



**AN ACT TO REPEAL THE ZANZIBAR HIGHER EDUCATION LOANS BOARD
ACT, NO. 3 OF 2011 AND ENACT THE ZANZIBAR HIGHER EDUCATION STUDENTS'
LOANS BOARD ACT TO PROVIDE FINANCIAL ASSISTANCE TO
STUDENTS AND OTHER MATTERS RELATED THERETO**

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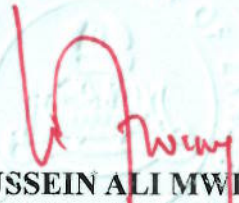
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ACT NO. 2 OF 2024

I ASSENT


{DR. HUSSEIN ALI MWINYI}
PRESIDENT OF ZANZIBAR AND CHAIRMAN OF
THE REVOLUTIONARY COUNCIL

15 March, 2024

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STUDENTS' LOANS BOARD ACT TO PROVIDE FINANCIAL ASSISTANCE
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ENACTED by the House of Representatives of Zanzibar.

**PART ONE
PRELIMINARY PROVISIONS**

- Short title and Commencement. 1. This Act may be cited as the Zanzibar Higher Education Students' Loans Board Act, 2024 and shall come into operation after being assented to by the President.
- Interpretation. 2. In this Act, unless the context requires otherwise:
- "accredited institution" has the same meaning as ascribed by the Universities Act, Cap. 346 of 2005 of the Laws of Tanzania;
- "applicant" means a person who applies for loan to the Board;
- "beneficiary" means a person who has received loan under the provisions of this Act;
- "Board" means the Zanzibar Higher Education Students' Loans Board established under section 3(1) of this Act;



“employer” means any person who is inside or outside the country that employs a beneficiary for the payment of wage;

“employment” means a contract of service between the employer and employee and includes a person on self-employment;

“Executive Director” means the Executive Director of the Board appointed under section 12(1) of this Act;

“Governing Board” means the Board established under section 7(1) of this Act;

“grace period” means a specified period for a beneficiary to start repayment of loan as prescribed under the Regulations made under this Act;

“guarantor” means a person who guarantees a student for the purpose of granted a loan under the provisions of this Act;

“higher education” means education provided leading to award of a degree or other level of education as may be determined by the Government;

“loan” means such sum of money granted to a student by the Board to enable such student defray costs connected with the studies under this Act;

“Minister” means the Minister responsible for education;

“student” means a person admitted to an accredited institution to pursue higher education studies and receives loan from the Board.

PART TWO ESTABLISHMENT OF THE BOARD

Establishment of the Board.

3.-(1) There is established a Board to be known as the Zanzibar Higher Education Students’ Loans Board.

(2) The Board shall be a body corporate with perpetual succession and common seal and on its name, subject to the laws, be capable of:

- (a) suing and being sued;
- (b) purchasing or otherwise acquiring, holding or disposing of movable and immovable property;



- (c) entering into contract or agreement; and
- (d) doing or performing such other thing for the proper performance of its functions under the provisions of this Act, which may lawfully be done or performed by the Board.

Seal and
Logo of
the Board.

4.-(1) There shall be a seal and logo of the Board in shape and size as it may be determined by the Governing Board.

(2) The application of the seal and logo of the Board on any document shall be authenticated by the signature of the Executive Director or an officer of the Board authorized by the Executive Director.

(3) Any document purporting to be an instrument issued by the Board shall be sealed with seal of the Board and authenticated in accordance with subsection.(2) of this section.

Functions of
the Board.

5. The functions of the Board shall be to:

- (a) receive and consider loan applications from applicants;
- (b) set criteria, conditions and issue guidelines to ensure fairness in granting, repayment and recovery of loan;
- (c) grant loans to students to meet the cost of higher education;
- (d) search and manage scholarships and sponsorship for higher education;
- (e) put in place strategies to ensure a consistent, transparent, effective and efficient granting of loans, scholarships and sponsorships of studies and put in place strategies for repayment and recovery of loan;
- (f) maintain the register and other records of applicants, students, beneficiaries and scholarships of studies;
- (g) solicit funds and other assistance to promote functions of the Board; and
- (h) perform any other function that is incidental or connected to the objectives of the Board as specified by the Governing Board.



