

CHAPTER 281

THE NATIONAL MUSEUM OF TANZANIA ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

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SCHEDULE

CHAPTER 281

THE NATIONAL MUSEUM OF TANZANIA ACT

An Act to establish the National Museum of Tanzania, and to provide for related matters.

[1st August, 1980]

[GN. No. 111 of 1980]

Act No.
7 of 1980
12 of 2022

Short title

1. This Act may be cited as the National Museum of Tanzania Act.

Interpretation
Act No.
12 of 2022
ss. 37 and 38

2. In this Act, unless the context requires otherwise-
“Board” means the Board of the National Museum of Tanzania established under section 5;
“Board of Trustees” means the Board of Trustees dis-established by section 15 of this Act;
“Director General” means the Director General of the National Museum of Tanzania appointed under section 7;
“Minister” means the Minister responsible for Museum;
“monument” includes-
(a) any building, fortification, interment, midden, dam or any structure erected, built or formed by human agency in Tanganyika before the year 1863;
(b) any rock painting or any immovable object painted, sculptured, carved, incised or modified by human agency in Tanganyika before the year 1863;
(c) any earthwork, trench, admit, well, cave, tunnel or other modification of the soil or rock dug, excavated or otherwise engineered by human agency in Tanganyika before the year 1863, whether or not the monuments have been modified, added to or restored at a later date and whether or not it is included in a list published by the Director of Antiquities;

(d) any site or immovable structure declared to be a monument under section 3; and

(e) such adjoining land as may be required for the purposes of fencing, covering or otherwise preserving the monument;

“museum” means an educational and cultural institution for the collection, preservation and research of scientific and cultural objects;

“National Museum” means the museum declared by the Minister under section 6;

“National Museum of Tanzania” means the National Museum of Tanzania established under section 3.

Establishment of
National Museum
of Tanzania

3.-(1) There is hereby established a body corporate to be known as the National Museum of Tanzania.

(2) The National Museum of Tanzania shall-

(a) have perpetual succession and an official seal;

(b) in its corporate name, be capable of suing and being sued; and

(c) subject to the provisions of this Act, be capable of holding, purchasing and otherwise acquiring in any other way, any movable or immovable property or disposing of any of its property.

Functions of
National Museum
of Tanzania
Act No.
12 of 2022 s. 39

4. The functions of the National Museum of Tanzania shall be to-

(a) identify, protect, preserve and transmit cultural and natural heritage of Tanzania;

(b) conduct research and disseminate knowledge in the fields of scientific, cultural, technological and human evolution;

(c) promote Tanzania cultural heritage resources in academic, social and economic development;

(d) engage formal and informal education and lifelong learning, through development and transmission of knowledge, programmes and exhibitions;

(e) interpret and disseminate knowledge on collections, monuments, conservation areas and sites within its

specific areas of expertise and to organise exhibition as appropriate; and

- (f) perform any other functions necessary for the promotion, control and management of museums.

[s.3A]

Establishment
and functions of
Board
Act No.
12 of 2022 s. 40

5.-(1) There shall be established the Board of the National Museum of Tanzania.

(2) The provisions of the First Schedule to this Act shall have effect as to the constitution, proceedings, and acts in relation to the Board.

(3) Functions of the Board shall be to control, manage and develop the National Museum of Tanzania and for the purposes of carrying out those functions, the Board may-

- (a) with the consent of the Minister, acquire land for the purposes of national museums and, with such consent as aforesaid, dispose of any such land which is not required for that purpose;
- (b) exchange, sell or otherwise dispose of any duplicate objects belonging to the national museum which the Board considers unfit to be preserved or not to be required for the purposes of national museum;
- (c) apply any money received by the Board on exchange, sale or disposal of any objects or on the disposal of any land or by way of payment for admission to the national museums or part thereof or by way of gift, subvention, grant or otherwise, in the purchase of any object which, in the opinion of the Board, it is desirable to acquire for the national museums, or otherwise in defraying any expenses of the Board;
- (d) subject to the Antiquities Act, and on such terms and conditions as the Board may think fit, lend any objects belonging to the Board to any gallery, museum, exhibition or educational institution whether within or outside Tanzania;
- (e) advise the Minister on all matters connected with the development of museums in the country; and

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- (f) subject to the provisions of this Act, do such other things as appear to the Board to be necessary, desirable or expedient for furthering the interests and utility of national museums or such other museums belonging to institutions or individuals.

(4) The Board may carry out its functions in association with any other person or body, including the Government and any local authority.

[s. 4]

Declaration of
National Museum
Act No.
12 of 2022 s. 41

6.-(1) The Minister may, upon recommendation of the Board and by notice published in the *Gazette*, declare any museum to be a National Museum.

