

CHAPTER 379

TANZANIA COMMISSION FOR AIDS ACT

[PRINCIPAL LEGISLATION]

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SCHEDULE

CHAPTER 379

THE TANZANIA COMMISSION FOR AIDS ACT

An Act to establish the Tanzania Commission for AIDS, to provide for the prevention and control of AIDS and to provide for the Commission's composition, functions, objectives, co-ordination and for connected matters.

[21st January, 2002]

[GN. No. 61 of 2002]

Acts Nos.
22 of 2001
6 of 2015

GN. No.
488 of 2015

PART I PRELIMINARY PROVISIONS

- Short title **1.** This Act may be cited as the Tanzania Commission for AIDS Act.
- Application **2.** This Act shall apply to Mainland Tanzania.
- Interpretation
Act No.
6 of 2015 s. 2 **3.** In this Act, unless the context otherwise requires-
“Acquired Immuno Deficiency Syndrome (AIDS)” means a condition characterised by a combination of signs and symptoms caused by HIV which attack and weaken the body's immune system, making any infected person susceptible to other life threatening infections;
“AIDS Committee” means a committee established under Part V of this Act;
“Anti Retroviral Drugs (ARVs)” means drugs used by an HIV infected person to reduce or limit the multiplication of HIV;
“Board” means the Board of Trustees of the Trust Fund established under this Act;
“Chairman” means a person appointed as Chairman of the Commission under this Act;

- “Commission” means Tanzania Commission for AIDS established under section 4 of this Act;
- “Executive Director” means the Chief Executive Officer of the Commission;
- “HIV and AIDS Focal Person” means a person who performs such duties as prescribed under this Act;
- “Human Immuno Deficiency Virus (HIV)” means the virus causing AIDS;
- “local authority” means local government authorities as established under the Local Government (Urban Authority) Act and the Local Government (District Authorities) Act;
- “Minister” means the Minister responsible for multisectoral co-ordination;
- “recipient” means a person or group of persons, organisation or body corporate which receives funds from the Trust Fund;
- “Secretary” means the Secretary to the Commission;
- “thematic area” means intervention areas for implementing National Multi-Sectoral Framework for HIV and AIDS national response.

Caps. 288
and 287

PART II

TANZANIA COMMISSION FOR AIDS

Establishment of Commission **4.**–(1) There is hereby established a Commission to be known as Tanzania Commission for AIDS, otherwise to be known by its acronym “TACAIDS”.

(2) The Commission shall be an independent department under the office of the Prime Minister or any other ministry as the President may direct.

Functions and objectives of Commission **5.**–(1) The functions of the Commission shall be as follows:
(a) to formulate policy guidelines for the response to HIV/AIDS epidemic and management of its consequences in Mainland Tanzania;

- (b) to develop strategic framework for planning of all HIV/ AIDS control programmes and activities within the overall national multisectoral strategy;
- (c) to foster national and international linkages among all stakeholders through proper co-ordination of all HIV/AIDS prevention and control programmes and activities within the overall national multisectoral strategy;
- (d) to mobilise, disburse, and monitor resources and ensure equitable distribution;
- (e) to disseminate and share information on HIV/ AIDS epidemic and its consequences in Tanzania on programmes for its prevention and control;
- (f) to promote research, information sharing and documentation on HIV/ AIDS prevention and control;
- (g) to promote high level advocacy and education on HIV/ AIDS;
- (h) to monitor and evaluate all on going HIV/AIDS activities;
- (i) to co-ordinate all activities related to the management of HIV/AIDS epidemic in Tanzania as per national multisectoral strategy;
- (j) in collaboration with the relevant sector facilitate efforts to find a cure and to promote access to treatment and care and to develop vaccines;
- (k) in collaboration with relevant sector to protect human and communal rights of people infected with and affected by HIV/AIDS;
- (l) to promote positive living of people with HIV/AIDS;
- (m) to advise the Government on all matters relating to HIV/AIDS prevention and control in Mainland Tanzania;
- (n) to identify obstacles to the implementation of HIV/ AIDS prevention and control policies programmes and ensure the implementation and attainment of programmes, activities and targets;

- (o) to supervise all activities related to the prevention and control of the HIV/AIDS epidemic and in particular regarding-
 - (i) health care and counselling of people living with HIV/AIDS;
 - (ii) the welfare of the orphans and other survivors of people infected with HIV/AIDS;
 - (iii) handling of social, economic, cultural and legal issues related to the AIDS epidemic; and
- (p) in collaboration with relevant sectors, to perform such other activities and functions relating to the prevention and control of HIV/AIDS epidemic in Mainland Tanzania as the Commission may deem necessary.

