

***SUBSIDIARY LEGISLATION***

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THE CONSTITUTION OF THE UNITED REPUBLIC OF TANZANIA, 1977  
(CAP. 2)

**INSTRUMENT**

*(Made under Article 36(1))*

WHEREAS, Article 36(1) of the Constitution of the United Republic of Tanzania, 1977 vests in the President powers to establish and disestablish such offices in the service of the Government of the United Republic;

AND WHEREAS, the Government intends to establish, within the University of Dodoma Campus, a modern hospital to be known as the Benjamin Mkapa Hospital, to take over mandate and functions of the University of Dodoma Medical Centre;

AND WHEREAS, the Benjamin Mkapa Hospital is intended to provide specialized and sub-specialized services such as medical services, teaching and research, for the Instrument and betterment of the general welfare of the people of the United Republic of Tanzania;

AND WHEREAS, in recognition of contribution of the Third Phase President of the United Republic of Tanzania, Benjamin William Mkapa in Hospital promoting and improving the health sector in Tanzania, it is intended to name the University of Dodoma Medical Hospital after Benjamin William Mkapa;

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AND WHEREAS, currently, the University of Dodoma Medical Centre is under the supervision and administration of the University of Dodoma;

AND WHEREAS, the Government acknowledges the need of giving autonomy to the Benjamin Mkapa to allow, subject to the guidance of the Ministry, responsible for health, manage its affairs efficiently;

NOW THEREFORE, in the exercise of the powers conferred on the President by Article 36(1) of the Constitution of the United Republic of Tanzania and all other powers enabling the President in that behalf, I, JAKAYA MRISHO KIKWETE, President of the United Republic of Tanzania, Do Hereby establish by this Instrument, the Benjamin Mkapa Hospital and directs as follows:

**PART I**  
**PRELIMINARY PROVISIONS**

**Citation**

1. This Instrument may be cited as the Benjamin Mkapa Hospital (Establishment) Instrument, 2015 and shall come into operation on the 1<sup>st</sup> day of September, 2015.

**Interpretation**

2. In this Instrument, unless the context requires otherwise-  
“Board” means the Board of Trustees established under paragraph 6(1);  
“Board Committee” means a committee established under paragraph 19(1);  
“collaborating agent” means a person or body of persons cooperating with the Hospital in carrying out the objects and functions of the Hospital;  
“Executive Director” means the Executive Director of the Hospital appointed under paragraph 9(1);  
“Executive Committee” means a committee established under paragraph 12(3);  
“Hospital” means the Benjamin Mkapa Hospital established by paragraph 3;  
“member” means a member of the Board and includes a Chairman and Vice-Chairman of the Board;  
“Minister” means the Minister responsible for health and the term “Ministry” shall be construed accordingly.

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**PART H**  
**THE BENJAMIN MKAPA HOSPITAL**

Establishment  
of the Hospital

3.-(1) The Hospital shall be a body corporate and shall-

- (a) have perpetual succession and a common seal;
- (b) in its corporate name, be capable of suing and being sued;
- (c) capable of taking, purchasing and otherwise acquiring, holding, charging and disposing of any movable or immovable property;
- (d) have power to borrow such sums as it may require for its purposes; and
- (e) entering into contracts and doing or performing all other things or acts for the proper performance of its functions under this Instrument or any other written law which may lawfully be done or performed by a body corporate.

(2) The provisions of the First Schedule shall have effect as to all matters relating to the aim, vision, mission, objectives organizational structure, performance and other affairs of the Hospital.

(3) The Minister may, by notice published in the *Gazette*, amend the First Schedule.

