



**THE ZANZIBAR EDUCATIONAL MEASUREMENT AND  
EVALUATION COUNCIL ACT NO. 6 OF 2012**

---

**ARRANGEMENT OF SECTIONS**

**SECTIONS**

**TITLE**

**PART I  
PRELIMINARY PROVISIONS**

1. Short title and Commencement.
2. Interpretation.

**PART II  
ESTABLISHMENT OF THE COUNCIL**

3. Establishment of the Council.
4. Composition of the Council.
5. Functions of the Council.
6. Powers of the Council.
7. Meeting and decision of the Council.
8. Tenure of the Membership of the Council.
9. Disclosure of the Interest.
10. Seal of the Council.
11. Remuneration of the Council.
12. Recruitment of the staff.
13. Authorized Officer.
14. Establishment of the Committees.
15. Functions of Executive Committee.
16. Functions of the Examination Committee.
17. Director.
18. Functions of the Director.



### **PART III FINANCIAL PROVISIONS**

- 19. Funds and resources of the Council.
- 20. Accounts of the Council and Audit.
- 21. Annual Estimates.

### **PART IV MISCELLANEOUS PROVISIONS**

- 22. Oaths, Offences and Penalties.
- 23. Regulations.
- 24. Repeal and Saving.



ACT NO. 6 OF 2012

I ASSENT

{ DR. ALI MOHAMED SHEIN }  
PRESIDENT OF ZANZIBAR

AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

28<sup>th</sup> May, 2012

**AN ACT TO ESTABLISH ZANZIBAR EDUCATIONAL  
MEASUREMENT AND EVALUATION COUNCIL AND  
OTHER RELATED MATTERS**

**ENACTED** by the House of Representatives of Zanzibar.

**PART I  
PRELIMINARY PROVISIONS**

Short title  
and  
Commencement.

1. This Act may be cited as the Zanzibar Educational Measurement and Evaluation Council Act of 2012 and shall come into operation on such date as the Minister may, by notice published in the Gazette appoint.

Interpretation.

2. In this Act, unless the context otherwise requires:-

“Assessment” means the measuring of performance of students and the progress they make;

“Authorised Officer” means a person so designated under section 13 of this Act;

“Council” means the Zanzibar Educational Measurement and Evaluation Council established under section 3 of this Act;

“Candidate” means a person enrolled by the Council for the purpose of sitting for any of the Council’s examinations;





“Certificate” means a document issued by the Council showing the results obtained by a particular candidate in examination;

“Chairperson” means the Chairperson of the Council appointed under section 4 (1) (a) of this Act;

“Committees” mean the committees of the Council established under section 14 of this Act;

“Diploma” means a document issued by the Council, showing the results obtained by a particular candidate in professional examination;

“Director” means the Director appointed under section 17 of this Act;

“Evaluation” means the process of interpreting and making judgment about assessment information in teaching and learning process;

“Examination” means a measurement of academic or professional achievement of an academic phase or professional phase which helps to provide accurate prediction for future academic success or future professional competence;

“Examination centre” means a centre registered by the Council for the purpose of conducting examination;

“Examination malpractices” means an act which contravenes examination regulations;

“Examination materials” means question papers and any other materials which are to be used by a candidate in a public examination and identified as such;

“Ex-officio member” means a person who according to this Act is expected to attend meetings only by virtue of the office he holds in public services;

“Government” means the Revolutionary Government of Zanzibar;

“Measurement” means a process or system used to determine the quantitative value of a certain test in learning.



“Minister” means Minister responsible for Education;

“Ministry” means Ministry responsible for Education;

“Panel” means a group or team of subject specialists who play an advisory role to the Council;

“President” means the President of Zanzibar and Chairman of Revolutionary Council;

“Secondary education” means a full time formal education continued immediately after primary education that before higher education.

## **PART II ESTABLISHMENT OF THE COUNCIL**

Establishment  
of the  
Council.

3.(1) There shall be established a Council to be known as Zanzibar Educational Measurement and Evaluation Council.

(2) The Council shall be:

- (a) a Council corporate with perpetual succession and common seal;
- (a) in its corporate name; be capable of suing and being sued;
- (c) capable of purchasing or acquiring, and managing in any manner and alienating any movable and immovable property;
- (d) capable of entering into contract or agreement and doing all such things or acts for the proper performance of its functions under the provisions of this Act, which may lawfully be done or performed by a Council corporate.

