

CHAPTER 426

THE TOWN PLANNERS (REGISTRATION) ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 426

THE TOWN PLANNERS (REGISTRATION) ACT

An Act to provide for the registration of town planners, the establishment of the Town Planners Registration Board, regulation of the standard, conduct and activities of town planners and to provide for matters connected therewith.

[1st May, 2008]

[GN. No. 91 of 2008]

Acts Nos.
7 of 2007
13 of 2017
12 of 2023
GN. No.
400 of 2009

PART I

PRELIMINARY PROVISIONS

Short title **1.** This Act may be cited as the Town Planners (Registration) Act.

Interpretation
Act No.
13 of 2017 s. 24 **2.** In this Act, unless the context otherwise requires-
“Act” means the Town Planners (Registration) Act;
“Board” means the Town Planners Registration Board established under section 4;
“a foreign firm” means a firm whose majority shares are owned by non-citizens;
“Minister” means the Minister responsible for land use planning;
“Register” means the Register established under section 8;
“Registrar” means the Registrar of town planners appointed under section 7;
“stop order” means an order issued by the Board under this Act;
“town planning” means the planning for management of change in the built form and natural environment to

enhance efficiency and sustainable utilisation of resources for social and economic development trend in a given human settlement, taking into account equitable and collective interest;

“town planner” means a person registered under this Act to undertake town planning; and

“town planning practice” includes-

- (a) preparation of General Planning Schemes including Metropolitan Plans, Master Plans, Strategic Urban Development Plans and Interim Land Use Plans;
- (b) preparation of Regional and District Physical Development plans and Village Land Use plans;
- (c) preparation of detailed plans for redevelopment or renewal, regularization, institutional management plans, neighborhood unit plans and any other site plans;
- (d) preparation of national or regional policies and strategies pertaining to planning and housing; and
- (e) preparation of various technical guidelines to guide development.

PART II

POLICY FRAMEWORK

Fundamental principles of town planning

3. With a view to giving effect to the fundamental principles of the National Land Policy and the Human Settlements Development Policy, all persons and authorities exercising powers, applying or interpreting the provisions of this Act shall be under the duty to-

- (a) make serviced land available for shelter and human settlements development in general to all sections of community including women, youth, the elderly, disabled and disadvantaged;
- (b) improve the level of the provision of infrastructure and social services for sustainable human settlements development;

- (c) facilitate the creation of employment opportunities and eradication of poverty;
- (d) promote a balanced development of a clearly defined hierarchy of settlements in promoting human settlements development;
- (e) promote and include the participation of the private and popular sectors, such as Community Based Organisations, Non-Governmental Organisations, Co-operatives and Communities in land use planning;
- (f) protect the environment of human settlements and of ecosystems from pollution, degradation and destruction in order to attain sustainable development;
- (g) promote the building of capacities in training and retraining of professionals in fields related to land use planning;
- (h) promote capacity building in technical, financial and managerial skill of all actors in land use planning;
- (i) ensure enforcement of planning legislation, building regulations, standards and other controls are consistent with the capabilities, needs and aspirations of the various sections of the population; and
- (j) protect professional town planners technical matters against arbitrary and discretionary decisions, orders and interference by public officials.

PART III

ESTABLISHMENT OF THE TOWN PLANNERS REGISTRATION BOARD

Establishment of
Board
Act No.
13 of 2017 s. 25

4.-(1) There is hereby established a Board to be known as the Town Planners Registration Board which shall be responsible for regulating the activities and conduct of town planners in accordance with the functions and powers conferred upon it by this Act.

- (2) The Board shall be a body corporate and shall-
 - (a) have perpetual succession and common seal;

- (b) in its corporate name be capable of-
 - (i) suing and being sued;
 - (ii) acquiring, holding and disposing of movable and immovable property; and
 - (iii) entering into Contracts or other transactions and doing all other acts and things which a body corporate may lawfully perform;

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

(4) Where the Attorney General intervenes in any matter in pursuance of subsection (2), the provisions of the Government Proceedings Act shall apply in relation to the proceedings of that suit or matter as if it had been instituted by, or against the Government.

(5) For the purpose of subsections (3) and (4), the Board shall have a duty to notify the Attorney General of any impending suit or intention to institute a suit or matter by, or against the Board.

(6) The provisions of the First Schedule shall have effect as to the constitution and the proceedings of Board.

(7) The Minister may amend the Schedule to this Act.

