



CHAPTER 353
THE EDUCATION ACT
[PRINCIPAL LEGISLATION]
ARRANGEMENT OF SECTIONS

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SCHEDULE

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CHAPTER 353

THE EDUCATION ACT

An Act to provide for the better development of the system of education.

[1st July, 1979]

[GN. No. 30 of 1979]

Acts Nos.		GN. No.
25 of 1978	2 of 1998	99 of 2001
7 of 1982	7 of 2005	
3 of 1986	21 of 2009	
10 of 1986	1 of 2015	
11 of 1992	4 of 2016	
10 of 1995	9 of 2017	
	6 of 2018	

PART I

PRELIMINARY PROVISIONS

Short title
Act No.
3 of 1986 Sch.
Interpretation
Acts Nos.
7 of 1982;
1st Sch.
10 of 1995 s. 3
6 of 2018 s. 75

1. This Act may be cited as the Education Act.

2.-(1) In this Act, unless the context otherwise requires-
“adult education” means the training of persons in the art
of reading, writing and arithmetic, and in other fields
of learning, the training in which they could not obtain
through the formal process of education;

“Adult Education Centre” means a place or institution where
adult education is provided;

“Advisory Council” means the Educational Advisory Council
established under section 6;

“Commissioner” means the Commissioner for Education
and includes any person to whom he delegates the power
to perform any of the functions of the Commissioner
under this Act;

“Community School” means a school owned by a local
community or owned by an institution on behalf of the
Community;

“District Education Officer” means a Government education
officer appointed by the Minister to be incharge of

education services in a district and includes any person to whom he delegates his duties;

“education” means the instruction or training of persons of ages in various fields of learning designed to contribute to the spiritual, moral, mental and physical development of the community and the attainment of the wider national goals;

“Education Secretary” means a person appointed, with the approval of the Commissioner for Education, by a recognised body or organisation to administer its schools and act in Education liaison with the Commissioner for Education through the Education Secretary-General;

“Education Secretary-General” means the person appointed by the Minister by a recognised body or organisation to co-ordinate the education work of the body or organisation and act for it in liaison with the Commissioner for Education;

“Education Service” means services, things and materials which facilitate the efficient and effective provision of education;

“Education Trust” means a community based organisation registered under the Trustees’ Incorporation Act responsible for the promotion of education in a specified area;

“Educational Assessment Centre” means a place where the formal evaluation of performances in a variety of settings and activities of persons of a handicapped nature is carried out for the purpose of preventing, reducing, eliminating of significant deficits of a learner and for proper placement;

“Government school” means a school directly maintained and managed by the Ministry or a local authority;

“grant in aid” means a grant of money or education materials and supplies from the Central Government or a local authority or a non-Government education authority in aid of any school or group of schools or of any educational activity;

“local authority” means a City Council, District Council, Municipal Councilor and Town Council;

“local authority school” means a pre-primary school, primary school, secondary school or adult education centre under the jurisdiction of a local authority;

- “maintain” in relation to a school, means to be responsible for the financial up-keep of the school;
- “manager” in relation to a school, means a person who is responsible for the administration and management of the school or activities of the pupils in the school, fees and in the case of any institution or organisation giving instructions by means of correspondence delivered by hand or through postal service, the person who is responsible for its administration or management;
- “Minister” means the Minister responsible for education;
- “Ministry” means the Ministry responsible for education;
- “non-Government organisation” means a non-Government education agency;
- “non-Government school” means a school wholly owned and maintained by a person, body of persons or any institution other than the Government;
- “owner” in relation to a school means the Government, local authority, a person or group of persons owning the buildings of the school;
- “parent” in relation to a child or pupil, includes a guardian and a person who has the actual custody of the child or pupil;
- “pre-primary education” means the full-time formal education given to children of five and six years of age before primary education;
- “pre-primary school” means the school providing pre-primary education but where the school concerned provides pre-primary, primary, secondary or teacher education, reference in this Act to pre-primary school includes the school to the extent to which it provides pre-primary education;
- “primary education” means full time formal education given for seven years after completion of pre-primary education in accordance with the syllabus approved by the Commissioner;
- “primary school” means a school providing primary education; but where the school concerned provides both primary and secondary education, references in this Act to

primary school shall be construed as including that school to the extent to which it provides primary education;

“proper officer” means the Minister responsible for local government, and includes any person appointed by him to perform the functions of the proper officer under this Act;

“public funds” means sums as are provided by Parliament or by a non-Government organisation or by any other person to, or obtained in any other way by the Government, or local authority or non-Government organisation for the purposes of facilitating the provisions of education to the public;

“pupil” means a person who is enrolled at any school for the purposes of receiving education;

“Regional Education Officer” means a Government officer appointed by the relevant authority to be incharge of education services in the region and includes any person to whom he delegates his duties;

“school” means an assembly, institution, organisation or place, by whatever name called, which provides or where there is provided, for several or more persons whether or not at the same time, pre-primary, primary, secondary, teacher education or adult education and in the case of instruction given by hand or through postal services, the place where the instruction is prepared or the work of the pupils is received, dispatched, or examined but does not include-

- (a) an institution of that kind which is established by or under any written law;
- (b) an assembly, institution, organisation or place in respect of which the Minister is satisfied that, its sole or main purpose is to provide for religious instruction and which is licensed by the Minister as religious school;
- (c) an institution maintained by a religious organisation for the purpose of training for the ordained ministry or admission to a religious order operating under a licence issued by the Minister;
- (d) a club established for and consisting substantially of persons under the age of eighteen years, notwithstanding that instruction is given therein,

where the establishment of the club has been approved in writing by the Minister responsible for education and the approval has not been withdrawn;

“School Board” means a board established under section 39 for the purposes of supervising and advising on the management of a post primary school;

“School Committee” means a Committee established under section 40 for the purposes of supervising and advising on the management of primary school;

“secondary education” means formal full time education of duration of four years for Ordinary Level and two years for Advanced Level continued immediately after primary education in accordance with the syllabus approved by the Commissioner;

“secondary school” means a school providing secondary education, but where the school concerned provides secondary, primary, pre-primary or teacher education, reference in the Act to secondary school include that school to the extent to which it provides secondary education;

“special ability school” means a school which provides education for pupils with outstanding abilities;

“special education” means the profession concerned with the arrangement of education variables dealing with the prevention, or elimination of those conditions that produce significant deficits in one or more of the learning avenues;

“special school” means a school which provides education for the handicapped;

“subvention” means a block grant paid by the Government towards the cost of educational services.