Composition  
of the  
Council.

4.(1) The Council shall consist of the followings members:-

- (a) Chairperson who shall be appointed by the President;
- (b) Director;
- (c) Director responsible for secondary education;





- (d) director of Zanzibar Institute of Education;
- (e) chief inspector of the schools;
- (f) a representative from Teacher's Association;
- (g) a Vice Chancellor of the State University of Zanzibar or his representative;
- (h) a representative from any registered Association of People with Disability.
- (i) a representative of National Examination Council of Tanzania who reside in Zanzibar;
- (k) a representative from Police force or National security;
- (j) a representative from the private school association.

(2) Members of the Council with exception of ex-officio members shall be appointed by the Minister in consultation with the respective institution.

(3) A person shall not be eligible to be appointed as a chairperson unless, he possesses at least a degree and experience of at least seven years in a matter related to education.

(4) The members of the Council shall elect one member among them to be a Vice Chairperson.

(5) There shall be a secretary of the Council who shall be a legal officer and must hold University Degree in Law from recognized institution and experience of at least five years.

(6) Secretary of the Council shall be appointed by the Council.

(7) The secretary shall not be entitled to vote on any resolution.

Functions of  
the Council.

5. The Council shall perform the following functions:

- (a) to prescribe the procedures in which students in primary, secondary and teachers colleges shall be assessed and the standards to be achieved at each level;



- (b) to assess the extent to which schools succeed in attaining education objectives and to make adjustment in the pedagogical practice that shall result in the improvement of learning process;
- (c) to formulate examinations, tests, assessment in accordance with the Zanzibar curriculum;
- (d) to conduct primary, secondary, teachers education and such other examinations within Zanzibar as it may consider desirable in the public interest;
- (e) to monitor, collect and keep records of continuous assessments of candidates in respect of examinations conducted by the Council;
- (f) to set and prepare guidelines for schools and colleges continuous assessments;
- (g) to issue results and award certificates or diploma to successful candidates in respect of the examinations conducted by the Council;
- (h) to prepare and disseminate to stakeholders an annual report of examinations performance and other related matters;
- (i) to conduct research leading to improvement of testing, assessment and examinations at all levels;
- (j) to collaborate with local, regional and overseas professional Bodies, regulatory authorities and other relevant stakeholders in conducting research, publish statistics and other information in order to develop appropriate examinations process and quality of education in Zanzibar;
- (k) to conduct evaluation in order to diagnose strength and weakness of education programmes and improving student's learning;
- (l) to set rules for regulating the conduct of examinations and for all purposes incidental thereto;
- (m) to carry out such other activities as necessary or expedient for the full discharge of all or any of the functions conferred on it under this Act;





Powers of  
the Council.

**6. (1) The Council shall have powers:-**

- (a) to administer the properties of the Council both movable and immovable;
- (b) to administer the funds and other assets of the Council;
- (c) to signify the acts of the Council by use of the common seal;
- (d) subject to the provisions of this Act, to appoint such officers of the Council if it deems necessary;
- (e) to conduct academic, technical and other examinations within Zanzibar as it may consider desirable in the public interest;
- (f) to invite any body or bodies outside Zanzibar, as it may think fit, to conduct academic, technical and other examinations within Zanzibar or to conduct these examinations jointly with the Council and to award certificates or diplomas to successful candidates in these examinations;
- (g) to review regulations relating to examination, evaluation and assessment;
- (h) to consider and approve subjects suitable for examinations;
- (i) to nullify and cancel results of the examination which could not fulfill the mandatory conditions;
- (j) to appoint examination subjects panels;
- (k) to award certificates and diplomas to successful candidates in such examinations;
- (l) to investigate and approve certificate and other awards issued by other agencies within and outside the country.

(2) The Council shall have power to do all things and to act in all ways necessary for, or incidental to the purpose for which it is established;

(3) Subject to the provisions of this Act the Council shall have power to regulate its own proceedings;





Meeting  
and  
decision of  
the Council.

7.(1) The Council shall hold four regular meetings every year and may hold more meetings if the business of the Council so requires.

(2) The meetings of the Council shall be held at such time and such place as the Council may determine.

(3) The Chairperson may at anytime call a special meeting upon a request by a majority of the members of the Council in the office.

