

GOVERNMENT NOTICE No. 364 published on 06/11/2009

THE PROCUREMENT AND SUPPLIES PROFESSIONALS
AND TECHNICIANS BOARD ACT

(CAP.179)

REGULATIONS

ARRANGEMENT OF REGULATIONS

PART I
PRELIMINARY PROVISIONS

Regulation *Title*

1. Citation.
2. Interpretation.

PART II

ESTABLISHMENT OF THE COMMITTEES OF THE BOARD

3. Committees of the Board.
4. Registration and Disciplinary Committee.
5. Professional Development Public Relations Committee.
6. Audit Committee.

PART III

REGISTRATION OF PROFESSIONALS AND TECHNICIANS

7. Maintenance of Register and List.
8. Categories of persons that may be registered.
9. Categories of firms and institutions that may be registered.
10. Classes of registration of procurement and supplies professionals.
11. Registration requirements and conditions.
12. Registration of procurement and supplies professionals.
13. Type of registration of procurement and supplies technicians.
14. Register for procurement and supplies technicians.
15. Registration of foreign and foreign trained procurement and supplies professionals.
16. Temporary and permanent registration.

17. Application and registration as providers.
18. Cancellation of approval or registration.
19. Restoration to the Register.
20. Criteria and conditions for approval and registration.
21. Inspection of providers.
22. Board to amend or withdraw the providers' approval.
23. Registration of practice facility, firm or company.
24. Procedures for application..
25. Inspection team.
26. Duties of inspection team.
27. Reference of matters to the Board.
28. Certificate of registration.
29. Entitlement and disqualification for registration.
30. Arbitrator not barred from adjudicating by these Regulations.
31. Correction of Register.
32. Rights of registered persons.
33. Titles and initials.

PART IV
REGISTRATION AND ANNUAL FEES

34. Registration and annual fee.
35. Annual fee.
36. Fees due on registration and on 1st July.
37. Fee for part of the year.
38. Arrears.
39. Deregistration from the Register or List.
40. Remission of registration fee or other fee.

PART V
RESIGNATION, RESTORATION AND EXPULSION

41. Resignation.
42. Restoration to the Register, Roll or List.
43. Expulsion.

PART VI
REVIEW, INQUIRIES AND APPEALS

44. Inquiries by the Board.
45. Preliminary examination.
46. Complaints to be in writing.
47. Contents of statutory declarations.

48. Powers of the Executive Director.
49. Procedure where no *prima facie* case established.
50. Procedure where *prima facie* case is established.
51. Representation by an advocate.
52. Notification of inquiry.
53. Rights of parties to documents.
54. Notice to admit facts.
55. Summoning of witness.
56. Service and receipt of summons.
57. Production of documents.
58. Witness expenses.
59. Inquiry to be open to the public.
60. Procedure at inquiry.
61. Evidence and examination of witness.
62. Questioning of a witness.
63. Adjournments and deliberations.
64. Records.
65. Findings.
66. Disciplinary procedure.
67. Appeals.
68. Procedural law.
69. Statement of claims and defence.
70. Hearing and written submissions.
71. Default of a party.
72. Experts.
73. Decision of the Appeals Board.
74. Copy of decision to be given to accused or interested party on application.
75. Effect of decisions of the Appeals Board.

PART VII

STAFF OF THE BOARD AND STAFF DISCIPLINARY MATTERS

76. Appointment of Executive.
77. Other categories of staff of the Board.
78. Powers to appoint administrative and technical staff .
79. Public Service laws to apply.
80. Final disciplinary authority.

PART VIII

OFFENCES AND PENALTIES

81. Offences by fraudulent acts.

- 82. Offences by persons not eligible to be registered.
- 83. Offences by persons eligible to be registered.
- 84. Offences by persons conducting training courses or examinations without authority.
- 85. Employment of unregistered staff.
- 86. Falsification of register or record.
- 87. Disobedience of summons and refusal to give evidence.
- 88. Examination offences.
- 89. General penalty.

PART IX
MISCELLANEOUS AND GENERAL PROVISIONS

- 90. Transfer of property.
- 91. Revocations and savings.

—————
SCHEDULES
—————

THE PROCUREMENT AND SUPPLIES PROFESSIONALS
AND TECHNICIANS BOARD ACT

—————
CAP.179
—————

REGULATIONS
—————

(Made under Section 49)
—————

THE PROCUREMENT AND SUPPLIES PROFESSIONALS AND TECHNICIANS BOARD
REGULATIONS, 2009

PART I
PRELIMINARY PROVISIONS

Citation 1.-(1) These Regulations may be cited as the Procurement and
Supplies Professionals and Technicians Board Regulations, 2009 and
shall come into operation on the date of publication in the *Gazette*.

(2) These Regulations shall apply to procurement and
supplies professionals and technicians.

Interpretation 2. In these Regulations, unless the context otherwise requires-
ion
“Appeals Board” means the Appeals Board established under section
30 of the Act;
“Act” means the Procurement and Supplies Professionals and
Technicians Board Act;
Cap. “advocate” means a person entitled to practice as such in the High
Court or courts subordinate thereto under the provisions of the law
for the time being applicable to advocates;
“Board” means the Procurement and Supplies Professionals and
Technicians Board established under Section 4 of the Act;
“candidate” means a person who intends to undertake or is undertaking
the Board’s examinations and registered as such by the Board;
“clearing and forwarding agent” means any body of persons whether
corporate or unincorporated specialized in clearing and forwarding
which act for another called principal in dealing with third parties
in matters related to clearing and forwarding;

- “code of ethics and conduct” means a written set of rules governing the behaviour of procurement and supplies professionals and technicians made pursuant to the provisions of the Act;
- “committee” means a committee of the Board appointed under section 6 of the Act;
- “complainant” means a person making the complaint or allegation before the Board;
- “complaint” means a written allegation purporting that some person known or unknown, has committed an offence;
- “conflict of interest” means a clash between public interest and private pecuniary or any other interest of the individual concerned and includes legal interests, associations with external associations and non-direct personal interests;
- “consultant” means body of persons whether corporate or incorporate engaged in or is able to be engaged in the business of providing services in procurement, purchasing, warehousing, distribution, clearing and forwarding or any field of professional activity;
- “Corruption” means misuse or abuse of public office for private gain.
- “corrupt transaction in procurement” means a situation where a person-
- (i) offers any advantage to another person as an inducement for or reward for or otherwise on account of the withdrawal of a tender or refraining from inviting a tender for any contract with a public or private body for the performance of any work, the supply of service, the doing of anything or the supplying of any article, material substance; or
 - (ii) solicits or accepts any advantages as an inducement for or a reward for otherwise on account of the withdrawal of a tender or refraining from inviting a tender, for such a contract as is referred to in paragraph (i).
- “disciplinary committee” means registration and disciplinary committee established;
- “enr” means enrolled;
- “enl” means enlisted;
- “ethical behaviour” includes the concepts of honesty, integrity, probity, diligence, fairness, trust, respect and consistence and includes avoiding conflicts of interest, and not making improper use of an individual’s position;
- “Executive Director” means the Executive Director appointed in accordance with the provisions of section 9 of the Act;
- “fraud” means false representation of facts with an intention to deceive or enable some person or organization to gain an unfair advantage and includes the falsification of documents and the certification as to the trueness of statements known to be wrong;

- “honorary” means a title or status conferred in recognition of merit or service without regard to whether the honoree ever held the title or status in fact, but without the attendant rights, powers or duties;
- ‘list’ means a list of procurement and supplies professionals and technician enlisted under these Regulations;
- “Minister” means the Minister responsible for procurement and supplies professionals and technicians;
- ‘Ministry’ means the Ministry responsible for procurement and supplies professionals and technicians;
- “oath and affidavit” includes in the case of persons for the time being allowed by law to affirm or declare instead of swearing, affirmation and declaration;
- ‘Permanent Secretary’ means the Permanent Secretary in the Ministry;
- “practicing certificate” means a certificate issued by the Board to a procurement professional, supplies professional, procurement auditor, supplies and stock auditor, technician, or firm, as the case may be, authorizing him to practice pursuant to the provisions of the Act and these Regulations;
- “private interests” means personal, professional or business interests that a registered procurement professional, supplies professional, procurement auditor, supplies and stock auditor, technician, or firm, as the case may be, may have and includes the personal, professional or business interests of the individual or group that the registered procurement professional, supplies professional, procurement auditor, supplies and stock auditor, technician, or firm, as the case may be, associates and includes relatives, friends, rivals and enemies, and such interests may involve actual or potential financial gain or loss and can involve property, shares, unpaid debts, or some form of gift or benefit, including a job opportunity or secondary employment, sporting, social or cultural activities;
- “probity” means complete and confirmed integrity, uprightness and honest which includes adopting an ethical, transparent approach to enable business to be conducted fairly and reasonably with integrity;
- “probity adviser” means an individual or organization engaged to observe, review and provide guidance on the probity framework and/or process of a procurement project;
- “Procurement” means buying, purchasing, renting, leasing or otherwise acquiring any goods, works or services by a procuring entity or organization and includes all functions pertaining to obtaining of any goods, works or services, including description of requirements, selection and invitation of tenders, preparation and

award of contracts and contract management;

“Procurement agent” means anybody of persons whether corporate or unincorporated specialized in procurement that acts for another called the principal in dealing with third parties in matters related to procurement;

“Procuring entity” -

- (i) in relation to the public sector, means a public body and any other body, or unit established and mandated by government to carry out public functions; and
- (ii) in relation to the private sector, means a body or unit established to carry out procurement functions;

“Procurement management” means the process of planning, soliciting, evaluating and contracting for goods. Works or services from suppliers, contractors or service providers and managing their performance through out the project;

“Procurement and Supplies Professional” includes Procurement Specialists, Procurement Professionals, Supplies Professionals, Procurement Auditors, Supplies and Stock Auditor,

“Register” means the Register of Procurement and Supplies Professionals and Technicians maintained by the Board in accordance with the provisions of the Act;

“reg” means registered;

‘registered person’ includes enrolled and enlisted person under these Regulations;

“Secretariat” means the Secretariat of the Board;

“Technician” means any person who is qualified at technical stage and is registered under this Act as Procurement or Supplies Technician;

“works” means all works associated with the construction, rehabilitation, demolition, maintenance or renovation of a building or structure, including site preparation, excavation, erection, building, installation of equipment or materials, decoration and finishing as well as services incidental to construction such as drilling, mapping, satellite photography, seismic investigation and similar services provided pursuant to a procurement contract, if the value of those services does not exceed the value of the construction itself.