Powers of
the Board.

6. The Board shall have powers to:

- (a) recommend maximum number of students to be granted loan, sponsorships and scholarships in a particular academic year;
- (b) recommend amount of loan to be given to students;
- (c) require any information from a person, government or private institution in respect of functions of the Board;
- (d) cancel loan granting to a student;
- (e) recommend fees for services rendered by the Board; and
- (f) establish operational links with higher education institutions, employers, guarantors and other persons or bodies within or outside of Zanzibar as the Board may consider appropriate for execution of its functions.

PART THREE

ADMINISTRATION AND MANAGEMENT OF THE BOARD

Establishment and composition of the Governing Board.

7.-(1) There shall be the Governing Board of the Board which shall consist of:

- (a) Chairperson who shall be appointed by the President;
- (b) Executive Director;
- (c) Member from:
 - (i) Ministry responsible for finance;
 - (ii) Zanzibar Planning Commission;
 - (iii) Employer Association from Private Sector;
 - (iv) Federation responsible for higher learners in Zanzibar; and
 - (v) higher education institutions.

(2) The members of the Governing Board mentioned under subsection (1)(c) of this section, shall be appointed by the Minister after consultation with the heads of respective institutions based on experience, professionalism and gender.



Functions
of the
Governing
Board.

8. The functions of the Governing Board shall be, to:

- (a) oversee the management, performance and operations of the Board;
- (b) propose organizational structure of the Board;
- (c) approve development plans of the Board;
- (d) consider and approve budget of the Board submitted by the Executive Director;
- (e) recruit staff of the Board subject to the Public Service Act, No. 2 of 2011;
- (f) advise the Minister on policy related to the functions of the Board;
- (g) determine maximum number of students to be granted loan, sponsorships and scholarships in a particular academic year;
- (h) determine amount of loan to be given to students;
- (i) determine fees for services rendered by the Board; and
- (j) perform any other function in the implementation of the provisions of this Act.

Qualificati-
ons of
Chairperson.

9. A person shall qualify to be appointed as a Chairperson of the Governing Board, if that person:

- (a) is a Zanzibari;
- (b) has at least first degree in field of education, economics, business, accounting or any other related field from an institution recognized by the Government;
- (c) has working experience of at least seven years in management; and
- (d) has high level of integrity.

Secretary of
the Governing
Board.

10.-(1) The Governing Board shall appoint officer of the Board to be Secretary to the Governing Board:



(2) The officer of the Board shall qualify to be appointed as a Secretary of the Governing Board, if that officer has:

- (a) at least first degree in the field of law or qualify to be corporate secretary from the institution recognized by the Government; and
- (b) working experience of not less than five years in the public service.

(3) The Secretary shall be accountable to the Governing Board and shall have the function to:

- (a) prepare agenda of the meetings of the Governing Board in consultation with the Chairperson;
- (b) take accurate minutes of meetings of the Governing Board;
- (c) maintain the correct and sufficient records of meetings of the Governing Board;
- (d) give proper notification of meetings of the Governing Board to members;
- (e) provide advice to the Governing Board when so needed; and
- (f) perform such other functions as directed by the Governing Board.

Proceed-
ings of the
Governing
Board.

11. Provisions relating to the proceedings of the Governing Board shall be as prescribed in the Schedule to this Act.

Executive
Director.

12.-(1) There shall be an Executive Director of the Board who shall be appointed by the President.

(2) A person shall qualify to be appointed as the Executive Director if that person has:

- (a) at least a first degree in field of education, economics, business, accounting or any other related field from the institution recognized by the Government;



- (b) working experience of not less than seven years in public service; and
- (c) high level of integrity.

Functions of
the Executive
Director.

13.-(1) The Executive Director shall be Chief Executive Officer of the Board and responsible for the day to day management and administrative control of staff of the Board.

