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NOTICE

The Bill following hereunder shall be presented before the House of Representatives for the first reading which will start its session on 18 day of May, 2016, and is gazetted for the public notice incorporating together with their objects and reasons.

ZANZIBAR
16thMay, 2016

(Dr. ABDULHAMID Y. MZEE)
*Secretary to the Revolutionary
Council and Chief Secretary.*

A BILL

for

**AN ACT TO ESTABLISH THE ZANZIBAR INSTITUTE OF
EDUCATION AND OTHER MATTERS
RELATED THERETO**

ENACTED by the House of Representatives of Zanzibar

**PART ONE
PRELIMINARY PROVISIONS**

- 1.** This Act may be cited as the Zanzibar Institute of Education Act, of 2016 and shall come into operation upon being assented to by the President.

Short title and commencement.
- 2.** This Act shall apply to:

Application.

- (a) public and private schools; and
- (b) Teachers Training Colleges.

Interpre-
tation.

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

"Board" means the Advisory Board of the Institute established under section 6(1) of this Act;

"Chairperson" means the Chairperson of the Board appointed under section 6(1)(a) of this Act and includes any person performing the functions of the Chairperson;

"curriculum" means a set of plan with regard to the objectives, content and instructional materials as well as the methods employed as guideline in conducting learning activities in order to achieve the goal of a certain education;

"Director" means the Director of the Institute appointed under the provisions of section 10(1) of this Act;

"Institute" means the Zanzibar Institute of Education established under section 4(1) of this Act;

"Instructional materials" means materials in connection with teaching and learning process and include both textual and non-textual form;

"Minister" means the Minister responsible for education;

"Pre-primary education" means education offered to a child of four to five years before joining standard one in primary school;

"President" means President of Zanzibar and the Chairman of the Revolutionary Council;

"Primary school" means a school providing primary education;

"Private school" means any school wholly owned and maintained by a person or body of persons other than the government;

"Public school" means any school wholly maintained by the Ministry or other approved government organs;

"School" means a place at which formal education is provided;

"Subject" means a specific intellectual discipline within the school curriculum structure;

"Syllabus" means a document primarily for the use of teachers, that records the aims, objectives, competence, content and other information specific to subject.

PART TWO ESTABLISHMENT AND ADMINISTRATION OF THE INSTITUTE

4.-(1) There is hereby established an Institute to be known as the Zanzibar Institute of Education which shall be a Government Agency. Establishment of the Institute.

(2) The Institute shall perform its function under the advise of the Board and supervision of the Minister.

- 5.** The functions of the Institute shall be: Functions of the Institute.
- (a) to design, develop, review, revise and evaluate the curriculum for schools and colleges;
 - (b) to advise the government on matters pertaining to curriculum development;
 - (c) to develop and review standards, learning outcomes of the courses of instruction provided by schools and audit the benchmarks in respect to the quality of educations;
 - (d) to develop, and evaluate textbooks, teacher's guides, modules, training manuals and other instructional materials produced by publishers;
 - (e) to disseminate relevant education information through the production and publication of journals;

- (f) to conduct research and consultation on curriculum providing directions for activities in respect of quality education;
- (g) to assist in the development of educational objectives, policies and priorities for the orderly development and administration of education system;
- (h) to establish relations with curriculum development Institutes within and outside East Africa;
- (i) to organize programs to train and assist in the training of teachers;
- (j) to advise and implement a national policy on curriculum and book development;
- (k) to set the standards and approval of equipment, instrument and other materials which may be used for educational purposes in schools and colleges;
- (l) to provide facilities and to undertake production of equipment, instruments and other materials for educational use;
- (m) to encourage local printing and publishing industry in order to facilitate book production;
- (n) to publish textbooks, teachers' guides and other instructional materials;
- (o) to identify educational problems in Zanzibar in which research is needed and conduct research;
- (p) to enhance and increase knowledge base on new developments regarding issues related to curriculum;
- (q) to engage in curriculum development in order to advance knowledge in education sector;
- (r) to provide instructional materials to promote teaching and learning process;
- (s) to do such other things or acts necessary or expedient for or in connection with the performance of its functions under this Act.

