

CHAPTER 56

THE NON-GOVERNMENTAL ORGANISATIONS ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 56

THE NON-GOVERNMENTAL ORGANISATIONS ACT

An Act to provide for registration of Non-Governmental Organisations with a view to coordinate and regulate activities of Non-Governmental Organisations and to provide for related matters.

[1st January 2004]

[GN. No. 354 of 2004]

Acts Nos.
24 of 2002
11 of 2005
9 of 2019

PART I

PRELIMINARY PROVISIONS

Short title

1. This Act may be cited as the Non-Governmental Organisations Act.

Interpretation
Acts Nos.
11 of 2005 s. 5
9 of 2019 s. 29

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

“Board” means the Board established under section 7;

“certificate” means the certificate of registration or a certificate of compliance issued under this Act;

“Council” means a National Council for Non-Governmental Organisations established under section 27;

“Director” means a Director for Non-Governmental Organisations Coordination appointed under section 3(1);

“International Non-Governmental Organisation” means a Non-Governmental Organisation established outside Mainland Tanzania;

“National Non-Governmental Organisation” means a Non-Governmental Organisation established in accordance with the provisions of this Act and whose scope of operation extends to more than two regions;

“Non-Governmental Organisation” also known by its acronym “NGO” and which includes Community Based Organisation (CBO) means a voluntary grouping of individuals or organisations which is non-partisan or non-profit sharing established and operates for the benefit or welfare of the community or public, organised at the local, national or international levels for the purpose of enhancing or promoting economic, environmental, social or cultural development or protecting environment, good governance, law and order, human rights and lobbying or advocating on such issues; but does not include-

- Cap. 212 (a) a company formed and registered under the Companies Act;
 - Cap. 318 (b) a trust formed and registered under the Trustees’ Incorporation Act;
 - Cap. 366 (c) a trade union formed and registered under the Employment and Labour Relations Act;
 - (d) a religious or faith propagating organisation;
 - Cap. 211 (e) a cooperative society formed and registered under the Cooperative Societies Act;
 - (f) an agricultural association formed and registered under any written law other than this Act;
 - Cap. 337 (g) a society formed and registered under the Societies Act;
 - Cap. 258 (h) a political party formed and registered under the Political Parties Act;
 - Cap. 407 (i) a community microfinance group (VICOBA) registered under the Microfinance Act;
 - Cap. 49 (j) a sports association formed and registered under the National Sports Council of Tanzania Act; and
 - (k) any organisation which the Minister may, by order published in the *Gazette*, declare not to be a Non-Governmental Organisation for the purpose of this Act;
- “non-partisan” for purposes of the Act, means not seeking political power or campaigning for any political party;
- “Minister” means the Minister responsible for Non-Governmental Organisations;

“public interest” includes all forms of activities aimed at providing for and improving the standard of living or eradication of poverty of a given group of people or the public at large;

“register” means the register of Non-Governmental Organisations; and

“public officer” means a public officer appointed pursuant to the provisions of section 24(1).

PART II

ADMINISTRATION AND COORDINATION OF NON-GOVERNMENTAL ORGANISATIONS

Director for Non-Governmental Organisations Coordination

3.—(1) There shall be appointed by the President a public officer to be the Director for Non-Governmental Organisations Coordination.

(2) The Director for Non-Governmental Organisations Coordination shall be the Registrar of Non-Governmental Organisations and a link between the Government and Non-Government Organisations.

Functions and duties of Director Act No. 9 of 2019 s. 30

4.—(1) Functions and duties of the Director shall include to—

- (a) advise on policy and other matters regarding Non-Governmental Organisations;
- (b) ensure proper implementation of this Act;
- (c) ensure that operations of Non-Governmental Organisations are available for the Government and the public for consumption;
- (d) encourage co-operation with sector ministries in matters relating to Non-Governmental Organisations;
- (e) register Non-Governmental Organisations;
- (f) keep and maintain register of Non-Governmental Organisations;
- (g) keep records and reports regarding Non-Governmental Organisations;
- (h) appoint public officers under this Act;

- (i) suspend the operation of any Non-Governmental Organisation which violates the provisions of this Act pending determination of the Board;
- (j) conduct monitoring and evaluation of Non-Governmental Organisations activities on quarterly basis and report to the Board; and
- (k) perform such other duties as may be assigned to him by the Board.