(2) Without prejudice to the provisions of subsection (1) of this section, the Executive Director shall:

- (a) be accountable for all income, expenditure and properties of the Board;
- (b) ensure staff of the Board perform their responsibilities in ethical and responsible manner;
- (c) supervise disciplinary matters for staff of the Board; and
- (d) perform such other duty as the Governing Board may lawfully direct.

Departments,
units and
divisions.

14.-(1) The Board may, subject to the provisions of the Public Service Act, No. 2 of 2011, establish such departments, units and divisions as it may deem appropriate.

(2) Heads of the departments and units shall be appointed by the Governing Board based on their qualifications and experience.

(3) Heads of the divisions shall be appointed by the Executive Director based on their qualifications and experience.

(4) The heads of the departments, units and divisions shall, in the performance of their functions, be accountable to the Executive Director

Staff of the
Board.

15. The Governing Board shall, subject to the provisions of the Public Service Act, No.2 of 2011, employ staff of the Board as may be necessary for the effective performance of functions of the Board.



PART FOUR CONDITIONS FOR GRANTING THE LOAN

Eligibility for the loan.

16.-(1) Subject to the provisions of this Act, an applicant shall be eligible for loan if he:

- (a) is a Zanzibari;
- (b) has been admitted to an accredited institution and select program of study as per the National Priorities Program; and
- (c) has been proven to have no financial assistance from other sources to cover full or part of item for which the application is made.

(2) A beneficiary who applies loan for a level of study higher than the level for which the loan was granted is eligible for such loan if he has repaid such percentage as specified in the regulations.

(3) The Board may, by notice published or advertised in any form of media of wide national coverage, declare programs of study to be granted loans in a particular academic year.

(4) Procedures for loan application shall be prescribed in the guidelines issued by the Board.

Items eligible for the loan.

17.-(1) Subject to the provisions of this Act, the Board shall provide, on loan basis, money in respect of:

- (a) tuition fees;
- (b) examination fees;
- (c) meals and accommodation;
- (d) books and stationeries;
- (e) transport allowance;
- (f) research expenses;
- (g) field practical work expenses;
- (h) special faculty requirements;



- (i) medical expenses;
- (j) aids and appliances for persons with disabilities; and
- (k) other items as may be determined by the Governing Board.

(2) The Board shall grant loan in respect of items specified under subsection (1) of this section to the extent as it may determine.

(3) Where the Board grants the loan on items or amount less than specified or requested, such remaining items or amount shall be borne by a student.

Verification and notification of the loan.

18.-(1) The Board shall, upon receipt of the application, verify the information contained in the submitted application.

(2) The Board shall notify the applicant on his application before commencing the academic year for which the loan is applied.

(3) The notification under subsection (2) of this section, shall be as prescribed in the guidelines issued by the Board.

Loan Agreement.

19.-(1) The Board shall enter into Loan Agreement with a student in respect of items to which the loan is granted.

(2) The terms and conditions of Loan Agreement shall be provided in the regulations.

Obligation of a beneficiary.

20. A beneficiary shall be required after grace period or within such a period as the Governing Board decides, to:

- (a) inform the Board of his contact address;
- (b) begin repaying the loan; and
- (c) if he is employed, inform his employer to deduct such amount of money from his salary and remit it to the Board in such manner as the Governing Board may direct.

Obligation of guarantor.

21.-(1) A student shall have two guarantors prior to the disbursement of the loan.

(2) A guarantor shall, himself or after being required by the Board:



- (a) inform the Board of physical and occupational address of the beneficiary;
 - (b) ensure that the beneficiary repays the loan which he is liable to pay; and
 - (c) give any relevant information relating to the beneficiary.
- (3) Conditions for a guarantor shall be prescribed in the regulations.

Loan application by progressive student.

22.-(1) Subject to the provisions of this Act, the Board shall, through the guideline, provide additional requirements of loan application for progressive student.

- (2) For the purpose of this section, “progressive student” includes student who:
- (a) continues with program of study for subsequent academic year;
 - (b) repeats the academic year for whichever reason;
 - (c) is discontinued and wishes to apply studies to another accredited institution; or
 - (d) changes accredited institution or program of study to which the loan is granted.

PART FIVE LOAN REPAYMENT

Loan repayment.