6.-(1) There shall be an Advisory Board of the Institute which shall be composed of the following members: Advisory Board.

- (a) Chairperson who shall be appointed by the President;
- (b) Director of the Institute;
- (c) Chief Inspector of Schools;
- (d) Director of Zanzibar Examination Council;
- (e) One representative of the Zanzibar Association of People with Disability;
- (f) State Attorney from Attorney General Chambers.
- (g) one representative of the Zanzibar Association of Private Schools; and
- (h) one representative of the Zanzibar Association of Employers.

(2) Save for ex-officio members, other members shall be appointed by the Minister upon consultation with the respective institution.

7. A person shall qualify to be appointed as Chairperson if he: Qualification of Chairperson.

- (a) is a Zanzibari;
- (b) holds at least first degree from a recognized University; and
- (c) has at least ten years working experience on administration matters.

8. The functions of the Board shall be to advise : Functions of the Board.

- (a) on the formulation of guidelines and plans for the Institute;
- (b) on the management and administration of the Institute;
- (c) on the appointment of officers of the Institute as it may deem necessary;

- (d) for the job establishments for the institute;
- (e) on the curriculum panels established by the Institute;
- (f) on organizational structure of the Institute; and
- (g) on all other acts or things as may be provided for in this Act.

Proceedings of the Board. **9.** Provisions relating to tenure, meetings and other proceedings of the Board shall be as prescribed in the Schedule to this Act.

Appointment of Director. **10.**-(1) There shall be a Director of the Institute who shall be appointed by the President.

(2) A person shall qualify to be appointed as a Director of the Institute if he:

- (a) is a Zanzibari;
- (b) holds at least master degree from any recognised University; and
- (c) has at least ten years working experiences in management level in matters related to education;

(3) The Director shall be the Chief Executive Officer of the Institute and shall be responsible for the day to day functions of the Institute.

Duties of the Director. **11.**-(1) The Director of the Institute shall:

- (a) manage the affairs of the Institute in an efficient and service reflective manner;
- (b) participate and coordinate the educational curriculum related matters national, regional and international levels;
- (c) carry out other duties relating to the functions specified under this Act.

(2) Without prejudice the provisions of subsection (1) of this section, the Director shall specifically be responsible for the discharge of duties that are necessary for the purpose of-

- (a) implementing the national education policy in relation to matters pertaining to curriculum development; and
- (b) giving effect to international agreements relating to curriculum development approved by the Government.

12.-(1) The Board shall have Academic Committees composed of amongst its members to perform such other functions and discharge such responsibilities as the Board may determine. Academic Committees.

(2) Without prejudice the provisions of sub section (1) of this section, the Board may establish any other committees as it considers necessary for the performance of its functions under this Act.

(3) Academic Committee establish under sub section (1) of this section shall elect one among of its members to be the Chairperson of committee.

(4) Academic Committee may co-opt any person with specialized knowledge to attend and participate in the deliberation of the committee for the purpose of advising such a committee on any matter, provided that, the co-opted person shall not be entitled to vote at the meeting.

(5) Subject to the directives and instructions as may be issued by the Board, Academic Committee may regulate its own proceedings.

(6) The Institute shall provide secretarial services to the Academic Committee.

13. Without prejudice the provisions of section 12 of this Act, the Academic Committee shall have the following functions: Functions of the Academic Committee.

- (a) to keep under constant review the curricula and instructional materials from pre-primary education to teachers college;
- (b) to ensure the quality of educational programmes developed by the institute;
- (c) to coordinate and guide the activities of subjects and course panel;
- (d) to review issues relating to curriculum and education policy and make recommendations to the Board;

- (e) to recommend to the Board, educational programme and curricula developed or vetted by the Institute; and
- (f) to do such other functions as may be assigned to it by the Board.

Powers of the Minister.

14. The Minister shall:

- (a) give directives of a general nature to the Board relating to the operation of the undertaking of the Institute;
- (b) give specific directive to the Board concerning any matter relating to curriculum development, education national policy or any other matters which have public interest to the Institute or public in general.

PART THREE FINANCIAL PROVISIONS

Funds and resources.

