



**THE ZANZIBAR INSTITUTE OF TOURISM AND DEVELOPMENT
ACT NO. 7 OF 2008**

ARRANGEMENT OF SECTIONS

SECTIONS

TITLE

**PART I
PRELIMINARY PROVISIONS**

1. Short title and commencement.
2. Interpretation.

**PART II
ESTABLISHMENT OF THE INSTITUTE**

3. Establishment of the Institute.
4. Object and functions of the Institute.

**PART III
COUNCIL OF THE INSTITUTE**

5. Council.
6. Power of the Council.
7. Meetings and Procedures of Council.

**PART IV
ADMINISTRATION OF THE INSTITUTE**

8. Academic Committee.
9. Administrative Committee.
10. Appointment of Director.
11. Appointment of owner Staff.
12. Academic Officer.
13. The Registrar.
14. Students' Organization.

**PART V
FINANCIAL PROVISIONS**

15. The Funds of the Institute.
16. Investment of the Institute Funds.
17. annual Budget Estimates.



18. Accounts of Institute.
19. Annual Report.


**PART VI
MISCELLENEOUS**

20. Council may make By-laws.
21. Investigation of disciplinary offence.
22. Appeal.
23. Repeal and Saving.
24. Regulations.



ACT NO. 7 OF 2008

I ASSENT


{ AMANI ABEID KARUME }

PRESIDENT OF ZANZIBAR

AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

29th JULY, 2008

**AN ACT TO REPEAL THE ZANZIBAR HOTEL AND TOURISM
INSTITUTE ACT NO. 8 OF 1998 AND TO ENACT THE
ZANZIBAR INSTITUTE OF TOURISM AND
DEVELOPMENT ACT AND TO PROVIDE FOR
BETTER PROVISIONS AND OTHER
MATTERS CONNECTED
THEREWITH**

ENACTED by the House of Representatives of Zanzibar

**PART I
PRELIMINARY PROVISIONS**

Short title and commencement.

1. This Act may be cited as the Zanzibar Institute of Tourism and Development Act, 2008 and shall come into operation on such date as the Minister shall, by notice published in the Official Gazette appoint.

Interpretation.

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

"Council" means the Council of the Institute established under section 5 of this Act;

"Director" means the Director appointed under section 10 of this Act;

"Government" means the Revolutionary Government of Zanzibar;

"Institute" means the Zanzibar Institute of Tourism and Development established under section 3 of this Act;



"Member" means a member in relation to the Council, Academic and Administrative Committees as provided for under section 5, 8 and 9 of this Act and includes the Chairperson;

"Minister" means the Minister for the time being responsible for Tourism;

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

PART II ESTABLISHMENT OF THE INSTITUTE

Establishment of the Institute. **3.(1)** There is hereby established an institute to be known as the Zanzibar Institute of Tourism and Development.

(2) The Institute shall be a body corporate and shall:-

- (a) have perpetual succession and common seal;
- (b) in its corporate name, be capable of suing and being sued;
- (c) have power to enter into contracts;
- (d) be capable of acquiring, purchasing or legally disposing of movable and immovable property;
- (e) have power from time to time to receive, disburse or borrow such sums as it may require for its purposes; and
- (f) own such land which form a premises of the Institute, all buildings and assets owned and acquired by the Institute.

(3) The Minister, after the consultation with the Council may declare any unit, institute or college to be part of or constituent of the Institute.

(4) The Institute may offer certificates, Diploma, Higher Diploma course and other awards on its own or as an associate of the Higher Institutions of learning or agent of any institute whether local or foreign.

(5) The Institute may in exercise of its functions associate with any College or institution which offers courses in hotels, tourism and related courses inside or outside Zanzibar.



Object and functions of the Institute.

4. The Objects and functions of the Institute shall be: -

- (a) to preserve, enhance and transmit knowledge by teaching and conducting research through various means, to foster, maintain and promote tourism industry in the highest possible standard;
- (b) to provide facilities for the study, extension and training in the field of tourism and all other aspects of hospitality in accordance with modern and scientific principles;
- (c) to liaise and associate with other institutions of higher learning in furthering the advancement and development of tourism industry;
- (d) to prepare and organize the teaching of tourism at different levels to suit the needs of local and foreign students joining the Institute;
- (e) to conduct examination and to grant certificates and other awards of the Institute;
- (f) the labour exchange centre for the hospitality and tourism jobs;
- (h) to evaluate and assess all trainees who want to practice their industrial attachment in hospitality and tourism in Zanzibar;
- (h) to place for the apprenticeship students to hospitality and tourism industry;
- (i) to identify training needs of the personal working in the hospitality sectors and related assignment at different levels; and to organize suitable programmes for improving skills and performance;
- (j) to conduct professional courses on regular basis with a view to develop skills of tourism, hospitality and other related courses;
- (k) to conduct any commercial activities for the purpose of generating income for the institute sustainability;



- (l) to perform such other functions as the Minister may determine after consultation with the Board.

