

THE TANZANIA FISHERIES RESEARCH INSTITUTE ACT, 2016

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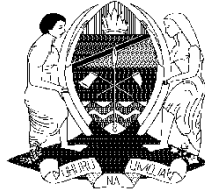
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SCHEDULES
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THE UNITED REPUBLIC OF TANZANIA



NO. 11 OF 2016

I ASSENT,

.....
President

[.....]

An Act to establish the Tanzania Fisheries Research Institute and to provide for its powers and operations in relation to the conduct and promotion of research in fisheries and aquaculture and to provide for matters incidental thereto.

ENACTED by Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY PROVISIONS

Short title
and Com-
mencement.

1. This Act may be cited as the Tanzania Fisheries Research Institute Act, 2016 and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

Application

2. This Act shall apply to Mainland Tanzania.

Interpretation

3. In this Act, unless the context otherwise requires -

“aquaculture” means the practice of breeding and raising aquatic organisms in a controlled aquatic environment until they attain the appropriate size as per need, and includes the raising of marine, brackish or freshwater organisms, either caught from their natural or artificial environment and kept until they reach the desired size;

“aquatic flora” means all marine, estuarine and fresh water plants and algae”

“bio-safety” means protection of the health of aquatic organisms and their respective habitats and human beings from diseases;

“bio-technology” means the use of biological systems to produce a product, process or services;

“Board” means the Board of Directors established under section 8;

“centre” means the Fisheries and Aquaculture Research Centre established under section 5;

“centre” means the Fisheries and Aquaculture Research Centre established under section 5;

“Deputy Director General” means the Deputy Director General appointed under section 13;

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“Director of Fisheries” means the officer appointed under section 4 of the Fisheries Act;

“Director-General” means the Director-General appointed under section 12;

“financial year” means any period not exceeding twelve consecutive months commencing from the First day of July to the thirtieth day of June, of each year;

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“fish” means all forms of aquatic or amphibious life including finfish, dolphin, whale, dugong, shell fish, turtles and includes spat, brood, fry spawn, ova and young of all such fish, but does not include any aquatic or amphibious animal which the provisions of the Wildlife Conservation Act, apply or young of any such animal;

“fish disease” means diseases infectious or non-infectious and nutritional disorders among fish and includes furunculosis, pancreatic necrosis, viral hemorrhagic septicemia, myxosoma, cerebrals, hematopoietic necrosis, ulcerative dermal necrosis, dropsy of

cyprinids, spring viraemia, erythrodermatitis or other illness, infirmity, infection or impurity which would or is likely to make fish unfit for use or consumption by human beings;

“fish farm” means any pond, hatchery or other place used for keeping, with a view to their consumption sale or transfer to other waters or any other fish farm, live fish, eggs of fish, or foodstuffs for fish, and includes any buildings used in connection with it and the banks and margin of any water in it;

“fish product” means anything made, collected or obtained from fish, and includes fish, dried fish, fish manure, offal, fish silage, canned fish, oil or nay fish, pearl, mother-of-pearl, shell, beche de mere, ambergris, larva and sponge;

“fisheries” means the places connected with the activities comprised in, the fishing industry, including, the technical scientific objects, acts, processes or systems relating to-

- (a) business of fishing;
- (b) construction or creation of spawning grounds or fish farms for the purposes of taking or facilitating the taking of fish;
- (c) manufacture of articles or things connected with or for the purposes of the fishing industry;
- (d) control of fishing;
- (e) creation, grant and determination of fishing rights;
- (f) reproduction or multiplication of fish;
- (g) preparation of fish foods, manufacturing or use of fish products; and
- (h) investigation, prevention or control of the occurrence of fish disease;

“fishery” means an area, locality or stations in which fishing gear is used, set, placed or located and includes the area, tract or stretch of water in which fish may be taken by such fishing gear;

“fishery product” means anything made, extracted or obtained from fish or aquatic flora;

“fishing” means collecting, capturing, gathering, killing,

- snaring or trapping of fish, fish product or aquatic flora;
- “fishing gear” means a net, line, cork, buoy, basket, trap, hook or other article, apparatus, structure, construction or installation of any kind used for the purpose of fishing;
- “fishing industry” includes the collection, capture, gathering, processing, or manufacturing of fish, fish products or aquatic flora;
- “fishing vessel” means a boat or other aquatic or amphibious craft or vehicle used, outfitted or designed for the purpose of collecting, capturing, gathering, processing or transporting fish, whether operating on, above or below water;
- “fishing weir” means erection, structure, construction or obstruction of kind placed across or in any waters and temporarily or permanently fixed to or resting on the bed or a bank, which is designed for the purpose of collection, gathering, capturing, killing or injuring of fish, fish product or aquatic flora, and includes stake nets and basket traps;
- “foreign researcher” means a researcher who is not a citizen of Tanzania;
- “fund” means the Fisheries Research Development Fund established under section 25;
- “gene bank” means a physical repository in one or more locations where samples of fish genetic resource populations are being preserved or kept, and includes embryos, oocytes, sperms, ova and Deoxyribo Nucleic Acid material;
- “laboratory” means a place for experiment or research which is properly equipped and staffed by technically competent personnel;
- “local researcher” means a researcher who is a citizen of Tanzania;
- “Institute” means the Tanzania Fisheries Research Institute, established under section 4;
- “member” means a member of the Board and includes the Chairman and the Vice-Chairman;
- “Minister” means the Minister responsible for fisheries;

