THE HIGHER EDUCATION STUDENT'S LOANS BOARD ACT, 2004

ARRANGEMENT OF SECTIONS

Section *Title*

PART I
PRELIMINARY PROVISIONS

1. Short title and commencement
2. Application
3. Interpretation

PART II
ESTABLISHMENT OF THE BOARD

4. Establishment of the Board
5. Composition of the Board
6. Functions of the Board

PART III
POWERS OF THE BOARD

7. Powers of the Board
8. Committees of the Board
9. Delegation of powers of the Board
10. Executive Director
11. Procedure for appointment of Executive Director
12. Functions of the Executive Director
13. Appointment of Directors
14. Appointment of other staff of the Board
15. Disciplinary Authority

PART IV

OBLIGATIONS, ELIGIBILITY AND LIABILITY

16. Provision of students' Loans
17. Eligibility for assistance
18. Conditions for grant of loans
19. Liability and obligation of the loan beneficiary
19A. Failure to repay the loan
20. Responsibility of an employer
21. Penalty for delayed remittance
22. Obligation of other persons
23. Consequence for non compliance
24. Proceedings for offences

PART V

FINANCIAL PROVISIONS

25. Funds and resources of the Board
26. Annual estimates
27. Accounts and audit
28. Laying of reports before the National Assembly

PART VI

MISCELLANEOUS PROVISIONS

29. Exemption
30. Remuneration of members of the Board
31. Indemnity for bonafide acts
32. Directions of the Minister
33. Regulations

SCHEDULE

THE UNITED REPUBLIC OF TANZANIA



No. 9 OF 2004

I ASSENT,

Benjamin W. Mkapa

President

4th June, 2004.

An Act to provide for the establishment of the Board and for the Administration, granting, repayment and recovery of Higher Education Students' Loans and for other matters related thereto.

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Higher Education Students' Loans Board Act, 2004 and shall come into operation on such date as the Minister may, by notice published in the *Gazette,* appoint.

Short title and commencement

Application

2. This Act shall apply to Mainland Tanzania as well as Tanzania Zanzibar.

Interpretation

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

"accredited institutions" means institutions which are licenced to offer courses which lead to attainment of Degrees and, or Advanced Diplomas;

"beneficiary" means a student who has been granted a loan under this Act;

"Board" means the Board established under section 4;

"Committee" means any committee of the Board established under section 8;

"Director" means an officer of the Board appointed under section 13;

"Executive Director" means the chief executive officer of the Board appointed under section 10;

"Higher Education" means the education provided at the level of Degrees and, or Advanced Diplomas;

"liabilities" means liabilities, debts, charges and obligations of every description, whether present or future, actual or contingent and whether payable or to be observed or performed in the United Republic or elsewhere;

"loan" means the Government Students' Loan granted under this Act;

"member" means a member of the Board;

"Minister" means the Minister responsible for Higher Education;

"Ministry" means the Ministry responsible for Higher Education;

"repeating student" means a student who for any reason is compelled to repeat the previous academic year;

"student" means any person admitted to a Higher Education institution as a candidate for a degree, or advanced diploma;

"supplementing student" means a student who sits for supplementary examination;

"Tanzanian students" includes students who are citizens of the United Republic or who are residents of and have been accorded by competent authority rights and privileges similar to those enjoyed by the citizens of the United Republic in accordance with the provisions of any written law applicable in the United Republic.

PART II

ESTABLISHMENT OF THE BOARD

Establishment of the Board

4.-(1) There shall be established a Board to be known as the Higher Education Student's Loans Board.

(2) The Board shall -

(a) be a body corporate with perpetual succession and a common seal;

(b) in its corporate name, be capable of suing and being sued;

(c) be capable of purchasing or acquiring and managing in any manner and alienating any movable and immovable property;

(d) be capable of entering into any contract or agreement and doing all such other things or acts for the proper performance of its functions under the provisions of this Act, which may lawfully be done or performed by a body corporate.