(2) The Minister may, by an order published in the *Gazette*, extend the period of primary education to any number of years not more than seven, as he may deem desirable in the public interest.

Exemptions

3. The Minister may, by an order published in the *Gazette*, and subject to such conditions as he may specify in the order, exempt any school or any teacher from all or any of the provisions of this Act.

PART II

CENTRAL ADMINISTRATION OF NATIONAL SCHOOLS

(a) Duties and Powers of Minister

Minister
to promote
education

4.–(1) The Minister shall, subject to the provisions of this Act, be responsible for the promotion of the education of the people of Tanzania and the progressive development of institutions devoted to that purpose, and securing the effective execution by local authorities under his guidance, control and direction of the national policy for providing a varied, comprehensive and nationally beneficial educational service in their respective jurisdictions.

(2) The Minister shall ensure that, there is available and adequate supply of teachers and other skilled personnel for the provision of educational services.

Powers of
Minister
Act No.
10 of 1995 s. 4

5. For the purposes of discharging his responsibility under this Act, the Minister may-

- (a) subject to the provisions of any written law in that behalf, cause modifications to be made in the development plans of any parastatal organisation engaged in or whose activities are connected with the provision of educational services or facilities;
- (b) seek and secure modifications in the educational development plans prepared by managers of private schools;
- (c) after consulting with the Minister responsible for regional administration, modify and co-ordinate the development plans of local authorities in so far as they relate to the provision education, and incorporate those plans in the educational development plans for the whole of Mainland Tanzania;
- (d) give to managers of schools directions of a general or specific character regarding the use of public funds by their schools;

- (e) order or cause research or inquiries to be carried out into, or returns to be made to him relating to various aspects of education and the provision of education services and facilities for the purposes of ensuring the better provision of education;
- (f) subject to the provisions of this Act, and any other written law in that behalf, do any other act or thing which in his opinion is designed to or may further the promotion of education, having regard to the national interests and interests of the people of the United Republic.

(b) Educational Advisory Council

Establishment
of Educational
Advisory Council

6.—(1) The Minister shall, by an order published in the *Gazette*, establish an Educational Advisory Council which shall consist of number of persons as he shall determine.

(2) The Minister may, on making the order referred to in subsection(1), establish committees of the Advisory Council in respect of areas or aspects of education or fields of learning as he may determine.

(3) The Minister shall, by the order made under subsection (1) or subsequent order made under this subsection, provide for the tenure of office, conditions of retirement of members, meetings of the Advisory Council and other matters in relation to it.

(4) The Minister shall, as far as is practicable, appoint to the Advisory Council persons who have experience of the system of education or of institutions dealing or connected with matters relating to education, or persons whose contribution may be of significant advantage to the formulation and execution of the national policy on education.

Functions of
Advisory Council

7. The Advisory Council shall be responsible for advising the Minister on matters relating to the execution of the national policy on education, and in particular upon-

- (a) the organisation of educational facilities in Tanzania;

- (b) the promotion of education and development of schools in accordance with the purposes and provisions of this Act;
- (c) any proposed legislation relating to or affecting education which it is intended to submit to the National Assembly;
- (d) other matters connected with educational theory and practice as it may think fit; and
- (e) any other matter which may be referred to it by the Minister.

(c) The Commissioner for Education

Duties of
Commissioner for
Education
Act No.
10 of 1995 s. 5

8.—(1) Subject to the provisions of this Act, directions and instructions given to him by or on behalf of the Minister, the Commissioner shall be responsible for the general management and administration of schools.

(2) Notwithstanding the provisions of subsection (1), non-Governments schools shall be managed and administered in accordance with the directions of the Commissioner.

PART III

LOCAL ADMINISTRATION OF LOCAL EDUCATION AUTHORITY SCHOOLS¹

(a) Local Education Authorities

Local education
authorities
Act No.
10 of 1995 s. 7

9.—(1) Subject to subsection (2), a local authority shall be the local education authority for local authority schools.

(2) The Minister may, by an order published in the *Gazette*, direct that the local authority named in the order shall be the local education authority for any regional school situated outside its area of jurisdiction and thereupon, school or those schools shall, for the purposes of this section, be deemed to be situated within the area of jurisdiction of the local authority

¹ Part III was amended by Act No. 10 of 1995, s. 6.

named; and where the order is made then, notwithstanding any other provision of this Act, the local authority, if any, within whose area of jurisdiction the school or schools mentioned in the order are situated, shall not be the local education authority for that school or those schools while the order remains in operation.

(3) Notwithstanding the generality of the power conferred upon the Minister by subsection (2), an order may not be made by the Minister under that subsection except with the consent of the local authority within whose area of jurisdiction the school or group of schools concerned is to be deemed to be situated.

Functions of
local education
authorities
Act No.
10 of 1995 s. 8

10.—(1) Subject to the provisions of Part V, the functions of a local education authority in respect of the regional schools for which it is the local education authority shall be—

- (a) to submit to the Minister for his approval plans for the promotion and development of education and carry out the plans approved by the Minister;
- (b) to prepare and submit to the proper officer the approval estimates of revenue and expenditure;
- (c) subject to any directions of a general or specific character given by the Minister, to administer, in accordance with the approved estimates, any subventions or grants-in-aid from the Government;
- (d) subject to any written law in force relating to payment of school fees, to collect and receive school fees;
- (e) to make recommendations to the Minister with respect to the ownership, management and registration of new private schools;
- (f) to manage any school owned by the local authority;
- (g) to establish an Education Trust which shall cater for educational development in that district;
- (h) to exercise other functions as may be conferred upon it by or under this Act or any other written law;
- (i) subject to any directions of a general or specific character given by the Minister in that behalf, to provide guidance to schools under its jurisdiction regarding the

- undertaking and execution by them of commercial or other projects as part of their self-reliance schemes; and
- (j) subject to the directions of the Minister, to do acts and things as may be necessary or expedient for the efficient discharge of its functions.

(2) Subject to any written law in force relating to the payment of school fees, and order made by the Minister prescribing the minimum fees payable in respect of any pupil, a local education authority may, in respect of the pupils in schools for which it is the local education authority, prescribe the school fees payable in respect of pupils in those schools.

Education
Committees
Act No.
7 of 1982
1st Sch.

11. A local education authority shall establish an Education Committee which shall advise the Authority on the performance of its functions under this Act.

*(b) Powers of Minister in Relation to
Local Education Authorities*

Minister may
give directions to
local education
authorities

12. The Minister may, after consultation with the proper officer, give to any local education authority directions of a general or specific character regarding the performance by the authority of any of its functions under this Act, and the authority to which the directions are given shall give effect to them.

