



THE UNITED REPUBLIC OF TANZANIA

**THE FOUNDERS OF THE NATION  
(HONOURING PROCEDURES)  
ACT, 2004**

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THE FOUNDERS OF THE NATION  
(HONOURING PROCEDURES)  
ACT, 2004

(No. 18 OF 2004)

REGULATIONS

*Made under sections 10 (2), 17(2) and 31*

THE FOUNDERS OF THE NATION (HONOURING PROCEDURES)  
REGULATIONS, 2005

PART I  
PRELIMINARY PROVISIONS

1. These Regulations may be cited as the Founders of the Nation (Honouring Procedures) Regulations, 2005, and shall be deemed to have come into operation on the 1<sup>st</sup> day of November, 2005.

Citation

2. These Regulations shall apply in relation to the collection, documentation, preservation, restitution and disposition of documentary materials and objects of the Founders of the Nation.

Applica-  
tion

3. In these Regulations, unless the context requires otherwise-  
"Act" means the Founders of the Nation (Honouring Procedures) Act, 2004;

Interpre-  
tation  
Act No.  
18 of  
2004

"Board" means the Board of Trustees;

"Centre" means the Founders of the Nation Centre;

"Committee" means the Committee established by section 17(3) of the Act;

"disposition" means the final disposal decision concerning a set of documentary materials and, or objects which have lost or do not have quality for preservation as historical heritage;

"documentary materials" means books, correspondence, memorandum, documents papers, pamphlets, work of art, models, pictures, photographs placards, maps, films and motion pictures including but not limited to audio, audio visual or other electronic or mechanical recordings of the Founders of Nation;

"Founders of Nation" refers to the First President of the United Republic of Tanzania and the First President of Zanzibar;

"Minister" means the Minister responsible for management of public records and archives;

"objects" means, in relation to the Act, movable and immovable items which includes wood, metal, iron, treasures, clothes furniture, houses, statue and buildings of the Founders of the Nation;

"place and site" means a place designated by the Minister to be the headquarters of the Centre and reference to the "site" includes public offices designated by the Minister or the Centre for purposes of collection, documentation, preservation and restitution of documentary materials and objects of the Founders of the Nation;

"Trust Fund" means the Trust Fund established under section 18 of the Act.

## PART II

### MANAGEMENT OF THE CENTRE

Management of the Centre

4.—(1) The management of the day to day affairs of the Centre shall be under supervision of the Office of the Director.

(2) In addition to the duties stipulated under section 7 of the Act, the director shall—

- (a) design the structure and management plan for the Centre;
- (b) keep the Minister informed about the management of the Centre;
- (c) identify and, where necessary, acquire documentary materials and objects of historical heritage;
- (d) take stock and keep inventory of all documentary materials and objects at the Centre and those under the custody of other person, institution or organization;
- (e) liaise with representatives of the families of the Founders of the Nation with a view to carrying out any function necessary to comply with the requirements of the Act;
- (f) submit to the Minister decisions or recommendations of the Committee;



- (g) prepare and submit to the Fund estimates of expenditure for purpose of carrying on plans designed to promote the Centre or preservation of documentary materials and objects;
- (h) restrict any person who uses the name or names of the Founders of the Nation contrary to the provisions of the Act; and
- (i) carry out any other function, duty or direction given by the Minister and necessary for compliance with the provisions of the Act.

5.—(1) The Minister shall designate a place within the United Republic which shall become the site where the Centre shall be situated.

Place  
and site  
of the  
Centre

(2) In determining the place referred to in sub-regulation (1), the Minister shall consult the Minister responsible for administration of the National Leaders Act, 2002 of the Revolutionary Government of Zanzibar.

(3) Without prejudice to the powers of the Centre to designate existing public office to be branches of the Centre, the Minister may designate any place to become a branch of the Centre.

6.—(1) Branches of the Centre shall be managed by respective heads of public offices.

Manage-  
ment of  
branches

(2) Where the branch has been designated by the Minister, the Director shall appoint an officer or staff of the Centre to be the head of the management of such a branch.

7.—(1) Heads of branches of the Centre shall undertake and discharge administrative functions on behalf of the Director and shall, in relation with that, keep the Director informed of the day to day activities and decisions.

