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ACT SUPPLEMENT

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THE TANZANIA TEACHERS' PROFESSIONAL BOARD ACT, 2018

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SCHEDULE

THE UNITED REPUBLIC OF TANZANIA



NO. 6 OF 2018

I ASSENT,

JOHN POMBE JOSEPH MAGUFULI
President[24th SEPTEMBER, 2018]

An Act to provide for the establishment of the Tanzania Teachers' Professional Board to deal with registration of teachers, regulation of standards, professional conducts and to provide for other related matters.

ENACTED by the Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONSShort title and
commencement

1. This Act may be cited as the Tanzania Teachers' Professional Board Act, 2018 and shall come into operation on such a date as the Minister may by notice published in the *Gazette* appoint.

Application

2. This Act shall apply to Mainland Tanzania.

Interpretation

3. In this Act unless the context requires otherwise-
"Board" means the Tanzania Teachers' Professional Board established under section 4;

“certificate of registration” means a certificate of registration issued under this Act;

“committee of inquiry” means a committee of inquiry established under section 42;

“inquiry” means an inquiry held under section 41;

“Minister” means a Minister responsible for education;

“Ministry” means the Ministry responsible for education;

“practising licence” means a practising licence issued under this Act authorising a person to practice as a professional teacher;

“practising teacher” means a registered teacher who is part of the teaching staff of a school;

“profession” means an enduring vocation that requires a relatively higher level of education and training as well as a level of occupational specialization for efficient and effective discharge of required skills;

“professional misconduct” means an act or omission by a teacher leading to breach of the Teachers’ Professional Code of Ethics and Conducts;

“professional teacher” means a teacher who is trained or prepared for teaching including professional workers involved in teaching related tasks such as educational administration, planning, quality assurance and other related matters of professional application;

“provisional registration” means a registration granted in accordance with the provisions of section 24;

“pupil” means a child enrolled in pre-primary or primary school;

“Register” means the register of teachers holding a degree, a higher diploma, diploma or certificate in the relevant fields from institutions recognised by the Board;

“registered teacher” means a person-

- (a) who is registered, provisionally registered or temporary registered; and

- (b) whose name appears on the Register;
- “Registrar” means the Registrar of the Board appointed under section 10;
- “registration” means registration made under section 18;
- “school” means any registered and legally recognized institution, organization or place which provides pre-primary, primary, secondary, teacher education or adult education for several people or groups of people at a particular period of time;
- “student” means a person enrolled at school;
- “teacher” means a person who pursued a teacher training course in a teachers college or university, recognised by the Board under this Act, to teach pupils or students in pre-primary, primary, secondary, and teachers and adult education institution;
- “Teachers Continuous Professional Development” means competence building program that focuses on activities that intend to attain knowledge, skills and attitudes of the teacher in the teaching profession and any other institutions which require professional teachers to teach; and
- “temporary registration” means a registration granted to a foreigner intending to practise teaching in Mainland Tanzania for a specific period of time.

PART II

THE TANZANIA TEACHERS' PROFESSIONAL BOARD

Establishment of
Board

- 4.-(1) There is hereby established a Board to be known as the Tanzania Teachers' Professional 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 be sued;

- (c) for and in connection with the purposes of this Act, be capable of acquiring, holding and disposing of movable and immovable property in its corporate name;
- (d) entering into contracts or other transactions; and
- (e) do all or such other acts or things which a body corporate may lawfully perform.

(3) Notwithstanding subsections (2), the Attorney General shall have the right to intervene in any suit or matter instituted for or against the Board.

Cap.5

(4) Where the Attorney General intervenes in any matter pursuant to subsection (3), the provisions of the Government Proceedings Act, shall apply in relation to the proceedings of that suit or matter as if it had been instituted by or against the Government.

(5) For the purpose of subsection (4), the Board shall have the duty to notify the Attorney General of any impending suit or matter by, or against the Board.

Composition of Board

5.-(1) The Board shall consist of the following members-

- (a) a Chairman who shall be appointed by the President from amongst registered senior professional teachers;
- (b) eight qualified members to be appointed by the Minister from the following institutions:
 - (i) a representative from the Ministry responsible for education;
 - (ii) a law officer representing the Attorney General's Office;
 - (iii) one representative nominated by teachers organisation;
 - (iv) one representative from private sector;
 - (v) one representative appointed from amongst persons with requisite qualifications to assist the Board in

the discharge of its functions;

- (vi) a representative from Regional Administration and Local Government;
- (vii) a representative from the Teacher's Service Commission; and
- (viii) a representative from institutions responsible for training of teachers.

(2) The Minister shall, in making appointments under subsection (1), take into consideration gender balance.

(3) The Minister may, on the advice of the Board and by Order published in the *Gazette* amend, vary or replace all or any of the provision of the Schedule to this Act.

(4) The Board may co-opt any person with special knowledge or skills to provide expertise to the Board on general or specific issue but such person shall have no right to vote.

(5) The provisions of the Schedule to this Act shall have effect as to the tenure of office of members, procedure and conduct of the meetings of the Board.