PART III COUNCIL OF THE INSTITUTE

Council.

5.(1) There shall be a Council of the Institute which shall be composed of:

- (a) a Chairperson who shall be appointed by the President;
- (b) the Director who shall be an ex-officio member;
- (c) seven other members who shall be appointed by the Minister including at least one from each of the following:
 - (i) hospitality industry;
 - (ii) tour operators and travel industries;
 - (iii) established/registered Small and Medium Enterprises;
 - (iv) staff from the Institute who is the member from trade union ; and
 - (v) Students Organisation.

(2) A person shall be qualified to be a Chairperson if he is Zanzibari with at least a Degree holder and has experience in management of academic activities.

(3) The members of the Council shall elect one from among them selves as a Vice-Chairperson.

(4) The tenure of office of the Chairperson and all members of the Council other than the ex-officio members shall be three years, but may be re-appointed for not more than two terms.

(5) Members appointed from paragraphs (c)(i) up to (c)(v) shall remain to be members of the Council for the period as provided under subsection (4) of this section if they are still a member in their respective offices.



(6) Academic Officer of the Institute shall be the Secretary to the Council.

Power of the Council.

6.(1) Subject to the provisions of this Act, the Management and control of the Institute shall be vested in the Council.

(2) In particular and without prejudice to the generality of sub-section (1) of this section, the Council shall have the power:-

- (a) to administer all properties of the Institute, movable, immovable and intellectual.
- (b) to administer the funds and other assets of the Institute;
- (c) to signify the acts of the Institute by use of the Common seal;
- (d) on behalf of the Institute, to receive gifts, donations, grants or other monies and to make disbursements therefore to the staff or other persons or bodies;
- (e) subject to the provisions of this Act, to appoint such officers of the Institute as it may deem necessary;
- (f) to fix the tuition and examination fees and charges for services offered or administered by the Institute;
- (g) to control training Curriculum, approve Certificates, Diploma and other awards conferred by the Institute or in collaboration with other institutions;
- (h) to do all such other acts and things as may be provided for in this Act or as may be prescribed in regulations.
- (i) to submit to the Minister all minutes, proceedings and deliberation of the Council.

Meetings and Procedures of Council.

7.(1) Unless there is emergency, the Council shall meet four times a year by notice of the Chairperson or in his absence, the Vice-Chairperson as and when need arises.

(2) At any meeting more than half of the number of members including Chairperson or Vice-Chairperson of the Council shall constitute a quorum for a meeting of the Council.



(3) The Council shall cause minutes of all proceedings of meetings of the Council to be entered in a book kept for that purpose.

(4) Minutes of previous meeting of the Council shall be confirmed by the Council at the next meeting by signature of the Chairperson.

(5) A member who absents from three consecutive meetings of the Council without reasonable excuse may be terminated by the Minister or other appointing authority on the advice of the Council.

(6) All decisions at a meeting of the Council shall be decided by majority of the votes of the members present at the meeting, and if any member fails or refuses to vote on any issue, his vote shall be counted in the negative. In the event of equality of votes the Chairperson shall have the decisive vote.

PART IV ADMINISTRATION OF THE INSTITUTE

Academic
Committee.

8.(1) Subject to the provisions of this Act, the Council shall establish an Academic Committee which shall comprise of:

- (a) the Director of the Institute who shall be the Chairperson;
- (b) the Academic Officer who shall be the Secretary;
- (c) the heads of academics departments of the Institute;
- (d) a member from the students organization of the Institute;
and
- (e) the Registrar of the Institute.

(2) The Academic Committee shall, subject to the general or specific directions of the Council, have the power:

- (a) to review and make recommendation to the Council regarding the control and regulations of instructions, academic and research programme of the Institute;
- (b) to make recommendation to the Council on any matter pertaining to the courses of study and certificates awarded by the Institute;



- (c) to do any act or thing as it may be empowered to do by the Council subject to the provisions of this Act.

Administrative committee.

9.(1) The Council shall establish an Administrative Committee which shall be composed of the following:

- (a) the Director of the Institute who shall be the Chairperson;
- (b) the Administrative Officer who shall be the Secretary;
- (c) the heads of departments of the Institute; and
- (d) the Academic Officer.

