

THE NATIONAL PRODUCTIVITY COUNCIL ACT, 1981

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THE UNITED REPUBLIC OF TANZANIA



No. 20 OF 1981

I ASSENT,

Julius K. Nyerere

President

17th December 1981

An Act to establish the National Productivity Council and to provide for matters connected with and incidental to the establishment of that Council

[.....]

ENACTED by the Parliament of the United Republic of Tanzania

PART I

PRELIMINARY

1. This Act may be cited as the National Productivity Council Act, 1981, and shall come into operation on such date as the Minister may, by notice in, the *Gazette* appoint. Short title and commencement

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

"the Chairman" means the Chairman of the Council-,
-committee- means a committee established under and in accordance with the provisions of section 9;

"the Council" means the National Productivity Council established under section 3;

"member" in relation to the Council means a member of the Council and include the Chairman; and in relation to a Committee means a member of the Committee and includes the Chairman of the Committee;

"Minister" means the Minister for the time being responsible for Economic Planning;

-Secretary" means the officer appointed by the President to be the Secretary to the Council.

PART II

THE NATIONAL PRODUCTIVITY COUNCIL

Establishment or the National Productivity Council

3.-(1) There is hereby established a Council to be known as the National Productivity Council.

(2) The Council 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 properties for the purposes of carrying out the functions conferred on the Council by this Act.

(3) The provisions of the Schedule to this Act shall have effect in respect of the constitution of the Council, its proceedings and other matters relating to it.

(4) The Minister may, by order published in the *Gazette*, amend, add to, vary or replace any of the provisions of the Schedule to this Act.

Functions of the council

4. The functions of the Council shall be-

- (a) to advise the government and other public institutions on the formulation and the implementation of the national policy on productivity, incomes and prices;
- (b) to advise the government on ways and means of strengthening the national economy;
- (c) to devise appropriate methods of establishing production targets and efficiency standards for industrial production both in the public and private sector;
- (d) to give advise to the government and other institutions responsible for the implementation of the policy on productivity, incomes and prices on the necessary qualifications, skills, experience and ability required of the top management of public institutions;
- (e) to advise the government and public institution on the various forms of motivating workers and peasants;
- (f) to advise the government on the review of salaries and minimum wages;
- (g) to advise institutions engaged m. the production and service sectors on how to improved productivity;
- (h) to establish and operate a system of documentation and dissemination of information relating to productivity;
- (i) to advise the government on how the private sector can implement the policy on productivity, income and prices.

(2) For the purposes of the better performance of its functions the Council shall maintain a system of collaboration, consultation and co-operation with the National Institute of Productivity established by

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<p>'the National Institute of Productivity (Establishment) Order, 1974, the Tanzania National Scientific Research Council established by the Tanzania National Scientific Research Council Act 1968, the Standing Committee Organizations. the Permanent Labour Tribunal. established under tile Permanent Labour Tribunal Act. 1967, the Price Commission established under the Regulation of Prices Act, 1973, Jumuiya ya Wafanyakazi Tanzania established Under the Jumuiya ya Wafanyakazi Tanzania Act, 1979, and with any other Person or body of persons established by Or under any written law and having functions related to those specified in sub-section (1)</p>	<p>G.N. 1974 No. 124</p> <p>Acts, 1968 No. 51</p> <p>Acts 1967 No. 41 Acts 1973 No 19 Acts 1979 No 9</p>		
<p>(3) The Council shall in the Performance Of its functions be guided by and comply with the terms and contents of the national policy on productivity, incomes and prices;</p>			
<p>5. The Council may, for the purpose of carrying out its functions under this Act. do all such acts as appear to it to be requisite, advantageous or convenient for or in connection with the carrying out of those functions or to be incidental to their proper performance and may carry On MY activities in that behalf either alone or in association with any other person or body of persons.</p>	<p>General Power of the council</p>		
<p>6.-(1) There shall be a Secretary of the Council who shall be appointed by President on such terms and conditions as the President may determine.</p>	<p>Secretary of the council</p>		
<p>(2) The Secretary shall be the chief executive officer of the Council and shall be responsible for co-ordinating the whole of the work of the Council.</p>			
<p>(3) Subject to the Provisions of this section. the Secretary shall have such other functions as may be conferred upon him by the Council.</p>			
<p>(4) Where the Secretary is not a member of the Council, he shall have no power to vote at any meeting of the Council.</p>			
<p>7. The Council shall establish a secretariat, and may appoint on such terms and conditions as it may determine, such number of officers of the Council to serve on the secretariat as it may consider appropriate for the Performance of the functions of the Council.</p>	<p>The Staff of the council</p>		
<p>8. The Council May, subject to such conditions as it May impose, delegate to any person or body of persons, the power of appointment to any office or offices on the staff of the Council.</p>	<p>Delegation of power of appointment</p>		
<p>9.-(1) Subject to the approval of the Minister; the Council may, from time to time establish such Boards and committees as it may consider necessary for the purpose of facilitating the carrying out of the, object of the Council.</p>	<p>Boards or other committees</p>		
<p>(2) The Council shall prescribe the composition, powers, duties and procedures of all committees and Boards and, subject to the provisions of this Act, may delegate to any such committee or board any of its powers or functions other than the power of approving estimates conferred by Section 14.</p>			

(3) The Council may appoint on any committee or board established under this section any person notwithstanding that the person is not a member of the Council but any Person so appointed shall have no power to vote:

Provided that in no case shall the number of members of any committee or board who are not also members of the Council exceed one third of the total number of the members of the Committee.