Functions of Board

6.-(1) The functions of the Board shall be to-

- (a) advise the Minister on matters pertaining to teaching profession;
- (b) establish and maintain the Register of professional teachers;
- (c) establish and promote the teaching professional standards;
- (d) promote and regulate continuing professional development for teachers;
- (e) inquire into complaint, charge or allegation of improper conduct against any registered teacher under this Act;
- (f) formulate and enforce a comprehensive code of professional conduct and ethics of the teaching profession;

- (g) undertake and commission appropriate research into teaching and matters related to teaching profession;
- (h) issue certificate of registration or licenses for teachers; and
- (i) perform any other function as may be required under this Act or under any other written law.

(2) In performing its functions under this Act, the Board shall collaborate with the Ministry with a view of ensuring that individuals who wish to be trained in the teaching profession, receive the requisite education and training for registration under this Act.

(3) The Board shall collaborate with authorities exercising similar functions within and outside Tanzania with a view of promoting uniformity in the standards and qualifications required for admission to the teaching profession.

Powers of Board

7. The Board shall have powers to caution, censure, suspend from practice or erase from the Register of any professional teacher who-

- (a) has been convicted of a criminal offence and sentenced for a period of not less than six months;
- (b) fails to observe conditions for registration; or
- (c) has done anything that has lowered the esteem and integrity of the teaching profession in relation to professional ethics and standards as determined by the Board; and
- (d) has breached professional conduct.

Committees of Board

8.-(1) The Board may, where it considers necessary establish committees from amongst its members to advise the Board or carry out any of its functions.

(2) The Committee established under subsection (1) shall include:

- (a) a registration and licensing Committee;

- (b) ethics and disciplinary Committee; and
- (c) such other committees as the Board may deem necessary.

(3) The Committees established pursuant to subsection (1), shall regulate their own proceedings.

Delegation of powers

9.-(1) The Board may, by resolution and subject to such terms, conditions and restrictions as it may specify, delegate to any member of the Board, Committee or employee of the Board, some of its functions, powers and duties conferred or imposed to it by or under this Act as it may deem appropriate.

(2) Delegation made under this section shall not prevent the Board from performing or exercising its functions, powers or duties delegated.

(3) Notwithstanding subsection (1), the Board shall not have power to delegate its -

- (a) disciplinary and advisory power under this Act;
- (b) responsibility to approve the annual budget, supplementary budget and scrutinise financial statements; or
- (c) powers to delegate under this Act.

Appointment of Registrar of Board

10.-(1) The Minister shall appoint from the public service, a senior professional teacher with five years experience and knowledge in matters relating to teaching profession, law, management and administration to be a Registrar of the Board.

(2) The Registrar appointed under subsection (1) shall hold office for a term of five years and may subject to his satisfactory performance be eligible for re-appointment for one more term.

(3) The Registrar appointed under subsection (1), shall be the Chief Executive Officer and Secretary to the Board.

- (4) The Registrar shall-
- (a) maintain and keep records of persons registered under this Act;
 - (b) be responsible for the management of funds, properties and business of the Board;
 - (c) be responsible for the administration, organisation and control of staff of the Board;
 - (d) take minutes of the meetings and keep records of activities of the Board; and
- (e) perform any other functions as may be directed by the Board.

Deputy Registrar

11.-(1) The Minister shall appoint a law officer from public service to be the Deputy Registrar of the Board.

(2) The Deputy Registrar appointed under subsection (1), shall assist the Registrar in the performance of his functions under this Act and shall discharge such other duties as may be directed by the Board or the Registrar.

(3) The Deputy Registrar appointed under subsection (1) shall, in the performance of his functions be, answerable to the Registrar.

(4) Where the Registrar authorises the Deputy Registrar to act on his behalf in any matter, any reference in this Act to "the Registrar" shall include a reference to the Deputy Registrar.

(5) The functions and powers of the Deputy Registrar shall be prescribed in the instrument of appointment or Regulations made under this Act.

(6) The Deputy Registrar appointed under subsection (1) shall hold office for a term of five years and may, subject to his satisfactory performance be eligible for reappointment for one more term.

Secretariat

12. There shall be the Secretariat of the Board which shall consist of the Registrar who shall be the head of the Secretariat of Board.

Staff and employees of Board

13.-(1) The Board may appoint officers and other employees as it may consider necessary for proper discharge of its functions under this Act.

(2) The officers and employees of the Board shall, in the performance of their functions, be answerable to the Registrar.

Appointment of supervisory officers

14.-(1) The Minister may, in consultation with the Board and by notice published in the *Gazette*, appoint teachers to be supervisors at the district and regional levels.

(2) A person appointed under subsection (1) shall supervise professional teachers as the case may be, and any other function within the respective district or region as the Board may direct including to-

- (a) conduct preliminary investigation on charges or complaints against teaching professionals on malpractice, lack of competence, fitness to practice, negligence and misconduct and forward the same to the Board for final determination;
- (b) submit to the Board the name of a registered teacher who has by any reason ceased to teach; and
- (c) collect fees and perform such other functions as may be directed by the Board.

Remuneration and allowances

15. The members of the Board or of its Committee, officers and employees of the Board shall be paid remuneration or allowances at such rates as the Minister may, after consultation and approval of the Minister responsible for public service, determine.

PART III
REGISTRATION AND LICENSING OF TEACHERS
(a) Registration

Types of
registration

16. Types of registration of professional teachers under this Act shall be as follows:
(a) provisional registration;
(b) full registration; and
(c) temporary registration.

