

THE TOBACCO INDUSTRY ACT, 1972

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THE UNITED REPUBLIC OF TANZANIA



No. 7 OF 1972

I ASSENT,

Julius K. Nyerere
 President

11TH MAY, 1972

An Act to provide for the establishment of the Tobacco Authority of Tanzania, the regulation of the growing, grading and marketing of tobacco and for matters connected generally with the Tobacco Industry or incidental thereto

[12TH MAY, 1972]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

- 1.**-(1) This Act may be cited as the Tobacco Industry Act, 1972. Short title and commencement
- (2) Parts I and II shall come into operation on the date on which this Act is enacted.
- (3) Parts III, IV, V and VI shall come into operation on such date (hereinafter referred to as "the effective date") As the Minister may, by notice in the *Gazette*, appoint.
- 2.** In this Act unless the context otherwise requires- Interpretation
- "Authority" means the Tobacco Authority of Tanzania established by section 3;
- "financial year" in relation to the Authority includes the Authority's first accounting period, whether shorter or longer than a year, and, if the Authority changes its accounting year, includes any accounting period, whether shorter or longer than a year, employed to give effect to the change;
- "levy" means the levy imposed under section 19;
- "Minister" means the Minister for the time being responsible for agriculture;
- "tobacco" means the leaves of a plant of a species of *Nicotiana* used for the purpose of smoking, chewing or as snuff, and includes tobacco products;

"tobacco extension services" means advice and assistance to any person growing tobacco in relation to the growing and curing of tobacco and in connection with insect pests of tobacco, bacterial fungoid, virus diseases and other pests of tobacco;

"tobacco product" means any product made from or manufactured out of tobacco and includes manufactured tobacco, cigars, cigarettes, smoking tobacco in any form whatsoever, snuff and chewing tobacco;

"tobacco industry" means tobacco industry in Tanganyika and includes tobacco research, tobacco extension services, export of tobacco and import of articles used in the manufacture of tobacco products;

"tobacco research" means-

- (a) research and investigation work of any kind in connection with the cultivation, manufacture and marketing of tobacco including research work in connection with pests of tobacco, bacterial, fungoid and virus diseases and other pests of tobacco-
- (b) engineering experiments in the planting, handling and curing of tobacco.

PART II

THE TOBACCO AUTHORITY OF TANZANIA

Establishment
of Tobacco
Authority

- 3.-(1) There is hereby established a body corporate which shall-
- (a) be known as the Tobacco Authority of Tanzania and shall have perpetual succession and a common seal;
 - (b) in its corporate name, be capable of suing and being sued;
 - (c) be capable of holding, purchasing or otherwise acquiring, and disposing of, any property, movable or immovable, for the purposes of carrying out the functions conferred upon it by or under this Act or any other written law.
- (2) The provisions of the Schedule to this Act shall have effect as to the constitution and proceedings of the Authority and otherwise in relation to the Authority.

Functions of
Authority

- 4.-(1) The functions of the Authority shall be-
- (a) to promote the development of the tobacco industry;
 - (b) to consider, prepare, implement, control and supervise programmes for the development of the tobacco industry;
 - (c) to give such advice and make such recommendations to the Minister as it may think fit regarding the development of the tobacco industry;
 - (d) to make such representations to an appropriate authority, person, or body of persons as it may think necessary in relation to any matter affecting the interests of the tobacco industry and to nominate persons to represent the Authority on any committee or in any organization or other body of persons which may be responsible for the co-ordination of such matters,
 - (e) to recommend to the Minister the rate at which a levy may from time to time be imposed;

- (f) to provide services to the tobacco industry including-
 - (i) the maintenance of a register of all land planted with tobacco;
 - (ii) the maintenance of a register of tobacco growers;
 - (iii) the supervision of cultivation and harvesting of tobacco by tobacco growers;
 - (iv) the inspection of tobacco plantations;
 - (v) the negotiation of agreements for the processing of tobacco and tobacco products; and
 - (vi) the organization of arrangements for the purchase and transportation of tobacco;
- (g) to consider, prepare, implement, authorize, control and supervise tobacco research programmes;
- (h) to participate in the manufacture of tobacco and tobacco products and to participate in the control and management of factories for the manufacture of tobacco and tobacco products;
- (i) to exercise such powers as may be conferred on the Authority in relation to the marketing of tobacco;
- (j) to control the export of tobacco and tobacco products by the issue of permits in accordance with this Act;
- (k) to use and administer in accordance with the provisions of this Act, the funds and resources of the Authority.