Functions of  
the Hospital

4.-(1) The Hospital shall be responsible for-

- (a) control and management of any other hospital as may be vested in the Hospital;
- (b) undertaking medical care of out-patients and in-patients in accordance with medical ethics;
- (c) stimulating and promoting programs for the improvement or advancement of health and general welfare of the people of the United Republic of Tanzania;
- (d) advising the Government and other public organizations or institutions in the formulation, implementation, review and revision of health education programs for the benefit of members of the public;
- (e) equipping and managing the Hospital as a specialized and sub-specialized and research and teaching Hospital in accordance with prescribed standards;

- (f) providing services of a kind normally provided by consultant and teaching hospitals;
- (g) acting as a tertiary specialized referral hospital;
- (h) making provision for places and centers of learning, education, training and research in medical science and any other related subjects as the Board may, from time to time, decide;
- (i) carrying out programs for the training of health personnel as may, from time to time, be assigned to the Hospital on the direction of the Government;
- (j) providing conducive environment and facilitate the training of health personnel by universities of health and allied sciences or any other health training institution;
- (k) preparing students for such examinations as may be conducted by relevant competent authorities in respect of subjects included in training programs carried out by the Hospital;
- (l) providing advisory, consultancy and other services to the Government, organizations and individuals with respect to the orderly development of medical services, health and general welfare amenities in the United Republic;
- (m) undertaking, either alone or in association with any other person or body of persons within or outside the United Republic, the development or production of pharmaceuticals, reagents, medical instruments and equipment;
- (n) providing diagnostic services and services connected with the repair and maintenance of hospital and laboratory equipment;
- (o) advising the Government and other public institutions in the formulation and carrying out of measures connected with quality assurance of health services;
- (p) conducting health research and non health research; and
- (q) performing such other functions as are conferred upon the Hospital by or under this Instrument or any other written law.

(2) In the performance of its functions, the Hospital may enter into contracts or memorandum of understanding with other hospitals, colleges or any other institutions of health sciences

for organizing teaching and research activities and integrating such hospitals, colleges and with clinical work.

Control and management of the Hospital

5. The control and management of the Hospital shall vest in the Board.

### **PART III ADMINISTRATION**

Board of Trustees

6.-(1) There shall be a board to be known of the Board of Trustees of the Benjamin Mkapa Hospital which shall consist of-

- (a) a Chairman who shall be appointed by the President; and
- (b) not more than six other members who shall be appointed by the Minister.

(2) The Minister shall appoint members of the Board from amongst persons having qualifications as set out in the Second Schedule to this Instrument.

(3) The provisions of the Second Schedule shall have effect as to the qualifications and tenure of office of members, termination of their appointments, the proceedings of the Board and other matters in relation to the Board and its members.

Functions of the Board

7.-(1) The functions of the Board shall be to-

- (a) supervise the implementation of policies and objectives of and the overall management of the Hospital in a way that ensures its proper performance;
- (b) manage and administer, on behalf of the Hospital, all assets and properties movable and immovable of the Hospital in such manner and for such purposes as in the opinion of the Board would promote the best interests of the Hospital;
- (c) ensure the financial viability of the Hospital;
- (d) set on conditions of service and employment packages for the staff of the Hospital and to approve staff establishment and staff development plans prepared by the management within the financial resources of the Hospital;
- (e) decide the Hospital's financial policies, consider and approve the annual budget submitted by the management and monitor and review financial

statements, authorize major expenditure;

(f) monitor and promote standards and quality of Hospitals services by taking active interest in the welfare of patients and promotes medical ethics at all levels in the Hospital;

(g) ensure the Hospital is fulfilling the teaching and research requirements of health and allied sciences institutions of training; and

(h) do any act for the purpose of achieving any of the above stated functions of the Hospital.

(2) In the performance of its functions, the Board may take into consideration the need to promote, establish and maintain a system of collaboration, consultation and co-operation with the Muhimbili National Hospital, the Muhimbili University of Health and Allied Sciences, the Muhimbili and any other person or body of persons established by or under any written law and having functions related to those of the Hospital.

