

THE UNITED REPUBLIC OF TANZANIA



No. 51 OF 1968

I ASSENT

*Julius K. Nyerere*  
President

10<sup>TH</sup> OCTOBER, 1968

**An Act to establish a National Scientific Research Council, to provide for its functions and for the co-ordination and control of scientific research activities and for purposes connected therewith and incidental thereto**

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1.—(1) This Act may be cited as the Tanzania National Scientific Research Council Act, 1968, and shall come into operation on such date as the President may, by notice in the *Gazette*, appoint.

(2) This Act shall extend to Zanzibar as well as to Tanganyika.

2. In this Act, unless the context otherwise requires—

Interpretation

“Council” means the Tanzania National Scientific Research Council established by section 3;

“financial year” in relation to the Council, includes the Council’s first accounting period, whether shorter or longer than a year, and, if the Council changes its accounting year, includes any accounting period whether shorter or longer than a year, employed to give effect to the change.

PART II

THE COUNCIL AND ITS FUNCTIONS

3.—(1) There is hereby established a body corporate to be known as the Tanzania National Scientific Research Council which shall—

Establishment of the Tanzania National Scientific Research Council

- (a) have perpetual succession and a common seal;
- (b) in its corporate name be capable of suing and being sued;
- (c) subject to this Act, be capable of purchasing and otherwise acquiring and of alienating any movable or immovable property.

(2) The Council shall establish an Executive Committee and, subject to this Act, may delegate to such Committee the exercise of any of the functions conferred on the Council by this Act.

Constitution  
and pro-  
ceedings of  
Council

4.—(1) The provisions of the Schedule to this Act shall have effect with respect to the constitution and proceedings of the Council and the Executive Committee.

(2) The President may, by order in the *Gazette*, amend or vary any of the provisions of the Schedule to this Act.

Functions of  
Council

5.—(1) Subject to such directions of a general nature as may be given by the President under section 7, the functions of the Council shall be—

- (a) to co-ordinate all types of scientific research carried out within the United Republic;
  - (b) to advise the Government on—
    - (i) priorities in scientific research;
    - (ii) the allocation and utilization of research funds according to the priorities referred to in sub-paragraph (i) of this paragraph;
    - (iii) national or international matters relating to scientific research;
    - (iv) matters relating to the training and recruitment of research personnel;
    - (v) instruction on scientific subjects in educational institutions within the United Republic;
    - (vi) the initiation, formulation and implementation of research policies and programme;
    - (vii) the establishment and maintenance of national scientific standards;
  - (c) to promote the documentation and dissemination of information on all research and may for this purpose publish any newspaper, journal or periodical or do any other act or thing designed to promote interest in science and its achievements;
  - (d) to collaborate with organizations within the United Republic or elsewhere in matters pertaining to scientific research.
- (2) For the better performance of its functions and without prejudice to the generality of subsection (1) the Council may—
- (a) undertake scientific research in commerce, agriculture, industry, mining, national economy, communication, education, public health, labour productivity, industrial and commercial management, utilization of materials and equipment, development and improvement of materials and equipment in use, and other matters affecting the United Republic or its people; and
  - (b) collect, compile, analyse, abstract and publish statistical information on any scientific subject.

6.—(1) 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 such functions or to be incidental to their proper discharge and may carry on any activities in that behalf either alone or in association with any other person or body, and may set up committees for the purpose of conducting any scientific research. General powers of Council

(2) The Council may from time to time appoint on such terms and conditions as it may think fit such officers and servants as it may consider necessary for carrying out its functions under this Act.

7. The President may give to the Council directions of a general nature as to the exercise and performance by the Council of its functions, and it shall be the duty of the Council to give effect to any such directions. Directions by the President

### PART III

#### FINANCIAL PROVISIONS

8. The funds and resources of the Council shall consist of— Funds and resources of the Council
- (a) such sums as may be provided for the purpose by Parliament either by way of grant or by loan;
  - (b) any loan granted to the Council by any other person with the approval of the President;
  - (c) any sums or property which may in any manner become payable to or vested in the Council as the result of the performance of its functions.

9.—(1) The Council shall, prior to the commencement of each financial year, prepare and submit for the President's approval, an estimate, in such form and containing such matters as he may require, of its income and expenditure for such financial year. Estimates of income and expenditure

(2) The Council shall not incur any expenditure exceeding that provided for in the estimates except with the specific approval in writing of the President.

10.—(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 which conforms to the best accounting standards. Accounts and audit

(2) Subject to any direction to the contrary given by the President, the accounts of the Council shall be audited by the Tanzania Audit Corporation.