Composition of the Board

5.-(1) The Board established under section 4, shall consists of not less than nine and not more than fourteen members appointed by the Minister as follows -

(a) a Chairman;

(b) the Director of Higher Education;

(c) one member representing the Ministry responsible for Education in the Revolutionary Government of Zanzibar;

(d) one member from the Treasury;

(e) The Director of Technical Education;

(f) a legally qualified member from the Attorney-General's Chambers;

(g) one member representing the employers' association of Tanzania;

(h) one member from the Financial Institution;

(i) one member nominated by an organ representing public higher education institutions;

(j) one member nominated by an organ representing private higher education institution; and

(k) one member representing the Ministry of Education and Culture;

(l) one member representing the ministry responsible for finance in the Revolutionary Government of Zanzibar;

(m) one student representing public High Education Institutions; and

(n) one student representing private Higher Education Institutions.

(2) Except for the Chairman, all members of the Board shall be appointed by the Minister following upon their nomination or election by persons or institutions whom they each are to represent in the Board:

Provided that, the Minister shall in appointing members of the Board under this section, ensure that at least one third of the members of the Board consists of women.

(3) The provisions of the Schedule to this Act shall have effect as to the tenure of office of members termination of their appointment, the proceedings of the Board and other matters relating to the Board and its members.

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

(5) The Minister may appoint a person to be a member of the Board who in his opinion, has such technical qualifications or experience by virtue of his involvement in the higher education, commerce, finance, public service or administration as would enable that person to make a useful contribution to the deliberations of the Board.

Functions of the Board

6. The functions of the Board shall be-

(a) to assume responsibility for the control and management of any loans funds as vested in the Board under this Act;

(b) to formulate the Mechanism for determining eligible students for payment of loans under the Act;

(c) to administer and supervise the whole process of payment and repayment of loans;

(d) to keep the register and other records of students loan beneficiaries under the Board.

(e) to advise the Minister on matters of policy and of the law concerning provisions and recovery of loans to students under this Act;

(f) to establish operational links between the Board and higher education institutions with student loan beneficiaries for facilitating a smooth, efficient and effective administration of the loans funds;

(g) to establish operational link with employers of loan beneficiaries for the purpose of facilitating the recovery of the loans granted under this Act;

(h) to establish net-working and cooperation links on a mutually beneficial basis with institutions and organizations, be they governmental or non- governmental, local, foreign, or international;

(i) to conduct research and maintain a databank on other local and external scholarships, sponsorships and awards that may be accessed by Tanzania students in need or in search of opportunities and financial sponsorship or assistance for higher education and or training;

(j) to ensure the overall efficient and effective implementation of the provisions of this Act and of any such other written law concerning Government loans; and

(k) to perform such other functions as are conferred upon the Board by or under this Act or any other written laws.

PART III

POWERS OF THE BOARD

Powers of the Board

7. –(1) Without prejudice to section 6, the Board shall have powers -

(a) to administer both movable and immovable property of the Board;

(b) to administer the funds, investments and assets of the Board and in particular the funds allocated under the Government Budget or otherwise available for loans to students;

(c) to borrow money for any purpose deemed fit by the Board and, subject to any law in relation to investment of funds by a trustee, to invest in land and or Government securities such funds as may be vested in it and which may not be immediately required for current expenditure;

(d) to signify the acts of the Board by use of the official seal in the manner provided for under the Schedule;

(e) on behalf of the Board to demand and receive such fees for services rendered by the officers and other employees of the Board.

(f) to receive and consider all students loan applications from eligible students wishing to be considered for the award of loans;

(g) to grant loan moneys to students who have been granted such loan in accordance with the provisions of the Act or regulations made hereunder or in furtherance thereof;

(h) to determine other criteria and conditions governing the granting of students loan including the rate of interest and recovery of loans;

(i) to determine the maximum number of eligible students to be granted loans in any one particular year;

(j) to recover all loan moneys owed by former student loan beneficiaries since July 1994 under the Student Loan from or with the assistance of their respective employers or otherwise in accordance with the provisions of this Act and regulations made there under;

(k) to appoint, settle the terms and conditions of service or terminate the appointment of such employees of the Board as it is empowered to appoint under this Act as it may deem necessary;

