

CHAPTER 59

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CHAPTER 59

THE NATIONAL INSTITUTE FOR MEDICAL RESEARCH ACT

An Act to establish the National Institute for Medical Research and to provide for the functions and powers of the Institute in relation to the promotion of medical research.

[1st October, 1979]

[GN. No. 148 of 1980]

Act No.
23 of 1979
GN. Nos.
309 of 1991
310 of 2009
428 of 2010

PART I

PRELIMINARY PROVISIONS

- Short title **1.** This Act may be cited as the National Institute for Medical Research Act.
- Interpretation **2.** In this Act, unless the context requires otherwise-
“Centre” means a Medical Research Centre established under section 5;
“Council” means the Council for the Institute established under section 6;
“Director-General” means the Director-General of Institute appointed under section 16;
“Institute” means the National Institute of Medical Research established under section 3;
“member” in relation to the Council means a member of the Council and includes the Chairman and the Vice-Chairman;
“Minister” means the Minister responsible for health.

PART II

THE NATIONAL INSTITUTE FOR MEDICAL RESEARCH

- Establishment of Institute
- 3.**—(1) There is hereby established an institute to be known as the National Institute for Medical Research.
- (2) The Institute shall be a body corporate and shall-
- (a) have perpetual succession and an official seal;
 - (b) in its corporate name, be capable of suing and being sued;
 - (c) subject to this Act, be capable of holding, purchasing or acquiring in any other way, any movable or immovable property, and of disposing of any of its property.
- Functions of Institute
- 4.**—(1) The functions of the Institute shall be-
- (a) to carry out, and promote the carrying out of, medical research designed to alleviate disease among the people of Tanzania;
 - (b) to carry out, and promote the carrying out of research into various aspects of local traditional medical practices for the purpose of facilitating the development and application of herbal medicine;
 - (c) in co-operation with the Government or any person or body of persons, to promote, or provide facilities for the training of local personnel for carrying out scientific research into medical problems;
 - (d) to monitor, control and co-ordinate medical research carried out within Tanzania, or elsewhere on behalf of or for the benefit of the Government of Tanzania, and to evaluate the findings of that research;
 - (e) to establish a system for the registration of, and to register, the findings of medical research carried out within Tanzania, and promote the practical application of those findings for the purposes of improving or advancing the health and general welfare of the people of Tanzania;

- (f) to establish and operate system of documentation and dissemination of information on any aspect of the medical research carried out by or on behalf of the Institute;
 - (g) to control and manage the affairs of Centres vested in the Institute by section 5(1);
 - (h) to assume responsibility for the control and management of any other Centres which may be established by the Institute or vested in the Institute under section 5(2) or any other written law; and
 - (i) to do anything which may be necessary to uphold and support the credit of the Institute and of its research findings, to obtain and justify public confidence to avert or minimise any loss to the Institute and to facilitate the proper and efficient performance of its functions.
- (2) In particular, but without prejudice to the generality of subsection (1), the Institute may-
- (a) undertake, either alone or in association with any person or body of persons within or outside Tanzania, the establishment, equipment and management, on a zonal or other basis, of Centres within Tanzania for the performance of any of its functions;
 - (b) carry out and promote the carrying out of research and investigation into the causes and the ways of controlling and preventing the occurrence in Tanzania, of particular diseases or a category of them, including-
 - (i) bacterial, viral, rickettsial, helminthic or protozoal, infective and parasitic diseases; and
 - (ii) non-infective diseases of the mental, nutritional, neoplastic, haematological, degenerative or other categories;
 - (c) in co-operation with the Government or any person or body of persons, carry out and promote the carrying out of basic, applied and operational research designated to provide effective measures for the control of diseases endemic in Tanzania; and

(d) in co-operation with the Government or any person or body of persons within or outside Tanzania, establish in Tanzania a library for reference by medical scientists and a medical museum.

(3) For the purposes of the better performance of its functions the Institute shall establish and maintain a system of collaboration, consultation and co-operation with the Tanzania Commission for Science and Technology established by the Tanzania Commission for Science and Technology Act, and with any other person or body of persons established by or under any written law and having functions related to those specified in subsection (1) or (2) or which relate to medical or scientific research or to scientific developments generally.