Powers of the Board

8. The Board shall have power to-

(a) receive fees, grants, donations, gifts and other monies on behalf of the Hospital and to make disbursements to other persons or directorates, departments, units or sections of the Hospital;

(b) subject to approval of relevant authorities, establish directorates, departments, units, sections or disestablish any one or more of them as it may deem necessary;

(c) determine and set up the Hospital policies, approve the Hospital business strategies and annual plans and monitor and review their implementations;

(d) approve the Hospital service regulations within the parameters of the minimum Ministry requirements; and

(e) do any such act or thing which is necessary for the better carrying out of its functions or as directed by the Minister or as provided in this Act.

Executive Director

9.-(1) There shall be an Executive Director of the Hospital who shall be appointed by the President and shall be responsible for the general conduct of the day to day operations, management and functions of the Hospital and for any other duties as may be

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assigned by the Board.

(2) The Executive Director shall be appointed from among persons who possess the necessary qualifications, experience and competence to manage efficiently and effectively the affairs of the Hospital in accordance with modern management standards.

(3) The Executive Director shall, subject to subparagraph (4), hold office on such terms and conditions of service as the Board may specify.

(4) The Executive Director shall hold office for three years and shall be eligible for re-appointment.

(5) The Executive Director shall be the chief executive officer of the Hospital and shall perform any other functions as the Board may delegate to him to enable him transact all the day to day business of the Hospital, and in particular-

- (a) the Executive Director shall have power to exercise supervision and control over acts and proceedings of employees of the Hospital; and
- (b) subject to any restrictions that may be imposed by the Board, he shall have power to deal with matters relating to terms and conditions of service of the employees of the Hospital.

(6) In the exercise of the powers vested in him by this paragraph or delegated to him by the Board, the Executive Director shall comply with any direction of policy or of a general nature given to him by the Board and shall not, without the prior approval of the Board, whether given generally or specifically, depart or permit departure from the approved establishment of the Hospital or the normal procedures for dealing with a particular matter.

Staff and other employees

10. Subject to the provisions of this Instrument, the Board may, from time to time, appoint at such salaries and upon such terms and conditions as it may consider fit, the staff and other employees of the Hospital as it may consider necessary for the proper and efficient conduct of the business and activities of the Hospital.

Directorates, sections or units of the

11.-(1) There shall be such number of directorates, sections or units of the hospital as the Board may, subject to approval of the relevant authorities determine.

(2) The Board may empower directorates, sections or

units, in the Hospital to operate as cost centres.

(3) All Directors of the Hospital shall form a committee to be known as the Executive Committee and each directorate shall individually be responsible for specific functions of its respective directorate including giving support and supervise sections within the Directorate.

(4) The Executive Director shall, be the Chairman of the Executive Committee.

#### **PART IV FINANCIAL PROVISIONS**

Funds of the Hospital

12. The funds and resources of the Hospital shall consist of such sums-

- (a) as may be appropriated by Parliament for the purposes of the Hospital;
- (b) as the Board may borrow for the purposes of the Hospital;
- (c) as may be payable to the Hospital by way of donations, gifts, grants, loans or bequests;
- (d) as may be imposed by the Hospital by way of fees and charges pursuant to this Instrument; and
- (e) any other moneys legally payable to or vested in the Hospital as a result of, or in the course of discharging its functions under this Instrument.

Annual budget estimates

13.-(1) At least three months before the commencement of any financial year, the Hospital shall prepare or cause to be prepared for approval of the Minister annual estimates of the revenue and expenditure of the Hospital for the ensuing financial year.

(2) The Board shall consider and approve subject to such modifications and amendments as it may consider appropriate, the estimates prepared in accordance with subparagraph (1) of this paragraph.

(3) The annual budget estimates shall contain provisions for all the estimated expenditure during the ensuing financial year and in particular-

- (a) for the payment of salaries, allowances and other charges in respect of the staff, Board and Committees

of the Board;

- (b) for the payment of construction, improvement, maintenance and replacement of any building or other immovable property of the Hospital;
- (c) for the proper maintenance and replacement of the furniture, equipment, drugs and supplies of the Hospital; and
- (d) for the creation of such reserve funds to meet future contingent liabilities as the Board may think fit.