“research” means any systematic study conducted in order to develop, verify and disseminate appropriate technologies for the benefit of stakeholders in the fishery industry; and

“Researcher” means a person trained to design and implement research protocols, collect, analyze and interpret data relating to fishery, and report results in a scientific format.

PART II

THE TANZANIA FISHERIES RESEARCH INSTITUTE

Tanzania
Fisheries
Research
Institute

4. - (1) There shall continue to be an Institute known as the Tanzania Fisheries Research Institute or in its acronym “TAFIRI”.

(2) The Institute shall be a body corporate and shall-

- (a) have perpetual succession and an official seal;
- (b) in its corporate name, be capable of suing and being sued;
- (c) subject to this Act, be capable of holding, purchasing, or acquiring in any other way, any movable or immovable property, and of disposing of any of its property; and
- (d) in its own name, enter into contracts and agreements.

(3) Notwithstanding the provisions of this section, the Attorney General shall have the right to intervene in any suit or matter instituted by, or against the Institute.

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(4) Where the Attorney General intervenes in any matter in pursuant of sub-section (3), the provisions of the Government Proceedings Act shall apply in relation to the proceedings of that suit or matter as if it had been instituted by, or against the Government.

(5) For the purposes of subsections (3) and (4), the Institute shall have a duty to notify the Attorney-General of any pending suit or intention to institute a suite or matter by, or against the Institute.

Centres of the Institute and right of occupancy

5.-(1) There shall be Fisheries and Aquaculture Research centres to be controlled and managed by the Institute.

(2) The names of the centres referred to under subsection (1) are specified in the First Schedule to this Act.

(3) The Minister may, after consultation with the Board and by order published in the *Gazette*, add, vary or replace the names of the centres specified in the First Schedule to this Act.

(4) The Minister may, after consultation with the Board, by order published in the *Gazette*, declare any fishing vessel, fish farm, fishing weir, and the appurtenances to it or any place or area to be a centre.

(5) The Institute shall, upon application in terms of the provisions of the relevant laws, be granted a right of occupancy over the land on which a Centre exists or is intended to be established.

(6) All land held by the Institute in accordance with this section shall be exclusively used for the purpose of fishing and aquaculture research, and the Institute may, in relation to the land-

- (a) manage or use it in such manner as, in the opinion of the Board, is necessary or desirable for the better performance of the functions of the Institute;
- (b) undertake fishing or establish aquatic farms, in such manner as, in the opinion of the Board, is necessary or desirable for the better performance of the functions of the Institute;
- (c) enforce, within the water or the area of land, such restrictions or regulations as the Director of Fisheries may, from time to time, direct;
- (d) provide for depositing and propagating of such species of aquatic organisms as the Board may, with the advice of the Director of Fisheries, determine, for the purposes of improving or cultivating those species.

Functions of the Institute

6.-(1) The functions of the Institute shall be to-

- (a) carry out and promote the carrying out of inquiries, experiments and research in

- fisheries and in aquaculture, generally;
- (a) carry out research in various aspects of fisheries for the purpose of establishing, improving or developing better methods or techniques of fishing, fish farming, manufacturing or processing of fish or fish products;
 - (b) carry out research and investigation of fish diseases and their causes so as to develop ways of controlling or preventing the occurrence of particular fish diseases or any similar diseases;
 - (c) coordinate research in fisheries and aquaculture carried out within the Mainland Tanzania;
 - (d) establish and operate a system of documentation and dissemination of the findings of inquiries, experiments and research in fisheries that will be used by the Government, public institutions and other persons engaged in the fishing industry;
 - (e) advise the Government, public institutions and other persons or bodies of persons engaged in the fishing industry on the practical application of the findings of inquiries, experiments and research carried out by or on behalf of the Institute;
 - (f) co-operate with the Government or any persons, within or outside the Mainland Tanzania in promoting or providing facilities for the instruction and training of local personnel for carrying out research in fisheries and aquaculture;
 - (g) carry out research in fisheries and aquaculture for the management of the fishing industry;
 - (h) assume responsibility for the control and management of the business and affairs of any centre which may be established or vested in the Institute under this Act or any other written law;
 - (i) monitor and regulate all fisheries and aquaculture research activities; and
 - (j) do anything or enter into any transaction which, in the opinion of the Board, is necessary or desirable for the purposes of the better

performance of the functions of the Institute under this Act.