(l) to decide and or recommend conditions of service and employment packages for the employees and or the officers of the Board and to approve or, as the case may be, recommend staff establishment and staff development plans prepared by management within the financial resources of the Board;

(m) to establish divisions or sub-divisions or disestablish any one of them and give them any such designation or designations as it may deem fit;

(n) to make arrangements or provisions for health, pension, superannuation and or other terminal benefits for its officers or other employees in accordance with any written law applicable to public servants;

(o) to consider and approve the annual budget submitted by the management and monitor and review financial statements,

ments, authorize major expenditure and appoint independent auditors for the Board;

(p) to formulate and implement the Board financial policies;

(q) to enter into contracts or memoranda of understanding with the Ministry, individuals and other organizations or institutions, establish such trusts and appoint such trustees, agents and independent contractors as may be required by the Board in the proper or better performance of its functions;

(r) to establish committees as it may consider necessary to fulfill its responsibilities;

(s) to keep under constant review and propose new or amended arrangements, forms and regulations regarding the administration, granting and recovering of student loans in accordance with the provisions of this Act;

(t) to make recommendations to the Minister for his approval of allowances for Board and or any of its committee members; and

(u) to do, such acts or things provided for in this Act which may in the opinion of the Board be necessary for the proper carrying out of the functions of the Board.

Committees of the Board

8. The Board shall for the purpose of efficient performance of its functions and by resolution in writing, appoint not more than three committees to perform functions as may be directed by the Board.

Delegation of powers of the Board

9.-(1) The Board may, subject to such terms, conditions and restrictions as it may specify, delegate to any Committee of the Board or to any employee of the Board, some of its functions, powers or duties conferred or imposed by or under this Act on the Board and where any delegation is so made, the delegated function, power or duty may be performed or exercised by the delegate subject to the term, conditions and restrictions specified by the Board.

(2). A delegation under sub-section (1) may be made to the holder of an office of the Board specifying the office but without naming the holder, and in every case where a delegation is so made each successive holder of the office in question and each person who occupies or performs the duties of that office may, without any further authority, perform or exercise the delegated function, power or duty in accordance with the delegation made by the Board.

(3) A delegation made under this section may be published in the *Gazette,* and upon its being so published shall be judicially noticed and shall be presumed to be in force unless the contrary is proved.

(4) No delegation made under this section shall prevent the Board from itself performing or exercising the function, power or duty delegated.

(5) Notwithstanding the foregoing provisions, the Board shall not have power to delegate -

(a) its power of delegation; or

(b) the power to approve the annual budget or any supplementary budget, annual balance sheet or any statement of accounts.

Executive Director

10.–(1) There shall be an Executive Director of the Board who shall be appointed by the Minister from amongst persons who possess qualifications, experience and competence to manage efficiently and effectively the affairs of the Board.

(2) The terms and conditions of service of the Executive Director shall be as may be specified by the Board in the instrument of appointment.

Procedure for appointment of Executive Director

11.–(1) For the purpose of nominating the best candidate for appointment under section 10, a Committee of the Board appointed for that purpose shall submit to the Board a short list of candidates who applied for that office under an open and competitive system together with an objective assessment of the suitability of each candidate and the Board shall, from that shortlist, recommend to the Minister for appointment of one of the candidates to be the Executive Director.

(2) The Executive Director shall hold office for four years and shall be eligible for re-appointment subject to his satisfactory performance.

(3) The Minister may on the recommendation of the Board terminate the appointment of the Executive Director for-

(a) misconduct;

(b) failure or inability to perform the functions of his office arising from infirmity of body or mind; or

(c) incompetence.

Functions of the Executive Director

12.–(1) The Executive Director shall be the chief executive officer of the Board and shall exercise any other functions as the Board may consider necessary to delegate to him.

(2) Without prejudice to the generality of the foregoing and subject to any directions given by the Board, the Executive Director shall have power -

(a) to exercise supervision and control over acts and proceedings of all officers, staff and other employees of the Board; and

(b) subject to any restrictions that may be imposed by the Board under sub-section (2) of section 14, to dispose of all questions relating to the terms and conditions of service of the staff of the Board.