(2) The Administrative Committee shall, subject to the general or specific directions of the Council, have the power:

- (a) to prepare the budget of the Institute;
- (b) to endorse any act done by the Institute by using the seal of the Institute;
- (c) to make proposal for up grading the employees of the Institute and
- (d) to arrange and administer financial and civil service regulations and rules of the Institute.

Appointment of Director.

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

(2) A person shall qualify to be appointed as a Director if he has professional qualification and experience in Management and hospitality industry.

(3) The Director shall be the Chief Administrative and Executive Officer of the Institute and shall be responsible to the Council for:

- (a) the proper day to day administration of the Institute in accordance with the policy laid down by the Council;
- (b) the academic management of the Institute; and



(c) the proper enforcement of laws, rules and regulations.

(4) The Director shall in accordance with the regulation made under this Act, be responsible for the supervision of discipline of the students and employees of the Institute.

Appointment of
Administrative
Officer.

11. (1) The Minister may, on the advice of the Council, appoint Administrative Officer of the Institute as may be necessary for the proper functioning of the Institute.

(2) The Council shall recommend to the Minister a suitable person to be the Administrative Officer of the Institute who shall also act as the Officer of the Council.

(3) The Administrative Officer shall, in addition to other administrative functions assigned to him by the Director, be responsible for publicity of the Institute's activities, the editing of the Institute's journal or other publications.

(4) The Administrative Officer shall be a person who is the holder of a Degree in Public Administration or with equivalent.

(5) The Administrative Officer shall hold office for a period of four years and may be reappointed for another final term of four years.

(6) The Administrative Officer shall be responsible for the following functions:

(a) to supervise general administration of the Institute towards providing support services to the smooth running of the Institute;

(b) to attract competent staff to be recruited for the Institute;

(c) to perform appraisal and feedback to the staff for the improved performance; and

(d) to supervise a day to day operational work of the Institute.

Academic
officer.

12.(1) The Council shall recommend to the Minister a suitable person for appointment as Academic Officer of the Institute.



- (2) A person shall be Academic Officer if he has:
- (a) professional qualification and experience in Management and hospitality industry; and
 - (b) an experience in academic matters for a period of not less than five years.

(3) The Academic Officer shall hold office for a period of four years and may be re-appointed for final term of four years.

(4) The Academic Officer shall be responsible to the Director on all academic issues.

(5) The Academic Officer shall be duty bound to perform the following functions:

- (a) to implement all Academic matters as planned by the Council;
- (b) to supervise all matters of students registration;
- (c) to conduct long and short training and other related courses inside and outside the institute;
- (d) to act as Director in the absence of the Institute Director; and
- (e) to do any other function as be directed by the Council.

The Registrar.

13.(1) There shall be the Registrar who shall be appointed by the Council following the procedures provided for by regulations.

(2) The Registrar shall be a person with at least a First Degree qualification and extensive experience in administration especially in an educational institutions.

(3) The Registrar shall hold Office for a period of four years and may be eligible for re-appointment for further term of four years.

(4) The Registrar shall be principal assistant and responsible to the Academic Officer in respect to all academic matters pertaining to the Institute.



Students'
organization.

14.(1) There shall be a Students' Organization of the Institute.

(2) Leaders of the Students' Organization shall, in accordance with their constitution, be elected amongst the students of the Institute.

(3) The affairs of the Students' organization shall be conducted in accordance with its constitution, which shall be approved by the Council.

(4) The functions of the students Organization shall include:

- (a) to encourage and promote meaningful discussion amongst the students of the institute on matters of academic and social interest;
- (b) to sponsor social and other functions for the purpose of enhancing the intellectual and cultural development of the Institute;
- (c) to cooperate with leadership of the Institute in matters of general interest to the institute community.

PART V FINANCIAL PROVISIONS

The Funds of
the Institute.

15.(1) The Institute shall have its own general fund.

(2) There shall be paid into general fund:

- (a) Subvention from the Government;
- (b) such sums as the Council may, from time to time borrow for the purposes of the Institute;
- (c) such sums as may in any manner become payable to or vested in the Institute either under the provisions of this Act or incidental to the carrying out of its functions;
- (d) grants and donations from any public or private development partners; and
- (e) tuition fees and other charges for services offered by the Institute.



(3) There shall be paid out of the fund all such sums of money required to defray the expenditure incurred by the Institute in the exercise, discharge and performance of its functions and objectives under this Act.

Investment of
the Institute
funds.

16. The Council shall have power to direct the management of the Institute to invest the funds of the Institute in such investments and subject to such conditions as may be prescribed by the Minister.

Annual
Budget
Estimates.

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

(2) The Council shall, before the commencement of a financial year, consider and approve, subject to such modifications, and amendments as may consider appropriate the estimate prepared in accordance with subsection (1) of this section.