(2) Without prejudice to subsection (1), the Institute may-

- (a) undertake, either alone or in association with any person or body of persons within or outside the Mainland Tanzania, the establishment, equipment and management, on a zonal or other basis, of centres within the Mainland Tanzania for the performance of any of its functions;
- (b) undertake the collection, preparation, publication and distribution of statistics relating to fisheries and the fishing industry, and promote and develop guidelines and training in fisheries;
- (c) provide assistance, consultancy and other services for the development and improvement of fisheries which includes:
 - (i) establishment of fish farms;
 - (ii) provision of advice on the preparation, implementation, control and supervision of programs relating to the application of modern techniques in fishing, development of fishing gear, fishing vessels and fishing weir suitable for the fishing industry in the establishment of fish farms;
 - (iii) carrying out of research programs designed to facilitate the discovery of the causes, and ways of abating and preventing marine pollution;
 - (iv) provision of such other advice and service as may be required by the Government, public institutions and other persons or bodies of persons engaged in the fishing industry;
- (d) in co-operation with the Government or any person or body of persons within or outside the Mainland Tanzania, establish a library for reference by researchers in fisheries and a national aquarium.

(3) The Institute shall, for the better carrying out of its functions, establish and maintain a system of collaboration, consultation and co-operation with the national, regional and international community which among others are-

- Cap. 226 (a) Commission for Science and Technology established by the Tanzania Commission for Science and Technology Act;
- Cap. 159
Cap. 146
Cap. 260 (b) the Tanzania Industrial Research and Development Organization established by the Tanzania Industrial Research and Development Organization Act;
- Cap. 277 (c) the Marine Parks and Reserves Unit established by the Marine Parks and Reserves Act;
- Cap. 59 (d) the Tanzania Wildlife Research Institute established by the Tanzania Wildlife Research Institute Act;
- (e) Tanzania Forestry Research Institute established by the Tanzania Forestry Research Institute Act;
- (f) the National Institute for Medical Research established by the National Institute for Medical Research Act;
- Cap. 346 (g) any university established under the Universities Act dealing with fisheries research or related matters; and
- (h) any other person or body of persons established by or under any written law which are performing the same functions as to those specified in subsection (1) or (2) or which relate to fisheries and aquaculture scientific research or scientific development.

Directorates,
departments,
units and
sections

7. The Institute may, establish such number of directorates, departments, and sections or units with prescribed functions as the Board may determine.

PART III
ADMINISTRATIVE PROVISIONS
(a) Establishment of the Board

Composition
and proceed-
ings of Board

8.-(1) There shall be a Board of Directors of the Institute which shall be responsible for the exercise of the functions and the management of the Institute.

(2) Without prejudice to the generality of subsection (1), the Board shall specifically perform the following functions:

- (a) to advise the Minister on matters relating to the Institute;
- (b) to guide the research agenda of the Institute;
- (c) to approve annual plans and budget of the Institute;
- (d) to approve corporate strategic plan of the Institute;
- (e) to deal with disciplinary matters in respect of management staffs;
- (f) management of the Fund; and
- (g) to carry out any other functions as may be necessary for effective implementation of this Act.

(3) The Second Schedule to this Act shall have effect with regards to the membership, tenure of membership, proceedings and other matters in relation to the Board.

(4) Except for matters relating to the office and appointment of the Chairman of the Board, the Minister may, by order published in the Gazette, amend, add, vary or replace any of the provisions of the Second Schedule to this Act.

Power of
Board to
delegate

9.-(1) The Board may, by a written instrument under the seal of the Institute, delegate to any committee or its members or to any employee of the Institute, any of its functions or powers under this Act.

(2) The Board may revoke a delegation made under this section, and no delegation so made shall prevent the Board from exercising the function or power delegated.

(3) Notwithstanding subsections (1) and (2), the Board shall not delegate-

- (a) its power of delegation; or
- (b) the power to approve the annual budget, the annual balance sheet or any statement of accounts.

Powers of Minister in relation to the Board

10. The Minister may issue general or specific policy directives to the Board regarding performance of functions of the Institute and the Board shall, subject to the provisions of this Act, effect the directives issued.

Remuneration of members of Board

11. The Board members shall be entitled to such remuneration, fees or allowances for expenses as the Minister may after consultation with the Treasury Registrar, prescribe.