(2) The procedure for declaration of a National Museum under this section shall be prescribed in the regulations.

(3) A museum declared under subsection (1) shall be under the National Museum of Tanzania.

[s. 4A]

Appointment of
Director General
Act No.
12 of 2022 s. 37

7.-(1) The President shall appoint the Director General of the National Museum.

(2) The Director General shall be the chief executive officer of the National Museum and shall exercise such other functions of the National Museum as the Board may consider necessary to delegate to him to enable him to transact all the day-to-day business of the National Museum.

(3) Without prejudice to the generality of the subsection (2) and subject to any direction given by the Board, the Director General shall have the power to exercise supervision and control over acts of all employees or instruction that may be imposed by the Board, the powers to dispose of all questions relating to the terms and conditions of the service of the employees of the National Museum.

(4) In the exercise of the powers vested in him by this section or delegated to him by the Board, the Director General shall comply with any direction or policy of a general nature given to him by the Board whether generally or specifically,

and shall not depart or permit departure from the approved estimates of expenditure or from the approved establishment of the National Museum or the normal procedures of dealing with any particular matter.

[s. 5]

Funds and
resources of
National Museum
Act No.
12 of 2022 s. 42

8.—(1) The funds and resources of the National Museum shall consist of-

- (a) such sums as may be provided for the purposes of the National Museum by Parliament;
- (b) such funds or assets as may vest in or accrue to the National Museum from other sources by way of grants, gifts, fees or in any other way;
- (c) any sum or property which may in any manner become payable to or vested in the National Museum; and
- (d) revenue from entrance fees that may be imposed by the Board.

(2) The Board may, with prior approval of the Minister and for effective implementation of the functions of the National Museum, invest any part of money available in the funds of the National Museum of Tanzania in such manner as the Board may deem fit.

[s. 6]

Annual and
supplementary
budget

9.—(1) Not less than two months before beginning of any financial year, the Board shall at its meeting specially convened for that purpose, pass a detailed budget of the amounts-

- (a) expected to be received; and
- (b) expected to be disbursed,

by the Board during the financial year.

(2) The Board may-

- (a) with the sanction in writing of the Minister, make disbursement notwithstanding that the disbursement is not provided for in any budget. and
- (b) adjust expenditure limits to take account of circumstances not reasonably foreseeable at the time the budget was prepared, subject to submitting a supplementary budget

to the Minister within two months of the alteration of expenditure limits becoming necessary.

[s. 7]

Accounts and
audit

10.—(1) The Board shall cause to be provided and kept proper books of accounts and records with respect to-

- (a) the receipt and expenditure of moneys by, and other financial transactions of, the National Museum; and
- (b) the assets and liabilities of the National Museum,

and shall cause to be made out for every financial year a balance sheet and a statement showing details of the income and expenditure of the National Museum and all its assets and liabilities.

(2) Not later than six months after the close of every financial year, the accounts including the balance sheet of the National Museum in respect of that financial year shall be audited by the Controller and Auditor-General established by the Public Audit Act.

(3) Every audited balance sheet shall be placed before a meeting of the Board and, where adopted by the Board, shall be endorsed with the certificate that it has been adopted.

[s. 8]

Annual statement
of accounts and
report to be
submitted to
Minister

11. The Board shall within six months after the close of the financial year, cause to be prepared and submitted to the Minister a report dealing generally with the activities and operations of the National Museum during that year and accompanied by-

- (a) a copy of the audited accounts of the National Museum;
- (b) a copy of the accounts; and
- (c) such other information as the Minister may direct.

[s. 9]

Annual statement
and report to
be laid before
National
Assembly

12. The Minister shall as soon as practicable and in any case not later than twelve months after the close of a financial year, lay before the National Assembly the following documents in relation to that financial year-

- (a) a copy of the audited statement of accounts of the National Museum;
- (b) a copy of the auditors report, if any; and
- (c) a copy of the report by the Board.

[s. 10]

Vesting in
National Museum
of objects
acquired for
National Museum

13. All objects which are at any time after the coming into operation of this Act expressly given or bequeathed to the public or to the Board for the purpose of National Museum or given or bequeathed by words showing an intention that the gifts should ensure to or for the benefit of National Museum or which are acquired by purchase or otherwise for the purposes of National Museum shall be held by the Board for the purposes of National Museum.

[s. 11]

Management
and operations
of monuments,
conservation
areas and sites
Act No.
12 of 2022 s. 43
Cap. 333

14.-(1) For the purposes of better preservation, protection and promotion of monuments, conservation areas or sites, the National Museum of Tanzania shall undertake the day to day management and operations of monuments vested to it in terms of the Antiquities Act.