(2) Without prejudice to the generality of subsection (1) of this section, the Commission in performing its functions shall have the following objectives:

- (a) to develop strategic framework and national guidelines to support planning, co-ordination and implementation of the national multisectoral response to HIV/AIDS at all levels;
- (b) to develop and facilitate implementation of the national multisectoral strategy for mobilisation and utilisation of resources for HIV/AIDS;
- (c) to develop and facilitate implementation of national multisectoral strategy for advocacy on HIV/AIDS epidemic;
- (d) to establish and strengthen partnership for an expanded response among the stakeholders;
- (e) to promote research on HIV/AIDS and foster linkage with research institutions;
- (f) to establish and maintain multisectoral HIV/AIDS Information Management System and facilitate information dissemination;
- (g) to develop effective mechanism for monitoring trends of the epidemic and for monitoring the impact of HIV/AIDS intervention worldwide; and

- (h) to establish and sustainably maintain an efficient and effective management capacity at the Commission.

Composition of
Commission
Act No.
6 of 2015 s. 3

6.—(1) The Commission shall consist of not more than eleven members, being—

- (a) a Chairman who shall be appointed by the President; and
(b) such other members who shall be appointed by the Minister.

(2) In appointing members, the Minister shall have regard to experience, interest and commitment of candidates in the prevention and control of HIV and AIDS, the relevant academic qualifications and the capacity to appreciate the HIV and AIDS multidimensional issues.

(3) The Commissioners appointed under paragraph (b) of subsection (1) above, shall nominate from their number a Vice-Chairman of the Commission.

(4) Names of members appointed to Commission shall be published in the *Gazette*.

(5) The Commissioners appointed under this section shall be paid such allowances drawn from the funds of the Commission as may be determined by the Commission in consultation with the Minister.

Tenure and
removal of
Commissioners
Act No.
6 of 2015 s. 4

7.—(1) The Commissioners shall hold office for a period of three years and shall be eligible for re-appointment for one more term.

(2) A Commissioner shall cease to be a member of the Commission—

- (a) if he resigns from the Commission;
(b) if he dies;
(c) if the Minister for any reason or good cause revokes the appointment of such a Commissioner to the Commission;
(d) if the Commissioner is appointed to such other position that it will be inconsistent with his membership to the Commission;

- (e) if the Commissioner fails, without assigning any valid reason whatsoever, to attend three consecutive meetings of the Commission;
- (f) upon expiry of the three years tenure and is not re-appointed for a further term; and
- (g) if he is removed from office by the President or Minister-
 - (i) on grounds of inability to perform the functions of his office by reason of infirmity of body or mind; or
 - (ii) on good reason or cause, relieve the Commissioner from duty.

(3) The Minister shall have powers to fill any vacancy in the Commission in accordance with the procedure provided for in this Act.

Disciplinary
authority
Act No.
6 of 2015 s. 5

8. The President or the Minister shall be the disciplinary authority in relation to the Chairman or other members of Commission respectively.

[s. 7A]

Meetings of
Commission
Act No.
6 of 2015 s. 6

9.-(1) The Commission shall hold its meetings, quarterly, provided that, the Chairman may, at any time, when he deems it fit to do so, call an emergency meeting of the Commission.

(2) The quorum of the Commission shall be not less than half of the total members of the Commission.

[s. 8]

Staff of
Commission
Act No.
6 of 2015 s. 7

10.-(1) The Commission shall have powers to employ such members of staff as it may deem fit for the purpose of smooth execution of the Commission's functions and objectives.