(b) Director General and other staff of the Institute

Appointment, functions and powers of Director-General

12.-(1) The President shall, upon such terms and conditions as he may specify, appoint Director-General of the Institute from amongst persons with knowledge and experience in fisheries and aquaculture matters, who shall be the Chief Executive Officer of the Institute.

(2) A person shall be eligible for appointment as a Director General if that person is a citizen of Tanzania and possesses-

- (a) first degree in fisheries, aquaculture or marine science plus doctorate degree in related subjects from a reputable and recognized higher learning institution;
- (b) high level of integrity;
- (c) proven knowledge and experience of at least ten years in matters relating to fisheries or aquaculture research;
- (d) innovative ideas with competence in good governance.

(3) The Director General shall -

- (a) be responsible to the Board for administration and management of the Institute;
- (b) be a disciplinary authority in respect of the Staff of the Institute; and
- (c) discharge such other duties relating to the Institute as may be directed by the Board.

(4) In exercising the functions of his office, the Director-General may, subject to such general or specific direction given to him by the Board, issue operational guidelines to all or any of the Directors, and may call for and act on reports made by Directors relating to the operations of Centres established, or deemed to have been established by or under this Act.

(5) The Director General shall be a Secretary to the Board and shall, in the performance of his functions under this Act, be under the general supervision and control of the Board.

(6) The Director General shall hold office for a term of five years and may subject to his satisfactory performance be eligible for reappointment for one more term.

Appointment
of Directors
and other
staff of the
Institute

13.-(1) The Board shall, after consultation with the Director-General, appoint suitable persons to be designated as Directors, Heads of Departments and Sections.

(2) Officers and employees recruited under this section shall hold office on such terms and conditions as the Board may determine.

(3) The Institute shall with approval of the Board employ or recruit on competitive basis, professional and non-professional employees of the Institute as it may consider necessary for the proper and efficient conduct of the business and activities of the Institute.

(4) Subject to sub-section (1) and (2), remunerations and other matters relating to the employees of the Institute shall be prescribed by regulations.

(5) Subject to the general or specific directions given by the Board in that behalf, the Director General may employ such number of supporting staff for the proper performance of the functions of the Institute.

PART IV
POWERS AND OPERATIONS OF THE INSTITUTE

Research
programme
Committee

14.-(1) There shall be a research programme Committee whose members shall be appointed by the Board from amongst fisheries experts.

(2) The number of members for the research programme committee shall not exceed seven, of which not less than two members shall be from within the Institute.

(3) The Committee shall be responsible for studying research proposals in fisheries and aquaculture.

(4) The Committee shall, in performing its functions under subsection (2), observe general or specific directives issued by the Board.

(5) The Board shall establish such number of other committees or subcommittees as it may deem necessary for the formulation, control and co-ordination of research projects proposed or to be proposed to the Institute for the purposes of this Act.

(6) The Board may, upon such conditions as it may specify, delegate to the committees or subcommittees, all or any of its functions under this Act.

(7) The provisions of the Second Schedule other than the provisions relating to the composition of the Board shall apply, *mutatis mutandis*, in relation to the committees and sub-committees appointed under this section.

(8) The Minister may, after consultation with the Board, make rules regarding-

- (a) the procedure for the submission of proposal to the Institute for the carrying out of research on any particular aspect of fisheries and aquaculture;
- (b) the manner in which proposals for research are carried out and dealt with by the Institute;
- (c) the powers, rights and obligations of persons carrying out research; and
- (d) the procedure to be adopted for fisheries and aquaculture research carried out on behalf, or for the benefit, of the Institute.

Fisheries and
aquaculture
research
areas

15.-(1) Research on Fisheries and Aquaculture carried out by the Institute shall focus on various areas including:

- (a) fish handling, storage, processing, marketing and distribution facilities;
- (b) fish farming and processing technologies;
- (c) value addition, quality assurance and standards;
- (d) feeds and nutrition values;
- (e) aquatic ecosystems and biodiversity inventories;
- (f) sustainability of aquatic ecosystems and resources;
- (g) aquatic invasive alien and endangered species;
- (h) by-catch in relation to biodiversity;
- (i) water quality, quantity, accessibility and pollution;
- (j) key stone and critical habitats;
- (k) ornamental, curio and aquarium fishery;
- (l) anthropogenic activities;
- (m) climate variability and climate change economics ;
- (n) indicators and bio-indicators;
- (o) resistance and resilience of aquatic organisms;
- (p) greenhouse gases;
- (q) ocean or lake acidification;
- (r) sea or lake level change;
- (s) coral bleaching and diseases in aquaculture;
- (t) aquatic productivity;
- (u) catch and stock assessment;
- (v) biology and ecology;
- (w) fishing gear technology, methods and crafts;
- (x) fish aggregation devices;
- (y) limnology and oceanography;
- (z) illegal, unreported and unregulated fishing;
- (aa) fisheries and aquaculture systems management;
- (bb) hatchery technology (seed productions);
- (cc) potential new farmed species ;
- (dd) aquaculture economics;
- (ee) fish breeding, genetics, bio-safety, biotechnology and gene bank;

- (ff) aquaculture sites suitability mapping;
- (gg) poverty and child labour in fishing communities;
- (hh) fishers migration;
- (ii) social, legal and sectoral conflicts;
- (jj) Population, Health and Environment;
- (kk) gender and fisheries;
- (ll) value chain analysis;
- (mm) eco-tourism;
- (nn) research-extension linkages; and
- (oo) any other area the Institute may consider necessary.

