



THE ZANZIBAR HOTEL AND TOURISM INSTITUTE ACT OF 1998

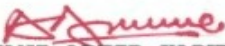
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ACT NO. 8 OF 1998

I ASSENT


AMANI ABEID KARUME
PRESIDENT OF ZANZIBAR
AND
CHAIRMAN OF THE REVOLUTIONARY COUNCIL

.....10-09-....., 2001

AN ACT TO ESTABLISH ZANZIBAR HOTEL AND
TOURISM INSTITUTE AND OTHER MATTERS
CONNECTED THEREWITH

ENACTED by the House of Representatives of
Zanzibar.

- Short title and Commencement. 1. This Act may be cited as the Zanzibar Hotel and Tourism Institute Act, 1998 and shall come into operation on such date as the Minister may by notice in the Gazette appoint.
- Interpretation. 2. In this Act, unless the context otherwise requires -
- "Council" means the council of the Institute established under section 6 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 Hotel and Tourism Institute established under section 3 of this Act;
- "Member" means a member in relation to council and academic Board as provided for under section 6 and 8 of this Act and includes the chairman;



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

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

Establishment
of Institute.

3(1) There is hereby established an Institute to be known as Zanzibar Tourism Institute.

(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; and
- (e) have power from time to time to receive, disburse or borrow such sums as it may require for its purposes.

(3) The Minister may declare any unit, Institute or College to be part of or constituent of the institute.

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

(5) The Institute may in exercise of its functions associate with college or institution which offer courses in hotels, tourism and other inside or outside Zanzibar.



Objects 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;
- (b) to foster, maintain and promote tourism industry in the highest possible standard;
- (c) 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;
- (d) to liaise and associate with other institutions of higher learning in furthering the advancement and development of tourism industry.
- (e) to prepare and organise the teaching of tourism at different levels to suit the needs of local and foreign students joining the Institute;
- (f) to conduct examination for and to grant certificates and other awards of the Institute.

Honorary
Chairman and
granting of
certificates.

5. The Minister shall be a Honorary
Chairman of the Institute and shall grant
certificates and other awards to qualified persons
who have undergone courses of study provided by and
approved by the Council.

Council.

6(1) There shall be a Council of the
Institute which shall be composed of -

- (a) a Chairman who shall be appointed by the President;



- (b) the Director who shall be an ex-officio member;
- (c) three other members who shall be appointed by the Minister.

(2) The members of the Council shall from among their members elect a vice-chairman who shall hold office for so long as he remains a member of the council.

(3) The term of office of the chairman and all members of the Council other than the ex-officio members shall be three years, but shall be eligible to be appointed for another term of office.

Powers of
the Council.

7(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 power -

- (a) to administer the properties of the Institute, both movable and immovable;
- (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 moneys 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 fees and charges for services offered 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.

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

- (a) the Director of the Institute who shall be the Chairman;
- (b) the Administrative Officer who shall be the Secretary;
- (c) the heads of departments of the Institute;
- (d) two other members appointed by the Minister.
- (e) a member from the student council of the Institute.

(2) The Academic Board 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, education 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.

Meeting and
procedure of
Council.

9(1) Subject to any general or specific direction of the Minister, the council shall meet at least four times a year by notice of the chairman or in his absence the vice-chairman as and when need arises.

(2) At any meeting more than half of the total numbers of members 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 Chairman.

(5) The appointment of a member who absents himself 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 questions at a meeting of the council shall be decided by a majority of the votes of the members present at the meeting, and if any member fails or refuses to vote on any question, his vote shall be counted in the negative. In the event of equality of votes the chairman shall have the decisive vote.

Appointment of
Director.

10(1) The Director of Institute shall be appointed by the President.

(2) The tenure and remuneration of the Director shall be determined by the President.



(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;
- (c) the proper enforcement of rules and regulations as may from time to time be made by the Council or on the direction of the Minister.

(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 other Staff.