Minister may
transfer functions
of local education
authority

13.—(1) Where the Minister considers that, it is in the public interest to do so, he may, after consultation with the proper officer, by an order published in the *Gazette*, transfer the functions of a local education authority in relation to any regional school to the Ministry or to a person or body of persons appointed by him in that behalf.

(2) Where an order under subsection (1) is made in respect of any regional school, the local education authority shall cease to exercise its functions under this Act in respect of the school, and where the order is made in respect of the schools within the jurisdiction of a local education authority the local education authority shall not perform any of the functions of a local education authority while the order remains in operation.

(3) Where the functions of a local education authority are transferred to the Ministry or to any person or body of persons, the Ministry or the person or body of persons to whom the functions are transferred may exercise the powers of a local education authority necessary for the performance of those functions and, in addition to those powers, may exercise other power or powers as the Minister may confer upon it or him, and references in this Act to a local education authority shall be construed as reference to the Ministry or to that person or body of persons.

PART IV ESTABLISHMENT AND REGISTRATION OF SCHOOLS

(a) Establishment of Schools

Restriction on establishment of school
Act No.
10 of 1995 s. 9
Conditions to be complied with prior to establishment of school
Acts Nos.
10 of 1995 s. 10
9 of 2017 s. 6

14. A school shall not be established except with the written approval of the Commissioner.

15.–(1) The Commissioner shall not grant approval for the establishment of a school under this Act unless-

- (a) the manager of the school is either the owner or a person or body of persons approved as manager for the school by the Commissioner, or the approval has not been withdrawn;
- (b) owners and managers of schools ensure that, standard infrastructure, facilities equipment and instructional materials necessary for effective and optimum teaching and learning are of good quality available in adequate quantities and are regularly maintained;
- (c) the school is registered under this Act;
- (d) other conditions as may be prescribed by the Minister have been complied with;
- (e) the school has been inspected of its capability to provide educational services in accordance with this Act.

- (2) For the purposes of this Act, the establishment of a school shall be deemed to include-
- (a) the provision in or at any school of any category, nature or level of education for seven or more persons, whether or not at the same time, where that education is of a different category, nature or level from the category, nature or level of education for the provision of which the school is registered under this Act;
 - (b) the re-opening of any school which has remained closed for a period of six or more consecutive months;
 - (c) the voluntary transfer, whether by way of partnership or otherwise, of the ownership or management of any school;
 - (d) the transfer of any school to a new site, except where that transfer has taken place with the prior approval in writing of the Commissioner.

Approval of
owners
Act No.
9 of 2017 s. 7

16.-(1) An application for approval as owner of a school or schools shall be made in a manner as the Commissioner may prescribe.

(2) The Commissioner may approve a person as an owner of a school or schools or reject any application and subject to subsection (3), at any time withdraw any approval.

(3) An approval may not be withdrawn unless-

- (a) the Commissioner shall have first caused a notice of withdrawal to be served on the owner specifying the grounds upon which the withdrawal is proposed to be made and the conditions, if any, to be complied with by the owner within a reasonable period, being not less than three months, as may be specified in the notice as a condition of cancelling the notice; and
- (b) the owner shall have failed within the period as may be specified in the notice, or further period as the Commissioner may, in any particular case, allow either to comply with the conditions set out in the notice or show cause to the satisfaction of the Commissioner, why the notice should be cancelled.

(4) Where the Commissioner has withdrawn his approval of any person as owner of a school, he shall cause the person to be informed accordingly and the person shall, within a time as the Commissioner may direct-

- (a) transfer the school to some person approved by the Commissioner; or
- (b) close the school.

(5) The Commissioner shall cause the name of a person approved as owner of a school or schools, and the withdrawal of any approval by the Commissioner to be published in the *Gazette* within thirty days of the approval or withdrawal.

(6) Notwithstanding subsection (5), failure to publish any approval or withdrawal in the *Gazette* shall not affect the validity of the approval or withdrawal.

(7) In exercising his power under this section, to rejection of an application for approval of a person as owner or withdraw an approval given, the Commissioner shall have regard to the interest of the public as a whole, and his decision shall be final and not be challenged in, or subject to review by any court.

Approval of
managers
Act No.
10 of 1995 s. 11

17.-(1) An application for approval of a person as manager or education secretary of a school or schools shall be made to the Commissioner in a manner as the Commissioner may prescribe.

(2) The Commissioner may approve a person as manager of a school or reject an application, and at any time withdraw any approval given.

(3) Where the Commissioner has withdrawn the approval of person as manager of a school, he shall inform the person accordingly, and the appointment of the person as manager of the school shall cease and the owner of the school shall, within a time as the Commissioner may direct-

- (a) assume personally the responsibility for the management of the school;
- (b) appoint as manager a person approved by the Commissioner; or
- (c) close the school.

Local authorities
may establish
schools
Act No.
10 of 1995 s. 12

18.—(1) Notwithstanding the preceding provisions of this Part, a local authority may, after consultation with the Minister and with the consent of the proper officer, establish a school or schools for the provision of education.

(2) Where a local authority proposes to establish a school, it shall comply with the provisions of this Part relating to the registration of public schools and with those of Part V which relate to the management of schools.

(3) Where a local authority establishes a school pursuant to subsection (1), it shall be deemed to be the manager of the school and, subject to the directions of the Commissioner, be responsible for its administration and maintenance.

(b) Registration of Government Schools²

Government
schools to be
registered

19. Subject to section 21, the Commissioner shall cause to be kept and maintained, in a form as the Minister may direct, a register of Government schools in which there shall be entered in respect of Government school the following particulars:

- (a) the name of the school;
- (b) its address including the region in which it is situated;
- (c) the person or body of persons responsible for its management and administration;
- (d) the date of its establishment;
- (e) the category, nature or level of education which it provides; and
- (f) other particulars as the Minister may direct.

Schools providing
adult education
Act No.
10 of 1995 s. 14

20. Where adult education is provided at any school in addition to pre-primary, primary, secondary or teacher education, there shall be deemed to be a separate school in respect of the adult education provided at the school and the separate school shall be separately registered under section 19.

² The subheading was amended by Act No. 10 of 1995 s. 13

Premises where
literacy classes
are conducted
Act No.
10 of 1995 s. 15

21.–(1) Subject to section 22, it shall not be necessary for the Commissioner to cause to be registered under section 19 as a school, any premises in which adult literacy classes are regularly conducted where those premises are not a permanent or semi-permanent building.