(2) In undertaking research activities, the Institute shall-

- (a) ensure that research is carried out in accordance with the ethics and standards prescribed in the guidelines; and
- (b) be responsible for-
 - (i) the management and reporting of the research outputs to the Institute; and
 - (ii) co-coordinating researchers at various centres.

Information on fisheries and aquaculture research

16.-(1) Any person who engages or intends to be engaged in any aspect of research relating to or connected with fisheries and aquaculture shall, at his own expense, furnish to the Institute information relating to that research and make available to the Institute copies of any relevant records or findings in such form and within such periods as may be specified.

(2) The Institute may enter into agreements with firms or organizations engaged in fisheries and aquaculture research in research fisheries or other allied scientific research for the purposes of establishing a system of exchanging information relating to fisheries or other allied scientific research.

(3) Any person who contravenes the provision of subsection (1), commits an offence and shall, on conviction, be liable to a fine not less than two million shillings, but not exceeding five million shillings.

Call for information

17.-(1) With due regard for protection of intellectual property rights, the Institute may, in writing require any person or body of persons, engaged in fisheries and aquaculture or other allied scientific research within the Mainland Tanzania to furnish to it such information relating to fisheries and aquaculture or other allied scientific research as the Institute may specify.

(2) Every person or body of persons required to furnish information under subsection (1) shall comply with the requirement.

(3) Any person or body of persons which refuses or fails to comply with the requirement of subsection(1), commits of an offence and shall on conviction be liable to a fine of not less than two million shillings, but not exceeding five million shillings.

Conduct of research by local researcher

Cap. 346 **18.**-(1) Without prejudice to powers vested to a University or a research Institute established under the Universities Act or any other written law, to conduct fisheries research or related matters, a person who intends to conduct research on fisheries and aquaculture shall first seek permission from the Institute and thereafter develop a proposal in an identified priority research area and furnish the proposal to the Institute for approval.

(2) The proposal shall contain the following:

- (a) title of the intended research;
- (b) background information;
- (c) materials and methods to be used;
- (d) cost of research and source of funding;
- (e) references or bibliography;
- (f) time frame of the research, and
- (g) such other information as the Institute may consider necessary.

(3) The Institute shall, where it is satisfied with the contents of the proposal, approve the proposal within thirty days.

(4) The Institute shall, where it has approved the proposal pursuant to subsection (3)-

- (a) determine the provision of funds for the approved research proposal;

- (b) approve or disapprove timeframe proposed by a researcher;
- (c) require the researcher to furnish the Institute with the progress report on the research at such intervals as the Institute may determine; and
- (d) require the researcher to submit his completed research to the Institute for registration and custody.

Foreign researcher

19.-(1) A foreign researcher who intends to carry out research pursuant to this Act shall, prior to submission of research proposal to the Institute, apply to the Commission for Science and Technology for certificate of clearance.

(2) The Institute shall, upon approval of the proposal submitted by foreign researcher, ensure that the foreign researcher has a local co-researcher.

(3) The foreign researcher is required to furnish to the Commission for Science and Technology with a progressive report at the intervals as may be determined by the Commission.

(4) The provisions of section 18(2) shall apply, *mutatis mutandis*, to foreign researcher.

Failure to submit final report on research

20. A local or foreign researcher who fails to submit to the Institute the final report of the research, commits an offence and shall be liable on conviction-

- (a) in the case of local researcher, to a fine of not less than ten million shillings or to imprisonment for a term of one year but not exceeding three years or both; and
- (b) in the case of foreign researcher, to a fine of not less than twenty million shillings or to imprisonment for a term of one year but not exceeding five years.

Termination of research

21. Where a researcher fails -

- (a) without good cause, to submit the progress report within the intervals as determined by the Institute; or
- (b) to submit a prescribed report.

Coordination
of researches
carried out
outside
Mainland
Tanzania

22.-(1) Where a person intends to sponsor or conduct any fisheries or aquaculture research to be carried outside the country by using scientific material from the Mainland Tanzania or make payments for the purposes of participating in such research that person shall submit in writing his proposal to the Director General.