PART II
ESTABLISHMENT OF COMMITTEES OF THE BOARD

Committees of the Board 3.-(1) The Board shall, subject to the provisions of the Act and for the purpose of facilitating performance of its functions, establish Committees to perform specific functions as may be required by the Board.

(2) The Committee established in accordance with the provisions of these Regulations shall, in the performance of its functions, be answerable to the Board.

Registration and Disciplinary Committee 4.-(1) There is established a committee to be known as the Registration and Disciplinary Committee.

(2) The Committee shall consist of a Chairman and other members who shall be appointed by the Board amongst its members.

(3) The person working as a legal counsel in the Secretariat of the Board shall be the secretary of the Committee.

(4) The functions of the Committee shall be to-

- (a) advise the Board on various matters relating to registration and discipline of procurement and supplies professionals and technicians;
- (b) receive applications for registration;
- (c) register procurement and supplies professionals and technicians;
- (d) determine from time to time in consultation with the professional development and public relations committee, appropriate entry categories and qualifications of applicants;
- (e) ensure discipline, ethics and matters related to practice in general;
- (f) receive allegations, complaints and notification of breach of the code of ethics and conduct;
- (g) enquire into any alleged or suspected breach of the code of ethics and conduct by procurement and supplies professionals and technicians;
- (h) initiate and conduct any investigations in respect of breach of ethics prescribed in the Code of Ethics and Conduct.

(5) Where the Chairman is absent for any reason the committee shall adjourn until such time when the Chairman is present.

Professi-
onal
Develop-
ment and
Public
Relations
Commi-
tee

5.-(1) There is established a committee to be known as the Professional Development and Public Relations Committee.

(2) The Committee shall, consist of a Chairman and other members who shall be appointed by the Board amongst its members.

(3) The nominating and appointing authority shall in nominating or appointing members of the Committee, have regard to the procurement and supplies professionals.

(4) There shall be a secretary of the Committee who shall be an officer of the professional development and public relations committee and who shall-

- (a) have sufficient qualifications and experience in managing registrations of professionals, professional development initiatives and a strong background in public relations management;
- (b) be appointed by the Board through wide competitive selection by advertisement in the local newspapers;
- (c) be responsible for the day to day affairs of the registration, training, professional development and public relations;
- (d) exercise and perform any functions as the registration, training, professional development and public relations committee may from time to time determine.

(5) The nominating and appointing authority shall, in nominating or appointing the Secretary, have regard to gender equality.

(6) The functions of the professional development and public relations committee shall be to:-

- (a) promote or provide education and training to the persons practicing or wishing to practice as procurement and supplies professionals and technicians;
- (b) assess the competence of all candidates for admission and registration by the Board;
- (c) promote the professional status, interests, rights, powers, and privileges of procurement professionals, supplies professionals, procurement auditors, supplies and stock auditors, or technicians;

- (d) exercise professional supervision over its members;
- (e) arrange for the reading of papers, delivery of lectures, holding of demonstrations, acquisition and dissemination by others of useful information connected with procurement and supplies management;
- (f) liaise with procurement and supplies stakeholders to prescribe suitable syllabi of instruction for professional procurement and supplies professionals;
- (g) prepare regulations to be made by the Board regarding the standard of proficiency to be gained in each category of registration;
- (h) investigate and determine cases involving indiscipline by students registered with the education, training and professional development committee;
- (i) administer professional examinations leading to the grant of professional certificates and other awards of the Board in procurement and supplies management and other subjects;
- (j) liaise with the Ministry of Education and Vocational Training in accreditation of institutions offering the examination of the education, training and professional development committee for the purpose of carrying out examinations;
- (k) further the publicity of the Board and the professions involved;
- (l) link with other professional bodies, public organs and the community in general;
- (m) perform such other function as may be necessary for proper administration of the Act and these Regulations.

Audit
Commit-
tee

6.-(1) There is established a committee to be known as the Audit Committee.

(2) The Committee shall consist of a Chairman and other members who shall be appointed by the Board amongst its members.

(3) Members of the Committee appointed under this regulation shall elect a Chairman from amongst themselves.

(4) The functions of the committee shall be to-

- (a) provide oversight function to ensure the Board's compliance to any written law, these Regulations rules and policies;
- (b) ensure efficient and effective performance of auditing functions;

- (c) advise the Board on all matters relating to auditing;
- (d) ensure appropriate management of the funds of the Board;
- (e) prepare and submit to the Board the report on the auditing of the functions and finances of the Board; and
- (f) Plan, manage, control and evaluate human and financial resources of the Board.

(5) The Internal auditor of the Board shall be the Secretary to the Committee.

PART III
REGISTRATION OF PROFESSIONALS AND TECHNICIANS

Mainten-
ance of
Register
and List

7.-(1) There shall be a Register and List for each category of persons registered under these Regulations.

(2) The Register and List established under sub regulation (1) shall be kept and maintained by the Executive Director.

Categories
of persons
that may
be
registered

8.-(1) The Executive Director shall keep and maintain such registers for the purposes of registering the categories of persons as follows-

- (a) procurement and supplies professionals;
- (b) procurement and supplies technicians;

(2) Procurement and supplies professionals shall have their names entered in the Register of procurement and supplies professionals.

(3) Procurement and supplies technicians shall have their names entered in the Register of procurement and supplies technicians.

Categories
of firms
and
institutions
that may
be
registered

9.-(1) The Executive Director shall keep and maintain the registers for the purposes of registering the categories of firms and institutions as follows-

- (a) procurement and supplies training institutions;
- (b) procurement and supplies consulting or advisory firms; and
- (c) procurement and supplies agents.

(2) A firm or institution stipulated under sub-regulation (1) and any other firm or institution of which the Board may direct to be registered, shall be registered by the Board.

Classes of registration of procurement and supplies professionals

10.-(1) The Board may, subject to sub-regulations (4) and (5), grant registration and certificate of registration for procurement and supplies professionals to the qualified person interested in procurement management.

(2) The characteristics of the procurement professionals shall be defined at three levels commencing with the entry level procurement and supplies professionals, followed by principal procurement and supplies professional, to chief procurement and supplies professional.

(3) Progression through the three levels shall be associated with increasing levels of procurement and supplies knowledge, procurement and supplies complexity and risk..

(4) Managerial responsibility and leadership characteristics shall be defined in terms of role, management and leadership responsibility, decision making, accountability and supervision received and personal attributes.

(5) The registration and certificate of registration granted under this Regulation shall be classified in three levels as follows-

- (a) in level one for procurement and supplies professional-
 - (i) whose prime function is procurement;
 - (ii) who has responsibility for low to medium value and risk procurement;
 - (iii) who participates in major procurements under supervision of advanced procurement professional;
 - (iv) who manages major procurements under the directions and supervision of the principal procurement professional;
 - (v) who is operationally focused; and
 - (vi) who supervises procurement practitioners and support staff.
- (b) in level two for medium and principal procurement professional -
 - (i) whose prime function is procurement, managing one or more professionals or leading one or more procurement teams;
 - (ii) who is focused;
 - (iii) who manages major procurement;
 - (iv) who mentors and coaches procurement professionals and

- practitioners;
 - (v) who has responsibility for high value and risk procurement;
 - (vii) who leads teams in complex procurement and develops procurement capacity;
 - (viii) who is strategically focused, influences procurement strategies and leads innovations with procurement;
 - (c) in level three for chief procurement professional-
 - (i) whose prime function is shaping and leading procurement strategy and policy;
 - (ii) who has responsibility for the highest level of procurement and strategically focused;
 - (iii) who is accountable for achieving institutional procurement outcome; and
 - (iv) who shapes national or institutional procurement strategy and policy.
- (6) A procurement and supplies professional registration and certificate of registration shall only be granted to a natural person.
- (7) The major pathways into the procurement profession shall be determined by the Board from time to time.

Regist-
ration
require-
ments and
condit-
ions
Cap...

11.-(1) In order to further the aims and objects of the Public Procurement Act and subject to the provisions of Part III of the Act, the registration requirements for procurement and supplies professionals and technicians shall be-

- (a) a degree from a recognized university in the specific profession;
- (b) adequate practical experience and exposure to the more involving aspects of procurement in a more complex situation;
- (c) knowledge of the procurement legislation, Regulations, rules, and skill in procurement plan, and ability to supervise the entire tender procedure including tender material, advertising, tender evaluation and cover works, goods and selection and employment of consultants; or
- (d) compliancy with the requirements of section 13 of the Act.

(2) An applicant for registration under procurement professionals and technicians shall submit with application forms a proof in writing of his practical experience including details of duration and the description of the practical experience obtained with an endorsement

by the supervising procurement expert that the applicant has satisfactorily completed the practical experience.

