

CHAPTER 129

THE NATIONAL COUNCIL FOR TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 129

THE NATIONAL COUNCIL FOR TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING ACT

An Act to establish the National Council for Technical and Vocational Education and Training and to provide for other matters related to it.

[1st July, 1997]

[GN. No. 773 of 1997]

Acts Nos.
9 of 1997
10 of 2013
6 of 2021

PART I PRELIMINARY PROVISIONS

Short title
Act No.
6 of 2021 s. 30

1. This Act may be cited as the National Council for Technical and Vocational Education and Training Act.

Interpretation
Acts Nos.
10 of 2013 s. 35
6 of 2021 s. 31

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

“academic staff” means staff engaged by a technical and vocational training institution and centre for the purposes of teaching;

“award” means an award to be granted by the Council under section 11;

“Board” means a Board established by the Council pursuant to section 7;

“Chairman” means the Chairman of the Council appointed under section 4;

“Committee” means the Committee appointed by the Board under section 10;

“Council” means the National Council for Technical and Vocational Education and Training established under section 3;

“course” means a course as approved by the Council and leading to award of the Council;

- “Minister” means the Minister responsible for technical and vocational education and training;
- “moderator” means a senior suitably qualified person appointed by the Council to ensure that the standards of its awards are being maintained and that the assessment has been conducted fairly and to report accordingly to the Council;
- “recognition of prior learning” means the process of evaluating skills and knowledge acquired outside the classroom for the purpose of recognising competence against a given set of standards, competence or learning outcomes;
- “Secretariat” means the Secretariat established under section 13;
- “Secretary” means Executive Secretary appointed by the Council under section 13;
- “staff” includes academic, technical and administrative staff employed by a given technical and vocational training institution and centre;
- “student” means a person admitted by a technical and vocational training institution and centre as a candidate for an award of the Council;
- “technical and vocational education and training” means education and training undertaken by students to equip them to play roles requiring higher levels of skill, knowledge and understanding and in which they take responsibility for their area of specialisation;
- “technical and vocational training institution and centre” means an institution registered by the Council and accredited to deliver courses leading to the awards of the Council.
- “vocational education and training” means training leading to a skilled occupation;
- “vocational training centre” means a place or institution registered by the Council to offer vocational education and training.

PART II

THE COUNCIL

Establishment of Council **3.**—(1) There is hereby established a body to be known as the National Council for Technical and Vocational Education and Training.

(2) The Council shall be a body corporate and shall-

- (a) have perpetual succession and a common seal;
- (b) in its corporate name, be capable of suing and being sued;
- (c) be capable of purchasing or otherwise acquiring and of alienating or disposing of any movable or immovable property;
- (d) have power to lend or borrow any sums of money which it may require for its purposes;
- (e) be capable of entering into contracts; and
- (f) have power to perform all other acts and things which are necessary for the proper performance of its functions or which may be performed under this Act.

Composition of Council **4.**—(1) The Council shall consist of-

- (a) a Chairman who shall be appointed by the President, on the advice of the Minister; and
- (b) not more than nine other members who shall be appointed by the Minister.

(2) The Minister shall appoint members of the Council from amongst persons having the qualifications and pursuant to the procedures set out in the Schedule to this Act.

(3) The provisions of the Schedule shall have effect as to the qualifications and tenure of office of Council members, termination of their appointments, the proceedings of the Council and other matters in relation to the Council and its members.

(4) The Minister may, by notice published in the *Gazette*, amend, vary, alter or replace any or all of the provisions of the Schedule, other than the provisions of paragraph 1.