Cap. 5

Functions of
Board

5. The functions of the Board shall be to-

- (a) establish a system for registration of town planners;
- (b) provide for a system of nurturing competence, knowledge, professional conduct, consistency, integrity and ethics in town planning;
- (c) promote transparency and certainty in the planning process;
- (d) register persons qualified for registration as town planners in accordance with the provisions of this Act;
- (e) promote interest in, evaluate activities and advancement of the profession of town planning;
- (f) provide opportunities or facilities for the study of, and training in town planning, and to promote the

- development of research and the application of technical information relating to town planning;
- (g) enquire into the professional misconduct of a member and institute disciplinary proceedings in accordance with the provisions of this Act;
 - (h) foster co-operation among registered town planners and between the Board and other institutions or organisations, nationally or internationally concerned with environmental planning and management of sustainable development;
 - (i) provide to the Government and other national institutions, technical advice on matters relating to town planning;
 - (j) assist members of the public in matters relating to the practice of the profession of town planning and management of sustainable exploitation of natural resource; and
 - (k) carry out such other functions as may be conferred upon the Board by any written law or as are incidental to the performance of its functions.

Limitation
of liability of
members

6. A member of the Board shall not be personally liable for any act or omission of the Board done or omitted to be done in good faith in the course of carrying out the responsibilities and functions of, or exercising the powers conferred upon the Board under this Act.

PART IV

REGISTRAR, REGISTRATION AND REGISTER OF TOWN PLANNERS

Appointment of
Registrar
Act No.
13 of 2017 s. 26

7.-(1) The Minister shall appoint an experienced town planner who is a public officer to be the Registrar of town planners.

(2) The Registrar shall hold office for three years which may be renewable for another three years.

(3) The Registrar shall be the accounting officer and Secretary of the Board.

(4) Without prejudice to subsection (3), the functions of the Registrar shall be to-

- (a) plan, manage, monitor and implement the programs and policies of the Board;
- (b) prepare draft policies and programs on the professional development of town planners for approval by the Board;
- (c) prepare budgets for approval by the Board;
- (d) prepare and submit to the Board reports on the activities and audited accounts of the Board;
- (e) liaise with other relevant Bodies for the purposes of providing strategic advice on the professional development of town planners;
- (f) facilitate the meetings of the Board; and
- (g) perform any other duties relating to the objectives and functions of the Board that may be entrusted upon him by the Board.

(5) In the performance of his functions under this Act, the Registrar shall be answerable to the Board.

Register of town
planners
Act No.
13 of 2017 s. 27

8.-(1) The Registrar shall keep and maintain a Register of town planners into which shall be entered particulars showing against each name-

- (a) the date of entry;
- (b) the name;
- (c) postal and physical address, e-mail or website;
- (d) the class registered in; and
- (e) the qualifications and skills as prescribed by the Board.

(2) Application Forms for Registration, Practicing Licence, Certificates of Registration and Register of Town Planners shall be as prescribed in the Regulations.

(3) Any change in any of the particulars entered in the Register, shall be entered accurately in the Register by the Registrar.

Publication of
Register and lists

9.—(1) The Registrar shall, by notice published in the *Gazette*, as soon as may be practicable following registration, publish the names, postal addresses, premises, registration number, type, category, class and qualifications of each town planner.

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

(3) The Registrar shall, by notice published in the *Gazette*, in the month of January in each year, publish a list containing the names, postal address, premises, registration number, type and category of all registered town planners remaining in the Register as on the thirty first day of December of the previous year.

Publication
prima facie
evidence of
registration

10.—(1) A publication of names, shall be *prima facie* evidence that a person whose name appears in the Register is so registered.

(2) The Register, lists and all copies or extracts from them which have been duly certified by the Registrar shall be accepted in all courts and tribunals or other bodies authorised to receive evidence of the facts stated therein.

(3) A person may inspect the Register and any document relating to an entry in the Register and may obtain from the Registrar a copy or an extract from the Register on payment of a prescribed fee.

Categories of
town planners
Act No
12 of 2023 s. 69

11. Registration of town planners shall be based on the following categories:

- (a) consulting town planners;
- (b) fully registered town planners;
- (c) graduate town planners;
- (d) technician town planners.

[s.10A]

Qualifications for
registration of
town planners
Act No.
12 of 2023 s. 70

12.—(1) Subject to the provisions of this Act, a person shall be eligible for registration as a town planner on making an application to the Board in the prescribed manner and upon payment of the prescribed fees.