(3) Every application for registration made under sub-regulation (1), shall in addition to the requirements set out under that Regulation be accompanied by the following documents-

- (a) a certified copy of his degree, diploma, a qualification or equivalent to a degree offered in Tanzania or elsewhere;
- (b) full transcript of academic record certified by the head of an institution or an academic body where he graduated;
- (c) evidence of the practical training or experience which he has undertaken and completed;
- (d) evidence that he has passed forensic examination or other evaluation as approved by the Higher Education Accreditation Council or Board;
- (e) four recent passport size photographs endorsed at the back by advocate, magistrate or public notary as a true likeness of an applicant; and
- (f) a copy of current curriculum vitae.

(4) The Board may require an applicant for registration as a procurement professional or technician to provide further information or evidence of eligibility for registration as it may think fit, and require the him to attend in person before the Board or sub-Committee.

(5) The decision of the Board in relation to an application for registration shall be final and shall be communicated to the applicant by the Executive Director using the address on the application form within fourteen working days from the date of the Board's decision.

(6) Any procurement professional or technician who wishes to be registered shall be required to fill in the application form set out in the Second Schedule to these Regulations

Registra-
tion of
procure-
ment and
supplies
profess-
sionals

12. A person shall be registered in the category of procurement and supplies professional if that person, in addition to the general requirements specified under the Act and these Regulation is-

- (a) a person who hold a degree, diploma, certificate or other award of the Board, a university or school, which may be recognized for the time being by the Board as furnishing a sufficient guarantee of an adequate academic training in procurement or supplies management;

- (b) a person who has sat for and passed an examination conducted by or under the authority of the Board, as an examination prescribed by the Board to be qualifying examination for Procurement and Supplies Professionals and Technicians;
- (c) a person in respect of whom his employer for the time being has certified in writing, in the manner prescribed by the Board, that he is a person experienced in such field of procurement or supplies as may be stated in such certificate provided that he sits and passes examination shall be conducted by the Board; or
- (d) a member of an institute of procurement and supplies management, whose membership is recognized for the time being by the Board as furnishing a sufficient evidence of academic knowledge of procurement or supplies management as practical experience in the procurement and supplies management.

Types of registration of procurement and supplies technicians

13.-(1) The Board may enroll a person who holds a diploma in procurement or supplies management or its equivalent on temporary terms to practice as a procurement or supplies technician under the supervision of a registered procurement professional, supplies professional, procurement auditor or supplies and stock auditor, for a period of two years and the enrollment can be renewed.

(2) The Minister shall, on the recommendations of the Board and by notice in the *Gazette*, publish other diplomas or its equivalent qualifications, which can enable its holders to be enrolled in terms of these Regulations.

Register for procurement and supplies technicians

14.-(1) The Board shall cause a Register of all procurement and supplies technicians to whom the Board has enrolment under the Act to be kept.

(2) The Register kept under Sub-Regulation (1) shall contain the following particulars-

- (a) address of the enrolled person;
- (b) particulars of enrolment and date of first commencement;
- (c) names, qualification, place where qualification was obtained, date of obtaining the qualification and any other personal data, which shall be determined by the Board from time to time.

(3) A person enlisted under sub-regulation (1) shall practice as a procurement or supplies technician assistant under the supervision of a registered procurement professional, supplies professional, procurement auditor, or supplies and stock auditor.

- (4) A person shall enlist with the Board if he-
- (a) is of good mental and moral character,;
 - (b) has received training of not less than two years and has been awarded a certificate in procurement or supplies field; and
 - (c) has certificate in procurement or supplies management accredited and recognized by the Board or its equivalent.

(5) The Minister shall, on the recommendation of the Board and in consultation with the Minister responsible for education, Gazette certificates or qualifications which shall entitle the holders enlistment in accordance with the Act and these Regulations.

Registration of foreign and foreign trained procurement and supplies professionals

15.-(1) The applicant who is a foreign procurement professional, supplies professional, procurement auditor, or supplies and stock auditor shall, in addition to application form, submit-

- (a) copies of original certificates in respect of his academic qualifications;
- (b) copies of degree transcripts;
- (c) copy of certificate of registration issued by a professional regulatory body from the country of origin;
- (d) copies of work and resident permit;
- (e) name and address of referee from institutions which he acquired academic qualification as a procurement or supplies professional and from a professional regulatory body of the country of origin; and
- (f) any other documents as may be necessary.

(2) An applicant who is a foreign trained procurement and supplies professional shall, in addition to his application form, submit-

- (a) a copy of original certificates in respect of his academic qualification;
- (b) a copy of degree transcript;
- (c) a copy of certificate of registration, if any, issued by a professional regulatory body from the country in which the procurement or supplies professional is registered;
- (d) letters of referees from the institution attended and from a professional body under sub-regulation (2)(c), if any; and

(e) any other documents as may be required.

(3) The Executive Director shall after receiving the application forms and attached documents from the applicant under sub-regulations (1) and (2), submit the application and documents to the Registration and Disciplinary Committee which shall scrutinize the documents to ensure availability and authenticity of the documents and information.

Tempo-
rary and
perman-
ent
registra-
tion

16.-(1) An application for registration under this regulation shall be made in the prescribed form set out in the Second Schedule to these Regulations and be accompanied by -

- (a) a certified copy of the applicant's degree or a qualification equivalent to a degree offered in Tanzania;
- (b) full transcript of academic record of the applicant certified by the head of an institution or an academic body where he graduated;
- (c) the evidence that the applicant is a registered procurement or supplies professional in the country in which the institution or examining body that awarded such qualifications is situated;
- (d) the evidence that the applicant is a fit and proper person and of good standing as procurement or supplies professional with the relevant registration authority from the country where he is coming;
- (e) the evidence that the applicant undergone the practical training successfully;
- (f) four recent passport size photographs of the applicant endorsed at the back by public notary as a true likeness of an applicant;
- (g) a certified copy of permission to reside and take up employment in Tanzania issued by the Immigration Department;
- (h) a copy of current curriculum vitae; and
- (i) any other requirements set out in the Act.

(2) The Board may, upon the recommendation of the Registration and Disciplinary Committee, grant a temporary registration to an applicant if the applicant-

- (a) is not ordinarily resident of Tanzania;
- (b) 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 or teaching;

- (c) is or immediately before entering Tanzania was in practice as a procurement or supplies professional and that he is eligible for registration under section 18 of the Act; and
- (d) professional and general conduct renders him fit and proper person to be registered.

(3) Where the Board decides to grant a temporary registration to the applicant, it may direct the applicant be registered under this Regulation for the duration of the specific assignment or for the period which the Board may specify

Applica-
tion and
registra-
tion as
provider

17.-(1) Any person or group of persons applies for approval and registration as provider shall submit to the Executive Director a duly completed application form approved by the Board together with an acceptable documentary evidence.

(2) The Board may arrange for an inspection agent or inspection team to inspect the provider prior to the approval and registration.

(3) The Board may approve and register providers of education and training for the purposes of-

- (a) conferring a qualification in procurement and supplies or a certificate of qualification;
- (b) adding qualification or supplementary training; or
- (c) continuing professional development.

Cancel-
lation of
approval
or
registra-
tion

18.-(1) The Board may at any time cancel an approval or registration of the provider where the provider -

- (a) failed to meet the approval or registration criteria of the Board;
- (b) failed to discharge its duties and responsibilities as a provider; or
- (c) failed to comply with the provisions of the Act and these Regulations.

(2) The Executive Director shall delete the name of each cancelled provider from the Register.

Restoration to the Register

19. Where the name of the provider has been deleted from the Register the Board may, on application in the prescribed manner and upon payment by the application fee prescribed in the First Schedule to these Regulations, direct the Executive Director to restore the name of such provider in the Register.

Criteria and conditions for approval and registration

20.-(1) The approval and registration of providers under Regulation 17 shall be subject to-

- (a) minimum criteria for the approval and registration of providers as determined and published by the Board;
- (b) conditions and for a period or periods of time as the Board may determine; and
- (c) satisfaction of conditions set by the National Council for Technical Education or Tanzania Commission of Universities

(2) Subject to the provisions of sub-regulation (1) of this Regulation-

- (a) providers of education and training for the purposes of conferring a certificate of qualifications or for purposes of continuing professional development may be approved and registered for a maximum period of three years; and
- (b) providers of education and training for purposes of conferring a qualification in procurement or supplies may be approved for a maximum period of five years.

Inspection of providers

21.-(1) The Board shall inspect providers to measure compliance with the requirements determined by the Board for the provision of procurement and supplies education and training at least once every year or at any intervals as may be determined by the Board from time to time.

(2) A person appointed by the Board to perform inspection referred to in Regulation 17 shall-

- (a) be conversant with procurement or supplies education and training;
- (b) not have a direct or indirect beneficial interest in the provider to be inspected;
- (c) not be a direct or indirect competitor to the provider to be inspected;
- (d) provide documentary evidence where applicable to the satisfaction of the Board of the expert knowledge in an area

being evaluated.

(3) A person appointed to inspect a provider shall within twenty – eight days from the date of inspection submit a written report of his findings to the Board.

Board to
amend or
withdraw
the
provider's
approval

22.-(1) The Board may vary, amend or withdraw the approval of the provider if the provider fails to comply with the Board's terms and conditions for his approval.

(2) The Board shall not vary, amend, or withdraw the approval of a provider unless it has-

- (a) accorded or afforded the provider an opportunity to furnish reasons why the approval should not be varied, amended, or withdrawn; and
- (b) given due notice to the provider.

Regist-
ration of
practice
facility,
firm or
company

23.-(1) A person shall, before operating a procurement or supplies practice facility, firm or company, be required to register the practice facility, firm, or company under these regulations.