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

- (a) the payment of salaries, allowances and other charges in respect of the staff and officers of the Institute including the members of the Council;
- (b) the payment of construction, improvement, maintenance and replacement of any building or other movable and immovable property of the Institute;
- (c) the proper maintenance and replacement of the furniture and equipments of the Institute; and
- (d) the creation of such reserve funds to meet future contingent liabilities as the Council may think fit.

(4) No expenditure shall be incurred for the purposes of the Institute, except in accordance with the annual estimates, or in accordance with the provisions of any supplementary estimates approved by the Council.

(5) A copy of the annual estimate and of every supplementary estimate, if any, shall, immediately upon the approval of such annual estimates by the Council, be submitted to the Minister.



Accounts of
Institute.

18.(1) The Council shall cause to be kept proper accounts for the Institute and shall as soon as practicable after the end of each financial year, cause such accounts relating to such financial year together with -

- (a) a statement of income and expenditure during such financial year; and
- (b) a statement of the assets and liabilities of the Institute on the last day of such financial year to be submitted to and audited by the Controller Auditor General.

(2) Copies of the statement referred to in subsection (1) of this section and a copy of the auditor's report, if any, shall be forwarded to the Minister.

Annual Report.

19.(1) The Director shall at the end of each financial year prepares an Annual Report on the activities of the Institute during that financial year and submits such report to the Minister.

(2) The Minister shall cause the Annual Report to be laid before the House of Representatives under normal procedures.

PART VI MISCELLANEOUS

Council may
make
By-laws.

20.(1) The Council may make By-laws to ensure discipline among the students and employees.

(2) By laws made under subsection (1) of this section may provide that the contravention of any such By-laws shall constitute a disciplinary offence and may further provide the punishment that may be imposed for such disciplinary offence.

(3) It shall not be necessary for the By-laws made under this section to be published in the Gazette and every such By-law shall be brought to the notice of the students or employees in such manner as the Council may determine.

Investigation of
disciplinary
offence.

21.(1) Every charge of a disciplinary offence against a student or employee shall be investigated by the Administrative Officer who shall advise the director to impose appropriate punishment after inquiring into the offence in accordance with the procedure prescribed in the By-laws and upon being satisfied that the charge against the student and the employee has been proved.



(2) No disciplinary investigation shall be conducted for the alleged disciplinary breach against a student or employee before an opportunity is afforded and that student or employee is informed of the allegation against him and given an opportunity to defend such allegations.

Appeal.

22.(1) Where a student or employee has been punished for any disciplinary offence and intends to appeal, he may, while carrying out the punishment, appeal to the Council within fourteen days (14) of the decision of the Director.

(2) Where a student or employee intends to appeal pursuant to subsection (1) of this section, he shall, give a written notice to the Director of his intention to so appeal who shall forthwith submit it to the Chairperson of the Council.

(3) On every appeal under this section the student or employee appealing shall have the right to appear before and be heard by the Council.

(4) On an appeal under this section the Council may:

- (a) uphold the findings and the punishment; or
- (b) uphold the findings and reduce or enhance the punishment imposed upon the student or employee; or
- (c) set aside the findings made against the student or employee and the punishment imposed on him.

(5) Any student or employee who become aggrieved by the decision of the Council may appeal to the Industrial Court.

(6) For the purposes of section 4 of the Interpretation of Laws and General Provision Act No. 7 of 1984 a disciplinary offence under this Act, shall be deemed not to be an offence created by or under any written Law.

Repeal and
Saving.

23.(1) The Zanzibar Hotel and Tourism Institute Act, 1998 is hereby repealed.

(2) Any act lawfully done by the Institute prior to this Act, shall be deemed to have been done under the provision on this Act.



Regulations

24.(1) The Minister after consultation with the Council may make regulations for the better carrying out of the purposes of this Act, and without prejudice to the generality of the foregoing, may make regulations:

- (a) prescribing the award of certificates and other awards which may be conferred or awarded by the Institute;
- (b) prescribing the conditions which may be fulfilled before granting of any certificate or other award;
- (c) regulating the conduct of examination;
- (d) providing for any regulating disciplinary proceedings against the officers of the Institute;
- (e) prescribing anything which may be prescribed under this Act;

(2) Regulations made under this section, shall be published in the Official Gazette.

(3) The Minister may give the Council lawful directions of a general or specific character and the Council shall give effect to every such direction.

PASSED by the House of Representative on 2nd day of April, 2008.

{ **IBRAHIM MZEE IBRAHIM** }
CLERK OF HOUSE OF REPRESENTATIVES
ZANZIBAR