Powers and
functions of
Council
Act No.
6 of 2021 s. 32

- 5.-(1) The functions of the Council shall be to-
- (a) register and accredit technical and vocational training institutions and centres capable of delivering courses;
 - (b) register technical and vocational teachers and other qualified technicians;
 - (c) assist technical and vocational training institutions and centres in the transmission of knowledge, principles and training in the field of technical and vocational education and training for the benefit of the people of Tanzania;
 - (d) assist technical and vocational training institutions and centres in the overall development of the quality of education they provide and to promote and to maintain approved academic standards;
 - (e) establish and make awards in technical and vocational education and training which are consistent in standard and comparable to related awards in Tanzania and internationally;
 - (f) ensure that the quality of education required for the award is met and maintained throughout the duration of the delivery of the course;
 - (g) assist technical and vocational training institutions and centres in their development by introducing and developing policies and procedures that will allow institutions to attain greater autonomy in the delivery of the courses;
 - (h) advise the Government on the planning and development of technical and vocational education and training including matters relating to manpower planning, staffing, budgetary and capital provision, the efficiency of the sector and the development of the curriculum;
 - (i) review technical and vocational education and training and training policies in the light of changing technologies and economic development;

- (j) accept in partial fulfilment of a course of study leading to the Council's awards such periods of learning and training as it may recognise as being equivalent in outcome to that award;
- (k) co-operate with other bodies and organisations for such purposes as the Council may deem to be appropriate to achieve its objectives;
- (l) advise the Minister on the grant of autonomy to any accredited technical college;
- (m) appoint the members of its Constituent Boards and Committees;
- (n) appoint moderators of its Constituent Boards and Committees;
- (o) receive income and undertake expenditure as may be necessary or appropriate for the discharge of its functions;
- (p) establish zonal offices in various regions within Tanzania for proper performance of its functions and serving the community at large;
- (q) regulate vocational education and training including short tailor-made course programmes and in-service training; and
- (r) introduce any measures and procedures which may be necessary for the furtherance of the objectives of the Council.

(2) The Council shall, in discharging its functions under paragraph (h), of subsection (1), take over the role and functions of the National Training Advisory and Co-ordinating Council (NATTACC) and of the National Management Development Advisory Council (NAMDAC) so far as the technical and vocational training institutions and centres accredited by the Council are concerned.

Grant of
autonomy
Act No.
6 of 2021 s. 33

6.-(1) The Minister may, after consultation with the Council and the parent Ministry having mandate over the institution established under this Act, and by order published in the

Gazette, declare any institution accredited by the Council to be an autonomous institution.

(2) The Council shall, before advising the Minister on the granting of autonomy under subsection (1), consider all relevant matters including academic management, quality control systems, quality assurance procedures, staffing policies and the facilities of the institution.

(3) A technical institution declared autonomous in pursuance of this section shall be entitled to set its own examinations and grant awards or certificates bearing its own emblem.

PART III BOARDS AND COMMITTEES

Boards and
committees

7.-(1) The Council may establish such Boards and approve such committees as may be required to carry out its functions.

(2) The Boards or committees established by the Council under subsection (1) shall exercise powers delegated to them by the Council.

Members of
Boards

8.-(1) In establishing a Board or committee, the Council shall have the power to determine the size and to appoint the members thereof.

(2) Members appointed under subsection (1) shall include-

- (a) three academic members from members of academic staff of technical and vocational training institutions and centres and which have the appropriate subject expertise;
- (b) two subject experts currently employed in a University and who have professional qualifications in the subject areas covered by the Boards; and
- (c) two professionally qualified members from industries or professions directly concerned with the employment of the holder of the Council awards in the subject area of the Board.

(3) Members of the Board shall hold office for a period of three years and shall be eligible for re-appointment.

Functions of
Board

9. The functions of the Board shall be to-

- (a) formulate, develop and renew curricular;
- (b) validate courses for the awards of the Council;
- (c) give guidance to technical and vocational training institutions and centres on the delivery of courses and the elements required to enhance their quality;
- (d) determine the conduct and arrangements for assessment and examination; and
- (e) recognise the Departments within accredited technical and vocational training institutions and centres and to deliver courses leading to the Council's awards.

Appointment of
committees

10.—(1) A Board may, with the approval of the Council, appoint committees to which it may delegate responsibilities for any of its functions.

