

CHAPTER 52

THE NATIONAL KISWAHILI COUNCIL ACT

[PRINCIPAL LEGISLATION]

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SCHEDULE

CHAPTER 52

THE NATIONAL KISWAHILI COUNCIL ACT¹

An Act to establish the National Kiswahili Council and to provide for matters related to the Council.

[11th August, 1967]

Acts Nos.
27 of 1967
1 of 1968
7 of 1983
4 of 2016

Short title
Act No.
7 of 1983 s. 2

1. This Act may be cited as the National Kiswahili Council Act.

Interpretation
Act No.
7 of 1983 s. 3

2. In this Act, unless the context otherwise requires-
“Council” means the National Kiswahili Council established under section 3;
“financial year of the Council” means a year commencing on the first day of July and ending on the next following thirtieth day of June; and
“Minister” means the Minister responsible for matters relating to the National Kiswahili Council.

Establishment of
Council
Act No.
7 of 1983 s. 4

3.-(1) There is hereby established a Council, which shall-
(a) be a body corporate by the name of the National Kiswahili Council with perpetual succession and a seal;
(b) in its corporate name, be capable of suing and being sued; and
(c) be capable of holding, purchasing and otherwise acquiring and disposing of any property, movable or immovable, for the purposes of carrying out the functions conferred on the Council by this Act.

¹ Act No. 7 of 1983 s.2

(2) The provisions of the Schedule to this Act shall have effect with respect to the constitution and proceedings of the Council.

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

Functions of
Council
Act No.
7 of 1983 s. 5

4.-(1) The functions of the Council shall be-

- (a) to promote the development and usage of the Kiswahili language throughout the United Republic;
- (b) to co-operate with other bodies in the United Republic which are concerned with the promotion of the Kiswahili language and to co-ordinate their activities;
- (c) to encourage the use of the Kiswahili language in the conduct of official business and public life generally;
- (d) to encourage the achievement of high standard in the use of the Kiswahili language and to discourage its misuse;
- (e) to co-operate with the authorities concerned in establishing standard Kiswahili translations of technical terms;
- (f) to publish a Kiswahili newspaper or magazine concerned with the Kiswahili language and literature;
- (g) to provide services to the Government, public authorities and individual authors writing in Kiswahili with respect to the Kiswahili language;
- (h) in co-operation with any international organisation, institute or such other like body of persons and individuals, to follow up, advise and co-ordinate activities aimed at promoting Kiswahili;
- (i) in co-operation with any organisation or institute and other various national organisations, to co-ordinate research relating to Kiswahili within the United Republic;
- (j) on specific request of any writer or translator, to be responsible for the inspection of new books or

manuscripts written or translated into Kiswahili and certifying that, the language used is of a standard acceptable by the Council;

- (k) in co-operation with publishers, to assist writers to write correct Kiswahili;
- (l) to initiate Kiswahili writing competitions; and
- (m) in co-operation with the Ministry of Education, to approve Kiswahili textbooks written for educational institutions before they are published.

(2) For carrying out its functions, the Council shall do all acts as appear to it to be requisite, advantageous or convenient and may carry on any such activities either alone or in association or in co-operation with any other person or body.

(3) For the avoidance of doubt, it is hereby declared that the provisions of subsection (2) with respect to the powers of the Council relate only to its capacity as a body corporate and nothing in that subsection shall authorise the disregard by the Council of any enactment or rule of law.

Appointment of staff

5. The Council may, appoint on such terms and conditions as it may think fit, such officers and staff as it may think necessary for carrying out its functions under this Act.

Funds of Council

6. The funds and resources of the Council shall consist of-

- (a) such sums as may be provided by Parliament for the purpose;
- (b) any loan granted to the Council by the Government or any other person with the approval of the Minister;
- (c) any sums or property which may in any manner become payable to or vested in the Council in respect of any matter incidental to the carrying out of its functions; or
- (d) any sums or property which may be donated to the Council:

Provided that, the Council shall not be obliged to accept a donation for a particular purpose unless it approves the terms and conditions attached to such donation.

Investment

7.-(1) The Council may, with the approval of the Minister, and subject to such conditions as he may impose, invest such part of its funds as are not for the time being required for the purposes of its business.

(2) The powers of the Minister under this section shall be exercised with the concurrence of the Minister responsible for finance and shall extend to the amount which may be invested and the nature of the investment and the terms and conditions thereof, and the Minister's approval may be either general or limited to a particular investment.

Repealed

8. [Repealed by Act No. 7 of 1983 s. 6].