(2) Without prejudice to the generality of subsection (1), the Commission shall have powers to employ any consultant or short time staff for any particular purpose.

(3) The Commission shall pay such salaries and allowances to its staff as it may determine.

(4) The Commission shall, subject to the law governing public service, be the disciplinary authority in relation to employees and other staff.

[s. 9]

Departments and
Committees of
Commission
Act No.
6 of 2015 s. 8

11. The Commission shall have powers to establish such departments and committees as it may deem fit, in order to facilitate the smooth execution of the Commission's objectives and functions.

[s. 10]

PART III

MANAGEMENT OF THE COMMISSION²

Appointment
of Executive
Director
Act No.
6 of 2015 s. 10

12.-(1) There shall be an Executive Director of the Commission who shall be appointed by the President on such terms and conditions as shall be specified in the letter of appointment.

(2) Where the position of the Executive Director falls vacant, the Chairman shall within thirty days, notify the Minister who shall take appropriate measures towards appointment of an Executive Director.

(3) The Executive Director shall be a Chief Executive Officer and accounting officer of Commission and shall be responsible for its day to day operations.

(4) Tenure of office of the Executive Director shall be five years and may be eligible for reappointment for one further term of five years.

[s. 11]

Duties of
Executive
Director
Act No.
6 of 2015 s. 10

13.-(1) The Executive Director may engage such other officers and employees as he may consider necessary for the efficient exercise of powers and performance of the functions of Commission.

(2) The Executive Director may in writing, designate on temporary terms, additional persons to the staff of the

² The title to PART III was amended by Act No. 6 of 2015, s. 9.

Commission for the purposes of carrying out specific HIV and AIDS activities.

(3) The Executive Director shall be the Secretary to the Commission and shall be responsible for implementation of the decisions, policies and directions of Commission.

[s. 11A]

Secretariat
Act No.
6 of 2015 s. 11

14.—(1) There shall be the Secretariat of the Commission.

(2) The Secretariat of the Commission shall be under the Executive Director assisted by head of each department of the Commission established under section 11 of this Act.

(3) A person who at the commencement of this Act is serving in an office specified in this section shall, subject to the review and approval of the Commission, continue so serving after the said commencement and shall be deemed to have been duly appointed under the provisions of this Act, and any duties or functions performed or powers exercised by such person before such commencement shall be deemed to have been validly performed or exercised under this Act.

[s. 11B]

Duties of
Secretariat

15. It shall be the duty of the Secretariat to conduct daily affairs of the Commission under specific and general directions of the Executive Director.

[s. 12]

PART IV TRUST FUND³

Establishment of
Trust Fund

16.—(1) There is established a fund to be known as AIDS Trust Fund, also known as the “Trust Fund”.

(2) The Trust Fund shall be administered by the Executive Director.

³ PART IV to this Act was added by Act No. 6 of 2015, s. 13, hence renumbering the subsequent Parts accordingly.

(3) In administering the functions of the Trust Fund, the Executive Director shall undertake the following:

- (a) advise the government on new sources of revenue for the purposes of ensuring adequate and sustainable flow of monies into the fund;
- (b) promote prevention of new infections according to the agreed priorities in the HIV and AIDS national response;
- (c) monitor the use of the funds disbursed and ensure adherence to the objective of the Trust Fund;
- (d) develop policies and procedures for the use of the Trust Fund;
- (e) allocate grants to applicants for funds in accordance with such procedures and such criteria as may be prescribed;
- (f) ensure that the operations of the Trust Fund are exercised in an economical and efficient manner; and
- (g) take all such other action which shall advance the objectives and purposes of the Trust Fund.

[s. 12A]

Board of Trustee
of Trust Fund

17.–(1) There shall be a Board of Trustee of the Trust Fund.

(2) The Board shall be composed of the following:

- (a) one member from the Commission;
- (b) one member from the Ministry responsible for finance;
- (c) one member from the Ministry responsible for Health;
- (d) one member from the organisation of the people living with HIV/AIDS;
- (e) one member from Non-Governmental Organisations;
- (f) two members from private sector; and
- (g) one member representing the Ministry responsible for local government.