Cap. 226

Vesting of Centres
and provisions
relating to land

5.–(1) The control and management of Centres specified in the First Schedule to this Act is hereby vested in the Institute.

(2) The Minister may, by order published in the *Gazette*, amend, add to, vary or replace the names of and the Centres specified in the First Schedule to this Act.

(3) The Minister may, after consultation with the Council, by order in the *Gazette*, declare any hospital, health centre, dispensary or other medical establishment or part of it, where medical research is conducted, or in which it is intended to conduct medical research, sponsored by or on behalf of the Government, to be a Centre for the purposes of this Act, and vest in the Institute the control and management of that Centre.

(4) The Institute shall be granted a right of occupancy over the land over which a Centre exists, or is established, upon such terms and conditions as the President may approve, subject to subsections (5) and (6).

(5) Until a right of occupancy is granted it shall be lawful for the Institute to exercise in relation to the land over which a Centre exists, or is established, all the rights necessary for the performance of its functions which the owner of a right of occupancy may lawfully exercise over land comprised in a right of occupancy granted to him, and the fact that no right of

occupancy has been granted to the Institute shall not affect the validity of anything done or omitted *bona fide* by any person in the execution or purported execution of his duties under this Act.

(6) Fee or duty shall not be charged or payable in respect of the issue to the Institute of a certificate in respect of a right of occupancy granted in accordance with this section.

Composition and proceedings of Council

6.—(1) There shall be a Council of the Institute which shall, subject to this Act, be responsible for the performance of the functions and the management of the affairs of the Institute.

(2) The provisions of the Second Schedule to this Act shall have effect in respect of the constitution of the Council, its proceedings and other matters relating to it.

(3) Save in the case of matters relating to the office and appointment of the Chairman of the Council, the Minister may, by order published in the *Gazette*, amend, add to, vary or replace any of the provisions of the Second Schedule to this Act.

Minister may give directions to Council

7. The Minister may give to the Council directions of a general or specific character regarding the performance by the Institute of any of its functions under this Act, and the Council shall give effect to every direction given.

PART III

POWERS AND OPERATIONS OF THE INSTITUTE

Staff and management of Centres

8.—(1) The Council shall, upon the advice of, and recommendation made by, the Director General appoint suitable persons each to be the Director of the Centre specified in the instrument of his appointment.

(2) A person appointed to be a Director shall, in respect of the Centre for which he is appointed, be the chief administrative officer of that Centre and shall, for that purpose, be answerable to the Council through the Director General.

(3) Subject to the general or specific directions given by the Council in that behalf, the Director may appoint such number of non-professional supporting staff as in his opinion are necessary for the proper performance of the functions of the Institute by the Centre for which he is the Director.

Research committees and provisions relating to research

9.-(1) The Council shall appoint such number of committees and subcommittees as it may deem necessary for the control and co-ordination of medical research carried out by or on behalf of the Institute.

(2) The Council may, subject to such conditions, as it may specify, delegate to the committees and subcommittees or to any of them all or any of its functions under this Act, subject to the provisions of section 19.

(3) The provisions of the Second Schedule to this Act, other than the provisions which relate to the composition of the Council, shall apply, *mutatis mutandis* in relation to the committees and subcommittees appointed under this section, but the Council may, by directions in writing, in relation to any such committees or subcommittees, disapply all or any of the provisions of the Second Schedule to this Act or modify them in such manner as may be specified in the directions.

(4) The Minister may, after consultation with the Council, make rules regarding-

- (a) the procedure for the submission to the Institute of proposals for the carrying out of research into a particular aspect of human diseases;
- (b) the manner in which proposals for the carrying out of research shall be dealt with by the Institute;
- (c) the rights and obligations of persons carrying out medical research;
- (d) the procedure to be adopted with regard to medical research being carried out outside Tanzania by or

on behalf of the Institute, or for the benefit of the Government of Tanzania; and

- (e) the control of, and other dealings with animals, birds and other animate and inanimate objects used in carrying out research.

Information on medical research to be furnished to Institute

10.—(1) A person engaged or intending to engage, in medical research within the United Republic shall, at his own expense furnish to the Institute information relating to that research and make available to the Institute copies of any relevant records or findings in such form and within such periods as may be prescribed.