(2) The Authority shall have power, for the purpose of carrying out its functions, to do all such acts and things as appear to be requisite, advantageous or convenient for or in connection with the carrying out of its functions or to be incidental or conducive to their proper discharge, and may carry on any activity in that behalf either alone or in association with the Government, a local authority, a co-operative society or any other person or body of persons.

(3) The Minister may give to the Authority directions of a general character as to the carrying out of its functions and the exercise of its powers in relation to matters appearing to the Minister to affect the national interest and the Authority shall give effect to every such direction.

(4) For the avoidance of doubts, it is hereby declared that the provisions of subsection (2) with respect to the powers of the Authority relate only to its capacity as a body corporate and nothing in that subsection shall authorize the disregard by the Authority of any enactment or rule of law.

5.-(1) Where the Minister is satisfied that the marketing of tobacco is likely to be advanced and improved thereby he may, by order published in the *Gazette*, declare that the marketing of tobacco produced or manufactured in any area shall be controlled, regulated or conducted by the Authority or that the marketing of tobacco or any tobacco product produced or manufactured in Tanganyika shall in whole or in part and to such extent as the Minister may direct, be controlled, regulated, conducted or carried out by the Authority:

Functions of Authority in relation to the marketing of tobacco

Provided that the Authority shall be competent to exercise the powers conferred upon it by Part III whether or not an order under this subsection has been made.

(2) The Minister may, by an order referred to in sub-paragraph (1) or any other order made subsequent thereto-

- (a) confer on the Authority such additional powers and duties as he may consider necessary to enable the Authority to control, regulate or conduct the marketing of tobacco;
- (b) empower the Authority to act as an agent or the sole agent for the marketing of tobacco subject to such conditions as may be prescribed by such order;
- (c) provide for the fees, costs, disbursements and prices to be charged or paid by or to the Authority.

(3) Any order made under this section may prescribe a penalty, not exceeding a fine of five thousand shillings or imprisonment for a term not exceeding one year or both such fine and imprisonment for any contravention thereof.

Funds of
Authority
and their
investment

6.- (1) The funds and resources of the Authority shall consist of-

- (a) such sums as may be provided by Parliament for the purpose;
- (b) such sums of money as the Authority may borrow from the Government or any other person;
- (c) such sums or property as may in any manner become payable to or vested in the Authority by or under this Act or any other written law or in respect of any matter incidental to the carrying out of its functions;
- (d) such sums as may be collected as levy imposed under section 19.

(2) The Authority may, with the approval of the Minister, borrow from any person such sum or sums of money as it may require and may, if it is of the opinion that it is in the public interest so to do and subject to the consent of the Minister, guarantee the repayment of a loan and payment of interest, as a loan made to any person engaged in the cultivation, manufacture or marketing of tobacco:

Provided that no contract for a loan made to or guaranteed by the Authority shall be unenforceable by reason only of the Minister not having consented thereto.

(3) The Authority may invest in such investments as the Minister may approve for the purpose, any portion of its funds as is not for the time being required for the purposes of its business.

(4) The powers of the Minister under subsection (3) shall be exercised with the concurrence of the Minister for the time being responsible for finance and shall extend to the amount which may be invested and the nature of the investment and the terms and conditions thereof, and the approval of the Minister may be either general or limited to a particular investment.

Report
by the
Authority

7. The Authority shall, within three months after the end of each financial year, or within such longer period as the Minister may approve, make a report to the Minister on the conduct of its business during that year, and the Minister shall lay a copy of such report before the National Assembly.