- (a) possess at least a first degree in a relevant discipline or its equivalent from a recognised university or institution of higher learning;
- (b) has had not less than four years practical experience as a town planner;
- (c) he has the minimum technical qualifications and skills prescribed by the Board;
- (d) he has the necessary experience prescribed by the Board in town planning; and
- (e) his professional and general conduct has been such as, in the opinion of the Board, fit and proper person to be registered.

(2) The Board may refuse application for registration of a town planner if in its opinion, that the applicant does not meet conditions stipulated under this Act.

(3) Upon registration, the person shall be issued with a certificate of registration indicating the registration number, type, category, class, date of registration and the duration of the certificate.

(4) The certificate issued under subsection (2), shall be the property of the Board and shall be withdrawn and returned to the Board upon suspension or cancellation of the certificate.

[s.11]

Registration of
consulting town
planner
Act No
12 of 2023 s.71

13. A person may be registered as a consulting town planner after satisfying the Board that he-

- (a) is a citizen of Tanzania ;
- (b) has a practical experience as a fully registered town planner for a period of not less than ten years;
- (c) has proven integrity and professionalism;
- (d) has not been convicted with fraud, tax evasion and other misconducts; and
- (e) has accumulated a required number of points from continuous professional development as may be prescribed in the regulations.

[s.11A]

Registration of
full registered
Town planner
Act No
12 of 2023 s. 71

14. A person may be registered town planner after satisfying the Board that he-

- (a) is a citizen of Tanzania;
- (b) has a first degree in town planning or its equivalent from recognised higher learning institution;
- (c) has a practical experience of not less than three years under supervision of a fully registered town planner;
- (d) has accumulated a required number of points from continuous professional development as may be prescribed in regulations;
- (e) has not been convicted of fraud, tax evasion and other misconduct; and
- (f) has passed an examination set by the Board.

[s.11B]

Registration of
Graduate town
planner
Act No
12 of 2023 s. 71

15.-(1) A person may be registered as a graduate town planner after satisfying the Board that he-

- (a) is a citizen of Tanzania;
- (b) has a first degree in a town planning or its equivalent from a recognised higher learning institution; and
- (c) has complied with any additional requirements as may be specified by the Board.

(2) A person registered under this section shall work under supervision of a fully registered town planner.

[s.11C]

Registration of
technician town
planner
Act No
12 of 2023 s. 71

16. A person may be registered as technician town planner after satisfying the Board that he-

- (a) is a citizen of Tanzania;
- (b) has attended training in town planning and been awarded National Technical level 6, Diploma or Full Technician Certificate; and
- (c) Has passed an examination set by the Board.

[s.11D]

Temporary
Registration
Act No.
12 of 2023 s. 72

17.-(1) Where a person satisfies the Board that-

- (a) the principal office of a firm to which he is employed is not in Tanzania;

- (b) he intends to be present in Tanzania in the capacity of undertaking town planning for the express purpose of carrying out a specific contract for which the firm has been contracted and in respect of which registration is being sought; and
- (c) he has expertise and skills which qualifies him to be a full registered town planner in Tanzania,

the Board may temporarily register that person as a term planner for the duration of the specific assignment in Tanzania.

(2) An application for registration under this section, shall be in the prescribed form, accompanied by the prescribed fee, and the Board may require an applicant to appear before it for the purposes of producing documentary evidence of competence in undertaking town planning immediately prior to entry in Tanzania.

(3) Registration of a town planner under this section, shall entitle that town planner to undertake work only for the duration or the period of contracted work which is directed by the Board in subsection (1) and on the expiration of the period of the contracted work, that firm shall cease to have been so registered, and shall return the registration certificate to the Board.

(4) In case of doubt, the decision of the Board as to the completion of the specific assignment shall be conclusive.

(5) During the duration or the period of the contracted work as is directed by the Board under subsection (1), and in relation to things done by a town planner in the course of the contracted work, be treated as being duly registered under this Act as a *bona fide* town planner but in relation to other matters shall be treated as not so registered.

[s. 12]

Repealed

18. [Repealed by Act 12 of 2023 s.74]

[s. 13]

Registrar may call for information **19.** The Registrar may on his own motion or upon instruction by the Board, requests a town planner to furnish any such information relating to practicing as a town planner.

