) a copy of the audited accounts of the Council;
- (b) a copy of the auditors report, on the accounts; and
- (c) such other information as the Minister may direct.

18. The Minister shall, as soon as practicable after receiving them, lay before the National Assembly the Audited Accounts of the Council together with the auditor's report, if any, on the accounts and the annual report of the Council.

Lying of
Accounts
before
National
Assembly

PART IV

GENERAL PROVISIONS

19. Without prejudice to the provisions of section 284A of the Penal Code or the Specified Officers (Recovery of Debts) Act, 1970, or of the Parastatal Employees (Recovery of Debts) Act, 1974, no act or thing done or omitted to be done by any member of the Council or by any employee of the Council shall, if done or omitted *bona fide* in the execution or purported execution of his duties as a member of the Council or as an employee of the Council, subject to any action, liability or demand of any kind.

Protection
from
person
liability
Cap. 16
Acts, 1970
No. 7
Acts, 1974
No. 37

20. Where any order direction or requirement made or given by the Minister or the Council under this Act is not required to be published of in the *Gazette*, the order, direction or requirement shall be brought to the notice of persons affected or likely to be affected by it in any manner which in the opinion of the Council will ensure the order, direction or requirement coming to the notice of persons affected or likely to be affected by it.

Notification
of Orders

Provided that in the order, direction or requirement is published in the *Gazette*, all persons shall be deemed to have had notice of it.

SCHEDULE

(Section 3 (3))

1. The Council shall consist of-
- (a) a Chairman, who shall be appointed by the President;
 - (b) twelve members appointed by the Minister representing each of:-
 - (i) The Prime Minister's Office;
 - (ii) The Ministry of Capital Development;
 - (iii) The Ministry of Finance and Planning;
 - (iv) The Ministry of Industries;
 - (v) The Ministry of Labour and Social Welfare;
 - (vi) The Ministry of Land, Housing and Urban Development;
 - (vii) The Ministry of Manpower Development;
 - (viii) The Ministry of National Education;
 - (ix) The Ministry of Natural Resources and Tourism;
 - (x) The Ministry of Trade;
 - (xi) The Ministry of Water, Energy and Minerals;
 - (xii) The Ministry of Works.
 - (c) three other members appointed by the Minister to represent such technical and professional institutions as are likely to assist the Council in the discharge of its functions;

Composition
of Council

	(d) three other members appointed by the Minister from amongst persons who, in his opinion, have the necessary experience or qualification to enable them to make a useful contribution to the realization of the objectives of, and to the deliberation of the Council;
Vice-Chairman	2. The members shall elect one of their number to be the Vice-Chairman of the Council, and any member elected as Vice-Chairman shall, subject to his continuing to be a member, hold office for a term of one year from the date of election, and shall be eligible for re-election.
Tenure of appointment	3. -(1) A member shall, unless his appointment is sooner terminated by the President or, as the case may be, by the Minister, or he ceases in any other way to be a member, hold office for the period specified by the President, in the case of the Chairman, or by the Minister, in the case of any other member, in the instrument of his appointment or, if no period is so specified, for a period of three years from the date of his appointment and shall be eligible for re-appointment. (2) Any member appointed under paragraph I (a), (c) or (d) may at any time resign his office by giving notice in writing to the President or, as the case may be, to the Minister, 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 President or the Minister, he shall cease to be a member.
Absent member to be represented at meetings	4. If a member of the Council who is a member by virtue of his holding some other office is unable for any reason to attend any meeting, he may nominate in writing another person from his organization to attend that meeting in his place.
Casual vacancies	5. Where any member ceases to be a member for any reason before the expiration of his term of office, the appointing authority may appoint another in his place and the person so appointed shall hold office for the remainder of the term of office of his predecessor.
Power of Chairman and Vice-Chairman	6. -(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 to the Council, the members present may, from amongst their number elect a temporary Chairman who shall preside at the meeting. (4) The Chairman, Vice-Chairman or a temporary Chairman presiding at the 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.
Meeting and procedure of the Council	7. -(1) The Council shall ordinarily meet for the transactions of its business not less than twice during every year and at such additional times as 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. (2) The Chairman or, in his absence from the United Republic, the Vice-Chairman may, and upon application in writing by at least five members, convene a special meeting of the Council at any time. (3) The Secretary of the Council shall give to each member adequate notice of the time and place of each meeting. (4) The Council may invite any person who is not a member to participate in the deliberation at any meeting of the Council, but any person so invited shall not be entitled to vote.
Quorum	8. At any meeting of the Council not less than one half of the members in office for the time being shall constitute a quorum.
Decisions of the Council	9. -(1) Subject to the provisions relating to a casting vote, all questions at a meeting of the Council shall be determined by a majority of the votes of the members present. (2) Notwithstanding sub-paragraph (1), a decision may be made by the Council without a meeting by circulation of the relevant papers among the members, and the expressions in writing of the views of the majority of the members.

10.-(1) The Council shall cause to be recorded and kept minutes of all business conducted or transacted at its meetings, and the minutes of each meeting of the Council shall be and confirmed, or amended and confirmed, at the next meeting of the Council and signed by the person presiding at the meeting. Minutes of meetings

(2) Any minutes purporting to be signed by the person presiding at a meeting of the Council shall, in the absence of proof of error, be deemed to be correct record of the meeting whose minutes they purport to be.

11. The validity of any act or proceeding of the Council shall not be affected by any vacancy among its members or by any defect in the appointment of any of them. Vacancies, etc., not to invalidate proceedings

12. All orders, directions, notices or other documents made or issued on behalf of the Council shall be signed by- Orders, directions

(a) the Chairman of the Council; or

(b) the Secretary or any other officer or officers of the Council authorized in writing in that behalf by the Secretary.

13. The Seal of the Council shall not be admitted to any instrument except in the presence of the Chairman or the Vice-Chairman or the Secretary or some other officer of the Council and at least one member of the Council. Seal of the Council

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

Passed in the National Assembly on the twenty-fourth day of October, 1979.


 Clerk of the National Assembly