(4) The Chairperson shall preside at every meeting of the Council and in his absence, the Vice-Chairperson shall preside and in the absence of both the Chairperson and Vice-Chairperson, the members present shall appoint a member among themselves to preside such meetings.

(5) Six members shall constitute a quorum for a meeting of the Council.

(6) The decision of the Council shall be decided by the majority of the votes of the members present and in the event of an equality of votes, the Chairperson shall have the casting vote.

(7) The Council may at any time co-opt any person or persons at any of its meetings but a person so co-opted shall not be entitled to vote at the meeting on any matter for decision by the Council.

(8) The validity of any act or proceedings of the Council shall not be affected by any vacancy among its member.

Tenure of the  
membership  
of the  
Council.

8. (1) A member of the Council other than ex- officio member shall hold office for a period of three years from the date of his appointment, and may be eligible for re appointment for the second period as the Minister may determine.

(2) A member shall cease to be a member upon the occurrence of any of the following:-

- (a) if he dies;
- (b) if he absent himself from the consecutive three meetings without sufficient cause;
- (c) if he is convicted of any criminal offence;



- (d) if by writing under his hand addressed to his appointing authority, he resigns;
- (e) in case a member of the Council becomes a member by virtue of his post, that member shall cease to be a member upon ceasing to hold that post.

(3) Where a member of the Council is, by reason of absence from Zanzibar or illness or for other sufficient cause, unable to perform his duties as a member of the Council, the appointing authority may appoint a temporary member in his place, and the temporary member shall hold office until the resumption of the duty of the substantive member or until the office of the substantive member expires, whichever first occur.

(4) When the office of the member of the Council becomes vacant in accordance with the sub section (2) of this section, the appointing authority may appoint another person in his place to hold office for the unexpired portion of his term of office,

Disclosure  
of the  
interest.

9.(1) Where a member is present to a meeting of the Council or any committee of the Council at which the matter is the subject of consideration and in which matter he is directly or indirectly interested in a private capacity, the member shall, as soon as practicable after the commencement of the meeting, disclose such interest and shall not, unless the Council otherwise directs, take part in any consideration or discussion of, or vote on any question touching such a matter.

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made;

(3) Where a member fails to disclose his interest in accordance with subsection (1) and a decision of the Council is made benefitting such member, such decision shall be null and void.

(4) A member who contravenes subsection (1) commits an offence and upon conviction shall be liable to a fine of not less than Five Hundred Thousand Shillings and not exceeding Two Million Shillings or to imprisonment for a term of not less than six months and not exceeding one year or to both such fine and imprisonment.





(5) If a person is engaged in the conduct of examinations or performing work connected with examinations is directly or indirectly interested in a private capacity in an examination or any examination paper or information relating thereto or if the spouse, child, friend or relative of such person is a candidate in such examination, he shall as soon as practicable before the commencement of his duties in respect of such examination disclose such interest to the Council or its nominee and he shall, unless the Council otherwise directs, cease to perform such duties.

(6) Any person who contravenes the provisions of subsection (5) commits an offence and upon conviction, shall be liable to a fine of not less than Five Hundred Thousand Shillings and not exceeding Two Million Shillings or to imprisonment for a term of not less than six months and not exceeding one year or to both such fine and imprisonment;

Seal of the Council.

**10.(1)** There shall be an official seal of the Council which shall be of such shape, size and the form as the Council may determine.

(2) The official seal of the Council shall not be affixed to any instrument or document made, issued or executed by or on behalf of the Council except in the presence of the Chairperson, the Secretary or such other member of the Council or other employee of the Council as the Council may appoint in that behalf;

Remuneration of the Council.

**11.** Members of the Council shall be entitled to such remuneration or allowances as recommended by the Council and approved by the Minister.

Recruitment of the staff.

**12. (1)** The Council may on such terms and conditions as it may determine, appoint such officers and employees as it considers necessary to achieve the Council's functions and for the efficient discharge of its responsibilities according to Public Service Act No. 2 of 2011.

(2) The officers and employees appointed under sub section (1) of this section shall be paid salary in a manner of such service as may be approved by the Council in accordance to procedure set in Public Service Act No. 2 of 2011.

(3) Every officer or employee appointed under subsection (1) of this section shall exercise such powers and functions and perform such duties as may be assigned to him from time to time by the Director.





Authorized  
Officer.