8. (1) The Authority shall keep proper accounts and other records in relation thereto and shall prepare in respect of each financial year a statement of accounts in a form approved by the Minister.

(2) The accounts of the Authority shall be audited by the Tanzania Audit Corporation.

(3) As soon as the accounts of the Authority for any financial year have been audited, the Authority shall cause to be sent to the Minister a copy of the statement of accounts prepared in respect of that year together with a copy of any audit report made thereon.

(4) The Minister shall, within a reasonable period after the end of the financial year to which the accounts relate, lay a copy of every statement of accounts and audit report before the National Assembly.

9. Without prejudice to section 284A of the Penal Code or the provisions of the Specified Officers (Recovery of Debts) Act, 1970, no matter or thing done or omitted to be done by the Authority or any member, officer, servant or agent of the Authority shall, if the act or commission was done or omitted to be done in good faith for the purpose of carrying out the provisions of this Act or of any order or regulation made thereunder, subject the Authority or such person as aforesaid to any action, liability, claim or demand whatsoever.

Protection from personal liability cap. 16 Acts. 1970 No. 5

PART III

CULTIVATION AND MANUFACTURE OF AND DEALINGS IN TOBACCO AND TOBACCO PRODUCTS

10.-(1) The Minister may, by order published in the *Gazette* and subject to such exemptions as he may specify therein, provide that no person shall, as from the date on which such order is expressed to come into operation, plant any tobacco plant in any area in Tanganyika save under the authority of a licence issued by the Authority.

(2) An order under subsection (1) may be made in respect of any area specified in such order.

(3) Any person who, in contravention of any order made under this section, plants tobacco on any land to which such order applies, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand shillings or to a term of imprisonment not exceeding two years or to both such fine and imprisonment.

11.-(1) The Authority may, with the consent of the Minister, give directions-

- (a) as to preparing the ground for planting, harvesting, drying, storing, processing and marketing of tobacco and as to the timing of such operations;
- (b) to the effect that tobacco or any class of tobacco shall be graded, packed or marketed in such manner as the Authority may specify in such direction;
- (c) as to the manufacture, storing, processing and marketing of tobacco products.

Authority may give directions

(2) Directions under this section may specify the manner in which, the time within which, and the class of growers or, as the case may be, manufacturers by whom, the same shall be obeyed, and where any direction does not specify the class of growers or, as the case may be, the manufacturers by whom it shall be obeyed, the direction shall be obeyed by all growers of tobacco or, as the case may be, manufacturers of tobacco products, to which such direction relates.

(3) Any person who fails to comply with any direction given by the Authority under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand shillings or to a term of imprisonment not exceeding two years or to both such fine and imprisonment.

Compulsory
marketing

12. (1) This section shall not apply to tobacco products.

(2) The Authority may, with the consent of the Minister and by order published in the *Gazette*, require all persons engaged in the planting, growing, harvesting or processing of tobacco, to comply with any direction of the Authority as to the sale of the tobacco.

(3) Where an order is made under subsection (2), the Authority may, by the same or any subsequent order, exempt from the application of the order, any person or class of persons to whom such order would, but for such exemption, apply.

(4) Where an order has been made under subsection (2), the Authority may direct that any and every person to whom such order applies shall sell the tobacco in respect of which the order is made-

- (a) to the Authority or any person specified in the direction; or
- (b) to the Authority or any such person, through any agent specified in the direction; or
- (c) through any agent specified in the direction.

(5) Subject to such written directions, if any, as the Minister may give with regard to the method of, and matters to be taken into account in, computing the sale price and payment thereof, the Authority-

- (a) shall determine the price at which the tobacco which is the subject of a direction given by the Authority under paragraph (a) or paragraph (b) of subsection (4) shall be sold to and purchased by the Authority or the person specified in the direction; and
- (b) may determine that such price shall be payable by installments of such amounts and at such periodic intervals as it may specify,

and subject to the provisions of this Act and any regulations made hereunder, the Authority or the person specified in the direction given under paragraph (a) or Paragraph (b) of subsection (4), shall pay to the person to whom such payment is due in respect of the tobacco sold by him, the price determined by the Authority under this subsection and in the manner, if any, determined by the Authority.

