

**THE EDUCATION (AMENDMENT)
ACT NO.4 OF 1993**

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ACT NO.4 OF 1993

I ASSENT

**{ SALMIN AMOUR }
PRESIDENT OF ZANZIBAR
AND
CHAIRMAN OF THE REVOLUTIONARY COUNCIL**

16th November 1993

AN ACT TO AMEND THE EDUCATION ACT, NO.6 OF 1982

ENACTED by the House of Representatives of Zanzibar.

Short title.

1.(1) This Act may be cited as the Education (Amendment) Act, 1993 and shall be read together with the Education Act, No.6 of 1982 which is hereinafter referred to as the principal Act.

(2) This Act shall come into operation after being assented to by the President.

Amendment of section 2.

2.(1) The following interpretations are amendments or additions as the case may be to those appearing in section 2 of the principal Act:-

"aided school" means a private school that receives grant-in-aid;

"Co-ordinator General" means the Co-ordinator General of Education appointed by the Minister to co-ordinate the education activities of private, religious and aided schools;

"grant-in-aid" means a grant of money, educational materials and supplies from the Government offered on a regular basis in aid of any school or group of schools or of any approved educational activity;

"higher education" means a formal education whether full time or otherwise which is beyond the stage of an ordinary diploma or such other level of education which may from time to time be defined by the Minister;

"junior secondary education" means the first cycle of secondary education as may from time to time be defined by the Minister;

"Management Council" means the Management Council of the Ministry as established under section 3 of the Management Councils Act (NO. 10) of 1986;

"manager" in relation to any school means a person who is responsible for the administration or management of that school or of the activities of the pupils in that school, and in the case of any institution or organization giving instruction by means of correspondence delivered by hand or through postal service, the person who is responsible for its administration or management;

"national school" means a public school, college or other Government educational institution that enrolls students from all over Zanzibar declared to be a national school by the Minister;

"primary education" means a full time basic education given during the first seven years of formal education in accordance with the curriculum approved by the Education Council:

Provided that the Minister may, by notice published in the Gazette and in consultation with the Education Council limits the period of education to any number of years as he may deem desirable and in the public interest;

"primary school" means a school providing primary education, but where the school concerned provides both primary and secondary education, reference in this Act to primary school shall be construed as including that school to the extent to which it provides primary education;

"Principal Secretary" means the Principal Secretary of the Ministry of Education and includes any senior officer in the Ministry to whom he delegates the power to perform the functions of the Principal Secretary under this Act;

"private school" means any school wholly owned and maintained by a person or body of person other than the Government;

"public school" means any school wholly maintained by the Ministry or other approved Government organ;

"secondary education" means a full time formal education continued immediately after primary but before higher education in accordance with the curriculum approved by the Education Council;

"tuition class arrangement" means an arrangement whereby a practising or non-practising professional teacher offers extra-school tuition to children or adults on a private basis whether for free or at a nominal fee.

(2) All the amended interpretations or parts thereof of the principal Act are hereby accordingly repealed.

(3) The following words and their interpretations appearing in section 2 of the principal Act are hereby repealed:-

- (a) "assistant minister";
- (b) "party";
- (c) "Party organs";
- (d) "Party School";
- (e) "revolutionary committee".

Amendment of principal Act.

3. The principal Act is hereby amended as follows:-

- (a) the words "Education Board" appearing in section 2 of the principal Act and wherever they occur in that Act be deleted and replaced by the words "Education Council";
- (b) the words "Advisory Council" appearing in section 5(1) (a) of the principal Act and wherever they occur in that Act be deleted and replaced by the words "Education Council";
- (c) the words "assistant minister" wherever they occur in the principal Act be replaced by the words "Principal Secretary"
- (d) the words "revolutionary committee" wherever they occur in the principal Act be replaced by the words "Management Council".

Amendment of section 3.

4. Section 3 of the principal Act is hereby amended by deleting the words "in the School" appearing at the end of paragraph (c) and replacing them by the words "on education".