**13.(1)** The Council shall designate persons to be authorized Officers for the purposes of this Act.

(2) An authorized officer designated under subsection(1) of this section shall perform the following:

- (a) shall inspect premises before the premises are approved as an examination centre; and
- (b) may enter at all times and inspect premises where:
  - (i) examinations are being conducted; or
  - (ii) there is a cause to believe that examination malpractices are taking place.

(3) An authorised officer shall:

- (a) confiscate equipment, tools, education materials and any other items used to facilitate examination malpractice; and
- (b) write a report to the Director where upon an entry in accordance with sub section (2) (b) the authorized officer finds any form of examination malpractice.

(4) Each authorized officer shall be issued with an identity card, in a form to be prescribed in the Regulation, and shall have such identity card in his possession when performing any function under this Act;

(5) A person who obstructs an authorized officer in the discharge of his duties under this section commits an offence and upon conviction shall be liable to a fine of not less than Two Hundred and Fifty Thousand Shillings and not exceeding Five Hundred Thousand Shillings or to imprisonment for a term of not less than three months, and not exceeding six months or both such fine and imprisonment.

Establishment  
of the  
Committees.

**14.(1)** The Council may establish Committees for the purpose of assisting the performance of its functions. The committees shall consist of the followings:



- (a) executive committee;
- (b) examination committee, and;
- (c) such other committees as the Council may time to time consider necessary;

(2) The members of committees shall be appointed by the Council.

Functions  
of Executive  
Committee.

**15. (1)** The Executive Committee shall have the following functions:-

- (a) to act as the executive authority of the Council in the management of its ordinary affairs;
- (b) to consult and to report to the Council thereon;
- (c) to prepare and to recommend budget and expenditure of the Council;

(2) For the purposes of this section the executive committee shall perform any other duty assigned by the Council;

Functions  
of the  
Examination  
Committee.

**16.** Examination Committee shall have the following functions:-

- (a) to ensure the security of examination items;
- (b) to consider and recommend on the nature of the examination to be set;
- (c) to recommend arrangement for the conduct of examination provided by the Council;
- (d) to recommend setters, moderators, invigilators, supervisors and examiners;
- (e) to ensure the maintenance of standards appropriate to the subject taken to the candidates taking the examination;
- (f) to recommend to the Council, rules regarding to the standards of proficiency to be attained in each examination for a relevant Diploma, Certificate or other awards awarded by the Council;





- (g) to decide whether any candidate for the relevant diploma, certificates or other award, has attained the standard of proficiency prescribed in rules made under section 16 subsection (1) (f) and is other wise fit for the grant of such diploma, certificates or other award;
- (h) to make proposal to the Council on matters relating to examinations conducted by the Council;

Director.

**17. (1)** There shall be Director of the Council appointed by the President.

(2) A person shall not be appointed as a Director unless:

- (a) he holds Master Degree in education and having at least five year experience in the field or
- (b) he holds a degree in education from any recognized institution with at least ten years experience in the field.

Functions of  
the Director.

**18. (1)** Subject to the provision of this Act, the Director shall be responsible to the Council.

(2) The Director shall be responsible to perform day to day functions of the Council.

(3) In the exercise of the powers vested to him or delegated to him by the Council, the Director, shall comply with any direction of policy or of general nature given to him by the Council, and shall not, without the prior approval of the Council, depart or permit departure from the guidelines set by the Council or normal procedures for dealing with any particular matter;

(4) The Director and other officers of the Council shall constitute the management team of the Council.

### **PART III FINANCIAL PROVISIONS**

Funds and  
resources of the  
Council.

**19. (1)** The funds and resources of the Council shall include:-





- (a) such sums as may be provided for the purpose of the Council by the House of Representatives;
- (b) any funds or assets which may be vested in or accrued to the funds from other sources by the way of fees, grants, gifts or any other person or body;
- (c) charges, dues or fees received by the Council in the performance of its functions;
- (d) money derived from disposal, lease or hire or any other dealing with any property vested in or acquired by the Council.

(2) all funds and resources received by the Council shall be applied for the purposes for which the Council is established and any other lawful purposes authorized under this Act.

Accounts  
of the  
Council  
and Audit.

**20.**(1) At least three months before the commencement of each financial year, the Director shall prepare for approval of the Council, annual estimates of the revenue and expenditure of the Council for the ensuing year.