(2) The Director shall be the Secretary to the Board.

(3) Notwithstanding subsection (1)(i), the Registrar shall, before suspending the operations of a Non-Governmental Organisation, give such Organisation, a notice of thirty days to show cause as to why its operations should not be suspended, and report to the Board accordingly.

(4) The Minister may issue guidelines which are necessary for monitoring and evaluating the operations of the Non-Governmental Organisations.

Power to
investigate
Act No.
9 of 2019 s. 31

5.-(1) The Registrar may, in implementing the duties under section 4 and in collaboration with law enforcement organs, investigate any matter as required.

(2) The Registrar may require any law enforcement organ or public entity to provide such facilities and services of its employees as may be deemed necessary to assist the Registrar in performing the functions under this Act.

(3) It shall be the duty of every person, law enforcement organ or public entity to afford the Registrar the co-operation and assistance necessary to enable the performance of his functions under this Act or any other written laws.

[s. 4A]

Register of NGOs

6.-(1) There shall be a register of Non-Governmental Organisations, wherein shall be entered all matters relating to Non-Governmental Organisations provided for by this Act.

(2) Each Non-Governmental Organisation shall be identified by a certificate of registration issued to it by the Registrar.

[s. 5]

Establishment of Board 7.–(1) There shall be established Board to be known as the Non-Governmental Organisations Coordination Board.

(2) The provision of the Schedule to this Act shall have effect as to the composition, tenure of office, proceedings at meetings of the Board and other matters relating to the Board.

[s. 6]

Functions of Board

8.–(1) The functions of the Board shall include to-

- (a) approve and coordinate registration of Non-Governmental Organisations;
- (b) facilitate the implementation of the national Non-Governmental Organisations policy;
- (c) facilitate and coordinate activities of Non-Governmental Organisations;
- (d) approve application for registration or certificate of compliance;
- (e) direct suspension or cancellation of any Non-Governmental Organisation;
- (f) examine the annual reports of Non-Governmental Organisations;
- (g) advise the Government on the activities of Non-Governmental Organisations;
- (h) review the register of Non-Governmental Organisations;
- (i) provide policy guidelines to Non-Governmental Organisations for harmonizing their activities in the light of the national development plan;
- (j) receive, discuss and approve regular reports of the Council and advice on strategies for efficient planning and co-ordination of activities of Non-Governmental Organisations;
- (k) facilitate information sharing and providing guidelines for networking between Non-Governmental Organisations and the Government;
- (l) investigate and to inquire into any matter in order to ensure adherence with the constitution of each of such Non-Governmental Organisation; and

(m) perform such other functions as may be directed by the Minister.

(2) The Board shall, for the purpose of efficient performance of its functions-

- (a) appoint any number of officers as may be required; and
- (b) delegate to the Director the exercise of the powers or the performance of any of its functions.

(3) In performing its functions under this Act, the Board shall maintain as far as practicable, a system of consultation, coordination and co-operation with Ministries, Government institutions or any other public or private bodies established under any written law, having functions similar to those which are performed by any given Non-Governmental Organisation.

[s. 7]

Sources of fund of Board

9.-(1) The funds of the Board shall consist of-

- (a) any sums as may be appropriated by the Parliament;
- (b) funds or assets which may vest in or accrue to the Board from other sources by way of fees, grants or in any other way; and
- (c) any sums which the Board may borrow for its own purpose.

(2) The Board may-

- (a) invest any of its funds in securities in which the trustees may, by law deal in any trust fund or in any other securities, which the Board may determine; and
- (b) deposit with a bank any money not immediately required for the use by the Board.

[s. 8]

De-registration of Non-Governmental Organisation Act No. 9 of 2019 s. 32

10.-(1) An Organisation registered under this Act, and which does not fit to be a Non-Governmental Organisation by virtue of section 2 shall, after expiration of two months from the date of coming into operation of this section, be deemed to have been de-registered.

(2) Notwithstanding the provisions of subsection (1), the Minister may, upon application, extend the time within which an organisation has to shift to its appropriate registry.