(2) A person shall not operate a practice facility, firm, or company dealing with the provision of procurement or supplies consultancy or similar services without obtaining registration of the practice facility, firm, or company, under these Regulations

(3) Without prejudice to sub-regulations (1) and (2) a foreign person shall, before operating a procurement or supplies practice facility, firm, or company, be required to indicate in writing a local partner whom shall be working with him.

Procedure
for
applica-
tion

24.-(1) A person who wishes to register a procurement and supplies practice facility, firm, or company shall obtain an application form from the Executive Director upon payment of such application fee as may be prescribed.

(2) The application form referred under sub-regulation (1) shall contain-

- (a) personal particulars of the applicant;
- (b) name and address of the owner of the practice facility, firm, or company;

- (c) type of practice facility, firm, or company for which procurement and supplies services are to be provided;
- (d) name, address and location of the practice facility, firm, or company;
- (e) type of procurement and supplies services to be provided;
- (f) number of personnel involved and their qualifications; and
- (g) any other information as may be required.

(3) Notwithstanding the application form under sub-regulation (1) the applicant shall be required to submit a copy of the memorandum and articles of association and copy of certificate of incorporation, if any.

Inspection team

25. The Board shall, after receiving an application for registration of a practice facility, firm, or company under Regulation 24, appoint an inspection agent or inspection team of not less than two and not more than three members to inspect the practice facility, firm, or company.

Duties of inspection team

26.-(1) The inspection agent or team, appointed under Regulation 25 shall, after inspecting the practice facility, firm, or company, prepare an inspection report to be submitted to the Executive Director.

- (2) The inspection report shall contain-
 - (a) findings of the inspection team; and
 - (b) recommendation of the inspection team in respect of the practice facility, firm or company.

Reference of matter to the Board

27.-(1) The Executive Director shall after receiving the report from the inspection team, prepare and submit a brief report to the Registration and Disciplinary Committee which shall submit its recommendations to the Board.

(2) A brief report prepared by the Executive Director under sub-regulation (1) shall contain-

- (a) particulars of the applicant and of the practice facility, firm, or company;
- (b) the recommendations of the inspection team in respect of the practice facility, firm, or company; and
- (c) recommendations made by the Executive Director

(3) The Board may, in determining the matter presented before it by the Registration and Disciplinary Committee-

- (a) decide that the practice facility, firm or company be registered;
- (b) order that more information or details in respect of the practice facility, firm or company be obtained from the applicant; or
- (c) refuse the application for registration of the practice facility, firm, or company, and instruct the Executive Director to notify the applicant accordingly stating the reasons for the decision.

Certificate of registration

28.-(1) Where the Board grants registration in respect of the practice facility, firm or company, under regulation (27), it shall instruct the Executive Director to -

- (a) register the practice facility, firm or company;
- (b) issue a certificate of registration in respect of the practice facility, firm or company.

(2) The certificate of registration to be issued under this regulation shall be in the form prescribed by the Board and shall contain-

- (a) the name, address and location of the practice facility, firm, or company;
- (b) type of the practice facility, firm, or company; and
- (c) such terms and conditions to be observed by the applicant, if any.

(3) The certificate of registration of the practice facility, firm, or company, issued under this Regulation shall be valid as long as the annual fee is paid and shall be subject to renewal after five years or to such other period upon application by holder.

Entitlement and disqualification for registration

29.-(1) A person shall be entitled to registration subject to other provisions of these Regulations and if he satisfies the Board that he is of good conduct and that-

- (a) he has successfully undergone a prescribed certificate, diploma, degree or research course of instruction and has passed the appropriate forensic examination conducted or prescribed by the Board;
- (b) he has undergone a certificate, diploma, degree or research course of training and passed an examination elsewhere than in Tanzania, which the Board recognizes as equivalent to the training and instruction required in the case of persons

trained in Tanzania and is equivalent to the qualification by examination required under the Act.

(2) A person engaged in procurement or supplies practice immediately before the enactment of the Act shall be eligible to be registered if he is, in the opinion of the Board, of good conduct and has met such professional qualifications as prescribed by the Board.

(3) Notwithstanding sub-regulations (1) and (2), the Board may require a person making application for registration to satisfy the Board in such manner as it directs that his knowledge of local law relating to procurement or supplies practice is, and that his professional conduct and general character have been such as, in the opinion of the Board, makes him a fit and proper person to be registered.

(4) A person is disqualified from being registered if he-

- (a) is convicted by a court of competent jurisdiction in Tanzania or elsewhere of an offence involving fraud, dishonesty or moral turpitude;
- (b) has at any time been convicted of an offence under the Prevention and Combating of Corruption Act or the Economic and Organized Crimes Control Act;
- (c) is an un-discharged bankrupt;
- (d) has not attained the age of majority;
- (e) has at any time been convicted of an offence under the Act or other laws
- (f) is, in the opinion of a certified medical doctor, incapable of performing his duties by reason of mental infirmity.

Cap.
Cap. 200

(5) A person shall not be treated as disqualified under sub-regulation (4) (a), (b) and (e) of this Regulation if the Board, having regard to the period which has elapsed since he has been convicted or circumstances of the offence, determines that it would be unreasonable to so treat him.

(6) A person shall not be treated as disqualified under sub-regulation (4) (c) of this Regulation if the Board is satisfied that the bankruptcy of the person arose as a result of unreasonable losses or misfortunes.

(7) A person shall not be treated as being disqualified under sub-

regulation (4) (a), (b) and (e) of this Regulation if the High Court or Court of Appeal allows an appeal.

(8) A member of the assembly of registered procurement and supplies professionals and technicians shall be required to undergo such continuous professional development programmes as may be prescribed by the Board.

Arbitrator
not barred
from
adjudica-
ting by
these
regulat-
ions
Correction
of
Register

30. Nothing contained in this Regulation shall be deemed to prohibit any person from adjudicating as an arbitrator upon any procurement matter in dispute where the parties to the matter have agreed to submit the dispute for his decision

31.-(1) The Board may, on the recommendation of the Executive Director, make necessary alteration and correction in the Register in relation to any entry.

(2) The Board may, on the recommendation of the Executive Director, remove from the Register-

- (a) the name of a deceased person;
- (b) the name of a person convicted of an offence under the Act;
- (c) the name of a person whose name the Board has under regulation 43 directed to be struck off the Register;
- (d) an entry which has been incorrectly or fraudulently made in the Register.

Rights of
registered
persons

32.-(1) The rights and privileges of a person shall be personal to him and not transferable or transmissible by his own act, or by operation of law.

(2) No person shall, by reason of registration in the category of procurement and supplies professional or technician, be entitled to any rights or privileges other than those attached by these Regulations, attach to the specific category of registration of procurement and supplies professionals and technicians to which he belongs.

Titles and initials 33.-(1) A person registered, enrolled or enlisted in terms of these Regulations shall be entitled to the exclusive use of the initials after his name as follows-

- (a) Reg. PSP for a registered procurement and supplies professional;
- (b) Reg. PSF for a registered procurement and supplies firm or institution;
- (c) Enr. PST for an enrolled procurement and supplies technician.

(2) A person shall not adopt or describe himself by any other style, or description to indicate the class of membership to which he belongs than is provided for in sub-regulation (1) for such class.

(3) A registered person may, where he meets qualification for registration at the higher level or title, apply for registration at that higher level or title.

(4) Where a registered person is registered at the higher level under sub regulation (3), that person shall be recognized as a holder of the newly registered title and his former registration shall forthwith be cancelled.

(5) Any person registered in a higher level category shall be deemed to have been so registered, enrolled or enlisted in all other lower levels and shall be eligible to undertake any assignment at such lower levels.

PART IV REGISTRATION AND ANNUAL FEES

Registration and annual fees 34.-(1) Registration and annual professional fees shall be fixed by the Board and may be reviewed annually and be paid by registered professionals according to their registration categories:

Provided that a person registered in more than one category shall pay an amount equal to the registration fee of the category to which he has been registered less any registration fee previously paid by him.

(2) Registration fees are due on notification of registration or re-registration and shall be payable to the Board.

(3) The annual fee of any registered professional who has attained sixty years and who satisfies the Board that he has substantially retired from remunerative activities shall be at the rate set out by the Board.

(4) Where a registered professional of any category changes his address he shall notify the Executive Director immediately.

Fees due on registration and on 1st July

35.-(1) All fees shall become due on registration or re-registration and thereafter on the first day of July of each succeeding year commencing on registration re-registration day.

(2) A registered professional transferred from one category of registration to another shall not be required to pay the fee appropriate to the category to which he has been transferred until next first day of July following his transfer.

Fee for part of the year

6.-(1) A registered professional of any category registered or re-registered before the first day of July shall pay the annual fee for that calendar year.

(2) A registered professional registered on or after the first day of July shall for that calendar year pay half of annual fee, provided that if he has been elected in the last two months of any calendar year and elects to pay his first fee at the full rate, the fee shall cover the remainder of that calendar year and the succeeding year.

Arrears

37.-(1) A registered professional of any category whose annual fee is in arrears for six months of the current year shall settle his dues together with a penalty of fifty percent of the annual fee prevailing at the time for the relevant category of registration.

(2) A registered professional shall upon the expiry of the period of twelve months of the outstanding fees, be required to settle his dues together with a penalty of a hundred percent of the annual fee prevailing at the time for the relevant category of registration.

(3) A registered professional of any category whose annual fee or installment of registration fee is more than twelve months in arrears shall not be entitled to attend or to take part in any meeting or functions of the assembly of registered procurement and supplies professionals and technicians that may be held, or to receive any notice or any publication of the Board or assembly of registered procurement

and supplies professionals and technicians that may be issued or to exercise any of the rights or privileges of registration, or to vote before he has paid his dues in full.

