

PART VII

GENERAL PROVISIONS

- Offences
26. Any person who-
- (a) fraudulently makes, or causes or permits to be made, any false or incorrect entry in the Register or any copy thereof; or
 - (b) fraudulently procures or attempts to procure himself or any procure himself or any other person to be registered under this Act;
 - (c) knowingly and willfully makes any statement which is false in a material particular, or which is misleading, with a view to gaining any advantage, concession or privilege under this Act, whether for himself or for any other person commits an offence and upon conviction is liable to a fine of not less than five hundred thousand shillings or imprisonment not exceeding one year or to both that fine and imprisonment.
- Accounts and Audit
- 27.-(1) The Board shall cause to be kept proper accounts and shall, as soon as practicable after the end of each financial year cause the accounts relating to the financial year together with.
- (a) a statement of income and expenditure during that financial year; and
 - (b) a statement of the assets and liabilities of the Board on the last day of that financial year, to be submitted to and audited by duly registered and authorized auditors.
- (2) Copies of the statements referred to in subsection (1) and a copy of the auditor's report shall be forwarded to the Minister
- Registrar's report
28. The Registrar shall, at the end of each financial year, prepare a report on the activities of the Board during that financial year and submit that report to the Minister through the Board.
- Funds of the Board
29. The funds and resources of the Board shall consist of-
- (a) such sums as the Board may, receive by way of grant or loan from any person or organization;
 - (b) such sums as the Board may, from time to time, with the consent of the Minister, borrow for the purposes of the Board;
 - (c) such sums as may in any manner become payable to or vested in the Board either under the provisions of this Act or any other written law, or incidental to the carrying out of the functions of the Board.
 - (d) Such sums as the Board may be provided for purposes of the Board by Parliament in the form of Government subvention.
- Power to invest Act No. 33 of 1967
30. The Board shall have power to invest its funds in such investment as are authorized by, and subject to such conditions as are prescribed by, the Trustee Investment Act, 1967, in relation to investment of funds by a trustee.
- Annual statements of
31. The Minister shall cause to be laid before the National Assembly, as soon as

- accounts and Registrar's report to be laid before the National Assembly
- Minister may give directions
- Minister may make regulations
- By-laws
- may be practicable after he has received-
- (a) Copies of the statement referred in subsection (1) of section 26 together with a copy of the auditors report; and
 - (b) A copy of Registrar's report.
30. The Minister may, by writing under his hand, give the Board directions of a general or specific nature which are of national interest and the Board shall comply with every such direction.
33. Subject to the provisions of subsection (2) of section 21, the Minister may make regulations generally for the better carrying out of the provisions of this Act and such regulations may, without prejudice to the generality of the foregoing, provide for-
- (a) the conduct of the business of the Board and the procedure to be followed by the Board in any inquiry under this Act;
 - (b) the appointment by the Board amongst its members of sub-committees and the co-option of persons to them;
 - (c) the duties of the Registrar;
 - (d) the issue of certificates of registration;
 - (e) the fees to be paid for inspection of the Register and for certificates, extracts, copies and lists of, or in relation to, entries in the Register; and
 - (f) anything which is permitted or required by the Act to be prescribed.
34. With the consent of the Minister the Board may make by-laws for the better carrying out its objects and functions, and without prejudice to the generality of the proceeding provisions may make by-laws-
- (a) prescribing scale of fees which may be charged by engineers or consulting firms for services rendered by them;
 - (b) prescribing diplomas, certificates and other awards which may be conferred or granted by the Board;
 - (c) prescribing the conditions which must be satisfied before any diploma, certificate or other award, may be granted;
 - (d) prescribing the manner in which diplomas, certificates or other awards may be granted;
 - (e) regulating the conduct of professional training, interviews and examinations;
 - (f) prescribing fees for admission to any course offered by the Board;
 - (g) prescribing fees payable by the candidates for any professional interview or examination held or conducted by the Board;
 - (h) providing for and regulating disciplinary proceedings against the officers of the Board, the students and candidates;
 - (i) prescribing rules for professional practice, conduct and ethics for engineers and consulting firms;
 - (j) prescribing the fees to be paid on application, registration, annual subscription; the issue of certificates of registration and extracts, copies and lists of, or in relation to entries in the registers and other related fees;
 - (k) reconciliation parties involved in disputes and incases of disagreement, referring those cases to a legally established authority catering for arbitration;