(3) The Minister shall, when extending time applied for under subsection (2), transmit the information for such extension to the Minister under whom the registry in which the organisation required to register belongs.

[s. 8A]

Annual estimates **11.**—(1) The Board shall, before the commencement of a financial year, cause to be prepared, estimates of the revenue and expenditure for that year.

(2) The annual estimates shall make provision for all estimated expenditure of the Board for a financial year concerned, and the Board shall in particular, approve recurrent and development expenditure.

(3) The annual estimates shall be submitted to the Minister who shall cause them to be laid before the National Assembly within three months from the date of their submission to him.

(4) Expenditure shall not be incurred for the purpose of the Board except in accordance with the annual estimates.

[s. 9]

Books of accounts **12.**—(1) The Board shall keep proper books of accounts.

(2) Within three months from the end of each financial year, the Board shall submit to the Controller and Auditor-General accounts of the Board together with-

- (a) a statement of financial activities and income and expenditure during that financial year; and
- (b) a statement of assets and liabilities of the Board existing at the end of such financial year.

(3) The accounts of the Board shall be audited by the Controller and Auditor-General.

[s. 10]

PART III
PROCEDURE FOR REGISTRATION OF
NON-GOVERNMENTAL ORGANISATIONS

Requirement to register
Acts Nos.
11 of 2005 s. 6
9 of 2019 s. 33

13.—(1) Each Non-Governmental Organisation shall be required to register with the Registrar pursuant to the provisions of this Act.

(2) The Minister may, by notice published in the *Gazette*, prescribe interests and advantages available to registered Non-Governmental Organisations.

[s. 11]

Application for registration
Act No.
11 of 2005 s. 7

14.—(1) A group of persons who wish to apply for registration of a Non-Governmental Organisation shall make application in the prescribed form to the Registrar.

(2) An application for registration shall be submitted by one or more persons, being founder members, which shall be accompanied by-

- (a) a copy of the constitution of the Non-Governmental Organisation;
- (b) minutes containing full names and signature of founder members;
- (c) personal particulars of office bearer;
- (d) address and physical location of the head office of the Non-Governmental Organisation;
- (e) an application fee; and
- (f) any other particulars or information as may be required by the Registrar.

(3) In case of an International Non-Governmental Organisation, the application for registration shall be submitted by three or more persons, being the founder members and two of whom shall be residents of Tanzania.

(4) Application for registration shall be accompanied by-

- (a) a certificate of incorporation;
- (b) copy of constitution of the Non-Governmental Organisation;

- (c) minutes containing full names and particulars of founder members;
- (d) personal particulars of office bearers;
- (e) an application fees;
- (f) address and physical location of the head office of the Non-Governmental Organisation; and
- (g) any other particulars or information as may be required by the Registrar.

[s. 12]

Application to be referred to Board

15.—(1) The Registrar shall within one month after receiving an application refer the application together with his recommendations to the Board for consideration.

(2) The Board shall within a period of two months after receiving the application and recommendations consider and make determination of the matter.

(3) The Board may, in determining the matter-

- (a) approve and direct the Registrar to register the Non-Governmental Organisation; or
- (b) refuse to approve the application and direct the Registrar to inform the applicant or applicants accordingly.

[s. 13]

Refusal of registration

16.—(1) The Board may refuse to approve application for registration of a Non-Governmental Organisation where it is satisfied that-

- (a) the activities of a Non-Governmental Organisation are not for public interest or are contrary to any written law;
- (b) the applicant has given false or misleading information in any material particular; or
- (c) on the recommendation of the Council, the Non-Governmental Organisation should not be registered.

(2) Where the Board has refused registration of a Non-Governmental Organisation, it shall, within twenty-one days, notify the applicant of the reasons for the refusal.

[s. 14]

Appeals

17. An applicant who is not satisfied with the decision of the Board may appeal to the Minister.

[s. 15]

Review by Board
or appeal to
Minister

18.—(1) Where the applicant is not satisfied with the decision of the Board he may apply to the Board for review of its earlier decision.

(2) Where the applicant does not wish to apply to the Board for review, he may appeal to the Minister against the decision of the Board.

(3) On receipt of the appeal, the Minister shall, within two months from the date of receiving the appeal consider and make determination of the appeal.