(3) In the exercise of the powers vested in him or delegated to him by the Board, the Executive Director, shall comply with any direction of policy or of a general nature given to him by the Board; and shall not, without the prior approval of the Board, depart or permit departure from the approved establishment of the Board or normal procedures for dealing with any particular matter.

(4) The Executive Director shall be the Secretary to the Board.

Appointment of Directors

13.-(1) The Board shall appoint such number of Directors who shall assist the Executive Director in the performance of functions under this Act.

(2) The provisions of sections 10 and 11 shall apply mutatis mutandis to the respective affairs covered thereby in relation to Directors

Appointment of other staff of the Board

14.–(1) Subject to the provisions of this Act, the Board may, from time to time, appoint at such salaries and upon such terms and conditions as it may consider fit, the staff and other employees of the Board as the Board may consider necessary for the proper and efficient conduct of the business and activities of the Board.

(2) The terms and conditions of service, including tenure and the functions or duties of the staff of the Board appointed under subsection

(1), may be spelt out in their respective letters of appointment and or under the Regulations made by the Minister in that behalf, upon recommendation of the Board.

Disciplinary Authority

15.–(1) The Board shall be the disciplinary authority, and the Minister shall be the final appellate authority in relation to the Executive Director and other Directors;

(2) The Executive Director shall be the disciplinary authority and the Board shall be the final appellate authority in relation to the staff of the Board.

PART IV

OBLIGATIONS, ELIGIBILITY AND LIABILITY

Provision of students' loans

16.---(1) Subject to the provisions of this Act, the Board shall provide, on a loan basis, financial assistance to any eligible student who is in need of and has applied for such assistance as is required to meet all or any number of the students' welfare costs of Higher Education.

(2) The financial assistance under subsection (1) may cover-

(a) meals and accommodation charges;

(b) books and stationery expenses and special faculty requirements;

(c) field practical work expenses;

(d) research expenses; and

(e) tuition fees:

Eligibility for assistance

17.–(1) Subject to the provisions of this Part, a student shall be eligible for consideration for a loan under this Act if -

(a) he is a Tanzanian student;

(b) he has been admitted to an Accredited Institution;

(c) he has made a written application in the prescribed form in which shall be included, inter alia, the names of the applicant, the applicant's parents or guardian and or of the applicant's guarantor and which when approved by the Board shall form the basis of the loan contract, to be known as the Student Loan Agreement, between the applicant of the one part and the Government of the other part;

(d) he is a person who has no financial assistance from any other source or sources to cover the item or items of cost for which the application is made;

(e) he is a continuing student applicant, who has passed the examinations necessary to enable him to advance to the following year or stage of study.

(2) The Board shall provide financial assistance to supplementing or repeating students upon such terms and conditions as the Board may determine.

Conditions for grant of loans

18.–(1) The Board shall in granting loan to eligible student, impose conditions, demand security and require repayment in installments at such times within such periods as the Board may determine.

(2) In granting a loan to any student, the Board shall require a guarantor or guarantors to guarantee any loan granted to a student, in case of any default by the student in the repayment of the loan, any guarantor who has guaranteed any such loan shall automatically and fully be liable to pay to the Board all or any loan together with interest accrued and outstanding owed to the Board by the student as shall be notified to the guarantor or guarantors by the Board.

(3) Where a guarantor who has been notified by the Board under subsection (2), fails or refuses to repay such loan together with any interest accrued thereon, the guarantor shall be liable to civil proceedings.

Liability and obligations of the loan beneficiary

19.–(1) It shall be the duty of every loan beneficiary under this Act to repay his debt to the Government through the Board.

(2) The debt that a loan beneficiary shall be liable to repay to the Government under sub-section (1), shall be the total sum of money-

(a) calculated on the basis of prescribed application forms issued to him by the Board as the loan beneficiary shall have freely signed and submitted to the Board personally or through a third party duly authorized by him under a letter of authority authenticated by him by signature; and

(b) which shall be established as a fact by the Board as having been received by him personally and or through his bank account:

repayment of the debt in accordance with the provisions of any written law or with the order of a court of competent jurisdiction.

