

SUBSIDIARY LEGISLATION

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EDUCATION ACT, 1978
(No. 25 OF 1978)

REGULATIONS

Made under section 35(3)

THE EDUCATION (IMPOSITION OF PENALTIES TO PERSONS WHO MARRY OR
IMPREGNATE A SCHOOL GIRL), RULES 2003

1. The Rules may be cited as the Education (Imposition of Penalties to Persons who Marry or Impregnate a Schoolgirl) Rules, 2003 and shall come into operation on the day of publication.

Citation

2. In these Rules unless the context requires otherwise—

“Act” means the Education Act, 1978;

Interpre-
tation

“Commissioner” shall have the same meaning as ascribed to it under the Act;

“District Education Officer” shall have the same meaning as ascribed to it under the Act;

“Head of School” means any teacher appointed by a relevant authority to be in-charge of a primary school, and includes a person to whom he delegates his duties;

“Parent” means the father or mother of a schoolgirl and includes any person who is the guardian of the schoolgirl;

“School” means a primary or secondary school;

“Ward Executive Officer” shall have the same meaning ascribed to it under the local Government Act.

Act Nos.
7 and 8
of 1982

Education (Imposition of Penalties to Persons who Marry or Impregnate a School Girl)

G.N. No. 265 (contd.)

Regular
attendance

3. Every Head of School shall ensure that every schoolgirl enrolled in a school regularly attends and completes the period of instruction specified in respect of the level of education for the attainment of which she is enrolled.

Offences

4.-(1) Any parent who aids, abates or solicits a schoolgirl to marry while pursuing primary or secondary education shall be guilty of an offence and shall be liable on conviction to a fine of not exceeding one hundred thousand shillings or imprisonment for a term not exceeding two years or both such fine and imprisonment.

(2) Any person who under any circumstance marries a schoolgirl shall be guilty of an offence and shall be liable on conviction to a fine of not less than three hundred thousand shillings and not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding three years or both such fine and imprisonment.

5. Any male person who impregnates a schoolgirl shall be guilty of an offence and shall be liable on conviction to imprisonment of a term not less than three years and not exceeding six years with no option of fine.

6. The District Education Officer in the case of a primary school or the Regional Education Officer in the case of secondary school in their respective areas of jurisdiction shall be responsible to initiate legal action against any offender under these rules. However, this shall not preclude any other person from initiating legal proceedings.

7. Every Head of School shall keep record and submit a quarterly report to the Commissioner or his representative a detailed report of cases of pregnancies and cases of marriage of schoolgirls and legal steps taken against the offenders.

Act No. 4
of 1998

8. In particular and without prejudice to the generality of the provisions of section 4 to these Rules, the provisions of the Sexual Offences Special Provisions Act, 1998 relating to a schoolgirl shall apply *mutatis mutandis* in relation to an issue relating to a sexual offence.

Dar es Salaam,
1st August, 2003

JOSEPH MUNGAI,
Minister for Education and Culture