(2) For the purposes of this section, a “permanent building” means a building whose walls are constructed with stones, concrete blocks or baked bricks and has a roof of tiles or corrugated iron sheets or concrete roof and a “semi-permanent building” is a building constructed with earth or with unbaked bricks and has a roof of corrugated iron sheets.

Branches of
Government
schools

22.–(1) Where adult literacy classes are regularly conducted in premises other than a permanent or semi-permanent building or buildings, and the Minister considers that, those premises qualify to be part of a school, he may, after consultation with the local education authority concerned, direct that, subject to the continuation of the regular conduct of adult literacy classes in those premises, those premises be deemed to be a branch or branches of a particular Government school or schools within the area of jurisdiction of that local education authority.

(2) Where the Minister makes a direction under subsection (1) in relation to a Government school, the Government school shall be deemed to provide adult education in the premises in respect of which the order is made in addition to the primary or secondary education or other category, nature or level of education which the Government school provides.

(3) Where the Minister has made a direction under subsection (1) in relation to a Government school, the school shall be the centre responsible for the facilitation of the supply of teachers, books and other facilities for the conduct of adult literacy classes in the premises deemed to be a branch or branches of the Government school.

(4) Upon the making of the direction under subsection (1) in relation to a Government school, the provisions of section 20 shall apply to the school and be registered under section 19 accordingly.

(c) Registration of Non-Government Schools³

Establishment of non-Government schools **23.** With effect from the commencement of this Act, a person shall not establish a non-Government school unless it is intended to provide education in accordance with the national education policy.

Non-Government schools to be registered Act No. 10 of 1995 s. 17 **24.** Where it is proposed to provide education in the premises of a Government school involving the training of persons in fields of learning other than those provided for in the curriculum of that Government school, that education shall be deemed to be privately provided and there shall be deemed to be intended to establish a non-Government school separate from the Government school, and that separate school shall be registered under this Act before it is established.

Application for registration **25.** An application for registration of a non-Government school shall be made to the Commissioner in the prescribed form and accompanied by information relating to the proposed non-Government school as the Minister may prescribe.

Registration of non-Government schools Act No. 10 of 1995 s. 18 **26.**—(1) Subject to subsection (2), upon receipt of an application for registration of a non-Government school, the Commissioner shall, subject to sections 27 and 28, and where he is satisfied that, the requirements of this Act have been complied with, either register the school or state the conditions upon compliance with which that school shall be registered.

(2) A school registered under this section shall be in the name which the Commissioner approves.

(3) Upon the registration of a non-Government school, the Commissioner shall issue to the owner or the manager of that school a certificate of registration in the prescribed form, and the owner or manager to whom it is given shall cause that certificate to be kept and exhibited in a conspicuous place in the school.

(4) The Commissioner shall, at convenient intervals, cause to be published in the *Gazette* a list of non-Government

³ The subheading was amended by GN. No. 99 of 2001

schools registered under this Act and the category, nature or level of education provided at each of those schools.

Schools in premises not designed and constructed for purpose of school Act No. 10 of 1995 s. 19

27.–(1) An application for the registration of a non-Government school which is intended to be operated in premises not designed and constructed for the purposes of a school shall be accompanied by a certificate from the Permanent Secretary to the Ministry of Works, or a duly qualified architect appointed by him in that behalf, containing-

- (a) title deed or evidence of land ownership;
- (b) his opinion with regard to the suitability of the premises in relation to the loading for which they were designed and constructed, for the purposes of a school;
- (c) a statement that, the premises do not have structural timber floors;
- (d) a statement that, the use of those premises for the purposes of a school would not give rise to any undue risk of fire or danger from panic in the event of fire.

(2) For the purposes of subsection (1)(d), the Permanent Secretary to the Ministry of Works or, as the case may be, the architect appointed by him may, in making the statement referred to, prescribe any provisions which he considers should be made to minimise the risk of fire or danger from panic in the event of fire, and specify whether or not those provisions are to be made before the school is registered.

(3) An application to the Permanent Secretary to the Ministry of Works or, as the case may be, the architect appointed by him, for a certificate required for the purposes of subsection (1) shall be made in the form prescribed by the Minister and accompanied by plans of the premises showing the parts which are to be used for the purposes of a school.

(4) Without prejudice to any other provisions of this Act, a non-Government school which is to be operated in premises not designed and constructed for the purposes of a school shall not be registered under this Act, where -

- (a) the application for registration is not accompanied by the certificate required by subsection (1); or

- (b) in exercise of the powers conferred by subsection (2), the Permanent Secretary to the Ministry of Works, or the architect appointed by him in that behalf, specifies provisions which are to be made before the school is registered and those provisions have not been made.

Refusal to register
non-Government
school
Act No.
10 of 1995 s. 20

28. The Commissioner may refuse to register a non-Government school where it appears to him that-

- (a) registration of that school would not be in the public interest;
- (b) the school is not intended to provide education wholly or mainly in technical fields of learning;
- (c) the school is not likely to be able in the near future to provide education wholly or mainly in technical fields of learning;
- (d) there would be any danger to persons using the premises or be a risk of that danger;
- (e) the premises of the proposed school are, or are likely to be, unsanitary or unsuitable for a school;
- (f) the proposed school does not conform to any regulations made under this Act;
- (g) the qualifications and experience of the proposed teachers are not adequate to ensure the efficient conduct of the school;
- (h) the proposed terms and conditions of service of the teachers are not adequate to ensure the efficient performance of their duties;
- (i) the premises of the proposed school or the equipment do not allow effective tuition in the subjects to be taught in the school;
- (j) the proposed school has previously been refused registration or its registration has been cancelled under this Act, and the reasons for that refusal or cancellation, are still valid;
- (k) any part of the premises of the proposed school have been used for the purposes of -
 - (i) a school in relation to which registration has previously been refused; or

(ii) a school whose registration has been cancelled under this Act,
and that, the reasons for the refusal or, as the case may be, cancellation are still valid; or

- (l) in the application for registration a statement was made or information furnished which is false in a material particular or by reason of the omission of a material particular.

Cancellation of registration of non-Government school
Act No. 10 of 1995 s. 21

29. Without prejudice to the provisions of section 16(4) and of section 17(3) relating to the power to close schools, the Commissioner may cancel the registration of any non-Government school-

- (a) on any of the grounds on which he would have been entitled to refuse registration as specified in section 28;
(b) where subsequent to the registration of the school, an offence against this Act has been committed by its manager or owner;
(c) where it appears to him that the school has ceased to exist; or
(d) where the school has failed or is not likely to succeed in the near future to provide education in accordance with the national education policy.