(2) A person who contravenes or fails to comply with subsection (1) commits an offence and on conviction shall be liable to a fine not exceeding ten thousand shillings, but no person shall be prosecuted for any offence under this section within six months after the commencement of this Act.

(3) Notwithstanding subsection (1), the Institute may enter into agreements with firms or organisations engaged in medical, nutritional or other allied scientific research, within or outside Tanzania, for the purposes of establishing a system of exchanging information relating to medical, nutritional or other allied scientific research.

Information on diseases by hospitals, health centres

11. For the purposes of the proper performance of its functions under this Act, the Institute may require in writing any hospital, health centre, dispensary or other medical establishment or a category of them to furnish to it such information relating to such disease or diseases as the Institute may specify.

Institute may call for information on medical research

12.—(1) The Institute may require in writing any person or body of persons engaged in medical or other allied scientific research within Tanzania to furnish to it such information relating to medical or other allied scientific research as the Institute may specify.

(2) A person or body of persons required to furnish information under subsection (1) shall comply with the requirement and any person or body of persons which refuses or fails to comply with that requirement commits an offence and on conviction shall be liable to a fine not exceeding fifteen thousand shillings.

Provisions relating to discoveries

13.—(1) Where as a result of any research carried out by or on behalf of the Institute anything is discovered, the discovery shall become the property of the Institute.

(2) For the purposes of the commercial exploitation of any discovery which the Institute considers important for the alleviation, prevention or cure of diseases or for the betterment or improvement of the health of persons, the Institute may arrange with any person or body of persons to buy, sell, take or grant patent rights in the discovery, subject to terms approved by the Council.

(3) Every discovery made as a result of medical or other allied scientific research carried out under this Act shall be registered by the Institute in such form and upon such conditions as the Minister may, by regulations made under this Act, prescribe.

(4) The Institute may, with the prior approval of the Minister, grant to any person who makes a discovery which the Institute considers significant or who materially assists or contributes to the making of that discovery, such reward as may be approved by the Council.

Coordination of research carried out outside Tanzania

14.—(1) Whenever any person desires to sponsor any medical research project to be carried out outside Tanzania, or to make payments for the purpose of participating in a medical research project outside Tanzania, he shall first submit his proposals in that behalf in writing to the Institute.

(2) Upon receipt of proposals submitted to it pursuant to subsection (1), the Institute shall hold consultations with the person who submitted the proposals, and on completion of

those consultations the Institute shall make such decision in relation to the proposals as will, in the opinion of the Institute, serve the best interests of medical or other allied scientific research in Tanzania.

(3) Every decision made by the Institute under subsection (2) shall be binding upon every person affected by it, but if any of those persons is aggrieved by the decision of the Institute he may appeal to the Minister against it, and the decision of the Minister on the matter shall be final.

(4) For the purposes of giving effect the provisions of this section the Institute may, with the approval of the Minister, issue guidelines specifying the conditions which should be observed in making proposals and also specifying matters which the Institute shall take into consideration in making any decision under this section.

(5) The Minister may, by directions in writing under his hand, exempt any person or body of persons or any category of persons from the provisions of subsection (1).

Power of
Minister to make
regulations

15.—(1) The Minister may, after consultation with the Council, make regulations necessary to give effect to the provisions of this Act.

(2) Without prejudice to the generality of the power conferred by subsection (1), the Minister may make regulations—

- (a) requiring persons, bodies of persons or a category of them, specified in the regulations, engaged in medical or other allied research to furnish to the Institute information relating to any aspect of their activities;
- (b) prescribing the form and manner in which, and the period within which, any information required to be furnished or made available to the Institute under this Act shall be furnished or made available to the Institute;
- (c) prescribing the form in which and the procedure by which proposals shall be made to the Institute for sponsoring of medical research to be carried outside Tanzania; and

(d) prescribing or regulating any other thing which is under this Act required or permitted to be prescribed or regulated.

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

PART IV

ADMINISTRATIVE AND FINANCIAL PROVISIONS

Appointment of
Director General

16.—(1) The President shall appoint on such terms and conditions as he may specify, a Director General of the Institute who shall be the Chief Executive Officer of the Institute.

