

TANGANYIKA



No. 39 OF 1963

I ASSENT,

Julius K. Nyerere
President

11. TH JULY, 1963

An Act to establish the Tanganyika Library Services Board and to provide for matters incidental thereto and connected therewith

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ENACTED by the Parliament of Tanganyika.

1. This Act may be cited as the Tanganyika Library Services Board Act, 1963, and shall come into operation on such date as the Minister may by notice in the *Gazette* appoint.

Short title
and com-
mencement

2. In this Act, unless the context otherwise requires-
"Board" means the Tanganyika Library Services Board established by section 3;

Interpreta-
tion

"Director" means the Director of the Tanganyika Library Services appointed under section 6;

"financial year of the Board" means a year commencing on the first day of July and ending on the next following thirtieth day of June:

Provided that the first financial year of the Board shall commence on the date of coming into operation of this Act and end on the thirtieth day of June, 1964;

"local authority" means a city or municipal council, a town council or a district council;

"Minister" means the Minister for the time being responsible for education.

3.-(1) There is hereby established a Board, which shall-

Establish-
ment
of Board

(a) be a body corporate by the name of the Tanganyika Library Services Board, 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 moveable or immoveable for the purposes or in the course of the carrying out of its functions.
- (2) The provisions of the Schedule hereto shall have effect as to the constitution and proceedings of, and otherwise in relation to, the Board.
- Functions of Board
- 4.-(1) The functions of the Board shall be to promote, establish, equip, manage, maintain and develop libraries in Tanganyika.
- (2) The Board shall have power for the purpose of carrying out its functions to do all such acts as appear to it to be requisite, advantageous or convenient for or in connection with the carrying out of its functions or to be incidental or conducive to their proper discharge, and may carry on any activities in that behalf either alone or in association with any other person or body (including the Government or a local authority).
- (3) For the avoidance of doubt it is hereby declared that the provisions of subsection (2) with respect to the powers of the Board relate only to its capacity as a body corporate and nothing in that subsection shall authorize the disregard by the Board of any enactment or rule of law.
- Report by Board
5. The Board shall, within six months after the end of each financial year of the Board, make a full report to the Minister on the conduct of its business during that year, and the Minister shall lay a copy thereof before the National Assembly.
- Appointment of Director and other staff
- 6.-(1) Subject to the provisions of subsection (2), the Board may appoint a Director of the Tanganyika Library Services who shall be the Secretary and Chief Executive Officer of the Board and who shall be entitled to be present and to speak (but not to vote) at meetings of the Board.
- (2) The appointment of the Director and his terms and conditions of service shall be subject to the approval of the Minister.
- (3) The Board may, from time to time, appoint on such terms and conditions as it may think fit, such officers, clerks and servants as it may consider necessary for carrying out its functions under this Act.
- Funds of Board
7. The funds and resources of the Board shall consist of
- such sums as may be provided by Parliament for the purpose;
 - any sums or property which may in any manner become to or vested in the Board in respect of any matter incidental to the carrying out of its functions;
 - any sums or property which may be donated to the Board:
- Provided that the Board shall not be obliged to accept a donation for a particular purpose unless it approves of the terms and conditions attached to such donation.
- Investment
- 8.-(1) The Board 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 for the time being responsible for finance and shall extend to the amount which may be invested, 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.

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

Accounts
and audit

(2) Subject to any resolution of the National Assembly under section 28 of the Exchequer and Audit Ordinance, 1961, the accounts of the Board shall be audited by auditors appointed annually by the Minister.

Ord. 1961
No 21

(3) As soon as the accounts of the Board for any financial year thereof have been audited, the Board shall cause to be sent to the Minister a copy of the statement of accounts prepared in respect of that year together with a copy of any report made by the auditors on the statement or on the accounts.

(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 of the Board to which the accounts relate, lay a copy of every such statement and report before the National Assembly.

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

Execution
of documents

- (a) if sealed with the common seal of the Board and signed by two members thereof; or
- (b) if executed in that behalf by one member of the Board appointed by the Board for that purpose and by the Director or any member of the staff of the Board acting in that office.

(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 Board, be effectual in law to bind the Board and its successors thereto and may be varied or discharged in like manner as that in which it was executed.

11. The Board may, with the approval of the Minister, make regulations-

Regulations

- (a) for the better management and control of any library managed by the Board;
- (b) for protecting any such library and the fittings, furniture and contents thereof from damage;
- (c) for the giving of a guarantee or security by any person using any such library;
- (d) for fees and penalties to be paid by any person borrowing books from any such library; and
- (e) generally for the better carrying out of the purposes of this Act.

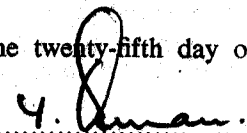
SCHEDULE

(Section 3 (2))

CONSTITUTION AND PROCEEDINGS OF THE BOARD

- Constitution** 1.—(1) The Board shall consist of a Chairman and eight other members all of whom shall be appointed by the Minister.
- (2) One member of the Board shall be nominated by the City Council of Dar es Salaam and one by the Association of Local Authorities in Tanganyika.
- (3) A member of the Board 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, if 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) Any member of the Board may at any time resign by giving notice in writing to the Minister and from the date specified in the notice or, if 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 Board.
- (5) If any member of the Board is without the permission of the Board absent from more than four consecutive meetings of the Board or without such permission is absent from Tanganyika for a period exceeding one year he shall cease to be a member of the Board.
- Casual vacancies** 2. Where any member of the Board ceases to be a member before the normal expiration of his term of office, the Minister after consulting the Board 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.
- Quorum and procedure** 3.—(1) The Board shall meet at such times as may be necessary or expedient for the transaction of business.
- (2) At any meeting of the Board five members thereof shall constitute a quorum.
- (3) The Board may elect any member thereof to be Vice-Chairman of the Board.
- (4) At any meeting of the Board the Chairman shall preside or, in the absence of the Chairman, if a Vice-Chairman has been elected the Vice-Chairman shall preside or, if no Vice-Chairman has been elected 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.
- (5) In the event of an equality of votes, the Chairman of the meeting shall have a casting vote in addition to his deliberative vote.
- (6) Minutes in proper form of each meeting of the Board shall be kept and shall be confirmed by the Board at the next meeting and signed by the Chairman of that meeting.
- (7) Subject to the provisions of this paragraph and to any directions given by the Minister, the Board may regulate its own procedure.
- Minister may vary constitution of Board** 4. The Minister may, on the advice of the Board, by order published in the *Gazette*, from time to time vary the constitution of the Board.
- Vacancies, etc., not to invalidate proceedings** 5. Subject to the provisions of paragraph 3 relating to a quorum, the Board may act notwithstanding any vacancy in the membership thereof and no act or proceeding of the Board shall be invalid by reason only of some defect in the appointment of a person who purports to be a member thereof.
- Remuneration and expenses** 6. The members of the Board shall be paid out of the funds thereof such expenses as the Minister may from time to time determine.

Passed in the National Assembly on the twenty-fifth day of June, 1963.



 Acting Clerk of the National Assembly