

CHAPTER 144

THE DAR ES SALAAM INSTITUTE OF TECHNOLOGY ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 144

THE DAR ES SALAAM INSTITUTE OF TECHNOLOGY ACT

An Act to establish the Dar es Salaam Institute of Technology and to provide for the functions, management and control of the Institute and for incidental or connected matters.

[1st July, 1997]

[GN. No. 236 of 1997]

Acts Nos.
6 of 1997
3 of 2011
12 of 2023

PART I PRELIMINARY PROVISIONS

Short title 1. This Act may be cited as the Dar es Salaam Institute of Technology Act.

Interpretation
Act No
12 of 2023 ss.13,
14 2. In this Act, unless the context requires otherwise-
“Academic Committee” means the Committee established under section 10;

“academic staff” means teaching staff employed by the Institute;

“Council” means the Council of the Institute established under section 7;

“constituent college” means a semi-autonomous institution established under section 5 to offer technical education under the tutelage of the Institute;

“Deputy Rector” means the Deputy Rectors appointed under section 13 and 14;

“designated leader” means the head of the Governing Unit of the Institute including head of the constituent college, campus director and branch manager;

Cap 439 “financial year” shall have the meaning ascribed to it under the Budget Act;

- “former college” means the Dar es Salaam Technical College as existing before the commencement of this Act;
- “governing unit” includes constituent college, campus, branch, faculty, schools, centre and directorate;”
- “Institute” means the Dar es Salaam Institute of Technology established by section 3;
- “member” in relation to the Council includes the Chairman of the Council;
- “Minister” means the Minister responsible for science and technology;
- “Rector” means the Rector of the Institute appointed under section 12.

PART II

THE DAR ES SALAAM INSTITUTE OF TECHNOLOGY

Establishment of
Institute

3.—(1) There is hereby established an institute to be known as the Dar es Salaam Institute of Technology.

(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 or otherwise acquiring, and of alienating or disposing of any movable or immovable property;
- (d) have power to lend or borrow any sums of money which it may require for its purposes;
- (e) be capable of entering into contracts; and
- (f) have power to perform all other acts and things which are necessary for the proper performance of its functions or which may be performed under this Act.

Functions of
Institute
Act No
12 of 2023 s.15

4. The functions of the Institute shall be to-

- (a) provide facilities for study and training in the principles, procedures and techniques of engineering

- and technology and related discipline as the Institute may decide;
- (b) conduct training programmes in the disciplines specified in paragraph (a);
 - (c) engage in applied research and development in the disciplines specified in paragraph (a) and to evaluate the results achieved by the Institute training programmes;
 - (d) provide Consultancy services to the Government, private bodies or industries and such other bodies or organisations;
 - (e) sponsor, arrange or provide facilities for conferences and seminars;
 - (f) establish departments within the Institute for the organisations and administration of its work and activities;
 - (g) conduct examinations and grant awards of the Institute as approved by the National Council for Technical and Vocational Education and Training;
 - (h) arrange for publication and general dissemination of material produced in connection with the work and activities of the Institute;
 - (i) engage in self-reliance activities for effective financing and promotion of entrepreneurship;
 - (j) establish and foster closer association with the Universities, technical colleges and other institutions of higher education and promote international co-operation with similar institutions; and
 - (k) do all such acts and things and enter into all such contracts and transactions as are in the opinion of the Council expedient or necessary for the proper and efficient discharge of the functions of the Institute.

Governing units
of Institute
Act No
12 of 2023 ss.13,16

5.-(1) The Institute shall consist of such departments as the Council may, with the approval of the Minister, establish.

(2) For the purposes of extending its services, the Institute may, after consultation with the Minister, establish campuses or other governing units.

(3) Where the Institute establishes a campus or other governing unit pursuant to subsection (2), the Council may appoint a designated leader for the campus or such governing unit.

(4) The leader appointed under subsection (3) shall serve the post for the term of five years and may be re-appointed for another one term upon satisfactory performance.

Vesting of properties

6.-(1) All the assets and liabilities of the former college shall, with effect from the date of commencement of this Act and without further assurance, vest in the Institute.

(2) The Institute shall be granted a right of occupancy over the sites previously occupied by the former college or other place upon such terms and conditions as the President may approve.

PART III THE COUNCIL

Establishment of Council
Act No
12 of 2023 s.17

7. There shall be a Council of the Institute which shall consist of-

- (a) a Chairman who shall be appointed by the President; and
- (b) eight other members who shall be appointed by the Minister.

Members of Council

8.-(1) The Minister shall appoint members of the Council from amongst persons having qualifications set out in the Schedule to this Act.

(2) The provisions of the Schedule shall have effect as to the qualifications of members, tenure of office of members, termination of their appointment, proceedings of the Council and other matters in relation to the Council and its members.