(6) The Minister may, in writing, direct the Authority to exempt any category of tobacco or any person or category of persons from the application of any order or direction made or given under this section, and the Authority shall give effect to such direction.

(7) Where an order has been made under subsection (2) and directions have been given under subsection (4) any person to whom such order and directions apply shall, if he contravenes any of the directions, be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand shillings or to a term of imprisonment not exceeding two years or to both such fine and imprisonment.

13.-(1) The Authority may, with the approval of the Minister, and by order published in the *Gazette*-

(a) prohibit any person other than: -

- (i) the Authority-,
- (ii) an agent of the Authority;
- (iii) a person thereunto licensed or otherwise authorized by the Authority;
- (iv) in the case of selling or storing of tobacco, the grower thereof;
- (v) in the case of any tobacco product, the manufacturer thereof, from selling, purchasing, storing, renting, pledging, transporting, treating, processing, exporting, importing or otherwise dealing in any tobacco or, as the case may be, tobacco product specified in the order or from importing any article used in the manufacture of any tobacco product specified in the order;

(b) in the case of persons who are not subject to the prohibition referred to in paragraph (a), regulate and control any of the transactions or activities referred to in that paragraph,

(2) No order made under subsection (1) shall apply to-

- (a) any sale by retail or the storing or transporting for or on sale by retail;
- (b) in the case of any quantity of tobacco or tobacco product which has been purchased by any person for consumption or use by such person, or members of his family, or persons under his control, to the storing or transporting of such tobacco or, as the case may be tobacco product for the purpose for which it was purchased.

14.-(1) The Authority may, with the approval of the Minister, and either by direction in writing or by order published in the *Gazette*, prescribe standard specifications and conditions to which any factory, for equipment or premises used for the manufacture, treatment, storage or etc. processing of tobacco or tobacco product or any class or category of tobacco or tobacco products, shall conform as to the design, construction, installation, use or maintenance, and any order or direction made or given under this section may contain provisions with regard to the standard specifications and conditions to which any material used in the construction or making of any such factory, equipment or premises. shall conform.

Power to
prescribe
standards
for factories
etc.

(2) Where an order is made under subsection (1) any person who contravenes any of the provisions of such order shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand shillings or to a term of imprisonment not exceeding two years or to both such fine and imprisonment.

Power to
regulate
transport,
storage,
etc.

15.-(1) The Authority may, by order published in the *Gazette*, prescribe the manner in which, and the conditions under which, tobacco which is for sale shall be stored or transported.

(2) Any person who contravenes any of the provisions of an order made under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand shillings or to a term of imprisonment not exceeding two years or to both such fine and imprisonment.

(3) Any person thereunto authorized, in writing, by the Authority may, upon production of such writing, require-

- (a) the owner or occupier of any land, premises, factory or other building used for the manufacture, storage, processing or treatment of tobacco;
- (b) any person in charge of any vehicle or vessel used for the transport of any tobacco,

to clean and disinfect, or clean or disinfect, the same in the manner and within the time directed by such person.

(4) Any person who is required under subsection (3) to clean and disinfect, or to clean or to disinfect, any land, premises, factory, building, vehicle or vessel shall, if he fails to comply with the requisition made by the authorized person under that subsection, be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand shillings or to a term of imprisonment not exceeding two years or to both such fine and imprisonment.

Returns and
information

16.-(1) The Authority may, by notice in writing, require any person to furnish to it such return or information pertaining to production, stocks, manufacture, processing, storage, transport, purchase or sale of tobacco or any article used in the manufacture of any tobacco product, as the Authority may specify in the notice.

(2) Every notice under subsection (1) shall specify the period within which, and the manner in which, the return or information shall be made or given.

(3) Any person to whom a notice under subsection (1) is given and who-

- (a) fails to make the return or to give the information within the time or in the manner specified in the notice; or
- (b) makes a return or gives information which is false or misleading on any material particular,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand shillings or to a term of imprisonment not exceeding two years or to both such fine and imprisonment.

