

THE UNITED REPUBLIC OF TANZANIA



No. 7 OF 1974

ASSENT,

Julius K. Nyerere
President

11: APRIL, 1974

An Act to establish the National Music Council and to provide for matters connected therewith and incidental thereto

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the National Music Council Act, 1974 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-

"Council" means the National Music Council established by 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:

Interpretation

Provided that the first financial year of the Council shall commence on the date of the coming into operation of this Act and end on the next following thirtieth day of June;

"member" in relation to the Council includes the Chairman of the Council;

"Minister" means the Minister for the time being responsible for National Culture.

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

Establishment of council

- (a) be a body corporate by the name of the National Music Council, of with perpetual succession and an official 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.

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

(3) The Minister may, by Order in the *Gazette*, amend, add to, vary or replace the Schedule to this Act.

Functions of
the Council

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

- (a) to assume responsibility for the revival, preservation and promotion of indigenous and traditional music within the United Republic;
- (b) to promote the development, production and use of traditional and other musical instruments throughout the United Republic;
- (c) to stimulate and promote cultural development of the United Republic for the benefit of the people of Tanzania;
- (d) to transmit and enhance knowledge of indigenous and traditional music and to make provision for places and centres of learning, training and research;
- (e) to encourage the achievement of high standards in the use of music in the development of national culture;
- (f) to co-operate with other institutions or organizations in the United Republic which are concerned with the promotion of music and to endeavour to co-ordinate their activities-;
- (g) to provide advice and services to the Government, public authorities and individuals with respect to the orderly development of music as an art in the United Republic;
- (h) to participate in any activity relating to music, musical performances, production, importation, exportation and sale of musical instruments, gramophone records, music albums and pre-recorded magnetic tapes for play-back;
- (i) to provide by by-laws published in the *Gazette* and in such other manner as the Council may approve, a system of registration of persons engaged for gain in giving public musical performances, production of musical instruments, (the recording of gramophone records or magnetic tapes for play-back or otherwise in any manner with any matter relating to music.

(2) The Council shall have power, in its capacity as a body corporate, 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) whether within or outside the United Republic.

(3) The Minister may give the Council directions of a general or specific character and the Council shall give effect to every such direction.

- 5.** (1) The Minister may appoint a Secretary of the Council. Appoint-
ment
of staff
- (2) The Council may, from time to time, appoint on such terms and conditions as it may think fit, such other officers and servants as it may think necessary for carrying out its functions under this Act.
- 6.** The funds and resources of the Council shall consist of — Funds of
Council
- (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;
- (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 of the terms and conditions attached to the donation.
- 7.** With the prior approval of the Minister, the Council may, from time to time, invest any part of its funds as are not for the time being required for the purposes of its business in any investment authorized by the Trustees Investments Act, 1967 for the investment of any trust fund. Investment

Act 1967
No.33
- 8.** The Council shall, within six months after the end of each financial year, make a 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. Report by
council
- 9.** (1) The Council shall cause to, be provided and kept proper books of account and records with respect to- Accounts
and Audit
- (a) the receipt and expenditure of moneys by, and other financial transactions of, the Council;
- (b) the assets and liabilities of the Council, and shall cause to be made out for every financial year a balance sheet showing details of the income and expenditure of the Council and all its assets and liabilities.
- (2) Within twelve months of the close of a financial year the accounts including the balance sheet of the Council in respect of that financial year shall be audited by Tanzania Audit Corporation established by the Tanzania Audit Corporation Act, 1968. Acts 1968
No. 1
- 10.** The Minister shall within fifteen months of the close of a financial year or such longer period as the National Assembly may by resolution appoint, lay before the National Assembly the following documents in relation to such financial year- Annual state-
ment of
accounts of
report to be
laid before
the National
Assembly
- (a) a copy of the audited statement of accounts of the Council;
- (b) a copy of the auditor's report, if any.

Execution
of docu-
ments

- 11.**-(1) 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 two members thereof;
 - (b) if executed in that behalf by one member of the Council and a member of the staff of the Council both of whom have been 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 competence of the party executing the same on behalf of the Council, be effectual in law to bind the Council and its successors and may be varied or discharged in like manner as that in which it was executed.

SCHEDULE

(Section 3 (2))

CONSTITUTION AND PROCEEDINGS OF THE COUNCIL

Constitution
of Council

- 1.**-(1) The Council shall consist of-
- (a) a Chairman, who shall be appointed by the President;
 - (b) twenty-nine other members who shall be appointed by the Minister.
- (2) 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, 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.
- (3) Any member of the Council may at any time resign by giving notice in writing to the Minister and from the date of the receipt by the Minister of the notice, he shall cease to be a member of the Council.
- (4) If 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 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.

Vice-Chair-
man

- 3.** The Council shall elect from amongst its members 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 of business.
- (2) At any meeting of the Council fifteen 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.

5. 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 a member thereof.

vacancies,
etc., not to
invalidate
proceedings

6. The members of the Council shall be paid out of the funds thereof such expenses as the Minister may from time to time determine.

Remunera-
tion

Passed in the National Assembly on the thirteenth day of March, 1974.

MMwindadi

Acting Clerk of the National Assembly