

THE UNITED REPUBLIC OF TANZANIA



No. 25 OF 2007

I ASSENT,

[Signature]
 [.....]

President

[24th January 2008]
 [.....]

An Act to amend the National Construction Council Act.

ENACTED by Parliament of the United Republic of Tanzania.

PART I**PRELIMINARY PROVISIONS**

1. This Act may be cited as the National Construction Council (Amendment) Act, 2007 and shall be read as one with the National Construction Council Act hereinafter referred to as “the principal Act”.

Short title
and
construc-
tion Cap.
162

PART II**GENERAL AMENDMENTS**

2. Section 2 of the principal Act is amended by deleting the definition of the word “Secretary” and substituting for it the following—
 “Chief Executive Officer” means the officer appointed pursuant to the provisions of section 6(1).

Amend-
ment of
section 2

3. Section 4 of the principal Act is repealed and replaced as follows—

Repeal of
section 4

“Functions
of the
Council

4. The functions of the Council shall be to-

- (a) promote and provide strategic leadership for the growth, development and expansion of the construction industry in Tanzania with emphasis on the development of the local capacity for socio-economic development and competitiveness in the changing global environment;
- (b) advise the government on all matters relating to the development of the construction industry and to formulate proposals and recommendations for their implementation;
- (c) provide advisory services and technical assistance to construction industry stakeholders on all matters related to the construction industry;
- (d) promote and co-ordinate quality training for persons engaged, or to be engaged in the construction industry;
- (e) promote, conduct and co-ordinate research on all matters related to construction industry;
- (f) provide and promote the documentation and dissemination of construction industry related information including establishment of a register of projects and directory of construction materials and equipment;
- (g) promote and monitor the development and implementation of standards, regulations and codes of practices on all matters related to the construction industry;
- (h) promote the use of innovative technologies and the application of best practice in the construction industry;

- (i) promote and establish forums for enhancing industry-wide co-ordination, collaboration and discussion on matters related to the construction industry;
- (j) benchmark, monitor and evaluate the performance of the construction industry;
- (k) solicit and manage the fund for training of personnel in the construction industry;
- (l) promote quality management including provision of technical auditing services in the construction industry;
- (m) promote environmentally sustainable construction practices including health and safety aspects;
- (n) promote the export of goods and services related to the construction industry; and
- (o) facilitate efficient resolution of disputes in the construction industry.”

4. Section 5 of the principal Act is amended by—
- (a) re-designating figure “5” as figure “5(1)”-
 - (b) adding subsection (2) as follows:

Amend-
ment of
section 5

“(2) The Council shall be a focal print for sector co-ordination of all the institutions engaged in the construction industry activities for the purpose of ensuring consolidation, harmonization and competitive performance of the industry”.

5. Section 6 of the principal Act is amended—

- (a) in the marginal note, by deleting it and substituting for it the designation “Chief Executive Officer”;
- (b) in subsection (1), by—

Amend-
ment of
section 6

- (i) deleting it and substituting for it the following:
 - “(1) There shall be a Chief Executive Officer of the Council who shall be appointed by the Minister.”
 - (2) The provisions of subsection (1) shall not affect appointment of the sitting Chief Executive Officer.”
- (ii) by renumbering subsections (2), (3) and (4) as subsections (3), (4) and (5) respectively.
- (iii) deleting the designation “Secretary” wherever it appears in the principal Act and substituting for it the designation “Chief Executive Officer.”

Repeal of
section 9

6. Section 9 of the principal Act is repealed.

Amend-
ment of
section
11

7. Section 11 of the principal Act is amended—

- (a) in subsection (1), by deleting it and substituting for it the following provision—

“(1) Every person engaged, or intending to engage in any activity of the construction industry within the United Republic shall, at his own expenses, furnish to the Council information relating to that activity in such form and within such period as may be prescribed.”

- (b) in subsection (2), by deleting the words “ten thousand” and substituting for it the words “five hundred thousand”

- (c) in subsection (3) by deleting the phrase “research in or activity relating to”.

Amend-
ment of
section
16
Cap. 286

8. Section 16 of the principal Act is amended in subsection (2), by deleting the phrase “the Tanzania Audit Corporation Act, 1968” and substituting for it “the phrase the Controller and Auditor General”.

Addition
of
section
19

9. The principal Act is amended by—

(a) adding immediately after the heading "PART IV GENERAL PROVISIONS" the following new section—

19. The Minister may make regulations for better carrying out of objects and functions of the Council."

(b) renumbering sections "19" and "20" as "20" and "21".

10. The Schedule to the principal Act is amended—

(a) in paragraph 1, by—

(i) adding the phrase "among persons with sufficient knowledge in the construction industry and related activities" immediately after the word "President" appearing in sub paragraph (a);

(ii) deleting sub-paragraph (b) and substituting for it the following —

"(b) seven members representing the public sector appointed by the Minister one each from the following;

(i) Ministry responsible for infrastructure development;

(ii) Ministry responsible for local government;

(iii) Ministry responsible for lands, housing and human settlement development;

(iv) ministry responsible for water;

(v) Ministry responsible for finance;

(vi) Ministry responsible for science and technology; and

(vii) An institution of higher learning training persons to be engaged in construction industry."


(iii) deleting sub-paragraph (c) and substituting for it the following—

"(c) seven other members representing the private sector appointed by the Minister from the professionals, categories of groups or institutions as follows:

Amend-
ment of
the
Schedule

- (i) two Contractors;
 - (ii) Architects;
 - (iii) Engineers;
 - (iv) Quantity surveyors;
 - (v) manufacturers and suppliers of construction equipment and materials; and
 - (vi) Tanzania Private Sector Foundation.”
- (b) in paragraph 13, deleting the phrase “Secretary or some other officer of the Council and at least one member of the Council” and substituting for it the phrase “Chief Executive Officer or any officer of the Council authorized in writing by the Chief Executive Officer”,

Passed in the National Assembly on the 8th November, 2007.



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Clerk of the National Assembly