

CHAPTER 422

THE UNIVERSAL COMMUNICATIONS SERVICE ACCESS ACT [PRINCIPAL LEGISLATION] ARRANGEMENT OF SECTIONS

Section Title

PART I PRELIMINARY PROVISIONS

1. Short title.
2. Application.
3. Interpretation.

PART II THE FUND

4. Establishment of Fund.
5. Objectives of Fund.
6. Functions of Fund.

PART III THE BOARD

7. Establishment of Board.
8. Powers and functions of Board.
9. Manager and other staff.
10. Code of conduct.
11. Conflict of interest.
12. Removal of members.

PART IV PROVISION OF UNIVERSAL COMMUNICATIONS ACCESS SERVICE

13. Universal service obligation.
14. Open communication networks and services.
15. Designation of universal service providers.
16. Universal service areas.
17. Policy statement and project proposal.
18. Universal service levy.

19. Universal service subsidy.
20. Right to information.
21. Public Register.
22. Publication of universal service providers.

PART V FINANCIAL PROVISIONS

23. Sources of funds.
24. Accounts and financial audit.
25. Performance audit.
26. Annual report.
27. Budget.

PART VI MISCELLANEOUS PROVISIONS

28. Regulations.
29. Transitional and savings.

PART VII CONSEQUENTIAL AMENDMENT TO THE TANZANIA COMMUNICATIONS REGULATORY AUTHORITY ACT, CAP. 172

30. Omitted.
31. Omitted.

SCHEDULE

CHAPTER 422

THE UNIVERSAL COMMUNICATIONS SERVICE ACCESS ACT

An Act to establish the Universal Communications Service Access Fund for enabling accessibility and participation by communication operators in the provision of communication services, with a view to promoting social, education and economic development of the rural and urban under-served areas; to provide for availability of communication services by establishing a legal framework for universal service providers to meet the communication needs of consumers and to provide for related matters.

[1st December, 2008]

[GN. No. 15 of 2008]

Acts Nos.
11 of 2006
6 of 2021
1 of 2022

PART I

PRELIMINARY PROVISIONS

Short title **1.**—(1) This Act may be cited as the Universal Communications Service Access Act.
(2) [Omitted].

Application **2.**—(1) Subject to the provisions of subsection (2), this Act shall apply to Mainland Tanzania as well as to Tanzania Zanzibar in relation to the promotion of communication services through financing in rural and under-served areas.
(2) With respect to broadcasting, this Act shall not apply to Tanzania Zanzibar.

Interpretation
Act No.
6 of 2021 s. 64 **3.** In this Act, unless the context otherwise requires—
“Act” means the Universal Communications Service Access Act;
“Authority” means the Tanzania Communications Regulatory Authority;

“Board” means the Board of the Universal Communications Service Access Fund established under section 7;

“Chairman” means the Chairman of the Board of the Universal Communications Service Access Fund and includes the Vice-Chairman and the person for the time being acting as Chairman;

“communication services” means services for the provision of postal, electronic communications or content services and its infrastructure;

“Fund” means the Universal Communications Service Access Fund established under section 4;

“Manager” means the Manager of the Fund appointed under section 9;

“member” means a member of the Board of the Fund and includes the Manager;

“Minister” means the Minister responsible for communications;

“under-served areas” means designated geographical areas by the Fund where there is reduced availability of communication services;

“universal services” means a defined minimum set of communications service of specified quality which is available to all users independent of their geographical location, and in the light of specific national conditions, at an affordable price;

“universal service areas” means rural or urban under-served areas;

“universal service provider” means a person designated to provide universal services.

PART II

THE FUND

Establishment of
Fund

4.-(1) There is established a Fund to be known as the Universal Communications Service Access Fund.

(2) The Fund shall be a body corporate with perpetual succession with a common seal and shall, in its corporate name, be capable of-

- (a) suing and being sued;
- (b) acquiring, holding and disposing of real and personal property;
- (c) exercising the powers and performing the functions conferred upon it by or under this Act; and
- (d) entering into any contract or other transaction, and doing or suffering to do all such other acts and things which, a body corporate may lawfully perform, do or suffer to be done.

(3) Notwithstanding the provisions of subsection (2), the Attorney General shall have the right to intervene in any suit or matter instituted by or against the Fund.

