

THE UNITED REPUBLIC OF TANZANIA



No. 27 OF 1967

I ASSENT

Julius K. Nyerere
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President

9TH AUGUST, 1967

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

[11TH AUGUST, 1967]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the National Swahili Council Act, 1967. Short title

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

Interpre-
tation

“Council” means the National Swahili 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:

Provided that the first financial year of the Council shall commence on the date of coming into operation of this Act and end on the thirtieth day of June, 1968;

“Minister” means the Minister responsible for National Culture.

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

Establish-
ment
of Council

(a) be a body corporate by the name of the National Swahili Council, 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 otherwise 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 with respect to the constitution and proceedings of the Council.

Functions of
the Council

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

- (a) to promote the development and usage of the Swahili language throughout the United Republic;
- (b) to co-operate with other bodies in the United Republic which are concerned to promote the Swahili language and to endeavour to co-ordinate their activities;
- (c) to encourage the use of the Swahili language in the conduct of official business and public life generally;
- (d) to encourage the achievement of high standards in the use of the Swahili language and to discourage its misuse;
- (e) to co-operate with the authorities concerned in establishing standard Swahili translations of technical terms;
- (f) to publish a Swahili newspaper or magazine concerned with the Swahili language and literature;
- (g) to provide services to the Government, public authorities and individual authors writing in Swahili with respect to the Swahili language.

(2) The Council 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 Council relate only to its capacity as a body corporate and nothing in that subsection shall authorize the disregard by the Council of any enactment or rule of law.

Appointment
of staff

5. 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 think necessary for carrying out its functions under this Act.

Funds of
Council

6. The funds and resources of the Council shall consist of—

- (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 such donation.

7.—(1) The Council 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, and 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.

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.

9.—(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 approved by the Minister, being a form which conforms to the best commercial standards.

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

(3) As soon as the accounts of the Council for any financial year have been audited, the Council 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 thereon.

(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 to which the accounts relate, lay a copy of every statement and auditor's 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 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 the 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 the 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))

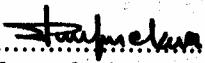
CONSTITUTION AND PROCEEDINGS OF THE COUNCIL

- Constitution** 1.—(1) The Council shall consist of twenty-one members all of whom shall be appointed by the Minister.
- (2) The following departments and bodies shall nominate for appointment to the Council the number of persons set out in the table hereunder—
- | | | | | |
|--|-----|-----|-----|---|
| (a) Ministry of Local Government and Rural Development | ... | ... | ... | 3 |
| (b) Ministry of Education | ... | ... | ... | 3 |
| (c) Ministry of Information and Tourism | ... | ... | ... | 1 |
| (d) Civil Service Commission | ... | ... | ... | 1 |
| (e) The Institute of Swahili Research | ... | ... | ... | 2 |
| (f) The Office of the Second Vice-President (Justice Division) | ... | ... | ... | 2 |
| (g) Ministry of Education and Culture (Zanzibar) | ... | ... | ... | 5 |
- (3) 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.
- (4) Any member of the Council 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 Council.
- (5) 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 permission 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.
- Chairman and Vice-Chairman** 3. The Council shall elect from amongst its members a Chairman and 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 eleven 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.
- Minister may vary constitution of Council** 5. The Minister may, on the advice of the Council, by order published in the *Gazette*, from time to time vary the constitution of the Council.

6. Subject to the provisions of paragraph 4 relating to a quorum, the Council may Vacancies, act notwithstanding any vacancy in the membership thereof and no act or proceeding etc., not to of the Council shall be invalid by reason only of some defect in the appointment invalidate proceedings of a person who purports to be a member thereof.

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

Passed in the National Assembly on the twentieth day of July, 1967.


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Clerk to the National Assembly