Repealed

30. [Repealed by Act No. 11 of 1992, Sch.]

PART V

MANAGEMENT AND CONTROL OF SCHOOLS

(a) Categories of Schools

Categories of schools for purposes of management
Act No. 10 of 1995 s. 22

31.-(1) For the purposes of the management of schools under this Act, there shall be the following categories of schools:

- (a) Government schools of which shall consist of schools maintained and managed by the Ministry or local authorities and include pre-primary schools, primary schools, secondary schools, colleges of teachers education and adult education centres;

- (b) grant aided schools of which shall consist of schools maintained and managed by a non-Government organisation but gets subvention or grant in aid from governmental organisation;
- (c) non-Government schools which shall consist of schools wholly maintained and managed by non-Government organisations.

(2) Subject to subsections (1) and (3), the owner of a school of any category may, upon request made to the appropriate authority and upon approval being granted by the Minister, move the school from one category to another.

(3) The approval granted under subsection (1) shall be published in the *Gazette*.

(b) Management of Government Schools

Management of Government schools Act No. 10 of 1995 ss. 23 and 24

32. The management of Government schools shall be in accordance with the directions of the Commissioner.

Establishment of Education Training Boards Acts Nos. 10 of 1995 s. 25 7 of 2005 3rd Sch.

33.—(1) There shall be established for every district, municipality and township an Education and Training Board responsible for the management of levels of education and training other than higher education level and training in its area of jurisdiction.

- (2) The Minister may, by notice in the *Gazette*, provide for-
 - (a) the maximum number of members of any Education and Training Board;
 - (b) the tenure of office of the Education and Training Board;
 - (c) the procedure at meetings of the Education and Training Boards; and
 - (d) any other matters relating to Education and Training Boards, as he may deem necessary for the proper functioning of the Boards.

Management of
schools
Act No.
10 of 1995 s. 26

- 34.**—(1) Notwithstanding the provisions of section 33-
- (a) the management of local authority schools shall be vested in the local authorities within whose area of jurisdiction they are situated and in accordance with directions as it may, give;
 - (b) the management of non-Government schools shall be vested in the owner or manager as the case may be; and
 - (c) the management of aided schools shall be vested in the owner or manager as the case may be.
- (2) Notwithstanding the provisions of section 33 and this section, the Regional Education Officer and the District Education Officer shall be the representative of the Commissioner in their respective areas.
- (3) The Minister may, by regulations, prescribe the powers and functions of Regional Education Officers and District Education Officers.
- (4) The regulations made under subsection (1) shall be published in the *Gazette*.

(c) *Control of Schools*

Compulsory
enrolment and
attendance of
pupils at schools
Acts Nos.
10 of 1995 s. 27
21 of 2009 s. 168

- 35.**—(1) It shall be compulsory for a child who has reached the age of seven years to be enrolled for primary education.
- (2) Without prejudice to subsection (1), a child of the age of seven or above, shall not be refused enrollment in a school.
- (3) The parent or parents of a child compulsorily enrolled for primary education shall ensure that, the child regularly attends the primary school at which he is enrolled until he completes primary education.
- (4) A pupil enrolled at any school shall regularly attend the school at which he is enrolled until he completes the period of instruction specified in respect of the level of education for the attainment of which he is enrolled at the school.
- (5) The Minister may make rules, which shall be published in the *Gazette* for the better carrying out of the purposes of this section and in those rules, prescribe acts or things which shall

be done by any person and penalties for the contravention of those rules.

Age for pre-
primary
education
Act No.
10 of 1995 s. 28

36. A child of not less than five years of age shall be eligible for enrolment for pre-primary education for a period of two years. [s. 35A]

Classification of
schools

37. The Commissioner may adopt a system of classification with appropriate nomenclature for distinguishing-

- (a) different types of schools according to the category, nature or level of education provided in them; or
- (b) different classes, standards or forms within schools according to the category, nature or level of education provided in them.

[s. 36]

Curricula and
syllabi of schools

38.-(1) A school shall provide education within the curricula and in accordance with the syllabi approved by the Commissioner after consultation the Minister.

(2) The Minister may, after consultation with the Commissioner and with Local Education Authorities, make regulations with respect to any school or any category of schools, prescribing-

- (a) the maximum number of pupils in any class;
- (b) the number and qualifications of teachers required to teach at any school or group of schools;
- (c) the minimum structural standards of school buildings;
- (d) the educational materials and equipment to be used in schools;
- (e) the duration of the school year;
- (f) public examinations to be taken by pupils;
- (g) registers and records to be kept and the returns to be made to the Minister by persons in charge of schools;
- (h) any matter which in the opinion of the Minister, after consultation with any interested parties, is necessary

for ensuring the efficiency of the education provided by schools and the welfare of pupils and teachers.

[s. 37]

Establishment of
School Boards
Act No.
10 of 1995 s. 29

39.—(1) The Minister shall, by an order published in the *Gazette*, establish a School Board in respect of a Government post primary school which shall be responsible for the management, development planning, disciplining and finance of the school.

(2) The Minister may, by an order published in the *Gazette*, provide for-

- (a) the membership of the Board and the tenure of office of members;
- (b) the representation of the Board of any organisation which owns the school and of other persons as the Minister may determine;
- (c) the representation of the Commissioner on the Board;
- (d) the exercise by the Board of matters pertaining to the management, development planning, discipline and finance of the school;
- (e) the managerial or supervisory powers which may be exercised by the Board over the school;
- (f) other procedure of the Boards as the Minister may deem necessary to prescribe.

(3) The Minister may, where in his opinion the public interest requires-

- (a) suspend a School Board from the exercise of any of its functions; or
- (b) require the resignation of members and appoint a placement or replacements.

(4) Where the Minister suspends any School Board from the exercise of its functions, or requires the resignation of the members, he may vest those functions in the Commissioner or, in the case of a folk development college, in the District Development Council within whose area of jurisdiction, the

college is situated for a period not exceeding one year as he may determine.

[s. 38]

Establishment
of School
Committees
Act No.
10 of 1995 s. 30

40.—(1) There shall be established a School Committee for a pre-primary and primary school responsible for the management and maintenance of the school.

(2) In establishing School Committees, the relevant authority shall ensure that, the Community served by the school is represented.

(3) The Minister shall, by a notice published in the *Gazette*, provide for-

- (a) the maximum number of members of a School Committee;
- (b) the tenure of office of members of School Committees;
- (c) the co-option on the School Committee of persons who are not members;
- (d) the procedure at meetings of School Committees; and
- (e) other matters relating to School Committees as the Minister may prescribe.