(4) Where the Attorney General intervenes in any matter in pursuance of 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.

Cap. 5

Objectives of
Fund
Act No.
6 of 2021 s. 65

5. The objectives of the Fund shall be to-

- (a) ensure the availability of communication services in rural and urban under-served areas;
- (b) support widespread access and use of internet;
- (c) promote the participation of the public and private sector in the provision of universal service in the rural and urban under-served areas;
- (d) promote the socio-economic development of rural and urban under-served areas;
- (e) create a framework for an open and efficient access to and use of communication networks and services in production and availability of competitive market;
- (f) promote widespread provision of quality services at affordable rates and ensure that, rural and urban under-served areas have access to communication

and information services at reasonable and affordable prices; and

- (g) ensure availability of universal services by enhancing communications services access through private sector participation.

Functions of
Fund

6. The functions of the Fund shall be to-

- (a) identify the communications project areas that may be subsidised with funds of the Fund or that qualify for allocation of subsidy by the Fund;
- (b) determine the criteria to identify the rural and urban under-served areas and designate universal service areas;
- (c) establish mechanisms for a proper management of funds;
- (d) set bidding conditions for the awarding of funds;
- (e) evaluate communications projects submitted by operators to be subsidised with the Fund;
- (f) conduct research into and keep abreast of developments in the rural and urban under-served areas regarding communication services and information technologies;
- (g) advise the Authority on any matter relating to the universal access and universal service obligations of applicants;
- (h) specify the universal service obligation through defining a set of communication services that all users should have access to at an affordable price;
- (i) designate universal service providers with obligation to provide universal service in accordance with laid down criteria;
- (j) monitor and enforce agreements relating to implementation of universal service obligation;
- (k) operate and maintain a universal service fund established herein;
- (l) monitor and enforce the mechanism for the assessment, collection and recovery of the universal service levy;

- (m) determine and distribute the universal service subsidy;
- (n) recommend to the Minister about policy guidelines for the Fund;
- (o) manage the financial resources of the Fund and make the most suitable allocation of the funds;
- (p) liaise, consult and cooperate with Ministries of Government, Independent Departments or Authority on matters related to the universal service; and
- (q) make guidelines for the operation of the Fund.

PART III THE BOARD

Establishment of
Board
Acts Nos.
6 of 2021 s. 66
1 of 2022 s. 68

7.-(1) There is established a Board which shall be the governing body of the Fund.

(2) The Board shall be composed of seven members being-

- (a) the Chairman;
- (b) five non-executive members; and
- (c) the Manager who shall be the Secretary.

(3) The Chairman and non executive members shall be appointed by the Minister, and the members shall be composed as follows-

- (a) a representative of the Ministry responsible for communications of the Revolutionary Government of Zanzibar;
- (b) a representative of the Ministry responsible for communications;
- (c) a representative of the Ministry responsible for finance;
- (d) a representative of the Tanzania Communications Regulatory Authority; and
- (e) one representative from the private sector.

(4) The member referred to in subsection (3)(e) shall be appointed from any of the following:

- (a) broadcasting subsector;
- (b) telecommunication subsector;
- (c) postal subsector; or

- (d) a local association which has its membership in either one of the subsectors referred to in paragraphs (a) to (c).

Cap. 370

(5) The members of the Board shall be paid such fees and allowances as may be determined pursuant to the Treasury Registrar (Powers and Functions) Act.

(6) The Schedule to this Act shall have effect with regard to the proceedings and other matters in relation to the Board.

Powers and
functions of
Board

8.—(1) The Board shall be responsible for the performance of the functions and management of the affairs of the Fund.

(2) Without prejudice to the generality of subsection (1), the Board shall have powers to approve—

- (a) programmes for the Fund;
- (b) operating budget;
- (c) appointments of staff other than the Manager;
- (d) consulting and outsourcing contracts;
- (e) awarding contracts on tendered projects; and
- (f) quarterly reports on direct disbursements of Fund projects.

(3) Notwithstanding the provisions of subsection (2), the Board shall maintain the integrity of the Fund's financial activities and monitor the Fund's financial and annual reports.

Manager and
other staff
Acts Nos.
6 of 2021 s. 67
1 of 2022 s. 69

9.—(1) There shall be a Manager of the Fund who shall be appointed by the Minister on a competitive selection procedure.