Register

17.-(1) The Registrar shall keep and maintain the Register of all persons who are registered teachers.
(2) The Register shall contain the following particulars:

- (a) full name;
- (b) postal address;
- (c) residential or physical address;
- (d) date of birth;
- (e) qualifications;
- (f) teaching experience at time of application;
- (g) registration number and category of registration;
- (h) date of registration; and
- (i) any other particular as the Board may determine.

(3) A person who is a registered teacher shall notify the Board of any change in any particular entered in the Register within sixty days of that change occurring.

(4) The Board, on request-

- (a) shall make available the particulars of the Register referred to in subsection (2)(a), (f), (g) and (h); and
- (b) may make available to a teacher's employing authority the particulars of the Register referred to in subsection (2)(c) and (d) and any other particular in respect of which the registered teacher has given his consent.

Qualification for registration

18. Subject to the provisions of this Act, a person shall be eligible for registration as a teacher after submitting an application to the Board in a prescribed manner and upon payment of the prescribed fee and if he satisfies the Board that-

- (a) he has the minimum teaching qualification and skills prescribed by the Board;
- (b) has qualifications and has had adequate competencies as a teacher, in the opinion of the Board, for the purpose of registration.

Procedure for registration

19.-(1) A person who intends to obtain registration under this Part shall submit an application to the Registrar in the prescribed form.

(2) An application under subsection (1) shall be accompanied by-

- (a) a certified copy or copies of certificates for academic qualifications of the applicant; and
- (b) an application fee as may be prescribed in the Regulations.

(3) The Registrar shall, after receiving an application, refer the application together with his recommendations to the Board for consideration and determination.

(4) The Board may, after consideration of the matter-

- (a) approve the application and direct the Registrar to register the applicant; or
- (b) reject an application and direct the Registrar to inform the applicant within one month after submission of the application stating the reasons for the Board's decision.

Publication of registered teachers

20.-(1) The Registrar shall, by notice published in the *Gazette* and as soon as may be practicable following registration, publish the-

- (a) names and postal address of a registered teacher;

- (b) registration number;
- (c) qualification of each registered teacher; and
- (d) any other particulars which the Board may direct.

(2) Subject to the directions of the Board, the Registrar may publish in the *Gazette* any amendment to or deletion of the name of a registered teacher from the Register.

(3) Any change in the particulars of a registered teacher under this section shall be entered in the Register by the Registrar.

Criteria for registration

21.-(1) In order to be a registered teacher, such person shall satisfy the Board that he-

- (a) is of good character; and
- (b) has successfully completed an approved course relating to teacher training.

(2) In determining whether an applicant is of good character, the Board-

- (a) shall take into account any conviction of, or charge made against, the applicant;
- (b) shall take into account any behavior of the applicant if-
 - (i) does not satisfy a standard of behavior generally expected of a teacher;
 - (ii) is otherwise disgraceful or improper;or
- (iii) is unfit to be a teacher; and
- (c) may take into account any other matter it considers relevant.

Issuance of certificate

22.-(1) The Registrar shall, immediately after effecting registration under this Act, issue to every registered teacher a certificate of registration upon payment of prescribed fee.

- (2) The certificate of registration shall contain-
- (a) full name and addresses of the applicant;

- (b) registration number;
- (c) type, date of registration;
- (d) duration of the certificate; and
- (e) such terms and conditions in respect of which a certificate is issued.

(3) The certificate issued under subsection (1), shall be-

- (a) signed by Chairman and Registrar;
- (b) the property of the Board; and
- (c) withdrawn and returned to the Board upon suspension or cancellation of the certificate.

(4) The Board shall issue a certificate of registration in an approved form to a person registered or whose registration is granted under this Act.

Payment of
annual
registration fee

23. A person whose registration is granted under this Act, shall pay an annual registration fee in a manner prescribed in the Regulations.

Provisional
registration

24.-(1) Any person who is not entitled to be registered as a teacher by a reason of the fact that he does not have qualifications prescribed in this Act to be registered as a teacher, shall produce evidence to the satisfaction of the Board that he has been selected for the employment in any school and that such employment would provide the required practical experience be entitled to be provisionally registered.

(2) The Board shall issue a certificate of provisional registration in an approved form to a person who is granted provisional registration or whose provisional registration is extended under section 25.

(3) A person who is issued with the provisional certificate of registration under this Act, shall not be required to have practicing licence.

Extension of
provisional
registration

25. A person whose provisional registration expires, may apply to the Board for an extension of his registration.

Criteria for
provisional
registration

26.-(1) The Board may grant provisional registration to a person, subject to any conditions it considers appropriate and if it is satisfied that-

- (a) the person-
 - (i) has qualifications or experience as determined by the Board; or
 - (ii) is able to obtain the qualifications and experience specified herein; and
- (b) the person is of good character.

(2) The Board shall determine a period of provisional registration which shall not exceed three years.

(3) The Board may extend the period of provisional registration for one term so long as the total length of the period of provisional registration does not exceed four years.

(4) The Board may require a person who has been granted with a provisional registration to submit a report in an approved form from the person's employer with respect to-

- (a) the manner in which the person has performed teaching duties; and
- (b) any recommendation as to the person's suitability for registration.