(2) The Director General shall, within seven days from the date of receiving a proposal and after consultation with the person who submitted the proposal, make decision on the proposal for the best interests of fisheries and aquaculture research or other allied scientific research in the Mainland Tanzania.

(3) Any decision made by the Director General under subsection (2) shall be binding upon persons to whom the proposal relates.

(4) A person who is aggrieved by the decision of the Director General may, within twenty one days from the date of such decision, appeal to the Board.

(5) Without prejudice to section 22(4), if the person is not satisfied with the verdict of the Board, shall appeal to the Minister within thirty days from the date of lodging the appeal.

(6) For the purpose of giving effect to the provisions of this section, the Board may issue guidelines specifying conditions to be considered in making proposals and matters which the Director General shall take into consideration in making any decision under this section.

Discoveries

23.-(1) Where as a result of any research carried out by or on behalf of the Institute anything is discovered, the discovery shall become the property of the Institute.

(2) The Institute may, for the purposes of commercial exploitation of any discovery which the Institute considers important for the improvement of research in fisheries and aquaculture, arrange with any person to buy, sell, take or grant patent rights in the discovery, subject to such terms and conditions as the Board may determine.

(3) Every discovery made as a result of fisheries and aquaculture research or other allied scientific research carried out under this Act shall be registered by the Institute in

such form and upon such conditions as the Minister may prescribe in the regulations.

(4) The Institute shall, with the prior approval of the Minister, develop a rewarding system and grant reward to any person who makes a discovery or who materially assists or contributes to the making of that discovery to appreciate and honor the researcher.

Director of fisheries in relation to research
Cap. 279

24.-(1) Any act required or permitted to be done by or under this Act in the exercise of the functions or for the purposes of the Institute, shall be done subject to the provisions of the Fisheries Act.

(2) The Director of Fisheries shall, subject to the directions of the Minister, take all such measures as may be necessary or desirable for the purposes of facilitating the smooth and efficient operation of the business of the Institute and the promotion and conduct of fisheries research in relation to matters connected with fisheries and regulated by the provisions of the Fisheries Act,

(3) The Director of Fisheries may take measures under subsection (2) on his own motion or on the application in that behalf by the Institute or any of its Centres.

PART V FINANCIAL PROVISIONS

Establishment of Fund

25.-(1) There shall be established a fund of the Institute to be known as the “Fisheries Research Development Fund”

(2) The objectives of the Fund shall be to facilitate and support fisheries research and such other functions of the Institute;

(3) The Sources of the Fund shall comprise of-

- (a) such sums of money as may be appropriated by the Parliament;
- (b) any sum payable as donation, bequests, gifts or grant made or given to the Fund by other agencies, institutions, persons or other government or international organizations;

- (c) any sums of money as the Institute may receive as fees for any service rendered by it; and
 - (d) any property which may in any manner become receivable into the Fund.
- (4) The Minister may make regulations prescribing for the management, functions, operation and use of the Fund upon consultation with the Minister responsible for finance.
- (5) The Board shall, at any time, and at the end of each financial year have the accounts of the Fund audited by the Controller and Auditor General.
- (6) The provisions of section 32 and section 33 of this Act relating to the preparation and submission of the annual reports and laying of the audited accounts of the Board before the National Assembly shall apply *mutatis mutandis* to the Fund.

Power of Board to charge fees

26. The Board may, for the proper performance of the functions of the Institute, charge fees for any services or category of services rendered by the Institute, subject to any directives which the Minister may in consultation with the Minister responsible for finance may give in that behalf.

Investment

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27. The Board may, with the prior approval of the Minister, upon consultation with the Minister responsible for finance invest any part of the moneys available in any fund of the Institute in such investments as authorized in relation to investment of funds by a trustee under the Trustees Investments Act.

Power to borrow

28. Subject to the prior approval of the Minister and the Minister responsible for finance, the Institute may borrow money for the purposes of the Institute 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, subject to any direction given by the Minister.

Superannuation benefits

29. Subject to the provisions of any written law for the time being in force relating to pensions, the Board may-

-
- (a) grant gratuities or other retirement allowances or benefits to the employees of the Institute;
 - (b) establish and contribute to a superannuation fund or a medical benefits fund for the employees of the Institute; and
 - (c) require any employee of the Institute to contribute to the superannuation fund or medical benefits fund and fix the amounts and method of payment of the contribution.

Annual and
supplemen-
tary budget

30.-(1) The first financial year of the Institute shall commence on the date when the Act comes into operation and may be of a period longer or shorter than twelve months.

(2) The Board shall, not less than two months before the beginning of every financial year, at a meeting, pass a detailed budget of the amounts respectively-

- (a) expected to be received; or
- (b) expected to be disbursed, by the Institute during that financial year, and whenever circumstances so require, the Board may pass a supplementary budget in any financial year.