Amendment of section 4.

5. Section 4 of the principal Act is amended by:-

- (a) replacing the semicolon by a comma and adding therefore the following words at the end of paragraph, (b) : -

"and ratify or reject decisions of the Education
- (b) replacing the words "the United Republic of Tanzania" by the word "Zanzibar" in paragraph (c),

Amendment of section 5.

6. Section 5 of the principal Act is amended by –

- (a) replacing the word "Minister" by the word "President" at the end of paragraph (a) of subsection (1);
- (b) adding the words "Save for the Chairman" immediately before the words "The Minister" in subsection (3).

Amendment of section 11.

7. Section 11 of the principal Act is amended as follows:-

- (a) the whole of subsection (1) is deleted and replaced by the following:-

“(1) The Minister shall not grant the establishment of a school under this Act unless the intended school to be established is:-

- (a) a public school; or
- (b) a private school whose owners have satisfied the Minister that they are the rightful owners of that school and that they will not run the school along racial, religious, colour, social status, income, disability or any other discriminatory lines whatsoever; or
- (c) an aided school which has secured from the Minister, at least a promise for grant in aid.

(b) the following new subsection (3) is added:-

“(3) Every application for approval as owner of a school or group of schools pursuant to paragraph (b) of subsection (1) of this section, shall be made in such manner as the Minister may prescribe in regulations under this Act”.

Amendment of section 12. 8. The whole of section 12 of the principal Act is deleted and replaced as follows:-

"Tuition class arrangement". 12.(1) There shall be established tuition class arrangements for the purpose of enhancing continuing education.

(2) Such class arrangements shall be under the adult education programme and shall be run in accordance with regulations made under this Act.

(3) For the purpose of this Part, a tuition class arrangement shall not be deemed to be a school.

Amendment of section 13. 9. Section 13 of the principal Act is hereby amended by deleting the provision appearing in subsection (3) and substituting for it the following:-

"Provided that such certificate shall indicate clearly the ownership of such school".

Amendment of section 14. 10. Section 14 of the principal Act is hereby amended in subsection (2) as follows:-

(a) by deleting the words "five thousand shillings" and substituting for them the words "fifty thousand shillings".

(b) by deleting the words "one hundred shillings" and substituting for them the words "ten thousand shillings".

Amendment of section 15. 11. Section 15 of the principal Act is hereby amended by:-

(a) substituting a comma for the semicolon at the end of paragraph (k) and adding the word "or" after the comma;

(b) adding the following new paragraph (1) :-

"(1) has set out to run its activities along discriminatory lines".

Amendment of section 16. 12.(1) Section 16 of the principal Act is hereby amended by deleting the marginal note thereof and replacing it by the following new one:-

"closure of school other than public".

(2) Paragraph (e) of subsection (1) of section 16 of the principal Act is hereby amended by substituting the words "along discriminatory lines" for the words and facilities which if enhanced would be for the benefit of the public if it were a public school".

(3) The following new paragraph (f) is added-immediately after paragraph (e):-

"(f) has violated or failed to obey any order issued to it under the provisions of this Act or regulations thereunder";

(4) The proviso following immediately after the new paragraph (f) is amended by substituting the word "closed" for the words "to be a public school" appearing at the end of that provision.

(5) Subsections (2), (3) and (4) are hereby deleted and replaced thereupon by the following new subsections (2) and (3) respectively:-

"(2) Where the Education Council makes such a declaration under subsection (1), the school shall forthwith cease to operate".

"(3) Where any school has been closed as such, the Minister may order the transfer of those of its students who are within the compulsory schooling age range to such other schools as he may direct."

Amendment of section 18A. 13. The principal Act is hereby amended by adding immediately after section 18 of the " following new section:-

Appointment of Co-ordinator General.

18A. The Minister shall appoint the Co-ordinator General who shall be responsible in Co-ordinating and monitoring the activities of private, religious and aided schools, in accordance with regulations made under this Act" .