(3) The Minister may, by notice published in the *Gazette*, amend, vary, alter or replace any or all of the provisions of the Schedule.

Powers and duties
of Council

9. The duties of the Council shall be to-

- (a) govern and to control the Institute;
- (b) administer both movable and immovable properties of the Institute;
- (c) administer the funds and other assets of the Institute;
- (d) signify the acts of the Institute by using the common seal;
- (e) receive grants, gifts, donations or other moneys on behalf of the Institute;
- (f) establish boards and committees as the Council may deem fit;
- (g) provide for the welfare of the students and the staff of the Institute;
- (h) formulate policies of the Institute;
- (i) set fees of the Institute; and
- (j) do all such acts as may be provided for in this Act or as may in the opinion of the Council be necessary or expedient for the proper discharge of its functions.

Establishment
of Academic
Committee
Act No
12 of 2023 s.18

10.-(1) There shall be in Academic Committee of Institute which shall consist of

- (a) the Rector, who shall be the Chairman;
- (b) the Deputy Rector for Academic, Research and Consultancy, who shall be the Vice- Chairman;
- (c) the Deputy Rector for Planning, Finance and Administration;
- (d) designated leader of governing units;
- (e) one representative of the Students' Organisation;
- (f) one senior representative of the academic staff appointed by the Rector;
- (g) two representatives from the Council appointed by the Chairman of the Council; and

(h) one representative from the relevant professional bodies or corresponding institutions.

(2) The council shall determine tenure of the members of the Academic Committee provided under paragraphs (e) to (h) of subsection (1).

(3) The Academic Committee may co-opt any person whose presence is, in its opinion, desirable to attend and participate in a meeting of the Committee but such person shall have no right to vote

[s.9A]

Functions
of Academic
Committee
Act No
12 of 2023 s.18

11.-(1) The Academic Committee shall be responsible to the Council for the control and regulation of instruction, education, training, research and consultancy in the Institute

(2) Without prejudice to the generality of subsection (1), the Committee shall have the following functions:

- (a) to approve the curriculum and academic standards of any course of study offered by the Institute;
- (b) to regulate the conduct of examinations of the Institute;
- (c) to consider academic recommendations from the Institute boards for appropriate decision as may be determined by the council;
- (d) to make proposals to the Council on matters relating to the conduct of the Institute; and
- (e) to perform such other functions as may be conferred upon it by the Council under this Act

[s.9B]

PART IV ADMINISTRATION

Rector
Act No
12 of 2023 ss.13,19

12.-(1) There shall be a Rector who shall be appointed by the Minister under the advice of the Council.

(2) The Rector shall be the chief administrative and academic officer of the Institute and shall be responsible to the Council-

- (a) for the proper administration of the Institute in accordance with the policy laid down by the Council;
- (b) for the enforcement of by-laws and regulations made by the Council; and
- (c) as the accounting officer.

(3) The Rector shall be the Secretary of the Council.

(4) The Rector shall serve for a term of five years and may be re-appointed for one further term.

[s.10]

Deputy Rector for Academic, Research and Consultancy Acts. Nos. 3 of 2011 s. 27 12 of 2023 s.13,20

13.-(1) The Council may, on such terms and conditions as it may determine, appoint a Deputy Rector for Academic, Research and Consultancy, who shall serve for a term of four years and may be re-appointed for one further term.

(2) The functions of the Deputy Rector appointed under subsection (1) shall be to assist the Rector.

(3) The Deputy Rector may, where the Rector is unable to perform his functions by reason of illness, infirmity or absence from the Institute, act as the Rector.

[s.11]

Deputy Rector for administration and finance Acts Nos. 3 of 2011 s. 28 12 of 2023 s.13,21

14.-(1) The Council may, on such terms and conditions as it may determine, appoint a Deputy Rector for administration and finance of the Institute who shall serve for a term of four years and may be re-appointed for one further term.

(2) The functions of the Deputy Rector for Planning, Finance and Administration shall be to assist the Rector in respect of planning, finance and administration matters.

[s.12]

Other staff

15.-(1) The Council may, on such terms and conditions as it may deem necessary, appoint academic and non-academic staff of the Institute.

(2) Notwithstanding the provisions of section 9, 12, 13 and subsection (1) of this section, the Council may, subject to such conditions and restrictions as it may impose, delegate to any person or body of persons the power of appointment of any members or category of academic staff or other staff of the Institute.

[s.13]

PART V FINANCIAL PROVISIONS

Funds of Institute **16.** The funds and resources of the Institute shall consist of-

- (a) any sums which may be appropriated by Parliament for purposes of the Institute;
- (b) any sums which may be payable to the Institute by way of donations, gifts, grants, loans or bequests from any source within or outside the United Republic; and
- (c) any sums which may in any manner become payable to or vested in the Institute as a result of or in the course of discharging its functions under this Act.