(3) Any loan beneficiary who, pursues his studies abroad shall, upon his admission for studies abroad, enter into arrangements with the Board upon his admission for studies on the mechanism of repaying the loan:

(4) Any loan beneficiary who, secures employment with an employer on contract or permanent terms upon successful or unsuccessful completion of the studies for which the loan was granted or upon earlier termination of such studies for any reason or cause whatsoever shall-

(a) arrange with the employer for monthly deductions from his salary of such amount as the Minister may by Regulations prescribe for remittance to the Board for a period not exceeding ten years.

(b) ensure that payment of such monthly deductions by the employer are remitted to the Board from the date such remittance is due to start and that the relevant documents bear the name of the loan beneficiary and his Student Loan Number;

(c) inform the Board in writing of:-

(i) the name, address and telephone numbers of the employer and any subsequent employer or employers and the arrangements made with the employer in accordance with the provisions of paragraphs (a) and (b) of this sub-section;

(ii) the current address of the loan beneficiary and any subsequent change of address until settlement or payment of the final installment of the outstanding debt, including interest, if any; and

(d) do any other thing as may be prescribed under relevant Regulations made by the Minister in accordance with the provisions of this Part.

(5) Any loan beneficiary who engages in self-employment in any trade, occupation or profession under licence as required by any written law upon completion of the studies for which the loan was granted or

upon earlier termination of such studies for any reason or cause whatsoever shall, starting not later than twelve months after such completion or earlier termination and or engaging in such gainful self-employment under licence-

(a) make monthly remittance to the Board of such amounts of money as the Minister shall, by Regulations prescribe;

(b) ensure that the remittance of such monthly amounts is made to the Board bearing the correct name, address and the Student Loan Number;

(c) inform the Board and the Ministry of his current postal and physical occupational and residential addresses and, if any, telephone numbers and any subsequent changes thereof; and

(d) do any other thing as may be prescribed under general regulations made by the Minister in accordance with the provisions of this Part.

(6) The provisions of sub-section (5) shall apply, *mutatis mutandis,* to any loan beneficiary who is in the employment of a foreign government, an international organization, company, agency or association of whatsoever description or any foreigner, as the case may be.

(7) For the purpose of subsection (6), the expression -

(i) "foreign government" includes any government, other than the Government of the United Republic and the Revolutionary Government of Zanzibar, an Embassy, High Commission, or resident representative of a foreign government;

(ii) "foreign company, agency or association" includes any company, agency or association not incorporated and or registered in Tanzania under Tanzanian law;

(iii) "international organization" includes organizations within the United Nations Organization;

Failure to repay the loan

19A. Any beneficiary who, without good cause fails to repay the loan shall be liable to civil proceedings.

Responsibility of an employer

20. –(1) It shall be the duty of the employer of any loan beneficiary when so required by the Board to-

(a) notify the Board of the employment of the loan beneficiary within the period as may be prescribed;

(b) ensure that the employee arranges with him (employer) for the monthly deduction and remittance of repayment installments to the Board in accordance with the provisions of this Act.

(c) inform in writing, the Board the status or rank and salary and the changes, if any, in the name, address, occupation and or status or rank and salary of the employee who is a loan beneficiary.

(2) The employer shall pay every deduction from the loan beneficiary's wages or remuneration in the prescribed manner to the Board within fifteen days after the end of each month.

Penalty for delayed remittance

21.-(1) Where an employer fails to deduct or after deducting any loan repayment from a loan beneficiary does not pay such deductions to the Board within the prescribed period a sum of equal to ten percent of the total amount of the repayment shall be charged on the employer for each month that the repayment remains unpaid.

(2) Where an employer fails without reasonable excuse to notify the Board that he has in his employment a students loan beneficiary within a specified period, that employer commits an offence and is liable on conviction to a fine of not less than one million shillings.