(3) The Minister shall appoint one of members to be a Chairman.

(4) In appointing members of the Board, the Minister shall have regard to proven experience, commitment and

contribution of a person, organisation or institution in the promotion of activities related to prevention of HIV/AIDS.

(5) The Executive Director of Commission shall undertake duties of a Secretary to the Board.

(6) The Board shall perform the following functions:

- (a) ensure availability of funds and resources for the implementation of HIV and AIDS activities;
- (b) solicit funds and other resources for the purposes of ensuring adequate and sustainable flow of monies into the Trust Fund; and
- (c) disburse funds or sponsor programmes which meets the criteria set by Commission.

(7) The Chairman and other members of the Board shall hold office for a period of three years and may be eligible for one further term.

(8) The provisions of the Schedule shall apply in respect to proceedings of the Board and other related matters.

[s. 12B]

Funds of Trust
Fund

18.-(1) The funds and resources of the Trust Fund shall consist of-

- (a) such sums of moneys as may be appropriated by Parliament;
- (b) revenues collected by or payable to the AIDS Trust Fund under this Act;
- (c) moneys raised by way of loans, donations, grants or bequeaths;
- (d) other income generated by way of investment financed by the Trust Fund, due allowance being made to necessary expense which is to be met by such investment; and
- (e) any such moneys or properties lawfully acquired from various sources.

(2) All moneys appropriated and deposited in the Trust Fund shall not be reallocated or used for any other purposes other than purposes provided for under this Act.

[s. 12C]

Disbursement of funds **19.**—(1) Moneys deposited in the fund shall be used for the purposes of funding HIV and AIDS national response.

(2) Not more than two percent of the funds collected for the Trust Fund shall be used for co-ordination of HIV and AIDS national response.

[s. 12D]

Accounts and record of Trust Fund

20. The Board shall-

- (a) keep accounts and records of all its activities;
- (b) ensure that all monies received are properly accounted for and payments are correctly made by authorised personnel;
- (c) establish one or more separate accounts in a bank into which all moneys received by the Trust Fund shall be paid;
- (d) keep books of accounts and maintain proper records of its operations in accordance with commercial accounting standards;
- (e) prepare annual estimates of income and expenditure and adhere to any such estimates;
- (f) prepare and publish an annual report which shall include the financial statement in relation to each financial year ended; and
- (g) manage the resources of the Fund in a prudent and business-like manner.

[s. 12E]

Annual report

21.—(1) The Board shall, at any time and at each financial year, have the accounts of the Trust Fund audited by the Controller and Auditor-General.

(2) The audited annual report shall provide detailed information regarding activities of the Trust Fund during the year ending on 30th June and any additional information as may be requested by the Minister.

(3) The Minister shall submit the audited annual report of the Trust Fund to the National Assembly.

[s. 12F]

Exemption **22.** The Trust Fund shall be exempted from payment of any import duty, excise duty, taxes and levies in respect of its operations, capital property or documents or any other transaction, deed, agreement, fees or promissory note to which it is a party.

[s. 12G]

PART V AIDS COMMITTEES

Establishment of
AIDS Committees
Act No.
6 of 2015 s. 12
GN. No.
488 of 2015

23.—(1) For the purpose of smooth implementation of the Commission functions and objectives there shall be established in accordance with this Act, AIDS Committees at every local government level, Ministry or other sectors to co-ordinate and implement AIDS activities of the Commission.

(2) The composition of AIDS Committees to be established under this section shall be in accordance with the regulations issued by the Minister.

(3) Each Ministry, department and agency and every private institution shall establish an HIV and AIDS committee under this Act, and shall designate one senior officer to be an HIV and Focal Person.

(4) The duty of the head of respective institutions referred to in subsection (3) shall be to co-ordinate the implementation of the institution's HIV and AIDS committees plans and interventions which shall be internally funded.

[s. 13]

Reports by
Committees

24. It shall be the duty of every AIDS Committee established in accordance with the provisions of this Part to prepare quarterly and annual performance reports and present them to the Commission.