Deregistration from the Register or List

38.-(1) The Board may remove from the Register of procurement and supplies professionals and technicians the name of a procurement and supplies professional or technician who-

- (a) does not complies with the requirements and conditions for registration as a procurement and supplies professional or technical;
- (b) failed to pay annual fees for a period exceeding twenty four months without any notice;
- (c) has resigned; or
- (d) died.

(2) A person in respect of whose removal under sub-regulation (1)(a) and (b) has been made, shall be notified of the removal and any certificate issued in respect of his registration be cancelled from the date the notice was given.

(3) A registered professional of any category whose annual fee is one year or more in arrears shall be notified and in the event of continuing in arrears for six months after the notification, he may, by resolution of the Board be excluded from the assembly of registered procurement and supplies professionals and technicians and he shall be erased from the register:

Provided that, such erasure shall not relieve that person from his liability for payment of the arrears of fees due from him calculated up to the thirtieth day of June preceding his exclusion.

Remission of registration fee or other fees

40. The Board may, in any special case and where in its opinion it is desirable to do so, reduce or remit the registration fee, annual fee, arrears of registration fees, arrears of annual fees or registration fees for a registered professional of any category.

PART V
RESIGNATION, RESTORATION AND EXPULSION

Resig-
naion

41.-(1) A registered person to any category may resign from the category of registered procurement and supplies professionals and technicians by sending his resignation in writing to the Executive Director, after payment of all the fees and installments of registration fee due from him, including that for the current year.

(2) A registered person's name shall be removed from the Register, Roll or List from the date on which his resignation becomes effective.

Resto-
ration to
the
Register

42.-(1) A registered professional or technician whose name was removed from the register, roll or list under Regulation 39 his name may be restored to the Register, roll or list by-

- (a) submitting to the Executive Director-
 - (i) a duly completed application for restoration of his name to the register roll or list on a form approved and provided by the Board;
 - (ii) acceptable documentary evidence that he complies with conditions under which he was registered as a procurement and supplies professional or technician,;
- (b) paying the restoration fee as prescribed in the First Schedule to these Regulations and pays such amounts in respect of arrears of fee, if any.

(2) The Board may restore the applicant to the category of registration to which he formerly if he satisfies the Board that he is worthy of re-registration and he has paid the amounts in respect of registration fee and arrears of fees as the Board may determine.

Expulsion

43. The Board may, by resolution refuse to continue to receive the fee of any registered professional who has willfully acted in contravention of the Act or these Regulations, or who, in the opinion of the Board has been guilty of such conduct which render him unfit to continue to be registered by the Board as a registered procurement and supplies professional or technician, or a person who no longer complies with the requirements and conditions for registration and may erase his name from the Register and he shall thereupon cease to be a registered procurement and supplies professional or technician:

Provided that, before taking such action, the Board shall afford him the opportunity of appearing before it and make representations in writing.

PART VI
REVIEW, INQUIRIES AND APPEALS

Inquiries
by the
Board.

44.-(1) The Board may, through disciplinary Committee, hold an inquiry into the professional conduct of a registered procurement and supplies professional or technician or a firm engaged in professional procurement, supplies works or services.

(2) A person or firm that violates the provisions of the Act or these Regulations shall be issued with a notice by the Board to show cause within sixty days from the date of such notice, why the Board should not take administrative or legal action against him or firm.

(3) A person or owner of a firm being inquired into shall appear in person or represented by an advocate before the Disciplinary Committee at the time and place specified by the Board.

(4) A person or owner of a firm being inquired into shall be allowed to submit any document which constitute evidence to be relied on for defending himself or itself.

(5) Where a person has been summoned by the Disciplinary Committee for an inquiry and does not appear without a reason cause acceptable to the Disciplinary Committee, the Disciplinary Committee may proceed and that person shall be deemed to have committed the offence against the Act or these Regulations.

(6) Upon proof by the Disciplinary Committee that such person or firm has committed an offence against the Act or these Regulations, the Board may institute administrative sanctions or proceedings in the court of law against that person or firm.

Preliminary
examination

45. When a complaint is made to or information received by the Board or Disciplinary Committee that a registered person or firm has been guilty of committing an offence which *prima facie* constitutes infamous or disgraceful conduct in a professional respect, the Executive Director shall, on the consent of the Board, make a preliminary examination of the case to decide whether or not the complaint or information be inquired into by the Disciplinary Committee.

Com-
plaints to be
in writing

46. Where a complaint is made by a person or body charging a registered person or firm with infamous or disgraceful conduct in a professional respect, such complaint shall be formulated in writing and addressed to the Executive Director stating the grounds of the complaint and shall be accompanied by one or more statutory declarations verifying the facts of the case, provided that if the complaint is made by or on behalf of the Government, such complaint need not be accompanied by any statutory declarations.

Contents
of
statutory
declara-
tions

47. Every statutory declaration shall state the address and description of the declarant and where any fact stated in the declaration is not within the personal knowledge of the declarant the source of his information and the ground of his belief in its truth shall be accurately and fully stated.

Powers of
Executive
Director

48.-(1) The Executive Director shall in the course of his preliminary examination, have power to ask the registered person whom the complaint is made or in respect of whom the information is received for any explanation and may cause further investigation to be made or further evidence to be obtained as he may think fit, and may take the opinion of any member of the Board and obtain such advice and assistance as he may think fit.

(2) The Executive Director may, in any case in which a complaint is made or information is received, ask a registered procurement and supplies professional or technician, or firm for any explanation and supply the registered procurement professional, supplies professional, procurement auditor, supplies and stock auditor, technician, or firm with copies of the complaint or a summary of the information and such particulars to enable the registered procurement and supplies professional or technician, or firm to make an answer thereto.

Procedure
where no
prima
facie case
is establi-
shed

49.-(1) Where the Executive Director is of the opinion that no *prima facie* case for inquiry is made against the registered person or firm he shall report to the Board and the Board shall determine whether to hold an inquiry or not.

(2) The Board may direct the Executive Director to inform the registered person and the complainant of the Board's intention not to hold an inquiry in the case in which no further proceedings before the Board lies in respect of that information.

Procedure where prima facie case is established

50.-(1) Where the Executive Director is of the opinion that a *prima facie* case for inquiry is disclosed, he shall recommend an inquiry to be held by the Board and the Board shall instruct the Disciplinary Committee to pursue the matter.

(2) The Executive Director shall, at least three days before an inquiry, provide to the members of the Disciplinary Committee and the legal adviser, a copy of all material documents appertaining to the inquiry, which have been lodged with him.

(3) Where the member of the Board appointed by the Attorney General as a member of Disciplinary Committee at such inquiry is not present the Executive Director shall inform the Attorney General and the Attorney General shall appoint another member from his office who shall advise the Disciplinary Committee with regard to law and procedure.

Representation by an advocate

51.-(1) A complainant the registered procurement and supplies professional or technician or firm may be represented by an advocate in any proceeding he is a party.

(2) Where there is no advocate, the Board may appoint an advocate or state attorney with the consent of the Attorney General, to present the case against the registered procurement and supplies professional or technician, or firm.

(3) Reference to either party in these Regulations shall be deemed to include, wherever the context so admits, their respective advocates, and reference to the complainant shall be deemed to include advocate or state attorney appointed by the Board to present the case against the registered procurement and supplies professional or technician, or firm.

Notification of inquiry

52.-(1) Where an inquiry has to be held-

- (a) a notice of the inquiry in the form set out in the Fourth Schedule to these Regulations shall be served on the registered procurement and supplies professional or technician, or firm, as the case may be, by the Executive Director;
- (b) the notice shall specify the charge or charges in respect of which the inquiry will be held, and shall inform the registered procurement and supplies professional or

technician, or firm, as the case may be, of the time and place appointed for holding the inquiry;

- (c) a notice in the form set out in the Fifth Schedule to these Regulations shall be served on the complainant by the Executive Director, requiring his attendance and notifying him of the place and time appointed for holding the inquiry.

(2) A copy of the notice under Sections 24, 27 and 28 of the Act and a copy of these Regulations shall be-

- (a) deemed to have been served to any person;
- (b) served on him personally; or
- (c) left for him at his last known address; or
- (d) sent by registered post addressed to him at his last known address.

Right of parties to documents

53. Either party shall for the purpose of his reference or reply and upon request in writing for that purpose to the Executive Director be entitled to be supplied by the Executive Director with a copy of any statutory declaration, explanation, answer or other document given or sent to the Disciplinary Committee by or on behalf of the other party.

Notice to admit facts

54. The complainant and the registered person, or firm may at any time before the date of holding the inquiry, served upon the other party a notice in writing calling on him to admit in writing any facts or to produce any documents which are specified in such notice and are material to the complaint, information or defense.

Summoning of witness

55.-(1) The Executive Director may summon any person to attend as a witness at any inquiry and to produce any books or documents as may be required at such inquiry.

(2) A summons issued under these Regulations shall be in the form set out in the Sixth Schedule and shall be issued in duplicate.

Service and receipt of summons

56.-(1) A summons issued under these Regulations shall be deemed to have been served on any person if-

- (a) served to him personally;
- (b) sent at his last known address; or
- (c) sent by registered post addressed to him at his last known address.

- (2) The recipient of a summons issued under these Regulations shall sign the original summons and where -
- (a) the summons has been served on him personally, return it to the person serving it; or
 - (b) the summons has been left for him at his last known address or has been sent by registered post addressed to him at his last known address, return it by registered post to the Executive Director.