23.-(1) A beneficiary shall start repaying the loan after the lapse of grace period for which the loan was granted in accordance with the Loan Agreement.

(2) For the avoidance of doubt, the provisions of subsection (1) of this section, shall not apply to beneficiary who has employment.

(3) A beneficiary under subsection (2) of this section, shall be required to repay the loan in a period as the Board may determine.

(4) The Board shall, within thirty days after the time specified under subsection (1) of this section elapses, notify the beneficiary to start repaying the loan.

(5) Where the beneficiary has no income for repaying the loan, he shall within thirty days after receiving the notice of repayment of the loan inform the Board in writing on the reason for failure to repay the loan.



(6) The Board may, after verifying information under subsection (5) of this section, extend the time of loan repayment in respect to that beneficiary.

(7) Notwithstanding the provisions of subsection (1) of this section, the beneficiary may repay the loan in a lump sum or as he may determine.

(8) A beneficiary who contravenes the provisions of subsection (5) of this section, commits an offence.

Early
repayment of
loan.

24.-(1) A student or beneficiary may make early repayment of the loan in a manner determined by the Board.

(2) For the purpose of this section, “early repayment of loan” applies to:

- (a) payment before completion of program of study to which the loan is granted; or
- (b) payment before the end of grace period.

Lump sum
payment or
acceleration
of loan
repayment.

25.-(1) Notwithstanding the provisions of this Act, a beneficiary may pay lump sum or accelerate loan repayment in a manner that he determines and inform the Board.

(2) Subject to the provisions of subsection (1) of this section, the Board may, in the manner prescribed in the regulations, grant discount for the beneficiary who paid a loan in lump sum or accelerated loan repayment.

Duty of an
employer

26.-(1) Every employer shall, within ninety days from the date of employment, submit to the Board particulars of new employees for the purpose of identifying beneficiaries under this Act.

(2) Without prejudice to the provisions of the subsection (1) of this section, the duty to submit particulars to the Board shall apply to employer in private sector within and outside Zanzibar.

Deduction by
employer.

27.-(1) An employer, shall on every month, deduct and remit to the Board the amount specified by the Board from the salary of that beneficiary.

(2) The Board may direct an employer to deduct specified amount from the salary of the beneficiary where the employer or beneficiary has not informed the Board on the employment of the beneficiary.



Deduction of loan to be statutory.

28.-(1) Subject to the provisions of this Act, deduction of the loan shall be statutory.

(2) The Board shall determine the amount or percentage of loan deduction under subsection (1) of this section.

Loan repayment by incomplete beneficiary.

29.-(1) Notwithstanding the provisions of this Act, an incomplete beneficiary shall have the duty to repay the loan.

(2) For the purpose of this section, the words “incomplete beneficiary” means a beneficiary who:

- (a) terminate the study for whichever reason before the end of duration for which the loan was granted; or
- (b) continues with the study but does not intend to further obtain the loan from the Board.

Waiver, deferment or exemption of loan repayment.

30.-(1) Subject to the provisions of the Public Finance Management Act, No. 12 of 2016, the Board may waive loan of the beneficiary if beneficiary:

- (a) dies, or
- (b) becomes physically or mentally incapacitated subject to any relevant law.

(2) The Minister shall prescribe in the Regulations conditions to defer repayment of loan.

(3) The Minister may, after consultation with the Minister responsible for finance and by notice published in the Gazette, exempt any group of beneficiaries part or whole of loan under this Act where in his opinion, it is for the public interest.

Issuance of loan Clearance Certificate.

31.-(1) The Board shall, after the beneficiary completes repayment of loan, issue a Loan Clearance Certificate which shall be conclusive evidence of full repayment of the loan.

(2) A notification in respect of certificate issued under subsection (1) of this section, shall be issued to employer or guarantor as the case may be.



PART SIX FINANCIAL PROVISIONS

Funds and
resources of
the Board.