(4) The expenditure shall not be incurred for the purposes of the Hospital except in accordance with the provisions of the annual budget estimates, or any supplementary estimates approved by the Board.

(5) A copy of the annual estimates and of every supplementary estimate, if any, shall immediately after approval be forwarded to the Minister.

Investments of  
the Hospitals  
funds  
Cap.53

14. The Board may, with the approval of the Minister responsible for finance, invest the funds of the Hospital in such investments and subject to such conditions as are prescribed by the Trustees Investment Act in relation to investments of funds by a trustee.

Powers of the  
Board to  
borrow money

15. The Board may, after consultation with the Minister for Finance, borrow moneys for the purposes of the Hospital by way of loan or overdraft, and upon such security and such terms and conditions relating to repayment of the principal and payment of interest as the Board may consider fit.

Accounts and  
audit

16.-(1) The Board shall cause to be provided and kept proper books of accounts and records with respect to the receipt and expenditure of money by, and other financial transactions of the Hospital, and assets and liabilities of the Hospital and shall cause to be made out for every financial year a balance sheet and statement of income and expenditure.

(2) Within no more than three months after the close of each financial year, the accounts, in respect of that financial year shall, including the balance sheet of the Hospital, be submitted to and audited by a competent authorized auditor.

(3) As soon as the accounts of the Hospital have been audited, and in any case not later than six months after the close of

the financial year, the Board shall submit to the Minister a copy of the audited statement of accounts together with a copy of the report made by the auditor on the statement of accounts.

Annual report  
to be laid  
before the  
National  
Assembly

17. The Minister shall, as soon as practicable after receiving the report lay before the National Assembly a report, containing-

- (a) a copy of the audited accounts of the Hospital;
- (b) a copy of the auditor's report on the accounts; and
- (c) a report on the activities of the Hospital in the preceding financial year.

#### PART V MISCELLANEOUS PROVISIONS

Fees and  
allowances

18. The Hospital may, with the consent of the Minister issue directions prescribing fees and allowances payable to the members of the Board.

Board  
Committees

19. The Board may, in writing, appoint Committees of the Board and delegate, subject to such terms, conditions and restrictions as it may specify, to any such committee or to any employee of the Hospital, all or any of the functions, powers or duties conferred to or imposed by or under this Act on the Board.

Indemnity for  
*bona fide* acts

20. An act or proceedings of the Board or Board Committee shall not, if *bona fide* made or issued, as the case may be, in the execution of the functions of the Board or Board Committee render such member personally liable for such act or thing.

Validity of  
acts of the  
Board or  
Board  
Committee

21. An act or proceedings of the Board or Board Committee shall not be invalid by reason only of any vacancy in the membership thereof, any defect in the appointment of any member or the fact that any member was at the time in question disqualified or disentitled to act as such.

Directions

22. The Minister may give to the Board directions of a general or specific nature which directions shall be consistent with the purposes and provisions of this Act, as to the performance by the Board of any of its functions under this Act, and the Board shall give effect to every direction given by the Minister.

Regulations

23.-(1) The Minister may, after consultation with the Board, make regulations for the better carrying out of the purposes and provisions of this Act.

(2) Without prejudice to the generality of subparagraph(1), may make regulations-

- (a) prescribing conditions and terms upon which any specified facility or service within the scope of the functions of the Hospital shall be provided to the public and other persons;
- (b) setting fees, rates and other charges for or in connection with the provision by the Hospital of any facilities or services;
- (c) prescribing for the proper management, control and administration of the Hospital;
- (d) prescribing for and regulating discipline amongst staff and other members of the Hospital and disciplinary proceedings against them; and
- (e) prescribing for any matter which may be prescribed under this Act.

(3) Regulations made under this paragraph shall be published in the *Gazette*.