(4) In determining the appeal the Minister may—

- (a) uphold, quash or vary the decision of the Board;
- (b) require the Board to revise or review its decision; or
- (c) require the Board to inquire into specific information from the appellant and make further consideration of the application.

[s. 16]

Certificate of
Registration
Act No.
9 of 2019 s. 34

19.—(1) The Registrar shall upon registration of a Non-Governmental Organisation issue a certificate of registration.

(2) The certificate of registration shall contain—

- (a) the name and address of the Non-Governmental Organisation;
- (b) the area of operation of the Non-Governmental Organisation; and
- (c) such terms and conditions in respect of which a certificate is issued.

(3) A certificate of registration issued under this section shall be subject to renewal after a period of ten years.

(4) An application for renewal of certificate of registration shall be made six months before the expiry date of its registration.

(5) The Board shall renew a certificate of registration upon being satisfied that the organisation has complied with the

requirements of registration under this Act and any other written laws.

(6) Notwithstanding subsection (5), the Board shall, in deciding whether to renew or refuse renewal of certificate of registration, adhere to the conditions stated under section 16.

(7) The Minister may make regulations for better carrying out the provisions of this section.

[s. 17]

Effect of
registration
Act No.
11 of 2005 s. 8

20.—(1) A certificate of registration shall be a conclusive evidence of the authority to operate as specified in the constitution or in the certificate of registration.

(2) A registered Non-Governmental Organisation shall, by virtue of registration under this Act, be a body corporate capable in its name of-

- (a) suing and be sued;
- (b) acquiring, purchasing or otherwise disposing of any property movable or immovable;
- (c) entering into contract; and
- (d) doing or performing all acts which can be done by a body corporate and which are necessary for the proper performance of its duties and functions.

[s. 18]

Permits

21. Where the Board has approved the registration of a Non-Governmental Organisation whose employees are not citizens of the United Republic it shall make recommendation to the Civil Service Department which shall further forward its opinion to Director of Immigration Services for the issuance of working permit in accordance with the provisions of the Immigration Act.

Cap. 54

[s. 19]

Suspension or
cancellation of
certificate

22.—(1) Subject to section 23, the Board may suspend or cancel a certificate of registration where it is satisfied that the-

- (a) terms or conditions prescribed in the certificate have been violated;
- (b) Non-Governmental Organisation has ceased to exist;

(c) Non-Governmental Organisation operates in variance to its constitution, or

(d) Council has submitted, to the satisfaction of the Board, recommendation for its suspension or cancellation.

(2) Where the certificate of registration has been suspended or cancelled the Board shall direct the registrar to-

(a) notify the relevant Non-Governmental Organisation;

(b) order such Non-Governmental Organisation to stop its operations; or

(c) remove the name of such Non-Governmental Organisation from the register.

[s. 20]

Procedure for
suspension or
cancellation

23.—(1) Where the holder of a certificate is in default of the terms and conditions in respect of which a certificate was issued or is in violation of section 22, the Registrar may serve on the holder a default notice in writing specifying the nature of the default.

(2) Upon receipt of the default notice, the holder shall make representation in writing to the registrar regarding remedy or rectification of the default.

(3) Where the holder has failed to remedy or rectify the default within time specified in the default notice or has not made a representation satisfactory to the Registrar, the Registrar shall submit to the Board recommendation for suspension or cancellation of a certificate.

(4) Where the Board is satisfied that a holder of a certificate is in default as provided for in subsection (1), it shall direct the Registrar to suspend or cancel the certificate.

(5) A holder whose certificate has been suspended or cancelled may apply to the Board for review of the decision to suspend or cancel the certificate where he is dissatisfied by the reasons for such suspension or cancellation.

(6) A holder of a certificate who is dissatisfied by the decision of the Board to suspend or cancel a certificate may appeal to the Minister.

[s. 21]

PART IV

LEVELS OF REGISTRATION

Appointment of
public officers

24.—(1) The registrar shall, for the purpose of facilitating registration at the regional and district levels, appoint for each region or each district, a public officer from amongst public officers within the region or district.