Amendment of section 18B. 14. The principal Act is hereby amended by adding immediately after section 18A the following new section:-

"Appointment of manager of private schools".

18B.(1) No person shall of assume the responsibility of manager of a private school without prior approval of the Minister through the Coordinator General.

(2) Every application for approval of a person as manager of a private school shall be sent to the Coordinator General in such a manner as the Minister may prescribe.

(3) The Minister may approve any person as manager of a private school or may reject any application, and may at any time withdraw any approval so given:

Provided that such rejection or withdrawal shall be on grounds only of professional incompetence or misconduct.

(4) Where the Minister has withdrawn the approval of any person as manager of a private school, the Coordinator General shall inform the person accordingly through his employer, and the appointment of the person as manager of that school shall cease and the owner of the school shall within such time as the Coordinator General may direct –

- (a) assume personally the responsibility of the management of the school; or
- (b) appoint as manager a person approved by the Minister; or
- (c) close the school.

Amendment of section 20. 15. Section 20 of the principal Act is hereby amended by adding the words "or if he has not completed that education, he attains the age of eighteen years", at the end of subsection (1).

Amendment of section 24. 16. Section 24 of the principal Act is hereby amended in subsection (1) by:-

- (a) inserting the word "public" between the words "every" and "school";
- (b) deleting the words "elected" and "Area" and replacing them by the words "appointed" and "District" respectively;
- (c) adding the words "appointed by the local Government" at the end of paragraph (b);
- (d) deleting the words "Party Branch" and substituting for them the word "Shehia" and adding the words "appointed by the Sheha" at the end of paragraph (c);

(e) adding the following two new paragraphs (f) and (g) after paragraph (e) of subsection (1):-

"(f) not more than three members who shall be elected by the parents themselves"; and

"(g) the Head of the student Government of the school if he is not below the secondary education level".

(f) deleting the full-stop and adding the words "or re-election" at the end of subsection (2).

Amendment of section 25. 17. Section 25 of the principal Act is hereby amended by the addition of the following new paragraphs (e), (f), (g) and (h) after paragraph (d) of subsection (1):-

"(e) to mobilize community participation in self-help activities of the school; and

(f) to organize fund-raising activities for the development and upkeep of the school; and

(g) to control the school funds in accordance with directives issued from time to time by the Minister; and

(h) any other specific functions that may be assigned to it by the "Minister".

Amendment of section 25A. 18. The principal Act is hereby amended by adding immediately after section 25 the following new section:-

"Establishment of national school boards".

25A. There shall be a school board for each national school whose composition, constitution and functions shall be prescribed in regulations under this Act.

Amendment of section 25B. 19. The principal Act is hereby amended by adding immediately after section 25A the following section:-

"Establishment of private school board".

25B. There shall be a school board for each private, school religious or aided school whose composition, constitution and functions shall be as prescribed by the owners:

Provided that the Coordinator General shall have the power to appoint at least one member to the board of any aided school.

District on and Regional School Boards to become Education Boards.

20. The word "School" is deleted and replaced by the word "Education" wherever it appears in reference to District or Regional School Board in sections 26 to 32 and anywhere else in the principal Act.

Amendment of section 26.

21. Section 26 of the principal Act hereby amended by deleting the whole paragraphs (c) and (d) and replacing the following new paragraph:-

“(c) a member appointed by the District Commissioner from his office;

(d) not more than five members from such interest groups like parents, youths; women and students as the District Commissioner may consider significant appointed by the District Commissioner”.

Amendment of section 27.

22. Section 27 of the principal Act is hereby amended by –

(a) inserting the words "national school boards and private school boards" between the words "committee" and "within" in paragraph (b) of that section; and

(b) adding the following new paragraph (d) immediately after paragraph (c) of that section:-

“(d) to promote healthy relations among the pupils, teachers, parents, guardians and the public in general in that District.”