Production of documents 57. Any book or document required to be produced by a summons issued under these Regulations shall be delivered to the Executive Director on or before the day and hour specified in the summons.

Witness expenses 58. Witness expenses shall be as set out in the Seventh Schedule to these Regulations and shall be paid where -

- (a) the witness is called by or on behalf of the Board by the Executive Director;
- (b) the witness is called by or on behalf of the registered person, or firm.

Inquiry to be open to the public 59.-(1) The place where the inquiry is held shall be open to the public:
Provided that, the Disciplinary Committee may, where it thinks fit, at any inquiry exclude the public generally or any particular person.

(2) The charge or charges shall be read at the opening of the inquiry, and where the registered person or the complainant is not present, the Disciplinary Committee shall satisfy itself where the notice of the inquiry was duly served to him as prescribed by these Regulations.

Procedure at inquiry 60.-(1) The complainant shall open the case and produce evidence to support his case.

(2) The Disciplinary Committee shall, when the complainant closes his case, call upon the registered person or firm to state his case and produce evidence on his support.

(3) The complainant may, at the conclusion of the registered person or firm's case, address the Disciplinary Committee in reply:

Provided that, if the registered person or firm has not produced evidence in support of the case the complainant shall not without the consent of the Disciplinary Committee make an address in reply.

Evidence and examination of witness
Cap. 34

61.-(1) Every witness shall, subject to the provisions of any other written laws in the contrary, be examined upon oath or affirmation in accordance with the provisions of the Oaths and Statutory Declarations Act.

(2) Evidence may be taken by the Disciplinary Committee by oral or written statement and where taken by-

(a) oral statement, it shall be given on oath or affirmation; and written statement, it shall be in the form of an affidavit or statutory declaration.

(3) Where a witness has been produced by a party he shall be first examined by the party produced him and then cross-examined by the other party and then re-examination, by the party produced him.

(4) Where a deponent to a document is present at the inquiry and refuses to submit himself to cross-examination, the Disciplinary Committee may refuse to admit his evidence.

(5) Where an accused person, upon being examined, elects to keep silent, the Appeals Board, Disciplinary Committee or any other tribunal, shall have the right to draw an adverse inference against him and the Appeals Board, Disciplinary Committee or any other tribunal and the prosecution may comment on the failure by the accused to give evidence.

(6) Evidence of each witness shall be taken down in the narrative form, and in writing in the language which is understood by the parties.

(7) The Appeals Board, Disciplinary Committee or other any tribunal may, in their discretion, take down or cause to be taken down any particular question and answer.

(8) The Appeals Board, Disciplinary Committee or any other tribunal shall inform each witness that he is entitled to have his evidence read over to him and if a witness asks that his evidence be read over to him, the Appeals Board, Disciplinary Committee or any other tribunal shall record any comments which the witness may make concerning his evidence.

Questioning of witness

62. Members of the Board or Disciplinary Committee may, through the Chairman, put such questions to the parties or witnesses as they may think desirable.

Adjournments and deliberation

63.-(1) The Board, the Disciplinary Committee or any other tribunal may, at any stage of the inquiry adjourn to consider any matter arising there from.

(2) The Board, the Disciplinary Committee, or any other tribunal, shall, at the conclusion of the hearing, deliberate thereon in camera.

(3) No person other than a member of the Disciplinary Committee or any other tribunal shall be entitled to be present at any meeting of the Disciplinary Committee, or any other tribunal during an adjournment or during its deliberations under the provisions of these Regulations.

Record 64.-(1) The Chairman of the Disciplinary Committee or any other tribunal shall direct the Secretary to take down in writing a record of the inquiry and of the substance of the evidence of the witnesses.

(2) The record taken pursuant to sub-regulation (1) shall be certified and kept as record.

Finding 65. The decision of the Disciplinary Committee, or any other tribunal shall be submitted to the Board and when approved, be announced in public in such terms as the Board may think fit.

Disciplinary procedure 66.-(1) The provisions of these Regulations shall, except where any laws provides, apply for disciplinary procedures against procurement and supplies professional or technician.

(2) The Board shall have powers to institute disciplinary proceedings against a procurement and supplies professional or technician, or firm and determine those proceedings and may delegate its powers to a committee of the Board.

(3) Any disciplinary proceeding shall be instituted by preferring a written charge which clearly sets out the allegations against the procurement and supplies professional or technician, or firm.

(4) The procurement and supplies professional or technician, or firm shall be given an opportunity to present his case and may-

- (a) represent himself or be assisted by a person of his own choice including an advocate; and
- (b) represent his case in writing or orally or both at the hearing.

(5) The Board shall, after considering the representation made by the charged procurement and supplies professional or technician, or firm, make its decision containing reasons for that decision and may impose an appropriate penalty after giving him an opportunity to present any matters in mitigation and provide him with a copy of its written decision.

(6) Where the procurement and supplies professional or technician, or firm, is found guilty of a breach of discipline he shall be informed of his right of appeal.

(7) The Board shall speedily investigate breaches of discipline and unless exceptional circumstances exist, ensure that disciplinary proceedings are conducted within ninety days from the date of commencement.

Appeals

67.-(1) A procurement and supplies professional or technician, or firm who is aggrieved by the decision of the Board or a penalty imposed upon him or both may, within thirty days of receipt of the decision, appeal to the Appeals Board.

(2) The Appeals Board may accept an appeal made by a procurement and supplies professional or technician, or firm out of time where it is satisfied that special circumstances precluded the submission of the appeal within the prescribed time.

(3) The Appeals Board shall serve the copy of appeal to the Board except where it is satisfied that the Board is in possession of a copy of the appeal.

(4) The Board shall, upon receipt of a copy of the appeal from the appellant or the Appeals Board, within thirty days of the receipt, submit to the Appeals Board its representations in writing.

(5) The Appeals Board may determine the appeal in the absence of the appealing procurement and supplies professional or technician, or firm.

(6) The Appellate authority shall, unless exceptional circumstances exist, ensure that every appeal is concluded within ninety days from the date of receipt of the copy of appeal made under sub-regulation (4).

(7) The Appeals Board may, after it has considered the appeal, confirm, vary or rescind the decision of the Board and inform the procurement and supplies professional or technician, or firm and the Board of his decision together with reasons.

(8) A finding made or punishment imposed by the Board shall be reversed or set aside on the ground that irregularity in the appointment of the Board or conduct of the proceedings have substantially affected the decision of the Board.

Procedural
law

68. The appellate proceedings shall be governed by the law of evidence and procedure generally applicable to civil proceedings in Tanzania except where the parties, in any particular part of the proceedings, agree to apply any other rules of evidence or procedure.

Statement
of claims
and
defense

69.-(1) The claimant shall, within the period of time stated or determined by the Appeals Board, state the facts supporting his claim, the points at issue and the relief or remedy sought and the respondent shall state his defense in respect of these particulars

(2) The parties may submit with their statements, all documents they consider to be relevant or may add a reference to the documents or other evidence they will submit.

(3) A Party to the case may, except as otherwise determined by the Appeals Board, amend or supplement his claim or defence during the course of the proceedings.

Hearing
and
written
submis-
sion

70.-(1) The Appeals Board shall decide whether to hold oral hearing for the presentation of evidence or for oral argument or whether the proceedings shall be conducted only on the basis of documents and other materials furnished under Regulation 69.

(2) The parties shall be given sufficient advance notice of hearing and of meeting of the Appeals Board for the purpose of inspection of documents, goods or any other matter.

(3) Any statement, document or other information furnished to, or application made to the Appeals Board by one party shall be communicated to the other party together with any expert report or evidential document on which the Appeals Board may rely in making its decision.

Default of
a party

71. Where, without showing sufficient cause-
- (a) the claimant fails to communicate his statement of claim in accordance with Regulation 70, the Appeals Board shall terminate the appeals proceedings;
 - (b) the respondent fails to communicate his statement of defense in accordance with Regulation 70, the Appeals Board shall continue the appeals proceedings without treating that failure alone as an admission of the claimant's claim;
 - (c) any party fails to appear at a hearing or produce documentary evidence, the Appeals Board may continue the appeals proceedings and make the decision on the evidence before it;
 - (d) the claimant fails to prosecute his claim, the Appeals Board may make a decision dismissing the claim or give directions, with or without conditions, for the speedy determination of the claim.

Experts

72.-(1) The Appeals Board may, where necessary and for the purpose of ensuring fairness in its decision-

- (a) appoint one or more experts conversant with the subject matter in question, to report on specific issues to be determined by the Appeals Board; and
- (b) require a party to give the expert any relevant information or to produce or provide access to any relevant documents, goods or other property for inspection.

(2) Where a party so requests or if the Appeals Board considers necessary the expert shall, after delivery of his written or oral report, participate in an oral hearing where the parties shall have the opportunity to impose questions to him and to present expert witnesses in order to testify on the points at issue.

(3) The expert appointed under this Regulation shall, upon the request of a party make available for examination all documents, goods or other property in the expert's possession which was provided to him in order to prepare his report.

Decision
of the
Appeals
Board

73.-(1) A decision made by the majority of the members of the Appeals Board in appeals proceedings shall be the decision of the Appeals Board:

Provided that the opinion of the descending member and reasons thereof shall be recorded in the records of the decision.

(2) The Appeals Board shall make its decisions in writing within twenty-eight days after completion of representations by the parties.

(3) The decision of the Appeals Board shall be made in writing and be signed by the Chairman of the Appeals Board.