(4) A School Committee shall perform the following functions:

- (a) to consider and accept or reject applications for the admission of pupils to the school;
- (b) to confirm or disallow the dismissal of pupils from the school; and
- (c) to advise the head teacher, or other head of the school, and the local authority on matters relating to the management and conduct of the school.

(5) In the performance of its functions, a School Committee shall have regard to the following matters:

- (a) the need to integrate the school in the life of the community which it serves;
- (b) the promotion of the policy of self-reliance;
- (c) the welfare of the pupils and teachers; and

- (d) the promotion and development of the school as a centre for the provision of education to the community which it serves.

[s. 39]

(d) *Inspection of Schools*

Appointment of
inspectors
Act No.
10 of 1995 s. 31

41.—(1) The Minister shall appoint, by name or office, public officers each of whom shall perform the functions of an inspector of schools under this Act.

(2) An appointment made under subsection (1) shall be published in the *Gazette*.

(3) The Minister shall, after consultation with the Commissioner, make regulations with respect to which offices shall automatically perform the functions of an inspector or officers authorised by the Act or under any written law, to visit a school in order to carry out their lawful functions.

[s. 40]

Inspection of
schools
Act No.
10 of 1995 s. 32

42.—(1) The Commissioner shall cause a school to be inspected by an inspector for the purposes of ensuring that, school complies with this Act and of ascertaining whether the school is being properly and efficiently conducted.

(2) An inspector shall make a report to the Commissioner in respect the school inspected and with regard to matters as the Commissioner may require him to report upon.

(3) Where an inspector reports to the Commissioner on an inspection of a local education authority school made by him, he shall send a copy of the report to the manager of the school and any other local authority responsible for the school.

(4) Subject to section 44, an inspector shall make appropriate recommendations to the head of school as to methods or ways of rectifying the observed problems during the inspection and after so doing make a follow up on the report.

(5) Subject to subsection (3), a Manager, or local authority to whom the copy of the report is sent, shall react appropriately to the report.

[s. 41]

Powers of
inspectors

43. For the purpose of section 42, the Commissioner and any inspector may-

- (a) at reasonable times enter the premises of any school, or any place in which it is reasonable suspected that, a school is conducted;
- (b) enter any premises upon which he has reason to suspect that, an offence under this Act has been or is being committed;
- (c) after entering the premises of any school, require any manager or teacher to produce any book, document or other article or furnish any information relating to the administration or management of or teaching or activities in school;
- (d) remove for further examination any book, document or other article which he has reason to suspect is evidence of the commission of an offence under this Act or grounds for cancellation of the registration of the school or any teacher in the school; or
- (e) do other things or acts as may be necessary for the furtherance of the purpose of inspection.

[s. 42]

Power to direct
remedial
measures

44.-(1) Where it appears to the Commissioner that, any provisions of this Act have not been complied with in any school or the any school is not being properly or efficiently conducted, he may, without prejudice to any other powers vested in him by this Act, by notice in writing under his hand addressed to the manager, head teacher, headmaster or principal of the school, give to him directions as he may specify in the notice so as to secure compliance with the provision or more efficient conduct of the school.

(2) The Commissioner may specify in the notice, a period of time within which the directions contained in it must be complied with.

(3) The Commissioner may, in his discretion in any particular case, cause a copy of the notice to be sent to a

person or body of persons connected with the management or administration of the school concerned.

[s. 43]

PART VI PROVISIONS RELATING TO TEACHERS

Repealed **45-51.** [Repealed by Act No. 6 of 2018, s. 76.]

PART VII APPEALS

Establishment of District Appeals Boards
Act No. 10 of 1995 s. 35

52.—(1) There is established a District Appeals Board in respect of each district in Mainland Tanzania.

(2) The provisions of the Schedule shall have effect as to the constitution, the tenure of office of members, the procedure to be followed by, and other matters in relation to, the District Appeals Board.

(3) The District Appeals Board shall hear and determine appeals from decisions of managers and School Committees on the matters specified in section 55.

(4) A person aggrieved by the decision of a District Appeals Board may appeal to the Regional Appeals Board.

[s. 51]

Establishment of Regional Appeals Boards

53.—(1) There is hereby established a Regional Appeals Board in respect of every region in Mainland Tanzania.

(2) The provisions of the Schedule shall have effect as to the constitution, the tenure of office of members, the procedure to be followed by, and other matters in relation to the Regional Appeals Board.

(3) The Regional Appeals Board shall hear and determine appeals arising from decisions of -

(a) District Appeals Boards on appeals heard and determined pursuant to section 52; and

(b) managers and School Boards of national schools on the matters specified in section 55.

(4) A decision of a Regional Appeals Board on any appeal arising from a decision of a District Appeals Board shall be final and binding on the parties concerned.

[s. 52]

Appeals to
Minister

54.—(1) A person aggrieved by a decision of a Regional Appeals Board relating to an appealable decision of a Manager or a School Board may appeal to the Minister.

(2) The Minister shall hear and determine an appeal made to him under this section and his decision on the matter shall be final and binding on the parties concerned.

(3) The Minister may, by writing under his hand, delegate his power to hear appeals under this section to a person or body of persons as he may determine.

[s. 53]

Appeals to
Appeals Boards

55.—(1) A person aggrieved by a decision given under this Act may appeal to the appropriate Appeals Board against that decision where it relates to-

- (a) the rejection by a School Committee of an application for the admission of a pupil;
- (b) the confirmation by a School Committee of the dismissal of a pupil; or
- (c) the imposition of the punishment of suspension on a pupil by a School Committee.

(2) The Minister may, by notice published in the *Gazette*, provide for other matters in relation to which appeals may be made by aggrieved persons to the appropriate Appeals Board and the Minister.

[s. 54]

Powers of Appeals
Boards and
certain offences
Act No.
10 of 1995 s. 36

56.—(1) For the purpose of hearing appeals, an Appeals Board may—

- (a) hear, receive and examine evidence;
- (b) summon any person to attend any hearing of the Appeals Board to give evidence or to produce any document or other thing in his possession, to examine him as a witness or require him to produce any document or other thing in his possession, subject to just exceptions;
- (c) order an inspection of any premises used for a school; and
- (d) enter and view any premises used for a school.

(2) A witness summons shall be in a form as the Minister may direct.

(3) Subject to subsection (4), a person who having been summoned to attend as a witness or produce a document at a hearing of an Appeals Board refuses or fails to attend or, without any lawful excuse, wilfully fails or refuses to answer any questions put to him with the concurrence of the chairman or produce any document or other thing required to be produced, commits an offence and on conviction shall be liable to a fine not exceeding fifty thousand shillings.