(2) A person shall not be qualified for appointment as a Manager unless he—

- (a) is a graduate of a recognised university;
- (b) possesses at least ten years experience in one or more of the field of management, law, economics, information communication technology, finance or engineering;
- (c) has knowledge and experience of the communication sector;
- (d) has satisfied the Board that he is unlikely to have a conflict of interest with the principal functions of the Fund; and

(e) is, in the opinion of the Board otherwise well suited to execute the functions of the Fund.

(3) The Manager shall, on such terms and conditions of service, be appointed to serve for a term of five years which may be renewed for one further term.

(4) The Manager shall be the Chief Executive Officer of the Fund and shall not engage in any other paid employment.

(5) The Manager shall not participate in any deliberations or decisions of the Board relating to his terms and conditions of employment.

(6) There shall be appointed employees as may be necessary for efficient performance of the functions and day to day operations of the Fund.

(7) Subject to the direction of the Board, the Manager shall have the responsibility to-

- (a) review the Fund's investment targets, project plan and budget in accordance with the provisions of this Act;
- (b) identify and prepare rural and urban under-served areas communication projects;
- (c) prepare and maintain the Fund's manpower plan, refinement of job descriptions and management of the hiring process;
- (d) prepare, monitor and control the Fund's operating budget;
- (e) develop project terms of reference or participate in the assignment of such tasks to project officers or external consultants;
- (f) participate in the selection and supervision of consultants to support project implementation;
- (g) sensitise the rural and urban under-served areas community on activities associated with the rural communications program;
- (h) liaise with operators involved in rural and urban under-served areas projects;
- (i) initiate funding proposal to replenish the Fund;
- (j) budgetary control of Fund and projects resources; and
- (k) prepare progress reports for approval by the Board.

Code of conduct **10.**—(1) Within the first twelve months from the date of commencement of this Act, the Fund shall develop and adopt a code of conduct to be observed by the members and employees of the Fund in the performance of their functions.

(2) The code of conduct when adopted shall be binding on the members and employees of the Fund.

Conflict of interest

11.—(1) A member or employee of the Fund shall be considered to have a conflict of interest for the purposes of this Act, if he has or acquires any pecuniary or other interest that may reasonably conflict with the proper performance by that person of his functions or the exercise of his powers.

(2) Where at any time a member of the Fund has a conflict of interest in relation to—

(a) any matter before the Fund for consideration or determination; or

(b) any matter the Fund may reasonably expect to come before it for consideration or determination,

that member shall immediately disclose the conflict of interest to the other members of the Fund and refrain from taking part, or any further part, in the consideration or determination of the matter.

(3) Upon the Fund becoming aware of any conflict of interest, it shall make a determination as to whether in future the conflict is likely to interfere with the proper and effective performance of the functions or the exercise of powers of a member or employee of the Fund.

(4) The Fund shall report to the Minister any determination by the Fund that a conflict of interest is likely to interfere with the effective performance of the functions and duties of the member of the Fund.

(5) When the Fund determines that the conflict of interest is likely to interfere with the member's proper and effective performance of the functions or the exercise of powers of the Fund, the Minister may ask the member or employee concerned to resign.

Removal of
members

12.—(1) The Minister shall, in consultation with the Board, remove a member from office at any time where-

- (a) the member is declared bankrupt;
- (b) the member is convicted of a criminal offence;
- (c) the member is in conflict of interest;
- (d) the member is incapable of carrying out the member's duties because of ill health or physical or mental impairment; and
- (e) he fails to attend at least two thirds of all meetings of the Fund in a period of consecutive twelve months.

(2) A member of the Board, including the Chairman and the Manager, shall not, during a period of eighteen months after the expiration or termination of the term of office or service with the Fund-

- (a) enter into any contract of employment with, or contract for the supply of services to, any person or organisation issued funds by the Fund; or
- (b) acquire or hold any financial interest, whether as an employee, partner, shareholder, officer or joint venture, in any business or organisation supplying services to any person or organisation issued funds by the Fund.