(3) The annual budget and every supplementary budget shall be in such form and include such details as the Minister may approve.

(4) Upon passing of any budget or any supplementary budget, the Board shall submit to the Minister for approval the annual budget or the supplementary budget, as the case may be.

(5) The Minister shall, upon receipt of the annual budget or any supplementary budget, approve or disapprove it, or may approve it subject to any amendments which he may deem fit.

(6) Where the Minister approves any annual or supplementary budget, with or without amendment, the Board shall confine the disbursements of the Institute within the items and amounts contained in the applicable estimates as approved by the Minister.

(7) The Board may-

- (a) with the written sanction of the Minister, make a disbursement notwithstanding that,

the disbursement is not provided for in any budget;

- (b) adjust expenditure limits to take account of circumstances not reasonably foreseeable at the time the budget was prepared, subject to submitting a supplementary budget to the Minister within two months of the alteration of expenditure limits becoming necessary.

Accounts
and audit

31.-(1) The Board shall cause to be kept proper books of accounts and records in respect to-

- (a) receipt and expenditure of money and other financial transactions of the Institute; and
- (b) assets and liabilities of the Institute, and shall cause to be made out for every financial year financial statements showing the details of the income and expenditure of the Institute.

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(2) Accounts including the financial statements of the Institute in respect of that financial year shall be audited within three months of every financial year in accordance with the Public Audit Act.

(3) Every audited account shall be placed before a meeting of the Board which, if adopted, be endorsed with a certificate that it has been so adopted.

(4) As soon as the accounts of the Institute have been audited, and in any case not later than three 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 auditors on the statement of accounts.

Annual
report

32. The Board shall, within six months after the close of the financial year, cause to be prepared and submitted to the Minister a general report of the activities and operations of the Institute during that financial year and accompanied by-

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- (a) a copy of the audited accounts of the institute in accordance with the Public Audit Act;
- (b) a copy of the auditor's report on the accounts; and
- (c) such other information as the Minister may direct.

Laying of
accounts
before
National
Assembly

33. The Minister shall, as soon as practicable after receiving the report submitted to him by the Board, lay before the National Assembly the audited accounts of the Institute, together with the auditor's report on the accounts and the annual report of the Institute.

PART VI
GENERAL PROVISIONS

Protection
from personal
liability

34. Anything done in good faith by any member of the Board or a Committee or by an employee of the Institute in the execution or purported execution of his duties under this Act shall not render such member or employee personally liable for the act or thing done.

Offences and
Penalties

35. A person who is convicted of an offence under this Act to which no specific penalty has been provided shall be liable-

- (a) in case of an individual, to a fine of not less than five hundred thousand shillings and not exceeding two million shillings, or imprisonment for a term of six months or to both;
- (b) in the case of a continuing offence, to a further fine of not less than one hundred thousand shillings for each day during which the offence continues; and
- (c) in the case of a corporation, to a fine of not less than one million shillings; and
- (d) in the case of a continuing offence, to a further fine of not less than five hundred thousand shillings for each day during which the offence continues.

Power of the
Minister to
make Regula-
tions

36.-(1) The Minister may, after consultation with the Board and where appropriate, with such other authorities or persons as the Minister may deem necessary, make regulations for the better carrying out of the object and provisions of this Act.

(2) Without prejudice to the generality of powers

conferred under subsection(1), the Minister may make regulations-

- (a) requiring persons or body of persons, or a category of them, specified in the regulations, reengaged in fisheries or other allied scientific research to furnish to the institute information relating to any aspect of their activities;
- (b) prescribing the form, manner and a period in which, any information required to be furnished or made available to the Institute under this Act shall be furnished or made available to the Institute;
- (c) regulating the involvement of the Institute in the manufacture or processing of fish and fish products, or the manufacture or marketing of products derived or manufactured from fish products;
- (d) regulating the utilization by specified institutions engaged in fisheries research or in the fishing industry of the technical expertise and services of the Institute in fish farming, fishing and in the fishing industry;
- (e) prescribing the financial and staffs matters of the Institute;
- (f) prescribing procedures for appointment of various categories of employees and other staff of the Institute; and
- (g) prescribing or regulating any other thing which is under this Act required or permitted to be prescribed or regulated.

Provisions regarding employees of the Institute

37.-(1) Subject to this Act, all employees of the Institute shall, with effect from the effective date, be transferred to and be employees of the Institute.

(2) For the purpose of this section “effective date” means the date of commencement of this Act.

Repeal and saving Act No. 6 of 1980

38.-(1) The Tanzania Fisheries Research Institute Act is hereby repealed.

(2) Notwithstanding the provisions of sub-section (1), all orders, rules, guidelines and regulations made under the repealed Act shall have effect until such other subsidiary legislations are made under this Act.