Accounts and
audit
Acts Nos.
1 of 1968 Sch.
7 of 1983 s. 7

9.-(1) The Council shall keep proper accounts and other records in relation thereto and shall prepare in respect of each financial year, a statement of accounts in a form approved by the Minister, being a form, which conforms to the best commercial standards.

(2) The accounts of the Council shall be audited annually by the Controller and Auditor-General within six months after the end of each financial year.

(3) As soon as the accounts of the Council for any financial year have been audited, the Council shall send to the Minister-

- (a) a copy of the statement of accounts prepared in respect of that year together with a copy of any report made by the auditors; and
- (b) a report of the Chairman of the Board of Directors for the preceding financial year.

(4) The Minister shall, within a period of six months or such longer period as the National Assembly may by resolution, appoint after the end of the financial year to which the accounts relate, lay a copy of every statement and auditor's report before the National Assembly.

Execution of
documents
Act No.
7 of 1983 s. 8

10.—(1) All deeds, instruments, contracts and other documents shall be deemed to be duly executed by or on behalf of the Council—

- (a) where sealed with the seal of the Council and signed by-
 - (i) two members; or
 - (ii) a member and the Executive Secretary of the Council;
- (b) where executed in that behalf by one member of the Council and a member of the staff of the Council both of whom being appointed by the Council for that purpose.

(2) A deed, instrument, contract or other document executed in accordance with subsection (1) shall, subject to any exception that may be taken thereto on any ground other than that of the competence of the party executing the same on behalf of the Council, be effectual in law to bind the Council and its successor and may be varied or discharged in like manner as that in which it was executed.

Regulations
Act. No.
4 of 2016 s. 45

11. The Minister may make regulations in respect of any matter which under this Act is required or permitted to be prescribed or is necessary or convenient for better carrying out or giving effect to this Act.

SCHEDULE

(Made under section 3(2))

CONSTITUTION AND PROCEEDINGS OF THE COUNCIL

Act No.
7 of 1983 s.9
Constitution

1.—(1) The Council shall consist of twenty-one members all of whom shall be appointed by the Minister.

(2) The following departments and bodies shall nominate for appointment to the Council the number of persons set out in the table hereunder:

- (a) Regional Administration and Local Government and First Vice President (Local Government) 3
- (b) Ministry of Education Sciences and Technologies 3

- (c) Ministry of Culture, Arts and Sports..... 1
- (d) Public Service Commission 1
- (e) The Institute of Kiswahili Research 2
- (f) The Office of the Attorney General 2
- (g) Ministry of Education and Culture (Zanzibar) 5

(3) A member of the Council shall, unless his appointment is sooner terminated by the Minister or he otherwise ceases to be a member, hold office for such period as the Minister may specify in his appointment or, where no such period is specified, for a period of three years from the date of his appointment, and shall be eligible for re-appointment.

(4) A member of the Council may at any time resign by giving notice in writing to the Minister and from the date specified in the notice or, where no date is specified, from the date of the receipt by the Minister of the notice, he shall cease to be a member of the Council.

(5) Where any member of the Council is without the permission of the Council absent from more than four consecutive meetings of the Council or without such permission is absent from the United Republic for a period exceeding one year, he shall cease to be a member of the Council.

Casual vacancies 2. Where any member of the Council ceases to be a member before the normal expiration of his term of office, the Minister after consulting the Council may appoint another person in his stead to hold office until such first-named person's term of office would have expired had he not ceased to be a member as aforesaid.

Chairman and Vice Chairman 3. The Council shall elect from amongst its members a Chairman and a Vice-Chairman who shall hold office for one year but shall be eligible for re-election.

Quorum and Procedure 4.-(1) The Council shall meet at such times as may be necessary or expedient for the transaction.

(2) At any meeting of the Council, eleven members thereof shall constitute a quorum.

(3) At any meeting of the Council, the Chairman shall preside or, in the absence of the Chairman, the Vice-Chairman shall preside or if the Vice-Chairman is also absent, the members present at the meeting shall elect one of their number to be Chairman for that meeting.

(4) In the event of an equality of votes, the Chairman of the meeting shall have a casting vote in addition to his deliberative vote.

(5) Minutes in proper form of each meeting of the Council shall be kept and shall be confirmed by the council at the next meeting and signed by the Chairman of that meeting.

Repeal	5. [Repealed by Act No. 7 of 1983 s. 9].
Vacancies, etc, not to invalidate proceedings	6. Subject to the provisions of paragraph 4 relating to a quorum, the Council may act notwithstanding any vacancy in the membership thereof and no act or proceeding of the Council shall be invalid by reason only of some defect in the appointment of a person who purports to be member thereof.
Remuneration and expenses	7. The members of the Council shall be paid out of the funds thereof such expenses as the Minister may determine.

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