- (l) conducting arbitration for parties under dispute whose contracts of agreement stipulate that the Board shall arbitrate their case;
- (m) evaluating certificates, diplomas, degrees and the attendance academic transcripts for the express purpose of establishing whether or not the said certificates, diplomas or degrees meet the minimum acceptable qualification for registration with the Board.
- Repeal or Act No. 49 of 1968 35. The Engineers (Registration) Act, 1968 is repealed.
- Transitional provisions Act No. 49 of 1968 36. The Minister may, at any time before the commencement of this Act, by order published in the Gazette, make transitional provisions which he may deem necessary for the better control and general supervision of engineers registered under the Engineers (Registration) Act, 1968.
- Savings 37.-(1) Notwithstanding the repeal made under section 34 anything done or any action taken or purported to have been done under the repealed law shall in so far as it is not consistent with the provisions of this Act, be deemed to have done or taken under the provisions of this Act.
- (2) All subsidiary legislation made under the repealed law which are in force on the commencement of this Act shall be deemed to have been made under this Act until they are revoked or rescinded by subsidiary legislation made under this Act.

SCHEDULE

(Under Section 3(3))

- Composition of the Board and tenure of office 1.-(1) The Board shall consist of nine members namely-
- (a) a Chairman of the Board who shall be a person who has positively contributed to the engineering sector in Tanzania appointed by Minister;
 - (b) three registered engineers in the service of the Government;
 - (c) one registered engineer from a higher institution of learning;
 - (d) two registered engineers not being in the service of the Government as follows;
 - (i) one registered engineer nominated in writing by the Institution of Engineers Tanzania: and
 - (ii) one registered engineer nominated in writing by the Association of Consulting Engineers Tanzania: and
 - (e) legally qualified person holding office in the Attorney General's Chambers nominated by the Attorney-General in that behalf: and
 - (f) one professional from a profession closely related to engineering
 - (g) the members of the Board shall be appointed by the Minister.
- (3) A member of the Board shall, unless previously he dies or resigns or his appointment is revoked by the Minister, hold office for a period of three years

from the date of his appointment and shall be eligible for re-appointment.

(4) the Minister may fill any casual vacancy occurring in the membership, and may revoke, the appointment of any member, and appoint a replacement in accordance with the system of representation contained in sub-paragraph (1).

(5) A member may resign by giving notice in writing to the Minister of his intention do so.

Election of
vice-chairman

2.-(1) The member shall elect a vice-chairman of the Board from amongst their number.

(2) The Vice-chairman shall hold office for a period of one year from the date of his election and shall be eligible for re-election.

Meetings of
the Board

3.-(1) Subject to the provisions of sub-paragraph (2) of this paragraph, the Board shall meet at such times as may be necessary or expedient for the transaction of its business and all meetings of the Board shall be convened by the chairman, or in his absence from the United Republic or incapacity through illness, the vice-chairman, who shall appoint a suitable time, place and date for the holding of such meetings.

(2) The chairman, or in his absence from the United Republic or incapacity through illness, the vice-chairman, shall convene a special meeting of the Board on a request in writing signed by not less than four members of the Board for such a meeting and shall cause the meeting to be held within twenty-one days of the receipt by him of such request.

(3) The chairman, or in his absence the vice-chairman, shall preside at the meetings of the Board and in the absence of both the chairman and the vice-chairman the members present at the meeting shall elect one of their number to be chairman for the meeting.

Quorum and
voting at
meetings

4.-(1) A majority of the members of the Board shall constitute a quorum at any meeting of the Board.

(2) All acts matters and things authorized to be done by the Board shall be decided by resolution at a meeting of the Board at which a quorum is present.

(3) A decision of the majority of members present and voting at a meeting of the Board shall be deemed to be a decision of the Board.

(4) Every member of the Board shall have one vote and in the event of an equality of votes the chairman of the meetings shall have a second or casting vote in addition to his deliberative vote.

(5) notwithstanding the provisions of sub-paragraph (2) where the chairman so directs, a decision may be made by the Board without a meeting by circulating of the relevant papers among all the members and the expression in writing of their views, but any member shall be entitled to require that any such decision shall be deferred until the subject matter shall be considered at a meeting of the Board.

Minutes of
meetings and
appointment
of secretary

5.-(1) Minutes in proper form of each meeting of the Board shall be kept and shall be confirmed by the Board at the next meeting and signed by the chairman of the meeting.

(2) The Board may appoint a suitable person to be secretary to the Board for the purposes of attending meeting of the Board, keeping the minutes of the meetings and performing such other secretarial duties as the Board may require.