PART IV

PROVISION OF UNIVERSAL COMMUNICATIONS ACCESS SERVICE

Universal service
obligation

13.—(1) The minimum set of services in the context of universal service obligation shall include but not limited to the obligation on the universal service provider to ensure-

- (a) the availability of connection by every person to public communication networks through communication services;
- (b) the provision of the following services:
 - (i) connection to a communication network able to support communication services;

- (ii) reasonable geographic access to public call boxes across the United Republic;
 - (iii) ability to consumers to access emergency services, operator assistance and directory inquiry services;
 - (iv) delivery of affordable communication services to all customers on reasonable request; and
 - (v) providing customers with disabilities with the same or equivalent services as all other customers so as to have access to the same level of universal service;
- (c) that services which the market has provided to most people and which have become essential become generally available to everyone;
- (d) that communication services are reasonably accessible to all people in the United Republic on an equitable basis, wherever they reside or carry on business; and
- (e) that postal and broadcasting services are accessible to rural and urban under-served areas.
- (2) In fulfilling the universal service obligation, the universal service provider shall meet targets set by the Fund for the supply-time and quality of service.
- (3) A universal service provider shall, with the prior approval of the Fund, establish compensation schemes in the event of failure by the universal service provider to meet the service targets set pursuant to the provisions of subsection (2).
- (4) The Fund shall publish the performance of universal service provider required to meet the services targets.
- (5) A universal service provider shall, in fulfilling the universal service obligation, enter into contracts with customers specifying the services to be provided together with the compensation schemes or arrangements in the event the contracted service quality levels are not met.
- (6) User contracts with universal services provider shall contain methods and procedures for complaint handling and settlement of disputes.

(7) In fulfilling the universal service obligation, universal services provider shall take into account the progressive adjustment of tariffs towards costs in order to maintain the affordability of services for users in rural or urban under-served areas and for vulnerable groups of users such as the elderly, those with disabilities or those with special social needs.

(8) The Fund shall, in the promotion of universal service obligation, set up schemes for price caps or geographical averaging or other similar schemes for some or all specific services.

(9) The Fund shall design schemes that ensure affordability based on the principles of transparency and non-discrimination through guidelines setting out the criteria that ensures affordability to all and nation-wide and shall, in relation therewith, set easy and supportive conditions for universal service providers to acquire sites or spaces for communication equipment installations.

Open
communication
networks and
services

14.-(1) Access to communication networks or services for the provision of universal communication services shall be open, non-discriminatory and upon conditions based on objective criteria that are transparent and readily accessible to the general public.

(2) The universal services providers shall maintain access and connection to the communications network, by reducing the number of disconnection of end-users for non-payment so as to fulfill the universal service obligation.

(3) Access to and the use of communication networks or services may be restricted or denied by universal services provider including complete refusal of access to the network or services, interruption, disconnection or limitation of service functions upon and on the basis of essential requirements including but not limited to-

(a) communications equipment or the use of such equipment having not been approved by the Authority;

- (b) security or integrity of the network;
- (c) emergency situation involving serious threat to health, security or public order or risk of sabotage to networks or services;
- (d) in the interest of national security;
- (e) enforcement of licence obligation; and
- (f) non availability of background information of the universal service provider intended to be interconnected.

(4) Restrictions on access to and use of the communication network on grounds contained in subsection (3) shall be proportionate and non-discriminatory and based on the objective criteria identified in advance.

(5) The universal services provider for the provision of universal service obligation shall ensure access to and use their network by providing details of technical interface specifications for network access and any changes thereof shall be communicated in advance of implementation.

Designation of
universal service
providers

15.—(1) The Fund may designate an operator as universal service provider in geographical areas where it is economically viable so to do and shall through competitive bidding award funds to universal service provider to provide universal service.

(2) The universal service obligation on a provider may be nation-wide or in a specified universal service area.

(3) The Fund shall not designate a person to be a universal service provider unless the person holds communications licence issued by the Authority.

Universal service
areas

16.—(1) The Fund may designate a universal service area in respect of one or more specified universal service obligations.

(2) In determining universal service areas, the Fund shall ensure that, no universal service area in respect of a universal service obligation overlaps to any extent with any other universal service areas in respect of that service obligation.

(3) The Fund shall lay down the criteria for determining the universal service areas.

(4) Where, at a particular time, any areas in the United Republic are not within a universal service area, in respect of a service obligation-

(a) those areas together constitute at that time a single universal service area in respect of that service obligation; and

(b) the Fund shall be taken to have designated such area.