(2) Subject to such general or specific directions given to him by the Council, the Director General may issue operational guidelines to all Directors appointed under section 8, and may call for and act on reports made by those Directors relating to the operations of Centres vested in or established by or under this Act.

(3) The Council may appoint such number of other professional and non-professional employees of the Institute as it may deem necessary for the proper and efficient conduct of the business and activities of the Institute.

Remuneration
of members of
Council

17.—(1) Subject to subsection (2), the members shall be entitled to such remuneration, fees or allowances for expenses as the Minister may, upon the recommendation of the Council, prescribe.

(2) Remuneration, fees or allowances, except such allowances for expenses as may be expressly authorised by the Minister, shall not be paid to any member of the Council who is a public officer.

Superannuation
benefits

18. Subject to the provisions of any written law for the time being in force relating to pensions, the Council may-

(a) grant gratuities or other retirement allowances or benefits to the employees of the Institute;

- (b) establish and contribute to a superannuation fund or a medical benefits fund for the employees of the Institute; and
- (c) require any employee of the Institute to contribute to the superannuation fund or medical benefits fund and fix the amounts and method of payment of the contribution.

Power of Council
to delegate

19.—(1) Subject to subsection (4), the Council may, by instrument in writing under the seal of the Institute, delegate to any committees of its members or to any employee of the Institute any of its functions or powers under this Act, so that the delegated functions or powers may be exercised by the delegate in accordance with the terms of the instrument of delegation.

(2) A delegation under this section may be made to the holder of an office under the Institute specifying the office but without naming the holder, and in that case each successive holder of the office in question, and each person who occupies or performs the duties of that office, may, without any further authority, exercise the delegated function or power in accordance with the delegation made.

(3) The Council may at any time revoke a delegation made under this section, and the delegation so made shall not prevent the Council from itself exercising the function or power delegated.

(4) The Council shall not delegate-

- (a) its power of delegation; or
- (b) the power to approve the annual budget, the annual balance sheet or any statement of accounts.

Funds of Institute

20. The funds and resources of the Institute shall consist of-

- (a) such sums as may be provided by Parliament for the purposes of the Institute;
- (b) such sums or property which may vest in the Institute under this Act or any other written law or which

may vest in the Institute in any other manner in the performance of its functions;

- (c) such donations, grants, bequests and loans as the Council may, receive from any person or body of persons; and
- (d) any sums which the Institute may receive as fees for any services rendered by it.

Power of Council to charge fees

21. For the proper performance of the functions of the Institute the Council shall, subject to any directions which the Minister may give in that behalf have power to charge fees for any services rendered by the Institute.

Investment

22. With the prior approval of the Minister, the Council may, invest any part of the moneys available in any fund of the Institute in such investments as are authorised investments in relation to investment of funds by a trustee under the Trustee Investment Act.

Cap. 53

Power to borrow

23.—(1) The Council may, with the prior approval of the Minister, borrow moneys for the purposes of the Institute by way of loan or overdraft, and upon such security and such terms and conditions relating to the repayment of the principal and the payment of interest as the Council may deem fit.

(2) A person lending money to the Institute shall not be bound to inquire whether the borrowing of that money by the Council has been approved by the Minister.

Annual and supplementary budget

24.—(1) Subject to subsection (2), “financial year” in this Act means any period not exceeding twelve consecutive months designated by the Council as the accounting period of the Institute.

(2) The first financial year of the Institute shall commence on the date when this Act comes into operation and may be of a period longer or shorter than twelve months.

(3) Not less than two months before the beginning of every financial year, other than the first financial year, the Council

shall, at a meeting, pass a detailed budget, in this Act called the “annual budget”, of the amounts respectively expected to be-

- (a) received; or
- (b) disbursed, by the Institute during that financial year, and whenever circumstances so require, the Council may pass a supplementary budget in any financial year.

(4) The annual budget and every supplementary budget shall be in such form and include such details as the Minister may approve.

(5) Forthwith upon passing any annual budget or any supplementary budget the Council shall submit to the Minister for his approval the annual budget or, as the case may be, the supplementary budget.

(6) The Minister shall, upon receipt of the annual budget or any supplementary budget, approve or disapprove it or may approve it subject to any amendments which he considers fit.