(2) In implementing the responsibilities under subsection (1), the Director General may-

- (a) enter and inspect any monument, conservation area or site;
- (b) fence, repair, protect or preserve any monument, conservation area or site;
- (c) search and excavate for relics in any monument, conservation area or site and remove any relics undiscovered; or
- (d) implement anything or undertake any other responsibility as provided under the Antiquities Act.

(3) Where a monument is a place of ordinary habitation or occupation, the Director General shall give the occupier not less than forty-eight hours' notice in writing of his intention to search and excavate for relics.

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(4) This section shall not be construed to authorise-

- (a) the exclusion of the owner or any person beneficially interested in a monument, conservation area or site or any person authorised by him, from any part of the monument, conservation area or site; or
- (b) the excavation of any monument or any search for relics in a monument, conservation area or site which is a place of ordinary habitation or occupation without the consent of the owner.

(5) A person who willfully obstructs the Director General or any other person authorised by him in that behalf in the exercise of his powers under subsection (2) commits an offence.

[s. 11A]

Repeal
R.L.
Cap. 522

15. [Repeals and dissolves the Board of Trustees].

[s. 12]

Saving of rules

16. Rules made by the Board of Trustees and in force immediately prior to the date upon which this Act comes into operation shall remain in force as if they have been made by the Board under this Act until such time as they are amended or revoked by rules made by the Board under this Act.

[s. 13]

Trustee of
property from
Board of Trustees
to Board

17. Upon the coming into operation of this Act the provisions of Second Schedule of this Act shall apply to the transfer of property from the Board of Trustees to the Board and to other matters.

[s. 14]

Regulations

18.-(1) The Board may, with the consent of the Minister, make regulations for the better carrying out and giving effect to the provisions of this Act.

(2) Without prejudice to the generality of subsection, the Minister, may make regulations for-

- (a) securing the due administration of the National Museum;

- (b) preserving the objects collected in national museums; and
- (c) requiring payments to be made for admission to any national museum or any part thereof.

[s. 15]

FIRST SCHEDULE

(Made under section 5(2))

THE COMPOSITION, FUNCTIONS AND PROCEDURE OF THE BOARD

Composition of
Board
Act No.
12 of 2022 s. 44

- 1.-(1)** The Board shall consist of-
- (a) the Chairman who shall be appointed by the President;
 - (b) the Director of Antiquities;
 - (c) five other members appointed by the Minister as follows:
 - (i) a representative of higher learning institutions;
 - (ii) a representative of from the Tanzania Commission for Science and Technology; and
 - (iii) three other members appointed by the Minister.
- (2)** In appointing members under subparagraph 1(c), the Minister shall have regard to-
- (a) persons who have experience and proven knowledge in sciences or cultural heritage, tourism marketing, economics, financial matters, administration or education; and
 - (b) gender.
- (3)** The Director General shall be the Secretary to the Board.

Vice Chairman

- 2.** The Board may appoint one of its members to be the Vice Chairman and any member elected as Vice Chairman shall, subject to his continuing to be a member, hold office for a term of one year from the date of his election, and shall be eligible for re-election.

Tenure of
appointment

- 3.-(1)** A member of the Board shall hold office for such period as the appointing authority may specify in his appointment, or where period is so specified, shall not hold office for a term of three years from the date of his appointment, and shall be eligible for re-appointment.
- (2)** In the case of a member who is a member by the virtue of his holding some other office, he shall cease to be a member upon his ceasing to hold that office.
- (3)** The appointing authority may at any time revoke an appointment made by him under paragraph (1) and any member so appointed may at any time resign his office by notice in writing to the appointing authority.

Absent member to be represented at meetings	4. Where a member of the Board who is a member by virtue of his holding some other office is unable for any reason to attend any meeting of the Board, he may nominate in writing another person from his institution to attend the meeting in his place.
Casual vacancies	5. Where any vacancy occurs in the membership of the Board by reason of death, resignation or permanent incapacity of any member, the appointing authority may appoint another person to fill that vacancy, and a person so appointed shall hold office for the unexpired period of office of the member in whose place he is appointed.
Variations of composition of Board	6. The Minister may, on the advice of the Board, by Order published in the <i>Gazette</i> , vary the composition of the Board.
Staff Act No. 12 of 2022 s. 37	7. The Board may appoint at such salary and upon such terms as it thinks fit such officers or servants, other than the Director General of National Museums, as it may deem necessary for the carrying out of its functions.
Meetings of Board	8.—(1) The Board shall ordinarily meet for the transaction of its business at the times and places determined by it, but shall meet at least once every four months. (2) The Chairman or in his absence the Vice Chairman, may at any time call a special meeting of the Board, and shall call a special meeting upon a written request by a majority of the members in the office. (3) The Chairman, or in his absence the Vice Chairman, shall preside at every meeting of the Board and in the absence of both the Chairman and Vice Chairman, members present shall appoint one of them to preside over the meeting. (4) The Chairman or in his absence the Vice Chairman may invite a person who is not a member to participate in the deliberations at any meeting of the Board, but a person so invited shall not be entitled to vote.
Quorum	9.—(1) The quorum at any meeting of the Board shall be one half of the total number of members of the Board and where there is an uneven number of members, shall be the next number above half. (2) Subject to the provisions of subparagraph (1), the Board may act notwithstanding any vacancy in its number.
Decisions of Board	10.—(1) Questions proposed at the meeting of the Board shall be decided by a majority of the votes of the members present and voting and in event of an equality of votes, the person presiding shall have a casting vote in addition to deliberative vote. (2) Notwithstanding subparagraph (1), a decision may be made by the Board by circulation of the relevant papers among the members, and the expression in writing of the views of the majority of members.