[s. 14]

PART V CANCELLATION AND SUSPENSION OF REGISTRATION

Power to delete from and correct Register **20.**—(1) The Board may direct that the name of a town planner be deleted from the Register where such person has-

- (a) died;
- (b) failed to pay the prescribed fee;
- (c) failed, within a period of twelve months from the date of registration, to notify the Registrar of his current address;
- (d) requested that his name be deleted from the Register;
- (e) been found guilty of misconduct;
- (f) had lost qualification in respect of which he was registered;
- (g) been adjudged bankrupt; or
- (h) been placed under receivership or liquidation voluntarily for purpose of deceiving creditors.

(2) The Registrar shall delete from the Register any entry which has been mistakenly or fraudulently entered.

(3) The Registrar shall in writing notify a person whose name has been deleted from the Register.

(4) A person whose name has been deleted from the Register shall, upon notification, immediately cease from practising as a town planner.

[s. 15]

Restoration of name in Register **21.**—(1) Where a name has been deleted from the Register that name shall not be restored in the Register except by direction of the Board.

(2) Where a name has been deleted or the effect of the registration has been suspended, the Board may, either of its own motion or on the application of the person concerned, direct that the-

- (a) deletion be confirmed;
- (b) name of the person be restored to the Register; or
- (c) suspension of the effect of registration be terminated.

(3) A direction given by the Board under subsection (2) may include provision for the date upon which restoration to the Register or the termination of suspension of the effect of registration shall take effect and for the payment by the person concerned of a fee as the Board may determine.

[s. 16]

Powers to
suspend
registration, etc.

22.-(1) Where a town planner is convicted of an offence against this Act or is, after the inquiry found to be guilty of an act or omission amounting to improper or disgraceful conduct in professional respect, the Board may-

- (a) caution or censure the town planner;
- (b) direct that, during such period as the Board may specify, the registration of the name of that town planner shall not have effect; or
- (c) direct that the name of a town planner be deleted from the Register.

(2) The Registrar may cause to be published in the local newspaper widely circulating in Tanzania, the name, address and qualification of a person whose name has been deleted from the Register.

[s. 17]

Proceedings at
inquiry

23.-(1) A person whose conduct is being inquired into shall be entitled to appear and to be heard.

(2) For the purpose of proceedings during the inquiry the Board shall, have power to-

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

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

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

(5) The Board shall, in not less than twenty one days prior to the date of the inquiry, notify the person against whom inquiry is to be held.

[s. 18]

Disobedience of
summons and
refusal to give
evidence

24.—(1) A person upon whom a summons or an order issued under the provisions of section 23 has been served-

- (a) refuses or omits without sufficient cause to attend at the time and place mentioned in the summons;
- (b) refuses without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief any question asked by or with the concurrence of the Board; or
- (c) refuses or omits without sufficient cause to produce any documents in possession or under his control,

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

(2) Notwithstanding the provisions of subsection (1), a person giving evidence before the Board shall, in respect of any evidence given, be entitled to all privileges to which a witness before the High Court is entitled.

[s. 19]

Appeals

25. A person who is aggrieved by a decision of the Board to-

- (a) refuse to register his name;
- (b) delete his name from the Register, or
- (c) refuse to restore his name or to suspend the effect of registration,

may appeal to the High Court.

[s. 20]

PART VI
RESTRICTION ON PRACTISING
AS TOWN PLANNER

Effect of
Registration

26. A person registered as a town planner shall be entitled to offer service to the public for gain, reward or by way of trade.
[s. 21]

Restriction on use
of title
Act No.
13 of 2017 s. 28

27. A person who is not a registered town planner and who—
(a) practises as a town planner;
(b) uses the style or title “Registered Town Planner” or any other name, style, title or description implying, whether in itself or in the circumstance in which it is used that such person is a town planner; and
(c) holds himself out, whether directly or by implication, to be a town planner,
commits an offence and on conviction shall be liable to a fine not less than five million shillings but not exceeding ten million shillings or to imprisonment for a term not less than one year but not exceeding three years, or to both.
[s. 22]

Bodies of persons
operating as
registered town
planner
Act No.
13 of 2017 s. 29

28.—(1) A body whether corporate or otherwise shall not carry out business or practice as a town planner unless it is registered in accordance with this Act and at least two of its partners, members or shareholders are persons registered under this Act.

(2) Notwithstanding the provisions of subsection (1), where a shareholder, partner or member registered under this Act, dies or ceases to be registered as such, that body corporate or incorporated may continue to carry on business or practice until such time as administration of the estate of the deceased is completed, as if legal representatives were registered town planners.

(3) This Act shall not be construed as entitling any body of persons whether corporate or otherwise, to be registered as town planner.