(4) A person shall not be bound to answer any question if in doing so, he may incriminate himself, and a witness shall in respect of any evidence given by him before an Appeals Board be entitled to the same privileges to which he would be entitled if he were giving evidence before a court of a Resident Magistrate.

(5) A person who behaves in an insulting manner or uses any threatening or insulting expression to or in the presence of an Appeal Board commits an offence and on conviction shall be liable to a fine not exceeding thirty thousand shillings or to imprisonment for a term not exceeding three months or to both.

[s. 55]

PART VIII

GENERAL PROVISIONS

Basic principles
of education

57.—(1) Subject to the national policy on education, other national plans and priorities appropriately specified, a citizen of the United Republic shall be entitled to receive category, nature and level of education as his ability may permit him.

(2) A person within the United Republic may not be denied opportunity to obtain any category, nature or level of education for the reason only of his race, religion or political or ideological beliefs:

Provided that, a school may, in its admission procedures, afford preference to citizens of the United Republic.

(3) A school shall provide in its curriculum for the provision of religious instruction to its pupils on the premises of the school, but a pupil shall not be compelled to attend any particular religious class or worship against his will where he is above the age of eighteen years, or against the will of his parent or parents, where he has not yet attained the age of eighteen years.

(4) This section shall not be construed as imposing on any school or any of its teachers, in his official capacity as a teacher, the responsibility for organising or providing religious education or worship.

[s. 56]

Control offers,
subscription, etc.,
in schools
Act No.
10 of 1986 s. 9

58.—(1) Fees, subscriptions or contributions shall not be charged, levied or collected as a condition of admission into or attendance at any private school except with the written approval of the Commissioner.

(2) Where a pupil admitted into or attending at any school is not a citizen of the United Republic or a person whose parents are ordinarily domiciled in the United Republic, any fees, subscriptions or contributions paid in relation to his admission or attendance shall be in a prescribed foreign currency or

other convertible currency approved by the Minister after consultation with the Minister responsible for finance.

[s. 57]

Power to prohibit use of books, etc.

59. The Minister may, by order in writing, prohibit the use in any school of any book or material for any reason which he may think fit.

[s. 58]

Obligation to report
Act No.
21 of 2009 s. 169

60.—(1) A teacher, a craftsman and a trainer shall be under the general obligation to report evidence or concerns of abuse perpetrated on the child by any person to the appropriate social welfare officer.

(2) A teacher, a craftsman and trainer shall have a duty to ensure that, best interest of a pupil is of a paramount consideration.

[s. 59A]

Offences and evidence
Acts Nos.
10 of 1995 s. 37
21 of 2009 s. 170
4 of 2016 s. 21
9 of 2017 s. 8

61.—(1) A person who-

- (a) establishes or maintains any school without having been approved by the Commissioner as its owner, or continues to maintain the school after the approval has been withdrawn;
- (b) manage any school without having been approved as owner or manager or in either case continues to manage the school after the withdrawal of his approval;
- (c) establishes or maintains any school which is not registered under this Act;
- (d) maintains or conducts or permits to be maintained or conducted any school in respect of which an order for closure has been made;
- (e) uses or permits to be used in any school, any book or material, the use of which has been prohibited by the Minister under this Act;
- (f) not being a person who gives religious instruction in a school, teaches in the school without being an authorised person;

- (g) permits any unauthorised person to teach any secular subject in any school;
- (h) being the owner, manager or headmaster of a non-Government school, or a person concerned with the administration or management of that school, collects, receives or charges any school fees or other contributions which have not been approved by the Commissioner;
- (i) obstructs, resists or impedes the Commissioner or an inspector in the exercise of his duties; or
- (j) denies any child access to pursue formal education due to sex, creed, political persuasion or socio-economic status,

commits an offence and on conviction shall be liable to a fine not exceeding five hundred thousand shillings or, in the case of a second or subsequent offence, is liable to the fine or to imprisonment for a term not exceeding three years, or to both and in a case where the offence is a continuing one, with an additional fine not exceeding three thousand shillings in respect of every day during which the offence continues.

(2) Proceedings shall not be taken against any person in respect of any of the offences specified in subsection (1) without the prior consent of the Director of Public Prosecutions.

(3) In any proceedings for an offence under this Act-

- (a) where it is proved that, any equipment, materials or documents of an educational nature or suitable for the purposes of a school were found at any place, it shall be presumed, until the contrary is proved, that an educational course was provided at that place;
- (b) where it is proved that, a person did any act in connection with the conduct or management of a school, it shall be presumed, until the contrary is proved that, the person took part in the management of that school;
- (c) where it is proved that, a person was in charge of or issued instructions to any person under twenty

one years of age on any school premises, it shall be presumed, until the contrary is proved, that, the person was teaching in that school.

[s. 59]

Prohibition
to marry or
impregnate
primary or
secondary school
pupil
Act No.
4 of 2016 s. 22

62.—(1) It shall be unlawful under any circumstance for-

- (a) a person to marry a primary or secondary school girl or a school boy; or
- (b) a primary or secondary school boy to marry any person.

(2) A person who contravenes any provision of subsection (1) commits an offence and on conviction, shall be liable to imprisonment for a term of thirty years.

(3) A person who impregnates a primary school or a secondary school girl commits an offence and on conviction, shall be liable to imprisonment for a term of thirty years.

(4) A person who aids, abets or solicits a primary or secondary school girl or a school boy to marry while pursuing primary or secondary education commits an offence and on conviction, shall be liable to a fine of not less than five million shillings or to imprisonment for a term of five years or to both.

(5) A head of school shall keep record and submit to the Commissioner or his representative a detailed quarterly report of cases of marriages and pregnancies under subsection (1), (3) or (4) and legal actions taken against the offenders.

Cap. 16

(6) The provisions of the Penal Code relating to sexual offences shall apply *mutatis mutandis* to primary and secondary school girls and boys under the age of eighteen years, except for matters relating to sentence.

Cap. 13

(7) Where a person convicted under subsection (2), (3) or (4) is a child, he shall be sentenced in accordance with the provision of section 119 of the Law of the Child Act.