(2) Subject to subsection (3) of section 25, a public officer appointed under subsection (1) shall on behalf of the Registrar-

- (a) register Non-Governmental Organisations within the region or district for which he is appointed; and
- (b) issue certificates of registration or as the case may be, certificates of compliance.

[s. 22]

Registration of
NGOs at various
levels

25.—(1) Where a Non-Governmental Organisation is intended to operate within a certain district, the application for its registration shall only be submitted to the public officer for that district.

(2) Where a Non-Governmental Organisation is intended to operate in the whole region the application for its registration shall be submitted to the public officer appointed for the region.

(3) A Non-Governmental Organisation whose scope of operation covers more than one region and an International Non-Governmental Organisation shall be registrable at the national level by the Registrar.

(4) Where the public officer has registered a Non-Governmental Organisation, he shall make a report to that effect and submit it to the Registrar.

(5) The Minister shall by regulations prescribe the procedure to be applied by public officers in the registration of Non-Governmental Organisations.

[s. 23]

Board may
require proof of
existence
Act No.
11 of 2005 s. 9

26.—(1) Where, without any reasonable cause a Non-Governmental Organisation fails to file annual report for two consecutive years, it shall be lawful for the Board to imply that

such Non-Governmental Organisation has ceased to exist, and may issue a notice in writing to the office bearers of that Non-Governmental Organisation requiring them to submit to the Board within a period of sixty days, proof of its existence.

(2) Where the Non-Governmental Organisation fails to submit to the Board Proof of its existence, the Board may direct the Registrar to cancel the certificate of its registration and remove its name from the register.

[s. 24]

PART V

ACCOUNTABILITY AND SELF REGULATION OF NON-GOVERNMENTAL ORGANISATIONS

Establishment of
Council

27.—(1) There shall be established an umbrella organisation for Non-Governmental Organisations to be known as the National Council for Non-Governmental Organisations.

(2) The Council shall be a collective forum of Non-Governmental Organisations for purposes of co-ordination and networking of all Non-Governmental Organisations operating in Mainland Tanzania.

(3) The Council shall be composed of thirty members as may be appointed by Non-Governmental Organisations to represent their respective interests.

(4) A person, body of persons or a Non-Governmental Organisation shall not after the establishment of the Council, perform or claim to perform anything which the Council is empowered or required to do under this Act.

[s. 25]

Annual meeting
of Council

28.—(1) The Council shall convene meetings annually for the purpose of co-ordination and networking of all Non-Governmental Organisations.

(2) The Council shall at its first annual meeting appoint the office bearers and promulgate rules of procedure for efficient administration and co-ordination of the activities of Non-Governmental Organisations.

(3) The office bearers of the Council shall hold office for a period of three years, and may be eligible for reappointment for only another one term.

[s. 26]

Code of conduct **29.**—(1) The Council shall develop and cause to be adopted a code of conduct and such other regulations which shall facilitate self-regulation of Non-Governmental Organisations.

(2) The code of conduct shall be adopted by a resolution at an annual meeting of the Council.

[s. 27]

Duties of Board regarding code of conduct **30.**—(1) The Board shall have the duty to ensure that the code of conduct, regulations and rules developed by the Council are consistent with the national policy for Non-Governmental Organisations and the laws of the land.

(2) The Board shall cause the code of conduct and regulations or rules developed by the Council to be published in the *Gazette*.

[s. 28]

Activities and financial reports Act No. 9 of 2019 s. 35 **31.** Each Non-Governmental Organisation shall for every calendar year-

(a) prepare a report of its activities which shall be made available to the public, the Council, the Board and other stake holders;

(b) prepare an annual audited report and submit copies thereof to the Council and the Board and shall be made available to the public.

[s. 29]

Governing documents **32.**—(1) The constitution and other documents submitted by founder members to the Registrar at the time of making application for registration or any subsequent constitution and documents submitted to the Registrar shall be the governing documents in respect of such Non-Governmental Organisation.

(2) Non-Governmental Organisation shall not operate or perform its functions contrary to its governing documents.