11(1) The Minister may on the advice of the Council appoint a suitable person to be the Administrative Officer of the Institute who shall also act as the Officer of the Council and shall attend the meeting of the Council, but shall not, save where he is also a member of the Council, be entitled to participate in the deliberation of the Council.

(2) 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.

(3) The Minister may on the advice of the Council appoint such other officers of the Institute on the advice of the Council as may be necessary for the proper functioning of the Institute.



Student Council. 12(1) There shall be a Student Council of the Institute.

(2) Leaders of the Student Council shall in accordance with their constitution be elected amongst the students of the Institute.

The Funds of the Institute. 13. The funds and resources of the Institute shall consist of -

- (a) such sums as may be provided for the purposes of the Institute by the House of Representatives, either by way of grant or loan;
- (b) such sums as the Council may, from time to time borrow for the purposes of the Institute; and
- (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 institutions or individuals.
- (f) contribution from tourism sector to finance the management and development cost of the Institute.
- (g) tuition fees and other charges for services offered by the Institute.

Investment of Institute funds. 14. The Council shall have power to invest the funds of the Institute in such investments and subject to such conditions as are prescribed by the Minister.

Annual budget estimates. 15(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 estimates shall contain provisions for all the estimated expenditure during the ensuing financial year and in particular:

- (a) for the payment of salaries, allowances and other charges in respect of the staff and officers of the Institute including the members of the Council;
- (b) for the payment of construction, improvement, maintenance and replacement of any building or other immovable property of the Institute;
- (c) for the proper maintenance and replacement of the furniture of the Institute; and
- (d) for 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 estimates, if any, shall, immediately upon the approval of such annual estimates by the Council, be submitted to the Minister.



Accounts of
Institute.

16(1) The Council shall cause to be kept proper accounts and shall as soon as is 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 Auditor General.

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

Financial
report of the
Director.

17(1) The Director shall at the end of each financial year prepare a report on the activities of the Institute during that financial year and submit such report to the Minister.

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

Council may
make By-laws.

18(1) The Council may make By-laws to ensure discipline among the students and employees.

(2) By-laws made under subsection (1) 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 in such manner as the council may determine.



Investigation
of disciplinary
offence.

19.(1) Every charge of a disciplinary offence against a student or employee shall be investigated by the Administrative Officer who shall impose such punishment as he may consider appropriate 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 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.

20(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 (14) days of the decision of the Administrative Officer.

(2) Where a student or employee intends to appeal pursuant to subsection (1), he shall, within three days of the decision of the Administrative Officer, give a written notice of his intention to so appeal to the Director who shall forthwith submit it to the Chairman of the Council.

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

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

- (a) set aside the finding made against the student and the punishment imposed on him; or



- (b) uphold the findings and the punishment;
or
- (c) uphold the finding and reduce or enhance
the punishment imposed upon the student.

(5) The decision of the Council under this section shall be final and the Minister may grant pardon to cases which he deems proper to do so.

(6) For the purposes of section 4 of the Interpretation of Laws Act, 1984 a disciplinary offence under this Act shall be deemed not to be an offence created by or under any written Law.

Saving.

21. Any act lawfully done by the Institute prior to this Act shall be deemed to have been done under the provision of this Act.

Regulations.

22(1) The Minister 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) prescribing fees for admission to the Institute;
- (e) prescribing fees payable by the candidate for the examination held or conducted by the Institute;



- (f) providing for any regulating disciplinary proceedings against the officers of the Institute;
- (g) prescribing anything which may be prescribed under this Act;
- (h) to provide for the procedure and fix the amount of contribution from the tourism sector for the management and development of the Institute.
- (i) governing any matter in respect of which regulations may be made under this Act; and
- (j) providing for any matter or thing which, in the opinion of the Council, is necessary to provide for the furtherance of the functions and objects of the Institute.

(2) Regulations made under this section shall be published in the Government gazette.

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

Passed in the House of Representative on the 9th day of October, 1998.

K Chamde
(KHAMIS JUMA CHANDE)

CLERK OF THE HOUSE OF REPRESENTATIVES OF
ZANZIBAR