Respons-  
ibility of  
heads of  
branches

(2) Heads of branches may seek direction of the Director on any matter which, by its nature or its historical heritage, is necessary that appropriate action be taken for purposes of compliance with the provisions of the Act.

(3) Where direction is sought pursuant to the preceding provisions of this Regulation, the Director shall forthwith provide necessary direction.

Collection and disbursement of Funds

8.—(1) The Director shall be responsible for keeping books of accounts and records in respect of receipt and expenditure of funds accruing to the Centre.

(2) Subject to the directions of the Board, the Director shall prepare and submit to the Board for approval detailed estimates of income and expenditure in relation to all activities of the Centre and its branches.

(3) In relation to the functions of the Trust Fund, stipulated in section 20 of the Act, the Director shall prepare a schedule of activities commensurate to funds available to the Centre and may request the Board to solicit extra sources of funds as may be necessary to defray expenses for any given undertaking.

Transfer of documentary materials and objects

9.—(1) Where it is necessary that certain documentary material or object should be transferred to the Centre or to any other designated place for preservation, the Director shall submit a proposal to the Minister for approval.

(2) The proposal submitted to the Minister shall state clearly, in relation to any documentary material or object, the nature, status, the possessor and reason for the transfer and intended means of transfer.

(3) Upon the approval by the Minister of the proposal for transfer, the Director shall notify the possessor of the intention to transfer such documentary material or object.

(4) The notice shall specify the date intended for such a transfer and the place to where it is to be preserved.

(5) It shall be the duty of the Minister to ensure that every decision to transfer any documentary materials or objects is made in the public interest and that no individual interest shall be allowed to interfere with the transfer.

PART III

PROCEDURES FOR PRESERVATION AND DISPOSITION

10.—(1) The Director shall prepare a plan and arrange for documentation of all documentary materials and objects which are of historical heritage value and deserve preservation.

Docu-  
mentation

(2) The plan and arrangement shall involve family members or their legal representative and also any other person who is in possession of any documentary materials or objects of the Founders of the Nation.

(3) After having a plan and arrangement, which have been accepted by family members or their legal representatives or other possessors, the Director shall proceed with identification of documentary materials and objects of the Founders of the Nation, which are of historical heritage value.

(4) Consultation with family members or their legal representatives and other possessors shall be necessary during identification of documentary materials and objects of the Founders of the Nation.

(5) The documentary materials and objects identified and agreed by family members, or their legal representatives and other possessors shall be recorded and the list be submitted to the Minister for approval.

(6) The list of documentary materials and objects submitted to the Minister shall immediately upon approval, be gazetted and regarded as the historical heritage relevant for preservation.

11.—(1) Acquisition of documentary materials and object of the Founders of the Nation for purposes of preservation shall be made in consultation with—

Acquisi-  
tion of  
docu-  
mentary  
materials  
and  
objects.

- (a) the families of or the legal representatives of the Founders of the Nation;
- (b) the Governments of the United Republic and of the Revolutionary Government of Zanzibar; and
- (c) any other person, institution or organisation.

(2) Without prejudice to sub-regulation (1), any immovable object which has been identified to be preserved by the Centre as historical heritage, its boundary shall be set in collaboration with the members of the families or their legal representative of the Founders of the Nation, or any other person, institution or organization.

(3) Acquisition of documentary materials or objects from the Government of the United Republic of Tanzania or the Revolutionary Government of Zanzibar for preservation at the Centre and in designated centre shall be automatic.

(4) Acquisition from members of the family or the legal successor of the Founders of the Nation or any other person, institution or organisation shall be made through donation, purchase or deposit.

(5) The Director shall negotiate with the family members or legal representative of the Founders of the Nation, person, institution or organisation to donate to the Centre any documentary material or object which is in their possession.

(6) Where no agreement is reached, the Director shall negotiate for the purchase of any of such documentary materials or objects and where agreement to purchase is reached the Director shall arrange for their purchase.