(2) The membership of a committee may, unless otherwise agreed by the Council, reflect the membership qualifications stated in subsection (2) of section 8 and shall be limited to six members.

(3) The committees shall report their proceedings to the appropriate Board.

PART IV

AWARDS OF THE COUNCIL

Awards

11. The Council shall have the power within the public sector and other interested private sectors to approve curricular, examinations, and awards for autonomous non-university institutions and to conduct and set examinations for other non-autonomous institutions; confer certificates, diplomas, degree, and other related awards to students who have-

- (a) either completed successfully all components of an approved course of the Council; or

- (b) been deemed by the Council on the basis of previous identifiable measurable learning experience to have satisfied some of the elements of the course and have completed and passed the remaining elements.

Consideration for awards

12. In proposing the awards to be conferred under section 11, the Council shall take into account-

- (a) the development of a coherent hierarchy of awards;
- (b) the relationship to awards made by other higher educational institutions and bodies; and
- (c) the advantages of adopting a credit based system.

PART V ADMINISTRATION

Secretariat

13.-(1) There is hereby established a Secretariat of the Council which shall consist of the Secretary and such number of other staff as may be appointed by the Council.

(2) The Secretary shall be the chief executive officer of the Council.

(3) A person appointed Secretary shall hold that office for a period of three years, at the end of which he may be reappointed.

Duties of Secretariat

14.-(1) The duties of the Secretariat shall be to-

- (a) organise and to service meetings of Council and its Boards and committees;
- (b) produce reports and other documents as may be required;
- (c) keep policies, regulations and procedures as agreed by the Council;
- (d) maintain data bases as required;
- (e) keep policies, regulations and procedures as agreed by the Council;
- (f) organise meetings, seminars and courses related to curriculum and staff development; and

(g) undertake such other duties as may be directed by the Council.

(2) The Council shall, for the purpose of maintaining better administration, specify the terms and conditions for all Secretariat staff.

Termination
of members of
Secretariat

15. Notwithstanding the provisions of subsection (2) of section 13, the Council may terminate the appointment of the members of the Secretariat if in its view the duties have not been carried out successfully.

PART VI FINANCIAL PROVISIONS

Funds of Council
Act No.
10 of 2013 s. 36

16. The funds and resources of the Council shall consist of-

- (a) any sum which may be appropriated by Parliament for the purposes of the Council;
- (b) any sum which may be payable to the Council by way of donations, gifts, grants, loans or bequests from any source within or outside the United Republic;
- (c) any sum which may, in any manner, become payable to or vested in the Council as a result of or in the course of discharging functions;
- (d) such funds may be received from the Higher Education Students' Loans Board for purposes of quality assurance of the learning process and standards of institutions within its mandate;
- (e) other fees as may be prescribed by the Council in respect of services rendered to its clients;
- (f) such funds as may be received pursuant to the provisions of the Education Fund Act;
- (g) any fund accruing from Council's investments; and
- (h) any sum which the Council may after consultation with the Minister for finance borrow for the purposes of the Council.

Cap. 412

Annual budget
estimates

17.—(1) At least three months before the commencement of any financial year, the Council shall prepare or cause to be prepared for approval of the Minister, annual estimates of the revenue and expenditure of the Council for the ensuing financial year.

(2) The Council shall consider and approve subject to such modifications and amendments as may consider appropriate, the estimates prepared in accordance with subsection (1).

(3) The annual budget estimates shall contain provisions for all the estimated expenditure during the ensuing financial year and in particular—

- (a) for the payment of salaries, allowances and other charges in respect of the staff, and of members of the Council, Boards and committee;
- (b) for the payment of construction, improvement, maintenance and replacement of any building or other immovable property of the Council; and
- (c) for the proper maintenance and replacement of the furniture, equipment and other supplies of the Council.