(5) The Registrar shall maintain a register which shall enter the names of teachers therein.

Temporary
registration

27.-(1) A person who is not a citizen of Tanzania shall be entitled to a temporary registration if he satisfies the Board that he-

- (a) is not ordinarily resident in Tanzania;
- (b) is or intends to be employed in Tanzania in the capacity for which he is applying for the express purpose of carrying out specific assignment in research, teaching or engaging in education matters.

(2) Without prejudice to the provisions of subsection (1), a person intending to be temporarily registered shall, together with an application form, submit to the Registrar-

- (a) a certified certificate of full registration, issued by a body established in a country in which he practiced;
- (b) a certified certificate of good standing issued in the country in which he last practiced;
- (c) testimonials offered to him by the institution or established institutions in the country in which he last practiced; and
- (d) a curriculum vitae.

(3) Registration of person under this section shall remain valid in so far as that person is in the employment in respect of which a temporary registration was issued and shall cease upon termination of such employment.

(4) Temporary registration granted under this Act shall be for a period of two years but may be renewed.

Prohibition of teaching by unauthorised person

28.-(1) A person shall not teach at any school or employ any teacher, unless such person or employee-

- (a) is registered in accordance with the provision of this Act;
- (b) has been granted provisional or temporary registration; or
- (c) is under the direct supervision of a registered teacher.

(2) Any person who contravenes provisions of this section commits an offence and upon conviction shall be liable-

- (a) in the case of a registered teacher, to a fine of not less than five hundred thousand shillings but not exceeding three million shillings or to imprisonment for a term not exceeding three month or to both; and

- (b) in the case of an employer, to a fine of not less than one million shillings but not exceeding five million shillings or to imprisonment for a term not exceeding six month or to both.

(b) Licensing of Teachers

Practising
licence for
teacher

29.-(1) A person who is registered, under this Act and intends to practise as a teacher, shall apply to the Board for a practising licence.

(2) Subject to subsection (1), the Board may-

- (a) approve the application and direct the Registrar to issue a practicing licence to the applicant; or
- (b) reject an application and direct the Registrar to inform the applicant of the reason for the Board's decision.

(3) Any person who is registered as a teacher for the first time under this Act and wishes to practice as a teacher in a pre-primary, primary, secondary, teachers' and adult education institutions such person shall also be granted a practicing licence which shall be valid for a period of three years.

Renewal of
practicing
licence for
teachers

30.-(1) A practicing licence issued under section 29 shall be renewed subject to:

- (a) payment of the prescribed fees;
- (b) submission of certificate of registration;
- (c) satisfactory evidence that proves that the applicant undergone the Teachers Continuing Professional Development or any other condition as the Minister may prescribe;
- (d) any other qualification as the Minister may prescribe.

(2) Subject to subsection (1), a person may apply to the Board for renewal of registration within three months before the date of expiry.

(3) Notwithstanding the provisions of section 29, a registered teacher whose first practicing licence expires, shall make an application for renewal of his practicing licence to the Board and such licence shall be valid for a period of five years.

(4) The procedure for renewal of practicing licence shall be as prescribed in the Regulations.

(5) Subject to subsection (1)(c), the Minister may, in consultation with the Board, make Regulations on the requirement for conducting Board's Examinations.

Registrar may call for further information of qualification

31. The Registrar may, on his own motion or on the instruction from the Board, request any teacher to furnish him with necessary information regarding his qualifications.

Cancellation or suspension of certificate of registration

32. Where the holder of the certificate of registration fails to observe the imposed conditions as required, the Board may cancel or suspend the certificate of registration granted under this Act.

Registration for foreigners

33.-(1) A foreigner who intends to practice as a teacher under this Act, shall submit an application to the Board together with copies of certificate of his qualification, certificate of registration from the registration authority of his jurisdiction, original certificate of good standing from the last jurisdiction of practice and such other particulars as may be prescribed in the regulations.

(2) Subject to subsection (1), a foreigner shall be eligible for temporary registration.

PART IV

CANCELLATION AND SUSPENSION OF REGISTRATION

Removal of name from Register

34. The Board may cancel or suspend the name of a person from the Register if such person-

(a) fails to pay the prescribed fees;

- (b) is found guilty of professional misconduct;
- (c) has lost qualifications in respect of which he was registered;
- (d) engages in forgery, misrepresentation, fraudulent conduct, inducement or corrupt practice; or
- (e) dies.

Procedure for
cancellation or
suspension

35.-(1) Where a registered teacher is in violation of the terms and conditions of his registration, the Registrar shall on the directions of the Board, serve to that person a notice in writing specifying the nature of the default.

(2) Upon receipt of the notice under subsection (1), the person to whom the notice is served shall make representation in writing to the Registrar on the rectification of the default.

(3) Where the person under subsection (2) fails to rectify the default within the time specified in the notice or fails to make representation satisfactory to the Registrar, the Registrar shall recommend to the Board for cancellation or suspension of the certificate issued to that person.

(4) The Board shall, if it is satisfied with the recommendations made pursuant to the provisions of subsection (3), direct the Registrar to cancel or suspend the registration certificate.

Reinstatement

36.-(1) Subject to the provisions of section 35, a person whose certificate has been cancelled or suspended may be required to apply for reinstatement of his registration to the Registrar within the period of twelve months from the date of cancellation or suspension.