Loss of  
value

12.—(1) Where any documentary material or object of the Founders of the Nation which has been preserved at the Centre has lost value by reason that it:

(a) is no longer the subject of historical heritage; or

(b) has been damaged by an act of human being or an act of God, the Director shall consult the Department of Antiquities or, as the case may be, The Museum, Antiquities and Archives Department of Zanzibar, or National Museum, with a view to assess the degree of loss of value or damage and determine whether it is still worth of preservation by the Centre.



(2) Where, upon the recommendation made in accordance with sub-regulation (1), the Director is satisfied that any documentary material or object preserved by the Centre has lost its historical heritage, he shall make recommendation to the Minister for its disposition.

13.—(1) Where there is a need for making any disposition of any documentary material or object, the Director shall make proposals to the Minister indicating the types, status, values of that material or object and the necessity for the disposition.

Disposition of documentary materials and objects of Founders of the Nation

(2) The disposition of documentary materials or objects of the Founders of the Nation shall be made in accordance with the procedure stipulated under section 12 of the Act.

(3) An objection for the disposition of documentary materials or objects of the Founders of the Nation following notice in the *Gazette* issued by the Minister shall be filed with the office of the Director within twenty one days following the date of publication in the *Gazette*.

(4) A statement containing objection shall state reasons as to why the disposition should not be made taking regard to the historical heritage value of the documentary material or object which is proposed to be disposed of.

(5) The Director shall, on expiry of twenty one days, forward to the Minister all objections filed and the Minister shall grant or reject the objection within fourteen days following expiry of the period of filing objection.

(6) The decision of the Minister on objection shall be communicated to the objector or objectors in writing stating reasons for granting or refusing the objection.



(7) Where appeal has been referred to the President against the decision of the Minister, the Minister shall submit the statement containing the appeal together with a copy of statement containing his decision attaching the notice of intention to dispose of the relevant documentary material or object.

(8) The decision of the President shall be made within fourteen days following receipt of the statement containing appeal against the decision of the Minister.

(9) The statement containing the decision of the President shall be a final authority on how the relevant documentary material or object is to be proceeded with.

#### PART IV

#### PROCEDURE FOR THE USE OF NAME OR NAMES

Applica-  
tion for  
use of  
name or  
names of  
the  
Founders  
of the  
Nation

14.—(1) A permission to use the name or names of the Founders of the Nation shall be obtained Upon a written application addressed to the Director specifying the name or names intended to be used, the nature of the use and the place where it is to be used.

(2) Upon receipt of the application, the Director shall verify and upon being satisfied with reasons stated in the application, submit the same to the Committee.

(3) The Committee shall discuss and evaluate the application with a view to advising the Minister on whether to accept or refuse the application.

Existing  
names  
of the  
Founders  
of the  
Nation

15.—(1) Where before coming into operation of the Act, any institution or organisation was authorized by the Government or by either of the Founders of the Nation to use his name or names, it shall be necessary to inform the Director for purposes of keeping the record of such institution or organisation with a view to verify compliance with the provisions of Section 17 of the Act.

(2) Upon information submitted in pursuant to the provisions of sub-regulation (1), the Director shall submit that information to the Committee for consideration and, if the Committee is satisfied that the continued use of the name or names of the Founders of the Nation by such institution or organisation will be contrary to the Act, it shall advise the Minister to direct on an appropriate measure to be taken that would result in discontinued use of the name or names of the Founders of the Nation.

16.—(1) Where, in pursuance to the provisions of Regulation 14 the Minister has received the application together with the advice of the Committee, the Minister may approve, disapprove or direct the Committee to reconsider the application.

Process  
and  
review  
of the  
applica-  
tion

(2) Where the Minister has approved the application he shall provide the applicant with the written clearance or permission containing any condition with respect to which the application was granted and direct the Director to communicate the decision to the members of the Committee, and cause the decision to be published in the Government Gazette.

(3) Where the Minister has disapproved the application he shall, in writing, give reasons for the disapproval and direct the Director to communicate the decision to the Committee.

(4) Where the Minister neither approves nor disapproves the application but has, *in lieu* thereof, directed the Committee to reconsider the application the Director shall convene the meeting of the Committee to carry out the directive of the Minister.

(5) In cases where in considering the application the Minister has acted contrary to the recommendation of the Committee, he shall communicate the decision to the Committee.

