

PART V

INQUIRIES AND APPEALS

Proceedings
at inquiry

18.-(1) Upon any inquiry held by the Board the person or firm whose conduct is being inquired into, shall be entitled to appear and to be heard in person or to be represented by an advocate.

(2) For the purposes of proceedings at any inquiry held by it, the Board shall have power.

- (a) to administer oaths;
- (b) to summon persons to attend and give evidence; and
- (c) to order the production of documents.

(3) All summonses and orders issued under hand of the chairman or the vice-chairman of the Board shall be deemed to be issued by the Board.

(4) The chairman, or his absence the vice-chairman, of the Board shall record or cause to be recorded a summary of any oral evidence given at an inquiry held by the Board.

(5) Subject to the provisions of this section and of any regulations made under section 32 the Board shall have power to regulate its own procedure at an inquiry held by it.

(6) For the purpose of Chapter XI of the Penal Code, an inquiry held by the Board shall be deemed to be a judicial proceeding.

Disobedience
of summons
and refusal to
give evidence

19.-(1) Any person upon whom summons or an order issued under the provisions of section 17-

(a) refuses or omits without sufficient cause to attend at the time and place mentioned in the summons; or

(b) refuses without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief all questions put to him by or with the concurrence of the Board; or

(e) refuses or omits without sufficient cause to produce any documents in his possession or under his control which are specified in the order.

Commits an offence and upon conviction is liable to a fine not exceeding twenty thousand shillings.

(2) Any person giving evidence before the Board shall, in respect of any evidence given by him or any document produced by him, be entitled to all privileges to which he would be entitled as a witness before the High Court.

Appeals
against
decisions of
the Board

20.-(1) Any person or firm aggrieved by the decision of the Board to refuse to register his name; to delete the name of a registered engineer; to refuse to restore a name to the Register or to suspend the effect of registration of his name, may appeal to the Appeals Authority against the decision of the Board and the Appeals Authority may in that appeal give any directions in the matter which it thinks proper and if the aggrieved party is not satisfied with the decision of the Appeals Authority, he may further appeal to the High Court.

(2) The Board may appear as respondent and be heard on any appeal against its decision and, for the purpose of enabling directions to be given as to the costs of any appeal, the Board shall be deemed to be a party thereto, whether or not it shall appear at the hearing of the appeal.

Appeals
Authority

21. The Appeals Authority shall consist of-

- (a) a Chairman to be appointed by the Minister.
- (b) a member from the Attorney General's Chambers nomination in that behalf by the Attorney General;
- (c) two members appointed by the Minister who are not employees of the Ministry of Works; and
- (d) four other members appointed by the Minister who shall be-
 - (i) one registered engineer nominated by the Institution of Engineers , Tanzania;
 - (ii) one registered engineer nominated by the Association of Consulting Engineers Tanzania;
 - (iii) one registered architect nominated by the Architectural Association of Tanzania; and
 - (iv) one registered contractor representing a Contractors Association in Tanzania.

Rules of
proceedings
before
Appeals
Authority

22.-(1) The minister may after consultation with the Attorney General make rules for regulating appeals to the Appeals Authority and providing for the taking of further evidence, the fees to be paid, the procedure to be followed and the manner of notifying the Board of an appeal.

(2) Subject to any rules made under subsection (1), the provisions of section 17 and 18 shall apply mutatis mutandis, in relation to appeals made under section 19 and to persons summoned to give evidence before the Appeals Authority.