Obligation of other persons

22. It shall be the duty of the parent, guardian or any other person who is the guarantor of the loan beneficiary under the Student Loan Agreement to ensure that-

(a) the Board is informed of the current address and occupation of the loan beneficiary and the name, postal and physical address of the current and any subsequent employer of the loan beneficiary;

(b) all payments in respect of the debt for which the loan beneficiary is liable to repay and remittances thereof by the employer of the loan beneficiary are duly made in accordance with the provisions of this Act;

(c) give the information and do any other thing or things required to be given or done by the loan beneficiary under the provisions of this Act.

Consequence for non-compliance

23.-(1) Any person who -

(a) does or omits to do any act or thing contrary to the provisions of this Part or the Regulations made in accordance therewith; or

(b) knowingly or recklessly supplies false information in relation thereto,

commits an offence and is liable, on conviction to a fine of not exceeding one million five hundred thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment:

Provided that, the punitive provisions of this sub-section shall not apply to a parent, guardian or any other person who is a guarantor of the loan beneficiary or, as the case may be, an employer required to comply with the provisions of section 22 if the doing or omitting to do of any act or thing contrary to what is provided for under the sub-section or any Regulations made in that behalf is due to non-cooperation of the loan beneficiary employee.

(2) The Government may for the purpose of repayment of loan have the right to-

(a) enforce the debt, incurred by any loan beneficiary in accordance with the law of the country governing civil actions.

(b) request host Governments of non-returning loan beneficiaries in whatever category of employment or otherwise, to repatriate them at the loan beneficiary's own expense; and

(c) add any expenses incurred by the Government on travel and other necessary costs of a repatriated non-returning loan beneficiary to the amount loaned to him.

Proceedings for offences

24.-(1) Proceedings for offences under this Act may be commenced any time within the period of twelve months from the date on which evidence sufficient in the opinion of the Board to justify a prosecution for the offence comes to the knowledge of the Board.

(2) The Court before whom any person is convicted of an offence under this Act, shall without prejudice to any civil remedy, order such person to pay to the Board as the case may be the amount of any outstanding loan repayments and interest or any other sum, together

with any penalty thereon found to be due from such person to the Board.

(3) All sums recovered by legal proceedings in respect of sums which should have been but were not paid to the Board shall be so paid to the Board.

(4) In any proceedings under this Act, a copy of any entry in the accounts of or any extract from the records or register of the Board shall, if stated to be a true copy by a certificate purporting to be signed by the Secretary to the Board or a person authorized by him, be received in evidence as primaficie evidence of the truth of the contents thereof.

PART V

FINANCIAL PROVISIONS

Funds and resources of the Board

25. The funds and resources of the Board shall consist of-

(a) such sums as may be provided for the purposes of the Board by Parliament;

(b) any funds or assets which may vest in or accrue to the Board from other sources by way of fees, grants, gifts or any other way;

(c) money received by the Board for goods or services rendered by the Board;

(d) any sums which the Board may borrow for the purposes of the Board; and

(e) any sums or property which may in any manner become payable to or vest in the Board.

Annual estimates

26.-(1) At least three months before the commencement of each financial year, the Executive Director shall prepare or cause to be prepared for the approval of the Board, annual estimates of the revenue and expenditure of the Board for the ensuing financial year.

(2) The Board shall, before the commencement of each financial year, consider and approve, subject to such modifications and amendments as it may consider appropriate, the estimates prepared in accordance with sub-section (1).

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

(a) the disbursement of loans to student loan beneficiaries;

(b) the payment of salaries, allowances, travel and other charges in respect of the officers, staff and other employees of the Board;

(c) the payment of costs of materials, equipment and other charges in respect of services, and, if applicable, training and consultancy;

(d) the payment of allowances, fees and expenses in respect of members of the Board and any other person as it may deem necessary and appropriate;

(e) the improvement and maintenance of any building or other immovable properties of the Board;

(f) the proper maintenance and replacement of the furniture and equipment of the Board;

(g) the creation of such reserve fund to meet future contingent liabilities as the Board may think fit.