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FIRST SCHEDULE

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(*Made under paragraph 3(2)*)

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AIM AND OBJECTIVES, VISION, MISSION, KEY RESULTS AREAS OF  
THE BENJAMIN MKAPA HOSPITAL

1.1 The Aim and Objectives of the BENJAMINI MKAPA HOSPITAL

The Hospital aims at-

- (a) providing centre for excellence for quality specialized health services which are not offered in the country, thus reducing Government burden resulting from referring patients abroad;
- (b) becoming centre for excellence in medical services in terms of diagnosis and treatment specifically for urology, nuclear medicine, Telemedicine and endoscopic services in and outside the country;

- (c) reducing overall mortality and morbidity associated with urology, cancer, maternal and child health at all levels within the health system by improving human resource capacity, training opportunities, equipping with hi-tech equipment, strengthening of referral networks and conducting research;
- (d) establishing a qualified number of urology and nuclear medicine specialists and support staff at all cadre levels through in-service training, continuing education symposia and on site mentoring programs in medical management of cancer and urology patients, performance of invasive and non-invasive procedures and researches;
- (e) in collaboration with University of Dodoma and other training institutions within and outside the country, increasing a number of qualified staff to manage, treat and refer urology and cancer patients through in service training and formal academic programs;
- (f) strengthening referral systems at all levels;
- (g) strengthening data collection and reporting on urology and cancer to improve medical and patient management by reporting upon clinic outcomes and resource utilization between the Hospital, referral centres and overseas patients;
- (h) attending both inpatient and outpatient within the hospital;
- (i) building capacity to other hospital in terms of training on urology and cancer issues; and
- (j) conducting trainings and research.

**1.2**

**Vision**

To create a patient-centric, tertiary health care organization focused on quality health care and training utilizing leading edge technology with human touch.

**1.3**

**Mission**

To provide quality health care to society through adherence to National and Global standards in health care.

**1.4**

**Key Results Areas (KRA)**

The Hospital shall have the following key result areas that present its major business functions:-

**1.4.1**

**Reducing overall mortality and morbidity associated with urology conditions.**

This KAR reflects the collection of patient history, diagnosis using hi-tech equipment, treatment of patients, including transplanting of patients tissues and creating patients database. This information will be shared with relevant institutions for policy and legal intervention.

**1.4.2**

**A well-managed Hospital**

This KAR reflects activities involved in managing resources of the Hospital effectively in quality delivery of health care services to clients in an efficient way.

**1.4.3**

**Establishing a pool of urology and nuclear medicine specialists and support staff at all cadre levels.**

This KAR reflects measures that the Hospital will undertake to increase number of urology and nuclear medicine specialists and support staff at all cadre levels through recruitment, in-service training and formal training in collaboration with training institutions in and outside the country.

**1.4.4 Strengthen urology and cancer referral systems at all levels**

This KAR reflects activities that will be carried out by the Hospital to ensure the health referral system is adhered by health facilities.

Apart from having Headquarters in Dodoma, the process of diagnosis, treatment and training may necessitate the opening up of offices in other areas in and outside the Country.

**KEY RESULT AREAS AND STRATEGIC OBJECTIVES**

**KEY RESULT AREAS 1: Reducing overall mortality and morbidity associated with urology and cancer conditions**

<b>Strategic Objectives</b>	<b>Key Performance Indicators</b>
Reducing overall mortality and morbidity associated with urology and cancer conditions by 2020	Client feedback satisfaction reports in place
	Number of patients received specialized and super specialized services who reported high satisfaction in a client feedback satisfaction reports
	Number of urology services successful attended
	Number of nuclear medicine conducted
	Increase in the number of patients seeking services

**KEY RESULT AREAS 2: A well-managed Hospital (Resource management for provision of quality health services)**

<b>Strategic Objectives</b>	<b>Key Performance Indicators</b>
A well-managed Hospital (Resource management for provision of quality health services by 2020	Clean Financial and audit report
	Increase in percentage of employee satisfaction,
	Number of Equipment working
	Number of waiting hours before service (timely service)
	Increase in revenue collection