[s. 14]

PART VI

FINANCIAL PROVISIONS

Funds of
Commission

- 25.** Sources of funds of the Commission shall be as follows:
- (a) such amounts as may be appropriated by Parliament;
 - (b) such sums as may be payable to the Commission by way of donation, gifts, grants, loans or bequests;
 - (c) such sums as may, in any manner, become payable to or vested in the Commission or acquired in the course of performing its functions under the Act; and
 - (d) any other lawful source of funding.

[s. 15]

Commissioner
to keep books of
accounts

26.—(1) The Commission shall cause to be kept through the Secretariat proper books of accounts and records as are ordinarily kept by government self accounting departments recording the sources of income and expenditure thereof.

(2) The accounts of the Commission shall be audited annually by the office of the Controller and Auditor-General.

[s. 16]

Annual report

27.—(1) The Commission shall prepare in every fiscal year an annual report that shall detail the activities of the Commission for the previous year.

(2) The annual report shall be submitted to the National Assembly by the Minister.

[s. 17]

PART VII

MISCELLANEOUS PROVISIONS

Commission to
regulate its own
proceedings

28. Subject to the provisions of this Act or any other written law, the Commission shall regulate its proceedings and meetings in the manner that it shall deem fit.

[s. 18]

Directions by Minister **29.**—(1) The Minister shall have powers to give the Commission specific or general directions on any matter relevant to the functions and objectives of the Commission as provided for in this Act.

[s. 19]

Offences **30.**—(1) It shall be an offence for any person to obstruct or prevent the Commission or any of its agents or any of its representatives from performing its functions under this Act in any manner whatsoever.

(2) A person convicted of an offence under this section shall be liable to imprisonment of not less than five years or to a fine of not less than two hundred thousand shillings or to both.

[s. 20]

Regulations **31.** The Minister may make regulations to facilitate better performance by the Commission of its functions under this Act or for any relevant purpose related to the control and prevention of HIV/AIDS pandemic.

[s. 21]

SCHEDULE

(Made under section 17(8))

PROCEEDINGS OF THE BOARD OF TRUSTEE AND OTHER RELATED MATTERS

Vice-Chairman **1.** In its first meeting, the Board shall elect one of its members to be a Vice-Chairman.

Meeting and quorum **2.**—(1) The Board of Trustee shall hold four regular meetings every year and may hold more meetings if the business of the Trust Fund so requires.

(2) The Chairman or, in his absence the Vice-Chairman, shall preside at all meetings of the Board which he attends, and in the absence of both the Chairman and the Vice-Chairman, members present may appoint a member from among themselves to preside at that meeting.

- (3) The Chairman, or in his absence, a member appointed by the Board of Trustee to act in his place may, at any time, call a special meeting upon written request by a majority of the members.
- (4) Notice of a meeting of the Board of Trustee shall be given in writing to each member at least fourteen days before the day of the meeting.
- (5) One half of the total number of members shall form a quorum for a meeting of the Board.
- Voting** **3.**-(1) At any meeting of the Board of Trustee, a decision of the majority of the members present and voting shall be deemed to be a decision of the Board of Trustee.
- (2) In the event of equality of votes the Chairman of that meeting shall have a casting vote in addition to his deliberative vote.
- Minutes** **4.** The Board of Trustee shall cause the minutes of all proceedings of its meetings, to be recorded and kept and the minutes of each meeting shall be confirmed by the Board of Trustee at the next meeting and signed by the Chairman of the meeting.
- Vacancy** **5.** The Board of Trustee may act notwithstanding any vacancy in its membership.
- Validity of proceedings** **6.** The validity of any proceedings of the Board of Trustee shall not be affected by any defect in the status of any member.
- Allowances or remuneration** **7.** There shall be paid to the members of the Board such sitting allowances or remunerations as may be determined by the Minister.
- Orders and directions** **8.** All orders, directions, notices or other documents made or issued on behalf of the Board of Trustee shall be signed by-
- (a) the Chairman; or
- (b) the Secretary or any officer authorised in writing in that behalf by the Secretary.
- Regulation of proceedings** **9.** Subject to the provisions of this Schedule, the Board shall regulate its own proceedings.
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