[s. 60A]

Minister may
make regulations
Act No.
10 of 1995 s. 38

63. The Minister may make regulations for the better carrying out of the provisions and objects of this Act, and, without prejudice to the generality of the power to make regulations, may make regulations for the following purposes to -

- (a) provide for the structure, hygienic character and sanitation of schools;
- (b) provide for the health inspection of schools and school premises;
- (c) provide for the medical examination of teachers, pupils and standards of medical fitness for teachers;
- (d) prescribe the conditions upon which grants-in-aid and subventions may be paid, their amount, the time and method of their payment and the manner in which they shall be paid;
- (e) prescribe the duties of the Education Secretary and Education Secretary-General;
- (f) prescribe the requirements to be fulfilled upon application for approval as owner of a school or as its Manager;
- (g) require non-Government schools to obtain approval for the employment of teachers and prescribe the terms and conditions upon which teachers may be employed in non-Government schools;
- (h) provide and prescribe grounds for the suspension of the registration of teachers;
- (i) provide for payment of fees or allowances to persons employed in the examination of teachers for the purposes of this Act;
- (j) provide for the control of instruction limitation upon the subjects taught and the documents which may be upon school premises or which may be used in schools, and the preparation and content of syllabi to be used in schools;
- (k) provide for the examination of pupils in schools;
- (l) require statistics and accounts in respect of schools to be furnished to the Commissioner;
- (m) prescribe the conditions of admission to schools;

- (n) prescribe, after consultation with the proper officer, the minimum fees payable in any Government school, the manner of payment and the recovery of those fees;
- (o) prescribe the conditions of expulsion or exclusion from schools of pupils on the grounds of age, discipline or health and provide for and control the administration of corporal punishment in schools;
- (p) prescribe conditions for the grant of bursaries and scholarships and for the remission of fees;
- (q) provide for the licensing of religious schools;
- (r) provide for the keeping in schools of school registers, time-tables and books of account;
- (s) provide for the control of the use of school premises and the entry of persons onto those premises;
- (t) prescribe instructions for accurate interpretation and implementation of self-reliance policy and self-reliance activities in schools;
- (u) prescribe the manner and required qualification which various education posts may be filled; and
- (v) prescribe anything which, in the opinion of the Minister, is necessary or expedient for the better carrying out of the provisions of this Act.

(2) Regulations made under this section may be made applicable to or any category of schools, and provide that, acts shall only be performed where the Commissioner consents to them and prohibit the performance of acts without his consent or, authorise the Commissioner to require acts to be performed or to prohibit their performance, and require acts to be done to the satisfaction of the Commissioner or with his approval.

(3) Regulations made under this section shall be published in the *Gazette*.

(4) The Commissioner may, with the consent of the Minister, in respect of any particular school by notice in writing to the headmaster, manager or owner, waive or modify the requirements of any regulation where he is of the opinion that the regulation is undesirable or impracticable for the purposes of the school.

[s. 60]

Delegation
of functions
and powers of
Commissioner

64. The Commissioner may, with the consent of the Minister, by notice in the *Gazette*, delegate any of his functions and powers under this Act to any person or body of persons as he may think fit or necessary, but the delegation of those functions and powers shall not preclude him from exercising them himself.

[s. 61]

Repeal,
transitional
and savings
provisions
Act No.
50 of 1969

65.—(1) [Repeals the Education Act.]

(2) Notwithstanding the repeal of the Education Act—

- (a) orders, appointments and regulations made under the Education Act, shall, until revoked by orders, appointments or regulations made under this Act, remain in force;
- (b) schools registered under the Education Act, shall be deemed to have been established and registered under this Act;
- (c) teachers registered under the Education Act, shall be deemed to have been established and registered under this Act;
- (d) Boards in respect of schools, and all School Committees in respect of primary schools, established under the Education Act, shall be deemed to be School Boards and School Committees respectively, established under this Act, until the appointments of their respective members are terminated and new members are appointed in their stead under this Act;
- (e) the registers of schools and the registers maintained under the Education Act, shall continue to be maintained as if those registers were registers provided for under this Act.

(3) [Omitted.]

[s. 62]

PART IX
THE HIGHER EDUCATION
ACCREDITATION COUNCIL

[Repealed by Act No. 7 of 2005, 3rd Sch.]

PART X
FINANCIAL PROVISIONS

[SPENT]

PART XI
GENERAL AND TRANSITIONAL PROVISIONS

[SPENT]

SCHEDULE

(Made under sections 52(2) and 53(2))

APPEALS BOARDS

Composition
Act No.
2 of 1998 Sch.

- 1.-(1) A District Appeals Board shall consist of-
- (a) the District Commissioner of the District, who shall be the Chairman of the Board;
 - (b) the District Chairman of *Jumuiya ya Wazazi*, who shall be the Vice-Chairman;
 - (c) the District Education Officer, who shall be the Secretary of the Board; and
 - (d) two other members appointed by the Minister from among the members of the District development Council.
- (2) A Regional Appeals Board shall consist of-
- (a) the Regional Commissioner of the region, who shall be the Chairman of the Board;
 - (b) the Regional Administrative Secretary, who shall be the Vice-Chairman;
 - (c) the Regional Education Officer, who shall be the Secretary of the Board; and
 - (d) two other members appointed by the Minister from among the members of the Regional Development Committee.

Meetings of Board	<p>2.—(1) The Chairman or, in his absence, the Vice-Chairman shall preside at the meeting of the Board.</p> <p>(2) The quorum at any meeting of the Board shall be four, of whom one shall be the Secretary.</p>
Decisions of Board	<p>3.—(1) Subject to subparagraph (2), questions proposed at a meeting of the Board shall be decided by a majority of the votes of members present and voting.</p> <p>(2) In the event of an equality of votes the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.</p>
Minutes of meetings	<p>4.—(1) The Secretary shall record and keep details of business conducted or transacted at meetings of the Board, and the minutes of the meeting of the Board shall be read and confirmed, or be amended and confirmed, at the next meeting of the Board and signed by the person presiding at that meeting.</p> <p>(2) Minutes purporting to be signed by the person presiding at the meeting of the Board shall, in the absence of proof of error, be deemed to be a correct record of the meeting whose minutes they purport to be.</p>
Vacancies, etc., not to invalidate proceedings	<p>5. Subject to subparagraph (2) of paragraph 2, the validity of any act or proceeding of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.</p>
Proof of document	<p>6. A document purporting to be under the hand of the Secretary as to any decision of the Board or as having been issued on behalf of the Board, shall be receivable in courts or tribunals or other bodies authorised to receive evidence and shall, unless the contrary is shown, be deemed, without further proof, to be sufficient evidence of what is contained in the document.</p>
Board may regulate its proceedings	<p>7. Subject to the provisions of this Schedule, the Board may regulate its own proceedings in any manner it thinks fit.</p>