[s.14]

Annual budget estimates
Act No
12 of 2023 s. 22 **17.**-(1) Not less than two months before the commencement of any financial year the Rector shall prepare or cause to be prepared for the approval of the Council annual estimates of the revenue and expenditure of the Institute for the ensuing financial year.

(2) The Council shall 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 budget estimates shall contain provisions for all the estimated expenditure during the ensuing financial year and in particular-

- (a) for the payment of salaries, allowances and other charges in respect of the staff and the Council;

(b) for the payment of construction, improvement, maintenance and replacement of any building or other immovable property of the Institute; and

(c) for the creation of such reserve funds to meet future contingent liabilities as the Council may think fit.

(4) An expenditure shall not be incurred for the purpose of the Institute except in accordance with the provisions of the annual budget estimates or any supplementary estimates approved by the Council.

(5) The Council shall, upon passing any annual or supplementary budget, submit the budget to the Minister for approval.

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

[s.15]

Re-allocation of funds
Act No
12 of 2023 s. 23

18. The Council may, from the amount of expenditure provided for in any budget in respect of any item, transfer a sum to any other items contained in such budget subject to the provisions of relevant laws

[s.16]

Power to invest
Cap. 53

19. The Council with the approval of the Minister 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, in relation to investments of funds by trustees.

[s.17]

Accounts and audit

20.—(1) The Council shall cause to be provided and kept proper books of accounts and records with respect to the receipt and expenditure of money by and other financial transactions of the Institute, and shall cause to be made out for every financial year a balance sheet showing the details of the income and expenditure of the Institute and all its assets and liabilities.

(2) Within three months after the close of each financial year, the accounts including the balance sheet of the Institute in respect of that financial year, shall be submitted to and audited by the Controller and Auditor-General.

(3) Each audited balance sheet shall be placed before a meeting of the Council and, if adopted by the Council shall be endorsed with a certificate that it has been adopted.

(4) As soon as the accounts of the Institute 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 statements of accounts together with a copy of the report made by the auditor on the statements of accounts.

[s.18]

Financial
report to be laid
before National
Assembly

21. The Minister shall, as soon as practicable after receiving the reports, lay before the National assembly a report containing:

- (a) a copy of the audited accounts of the Institute;
- (b) a copy of the audit report, if any; and
- (c) a copy of the report regarding the activities of the Institute in the preceding financial year.

[s.19]

PART VI MISCELLANEOUS PROVISIONS

Fees and
allowances
Act No.
12 of 2023 s. 24

22. Members of the Council shall be entitled to fees and allowances at such rates as may be prescribed by the relevant authority.

[s.20]

Minister may give
directions

23. The Minister may, in consultation with the Chairman, give to the Council directions of a general or specific character which directions shall be consistent with purposes and

provisions of this Act, as to the performance by the Council of any of its functions under this Act and the Council shall give effect to every such direction.

[s.21]

Protection of members

24. A matter or thing done by any member of the Council or officer of the Institute shall not, if done *bona fide* in the execution of functions conferred upon such member or officer by this Act or by regulations made under the Act, render such member or officer personally liable for such matter or thing.

[s.22]

Transitional provisions

25. The Institute shall carry out and continue the functions of the former College in accordance with the provisions of this Act and all the students who immediately before the date of commencement of this Act were the students of the former College shall, as from the date of commencement of this Act, become students of the Institute.

[s.23]

Employees of former College

26.-(1) Salaries, remunerations and other benefits of the former College employees shall be maintained until such time as may be preferred for change by the Council.

(2) Subject to subsection (1) the Council shall formulate the manner or procedure in which to deal with the employees of the former College.

[s.24]

Regulations

27.-(1) The Council may, with the approval of the Minister, make regulations for the better carrying out of purposes of this Act, and without prejudice to the generality of this subsection may make regulations-

- (a) prescribing awards which may be conferred or granted by the Institute;
- (b) prescribing conditions which may be satisfied before the grant of any award;

- (c) prescribing the manner in which awards may be granted;
- (d) regulating the conduct of examinations;
- (e) prescribing instruction courses to be provided by the Institute;
- (f) fixing the duration and number of academic terms;
- (g) prescribing grant of scholarships and studentships and revocation of any grant;
- (h) fixing fees and other charges for the services rendered by the Institute;
- (i) prescribing terms and conditions of service, appointment, salary and retirement benefits of the members of the Institute;
- (j) providing for, and regulating disciplinary proceedings against the staff of the Institute and the students; and
- (k) prescribing anything which may be prescribed under this Act.