17.-(1) With the prior approval of the Minister, the Price Controller or an Assistant Price Controller appointed under the Price Control ordinance may, by order published in the *Gazette*, fix the minimum price at which any tobacco or tobacco product may be purchased at any stage of its marketing and no person shall purchase such tobacco or tobacco product at a price lower than the price so fixed.

Minister
prices
cap. 309

(2) Any person who, in contravention of an order under subsection (1), purchases tobacco or tobacco product at a price lower than the price fixed by such order, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand shillings or to a term of imprisonment not exceeding two years or to both such fine and imprisonment.

18.-(1) Subsections (2) and (3) of this section shall apply only to contracts which are registered with the Authority in the manner and within the time prescribed.

Saving of
certain
contracts

(2) During the period of six months next following the date of the publication in the *Gazette* of an order made under subsection (2) of section 12, any direction given under subsection (5) of that section shall not prejudice or affect in any way any contract made before the directions were given, and any right or liability accrued to or incurred by any party to the contract before the expiration of such period may be enforced as if the directions had never been given:

Provided that where any right or liability of any party to the contract accrues or arises after the expiration of such period of six months, the contract shall be construed so that any provision, term, condition or covenant entered into, whether express or implied, shall, to the extent to which it is inconsistent with the direction, become and be void.

(3) In the case of any contract with respect to the export of any tobacco, the Authority may extend the period of six months specified in subsection (2) and where the period of six months has been so extended, subsection (2) shall take effect as if references therein to the period of six months were references to such extended period.

(4) Save as is provided for in this section, every provision, term, condition or covenant of any contract shall, to the extent to which it is inconsistent with any direction referred to in subsection (2), become and be void.

19.-(1) The Minister may, after consultations with the Minister for the time being responsible for finance and with the Authority, and by order published in the *Gazette*, impose a levy on tobacco or any category of tobacco grown or manufactured in Tanganyika.

Power to
impose levy

(2) Levy imposed under subsection (1) shall be computed and collected at such rate and in such manner as may be prescribed by regulations made under section 37 and shall form part of the financial resources of the Authority.

(3) Any regulations made in relation to levy may provide for it to be an offence for any person to fail to pay the levy or any part thereof.

PART IV

OFFENCES

- Forfeiture** **20.**-(1) Where a court convicts any person of an offence under this Act or any subsidiary legislation made hereunder, the court may, in addition to any penalty imposed by it, order that the tobacco in respect of which the offence has been committed be forfeited to the Authority.
- (2) Any tobacco forfeited under subsection (1) shall be delivered to the Authority and shall vest in the Authority free of any mortgage, charge, lien or other encumbrance whatsoever.
- Where offence committed by body corporate** **21.** Where any offence under this Act or any subsidiary legislation made hereunder is committed by a body corporate then, as well as the body corporate, any person who, at the time of the commission of the offence, was concerned, as a director or an officer, with the management of the affairs of such body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves to the satisfaction of the court that he had no knowledge and could not, by the exercise of reasonable diligence, have had knowledge, of the commission of the offence.
- Liability of employer or principal** **22.** Where an offence under this Act or any subsidiary legislation hereunder is committed by a person as an agent or employee then, as well as the agent or employee, the principal or employer shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves to the satisfaction of the court that he had no knowledge, and could not by the exercise of reasonable diligence have had knowledge, of the commission of the offence.
- Burden of proof** **23.** In any proceedings for an offence under this Act the burden to prove that the order, direction or requirement, the contravention of which constitutes the offence of which the accused is charged, does not apply to the accused or, in the case of an order, direction or requirement not published in the *Gazette*, that he was not informed of the order, direction or requirement, as the case may be, shall be upon the accused.
- Power to enter and search** **24.**-(1) Subject to the provisions of any regulations made in that behalf, any police officer not below the rank of Sub-Inspector, or any person thereto authorized in writing by the Authority, may stop and enter any vehicle or vessel or enter any premises whereon or wherein he reasonably suspects any tobacco is being transported, loaded, cultivated, produced, processed, manufactured, stored or otherwise dealt with in contravention of any of the provisions of this Act or of any regulations, order, direction or requirement made or given under this Act or whereupon or wherein he reasonably suspects there are books or documents which, in his opinion, should be examined for investigating any offence under this Act, and may weigh, measure or count any such tobacco, and take copies of or extracts from any such book or document.
- (2) Any person who resists or obstructs any police officer or any authorized person in the exercise of his powers under this section shall be guilty of an offence and be liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