(5) The universal service provider for a universal service area in respect of a service obligation shall take all reasonable steps to-

(a) fulfill that service obligation, so far as it relates to that area; and

(b) comply with the universal service provider's approved policy statement and the approved project proposal of the universal service provider that covers that area in respect of that service obligation.

(6) The universal service provider for a universal service area in respect of a service obligation, who fulfils that service obligation by supplying alternative communications services in accordance with an approved project proposal, shall be taken to have fulfilled any other obligation that arises under that service obligation to the extent that the other obligation applied to the supply of alternative communications services.

Policy statement
and project
proposal

17.-(1) A universal service provider shall submit to the Fund for approval a draft-

(a) policy statement or draft variation of an approved policy statement; and

(b) project proposal,

in respect of the universal service obligation and universal service area that will be covered.

(2) A draft policy statement for a universal service provider shall be a general statement of the policy the provider will apply in supplying equipment, goods and services as a universal service provider.

(3) A draft policy statement for a universal service provider for a universal service area in respect of a service obligation shall set out-

(a) equipment, goods or services that the provider will supply in fulfillment of that service obligation, so far as it relates to that area; and

(b) arrangements for supplying and marketing the equipment, goods or services.

(4) The Fund shall determine the requirements for draft policy statements and project proposals of universal service providers.

(5) Without limiting the generality of subsection (4), the following may include the requirements in relation to project proposal-

(a) time-frames for the supply of specified equipment, goods or services;

(b) performance standard relating to the fulfillment of the universal service obligation;

(c) processes for advising persons about the availability, offer and supply of equipment, goods or services in the fulfillment of the universal service obligation, and the terms and conditions on which the equipment, goods or services are offered or supplied.

(6) The Fund shall, before approving universal service provider's policy, satisfy that the draft adequately deals with the supply of appropriate equipment, goods or services to-

(a) people with disability;

(b) people with special needs;

(c) delivery of quality communication services;

(d) pricing of services in terms of affordability; and

(e) making available and accessible communication services to all people.

(7) The Fund shall, before approving universal service provider's project proposal, satisfy that the draft-

(a) specifies appropriate equipment, goods or services that the provider shall supply in fulfillment of the service obligation concerned, so far as it relates to the fulfillment of the universal service obligation;

- (b) deals adequately with how the provider shall fulfill that service obligation;
- (c) sets out appropriate terms and conditions on which the equipment, goods or services are to be supplied; and
- (d) sets out appropriate arrangements for the marketing of the supply of the equipment, goods or services to persons concerned.

(8) The Fund shall give written notice of the Fund's decision whether to approve a draft policy statement or project proposal to the universal service provider concerned.

(9) Where the Fund refuses to approve the draft, the Fund-

- (a) shall give the universal service provider written notice of the reasons for the refusal; and
- (b) may, by giving written notice, direct the provider to give the Fund, within a specified period of time and in specified terms, a fresh draft policy statement or a project proposal.

Universal service
levy

18.—(1) The Fund shall be supported by a universal service levy imposed on all holders of communication licences.

(2) The universal service levy shall be worked out on the basis of the operator's eligible revenue.

(3) The eligible revenue of an operator subject to a universal service levy for a financial year is the amount of the operator's eligible revenue for the financial year.

(4) An eligible revenue payable under subsection (3) shall not exceed 1.5 percent of the gross operating revenue of holders of communication licence.

(5) The Minister shall, after consultation with stakeholders of communication licence, make regulations providing the procedure in which the net cost of universal service obligation will be determined.

(6) The calculation of net cost of universal service obligation shall be-

- (a) audited by an independent auditor;
- (b) published by the Fund in the *Gazette*; and
- (c) open for public inspection.

(7) A holder of a communication licence who fails to pay the universal service levy commits an offence and on conviction shall be liable to a fine not exceeding ten million shillings.

(8) Notwithstanding the provisions of subsection (7), the universal service levy which is due and has not been paid shall be treated as a debt recoverable under a civil suit by way of summary procedure.

Universal service
subsidy

19.—(1) Before the end of a claim period, being a period during which the Fund determine universal service subsidy, the Fund shall determine one or more universal service subsidies for the period.

(2) The Fund shall ensure that there is a subsidy for each universal service area in respect of each service obligation that may cover one or more universal service areas in respect of one or more service obligations.