(7) Where the Minister approves any annual or supplementary budget, with or without amendment, the budget, as approved by him shall be binding on the Council which, subject to subsection (8), shall confine the disbursements of the Institute within the items and amounts contained in the applicable estimates as approved by the Minister.

- (8) The Council may-
 - (a) with the written sanction of the Minister, make a disbursement notwithstanding that disbursement is not provided for in any budget; and
 - (b) adjust expenditure limits to take account of circumstances not reasonably foreseeable at the time the budget was prepared, subject to submitting a supplementary budget to the Minister within two months of the alteration of expenditure limits becoming necessary.

Accounts and
audit

25.-(1) The Council shall cause to be provided and kept proper books of accounts and records with respect to-

- (a) the receipt and expenditure of money by, and other financial transactions of the Institute; and

(b) the assets and liabilities of the Institute, and shall cause to be made out for every financial year a balance sheet showing the details of the income and expenditure of the Institute and all its assets and liabilities.

(2) Within six months of the close of every financial year the accounts including the balance sheet of the Institute in respect of that financial year shall be audited by the Controller and Auditor-General.

(3) Every audited balance sheet shall be placed before a meeting of the Council which, where it adopts it, shall endorse the balance sheet with a certificate that it has been so adopted.

(4) As soon as the accounts of the Institute have been audited, and in any case not later than six months after the close of the financial year, the Council shall submit to the Minister a copy of the audited statement of accounts, together with a copy of the report made by the auditors on the statement of accounts.

Annual report

26. The Council shall, within six months after the close of the financial year, cause to be prepared and submitted to the Minister a report dealing generally with the activities and operations of the Institute during that year and accompanied by-

- (a) a copy of the audited accounts of the Institute;
- (b) a copy of the auditor's report on the accounts; and
- (c) such other information as the Minister may direct.

Laying of
accounts
before National
Assembly

27. The Minister shall, as soon as practicable after receiving annual report, lay before the National Assembly the audited accounts of the Institute, together with the auditor's report on the accounts and the annual report of the Institute.

PART V

MISCELLANEOUS PROVISIONS

Protection from
personal liability
Cap. 16
Cap. 76

28. Without prejudice to the provisions of section 284A of the Penal Code and the provisions of the Public Officers (Recovery of Debts) Act, an act or thing done by any member of the Council or by any employee of the Institute, shall not, if done or omitted *bona fide* in the execution or purported execution of his duties as a member of the Council or as an employee of the institute, subject him to any action, liability or demand of any kind.

Notification of
orders
G.N. No.
309 of 1991

29. Where any order, direction or requirement made or given by the Minister or the Council under this Act is not required to be published in the *Gazette*, the order, direction or requirement shall be brought to the notice of persons affected or likely to be affected by it in any manner determined by the Minister or Council; but if the order, direction or requirement is published in the *Gazette*, all persons shall be deemed to have had notice of it.

GN. Nos.
309 of 1991
428 of 2010

FIRST SCHEDULE

(Made under section 5(1))

MEDICAL RESEARCH CENTRES

1. Amani Research Centre—(Formerly known as “East African Institute of Malaria and Vector-borne Diseases”).
2. Muhimbili Research Centre—(Formerly known as “East African Tuberculosis Research Centre”).
3. Mwanza Research Centre—(Formerly known as “East African Institute for Medical Research”).
4. Tabora Research Centre—(Formerly known as “Sleeping Sickness Service” under the Ministry of Health).
5. Tanga Research Centre—(Formerly known as “Filariasis Research Centre” under the World Health Organisation, the Medical Research Council of the United Kingdom and the Ministry of Health).
6. Tukuyu Research Centre—(Formerly known as “Tukuyu Medical Research Station”).