15. Funds and resources of the Institute shall consist of:

- (a) such sums as may be provided for the purpose of the Institute by the House of Representatives of Zanzibar;
- (b) such fees or other charges payable to the Institute;
- (c) grant, gifts, donations, contributions, interest or penalties;
- (d) such sums as may in any manner become payable to or vested in the Institute either under provisions of this Act; and
- (e) monies derived from disposal, lease or hire or any other dealing with any property vested in or acquired by the Institute.

Application of Public Finance Act

16. The Public Finance Act and other laws relating to public funds, shall apply in all financial transactions and affairs of the Institute, including but not limited to:

- (a) annual estimates including supplementary estimates;
- (b) keeping book of accounts;

- (c) preparation of financial statements;
- (d) audit; and
- (e) any other financial transactions of the Institute.

PART FOUR MISCELLANEOUS PROVISIONS

17.-(1) The Minister may, in consultation with the Board make regulations for the better carrying out of provisions of this Act.

Powers to
make
Regulations

(2) Without prejudice the generality of the provisions of sub section (1) of this section, the Minister may, in particular, make Regulation prescribing on:

- (a) procedures to be followed in the review and development of curricula and curriculum support materials;
- (b) standards of equipment, instrument and other materials to be used for educational purposes in schools and Teacher's colleges; and
- (c) anything which is required to be prescribed or is necessary or desirable for the better giving effect to this Act.

18.-(1) A person shall not be allowed to use curriculum, syllabus, text books or any other teaching and learning materials in any school or in any place, unless such person apply and authorised by the Board.

Teaching
materials

(2) All private school shall to provide education and in particular provide compulsory co-curriculum programmes curriculum, to all students.

(3) Any person who contravenes or fails to comply with the provisions of sub section (1) of this section, commits an offence and is liable upon conviction, to a fine of not less than five million shillings or imprisonment for a term of not less than three years or to both such fine and imprisonment.

Staff **19.** Staff who are performing their duties in the Department of Education before the coming into operation of this Act, shall continue to work and performing their duties with the Institute as if they have been appointed and employed as such under the provisions of this Act.

Transfer of assets and liabilities **20.** Anything done before the commencement of this Act and for which provisions have been made for its execution under this Act shall continue to be handled as if made under the provisions of this Act.

SCHEDULE

Procedures of the Board [Made under section 9]

Tenure of the Board. **1.**-(1) The Chairperson of the Board shall hold office for a term of three years from the date of appointment and may be eligible for re-appointment for another term only.

(2) Other members of the Board save for an ex-officio member shall, unless his appointment is sooner terminated or ceases in any other way to be a member, hold office for a period of three years and shall be eligible for reappointment for one more term only.

Vice Chairperson. **2.** The Board shall elect one of its members to be the Vice-Chairperson.

Meeting of the Board. **3.**-(1) The Board shall meet ordinarily at least once in every three months and may meet at any time when the need arises for the discharge of business at such places as the Board may from time to time appoint.

(2) Meetings of the Board shall be presided over by the Chairperson or in his absence, by the Vice-Chairperson, in the absence of both Chairperson and Vice Chairperson, the members present shall elect one from their member to preside the meeting, and the member so elected shall exercise all powers and perform all the duties of the Chairperson.

(3) The Chairperson may convene a special meeting of the Board upon a request in writing signed by more than half of the members of the Board and shall cause such a meeting to be held within twenty one days of receiving such request.

4.-(1) A member of the Board shall cease to hold office upon the occurrence of any of the following: Cessation of membership.

(a) if he becomes unable to perform the functions of the Board;

(b) if he becomes absents from three consecutive meetings without sufficient cause;

(c) if, by writing under his hand addressed to his appointing authority, he resigns;

(d) in case for a member who become member by virtue of his post, shall cease to hold office upon ceasing to hold that post.

(2) When the office of a member of the Board becomes vacant in accordance with the sub section (1) of this section, the appointing authority may appoint another person in his place to hold office for the remaining term.

5. More than half of the total number of members shall constitute a quorum at any meeting of the Board. Quorum of meeting.