(4) No expenditure of the Board shall be incurred except in accordance with the provisions of the annual estimates or in accordance with the provisions of any supplementary estimates approved by the Board.

(5) A copy of the annual estimates and every supplementary estimates, if any, shall immediately upon the approval of such annual estimates or, as the case may be, the supplementary estimates, by the Board, be forwarded to the Minister.

Accounts and audit

27.-(1) The Board shall cause to be kept proper books of accounts and shall, within and not later than six months, after the end of each financial year cause to be prepared-

(a) a statement of income and expenditure during such financial year;

(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 a recognized auditors as may be appointed by the Board; and

(c) such other statements as may be required.

(2) Copies of the statement referred to in sub-section (1) and a copy of the auditor's report, if any, shall be submitted to the Minister together with a report on the activities of the Board during the financial year.

Laying of reports before National Assembly

28. The Minister shall cause to be laid before the National Assembly as soon as may be practicable, and in any case not later than twelve months after the close of each financial year, the following-

(a) copies of the statement referred to in paragraph (a) of sub-section (1) of section 27;

(b) a copy of the auditor's report; and

(c) a copy of the Board's report.

PART VI

Miscellaneous Provisions

Exemptions

29.-(1) Notwithstanding the provisions of this Act, in any case where the Board is of the opinion that a loan beneficiary should be exempt from repaying his loan by reason of -

(a) death;

(b) impossibility or undue difficulty, or the expenses to be incurred in the recovery of the loan being in excess of the amount sought to be recovered;

there upon the liability of the loan shall be extinguished or deemed to be abandoned.

(2) The Minister may, by notice published in the *Gazette* exempt any class of persons from all or any of the provisions of this Act, where in his opinion it is in the public interest to do so.

Remuneration of members of the Board

30. The members of the Board shall be entitled to such remuneration, fees or allowances for expenses as the Minister may, upon the recommendation of the Board, prescribe from time to time.

Indemnity for bonafide acts

31. No matter or thing done by any member of the Board or its committee or of the Board shall if done bonafide in the execution or purported execution of the functions of the Board, committee or Board as the case may be, render such member or employee personally liable for such matter or thing.

Directions of the Minister.

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

Regulations

33.-(1) The Minister may, upon the advice of the Board make regulations for the better carrying out of the purposes and provisions of this Act.

(2) Without prejudice to the generality of sub-section (1), the Minister may make regulations-

(a) prescribing the conditions and terms upon which any specified services or categories of services within the scope of the powers, functions and duties of the Board shall be provided to applicants for student loans, student loan beneficiaries and other relevant persons;

(b) fixing, where applicable, the fees, rates and other charges for or in connection with the provision by the Board of any facilities or services;

(c) prescribing various procedural matters and forms to be used under this Act;

(d) providing for the proper management, control and administration of the Board;

(e) prescribing the establishment, functions and procedures of the committees of the Board;

(f) providing for and regulating discipline and disciplinary proceedings for the staff of the Board;

(g) prescribing procedures for recovery of loans under paragraph (j) of subsection (1) of section 7;

(h) prescribing anything which may be prescribed under this Act; and

(i) providing for any matter which, in the opinion of the Board, is necessary to provide for the efficient performance of the functions of the Board.

(3) The Regulations made under this Act shall be published in the *Gazette.*

SCHEDULE

(Made under section 5)

PROVISIONS RELATING TO THE BOARD

Tenure of office of the Chairman

1. The Chairman of the Board shall hold office for a period of four years from the date of his appointment and shall be eligible for re-appointment.

Tenure of the office of other members

2.–(1) A member of the Board other than a Chairman shall, unless his appointment is sooner terminated by the appointing or nominating authority or he otherwise ceases to be a member, hold office for a term of three years from the date of his appointment and shall be eligible for re-appointment.

(2) In the case of a member who, is a member of the Board by virtue of holding a certain office, that member shall cease to be a member upon his ceasing to hold that office.

(3) Any member of the Board may at any time resign by giving notice in writing to the Minister and from the date specified in the notice or, if no date is so specified, from the date of receipt of the notice by the Minister, he shall cease to be a member.