GN. No.
310 of 2009

SECOND SCHEDULE

(Made under section 6(2) and 9(3))

CONSTITUTION AND PROCEEDINGS OF THE COUNCIL

- Composition **1.**-(1) The Council shall consist of-
- (a) a Chairman, who shall be appointed by the President; and
 - (b) not less than seven nor more than fifteen other members, who shall be appointed by the Minister from amongst persons nominated one each by-
 - (i) the Ministry of Health of the Government of the United Republic;
 - (ii) the Ministry of Health of the Government of Zanzibar;
 - (iii) the Ministry of Agriculture
 - (iv) the Ministry of Industries;
 - (v) the Ministry of Natural Resources and Tourism;
 - (vi) the Ministry of Finance and Planning;
 - (vii) the Speaker of the National Assembly;
 - (viii) the Tanzania National Scientific Research Council;
 - (ix) the Medical Association of Tanzania;
 - (x) the University of Dar es Salaam;
 - (xi) three other members as the Minister may deem appropriate.
- (2) The Director General of the Institute shall be the Secretary of the Council
- Vice-Chairman **2.** The members shall elect one of their number to be the Vice-Chairman of the Council, and any member elected as Vice-Chairman shall, subject to his continuing to be a member, hold office for a term of one year from the date of his election, and shall be eligible for re-election.
- Tenure of office **3.**-(1) Subject to subparagraph (2), a member of the Council shall, unless his appointment is determined by the appointing authority, or he otherwise ceases to be a member, hold office for such period as the appointing authority may specify in his appointment, or if no period is so specified, shall hold office for a term of three years from the date of his appointment, and shall be eligible for re-appointment.
- (2) In the case of a member who is a member by virtue of his holding some other office, he shall cease to be a member upon his ceasing to hold that office.
- (3) A member, other than a member referred to in subparagraph (2), may at any time resign by giving notice in writing to the President or, as the case may be, to the Minister, and from the date specified in the notice or, if no date is so specified, from the date of the receipt of the notice by the President or the Minister, he shall cease to be a member.

- Absent member to be represented at meetings **4.** Where a member of the Council who is a member by virtue of his holding some other office is unable for any reason to attend any meeting of the Council, he may nominate in writing another person from his organisation to attend the meeting in his place.
- Casual vacancy Meetings of Council **5.** Where any member ceases to be a member for any reason before the expiration of his term of office, the appointing authority may appoint another person in his place and the person appointed shall hold office for the remainder of the term of office of his predecessor.
- Meetings of Council **6.**—(1) The Council shall ordinarily meet for the transaction of its business at the times and at the places determined by it, but shall meet at least once every three months.
 (2) The Chairman, or in his absence the Vice-Chairman, may, at any time upon a written request by a majority of the members in office, call a special meeting of the Council.
 (3) The Chairman, or in his absence the Vice-Chairman, shall preside at every meeting of the Council and in the absence of both the Chairman and the Vice-chairman the members present shall appoint one of their number to preside over the meeting.
 (4) The Chairman, or in his absence the Vice-Chairman, may invite any person who is not a member to participate in the deliberations at any meeting of the Council, but any person so invited shall not be entitled to vote.
- Quorum **7.** The quorum at any meeting of the Council shall be half of the members in office.
- Decisions of Council **8.**—(1) Questions proposed at a meeting of the Council shall be decided by a majority of the votes of the members present and voting, in the event of an equality of votes the person presiding shall have a second or casting vote in addition to his original or deliberative vote.
 (2) Notwithstanding subparagraph (1), a decision may be made by the Council without a meeting by circulation of the relevant papers among the members, and the expression in writing of the views of the majority of the members shall be the decision of the Council.
- Minutes of meetings **9.**—(1) The Council shall cause to be recorded and kept minutes of all business conducted or transacted at its meetings, and the minutes of each meeting of the Council shall be read and confirmed, or amended and confirmed, at the next meeting of the Council and signed by the person presiding at the meeting.
 (2) Any minutes purporting to be signed by the person presiding at a meeting of the Council shall, in the absence of proof of error, be deemed to be a correct record of the meeting whose minutes they purport to be.

- Vacancies, not to invalidate proceedings **10.** The validity of any act or proceeding of the Council shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.
- Orders directions, etc. **11.** All orders, directions, notices or other documents made or issued on behalf of the Council shall be signed by-
- (a) the Chairman of the Council; or
 - (b) the Director General or any other officer or officers of the Institute authorised in writing in that behalf by the Director General
- Seal of Institute **12.** The seal of the Institute shall not be affixed to any instrument except in the presence of the Chairman or the Vice-Chairman or the Director General or some other officer of the Institute and at least one member of the Council.
- Council may regulate its own proceedings **13.** Subject to the provisions of this Schedule, the Council may regulate its own proceedings.
-