**KEY RESULT AREAS 3: Establishing a pool of urology and nuclear medicine experts and support staff at all cadre levels**

<b>Strategic Objectives</b>	<b>Key Performance Indicators</b>
Establishing a pool of urology and nuclear medicine experts and support staff at all cadre levels by 2020	Client feedback satisfaction reports in place
	Number of patients received health services successful
	Number of qualified staff recruited

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Turning into a largest healthcare research institution in Africa that focuses on improving care, innovation and teaching by 2020	Number of healthcare research conducted and publication
	Number of specialist trained and trainings conducted
	Number of qualified staff recruited
	Number of scientific conferences, symposium or workshop conducted for dissemination of research results.

**KEY RESULT AREAS 4: Strengthen urology and nuclear medicine referral systems at all levels (dispensary to tertiary hospitals)**

<b>Strategic Objectives</b>	<b>Key Performance Indicators</b>
Strengthen urology and nuclear medicine referral systems at all levels (dispensary to tertiary hospitals) by 2020	Number of urology and cancer trainings conducted
	Number of Referral reports received
	Number of in service training at various health facilities

**2.0 Performance criteria**

The Board of Trustees shall regularly assess the performance of the Hospital in the light of strategic plan based on regular performance reports with particular attention paid in the following areas-

**2.1.1 Quality of service**

- (a) Customers satisfaction result/increase;
- (b) Number of mortality and morbidity per services delivered;
- (c) Percentage of customers served on time/on schedule;
- (d) Maintenance of equipment (will be measured quantitatively);
- (e) Level of awareness and service demanded increase.

**2.1.2 Operational efficient**

- (a) Minimum downtime of the information network system;
- (b) Increase in percentage of employee satisfaction;
- (c) Timely outputs achieved against set targets;
- (d) Element of information shared with the Hospital stakeholders(portability);
- (e) Element of the Hospital information networks security and data consistency and reliable;
- (f) Percentage coverage of eligible people in regions and border regions.

**2.1.3 Financial performance**

- (a) Timely and accurate production of financial reports;
- (b) Percentage of revenue self-generated/amount *visa- vis* the target;
- (c) Financial resource use- percentage of expenditure within budget;
- (d) Clean audit report from the National Audit Office;
- (e) Effectiveness and transparency of the procurement and stock control systems.

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**2.1.4 Managerial performance**

Non-financial and financial management reports presented quarterly to the Minister.

**3.0 Responsibilities of the Minister**

The Minister is responsible for determining the policy framework and boundaries within which the Hospital operates and the financial resources that are to be made available to the Hospital.

The Minister shall be responsible for the general direction of the Hospital in carrying out and encouraging measures for the development of a sustainable Hospital and in respect, the Executive Director may consult the Minister on the handling of operational matters which are likely to give rise to significant public or parliamentary concern.

**4.0 Accountability**

The Permanent Secretary who is the principal accounting officer of the ministry shall also be responsible for ensuring effective and efficient management of financial and physical resources allocated to the Hospital.

The Executive Director is the Hospital's Accounting officer, and is therefore accountable for ensuring the propriety and regularity of revenue and expenditure, for prudent and economical administration. He shall ensure that the Hospital Financial Regulations and Accounting Manual adhere to the requirements of the Ministry of Finance.

The Executive Director shall be responsible for establishing proper management system for the purposes and as such, shall take due account of the financial guidance issued by the Ministry of Finance, the human resources management guidance issued by the President's Office-Public Service Management- (PO-PSM) and other directives issued by the Treasury Registrar and any other relevant authorities. The Hospital shall also put into effect the recommendations acceptable by the government from the Public Accounts Committee and other Parliamentary Committees.

The Executive Director shall provide information to the public as may be required.

**5.0 Finance, Planning and Strategic Control**

**5.1.1 Funding**

The Hospital's resources requirement will be met from subvention funds allocated by the Government at the initial stages subsequently revenues will be collected from cost sharing of service rendered.