(6) The Director shall enter into the register kept for that purposes, applications and approvals that has been given by the Minister.

Use of  
picture,  
portrait,  
monu-  
ment or  
statue

17. Any person, institution or organisation, other than family or members or their legal successors of the Founders of the Nation, who wish to use, erect, make or establish a picture, portrait, monument or statue of any one of the Founders of the Nation in a public place shall be required to observe conditions stipulated under Regulation 18.

Condi-  
tion  
attached  
to the  
use,  
erect,  
establish  
or make  
of pic-  
tures,  
portraits  
monu-  
ments or  
statues in  
a public  
place

18.—(1) Every person, institution or organisation to whom the provisions of Regulation 17 apply shall adhere and closely observe condition that:

- (a) the finishing is good and presentable;
- (b) materials used are of best quality and durable;
- (c) in the case of picture and portrait, it is made in a manner that allows replacement in the event of damage or deterioration;
- (d) in the case of monument and statue, it is erected or established at a right position and at a place benefiting the esteem of the Founders of the Nation;
- (e) the picture, portrait, monument and statue closely portrays a photographic representation of the physical appearance of the Founders of Nation; and
- (f) the picture, portrait, monument or statue is vetted by the National Arts Council.

(2) Where a picture, a portrait, a monument or a statue has been made in contravention of any of the provision of sub-regulation (1), the Director may order the tenor or author to remove it from a public place and require the tenor or author to make necessary rectification and, in case that correction cannot be made without difficulty, the Director shall order its permanent removal from a public place.

(2) Where the Director has received a complaint pursuant to the provisions of sub-regulation (1) and upon being satisfied by the proprietor or the substance of the complaint, he shall convene the meeting of the Committee for purposes of advising the Minister about the complaint.

19.—(1) Any person may lodge with the Director a complaint about unlawful or unsatisfactory use of the name, names, pictures, portraits, monuments or statues of the Founders of the Nation.

Determi-  
nation of  
a com-  
plaint

(3) Where upon advice by the Committee, the Minister may direct the Director to take measures as may be necessary to discontinue an act constituting unlawful or unsatisfactory use of, as the case may be, name, names, pictures, portraits, monuments or statues.

(4) The provisions of sub-regulation (3) shall not be construed as derogating powers of the Director stipulated under sub-regulation (2) of Regulation 17.

## PART V

### EXPORT OF DOCUMENTARY MATERIALS AND OBJECTS

20.—(1) Any person, institution or organisation wishing to export any documentary material or object shall submit the application to the Director indicating and stating clearly the documentary material or object intended to be exported.

Applica-  
tion for  
licence  
to export

(2) Temporary exportation for the purpose of exhibition, study or examination may be allowed for a period not exceeding three years.

(3) Upon receipt of the application the Director shall inspect the documentary material or object that the applicant is intending to export.

(4) Upon satisfaction with explanations given in the application, the Director shall submit it to the Minister with recommendations.

(5) The Minister shall approve or disapprove the application, or may direct on the manner in which the application shall be dealt with.

(6) Where the Minister has approved the application for export, the Director shall issue the license for export to the applicant indicating any condition to be observed by the applicant.



(7) Where the Minister has disapproved the application, the Director shall inform the applicant in writing stating the reason or reasons for disapproval and any other directives to be observed.

(8) Where the Minister has neither approved nor disapproved the application, but has directed otherwise, the Director shall take immediate action in accordance with the directives given by the Minister.

#### PART VI

#### ACCESS TO DOCUMENTARY MATERIALS AND OBJECTS

Access  
to docu-  
mentary  
materials  
and  
objects

21.-(1) All documentary materials and objects of the Founders of the Nation shall be accessed by the public except for those restricted in accordance with section 14 of the Act.

(2) Any person who wishes to access documentary materials or objects of the Founders of the Nation which are subject of restriction shall make application to the Director.

(3) Application made pursuant to sub-regulation (2) shall give reasons why access is needed and state the period during which access is to be given.

(4) Upon receipt of application the Director may, in fitting cases, waive restriction and grant permission to access the relevant documentary materials or object subject to such condition as may be appropriate within the circumstances.