Amendment of section 28. 23. Section 28 of the principal Act is hereby amended by deleting the whole of paragraphs (c) and (d) and replacing them by the following new paragraphs:-

“(c) a member appointed by the Regional Commissioner from his office;

(d) not more than five members from such interest groups like parents, youths, women and students as the Regional Commissioner may consider significant, appointed by the Regional Commissioner”.

Amendment of section 30. 24. Section 30 of the principal Act is hereby amended as follows:-

(a) in paragraph (e) of subsection (1) by –

(i) inserting the words "a District or" between the words "Committee or" and "Regional"; and

(ii) inserting the words "as the case may be" between the words "Board" and "appointed".

(b) in subsection (2) by –

(i) inserting the words "of the suspended Committee or Board" between the words "functions" and "to the Board";

(ii) deleting the word "vest" appearing between the words "Board" and "to it" and replacing it by the words "immediately superior".

Amendment of section 32. 25. Section 32 of the principal Act is hereby amended in subsection (1) by inserting the words "or a national school board or a private school board" between the words "Committee" and "or District".

Amendment of section 33. 26. Section 33 of the principal Act is amended by:-

(a) deleting the words "the Islands" in paragraph (c) and replacing them by the word "Zanzibar" and

(b) adding the following new subsection (d) immediately after paragraph (c):-

“(d) from Zanzibar to overseas countries”.

Amendment of section 34.

27. Section 34 of the principal Act is hereby amended –

(a) in paragraph (a) by –

(i) deleting the words "hundred and fifty" and substituting for them the words "one thousand five hundred"; and

(ii) deleting the words "three hundred" and substituting for them the words "three thousand".

(b) in paragraph (c) by –

(i) deleting the words "five hundred and fifty" and replacing them by the words "five thousand five hundred"; and

(ii) deleting the words "one thousand" and replacing them by the words "ten thousand".

Amendment of section 42.

28. Section 42 of the principal Act is amended in subsection (4) by deleting the semicolon at the end of paragraph (b) and adding the following words immediately thereafter:-

"or is guilty of professional misconduct or violation of teaching ethics"

Amendment of section 43.

29. Section 43 of the principal Act is hereby amended in the last paragraph by deleting the words "one thousand five hundred" and "five hundred" and substituting for them the words "fifteen thousand" and "five thousand" respectively.

Amendment of section 45.

30. Section 45 of the principal Act is amended by deleting the full stop at the end of subsection (1) and adding thereafter the words "or place of learning".

Repeal of Part VII.

31. The whole of Part VII of the principal Act is hereby repealed, and the subsequent Parts VIII and IX accordingly renumbered as Parts VII and VIII respectively.

Amendment of section 50. 32. Section 50 of the principal Act is hereby amended by renumbering it as section 47 and by adding the word "Act" at the end of subsection (1).

Amendment of section 51. 33. Section 51 of the principal Act is amended by renumbering it as section 48 and by deleting the words "school run by the Government, the Party or its Mass Organizations" therefrom and substituting the words "or private or aided school" thereof.

Amendment of section 52. 34. Section 52 of the principal Act is amended by renumbering it as section 49.

Amendment of section 53. 35.(1) Section 53 of the principal Act is hereby amended by renumbering it as section 50.

(2) Subsection (1) of new section 50 is amended by –

(a) inserting the word "junior" between the words "and" and "Secondary" ;

(b) inserting the words "aged" between seven and seventeen years inclusive" between the words "every child" and "in Zanzibar"; and

(c) inserting the word "such" between the words "to every" and "child".

(3) Subsection (3) of the new section 50 is hereby amended by: -

(a) inserting the words "before and" between the word "education" and "beyond";

(b) inserting the words "primary and junior" between the words "Level of" and "Secondary"; and

(c) deleting the words "by the Council" appearing at the end.

(4) Subsection (4) of the new section 50 is amended by inserting the word "disability" followed by a comma between the comma following the word "race" and the word "religious"

(5) The following new subsection (5) is added immediately after subsection (4) :-

"(5) In the enforcement of the provisions of subsection (4) above, the Minister may at any time order any private school to admit any pupil with the appropriate qualifications:

Provided that when the Minister issues, such an order, he may require that the government pay the required fees in lieu of that pupil if he is satisfied that the parents, or guardians of such pupils are unable to pay such fees.