(3) As soon as the accounts of the Council for the financial year have been audited the Council shall cause to be sent to the President a copy of the statement of accounts prepared in respect of that year together with a copy of any report made by the auditors thereon.

(4) The President 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, cause to be laid a copy of every statement and auditors' report before the National Assembly.

Report of  
the Council

11. The Council shall, within six months after the end of each financial year, make a report to the President on the conduct of its business during that year, and the President shall cause to be laid a copy thereof before the National Assembly.

#### PART IV

##### CONTROL OF RESEARCH

Power to  
make  
regulations

12.—(1) The President may make regulations for the better carrying out of the provisions and purposes of this Act and without prejudice to the generality of the foregoing may make regulations—

- (a) requiring persons engaged in scientific research within the United Republic to furnish to the Council information relating to such research and to make available to the Council copies of any relevant records or findings;
- (b) prescribing the form and manner in which, and the period within which, such information, records or findings shall be furnished or made available to the Council.

(2) Regulations made under this section may be expressed to be applicable to—

- (a) the whole or any part of the United Republic;
- (b) any branch of scientific research;
- (c) any category or categories of persons.

(3) Regulations made under this section shall not apply to the Community, any institution of the Community or to any person in the employment of the Community or such institution unless they are expressed to be so applicable; and no regulations shall be expressed to be so applicable without the prior approval of the East African Authority.

Disclosure of  
information

13.—(1) Where any person furnishes the Council with any information or makes available to the Council any record or findings pursuant to regulations made under section 12, the Council shall not, save for the purposes of proceedings under this Act, disclose or cause to be disclosed such information or the contents of such record or findings to any person not employed in the execution of a duty under this Act.

(2) Notwithstanding the provisions of subsection (1) the Council may publish or cause to be published any information furnished to the Council or the contents of any record or findings made available to the Council pursuant to regulations made under section 12 in a form of a summary which does not enable identification of the source of the information, record or findings.

(3) Nothing in this section shall apply to any disclosure by the Council of any information or of the contents of any record or findings to any institution of the Community which is engaged in scientific research:

Provided that, where any disclosure is made to any institution of the Community under the provisions of this subsection, the provisions of subsections (1) and (2) shall apply to such institution as if references therein to the Council were references to such institution.

14. Where any person to whom regulations made under section 12 apply satisfies the Council that the research being carried out by him is likely to lead to a scientific invention by him, or that he is the grantee, proprietor or assignee of a patent duly registered under the law for the time being in force relating to registration of patents, he shall be exempt from disclosing any information relating either directly or indirectly to such invention or patent or to make available any record or findings relating to such invention or patent.

15.—(1) Any person being a person employed in the execution of any duty under this Act, who—

- (a) by virtue of such employment becomes possessed of any information which might influence or affect the market value of any share or other security, interest, product or article and who, before such information is made public in accordance with the provisions of this Act, directly or indirectly uses such information for personal gain;
- (b) without lawful authority publishes or communicates to any person otherwise than in accordance with the provisions of this Act any information acquired by him in the course of such employment;
- (c) knowingly compiles for issue any false statistics, record or information,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand shillings.

(2) Any person who, being in possession of any information which to his knowledge has been disclosed in contravention of the provisions of this Act, publishes or communicates to any other person such information, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand shillings.

(3) Subject to the provisions of section 14 any person who, being a person to whom the provisions of any regulations made under section 12 apply—

- (a) fails to furnish to the Council any information or to make available to the Council any record or findings relating to any scientific research within such period as may be prescribed in the regulations or, where no such period is prescribed, within one month of the receipt by him of a notice from the Council requiring him to furnish such information or make available such record or findings;
- (b) knowingly furnishes any false information or makes available any false record or findings;

- (c) hinders or obstructs any officer of the Council in the lawful performance of his duties or in the lawful exercise of his powers imposed or conferred upon him by this Act,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand shillings.

Protection  
from  
personal  
liability

16. No matter or thing done by any member, officer, servant or agent of the Council or of the Executive Committee or of a committee established under section 6 or of any institution of the Community shall, if the matter or thing is done in good faith for the purpose of carrying out the provisions of this Act or of any regulations made thereunder, subject any such person as aforesaid to any action, liability, claim or demand whatsoever.

#### SCHEDULE

1.—(1) The Council shall consist of not less than fifteen nor more than twenty-one members.