[s. 30]

General conduct
Acts Nos.
11 of 2005 s. 10
9 of 2019 s. 36

33. Each Non-Governmental Organisation shall have the duty-

- (a) to respect the laws governing its operations;
- (b) to respect the culture and traditions of the people and communities in which it operates unless such culture and traditions are contrary to any other written law;
- (c) to adhere to the principles of financial transparency and accountability as prescribed under other written laws; and
- (d) in the case of an International Non-Governmental Organisation to-
 - (i) foster and promote the capacities and abilities of other Non-Governmental Organisations;
 - (ii) participate in activities of the Council; and
 - (iii) refrain from doing any act which is likely to cause misunderstanding among Non-Governmental Organisations.

[s. 31]

Fund raising
activities

34. Non-Governmental Organisation registered under this Act shall be entitled to engage in legally acceptable fund raising activities.

[s. 32]

Notification
of change of
particulars
of Non-
Governmental
Organisation

35.-(1) Any change in the constitution, name or names of office bearers by a Non-Governmental Organisation shall be notified to the Registrar in writing.

- (2) A notice to the Registrar shall be accompanied by-
 - (a) a copy of resolution certified by office bearers stating that the resolution complies with its governing documents; and
 - (b) a copy of the certificate of registration.
- (3) The Registrar shall after receiving notification-

- (a) enter into the register all changes as submitted in the notification;
 - (b) where necessary, issue a new certificate of registration; and
 - (c) remove from the register particulars of the Non-Governmental Organisation as may be necessary.
- (4) Where the Registrar has made changes in the register in respect of the particulars of a Non-Governmental Organisation, he shall inform the Board.

[s. 33]

Inspection of documents

36.—(1) Members of the public shall have right of access to and inspect any documents of any Non-Governmental Organisation at the office of the Registrar.

(2) The Minister shall prescribe the circumstances and the manner in which the public shall exercise the right of access to and inspect such documents.

[s. 34]

PART VI OFFENCES AND PENALTIES

Offences and penalties

37.—(1) A person who-

- (a) forges or, utters any document for purposes of procuring registration;
- (b) makes false statements in respect of an application for registration;
- (c) conducts fund raising activities contrary to this Act;
- (d) operates a Non-Governmental Organisation without obtaining registration under this Act; or
- (e) violates the code of conduct or contravene any regulation or rules made under this Act,

commits an offence and on conviction, shall be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding one year or to both.

(2) A person convicted of an offence under this section shall be disqualified from holding office in any Non-Governmental Organisation operating in Mainland Tanzania for a period not exceeding five years.

(3) Notwithstanding subsection (1), a person who contravenes the provisions of this Act may, in lieu of the institution of the criminal charges against him pursuant to this Act, be proceeded against under the provisions of the Penal Code.

Cap. 16

[s. 35]

Liability of office bearers of NGO

38.—(1) For purposes of section 37, where an offence has been committed under this Act by a Non-Governmental Organisation, any of the office bearers of such Non-Governmental Organisation shall be liable to be proceeded against and be punished accordingly, unless any of such office bearer proves to the satisfaction of the court that he had no knowledge and could not, by the exercise of reasonable diligence, have had knowledge, of the commission of the offence.

(2) Without prejudice to subsection (1), where a Non-Governmental Organisation and or any of its office bearer has committed an offence, the court may order that such Non-Governmental Organisation and or any of its office bearer to pay a fine not exceeding fifty thousand shillings for every day during which the commission of the offence continues.

[s. 36]

PART VII MISCELLANEOUS PROVISIONS

39. The Registrar shall publish annually in newspapers widely circulating in Mainland Tanzania the names of all Non-Governmental Organisations-

- (a) which have been registered;
- (b) whose names have been cancelled; and
- (c) which have been de-registered.

Publication of Non-Governmental Organisations

[s. 37]

Power of
Minister to make
regulations

40.—(1) The Minister may, on consultation with the Board make regulations for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1) the Minister may make regulations prescribing-

- (a) various forms to be used in this Act;
- (b) fees payable under this Act;
- (c) the format of the reports of activities to be submitted by the Non-Governmental Organisation; and
- (d) any matter which needs to be prescribed under this Act.

(3) Regulations made by the Minister shall be published in the *Gazette*.