The Hospital's expenditures will be subject to monthly, quarterly and annual monitoring and evaluation as well as review.

**5.1.2 Strategic plan**

The Strategic Plan shall cover a three - year term and be rolled forward and updated each year. In addition, there shall be a mid-term review of the plan. The Strategic Plan shall be approved by the Board and the Minister.

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### **5.1.3 Business plan**

The Business Plan will set out in more details Hospital's activities for each year of the Strategic Plan period. The Strategic Plan shall be approved by the Board and the Minister.

### **5.1.4 Annual Reports**

The Executive Director shall submit annual reports including statements of financial accounts to the Board and Minister after the end of each financial year. The annual report shall be published and circulated to relevant authorities, and shall contain-

- (a) a copy of the audited accounts of the Hospital together with the auditor's report on those accounts;
- (b) a report on performance against key targets;
- (c) a report on the operations of hospital during that financial year;
- (d) contain the annual performance agreement between the Permanent Secretary and the Executive Director; and
- (e) any other information as may be required by the Permanent Secretary.

### **6.0 Internal Audit**

The Executive Director is responsible for ensuring that adequate arrangements exist for the provision of an internal audit service. Internal auditing shall be done in accordance with the standards set by the Ministry of Finance, National Board of Accountants and Auditors and Hospital Accounting Manual.

The Internal Auditor of the Ministry shall have the right to access the Authority and perform work necessary to give independent assurance to the Minister. The Minister shall receive copies of all internal audit reports.

### **7.0 External Audit**

The Hospital is subject to external audit by the National Audit Office of the United Republic of Tanzania which has the right to conduct interim audits, special audits and value for money studies relating to Hospital activities.

### **8.0 Human resources**

#### **8.1 Status and Conditions of Service**

The Hospital staff is public servants in accordance with the Public Service Act (Cap.298) thus their terms and conditions of service shall be as provided therein.

#### **8.2 Human Resource Management**

The Executive Director shall be responsible for the human resource management of hospital's staff as set out in this Order and other relevant laws. The Executive Director shall be responsible for ensuring that an equal opportunities policy is formulated and implemented. Within these parameters, he may introduce such changes as are necessary to maximize Hospital's efficiency and effectiveness.

#### **8.3 Staff compliments and relations**

The Executive Director shall be responsible for managing the affairs of the Hospital efficiently and effectively. The end result is to establish and keep up to date Hospital's staff cohesion, relations and team spirit. Furthermore, senior management to foster participatory decision making.

The Executive Director is required to foster<sup>1</sup> good staff relations as an important aid to achievement of hospital's objectives, and to ensure effective communication and consultation between the staff and their Trade Union.

Staff retains the right to appeal to the Minister on personnel matters in the event of being dissatisfied by any decision made by the Hospital.

**8.4 Staff health and safety**

The Executive Director is responsible for the health and safety of Hospital Staff in the working place and for complying with all relevant legislation and regulations. In this regard, he shall consult with staff, recognized Trade Union representatives and relevant authorities on health and safety matters. Besides, the Hospital shall have action plan to cater for HIV/AIDS pandemic.

**9.0 Review and Amendments**

This document may be reviewed or amended by the Minister upon advise by the Board or as the circumstances may allow.

**SECOND SCHEDULE**

*(Made under paragraph 6(3))*

**QUALIFICATION, TENURE OF OFFICE AND OTHER PROCEDURAL MATTERS  
RELATING TO MEMBERS OF THE BOARD AND THE BOARD**

Tenure of  
Office,  
appointment  
and  
qualifications  
of members

1.-(1) A member shall hold office for a period of three years and shall be eligible for re-appointment.