Minutes of meetings	11.—(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 and confirmed, at the next meeting of the Board and signed by the persons presiding at the meeting. (2) Any minutes signed, or purporting to have been signed, by the 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 whose minutes they support.
Vacancies, etc., not to invalidate proceedings	12. Act or proceeding of the Board shall not be invalid by reason only of any vacancy among its members or defect in the appointment of any of them.
Orders, etc., to be signed by Chairman or Director General Act No. 12 of 2022 s. 37	13. All orders, directions, notices or other documents made or issued on behalf of the Board shall be signed by— (a) the Chairman of the Board; or (b) the Director General or any other officer or officers of the National Museums appointed in writing in that behalf by the Director General.
Seal of Board Act No. 12 of 2022 s. 37	14. The seal of the Board shall not be fixed to any instrument except in the presence of the Director General or any of the following persons— (a) the Chairman; (b) Vice Chairman; or (c) any other officer of the National Museum.
Board may regulate its proceedings	15. Subject to the provisions of the Schedule the Board may regulate its own proceedings.

SECOND SCHEDULE

(Made under section 17)

TRANSFER OF PROPERTY AND TRANSITIONAL PROVISIONS

Application of Schedule	1. The provisions of this Schedule shall have effect notwithstanding the dissolution of the Board of Trustees.
Transfer of property from Board of Trustees to Board	2.—(1) Any land vested in the Board of Trustees under any provisions of the National Museum Act (hereby repealed) shall be transferred to, and without further assurance vest the same interest in the Board. (2) Any object vested in the Board of Trustees by virtue of section 5 of the National Museum Act (hereby repealed) shall be transferred to and vest in the Board and shall be held by the Board for the purpose of National Museums.

Passing of liabilities from Board of Trustees to Board	3. Subject to the provisions of paragraph 2, all assets and liabilities which immediately prior to the coming into operation of this Act were vested in or incurred by the Board of Trustees shall pass by succession to the Board, and the Board shall have all powers necessary to take possession of, recover and deal with such assets and discharge such liabilities.
Handing over of documents	4. The Board of Trustees shall deliver to the Board, or as the Board may order, all movable property vested in the Board of Trustees immediately prior thereto, and all books, papers, documents, minutes, receipts and ledgers pertaining to the Board of Trustees and to its operations.
Agreements of Board of Trustees to bind Board	5. Subject to the provisions of paragraph 6, every agreement, whether in writing or not, to which the Board of Trustees was a party immediately prior to the coming into operation of this Act, and whether or not of such nature that the rights and liabilities thereunder could be assigned, shall have effect as from the coming into operation of this Act as if- (a) the Board had been a party to such agreement; and (b) for any reference (however worded and whether express or implied) to the Board of Trustees there were substituted in respect of anything to be done on or effect the coming into operation of this Act a reference to the Board.
Officers employees of Board of Trustees	6. The appointment of any officer or servant of the Board of Trustees, other than the appointment of the curator, subsisting immediately before the coming into operation of this Act shall, where such officer or servant so agrees, be deemed to be made by the Board under the provisions of this Act, and for the purpose of determining the rights of pension or gratuity on retirement, the service of such officer or servant shall be regarded as continuous from the time he was appointed by the Board of Trustees.
Proceedings by or against Board of Trustees	7. Any proceeding pending on the coming into operation of this Act to which the Board of Trustees was a party shall be continued as if the Board was a party thereto in lieu of the Board of Trustees.
Transitional provisions	8. Where anything has been commenced by or under the authority of the Board of Trustees prior to the coming into operation of this Act and such thing is within the powers of the Board or was done in relation to any of the matters transferred by the Schedule to the Board, such a thing may be carried on and completed by, or under the authority of the Board.