(3) A determination made pursuant to the provisions of this section shall specify the-

- (a) amount or method for working out the amount of the subsidy; and
- (b) circumstances in which the universal communications service provider, for the relevant claim period, is or may be eligible to receive subsidy.

(4) The circumstances that may be specified shall include, but not limited to-

- (a) whether the subsidy is payable to the universal service provider or a competing universal service provider; and
- (b) type or amount of equipment, goods or services that are supplied to persons in the universal services area.

Right to
information
Act No.
6 of 2021 s. 68

20.—(1) The Fund shall have the right to request any person to submit any information for the purpose of carrying out its functions under the Act.

(2) A person who, upon request of the Fund-

- (a) fails without reasonable cause to provide any information requested;

(b) obstructs the Fund from obtaining information requested; or

(c) provides information that is false or misleading, commits an offence and on conviction shall be liable to a fine of not less than one million shillings but not exceeding ten million shillings or to imprisonment for a term not exceeding six months or to both.

Public Register

21.—(1) There shall be a public Register kept by the Fund which shall be available for public inspection at all times during business hours.

(2) The Fund shall determine the categories of decisions and information which shall be placed on the public Register and notify the Minister accordingly.

(3) The Fund shall exclude from the public Register any document or part of a document which is confidential.

(4) The Fund shall ensure that where possible the Register shall be accessible to the public by internet.

Publication of
universal service
providers

22. Upon issuing of funds, the Fund shall publish in the *Gazette* and local newspapers the list of universal service providers.

PART V

FINANCIAL PROVISIONS

Sources of funds
Act No.
6 of 2021 s. 69

23.—(1) The funds and sources of the Fund shall consist of—

- (a) such funds as may be appropriated by the Parliament for purposes of the Fund;
- (b) such sums of money allocated by way of subventions by the Authority;
- (c) universal service levy by holders of communication licences;
- (d) such sum of money obtained from investments by the Fund;

- (e) any grants, donations, bequests or other contributions or transfers granted in any manner by any individual or legal entity, whether local or foreign; and
- (f) such sums of moneys received as levies and contributions in respect of services supplied by the Fund.

(2) The Minister shall make regulations prescribing the manner and percentage by which a holder of a communications licence shall pay universal service levy and other fees payable by persons in connection with the services rendered by the Fund.

(3) The Fund shall disclose details of the sources of its funds in the annual report.

Accounts and
financial audit

24.—(1) The Fund shall keep books of accounts and maintain proper records of its operations in accordance with commercial accounting standards.

(2) The accounts of the Fund may at any time and shall, at the end of each financial year, be audited by a person registered as an auditor under the Accountants and Auditors (Registration) Act, appointed by the Fund on such terms and conditions as the Board may determine.

Performance
audit

25.—(1) The Controller and Auditor-General shall, at least once every two years and more frequently as he sees fit, conduct an audit of the performance by the Fund of its functions including its performance in relation to key performance indicators, on such terms and conditions as the Minister may determine.

(2) The Controller and Auditor-General shall conduct additional audits of the Fund as may be requested by the Minister.

(3) The key performance indicators under subsection (1) shall be as directed by the Minister, or in the absence of such direction, as determined by the Controller and Auditor-General.

Annual report

26.—(1) Before 30th September each year, the Fund shall prepare an annual report in respect of that year up to the immediately preceding 30th June and submit it to the Minister.

(2) The annual report shall provide detailed information regarding the exercise of the functions and powers of the Fund during the year to which it relates and shall include-

- (a) a copy of the audited accounts of the Fund;
- (b) a copy of the report of the Controller and Auditor-General on the performance audit carried out during the year to which the annual report relates; and
- (c) such information and other material as the Fund may be required by this Act.

Budget

27.—(1) Before the end of a financial year, the Fund shall prepare a budget for the following financial year showing estimates of its receipts and expenditure.

(2) Subject to the provision of subsection (1), the Fund shall inform the Minister of its budget for the following financial year by submitting a copy of the budget to the Minister.

(3) Where the Minister directs, the Fund shall commission auditors to assess and make a report regarding the extent to which the budget represents a fair and reasonable projection of the income and expenditure of the Fund for the relevant year.

(4) The Fund shall submit to the Minister a copy of any report prepared pursuant to subsection (3) as soon as possible after the Fund receives it.