(2) Members of the Board shall be appointed from amongst-

- (a) persons who have acceptable academic qualifications or practical experience in medicine or other related field;
- (b) persons engaged in the management or treatment of patients and institutions;
- (c) persons working in sister or collaborating institutions or institutions carrying on functions similar or allied to those of the Hospital;
- (d) officers or employees of the Ministry of engaged in such activities as the Minister may determine; or
- (e) persons in respect of whom the Minister is satisfied that they have the necessary qualifications or experience to enable them to contribute to the effective discharge of the functions of the Board.

(3) A person who is a member by virtue of holding some other office, shall cease to be a member upon his ceasing to hold the office by virtue of which he is member.

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(4) Any member may resign at any time by giving notice in writing to the appointing authority and from the date specified in the notice or, if no date is so specified, from the date of the receipt of the notice by the appointing authority.

(5) The members shall elect one of their number to be the Vice-Chairman, who shall hold office for a period of one year, but may be re-elected.

(6) The Executive Director of the Hospital shall be the Secretary of the Board.

Temporary member

2. Where any member other than the Chairman is by reason of illness, absence from the United Republic or for any other sufficient cause, unable to perform his duties as a member, the appointing authority may appoint a temporary member in his place and the temporary member shall cease to hold office upon the resumption of office of the substantive member.

Meetings

3.-(1) The Minister, the Board shall meet not less than four times during every financial year and at such additional times as may be fixed by the Chairman or in his absence, after consulting the members, the Executive Director.

(2) An ordinary meeting of the Board shall be convened by the Executive Director after consultation with the Chairman. The notice specifying the place, date and time of the meeting shall be sent to each member at his usual place of business or residence not less than ten days before the date of the meeting.

(3) The Chairman or, in his absence, the Vice-Chairman shall be bound to convene a special meeting of the Board upon receipt of a request in writing in that behalf signed by two-thirds of the members.

(4) The Chairman, or in his absence, the Vice-Chairman presiding at any meeting of the Board may invite any person who is not a member to participate in the deliberations of the Board, but any person so invited shall not be entitled to vote.

Procedure

4.-(1) One half of the total number of members shall form a quorum for a meeting of the Board.

(2) The Chairman shall preside over meetings of the Board and in his absence, the Vice-Chairman shall preside at that meeting.

(3) A decision of the majority of members present and voting shall be deemed to be a decision of the Board, and in the event of an equality of votes, the Chairman or a person presiding over the meeting shall have a casting vote.

(4) The Board may act notwithstanding any vacancy in its membership.

Decision by circulation of papers

5. Where the Chairman or, in his absence, the Vice-Chairman so directs, a decision may be made by the Board without a meeting by circulation of the relevant papers among all members and the expression in writing of the views of the majority of the members, but any member shall be entitled to require that the decision be deferred and the subject matter be considered at a meeting of the Board.

Minutes of meetings

6. Minutes of the meeting of the Board shall be in proper form of each meeting of the Board shall be kept and shall be confirmed by the Board at the next meeting and signed by the Chairman of the meeting.

*Benjamin Mkapa Hospital (Establishment) Instrument*

*GN No. 453 (contd.)*

Official seal  
of the  
Hospital

7.-(1) The official seal of the Hospital shall be of such shape, size and form as the Board may determine.

(2) All regulations, appointments, instruments or documents made, issued or executed by or on behalf of the Hospital or the Board shall be sealed with the official seal of the Hospital and shall be signed by-

- (a) the Chairman of the Board; or
- (b) the Executive Director; or
- (c) any other member of the Board or employee of the Hospital authorised in writing by the Board.

Absence  
from three  
consecutive  
meetings

8. Where any member (other than a member by virtue of his office) absents himself from three consecutive meetings of the Board without sufficient cause, the Board shall advise the appointing authority of the fact and the appointing authority may terminate the appointment of the member and appoint another member in his place.

Board may  
regulate its  
own pro-  
ceedings

9. Subject to this Schedule, the Board shall have powers to regulate its proceedings.

State House,  
16<sup>th</sup> September, 2015

JAKAYA MRISHO KIKWETE,  
*President*