6.-(1) The Board shall make its decision by consensus and in the event of disagreement, the decision shall be reached by voting and in case of any equality in the votes the Chairperson shall have a casting vote. Decisions of the Board.

(2) Notwithstanding sub section (1) decisions may be made by the Board by circulation of papers to the members whereby each member shall express his views in writing provided that any member may require that any such decision be deferred for discussion at a full meeting of the Board.

(3) A circular resolution in writing signed by all members for the time being in Zanzibar but who shall not be less than five members, shall be as effectual as a decision made at a meeting provided that a member may require, notwithstanding the members' signature, the matter be brought at the following Board meeting.

Co-opting
of person.

7. The Board may co-opt any person who is not a member to attend any deliberations of the meeting of the Board as an expert but such person so co-opted shall not have the right to vote.

Secretary
of the
Board.

8.-(1) The Board shall appoint a qualified lawyer to be the secretary to the Board.

(2) The Secretary of the Board shall be responsible to take and keep minutes of the proceedings of the Board.

(3) The minutes of all proceedings of each meetings of the Board shall be confirmed by the Board at its next meeting and signed by the Chairperson and Secretary of the Board.

Disclaimer
of interest
of member.

9. A member who directly or indirectly has interest in a contract or proposed contract or any matter being deliberated by the Board, shall declare the nature of his interest to the Board and shall refrain from participating in the deliberation of the matter.

Procedures
of
meetings.

10. Subject to the provisions of this Schedule, the Board shall have power to regulate its own procedures in respect of the meetings and the proper conduct of its business including committee of the Board.

Committees
of the
Board.

11.-(1) The Board may, for the purpose of facilitating the performance of its functions establish such number of Committees to perform the specific functions as the Board may determine.

(2) The proceedings, terms and other matters relating to such Committee established, shall be as prescribed by the Board.

Allowances
for
members.

12. The Chairperson and other members of the Board and Committees shall be entitled to be paid such allowances and fees in such rates as the Minister may determine from time to time.

OBJECTS AND REASONS

The objects of this proposed Bill is to enact the law to establish the Zanzibar Education Institute which shall be a Government Agency. The Institute shall be responsible to prepare curriculum, teaching and learning materials, to conduct educational research in order to strengthen the development of curriculum so that to facilitate the provisions of better and quality education to the Public.

The Bill intending to capture the idea which introduced under the Education Policy of 2006, which suggested that, there must established some of Education Organs so that to strengthen education development in Zanzibar.

The Bill is also intends to implement the recommendations of the Presidential Commission formed by the then President of Zanzibar Hon. Aboud Jumbe Mwinyi of 1982. The Commission was formed to review the whole educational system of Zanzibar. The report among others, recommended that, in order to achieve the educational goal and eliminates education constrains, the establishment of Education Institution to responsible to coordinate, examine and supervise procedures on curriculum development on education in Zanzibar.

The Bill targets to remove distance between education stakeholders in Zanzibar in particular Private Schools and Teachers Training Colleges that intention will facilitates to build competence towards students, to strengthen curriculum, teaching materials, text books as weel as control and monitor curriculum system.

The Bill is also aiming to harmonize the provisions of East African States on the need to establish independent institution to deal with research on education, prepare curriculum and supervise curriculum and other matters incidental thereto. Therefore, hence Zanzibar is part of this resolution, the Government has decided to come with Bill which will be enacted to establish that Institution.

The Bill is divided into main four parts:

Part One is about preliminary provisions which provides for short title and commencement, application and interpretation of certain words used in the Bill.

Part Two is about the establishment of the Education Institute, duties, functions of the Institute, establishment of the Board, function of the Board, appointment of Director and powers of the Minister to issue directives.

Part Three provides for financial provisions which includes Fund and resources of the Institution and application of Public Finance Act and other financial laws relating to public fund.

Part Four is about miscellaneous provisions which include power of the Minister to make Regulation.

At the end of the Bill there is Schedule that provides provisions relating to the proceedings of Board.

ZANZIBAR
16th May, 2016

(RIZIKI PEMBE JUMA)
**Minister for Education and
Vocational Training**