32. The funds and resources of the Board shall compose of:

- (a) such sum of money appropriated by the House of Representatives;
- (b) the funds for granting loan;
- (c) moneys or asset which may vest in or accrue to the Board from fees, grants, gifts or any other form;
- (d) moneys received by the Board from repayment of loan or other services rendered by the Board;
- (e) money received from investment made by the Board; and
- (f) any other money which the Board may legally acquire.

Annual
Budget of the
Board.

33.-(1) The Executive Director shall, not less than three months before the end of each financial year, prepare annual budget showing estimates of its revenues and expenditures for the following financial year and submit to the Governing Board for approval and submit it to the Minister.

(2) Subject to the provisions of the Public Finance Management Act, No. 12 of 2016, the Board may, at any time prepare and submit to the Governing Board supplementary budget for the ongoing financial year for approval and submit it to the Minister.

Account
and Audit.

34.-(1) The Board shall keep accounts and records of all transactions to ensure that all moneys received or paid by the Board are properly accounted for.

(2) The annual financial statements of the Board shall be audited in accordance with the Public Finance Management Act, No. 12 of 2016 and any other financial laws.

Annual
Performance
Report.

35.-(1) The Board shall, within three months after the end of each financial year, prepare and submit to the Governing Board for approval and submit it to the Minister the Annual Performance Report.



(2) The Report under subsection (1) of this section, shall provide detailed information regarding the activities of the Board during that financial year which it relates, and shall include:

- (a) copy of audited financial statements of the Board together with the auditor's report;
- (b) performance report of the Board of that financial year; and
- (c) such other substantial information of the Board as required by the Minister.

(3) For public access to information and upon approval by the Minister, the Board may publish and distribute the Annual Performance Report in manner as it may determine.

Opening
of Bank
Account.

36. The Board shall, subject to provisions of the Public Finance Management Act, No. 12 of 2016, open Bank Account and deposit its moneys for proper performance of its functions under this Act.

PART SEVEN MISCELLANEOUS PROVISIONS

Loan for
other
level of
education.

37.-(1) Notwithstanding the provisions of this Act, the Minister may, after consultation with the Governing Board and by the notice published in the Gazette, grant loan for other level of education where in his opinion it is for the public interest.

(2) Procedures for granting, repayment and recovering of the loan under subsection (1) of this section shall be prescribed in the regulations.

Power to
invest
surplus fund.

38. Subject to any relevant law, the Board may invest surplus fund.

A benefi-
ciary to be
subjected to
civil proce-
edings.

39. Where the beneficiary has ability to repay loan and without good cause fails to repay the loan shall be deemed to have default his loan repayment and be liable to civil proceedings.



Offences and penalty.

40.-(1) A person who:

- (a) provides false information to the Board;
- (b) fails to deduct and remit money from the salary of an employee who is a beneficiary after being informed by the Board;
- (c) fails to give information required by the Board;

commits an offence, and shall, upon conviction, be liable:

- (i) where a person is an individual, to a fine of not less than One Million Tanzanian Shillings and not exceeding Three Million Tanzanian Shillings; and
- (ii) where a person is a body corporate, to a fine of not less than Three Million Tanzanian Shillings and not exceeding Five Million Tanzanian Shillings;

(2) Notwithstanding any other law, where an employer is a body corporate, the chief executive officer of such body corporate may be personally liable.

General Penalty.

41. A person who contravenes any provisions of this Act where no specific penalty is provided for such offence, commits an offence and shall, upon conviction, be liable to a fine of not less than One Hundred Thousand Tanzanian Shillings but not exceeding One Million Tanzanian Shillings.

Review and appeal.

42.-(1) Any person aggrieved by a decision of the Board may, within fourteen days, submit claims to the Governing Board for review.

(2) A person who is not satisfied by the revision under subsection (1) of this section, may within fourteen days appeal to the Minister whose decision shall be conclusive.

(3) The procedure for review and appeal shall be prescribed in the regulations.

Regulations.

43.-(1) The Minister may make regulations for better performance of provisions of this Act.