(4) Expenditure shall not be incurred for the purposes of the Council except in accordance with the provisions of the annual budget estimates or any supplementary estimates approved by the Council.

(5) A copy of the annual estimates and of every supplementary estimates if any, shall immediately after approval, be forwarded to the Minister.

Investments of
Council

18. The Council with the approval of the Minister shall have power to invest the funds of the Council in such investments and subject to such conditions as prescribed by the Trustee Investments Act, in relation to investment of funds by trustees.

Cap. 53

Accounts and
audit

19.—(1) The Council shall cause to be provided and kept proper books of accounts and records with respect to the receipt and expenditure of money by, and other financial transactions of the Council and assets and liabilities of the Council, and shall

cause to be made out for every financial year a balance sheet and statement of income and expenditure.

(2) Within three months after the close of each financial year, the accounts, shall be submitted for auditing to the Controller and Auditor General.

(3) As soon as the accounts of the Council 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 auditor on the statement of accounts.

Report to be laid
before National
Assembly

20. The Minister shall as soon as practicable after receiving the report, lay it before the National Assembly together with a report containing-

- (a) a copy of the audited accounts of the Council;
- (b) a copy of the audit report, on the account; and
- (c) a report on the activities of the Council in the preceding financial year.

PART VII

MISCELLANEOUS PROVISIONS

Fees and
allowances

21. With the consent of the Minister, the Council may issue directions prescribing fees and allowances payable to the members of the Council, Boards and committees.

Directions

22. The Minister may give to the Council directions of a general or specific character which directions shall be consistent with the purposes and provisions of this Act, as to the performance by the Council of any of its functions under this Act and the Council shall give effect to every such direction given by the Minister.

Protection of
members

23. A member of the Council or its Boards and committees shall not be personally liable for anything done or omitted *bona fide* in the execution or purported execution of any duty as a member of the Council or of any of its Boards or committees.

Construction of
NACTE in any
written laws
Act No.
6 of 2021 s. 34

24. Unless the context otherwise requires, any reference in any written law to “National Council for Technical Education” or by its acronym “NACTE” shall be construed as reference to “National Council for Technical and Vocational Education and Training” or by its acronym “NACTVET”.

[s. 23A]

General penalty
Act No.
6 of 2021 s. 34

25. A person who commits an offence under this Act in respect of which no penalty has been specifically provided on conviction shall be liable to a fine of not less than five hundred thousand shillings but not exceeding three million shillings or to imprisonment for a term of not less than six months but not exceeding three years or to both.

[s. 23B]

Regulations
Act No.
6 of 2021 s. 35

26.—(1) With the approval of the Minister, the Council may make regulations for the better carrying out of the purposes and provisions of this Act and without prejudice to the generality of this subsection—

- (a) prescribing procedures for registration of technical and vocational training institutions and centres, qualified technicians and qualified technical and vocational teachers;
- (b) fixing the fees, rates and other charges for or in connection with the provision by the Council of any facilities or services;
- (c) providing for the proper management and control of administration of the Council;
- (d) providing for and regulating discipline amongst staff and disciplinary action against them;
- (e) prescribing procedures for validation and periodic review of courses;
- (f) setting down guidelines regarding staff development, quality control and quality assurance;
- (g) prescribing conditions and terms to be observed by technical and vocational training institutions and centres;

- (h) regulating assessment of courses and students;
 - (i) prescribing the procedure for appointment of moderators;
 - (j) drawing up, procedures and guideline for accreditation and recognition of technical and vocational training institutions and centres and their departments;
 - (k) prescribing procedures for operating autonomous technical and vocational training institutions and centres;
 - (l) prescribing procedures for running vocational education and training short courses;
 - (m) prescribing procedures for recognition of prior learning; and
 - (n) providing for any matter which may be prescribed under this Act.
- (2) Regulations made under this section shall be published in the *Gazette*.

