

TANGANYIKA



No. 23 OF 1963

I ASSENT,

Julius K. Nyerere
President

16TH MAY, 1963

An Act to establish a Board of Trustees for the purpose of managing a National Museum, to transfer to such Board the assets now vested in the trustees of the King George V Memorial Museum, and for matters connected with such establishment and transfer, and to repeal the Museum Ordinance

[.....]

ENACTED by the Parliament of Tanganyika.

1. This Act may be cited as the National Museum Act, 1963, 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 otherwise requires—

Interpretation

“Board” means the Board of Trustees established by section 3;

“Minister” means the Minister for the time being responsible for national culture;

“Museum” means the National Museum of Tanganyika;

“the old Board” means the Board of Trustees established by the Museum Ordinance under the name of “The Trustees of the King George V Memorial Museum”.

Cap. 234

3.—(1) There is hereby established a Board of Trustees which shall—

Establishment of Board

(a) be a body corporate by the name of the Trustees of the National Museum, with perpetual succession and a common seal;

(b) in its corporate name be capable of suing and being sued; and

(c) subject to the provisions of this Act, be capable of holding, purchasing and otherwise acquiring, and of disposing of property both moveable and immovable for the purposes of carrying out the functions conferred on the Board by this Act.

(2) The provisions of the First Schedule to this Act shall have effect as to the constitution, proceedings and acts of, and otherwise in relation to, the Board.

Functions
of the
Board

4.—(1) The functions of the Board shall be to control, manage and develop the National Museum of Tanganyika and for the purpose of carrying out those functions the Board may—

- (a) make rules for securing the due administration of the Museum and preserving the objects collected therein, including rules requiring payment to be made for admission to the Museum or any part thereof;
- (b) with the consent of the Minister, acquire land for the purposes of the Museum and, with such consent as aforesaid, dispose of any such land which is not required for that purpose;
- (c) exchange, sell or otherwise dispose of any duplicate objects belonging to the Museum, and exchange, sell or otherwise dispose of any objects belonging to the Museum which the Board considers unfit to be preserved or not to be required for the purposes of the Museum;
- (d) apply any money received by the Board on the exchange, sale or disposal of any objects or on the disposal of any land or by way of payment for admission to the Museum or part thereof or by way of gift, subvention, grant or otherwise, in the purchase of any object which, in the opinion of the Board, it is desirable to acquire for the Museum, or otherwise in defraying any expenses of the Board;
- (e) on such terms and subject to such conditions as the Board may think fit, lend any objects belonging to the Board to any gallery, museum, exhibition or educational institution whether within or outside Tanganyika;
- (f) subject to the provisions of this Act, do such other things as appear to the Board to be necessary, desirable or expedient for furthering the interests and increasing the utility of the Museum.

(2) The Board may carry out its functions in association with any other person or body (including the Government and any city, municipal, town or district council).

Vesting in
Board of
objects
acquired
for Museum

5. All objects which are at any time after the coming into operation of this Act expressly given or bequeathed to the public or to the Board for the purposes of the Museum, or given or bequeathed by words showing an intention that the gifts should enure to or for the benefit of the Museum, or which are acquired by purchase or otherwise for the purposes of the Museum, shall vest in the Board and be held by the Board for the purposes of the Museum.

Repeal of
Cap. 234
and
dissolution
of the
old Board

6.—(1) Subject to the provisions of section 7, the Museum Ordinance is hereby repealed.

(2) Subject to the provisions of the Second Schedule to this Act, the old Board is hereby dissolved.

7. Any rules made by the old Board and in force immediately prior to the date upon which this Act comes into operation shall remain in force as if they had been made by the Board under this Act until such time as they are amended or revoked by rules made by the Board under this Act. ^{Saving of rules}

8. Upon the coming into operation of this Act the provisions of the Second Schedule to this Act shall apply to the transfer of property from the old Board to the Board and to such other matters as are therein contained. ^{Transfer of property from the old Board to the Board}

FIRST SCHEDULE

(Section 3 (2))

(a) Constitution of the Board

- 1.—(1) The Board shall consist of—
- (a) the Principal of the University College, Dar es Salaam, or his representative;
 - (b) the Dean of the Faculty of Social and African Studies of the University College, Dar es Salaam;
 - (c) the Librarian of the University College, Dar es Salaam; and
 - (d) such number of other members as may be appointed by the Minister.
- (2) The Minister shall appoint one of the members appointed by him to be Chairman of the Board.
- (3) Those persons who, immediately prior to the coming into operation of this Act, were respectively the Chairman and members of the old Board shall be deemed to have been appointed by the Minister to be the Chairman and members of the Board under this paragraph and shall hold office as if they had been appointed for an unspecified period from such date of coming into operation.
- 2.—(1) A member of the Board appointed under paragraph 1 shall, subject to the provisions of this paragraph, hold office for such period as may be specified by the Minister at the time of his appointment and, 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) The Minister may at any time revoke an appointment made by him under paragraph 1 and any member of the Board so appointed may at any time resign his office by notice in writing to the Minister.
3. If any vacancy occurs in the membership of the Board by reason of the death, resignation or permanent incapacity of any member thereof or otherwise, the Minister may appoint another person to fill that vacancy, and a person so appointed shall hold office for the unexpired residue of the period of office of the member in whose place he is appointed.
4. The Board may appoint one of its members to be Vice-Chairman of the Board.
5. The Minister may, on the advice of the Board, by order published in the *Gazette*, from time to time vary the composition of the Board.