(4) The decision of the Appeals Board shall state-

- (a) an offence of which, and the section of Act or Regulation or other law under which the accused person is convicted;
- (b) the point or points for determination;
- (c) in case of an acquittal, the decision shall state the offence of which the accused is acquitted
- (d) the reason on which it is based;
- (e) the date of the decision;
- (f) place of the decision;
- (g) the time limits within which its terms, or any of them, are to be complied with; and
- (h) remedies or relief granted.

Copy of
decision to
be given
to indicted
or
interested
party on
applica-
tion

74.-(1) The accused person shall, on this application, be given a copy of the decision or its translation in Kiswahili, English or any other language of his interest without delay and free of cost.

(2) Any interested party or person affected by the decision may be provided with a copy of the decision on application and upon payment of the prescribed fee unless the Appeals Board, Inquiry Committee or any other tribunal, thinks fit for some reason to give it to him free of cost.

Effect of
decision
of the
Appeals
Board

75. The decision of the Appeals Board shall be final and binding on the parties and the persons claiming under them respectively unless judicial review is commenced by the High Court of Tanzania.

PART VII
STAFF OF THE BOARD AND STAFF DISCIPLINARY MATTERS

Appoint-
ment of
the
Executive
Director

76.-(1) The Executive Director of the Board shall, subject to the provisions of the Act, be appointed by the Minister upon the recommendation of the Board.

(2) The Board shall, in searching for suitable candidate to be recommended to the Minister for appointment as the executive director, appoint a Search Committee.

(3) The Search Committee shall, consist of five members of whom two shall be nominated by the Board and three by the Permanent Secretary of the Ministry responsible for procurement and supplies professionals:

Provided that a person who is an employee of the Board or any authority or committee of the Board shall not be nominated to be a member of the Search Committee.

(4) One of the persons nominated by the Permanent Secretary shall be nominated to be the Chairman of the Search Committee.

(5) The Search Committee appointed under this Regulation shall, prior to making its recommendation to the Board, ensure advertisement of the post, short listing of applicants to the post and make recommendation to the Board of three names of candidates with suitable qualifications for the post.

(6) The Search Committee shall recommend to the Board three names of suitable candidates for appointment of the Executive Director of the Board.

(7) The Board shall, on receipt of the names recommended by the Search Committee, recommend the names to the Minister.

(8) The Minister may appoint the Executive Director from the three names recommended by the Board or seek for competitive selection through advertisement.

(9) The Minister may, after the recommendation of the Board, terminate the appointment of the Executive Director for-

- (a) professional misbehaviour;
- (b) inability to perform the functions of his office; or
- (c) any other sufficient cause.

Other categories of staff of the Board

77.-(1) Notwithstanding the provisions of Regulation 76 the Board shall have the following categories of staff-

- (a) administrative staff responsible for the general support to the conduct and management of the programmes; and
- (b) technical staff responsible for technical matters relating to the Board and the programmes;

(2) The appointment of staff under Sub-regulation (1)(b) shall have regard to the categories of the procurement and supplies professionals or technicians.

Powers to appoint administrative and technical staff

78. The powers to appoint any administrative or technical staff other than the Executive Director to the office is vested in the Board.

Public service laws to apply

79. The discipline of staff and matters connected thereto shall be regulated by the Public Service Act and regulations made thereunder including the code of conduct for public servants as may be promulgated from time to time by the Government.

Final disciplinary authority

80.-(1) The Board shall be the final disciplinary authority for the staff of the Board.

(2) Notwithstanding any other provisions of these Regulations, the power to deal with an officer of the Board by way of disciplinary action shall not be exercised unless-

- (a) a disciplinary charge has been made against such officer;
- (b) the officer has had an opportunity to answer such charge; and
- (c) an inquiry has been held into the charge in accordance with the instructions issued by the Board in that behalf.

PART VIII
OFFENCES AND PENALTIES

Offences
by
fraudulent
acts

81.-(1) Any person who-

- (a) procures or attempts to procure registration by making or producing any false or fraudulent statement or document;
- (b) deliberately makes or causes to be made any falsification in any matter relating to registration, enrollment and enlisting;
- (c) assists or aids any other person to be registered, enrolled or enlisted illegally,

commits an offence and on conviction is liable to a fine of five hundred thousands shillings or to imprisonment for a term of not exceeding three months or both.

(2) Any person who commits an offence in the course of practice as procurement and supplies professional or technician shall not be allowed to practice in any other lesser grade in these professions.

Offences
by persons
not
eligible to
be
registered

82.-(1) Any person who is not eligible to be registered under the Act and-

- (a) uses any title appropriate to a person so registered or holds himself out directly or indirectly as being so registered;
- (b) practices for gain as a procurement and supplies professional or technician, commits an offence and on conviction is liable to a fine of not less than five hundred thousand shillings and not more than one million shillings or to imprisonment for a term not exceeding two years or to both.

Offences
by persons
eligible to
be
registered

83. Any person who, is eligible to be registered under the Act, is not so registered, but practices as a procurement and supplies professional or technician, commits an offence and on conviction is liable to a fine of not less than five hundred thousand shillings and not more than one million shillings or to imprisonment for a term not exceeding two years or to both.

Offences by persons conducting training courses or examinations without authority

84. Any person, being the owner, manager, trainer or otherwise directly involved in the establishment or management of training institution which is not approved by the Minister responsible for education as an institution for the training of persons seeking registration under the Act, who-

- (a) admits to the institution under his charge any person for the purpose of training in procurement or supplies;
- (b) purports to be conducting courses of training or examination under the Act or these Regulations;
- (c) issues any document, statement, certificate or seal implying that the holder thereof has undergone a course of instruction or has passed an examination prescribed by the Board; and
- (d) issues any document, statement or seal implying that the institution under his charge is approved by the Board as an institution for training of persons seeking registration under the Act,

commits an offence and on conviction is liable to a fine of not less than two million shillings and not more than five million shillings or to imprisonment for a term not exceeding three years or to both.

Employment of unregistered staff

85.-(1) Any employer, being an individual, firm or any other organization or body who employs an unregistered person as a procurement and supplies professionals or technician commits an offence and is liable upon conviction to a fine of not less than one million shillings and not more than three million shillings or to imprisonment for a term not exceeding two years or to both.

(2) Where the employer referred to sub-regulation (1) of this Regulation is a body corporate, the Chief Executive Officer of that corporation shall be guilty of an offence and shall be liable to the penalties provided for in sub-regulation (1) of this Regulation.

Falsification of registers or records

86. Any person who willfully makes or causes to be made any false entry in, or falsification of, any register or record kept under the Act and these Regulations, or who procures or attempts to procure himself or any other person to be registered under the Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration either orally or in writing, commits an offence and on conviction is liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding thirty days or to both.

Disobedience of summons and refusal to give evidence

87.-(1) Any person who, having been served with a summons or an order issued under the provisions of section 24 of the Act-

- (a) refuses or omits without sufficient cause to attend at the time and place mentioned in the summons; or
- (b) refuses without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief all questions put to him by or with the concurrence of the Board; or
- (c) refuses or omits without sufficient cause to produce any document in his possession or under his control which is specified in the order; or
- (d) fails to attend after adjournment of the tribunal after being ordered to attend:

commits an offence and on conviction shall be liable to a fine not exceeding five hundred shillings.

(2) The fine imposed under sub-regulation (1) of this Regulation may be levied by attachment and sale of any movable property belonging to the witness which is within the local limits of the jurisdiction of the court.

(3) In default of recovery of the fine by attachment and sale the witness may, by order of the court, be imprisoned as a civil prisoner for term of fifteen days unless the fine is paid before the end of the said term.

Examination offences

88. Any person who-

- (a) gains access to examinations material and knowingly reveals the contents, whether orally, in writing or through any other form, to an unauthorized party, whether a candidate or not;
- (b) willfully and maliciously damages examination materials
- (c) is not registered to take a particular Board's examination but with intent to impersonate, presents or attempts to present himself to take the part of an enrolled candidate;
- (d) presents a forged certificate to a prospective employer or to an institution of learning with intent to gain employment or admission; or
- (e) introduces unauthorized material in the examination room whether in writing or in any other form, whether a candidate or not,

commits an offence and on conviction is liable to a fine not exceeding one million shillings or imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

General
penalty

89. Any person who commits an offence under the Act or these Regulations and where no specific penalty has been provided shall, on conviction be liable to a fine not exceeding two hundred thousands shillings and not exceeding one million shillings or imprisonment for a term not exceeding three months or to both such fine and imprisonment.

PART IX MISCELLANEOUS AND GENERAL PROVISIONS

Transfer of
property

90.-(1) All real and personal property, immovable or movable which immediately before the coming into operation of the Act and these Regulations was vested or held by the National Board for Materials Management shall, on such coming into operation, vest in the Board without any conveyance or other assurance for the purpose of these functions.

(1) A certificate signed by or on behalf of the Board and stating that any property specified in the certificate being property which immediately before such coming into operation was vested in or held by the National Board for Materials Management, was so vested or held for the purpose of the transferred functions shall be conclusive evidence of that fact, and a certificate purporting to be so signed shall be presumed to be so signed until the contrary is proved.

Repeals and
savings

91.-(1) The By-laws made under the repealed National Board for Materials Management Act, 1981 are hereby revoked.

(2) Notwithstanding the revocation of the By-laws under sub-regulation (1) of this Regulation, any supplies officers or stock verifiers who obtained registration under the revoked By-laws shall be deemed to have been registered as procurement and supplies professionals under these Regulations.