PART V

GENERAL PROVISIONS

25. The Minister or, with the prior approval of the Minister, the Authority, may exempt any person or class of persons or any tobacco or category or class of tobacco from the application of any regulation, order or direction made or given under this Act, or from any provision of any such regulation, order or direction. Exemption

26.-(1) The provisions of the Auctioneers Ordinance shall not apply to any sale by auction of any tobacco owned by or in the possession of the Authority where such auction is conducted by any member, agent, officer or servant of the Authority. Certain laws not to apply cap 227

(2) The Trades Licensing Ordinance shall not apply to the Authority. Cap. 208

PART VI

VESTING OF ASSETS AND MISCELLANEOUS PROVISIONS

27. In this Part "the Board" means the Tanganyika Tobacco Board established under the Agricultural Products (Control and Marketing) Act, 1962 by the Agricultural Products (Tanganyika Tobacco Board) Order, 1963 made under section 3 of that Act. Interpretation
Cap. 486
G.N 1963
No. 177

28. The Board is hereby dissolved. Dissolution of the Board

29. As from the effective date all the assets and liabilities of the Board shall vest, by virtue of this section and without further assurance, in the Authority, and in the case of liabilities, the Board shall be, and is hereby declared to be, discharged from its obligations in respect of all its liabilities subsisting on the effective date. Transfer to assets and liabilities

30.-(1) The instruments to which this section applies are instruments (including contracts, guarantees, agreements, bonds, authorities, mortgages, charges, bills of exchange, promissory notes, bank drafts, bank cheques, letters of credit and other securities)- Operation of contract etc.

(a) to which the Board is a party;

(b) under which any money is or may become payable, or any other property is to be, or may become liable to be, transferred, conveyed or assigned to the Board; or

(c) under which any money is, or may become payable or any other property is to be or may become liable to be transferred, conveyed or assigned by the Board,

which are subsisting at the effective date or come into existence after the effective date.

(2) An instrument to which this section applies shall, by virtue of this section, continue in full force and effect and the Authority shall, by this Act be substituted for the Board as a party thereto and shall, without prejudice to its general rights and liabilities as such party:

- (a) be entitled to receive and enforce payment of any money Payable thereunder;
- (b) be entitled to obtain transfer, conveyance or assignment of, and enforce possession of, any property which is to be transferred, conveyed or assigned thereunder;
- (c) be liable to make payment of any money payable thereunder; or
- (d) be liable to transfer, convey or assign any property which is to be transferred, conveyed or assigned thereunder,

as the case may be.

31. Any legal proceedings pending in any court to which the Board is a party may be continued and concluded notwithstanding the dissolution of the Board, and there shall be deemed to have been substituted in every such proceedings for the Board, the Authority as a party thereto.

Employees

32.-(1) Every person who, immediately prior to the effective date, was an employee of the Board shall, as from the effective date, be deemed to have been employed by the Authority upon the same terms and conditions which were applicable to his employment by the Board.

Cap. 487

(2) Where any person, by virtue of the provisions of subsection (1), becomes an employee of the Authority, his employment by the Board and his employment as from the effective date by the Authority shall be deemed to be continuous employment by one employer within the meaning of section 8A Of the Severance Allowance Act, 1962, and that Act shall apply to the parties in the same manner as it applies to cases set out in subsection (1) of the said section 8A.