Vice Chairman

3. The members of the Board shall elect one of their number to be the Vice-Chairman the Board and any member so elected shall, subject to his continuing to be a member, hold office for a term of one year from the date of his election and shall be eligible for re-election.

Meetings

4.-(1) The Board shall meet at least once in every six months and may meet as often as there is sufficient business to transact and at such times and such places as the Board shall determine

(2) An ordinary meeting of the Board shall be convened by the Chairman of the Board and the notice specifying the place, date and time of the meeting shall be sent to each member at his usual place of business or residence not less than fourteen days before the date of such meeting:

Provided that, where the Chairman is unable to act by reason of illness, absence from Tanzania or other sufficient cause, the Vice-Chairman may convene such meeting.

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

(4) The Chairman or, in his absence, the Vice-Chairman, may on his own motion, and shall, if requested in writing in that behalf by at least one third of the members convene extra-ordinary meeting of the Board and a notice of not less than seven days shall be given to all members of the Board in the manner prescribed in sub-paragraph (2).

(5) The Chairman, the Vice-Chairman or other person presiding at any meeting of the Board may invite any person who is not a member to participate in the deliberations of the Board but any person so invited shall have no right to vote at the meeting.

(6) The Board may transact business notwithstanding any vacancy in its membership.

Minutes of the Meeting

6. Minutes, in proper form, of each meeting of the Board shall be recorded, kept and read and confirmed or amended and confirmed by the Board at its next meeting and signed by the person presiding at the meeting, and the secretary.

Quorum

7. The quorum at any meeting of the Board shall be two thirds of the members for the time being in office.

Decision of the Board

8. –(1) All acts, matters and things to be done by the Board shall be decided by a simple majority of the members present and voting.

(2) Each member of the Board shall have one vote and in the event of equality of votes, the Chairman of the meeting shall have a casting vote in addition to his normal or deliberative vote.

(3) Notwithstanding the provisions of sub-paragraph (2), a decision of the Board may be made by the Board, without it meeting, by circulation of relevant papers among the members and the expression in writing of similar views by the majority of the Members shall constitute the decision of the Board:

Provided that, a Member may require that, notwithstanding the Members signature the matter be brought at the following meeting of the Board.

Defect in appointment not to invalidate proceedings

9. Subject to the provisions of paragraph 7 relating to quorum, the Board may act notwithstanding any vacancy in the membership thereof and no act or proceedings of the Board shall be invalid by reason only of any such vacancy or some defect in the appointment of a person who purports to be a member.

Absence from the meetings

10. Where any Member absents himself from three consecutive meetings of the Board without sufficient cause, the Board shall advise the appointing authority of the fact and the appointing authority may revoke the appointment of the Member and appoint another Member in his place.

Use of Official seal of the Board

11. –(1) There shall be an official seal of the Board which shall be of such shape, size and form as the Board may determine.

(2) The official seal of the Board shall not be affixed to any instrument or document made, issued or executed by or on behalf of the Board or the Board except in the presence of the Chairman or Vice-Chairman, the Secretary or such other member of the Board or other employee of the Board as the Board may appoint in that behalf.

Execution of documents

12. All rulings, resolutions, declarations or other documents made, issued or executed by or on behalf of the Board or the Board shall be sealed with the official seal of the Board and shall be signed by -

(a) the Chairman, or in his absence, the Vice-Chairman;

(b) the Secretary of the Board; or

(c) any other member of the Board or employee of the Board authorized in writing in that behalf by the Board.

Payment of Allowances to members

13. The Members of the Board shall be entitled to receive such remuneration, allowances and other benefits as the Minister may direct.

Declaration indirectly of interest by member

14. A member of the Board who is in any way directly or indirectly interested in a contract or proposed contract or any matter being deliberated by the Board shall declare the nature of his interest to the fellow members.

Board to regulate its own proceedings

15. Subject to this Schedule, the Board shall have power to regulate the procedure in relation to its meetings and the transaction of its business.

Passed in the National Assembly on the 19th April, 2004

.....

Clerk of the National Assembly