(5) Where the audit report contains a statement that the budget does not represent a fair and reasonable projection of income and expenditure, the Minister may require the Fund to revise the budget with a view to making it responsive to the projection of income and expenditure.

PART VI

MISCELLANEOUS PROVISIONS

Regulations

28. The Minister may make regulations for the better carrying out of the provisions of this Act and may, generally, prescribe any matter, thing, manner or procedure by which such matter or thing may be made.

Transitional and savings

29.—(1) A person being the subject of this Act who, before the commencement of this Act, was a holder of a licence or permit authorising the provision of universal communications service shall, within the next following months conform to the provisions of this Act.

(2) This Act shall not operate so as to defeat, cause to suffer or to affect in a prejudicial way the rights of any person under a licence or permit granted prior to the commencement of this Act.

PART VII
CONSEQUENTIAL AMENDMENT TO
THE TANZANIA COMMUNICATIONS
REGULATORY AUTHORITY ACT, CAP. 172

Omitted

30–31. [Omitted.]

Act No.
1 of 2022 s. 70

SCHEDULE

(Made under section 7(6))

PROCEEDINGS OF THE BOARD

Nomination of Vice -Chairman

1. During the first meeting of the Board, members shall nominate one of their numbers to be the Vice-Chairman.

Tenure of Board members

1². Members including the Chairman shall be appointed for a term of three years and may be eligible for re-appointment for one further successive term but shall not otherwise be eligible for re-appointment.

Resignation of member

3. Any member may at any time resign by giving notice in writing to the appointing authority and from the date specified in the notice or if no date is so specified from the date of receipt of the notice by the appointing authority, he shall cease to be a member.

Meetings of Board

4.—(1) The Board shall ordinarily meet at least four times yearly at such times and places as it deems necessary for the transaction of its business and convene special meeting upon request by the majority of members.

¹ Designate contents of paragraph 1(1) as paragraph 1, and contents of subparagraph (2) as paragraph 2 and renumbering other paragraphs accordingly to differentiate “Nomination of chairman and Tenure of Board members

(2) An ordinary meeting of the Board shall be convened by the Chairman and the notice specifying the place, date and time of the meeting shall be sent to each member at his usual place of business or residence not less than ten days before the date of the meeting and where the Chairman is unable to act by reason of illness or other case or is absent from the United Republic, the Vice-Chairman may convene the meeting.

(3) The Chairman or, in his absence, the Vice-Chairman, may on his own motion, or if requested in that behalf by at least half the members shall, convene a special meeting of the Board.

(4) The Board may invite any person who is not a member to participate in the deliberations of the Board, but any person so invited shall have no vote at the meeting.

(5) The quorum at any meeting of the Board shall be half of the members in office.

(6) The Board may act notwithstanding any vacancy in its membership.

Minutes of meetings

5. Minutes in proper form of each meeting of the Board shall be kept and confirmed by the Board at its next meeting.

Official seal of Fund

6.-(1) The official seal of the Fund shall be of such shape, size and form as the Board may determine.

(2) The official seal shall not be affixed to any instrument or document except in the presence of the Manager, Secretary or such other employee of the Fund as the Board may appoint in that behalf.

Execution of documents

7.-(1) All deeds, documents, ruling, declarations or other official instruments requiring the seal of the Fund shall be affixed with the official seal in the presence of two officers of the Fund duly authorised to act in that behalf and signed by those officers.

(2) The Board may, by resolution or otherwise, appoint any officer or employee of the Fund or any other agent, either generally or in particular, to execute or sign on behalf of the Fund any agreement or other instrument not under seal in relation to anything coming within the powers of the Fund.

Proceedings not invalidated by irregularity

8. An act or proceeding of the Board shall not be invalid by reason of any defect or irregularity in the appointment of any member or by reason that any person who purported bona fide to act as a member at the time of the act or proceedings, was in fact disqualified or not entitled to act as a member.

Absence from three consecutive meetings

9. Where any member absents himself from three consecutive meetings of the Board without sufficient cause, the Board shall advise the appointing authority of the fact and the appointing authority

may terminate the appointment of the member and appoint another member in his place.

Board may
regulate its own
proceedings

10. Subject to the provisions of this Act, the Board shall have power to regulate its own proceedings in relation to its meetings and the transaction of its business.

©2025 Government of Tanzania. All rights reserved. No part of this book may be reproduced or distributed without permission of OAG.