(2) Notwithstanding subsection (1) the Council shall, in prescribing the awards under subparagraph (a), consult the National Council for Technical and Vocational Education and Training for the purpose of validation and approval of the awards.

(3) Regulations made under this section shall be published in the *Gazette*.

[s.25]

SCHEDULE

(Made under section 8)

Qualification for
appointment
Act No.
12 of 2023 s. 25

1. “(1) Members of the Council appointed under section 7(a) of the Act shall consist of-
- (a) one member of senior rank knowledgeable in science, technology from the Ministry responsible for science, technology and innovation;
 - (b) one member of senior rank knowledgeable in human resources management from the Ministry responsible for public service;
 - (c) one member of senior rank knowledgeable in industrial development from the Ministry responsible for industries;
 - (d) a law officer representing the Attorney General;

- (e) one senior academic and registered professional member from the unit responsible for engineering in a recognised higher learning institution;
- (f) one senior staff representing staff of the Institute;
- (g) one student representing the students' organisation at Institute; and
- (h) one member of senior rank experienced in entrepreneurship from private sector.”

(2) The Minister shall, in appointing members under this paragraph, ensure that women form at least one third of the total membership of the Council.

Tenure of
appointment

2.–(1) A member shall, unless he sooner dies, resigns or is removed from the office, hold office for a period of three years and shall be eligible for re-appointment.

(2) Notwithstanding paragraph (1) a member may resign at any time by giving notice in writing to the appointing authority and from the date specified in the notice or, if no date is specified in the notice, from the date of the receipt of the notice by the appointing authority, he shall cease to be a member.

(3) A person who is a member by virtue of his holding some other office shall cease to be a member upon his ceasing to hold the office by virtue of which he is a member.

Temporary
member

3. Where any member other than a Chairman is by reason of illness, infirmity or absence from the United Republic or is unable to attend any meeting of the Council, the appointing authority may appoint a temporary member in his place and such temporary member shall cease to hold office on the resumption of office of the substantive member.

Vice-Chairman
Power of
Chairman

4. The Council shall elect one of its member to be the Vice-Chairman.

5.–(1) The Chairman shall preside at all meetings of the Council and the Vice-Chairman shall, where at any meeting the Chairman is absent, preside.

(2) In the absence of both the Chairman and the Vice-Chairman at any meeting of the Council, the members present may, from amongst their number elect a temporary chairman who shall preside at that meeting.

Meetings

6.–(1) Subject to any general or specific direction of the Minister, the Council 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 United Republic or unable for any sufficient cause to act, after consulting the members, the Vice-Chairman.

(2) The Chairman or in his absence from the United Republic, the Vice-Chairman may, 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 fourteen days' notice of the time and place of every meeting of the Council.

Procedure	<p>7.—(1) One half of the total number of members shall form a quorum for a meeting of the Council.</p> <p>(2) At any meeting of the council a decision of the majority of the members present and voting shall be deemed to be a decision of the Council and in the event of an equality of votes the person presiding over the meeting shall have a casting vote in addition to his deliberative vote.</p> <p>(3) The Council may act notwithstanding any vacancy in its membership.</p>
Decision by circulation of papers	<p>8. Notwithstanding the foregoing provisions of this Schedule decisions may, on matters of urgency, be made by the Council without a meeting, by circulation of papers among the members and the expression in writing of the views of the majority of the members:</p> <p>Provided that, five members may be entitled to require that any such decision deferred and the subject matter be considered at a meeting of the Council.</p>
Minutes of meeting	<p>9. 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 the meeting.</p>
Official Seal of Institute Act No 12 of 2023 s. 13	<p>10.—(1) The Seal of the Institute shall be of such shape, size and form as the Council may determine.</p> <p>(2) The Seal shall be authenticated by the signature of the Rector or any officer of the Institute as the Rector may nominate in that behalf.</p>
Execution of documents Act No 12 of 2023 s.13	<p>11. All regulations, appointments, instruments or documents made, issued or executed by or on behalf of the Institute or the Council shall be sealed with the official seal of the Institute and shall be signed by the Rector or other officer of the Institute authorised in that behalf by the Rector.</p>
Proceedings not to be invalidated by irregularity	<p>12. An act or proceeding of the Council shall not be invalid by reason of any defect or irregularity in the appointment of any member or by reason that any person who purported <i>bona fide</i> to act as a member at the time of the act or proceeding was in fact disqualified or not entitled to act as a member.</p>
Absence from meetings	<p>13. The Council shall, where any member is absent from three consecutive meetings without sufficient cause, advise the appointing authority of the fact and the appointing authority may terminate the appointment of that member and appoint another member in his place.</p>
Council to regulate its own proceedings	<p>14. Subject to the provisions of this Schedule, the Council shall have power to regulate its own proceedings.</p>