FIRST SCHEDULE

(Made under Regulations 19 and 34)

(a) Non-refundable application fees

<i>No</i>	<i>Category of registration</i>	<i>Application fee, Tshs</i>
1	Procurement and supplies professional	20,000
2	Procurement and supplies auditor	20,000
3	Procurement and Supplies stock auditor	20,000
4	Procurement and supplies technician	20,000
5	Training institution	50,000
6	Practicing /consulting firm	75,000

(b) Annual fees

<i>No</i>	<i>Category of registration</i>	<i>Annual fees, Tshs</i>
1	Procurement and supplies professional	40,000
2	Procurement and supplies auditor	40,000
3	Procurement and Supplies stock auditor	40,000
4	Procurement and supplies technician	15,000
5	Training institution	150,000
6	Practicing /consulting firm-local	375,000
	Practicing/consulting firms –foreign	500,000

SECOND SCHEDULE

(Made under Regulations 11 (6) and 16(a))

**APPLICATION FORM FOR REGISTRATION AS PROCUREMENT AND SUPPLIES
 PROFESSIONAL / TECHNICIAN**

The Executive Director;
 Procurement and Supplies Professionals and Technicians Board;
 P. O. Box
 Dar es Salaam

Attach your signed,
 stamped passport
 photograph here

SECTION A: PERSONAL DATA
 (All applicants are to complete this section)

Surname.....Middle Name.....
 Other Names.....
 Marital status.....
 Place of Birth.....Birth date.....
 Female/Male.....
 Address.....
 Phone.....Fax.....E-mail.....
 Next of kin or nearest contact person:
 Name.....
 Address.....
 Phone.....Fax.....Email.....

SECTION B: ACADEMIC QUALIFICATION

Qualification(s)	Institution	Date
1.
2.
3.
4.

Name and address of proposers

1.
2.
3.

Names and addresses of supporters:

.....

SECTION C: APPLICANT'S STATUTORY DECLARATION

I do hereby declare on this day of20.... that I am the person who is applying for registration as a Procurement Professional / Supplies Professional / Technician* and I am holding the above qualification and that the information I have given is true and correct to the best of my knowledge and belief.

Signature Date.....

SECTION D: CERTIFICATION: (To be certified by Advocate/Magistrate/Notary Public)

I certify that I have compared the photograph in application form shown to me this day of20.... bywith his/her application before me and that in my opinion it is true and faithful likeness and I am satisfied that the applicant before me is the person to whom the photograph and application relates.

Name

Qualification

Signature

Address

SECTION E: FOR OFFICAL USE ONLY

Registered / Not Registered

Reason (If not registered)

.....

.....

.....

Chairman of the Board

Date

Executive Director of the Board

Date

THIRD SCHEDULE

(Made under Regulation 28(b))

CERTIFICATE OF REGISTRATION

Section 20 of the Procurement and Supplies Professionals and Technicians Board Act,
2007
TANZANIA

It is hereby certified that
has been duly registered pursuant to and in accordance with the provisions of the
Procurement and Supplies Professionals and Technicians Board Act, 2007 and that on the
.....day of 20.... such name was entered in the Register under the
Category of with the number
Sealed and given under our hands at Dar es Salaam thisday of
20.....

.....
Chairman

.....
Executive Director

Procurement and Supplies
Professionals and Technicians Board

Procurement and Supplies
Professionals and
Technicians Board

FOURTH SCHEDULE

(Made under Regulation 52)

(NOTICE TO A REGISTERED PROCUREMENT AND SUPPLIES PROFESSIONALS/
TECHNICIAN OF AN INQUIRY UNDER SECTIONS 24, 27 AND 28 OF THE ACT)

To:
Sir/Madam

On behalf of the Procurement and Supplies Professionals and Technicians Board, I give
you notice I * that information and evidence have been laid before the Board by
.....in which the complainant makes the following charge against you, namely
..... and or I that information and
evidence have been received by the Board from which it appears that (a)* being a
registered procurement professional / supplies professional / technician you
..... and (b) that in relation to the facts so alleged you have been guilty of
infamous / disgraceful* conduct in a professional respect; and I am directed to give you

notice that on the day of 20..... at a meeting of the Inquiry Committee of the Procurement and Supplies Professionals and Technicians Board will be held ata.m. / p.m. to consider the above-mentioned charge or charges against you and to decide whether or not they should direct that your name be removed from the Register of Procurement and Supplies Professionals and Technicians pursuant to Section of the Procurement and Supplies Professionals and Technicians Board Act, 2007.

You are requested to answer in writing the above charge or charges and to appear before the Committee at the above-named place and time to establish any denial or defence that you may have to make, and you are hereby informed that if you do not attend as required the Inquiry Committee may proceed to hear and decide upon the said charge or charges in your absence.

Any answer, document or other communication or application, which you may desire to produce or make respecting the said charge or charges, on your defence thereto, should be addressed to me and dispatched so as to reach me not later thandays before the date appointed for the hearing of this matter.

The name and full postal address of any person you may desire to summon as a witness and the name and full postal address of any person holding any books or documents which you may require to be produced in evidence should be notified to me not later than days before the date appointed for the inquiry.

A copy of Section of the Procurement and Supplies Professionals and Technicians Board Act, 2007 and of the Inquiry Regulation, 2009 is enclosed for your information.

Executive Director

(* Strike out whichever does not apply)

FIFTH SCHEDULE

(Made under Regulation 52)

(NOTICE TO BE ISSUED TO COMPLAINANT IN CONNECTION WITH AN
INQUIRY MADE UNDER SECTION 24 AND 27 OF THE ACT)

To:

Sir /Madam,

Whereas having made a preliminary examination into the complaint made by you against contained in your letter dated and being of the opinion that a prima facie case for inquiry has been disclosed, I have directed that an inquiry shall be held by the Inquiry Committee of the Board.

I give you notice therefore that your attendance and/or that of your advocate is required to present evidence in support of your complaint at the inquiry to be held at ata.m/p.m on day of20....

Executive Director

Procurement and Supplies Professionals and Technicians Board

SIXTH SCHEDULE

(Made under Section 28 of the Procurement and Supplies Professionals and Technicians Board Act and Regulation 55)

SUMMONS TO WITNESS

To:

WHEREAS your attendance is required to give evidence/the production of the books and/or documents listed below is required, on behalf of in an inquiry to be held by the Procurement and Supplies Professionals and Technicians Board under Section 28 of the Procurement and Supplies Professionals and Technicians Board Act, you are hereby required:-

(a) *personally to appear before the Procurement and Supplies Professionals and Technicians Board in on theday of 20.....ato'clock in thenoon, and

*(b) to produce to the Executive Director of the Procurement and Supplies Professionals and Technicians Board, on or beforeo'clock in thenoon of theday of20.....the following books or documents, which are stated to be in your possession:-

.....
.....
in accordance with the Schedule to Procurement and Supplies Professionals and Technicians Board Regulations, 2009.

If you fail to comply with this order without lawful excuse you will be subject to the consequences of non-attendance laid down under Regulation of the Procurement and Supplies Professionals and Technicians Board Regulations, 2009.

A duplicate copy of this summons is enclosed. The original summons if not served personally must be signed by you and returned by registered post to the Executive Director of Procurement and Supplies Professionals and Technicians Board, P. O. Box 5993, Dar es Salaam without delay.

Given under my hand thisday of20.....at Dar es Salaam.

.....
Executive Director

(*Strike out whichever does not apply)

I hereby acknowledge receipt of a duplicate of this summons.

Signature

Date

The affidavit of

I,make oath/affirm and say as follows:
..... I am the process server of the Procurement and Supplies Professional and Technicians Board. On theday of20....., I received as summons issued by the

Executive Director of the Procurement and Supplies Professionals and Technicians Board dated theday of20....for service on..... The said was at the time personally known to me and I served the said summons on him on theday of 20....., ato'clock in the noon, by tendering a copy thereof to him and requiring a signature from him to the original summons.

The saidsigned this summons in the presence ofSignature of process server Sworn/affirmed by the saidat thisday of20.....
Before me, Magistrate

SEVENTH SCHEDULE

(Made under Regulation 56)

WITNESS EXPENSES

1. No expenses other than those normally paid whilst on duty shall be paid to any person employed in the service of the Government or of the Common Service Organization
2. Witness expenses to other persons shall be-
 - (a) *Transport Expenses*
 - (i) Traveling expenses by Railways, marine, road services and/or by air on a scheduled passenger service, at the discretion of the Executive Director, shall be paid for by the Board;
 - (ii) Government transport allowances at the rate in force for the grade of vehicle used for return journey from the place of residence of witness to the nearest rail, road or air service embarkation points; or of the whole journey to the place at which the inquiry will be held if the use of road, rail or air services is not possible or is not, in the opinion of the Executive Director, practicable.
 - (b) *Subsistence Allowance*

Hotel and subsistence charges at the rate in force for Government servants of equivalent status for the minimum period required for the witness to travel from his place of residence to the place at which the inquiry is being held and for the minimum period it is necessary for the witness to remain at the place where the inquiry is being held, at the discretion of the Executive Director and upon the production of receipts and bills or other evidence should the Executive Director so require.
 - (c) *Expenses for loss of Income*
 - (i) Employed persons

A sum not exceeding the daily salary paid to an employed person by his

employer for each full working day the witness is necessarily absent from his employment, or if the witness is resident at the place at which the inquiry is held, a sum not exceeding the hourly salary for the number of completed hours during which he is required to attend the inquiry, in either case not Tshs 100,000 per day. Evidence of salary received may be obtained from the employer at the discretion of the Executive Director

(ii) Self-Employed person

A sum not exceeding Tshs 100,000 per day for each day that the witness is necessarily absent from his business, subject to the witness producing evidence to the Executive Director in substantiation of any claim he may make.

Dar es Salaam,
30th September, 2009

SHUKURU J. KAWAMBWA,
Minister for Infrastructure Development