(2) Subject to the provisions of sub-paragraph (1) of this paragraph, the President may appoint—

- (a) one member nominated by each of the Ministers for the time being responsible for—
- (i) agriculture;
  - (ii) development planning;
  - (iii) commerce and industries;
  - (iv) education;
  - (v) lands; and
  - (vi) health;
- (b) one member nominated by the Speaker of the National Assembly;
- (c) one member nominated by the Principal of the University College, Dar es Salaam; and
- (d) not more than thirteen other members being persons who appear to him to have experience in and knowledge of, scientific subjects and scientific research.

(3) A member of the Council shall, unless previously he dies or resigns or his appointment is revoked by the President, hold office for a period of two years from the date of his appointment and shall be eligible for re-appointment.

(4) The President may fill any casual vacancy occurring in the membership of the Council and may revoke the appointment of any member and appoint a replacement subject, where appropriate, to the system of nomination specified in sub-paragraph (2).

(5) A member of the Council may resign by giving notice to the President of his intention to do so.

2.—(1) The President may nominate one of the members of the Council as its chairman and the members shall elect a vice-chairman of the Council from amongst their number.

(2) The vice-chairman shall hold office for a period of one year from the date of his election and shall be eligible for re-election.

3.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph, the Council shall meet at least once in every year and at such additional times as may be necessary or expedient for the transaction of its business and all meetings of the Council shall be convened by the chairman or, in his absence from the United Republic or incapacity through illness, the vice-chairman, who shall appoint a suitable time, place and date for the holding of each meeting.

(2) The chairman or, in his absence from the United Republic or incapacity through illness, the vice-chairman, shall convene a special meeting of the Council on a request in writing signed by not less than four members of the Council for such a meeting and shall cause the meeting to be held within twenty-one days of the receipt by him of such request.

(3) Except in the case of a special meeting such as is referred to in sub-paragraph (2), at least fourteen days notice in writing, specifying the business to be transacted at the meeting, shall be given of each meeting to every member of the Council.

(4) The chairman, or in his absence the vice-chairman, shall preside at the meetings of the Council. In the absence of both the chairman and the vice-chairman the members present at the meeting shall elect one of their number to be chairman for that meeting.

4.—(1) A majority of the members of the Council shall constitute a quorum at any meeting of the Council.

(2) All acts, matters and things authorized to be done by the Council shall be decided by resolution at a meeting of the Council at which a quorum is present.

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

(4) Every member of the Council shall have one vote and in the event of an equality of votes the chairman of the meeting shall have a second or casting vote in addition to his deliberative vote.

(5) Notwithstanding the provisions of sub-paragraph (2), where the chairman so directs a decision may be made by the Council without a meeting by circulation of the relevant papers among all the members and the expression in writing of their views, but any member shall be entitled to require that any such decision be deferred until the subject matter shall be considered at a meeting of the Council.

5.—(1) The Executive Committee shall consist of the chairman of the Council and six other members of the Council who shall be elected by the Council and one of whom may be elected as its vice-chairman.

(2) A member of the Executive Committee shall, unless previously he ceases to be a member of the Council, hold office for a period of one year from the date of his election and shall be eligible for re-election.

(3) The Executive Committee shall meet at least three times in every year and at such additional times as may be necessary or expedient for the transaction of its business.

(4) A majority of the members of the Executive Committee shall constitute a quorum at any meeting of the Executive Committee.

6. Minutes in proper form of each meeting of the Council and the Executive Committee shall be kept and shall be confirmed by the Council or the Executive Committee, as the case may be, at its next meeting and signed by the chairman of the meeting.

7. Subject to the provisions of this Schedule and, in the case of the Executive Committee, to any directions given to it by the Council, the Council and the Executive Committee shall have power to regulate their own procedure.

8.—(1) The Council shall appoint a suitable person to be the secretary of the Council and may appoint a deputy to the secretary, and each of them shall hold office in accordance with the terms of his appointment.

(2) The secretary shall be the chief administrative officer of the Council, responsible for implementing its decisions, and he or his deputy shall attend and act in that capacity at all meetings of the Council and the Executive Committee and shall perform such other functions as may be entrusted to them by the Council or the Executive Committee.

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

(a) if sealed with the seal of the Council and signed by the chairman and two other members of the Council; or

(b) if executed in that behalf by one member of the Council and an officer of the Council both of whom have been authorized by the Council for the purpose.

10. Subject to the provisions of this Schedule relating to a quorum, the Council and the Executive Committee may act notwithstanding any vacancy in the membership thereof and no act or proceeding of the Council or the Executive Committee shall be invalid by reason only of some defect in the appointment of a member or a person who purports to be a member.

Passed in the National Assembly on the second day of October, 1968.

  
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Clerk of the National Assembly