(2) A person who fails to submit an application for reinstatement of his registration, within the period stipulated under the provisions of subsection (1), shall not be reinstated unless he passes an examination.

Deletion of
name

37.-(1) The Board shall in writing notify a person whose name has been deleted from the Register.

(2) A teacher whose name has been deleted from the Register, shall, upon notification, immediately cease from practicing as a teacher.

Publication of
names deleted
from Register

38. The Registrar may cause to be published in the *Gazette* and in the local newspaper widely circulating in Tanzania, the name, address and qualification of a teacher whose name has been deleted from the Register.

Disciplinary
action on
conviction

39.-(1) Where a registered teacher is convicted in Tanzania or elsewhere of an offence which, if committed in Tanzania, may have been an indictable offence, the Board shall-

- (a) warn or censure that teacher; or
- (b) if in the opinion of the Board, that the circumstances of the offence render the teacher unfit to teach-
 - (i) suspend the teacher's registration for any period, and subject to any conditions, the Board considers appropriate; or
 - (ii) cancel the teacher's registration;
- (c) direct that the name of the teacher be removed from the Register.

(2) The Board, in suspending the registration of a teacher under subsection (1)(b)(i), may substitute provisional registration for any period, and subject to any condition, as it may think fit.

(3) A registered teacher who is convicted in Tanzania-

- (a) whether upon indictment or summarily of an indictable offence; or
- (b) elsewhere of an offence which, if committed in Tanzania, may have been an indictable offence,

shall give notice in writing to the Board within twenty-one days of-

- (a) that conviction; and
- (b) the circumstances in which the offence was committed.

(4) Where a registered teacher commits a disciplinary offence under any other written laws which amount to breach of professional misconduct and such matter has been forwarded to the Board, the Board shall institute action against him and initiate disciplinary proceedings.

(5) In conducting inquiry the Board shall ensure that the inquiry is concluded within sixty days.

PART V

COMPLAINTS, INQUIRY AND APPEALS

Receipt of
complaints

40.-(1) A person may, by notice in writing to the Board, complain about the professional conduct of a registered teacher.

(2) The Board may dismiss the complaint if it considers it to be frivolous or vexatious.

(3) The Board shall notify the contents of a complaint-

- (a) to the registered teacher who is the subject matter of the complaint; and
- (b) if the employer of the person is identifiable from the details of the complaint, the employer.

Inquiry

41.-(1) The Board may determine to hold an inquiry in respect of-

- (a) any matter relating to a registered teacher; and
- (b) any complaint made under section 40.

(2) The Board may hold the inquiry itself, or appoint a committee of inquiry to hold the inquiry on its behalf.

(3) The Board may hold an inquiry in respect of a registered teacher if it reasonably believes that-

- (a) the person is incompetent in teaching and has been dismissed from employment or has resigned in circumstances that, in the opinion of the employer, call into question of his competency to teach;
- (b) the person's registration in another country is cancelled or suspended;
- (c) the person's employment in another country is terminated because the employer is satisfied that the person is not competent or fit to teach;
- (d) the person was registered on the basis of false or misleading information; or
- (e) the person is no longer of good character.

(4) The Board may hold an inquiry in respect of such person if it is satisfied that there is a public interest to do so.

Committee of inquiry

42.-(1) The Board may appoint a Committee of Inquiry consisting of five persons who shall be-

- (a) two persons who are registered teachers one from public education institution and the other from private education institution;
- (b) one person from public service;
- (c) one person from office responsible for Regional Administration and Local Government; and
- (d) one senior lawyer from the Ministry responsible for education.

(2) A committee of inquiry shall hold an inquiry subject to the provisions of this Act and in accordance with directives of the Board.

Power to summon witnesses

43. The Board shall have power to summon witness and call for the production of documents for the purpose of inquiry conducted under this Act.

Disobedience of
summons and
refusal to give
evidence

44.-(1) A person who, having been served with a summons to attend and give evidence or to produce any document at any inquiry held under the provisions of this Act-

- (a) fails without reasonable cause to obey summons;
- (b) refuses or omits without sufficient cause to produce any documents in possession or under his control,

commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding three months or to both.

(2) Any person giving evidence before the Board shall, in respect of any evidence given by him or any other document produced by him, be entitled to all privileges which he would have been entitled to as a witness before the court of law.

Conduct of
inquiry

45.-(1) Where the Board determines that an inquiry be held in respect of a person who is a registered teacher shall serve the person a fourteen days notice of the proposed inquiry.

(2) The notice shall state-

- (a) the nature and details of any matter of the proposed inquiry;
- (b) the date, time and place which it shall be held; and
- (c) the full names of the members of the committee of inquiry.

(3) A person who is supposed to appear before the inquiry may submit to the Board within fourteen days of service of the notice a statement in writing-

- (a) admitting to, or refusing, the substance of any matter to be inquired into; or
- (b) notifying the Board of the intention to appear in person.

(4) A person may be represented in person or by an advocate at an inquiry and assist the Board where required to do so.

Proceedings at inquiry

46.-(1) For the purpose of proceedings during the inquiry, the Committee shall have power to-

- (a) administer oaths;
- (b) summon persons to attend and give evidence; and
- (c) order production of documents.