(3) For the avoidance of doubts it is hereby declared that all contracts, agreements, employment schemes, superannuation schemes and other schemes whatsoever entered into or set up by the Board and affecting any person employed by it immediately prior to the effective date, shall continue in force and take effect in relation to such employee as if references in any such agreement, contract or scheme to the Board were references to the Authority, and the provisions of every such agreement, contract or scheme shall be binding upon the Authority in the same manner and to the same extent as they were binding upon the Board immediately prior to the effective date.

Provisions relating to continuity
Cap. 486

33. Every reference in any written law to the Board shall be construed as reference to the Authority.

34. The provisions of the Agricultural Products (Control and Marketing) Act, 1962, shall not apply to tobacco or to the Authority.

35.-(1) Notwithstanding the provisions Of section 34, every regulation, order, direction, requirement, notice, appointment or licence, or registration of any contract for sale or export of tobacco, made, issued, given, effected or granted or deemed to have been made, issued, given, effected or granted, under the Agricultural Products (Control and Marketing) Act, 1962, in relation to the Board or in relation to tobacco and in force immediately preceding the effective date, shall be deemed to have been made, issued, given, effected or granted under this Act and shall continue in force and have effect accordingly until revoked or replaced by any regulation, order, direction, requirement, notice, appointment or licence made, issued or given under this Act.

(2) Where any levy was imposed on tobacco under the provisions of the Agricultural Products (Control and Marketing) Act, 1962, or deemed to have been imposed under that Act, is in force immediately preceding the effective date, it shall be deemed to have been imposed by the Minister under this Act.

(3) Notwithstanding the dissolution of the Board, for the period commencing on the effective date and expiring on the 30th June, 197; the books of account of the Board shall be continued to be kept and maintained and all the transactions of the Authority shall be recorded therein as if the Authority were the Board, and such accounts shall be audited accordingly.

36. Where any notice, order or direction, made or given under this Act is not, or is not required to be, published in the *Gazette*, the Authority shall inform the persons affected by such notice, order or direction, of its contents in such manner as the Board may determine.

Order and directions

37.-(1) The Minister may, from time to time, make regulations providing for all or any purposes as are convenient for the administration of this Act, or are necessary or expedient for the carrying out of the objects and purposes of this Act.

Regulations

(2) Without prejudice to the generality of the power to make regulations under subsection (1) the Minister may make regulations prescribing-

- (a) the procedure at meetings of the Authority or any committee appointed by the Authority;
- (b) the powers, duties and responsibilities of the chairman, vice-chairman, members and officers of the Authority;
- (c) the appointment of officers and servants by the Authority, and their emoluments, retirement benefits and other terms and conditions of their employment;
- (d) matters to be controlled and regulated by the Authority by means of licensing;
- (e) the form and manner of application for licences and renewals of licences, and the terms and conditions upon which, and subject to which licences may be granted or renewed;
- (f) the quantities of any tobacco which shall be exempt from the operation of any order or direction made or given under this Act;
- (g) any matter or thing required or permitted by this Act to be prescribed, except a matter or thing which is required to be prescribed otherwise than by regulations.

38. The Minister may, by order published in the *Gazette*, at any time before the expiry of six months from the date of the effective date make such further consequential and transitional provisions, as he may consider necessary to maintain continuity between the activities of the Board and of the Authority.

Minister may make provisions to ensure continuity

39. The President may, by order published in the *Gazette*, amend, vary or replace all or any of the provisions of the Schedule to this Act.