(4) Any body or body of persons who carry out practice as town planner in contravention of this section, commits an offence and on conviction shall be liable to a fine not less than two million shillings but not exceeding five million shillings or imprisonment for a term not less than three years but not more than six years, or to both.

[s. 23]

Practising as
town Planner

29. For the purpose of this Act, a person shall be deemed to be carrying out business or practicing as a town planner if, for a fee, reward or other valuable consideration that person offers or renders services as a town planner to any person, whether or not under a contract.

[s. 24]

Registration of
town planning
projects
Act No
12 of 2023 s. 74

30.-(1) A town planner or town planning firm shall upon payment of prescribed fees and before undertaking any town planning project register such project to the board.

(2) Subject to subsection (1), the nature, size or threshold of the project to be registered shall be prescribed in the regulations.

(3) The registrar shall keep a register of town planning projects registered under subsection (1).

[s.24A]

Offences relating
to registration
Act No.
13 of 2017 s. 30

31. A person who-

- (a) fraudulently makes, or causes or permits to be made any false or incorrect entry in the Register;
- (b) fails to pay prescribed fees;
- (c) fraudulently procures, or attempts to procure whether for him or for another person, registration as a town planner; or
- (d) knowingly or willfully makes any statement which is false in a material particular, or which is misleading,

with a view to gaining any advantage, concession or privilege under this Act, commits an offence and on conviction shall be liable to a fine not less than two million shillings but not exceeding five million shillings or to imprisonment for a term not less than one year and not exceeding three years, or to both.

[s. 25]

Power to issue
stop order
Act No.
13 of 2017 s. 31

32.—(1) Where any person or firm which is not registered under this Act undertakes town planning works, or carries out any town planning work in contravention of this Act, the Board may issue a stop order or take other legal action.

(2) A person who fails to comply with the requirements of the stop order issued under subsection (1), commits an offence and on conviction, shall be liable to a fine of not less than three million shillings and not exceeding five million shillings and in case of a continuing offence to a fine of three hundred and fifty thousand shillings for every day during which the offence continues after conviction.

(3) The stop order issued under this section shall be served through the registered address at the principal office of the party in breach.

(4) A person who refuses service of a stop order issued under this section, commits an offence and on conviction shall be liable to a fine of five million shillings or to an amount equivalent to two percent of the town planning work, whichever is greater, or to twelve months imprisonment, or to both.

(5) Notwithstanding subsections (3) and (4), where an offence under this section is committed by a firm, that firm on conviction shall be liable to a fine of not less than five million shillings but not exceeding ten million shillings and in case of a continuing offence to a fine of five hundred thousand shillings for every day during which the offence continues after conviction.

[s. 25A]

PART VII

GENERAL PROVISIONS

Sources of funds **33.** The sources of funds of the Board shall consist of-

- (a) such sum as may be appropriated by Parliament;
- (b) any sum which the Board may receive by way of grant from the Government or loan;
- (c) any sum which the Board may borrow for the purposes of the Board; and
- (d) any sum which may, in any manner, become payable to or vested in the Board either under the provisions of this Act or any other written law.

[s. 26]

Accounts,
auditing and
reports

34.-(1) The Board shall cause to be kept proper books of accounts and, shall as soon as practicable, after the end of each financial year, audit the accounts relating to that financial year.

(2) The Board shall within five months after the close of the financial year, cause to be prepared and submit to the Minister a report dealing generally with the activities and operation of the Board during that year and accompanied by-

- (a) a copy of the audited accounts of the Board;
- (b) a copy of the auditor's report on the accounts; and
- (c) any other information which the Minister may direct.

(3) The Minister shall within not more than three months, after receiving the accounts and reports, lay them before the National Assembly.

[s. 27]

Rules

35.-(1) The Board may with approval of the Minister, make rules for the following matters:

- (a) to regulate the standards of professional conduct of town planners; and
- (b) to prescribe fees for application, registration, annual subscription, the issue of certificates of registration, extracts from the Register or copies of the list or in relation to entries in the Register.

(2) Rules made under this section shall be published in the *Gazette* and at least any other two local newspapers circulating widely in Tanzania.

[s. 28]

Validity of
proceedings of
Board

36. An act or proceeding of the Board shall not be invalid by reason only of the number of the members not being complete at the time of such act, or proceedings, or of any defect in the appointment of any member, or of the fact that any member was at the time in question disqualified or disentitled to act as such.

[s. 29]

Omitted

37. [Omitted].