(2) Without prejudice to the generality of subsection (1) of this section, the Minister may make regulations prescribing:



- (a) procedures for applying and disbursing loan;
- (b) procedures for repayment, recovery and early repayment of loan;
- (c) circumstances to defer loan repayment;
- (d) the manner of repaying loans by progressive student;
- (e) conditions for guarantor;
- (f) terms and condition of loan agreement;
- (g) manner to deal with review and appeal;
- (h) Procedure for granting, repayment and recovery of the loan to diploma level; and
- (i) fees payable for services rendered by the Board under this Act.

Repeal and
saving.

44.- (1) The Zanzibar Higher Education Loans Board Act, No. 3 of 2011 is hereby repealed.

(2) Notwithstanding the provisions of subsection (1) of this section, anything done or purported to be done under the repealed Act, shall be deemed to have been done under the provisions of this Act.



SCHEDULE

PROCEEDINGS OF THE GOVERNING BOARD [Made under section 11]

- Vice Chairperson. 1. The members of the Governing Board shall, in the first meeting, elect one member among them to be a Vice Chairperson.
- Tenure of the Governing Board. 2. Save for ex-officio members, the Chairperson and other members of the Governing Board shall hold office for a period of three years from the date of appointment and may be eligible for re-appointment for one another term only.
- Meetings of the Governing Board. 3.-(1) The Governing Board shall meet once every three months on ordinary meeting and may meet for the extraordinary meeting at any time when the need arises for the discharging of its functions.
- (2) All meetings of the Governing Board shall be presided by the Chairperson, and in his absence the Vice Chairperson shall preside the meeting and where both, the Chairperson and Vice Chairperson are absent, members present shall elect one among them to preside the meeting.
- Quorum. 4. The quorum of meetings of the Governing Board shall be more than half of a total number of its members.
- Decisions of the Board. 5. Decision of the Governing Board shall be made by consensus of its members, and in the event of disagreement, the decision shall be made by votes and where there is an equal vote, the Chairperson shall have casting vote.
- Procedures of the meetings. 6. Without prejudice to the provisions of this Act, the Governing Board shall have power to regulate its own procedures in respect of the meetings and the proper conduct of its activities including Committees of the Governing Board.
- Co-opted member. 7. The Governing Board may co-opt any person to attend a Governing Board meeting as an expert but, the person co-opted shall not have the right to vote.
- Minutes of meetings of the Governing Board. 8. The minutes of meetings of the Governing Board shall be confirmed by the Governing Board at the next meeting and signed by the Chairperson and Secretary.



Cessation
of member-
ship.

9. The member shall cease to hold office upon the occurrence of the following:

- (a) resignation;
- (b) if he is absent without reasonable excuse for three consecutive meetings of the Governing Board;
- (c) if he becomes incapacitated to perform his duties by reasons of physical or mental health;
- (d) if he is terminated by the Minister where he does not meet expectation of the Board;
- (e) if he ceases to be a representative of the institution which nominated that member; or
- (f) death.

Committees
of the
Governing
Board

10.-(1) The Governing Board may, for the purpose of facilitating the performance of its functions, establish such number of committees as it may deem necessary.

(2) Members of Committees established under subsection (1) of this section, shall be among members of the Governing Board or otherwise as may be determined by the Governing Board.

Disclosure
of
interest.

11.-(1) The member of the Governing Board who has direct or indirect personal interest in a matter being considered or about to be considered by the Governing Board shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at the beginning of the meeting of the Governing Board.

(2) A disclosure of interest shall be recorded in the minutes of the meeting and the member making such disclosure shall not:

- (a) be present during the deliberations of the Governing Board for the making of the determination; or
- (b) influence any other member in the making the determination.

Delegation of
the functions
of the
Governing
Board.

12.-(1) The Governing Board may, if it deems fit for the proper discharging of its functions, delegate some of its functions to a Committee of the Governing Board.



(2) Where the Governing Board delegates its functions under subsection (1) of this section, it shall give directives in writing as may be necessary to ensure the proper performance of the functions.

Allowance.

13. The Chairperson and other members of the Governing Board shall be entitled to be paid such allowances in accordance with the Public Service Act, No.2 of 2011.

PASSED by the House of Representatives of Zanzibar on 15th February, 2024.

(RAYA ISSA MSELLEM)

Clerk of the House of Representatives of Zanzibar.