Amendment of schedule

SCHEDULE

- Composition 1. (1) The Authority shall consist of a Chairman and such number of other members as the Minister may determine.
 (2) The Chairman shall be appointed by the President and shall hold office for such period as the President may direct*
 (3) The Minister shall appoint the Other members of the Authority:
 Provided that the Minister shall, in making such appointments, ensure that the Ministries responsible for Finance, Development Planning, Agriculture and Commerce is each represented on the Authority by at least one member.
 (4) Subject to the provisions relating to the Chairman, a member of the Authority shall, unless he Previously dies or resigns, hold office for such period as the Minister may specify or where no period is specified, until his appointment is revoked by the Minister-
 (5). The Minister may fill any casual vacancy occurring in the membership of the Authority (other than a vacancy in the office of Chairman) and may revoke the appointment any member, other than the Chairman, and appoint a replacement subject, where appropriate, to the system of representation specified in sub
 (6) A member of the Authority may resign by giving notice in writing of his intention so to do, in the case of the Chairman, to the President, and in the case of any other member, to the Minister.
- Vice-chairman 2. The Minister may nominate one of the members of the Authority as the vice-chairman.
- Meetings 3-0) Subject to the Provisions of sub-paragraph (2) of this paragraph, the Authority shall meet at such times as may be necessary or expedient for the transaction of its business and an business of the Authority shall be convened by the Chairman or, in his absence from the United Republic or incapacity thought illness, the vice-chairman who Shall appoint a suitable time, place and date Vor the holding of each Meeting.
 (2) The Chairman or, in his absence from the United Republic or m capacity through illness, the vice-chairman, Shall convene a special meeting of the Authority on a request in writing , signed by riot less than four members of the Authority, for such a meeting and shall cause the meeting to be held within twenty-one days of the receipt by him of such request.
 (3) Except in the case of a special meeting such as is referred to in sub-paragraph (2), at least fourteen day notice in writing., specifying the business to be transacted at the meeting, shall be given of each meeting to every member of the Authority.
 (4) The Chairman, or in his absence, the vice-chairman, shall preside at a meeting of the Authority. In the absence of both the chairman and the vice-chairman, the members present at the meeting shall elect one of their number to be chairman for that meeting.
- Proceedings 4.-(1) A majority of the members of the Authority for the time being in office shall constitute a quorum fit my meeting of the Authority.
 (2) All acts, matters and things, authorized to be done by the Authority shall be decided by resolution at a meeting of the Authority at which a quorum is present.
 (3) A derision of the majority of members present and voting at a meeting of the Authority shall be deemed to be a decision of the Authority-
 (4) Every member of the Authority shall have one vote and in the event a f an equality of votes the chairman of the meeting shall have a second or casting vote in addition to his deliberative vote.
 (5) Notwithstanding the provisions of sub-paragraph (2), where the chairman so directs, a decision may be made by the Authority without a meeting by. circulation of the relevant papers among all the members and the expression in writing of their views, but any member shall be entitled to require that any such decision be deferred until the subject matter shall be considered at the Authority's next meeting.
- Minutes 5. The subject matter shall be considered of the Authority's shall be kept and shall be confirmed by the Authority at its next meeting and signed by the chairman of the meeting.
- Secretary and other officers 6-0) The Authority shall appoint a Secretary to the Authority, who may or may not be a member of the Authority, for the purposes of attending the meetings of the Authority and for performing such other functions as are conferred upon him by or under this Act as the Authority may from time to time direct.
 (2) Subject to any regulations made under this Act or direction given by the Minister, the Authority May from time to time appoint, upon such terms and conditions of service as it may think fit, such employees as it may deem necessary for the proper and efficient conduct of the business and operations of the Authority.

7. Subject to the provisions of this Schedule and to any regulations which may be made under section 37, the Authority shall have power to regulate its own procedure and may from time to time make standing orders providing for all matter relating to the meetings of the Authority and the proper conduct of its business.

Authority may regulate own procedure

8.-(1) All deeds, instruments, contracts and other documents required to be sealed shall be deemed to be duly executed by or on behalf of the Authority if sealed with the seal of the Authority and signed by: -

Execution of Deeds etc.

- (i) the Chairman; or
- (A) the Vice-Chairman; or
- (iii) the Secretary; or
- (iV) the General Manager; or
- (v) any person authorized in that behalf by the Chairman.

(2) Any document not required to be sealed shall be deemed to be duly executed if signed on behalf of the Authority by any of the persons specified in sub-paragraph (1).

9. Subject to the provisions of this Schedule relating to a quorum, the Authority may Act notwithstanding any vacancy in the membership thereof and no act or proceeding of the Authority shall be invalid by reason only of some defect in the appointment of a member or a person who purports to be a member.

Vacancy not to affect proceedings

Passed in the National Assembly on the twenty-fourth day of April, 1972.