SCHEDULES

FIRST SCHEDULE

(Made under section 5(2))

FISHERIES RESEARCH CENTRES

1. Fisheries Research Centre – Dar es Salaam
2. Fisheries Research Centre – Mwanza
3. Fisheries Research Centre – Kigoma
4. Fisheries Research Centre – Kyela

SECOND SCHEDULE

(Made under Section 8(3))

PROVISIONS RELATING TO THE BOARD

Composition

- 1.-(1)** The Board shall consist of-
- (a) a Chairman, who shall be appointed by the President and who shall hold office for a term of three years and may be eligible for re-appointment for one more term;
 - (b) not less than seven nor more than ten other members, who shall be appointed by the Minister as follows:
 - (i) one member from Treasury;
 - (ii) not less than three members being experts in fisheries or aquaculture;
 - (iii) one member from the Ministry responsible for fisheries;
 - (iv) a law officer from the Attorney General's chambers; and
 - (v) one member who has knowledge in economics as the Minister may deem necessary.

(2) The Director General shall be the Secretary of the Board.

(3) The Board may without further assurance co-opt any person for the purpose of assisting it on deliberating of any matter, but such person shall not have a right to vote.

Vice-Chairman

2. The members shall elect one of their Members to be the Vice-Chairman of the Board, and any member elected as Vice-Chairman shall, subject to his continuing to be a member, hold office for a term of three years from the date of his election, and shall be eligible for re-election.

Duty of Minister to appoint prominent persons

3. In appointing persons to be members, the Minister shall ensure that every person appointed by him is a person who, in his opinion, has the necessary experience or qualification to enable that person to make a useful contribution to the deliberations of the Board and to assist the Board in the performance of its functions.

Tenure of appointment

4.-(1) Subject to paragraph 2, a member of the Board shall, unless his appointment is sooner determined by the appointing authority, or he otherwise ceases to be a member, hold office for such period as the appointing authority may specify in his appointment, or if no period is specified, shall hold office for a term of three years from the date of his appointment, and shall be eligible for re-appointment for one more term;

(2) In the case of a member who is a member by virtue of his holding some other office, he shall cease to be a member upon his ceasing to hold that office;

(3) Any member, other than a member referred to in subparagraph (2), may at any time resign by giving notice in writing to the President or, as the case may be, to the Minister, 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 President or the Minister, he shall cease to be a member.

Absent member to be represented at meetings

5. If a member of the Board who is a member by virtue of his holding some other office is unable for any reason to attend any meeting, he may nominate in writing another person from his office to attend the meeting in his place.

Vacancies

6. Where any member ceases to be a member for any reason before the expiration of his term of office, the appointing authority may appoint another person in his place and the person so appointed shall hold office for the remaining term of office of his predecessor.

Meetings of the Board

7.-(1) The Board shall ordinarily meet for the transaction of its business at times and places determined by it, but shall meet at least once every three months.

(2) The Chairman, or in his absence the Vice-Chairman, may at any time call a special meeting of the Board, and shall call a special meeting

upon a written request by a majority of the members in office.

(3) The Chairman, or in his absence the Vice-Chairman, shall preside at every meeting of the Board. In the absence of both the Chairman and the Vice-Chairman the members present shall appoint one of their Members to preside over the meeting.

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

Quorum **8.** The quorum at any meeting of the Board shall be half of the members in office.

Decisions of the Board **9.**-(1) Questions proposed at a meeting of the Board, shall be decided by a majority of the votes of the members present and voting and in the event of an equality of votes, the person presiding shall have a second or casting vote in addition to his deliberative vote.

(2) Notwithstanding subparagraph (1), a decision may be made by the Board without a meeting by circulation of the relevant papers among the members, and the expression in writing of the views of the majority of the members.

Minutes of meetings **10.**-(1) The Board 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 Board shall be read and confirmed, or amended and confirmed, at the next meeting of the Board and signed by the person presiding at the meeting.

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

Vacancies or any defect in appointment not to invalidate proceedings **11.** The validity of any act or proceeding of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

Orders, directions, notices or documents of the Board **12.** All orders, directions, notices or documents made or issued on behalf of the Board shall be signed by-

- (a) the Chairman of the Board; or
- (b) the Director-General or any or other officer of the Institute authorized in writing on that behalf by the Director-General.

Seal of the Institute **13.** The seal of the Institute shall not be affixed to any instrument except in the presence of the Chairman or the Vice-Chairman or the Director-General or some other officer of the Institute and at least one member of the Board.

Board may
regulate its
own proceed-
ings

14. Subject to the provisions of this Schedule, the Board may regulate its own proceedings.

Passed by the National Assembly on the 15th September, 2016.

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Clerk of the National Assembly