(2) All summons and orders issued under the hand of the Chairman or the Vice-Chairman of the Committee shall be deemed to have been issued by the Board.

(3) The Chairman, or in his absence the Vice-Chairman of the Committee of inquiry shall record or cause to be recorded a summary of any oral evidence given at the inquiry.

(4) The Committee shall have the power to regulate its own proceedings of inquiry at the inquiry held by it.

Committee to report to Board

47.-(1) The Committee of Inquiry, on completion of the inquiry, shall report its findings and recommendations to the Board.

(2) The Board, in making any decision in relation to the inquiry, shall take into consideration any findings and recommendations of the Committee of Inquiry.

Decisions

48. The Board may, after receiving the findings and recommendations of the Committee of inquiry, make any of the following decisions as a result of the inquiry-

- (a) warn or caution the teacher concerned;
- (b) suspend the teacher's registration for any period, and subject to any condition, it considers appropriate;
- (c) cancel the teacher's registration;
- (d) determine that the teacher is-
 - (i) unfit to be a teacher; or

- (ii) not of good character; and
- (e) determine that the complaint or matter being inquired into is without substance.

Appeal

49.-(1) Any person who is aggrieved by the decision of the Board may, within ninety days from the date of receipt of the decision, appeal to the Minister.

(2) The Minister shall within sixty days after receiving the appeal made under subsection (1), confirm, vary, or set aside the decision of the Board.

(3) A person who is aggrieved by the decision of the Minister may, within forty five days from the date of decision, seek redress to the High Court.

PART VI FINANCIAL PROVISIONS

Funds and
resources of
Board

50. The sources of funds of the Board shall include-

- (a) such sums of money as may be appropriated by Parliament for the purpose of this Act;
- (b) fees and other charges payable under this Act;
- (c) such donations, grants and bequeaths as the Board may from time to time receive from stakeholders or organisations;
- (d) any funds or assets which may be vested in or accrued from other sources;
- (e) proceeds derived from sale of assets; and
- (f) any other sources of income identified by the Board and legally acquired.

Power to borrow

51. The Board may, in consultation with the Minister, subject to relevant laws, borrow monies by way of loan or overdraft and upon such security and terms and conditions relating to repayment of the principal and payment of interest.

Annual and
supplementary
Budget

52.-(1) Not less than two months before the beginning of any financial year the Board shall at its first meeting convened for that purpose, pass a detailed budget (in this Act referred as the "Annual Budget") of the amounts respectively expected to be-

- (a) received; and
- (b) disbursed by the Board during the financial year.

(2) Where in any financial year the Board requires to make any disbursement not provided for in the annual budget for the year, the Board shall at a meeting convened for that purpose, pass a supplementary budget detailing the disbursement.

(3) The Board shall upon the passing of the annual budget or any supplementary budget, submit such budget to the Minister for his approval.

(4) The Minister shall, upon the receipt of the annual budget or supplementary budget, approve or disapprove it or approve it subject to such amendments as he may consider fit.

(5) Where the Minister has approved any annual budget or supplementary budget, the budget approved by him, whether with or without amendments, shall be binding on the Board which subject to the provisions of subsection (6) shall confine its disbursement within the items and amounts contained in the applicable estimates as approved by the Minister.

- (6) The Board may-
 - (a) from the amount of expenditure provided for in any budget in respect of any item, transfer a sum of money from one item to another item contained in the budget;
 - (b) adjust expenditure limits to take account of circumstances not reasonably foreseeable at the time the budget was prepared, subject to submitting supplementary budget to the Minister within two months of the alteration of expenditure limits becoming necessary.

Accounts

53.-(1) The Board shall keep proper books of accounts.

(2) Subject to any directions given by the Board and in accordance with the provisions of laws governing financial or accounting standards, the Registrar shall prepare in respect of each financial year, and not later than three months after the close of the financial year, a statement which shall include a report on the performance of the Board during that financial year.

(3) The statement prepared under subsection (2) shall comprise of-

- (a) statement of financial performance;
- (b) statement of financial position;
- (c) statement of cash flows;
- (d) statement of changes of equity; and
- (e) notes to the financial statements.

Audit

54.-(1) The accounts of the Board shall, in respect of each financial year, be audited by the Controller and Auditor General or by an Auditor appointed by the Controller and Auditor General.

(2) The Board shall, within three months after the closure of each financial year, submit to the Controller and Auditor General for auditing the statement of accounts described in section 53 of this Act.

(3) The Board shall, as soon as practicable but not later than two months after receiving the audited report from the Controller and Auditor General, submit to the Minister the audited financial statements and a report of the Controller and Auditor General on such statements.

Statements of
accounts and
reports

55. The Board shall, within six months after the closure of the financial year, prepare and submit to the Minister a report dealing with its activities and operations during that year and accompanied by-

- (a) a copy of the audited accounts of the Board;
- (b) a copy of the auditor's report on the accounts;

and

- (c) any other information as the Minister may direct.

Lay before the
National
Assembly

56. The Minister shall as soon as practicable and not later than twelve months after the closure of a financial year lay before the National Assembly copy of-

- (a) audited statement of accounts of the Board;
- (b) auditors report; and
- (c) the Board report.