[s. 24]

SCHEDULE

(Made under section 4(3))

CONSTITUTION AND PROCEEDINGS OF THE COUNCIL

Members of
Council
Act No.
10 of 2013 s. 37

- 1.-(1) Members of the Council shall include-
- (a) not more than two members from among Ministries employing holders of the Council's awards;
 - (b) two members nominated by technical and vocational training institutions and centres who are practising or teaching members of one of the professions convened by the Council;
 - (c) one member nominated by the Tanzania Commission for Universities;
 - (d) one member nominated by the Vocational Education and Training Authority;
 - (e) one member nominated by appropriate professional bodies;
 - (f) one representative of non-governmental organisations; and
 - (g) one member from among major employers.

(2) The appointment referred under subparagraphs (a) to (g) shall be confirmed by the Minister after receiving the nominations from the appropriate bodies.

(3) The Minister shall, in determining the membership to the Council, ensure that women form one third of the total membership of the Council.

Tenure of office

2.-(1) Members appointed under paragraph 1 of the Schedule shall hold office for a period of three years and shall be eligible for re-appointment.

(2) Notwithstanding subparagraph (1) of this paragraph, a member may resign at any time by giving notice in writing to the appointing authority and from the date specified in the notice, if no date is so specified, from the date of the receipt of the notice by the appointing authority the member shall cease to be a member.

(3) A person who is a member by virtue of his holding some other office, shall cease to be a member upon his ceasing to hold the office by virtue of which he is a member.

Temporary member

3. Where any member other than the Chairman is by reason of illness, absence from the United Republic or any other sufficient cause unable to perform his duties, as a member, the appointing authority may appoint a temporary member in his place and the temporary member shall cease to hold office upon resumption of office of the substantive member.

Meetings of Council

4.-(1) Subject to any general or specific direction by the Minister, the Council shall meet not less than four times annually and at such additional times as may be fixed by the Chairman.

(2) The Chairman or in his absence the Vice-Chairman who shall be elected by the Council shall preside at every meeting of the Council.

(3) The Chairman or in his absence, the Vice-Chairman presiding at any meeting of the Council may invite not more than three co-opted members for specified periods of tenure to participate in the deliberations of the Council, but any person so invited shall not be entitled to vote.

Procedure

5.-(1) One half of the total number of members shall form a quorum for a meeting of the Council.

(2) At any meeting of the Council, the decision of the majority of the members present and voting shall be a decision of the Council and in the event of an equality of votes, the person presiding over at the meeting shall have a casting vote in addition to his deliberative vote.

(3) The Council may act notwithstanding any vacancy in its membership.

(4) Subject to the provisions of this section the Council may regulate its own procedure.

Minutes of meeting	6. Minutes in proper form of each meeting of the Council shall be kept by the Secretary and shall be confirmed by the Council at the next meeting and signed by the Chairman of the meeting.
Official seal of Council	7. —(1) The official seal of the Council shall be of such shape, size and form as the Council may determine. (2) The official seal of the Council shall not be affixed to any instrument or document except in the presence of the Chairman or such other member of the Council as the Chairman may appoint in that behalf.
Execution of documents	8. All regulations, appointments, instruments or documents made, issued or executed by or on behalf of the Council shall be sealed with the official seal of the Council and be signed by— (a) the Chairman; (b) the Executive Secretary; or (c) any other member of the Council or employee of the Council authorised in writing in that behalf by the Council.
Proceedings not invalidated by irregularity	9. An act or proceeding of the Council shall not be invalid by reason of any defect or irregularity in the appointment of any member or by reason that any person who purported <i>bona fide</i> to act as a member at the time of the act or proceeding was in fact disqualified or not entitled to act as a member.
Absence from meetings	10. Where a member absents himself from three consecutive meetings of the Council without sufficient cause, the Council shall advise the appointing authority of the fact and the appointing authority may terminate the appointment of the member and appoint another member in his place.
Council to regulate its own proceedings	11. Subject to the provisions of this Schedule, the Council shall have power to regulate its own proceedings.