[s. 38]

SCHEDULE

(Made under section 7(2))

APPOINTMENT, COMPOSITION AND PROCEDURE OF THE BOARD

Composition of
Board

1.—(1) The Board shall consist of-

- (a) a Chairperson who shall be appointed by the President upon recommendation of the Minister;
- (b) four members appointed by the Minister on the recommendation of the Council representing the diversified areas of Non-Governmental Organisations' interest in the Board; and
- (c) five members appointed by the Minister by virtue of their knowledge or experience in development and welfare management representing the Government.

(2) The Board may co-opt such number of persons to represent any interest as the Board may determine.

Vice-Chairperson

2. The members shall elect one amongst their number to be Vice-Chairperson of the Board, and any member elected as Vice-Chairperson, may subject to his continuing to be a member, hold office for a term of three years from the date of his election.

Tenure of office of
members
Act No.
11 of 2005 s. 11

3.—(1) The members of the Board shall hold office for a period of three years and shall be eligible for reappointment for a further period of three years.

(2) A member of the Board may at any time resign his office by giving notice in writing addressed to the Minister, and from the date specified in the notice or, where no date is so specified, from the date of the receipt of the notice by the Minister, he shall cease to be a member.

(3) 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.

(4) A member of the Board shall cease to hold office upon-

- (a) death;
- (b) conviction for criminal offence and being sentenced to imprisonment for a period of not less than one year; or
- (c) being adjudged to be of unsound mind.

Proxy
representation

4. Where a member of the Board who is a member by virtue of his holding some other office is unable for any reason to attend any meeting of the Board, he may nominate other person from his organisation to attend the meeting in his place.

Casual vacancy

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 so appointed shall hold office for the remainder of the term of office of his predecessor.

Meetings of
Board

6.-(1) The Board shall ordinarily meet for the transaction of its business at the time and at the place determined by it, but shall meet at least once in every three months.

(2) The Chairperson or in his absence the Vice-Chairperson, shall preside at every meeting of the Board and in the absence of both the Chairperson and the Vice-Chairperson the members present shall appoint one of their number to preside over the meeting.

(3) The Chairperson or in his absence the Vice-Chairperson, may at any time call special meeting of the Board upon a written request by a majority of the members in office.

(4) The Chairperson, or in his absence, the Vice-Chairperson, may invite any person who is not a member to participate in the deliberations at any meeting of the Board, but any person so invited shall not be entitled to vote.

Quorum

7. The Quorum at any meeting of the Board shall be half of the members and at least two members from Non-Governmental Organisations.

Decision of Board

8.-(1) Matters proposed at a meeting of the Board shall be decided by a majority of the votes of the members present and voting and in the event of any equality of votes of the person presiding shall have a second casting vote in addition to his original or deliberative Board vote.

(2) A decision may be made by the Board without a meeting by a circulation of the relevant papers amongst the members and the expression of the views of the majority of the members in writing be

honoured but any member may require that the decision be deferred and the subject matter be considered at a meeting of the board.

Minutes of meetings	<p>9.—(1) The Board 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 Board shall be read and confirmed, or amended and confirmed, at the next meeting of the Board and signed by the person presiding at the meeting.</p> <p>(2) Any minutes purporting to be signed by the person presiding at a 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>10. The validity of any act or proceeding of the Board shall not be affected by any vacancy among its members or by any defect proceedings in the appointment of any of them.</p>
Orders, directions of Board	<p>11. All orders, directions, notices or other documents made or issued on behalf of the Board shall be signed by—</p> <p>(a) the Chairperson or Vice-Chairperson of the Board, as the case may be; or</p> <p>(b) the Registrar.</p>
Proof of documents	<p>12. Any document purporting to be under the hand of the Chairperson, Vice-Chairperson or the Registrar as to any resolution of the Board or as having been issued on behalf of the Board, shall be receivable in all 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>
Seal of Board	<p>13. The seal of the Board shall not be affixed to any instrument except in the presence of the Chairperson or the Vice-Chairperson or the Registrar.</p>
Remuneration of members of Board	<p>14. A member of the Board shall be entitled to such remuneration, fees or allowances for expenses as the Minister may, upon recommendations of the Board, prescribe.</p>
Board may regulate proceedings	<p>15. Subject to the provisions of this Schedule, the Board may regulate its own proceedings.</p>

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