Investment

57. The Board may, subject to relevant laws and after obtaining approval of the Minister, from time to time invest any monies available in any fund in investments authorised by the Trustee Investment Act, in relation to investment of funds by a Trustee.

Cap. 53

PART VII OFFENCES AND PENALTIES

Offence for
illegal practise

58. A person who practises as a teacher without being registered or licenced commits an offence and shall be liable on conviction to a fine of not less than five hundred thousand shillings but not exceeding one million shillings or to imprisonment for a term of not more than one year or to both.

Offence for
registered
teacher

59. A person registered under this Act who allows, associates or otherwise causes a person who is not registered as such to practice as a teacher, commits an offence and shall be liable on conviction to a fine of not less than five hundred thousand shillings and not exceeding one million shillings or to imprisonment for a term of not more than one year or to both.

Procurement of
illegal
registration

60. A person who-

- (a) procures or attempts to procure registration by production of any false or fraudulent statement or document; or

(b) deliberately makes or causes to be made any falsification in any matter relating to the Register; or

(c) assists or aids any person to commit any of the acts prescribed under this section,

commits an offence and on conviction shall be liable to a fine of not less than one million shillings and not exceeding three million shillings and to imprisonment for a term not less than six months and not exceeding two years or to both.

False and misleading statements

61.-(1) A person, in giving any information under this Act, shall not-

(a) make a statement knowing it to be false or misleading; or

(b) omit any matter knowing that without that matter the information is misleading.

(2) Any person who contravenes provision of this section commits an offence.

Offence for a teacher who fails to obey summons

62. A teacher or any other person who -

(a) having been summoned by the Board and fails-

(i) to attend before the Board;

(ii) without reasonable excuse produce any book or documents which he is required to produce;

(b) without lawful excuse, refuse to answer any question put to him in the cause of the proceedings of the Board;

(c) refuses to swear or affirm as a witness;

(d) willfully interrupts the proceedings of the Board or insults any member of the Board; and

(e) fails to observe or breaches any other provisions of this Act,

commits an offence and upon conviction shall be liable to a fine of not less than one hundred thousand shillings and not exceeding five hundred thousand shillings or to

imprisonment for a term not exceeding three months.

General offence
and penalty

63. Any person who contravenes provisions of this Act and where no specific penalty for that offence is provided, commits an offence and upon conviction shall be liable to a fine of not less than five hundred thousand shillings and not exceeding five million shillings or to imprisonment for a term of five years or to both.

PART VIII MISCELLANEOUS PROVISIONS

Notification of
decision of
Board

64. The Board shall give a person a notice in writing of-

- (a) any decision it makes that affects that person or a person employed by that person; and
- (b) the reasons for that decision.

Notice of
termination

65.-(1) Where a registered teacher is terminated on grounds of professional misconduct, an employer shall notify the Board of such termination within twenty one days after the termination.

(2) The notice under subsection (1) shall state the reasons of that termination.

Reciprocal
recognition

66. There shall be reciprocal recognition for persons registered as professional teachers with other countries upon entering into Mutual Recognition Agreements between the Board and other professional regulatory bodies.

Codes of ethics

67.-(1) The Minister may after consultation with the Board, prescribe a Code of Conduct and Ethics and a Code of good practice to be observed by professional teachers.

(2) The Codes made under the provisions of subsection (1) shall be published in the *Gazette*.

Protection of
members of
Board and
Officers

68. Any matter or thing done by any member or employee of the Board shall, if done *bona fide*, in the execution or purported execution of the functions conferred upon that member or employee by this Act or by regulations made hereunder render that member or employee not personally liable for the matter or thing.

Replacement of
certificate or
licence

69. The Board, on payment of a prescribed fee, may issue another certificate of registration or licence if satisfied that the original certificate or licence is lost, destroyed or misplaced.

Fees, penalties
and charges
payable to Board

70.-(1) Any fine, fees and charges under this Act shall be payable to the Board.

(2) The Board may waive payment of all or part of any fee or charge payable to it under this Act.

(3) The fees and charges payable under this Act shall be as prescribed in the regulations.

Regulations

71.-(1) The Minister may make regulations generally providing for the better carrying out of the provisions of this Act.

(2) Notwithstanding subsection (1), the Minister may make regulations-

- (a) regulating the practice of registered teachers;
- (b) prescribing procedures for conducting inquiry;
- (c) prescribing qualifications, which shall be recognized as entitling the holder for registration under this Act;
- (d) prescribing procedures for registration under this Act;
- (e) prescribing rules regulating the standards of professional conduct for teachers profession;
- (f) prescribing fees and other charges;
- (g) prescribing procedure for appeals under this Act;

- (h) prescribing the functions of the committees established under this Act;
- (i) prescribing conditions and procedures for foreign teachers in the country;
- (j) prescribing conditions for retaining the names of registered teachers;
- (k) prescribing procedure for supervision at the regional and district levels;
- (l) prescribing the manner in which the Teachers Continuous Professional Development will be conducted;
- (m) prescribing procedures and manner in which professional examinations shall be conducted; and
- (n) any matter which is permitted or required by this Act to be prescribed.

Inconsistency
with other
legislation

72. Where the provisions of this Act is in conflict or is otherwise inconsistent with the provisions of any other written laws relating to registration of teachers, the provisions of this Act shall prevail to the extent of such inconsistency.