Appeal  
against  
denial of  
access

22.-(1) Where a person is denied access to documentary materials or objects of the Founders of the Nation pursuant to the provisions of Regulation 21, that person may appeal to the Minister.

(2) A person who appeals to the Minister shall give reasons why access is necessary and shall state reasons why the Director refused permission.

(3) Upon receipt of appeal, the Minister may—

- (a) grant the appeal;
- (b) uphold decision of the Director to refuse access;
- (c) direct the Director to permit access subject to conditions as the Minister may specify.

## PART VII

### GENERAL PROVISIONS

23.—(1) Members shall elect one of their member other than the Director to become the Chairman of the Committee.

Chair-  
man of  
the  
Commit-  
tee

(2) The Chairnan shall preside over the meeting of the Committee and, in the absence of the Chairnan, members present at the meeting shall elect one of their number to become the Chairman of the meeting.

24.—(1) A member of the Committee appointed by virtue of holding some office shall remain in office for a period of three years but shall be eligible for re-appointment.

Tenure  
of  
appoin-  
ment

(2) If a member of the Committee referred to in sub-regulation (1) is unable for some reasons to attend any meeting he may nominate in writing another person from the Ministry, Government Department to attend that meeting in his place.

(3) A member of the Committee appointed by virtue of being a member of the family of any of the Founders of Nation shall remain in office all the time subject to the pleasure of the head of the family of each of the Founders of the Nation.

(4) If a member of the Committee referred to in sub-regulation (3) is unable for some reasons to attend any meeting, the head of the family to which such member belong may in writing nominate another member of family to represent the substantive member.

(5) For the purpose of this regulation, "head of the family" means the person recognised as such by the family of any of the Founders of the Nation through customs, culture and practice.

Meeting  
and pro-  
cedure of  
the  
Commit-  
tee

25.—(1) Subject to sub-paragraph (2), Committee shall ordinarily meet four times during every year for the transaction of its business.

(2) The Committee may hold an extra-ordinary meeting if requested in writing by half of the member or at any other time where exigency so requires.

(3) The Director shall provide secretariat to the Committee and shall give to each member adequate notice of the time and place of each meeting.

(4) The Committee may invite any person who is not a member to participate in the deliberation of any meeting of the Committee but any person so invited shall not be entitled to vote.

Quorum

26. At any meeting of the Committee three of the five members in office shall constitute a quorum, provided that, one member present is a person nominated by virtue of being a member of the family of any of the Founders of the Nation.

Records  
and min-  
utes

27.—(1) The Committee shall cause to be recorded and kept minutes of all business conducted or transacted at its meeting and the minutes of each meeting of the Committee shall be read and confirmed or amended and confirmed, at the next meeting of the Committee and signed by the person presiding at the meeting.

(2) Minutes purporting to be signed by the person presiding at a meeting of the Committee shall, in the absence of proof or error, be deemed to be a correct record of the meeting, whose minutes they purport to be.

28.-(1) The fees specified in the Schedule to these Regulations shall be payable in respect of entrance and services rendered by the Centre.

(2) The Board shall advise the Minister on the change of rates of fees for the services or guided tours to the Centre.

(3) The Minister shall determine the percentage of collected fees that may be retained by a designated private owned centre.

SCHEDULE

(Made under Regulation 28)

S/N	Particulars	Unit per price
1.	Foreign (researchers)	USD 3 per day
2.	International organizations	USD 5 per day
3.	Tanzania (non-students) sponsored.	Shs. 2,000/- per day
4.	Tanzania (students of higher learning institutions): - graduate courses	Shs. 500/- per day
5.	Visit by foreign secondary school students and their associations per group	USD 2 per day
6.	Visit by Tanzania secondary and primary school students	Free
7.	Quick reference service: - foreign individuals - Tanzanians - foreign institutions	USD 2 - each Shs. 500/- each USD 3 - each
8.	Fees for reprographic service (microfilm copies, photocopies microfilm CD-Roms), etc.	Rate that will cover the service required



NB: Other services offered by the Centre may be charged a token fee as the Director may determine.

Dar es Salaam,  
26<sup>th</sup> November, 2005

MARY M. NAGU,  
*Minister of State, President's  
Office, Public Service Management*