[s. 30]

Minister may
make regulations
Acts Nos.
13 of 2017 s. 32
12 of 2023 s.75

38.—(1) The Minister may make regulations generally for the better carrying out of the purposes of this Act.

(2) Without prejudice to the generality of subsection (1), the regulations may provide for-

- (a) the conduct of inquiry under this Act;
- (b) fees payable and forms in respect of application for registration and licencing under this Act;
- (c) fees to be paid for inspection of the Register;
- (d) procedures for application to be registered as town planner;
- (e) town planning activities to be carried out by each category of registered town planner;
- (f) exemption of any person or class or persons from all or any of the provisions of this Act; and
- (g) anything which is permitted or required by this Act to be prescribed.

[s. 31]

Act No
12 of 2023 s. 76

FIRST SCHEDULE

(Made under section 4(1))

COMPOSITION AND PROCEEDINGS OF THE BOARD

- Membership of Board
- 1.** The Board shall consist of eight members appointed by the Minister as follows:
- (a) a Chairman who shall be a distinguished, eminent and experienced town planner in public or private sector;
 - (b) one person who is a public officer and a member of a registered association of town planners;
 - (c) one person appointed from among persons engaged in private practice as registered town planner;
 - (d) a State Attorney from the Office of the Attorney General;
 - (e) one qualified human resource officer nominated from the Ministry responsible for public service;
 - (f) an accountant specialised in finance nominated by the National Board of Accountants and Auditors
 - (g) one qualified human resource officer nominated from the Ministry responsible for public service;
 - (h) two persons from institutions of higher learning being members of the a registered association of town planners.
- Tenure of office
- 2.**—(1) A member of the Board shall hold office for a period of three years and be eligible for re-appointment for a second term.
- (2) The office of a member appointed under paragraph 1 shall become vacant-
- (a) if he ceases for any reason to be a member of a registered association of town planners;
 - (b) if he ceases to hold the office upon which he was appointed to be a member;
 - (c) at the end of three years from the date of his appointment; or
 - (d) upon death.
- (3) Any casual vacancy shall be filled by the Minister by appointment.
- Chairman and Vice-chairman
- 3.** The Board shall elect one of its members to be the Vice-Chairman.
- Meetings of Board
- 4.**—(1) The Board shall convene an ordinary meeting when it deems necessary or expedient, not less than two times in every year and shall appoint a suitable time, place and date for holding such meeting.
- (2) The Chairman may at any time on his own initiative convene a special meeting of the Board or shall convene a special meeting of the Board within twenty days after he has received a written request to do so signed by not less than four members of the Board.
- (3) The Chairman, or when absent, the Vice-Chairman shall preside at the meetings of the Board and in the absence of both the Chairman

and Vice-chairman the members present at the meeting shall elect one of the number to be their Vice-Chairman of the meeting.

Quorum at meetings of Board

5.—(1) A simple majority of the members of the Board shall constitute a quorum at any meeting of the Board.

(2) All matters for consideration by the Board or acts to be done by the Board shall be decided by a resolution at a meeting of the Board at which a quorum is present.

(3) A decision of the majority of members present and voting at a meeting of the board shall be deemed to be a decision of the Board.

(4) Every member of the Board shall have one vote, and in the event of an equality of votes, the Chairman shall have a second or casting vote in addition to the deliberative vote.

(5) Notwithstanding the provisions of sub-paragraph (2), where the Chairman so directs, a decision may be made by the Board without the Board meeting by circulation of the relevant papers among all the members and requiring each member to express views in writing; but, any member may require that a decision to be deferred for consideration at a meeting of the Board. In such a case, no decision shall be made until there has been a meeting of the Board.

(6) The validity of any proceedings of the Board shall not be affected by any vacancy among the membership or by any defect in the appointment of a member.

Minutes of meetings and appointment of Secretary

6.—(1) Minutes in proper form of each meeting of the Board shall be kept, and confirmed by the Board at the next meeting and signed by the person presiding at the meeting.

(2) The Registrar shall be the Secretary to the Board, attend and keep minutes of the meetings of the Board and perform such other duties as the Board may require.

Procedure

7. Subject to this Schedule and to any regulations made under this Act, the Board may regulate its own procedure.

Seal of Board

8. The seal of the Board shall not be affixed to any instrument except in the presence of the Chairman or the Vice-Chairman and one other member of the Board.

SECOND SCHEDULE

[Repealed by Act No. 13 of 2017 s. 33]