(2) The Council shall before the commencement of each financial year, consider and approve, subject to such modifications and amendments as it may consider appropriate, the estimates prepared in accordance with the subsection (1) of this section.

(3) No expenditure of the Council shall be incurred except in accordance with the provision of annual estimates or in accordance with the provisions of any supplementary estimates approved by the Council upon consultation with the Minister.

Annual  
estimates.

**21.**(1) The Council shall keep proper books of account and in proper records in relation to them and the books of account and records of the Council shall be kept in accordance with procedures set by the Controller and Auditor General.

(2) The books of account of the Council shall be audited by Controller and Auditor General or any authorized body approved by Controller and Auditor General and shall be audited at least at the end of each financial year.



(3) The audited accounts and the auditor's report on such accounts shall be submitted to the Council not later than three months after the end of the financial year to which they relate;

(4) The Council shall, not later than four months after the end of each financial year, submit to the Minister an annual report on the Management of the Council including Auditor's report in respect of that financial year, including the balance sheet of the Council in respect of that year;

(5) The Minister shall submit the report together with his observations on it before the House of Representative as soon as may be practicable and in any case not later than six months after the closing of each financial year.

#### **PART IV MISCELLANEOUS PROVISIONS**

Oaths,  
Offences  
and  
Penalties.

**22.(1)** The Council shall require any person performing the work of the Council or being engaged in the conduct of examination or the handling of any examination paper, to take and subscribe before the Commissioner of Oaths, an oath of secrecy as in accordance with official Oaths Decree;

(2) Any person who:

- (a) having complied with the provisions of subsection (1) does or omits to do any act in contravention of the oath of secrecy;
- (b) knowingly or negligently reveals the contents of any examinations materials or any information relating to the contents of any examination paper to an unauthorized person, whether a candidate or not;
- (c) with intent to fail or pass a candidate, alters the works, data, information or scores of a candidate;
- (d) prints, sells, buys, borrows or lends certificates or diplomas without authority of the Council;





- (e) is not registered to take a particular Council's examination, but with intent to impersonate, present or attempt to present himself to take the party of an enrolled candidate or;
- (f) present stolen, forged certificate or diploma to a prospective employer or to an Institution of learning with intent to gain employment or admission purported to have been issued by the Council;
- (g) willfully and maliciously damages and destroys examination materials;
- (h) is involved in any form of examination malpractice;
- (i) being an authorized officer negligently or carelessly discharges the functions set out under this Act; or
- (j) Aids or abets commission of any offences under this Act;
- (h) uses the seal of the Council for personal gains or for purposes other than that the Council;
- (i) misuses his authority within the Council for his personal gains or for purposes other than that of the Council:

commits an offence and upon conviction shall be liable to a fine of not less than one million Tanzania shillings or imprisonment for a term not less than a year or to both such fine and imprisonment;

(3) Where the Council is satisfied that there has been an irregularity in the course of any examination, the Council shall suspend or nullify such examination or any part thereof.

(4) Where more than one third of the candidates at the examination centre either before, during or after an examination are found to have acted contrary to any of the provision, the Council may prohibit that examination center from organizing, supervising or acting as agent of the Council in the conduct of any examination by the Council for such period as the Council may determine and this may be in addition to any penalties that may be imposed in accordance with rules and regulation of the Council.





Regulations.

**23.** (1) In the performance of its duties and exercise of its power, the Council may, with the consent of the Minister make regulations prescribing anything under this act which is to be prescribed or which is necessary or convenient to be prescribed for the better carrying out of the objects and functions of this act, or to give force and effect to its provisions.

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

- (a) the times and places at which the examinations shall be held;
- (b) inspection, approval and registration of examination centres;
- (c) examination fees and other charges under the Act;
- (d) the syllabuses, subject for, and language of examinations;
- (e) conditions for eligibility;
- (f) conditions for the award of certificates and diplomas;
- (g) qualification and disqualification of candidates;
- (h) withholding or cancellation and nullification of examination results;
- (i) any other matter relating to the conduct examinations;
- (j) financial procedures of the Council; and procedures to be followed by authorized officers;

Repeal and saving.

**24.** Regulations on operations and examination procedures of 1992 are hereby repealed.

**PASSED** in the House of Representatives of Zanzibar on 4<sup>th</sup> day of April, 2012.

{ YAHYA KHAMIS HAMAD }  
CLERK OF THE HOUSE OF REPRESENTATIVES  
ZANZIBAR