Transitional
provision

73.-(1) A teacher who, immediately before coming into operation under this Act, was not registered, shall be exempted from the conditions stipulated under this Act.

(2) Notwithstanding the provisions of subsection (1) each of such teacher shall be required to register under this Act within two years from the date of coming into operation of this Act.

(3) Subject to the provisions of subsection (2), the Minister may by Order published in the *Gazette*, extend the period of registration of teachers.

PART IX
CONSEQUENTIAL AMENDMENT
AMENDMENT OF THE EDUCATION ACT,
(CAP.353)

- Construction
Cap.353 **74.** This Part shall be read as one with the Education Act, herein after referred to as “principal Act”.
- Amendment of
Section 2 **75.** The principal Act is amended in section 2 by deleting the definition of the term “teacher”.
- Repeal of
sections 45 to 51 **76.** The principal Act is amended by repealing sections 45 to 51.

SCHEDULE

(Made under section 5(5))

PROCEEDINGS OF THE BOARD

- Vice
Chairman **1.** The members shall elect one amongst their number to be Vice-chairman of the Board and such member elected shall hold office for a term of three years.
- Tenure of
office **2.-(1)** A member shall, unless the appointing authority terminates his appointment, or ceases in any other way to be a member, hold office for a period of three years but may be eligible for re-appointment for one term.
- (2)** A member appointed by virtue of his office shall cease to be a member upon ceasing to hold the office entitling him to appointment to the Board.
- Remuneration **3.** A member of the Board shall be entitled to such remuneration, fees or allowance for expenses as the Minister may determine and upon recommendations from the Minister responsible for Public Service.
- Resignation **4.** A member may resign by signed notice given to the Minister.

Prox representation	<p>5. Where a member of the Board who is a member by virtue of holding office is unable for any reason to attend any meeting of the Board, he may nominate another person from his organization to attend the meeting in his place.</p>
Convening of meetings	<p>6. A meeting of the Board shall be convened by the Chairman of the Board.</p>
Meeting of Board	<p>7.-(1) The Board shall ordinarily meet for the transaction of its business at the time and at the place determined by it, but shall meet at least once in every three months.</p> <p>(2) The Chairman shall preside at every meeting of the Board and in the absence of the Chairman, the Vice Chairman.</p> <p>(3) The Chairman or in his absence, the Vice Chairman may at any time call a special meeting of the Board upon a written request by a majority of the members in office.</p> <p>(4) In the absence of the Chairman and Vice Chairman, the members present shall appoint one amongst their number to preside over the meeting.</p> <p>(5) The Chairman may invite any person who is not a member to participate in the deliberations at any meeting of the Board, but any person so invited shall not be entitled to vote.</p>
Quorum and voting at meetings	<p>8.-(1) A majority of the members of the Board shall constitute a quorum at any meeting of the Board.</p> <p>(2) All acts, matters and things authorized to be done by the Board shall be decided by resolution at a meeting of the Board at which a quorum is present.</p>
Decisions of Board	<p>9.-(1) A decision of the majority of members present and voting at a meeting of the Board shall be deemed to be a decision of the Board.</p> <p>(2) Every member of the Board shall have one vote and in the event of an equality of votes the Chairman of the meeting shall have a second or casting vote in addition to his deliberative vote.</p> <p>(3) Notwithstanding the provisions of sub-paragraph (2) where a Chairman so directs, a decision may be made by the Board without a meeting by circulation of the relevant papers among all the members and expression in writing of their views, but any member shall be entitled to require that any such decision shall be deferred until the subject matter has been considered at a meeting of the Board.</p>
Minutes of Meetings	<p>10.-(1) The Board shall cause to be recorded and kept minutes of all business conducted or transacted at its meetings, and the minutes of each meeting of the Board shall be read and confirmed, or amended</p>

and confirmed, at the next meeting of the Board and signed by the person presiding at the meeting.

(2) Any minutes signed by a person presiding at a meeting of the Board shall, in the absence of proof of error, be deemed to be a correct record of the meeting.

Board may regulate conduct of meetings

11. Subject to the provisions of this Act, the Board may regulate its own proceedings.

Validity of proceedings

12.-(1) Any act or proceeding of the Board or of a person acting under the direction of the Board is not invalid by reason only that, at the time when the act or proceeding was done, taken or commenced, there was a vacancy in the membership of the Board.

(2) Any act or proceeding of the Board or of a person acting under the direction of the Board is valid even if-

- (a) the appointment of a member of the Board was defective; or
- (b) a person appointed as a member of the Board was disqualified from acting as, or incapable of being, such a member.

Orders and Documents

13. All orders, directions, notes or other documents issued on behalf of the Board shall be signed by the:

- (a) Chairman; or
- (b) Registrar of the Board authorised in writing in that behalf by the Board.

Seal of Board

14.-(1) The Board shall have a seal to be kept under safe custody of the Registrar.

(2) The affixing of the seal of the Board on any document shall be authenticated by the signature of the Chairman and the Registrar.

(3) A document purported to be an instrument issued by the Board and authenticated in a manner provided for under subparagraph (2) shall be deemed to be a valid instrument.

Passed by the National Assembly on the 6th September, 2018.

STEPHEN KAGAIGAI

Clerk of the National Assembly