(b) Staff

6. The Board may appoint at such salary and upon such terms as it thinks fit a Curator of the Museum who shall, subject to the control and direction of the Board, be charged with the care of the Museum, and such other officers or servants as it may deem necessary for the carrying out of its functions.
7. The Board may—
- (i) grant gratuities or retiring allowances to any officer or servant of the Board;
 - (ii) establish and make contributions to a superannuation fund or medical fund for its officers and servants;
 - (iii) require any officer or servant to make contributions to any such superannuation fund or medical fund.
8. Without prejudice to the provisions of paragraphs 6 and 7, the Board may make such arrangements as it may consider expedient for the secondment to the employment of the Board of any member of the staff of the University College, Dar es Salaam, including any arrangements as to the payment of the emoluments of any person so seconded.

(c) *Meetings and Procedure*

9. The quorum at any meeting of the Board shall be one-half of the total number of members of the Board and, where there are an uneven number of members, shall be the next whole number above half.

10.—(1) Subject to the provisions of paragraph 9, the Board may act notwithstanding any vacancy in its number.

(2) No act or proceeding of the Board shall be invalid by reason of any defect in the appointment of any person purporting to be a member thereof.

11.—(1) The Chairman, or in his absence the Vice-Chairman, of the Board shall preside at meetings of the Board.

(2) In the absence of the Chairman and the Vice-Chairman from any meeting a temporary Chairman may be appointed for that meeting from among the members present.

12. The Chairman, or in his absence the Vice-Chairman or temporary Chairman, as the case may be, shall, in addition to his ordinary vote, have a casting vote.

13.—(1) All acts, matters and things authorized or required to be done by the Board shall be decided by resolution at a meeting of the Board at which a quorum is present.

(2) A decision of the majority of members present and voting at a meeting of the Board shall be deemed to be the decision of the Board.

(3) The seal of the Board shall be affixed by the Chairman, Vice-Chairman or temporary Chairman, of the Board and witnessed by two members thereof.

14. Subject to the provisions of this Schedule, the Board may regulate its own procedure and the procedure of any committee of the Board.

(d) *Audit and Report*

15. The Board shall keep proper accounts which shall be audited annually by auditors appointed by the Board.

16. A copy of the audited accounts of the Board together with any report made by the auditors thereon shall be submitted to the Minister.

SECOND SCHEDULE

(Section 8)

Transfer of Property and Transitional Provisions

1. The provisions of this Schedule shall have effect notwithstanding the dissolution of the old Board.

2.—(1) Any land vested in the old Board under the provisions of section 5 of the Museum Ordinance (hereby repealed) shall be transferred to and shall without further assurance vest in the same interest in the Board:

Provided that the provisions of the proviso to the said section 5 shall continue to apply to and in respect of such land as if this Act had not been enacted.

(2) Any object vested in the old Board by virtue of section 6 of the Museum Ordinance (hereby repealed) shall be transferred to and shall without further assurance vest in the Board and shall be held by the Board for the purpose of the Museum.

3. Subject to the provisions of paragraph 2, all assets and liabilities which immediately prior to the coming into operation of this Act were vested in or incurred by the old Board shall pass by succession to the Board, and the Board shall have all powers necessary to take possession of, recover and deal with such assets and discharge such liabilities.

4. Upon the coming into operation of this Act the old Board shall deliver to the Board, or as the Board may order, all moveable property vested in the old Board immediately prior thereto, and all books, papers, documents, minutes, receipts and ledgers appertaining to the old Board and to its operations.

5. Subject to the provisions of paragraph 6, every agreement, whether in writing or not, to which the old Board was a party immediately prior to the coming into operation of this Act, and whether or not of such nature that the rights and liabilities thereunder could be assigned, shall have effect as from the coming into operation of this Act as if—

(a) the Board had been a party to such agreement; and

(b) for any reference (however worded and whether express or implied) to the old Board there were substituted in respect of anything to be done on or after the coming into operation of this Act a reference to the Board.

6. The appointment of any officer or servant of the old Board subsisting immediately before the coming into operation of this Act shall, if such officer or servant so agrees, be deemed to be made by the Board under the provisions of this Act, and for the purpose of determining the rights of pension or gratuity on retirement, the service of such officer or servant shall be regarded as continuous from the time he was appointed by the old Board.

7. Any proceedings pending on the coming into operation of this Act to which the old Board was a party shall be continued as if the Board was a party thereto in lieu of the old Board.

8. Where anything has been commenced by or under the authority of the old Board prior to the coming into operation of this Act and such thing is within the powers of the Board or was done in relation to any of the matters transferred by this Schedule to the Board, such thing may be carried on and completed by, or under the authority of, the Board.

9. The Minister may by order provide for any matters which it appears to him necessary or expedient to provide for the better carrying out of the provisions of this Schedule, and without prejudice to the generality of the foregoing, may appoint any person to do any act or sign any document for and on behalf of the old Board whereby the assets of the old Board may be transferred to the Board.

Passed in the National Assembly on the twenty-fourth day of April, 1963.


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Clerk of the National Assembly