Amendment of section 54. 36. Section 54 of the principal Act is amended by renumbering it as section 51 and then by substituting a comma for the full stop and adding therefore the words "except with the prior approval of the Minister" at the end of subsection (1).

Amendment of section 55. 37. Section 55 of the principal Act is renumbered as section 52 then amended as follows:-

- (a) the word "vocational" appearing in the marginal note is deleted and replaced by the word "private";
- (b) the words "vocational training" appearing in subsection (1) and deleted therefrom and the words "private, religious or aided" substituted thereof;
- (c) the following words are added as a provision under subsection (1) :-

"Provided that rates for such levies, fees or subscriptions shall have to get prior approval or ratification of the Minister".

- (d) the words "vocational training" and "collect any fees" appearing in subsection (2) are deleted and replaced by the words "such" and "so charged" respectively;
- (e) the following new subsection (3) is added immediately after subsection (2) :-

"(3) The Minister may make regulations for the proper and efficient carrying out of the provisions of this section and those of section 51 above".

Amendment of section 56. 38. Section 56 of the principal Act is hereby amended by renumbering it as section 53.

Amendment of section 57. 39. Section 57 of the principal Act is hereby amended by renumbering it as section 54 and then substituting the word "any" for the words "a public".

Amendment of section 58. 40. Section 58 of the principal Act is amended by renumbering it as section 55.

Amendment of new section 56. 41. The following new section 56 is added to the principal Act: -

"Zanzibar Education Development Fund". 56.(1) There is hereby established the Zanzibar Education Development Fund whose composition, constitution, functions and control shall be prescribed in the regulations under this Act.

(2) Financial sources for the Fund shall include voluntary contributions and a tax or levy charged on big commercial business enterprises and on such other privileged individuals or organizations as the Minister responsible for Finance may consider appropriate and at such rates as the Minister may from time to time determine.

Amendment of section 59. 42. Section 59 of the principal Act is hereby renumbered as section 57 and its subsection (1) amended by:-

- (a) substituting the word "Minister" for the word "Education Board" appearing in paragraphs (a) and (b);
- (b) inserting the words "the Coordinator General" between the words "or" and "an inspector" in paragraph (i) ;

- (c) inserting the words "twenty", "fifty" and "thousand" for the words "two", "five" and "hundred" respectively appearing in the subparagraph following immediately under paragraph (i).

Addition of new section 58.

43. The following new section 58 is added.

"Minister may amend fines".

58. The Minister from time to time by notice in the Gazette, amend any of the fines prescribed in this Act, after consultation with the Attorney-General of Zanzibar.

Amendment of section 60.

44. Section 60 of the principal Act is hereby renumbered as section 59 and its subsection (1) amended by:-

- (a) inserting the words "school committees" and between the words "furnished to" and "the Education" in paragraph (k);
- (b) deleting the word "of " and substituting therefore the words "and control of private, aided and" in paragraph (n);
- (c) renumbering paragraph (u) as (z) and adding there-between the following new paragraphs (u) - (y) immediately after paragraph (t):-

"(u) to provide for the composition, constitution and functions of national schools boards;

(v) to provide for the control of school fees, levies, subscriptions, contributions, and other forms of cost-recovery charged as a condition of admission into or attendance at any school;

(w) to prescribe the procedure for the application for a grant in aid, and conditions to be fulfilled before and after the same is awarded;

- (x) to provide for the regulation of tuition, class arrangements and the provision of continuing education in general;
- (y) to provide for student Government in school; and

Amendment of sections 61 and 62. 45. Sections 61 and 62 are amended by renumbering them as sections 60 and 61 respectively.
and 62.

PASSED in the House of Representatives on the 29th day of September, 1993.

KHAMIS JUMA CHANDE
CLERK OF THE HOUSE OF REPRESENTATIVES