(4) For the purposes of this section, the Secretary shall be deemed to be a member Of the Council-

Information on Productivity incomes and prices

10.-(1) Every person engaged, or intending to engage in research in the field of 'productivity', incomes or prices within the United Republic shall on his own expense, furnish to the Council information relating to that research and shall make available to the Council copies of any relevant records or findings in such form and within such periods as may be prescribed.

(2) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand shillings' but no person shall be prosecuted for any offence under this section within six months after the commencement of this Act.

(3) Notwithstanding subsection (1), the Council may enter into arrangement with organizations engaged in research in, or activity relating to, productivity, incomes or prices for the purposes of establishing a system of exchanging information relating to research in, of activity, relating to, productivity, incomes and prices.

Council may call for information on research

11.-(1) The Council may require in writing any person or body of persons engaged in research in or activity relating to, productivity, incomes or prices within the United Republic to, furnish to it such information relating to that research or activity as the Council may specify.

(2) Every person or body of persons which is required to furnish information under subsection (1) shall comply with the requirement and any person or body of persons which refuses or fails to comply with that requirement shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifteen thousand shillings.

Minister may give directions

12. The Minister may give to the Council directions of a general or specific character regarding the performance by the Council of any of its functions under this Act, and the Council shall give effect to every direction given to it-

PART III

FINANCIAL PROVISION

Funds of the council

13.-(1) The funds and resources of the Council shall consist of-

- (a) such sums as may be provided for that purpose to the Council by Parliament, either by way of grant or loan;
- (b) such donations, grants, bequests and loans as the Council may, from time to time receive from any Person or organization.

(c) any sums or property which may vest in the Council under this Act or any other written law or which may vest in the Council in any other manner in the performance of its functions.

(2) The funds and resources of the Council shall be applied for the purposes for which the Council is established under this Act.

14.-(1) The Council shall, in respect of each financial year, cause to be prepared estimates of the expenditure and revenue of the Council and those estimates shall be approved by the Council before the commencement of the relevant financial year. Annual estimates

(2) If in any financial year the Council requires to make any disbursement not provided for or of any amount in excess of the amount provided for in the annual budget for that year, the Council shall, at a meeting pass a supplementary budget detailing that disbursement.

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

(4) Forthwith upon passing any annual budget or any supplementary budget, the Council shall submit to the Minister for his approval the annual budget or as the case may be, any supplementary budget.

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

(6) Where the Minister has approved any annual budget or any supplementary budget, the budget or, as the case may be, the supplementary budget, shall be binding on the Council which, subject to subsection (7), shall confine the disbursements of the Council within the items and amounts contained in the applicable estimates as approved by the Minister.

(7) The Council may-

(a) with the sanction in writing of the Minister, make a disbursement not withstanding 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 has prepared, subject to submitting a supplementary budget to the Minister within two months of the alteration of expenditure limits becoming necessary.

15.-(1) The Council shall cause to be provided and kept proper books of account and records with respect to- Accounts and audit

(a) the receipt and expenditure of moneys by, and other financial transactions of the Council-,

(b) the assets and liabilities of the Council; and shall cause to be made out for every financial year a balance sheet showing details of the income and expenditure of the Council and all its assets and, liabilities.

(2) Within six months of the close of every financial year a balance sheet showing details of *the income* and expenditure of the Council in respect of that financial year shall be submitted for audit by the Tanzania Audit Corporation established by the Tanzania Audit Corporation Act, 1968.

Acts, 1968
No. 1

(3) Every audited balance sheet shall be placed before a meeting of the Council which, if it adopts it shall endorse the balance sheet with a certificate that it has been so adopted.

(4) As soon as the accounts of the Council have been audited, and in any case not later than six months after the close of the financial year, the Council 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.

Laying of
reports
before
National
Assembly

16.-(1) The Minister shall, as soon as practicable after he has received them and in any case not later than eight months after the close of the financial year or such longer period as the National Assembly may, by resolution, approve in that behalf, lay before the National Assembly the following documents in relation to that financial year-

- (a) a copy of the audited balance sheet and profit and loss statement of the Council;
- (b) a copy of the auditor's report on the audited accounts of the Centre;
- (c) a copy of the Council's report dealing with its activities during that financial year.

(2) Where at the end of six months from the close of the financial year the Minister has not received from the Council the documents specified in this Section, he shall before the expiry of the seventh month after the close of financial year, or so, soon after non-receipt of the documents as the National Assembly meets, cause the National Assembly, by resolution, to approve such longer period it may determine within which the Minister shall lay the documents before the National Assembly.

SCHEDULE

- Composition
Of council:
1. The Council shall consist of-
 - (a) The Principal Secretary, Ministry of Economic Planning, who shall be the Chairman;
 - (b) Principal Secretary from each of the following Ministries:-
 - (i) the Ministry of Labour and Social Welfare;
 - (ii) the Ministry of Manpower Development and Administration;
 - (iii) the Ministry of Trade;
 - (iv) the Ministry of Industries;
 - (v) the Ministry of Agriculture;
 - (vi) the Ministry of Lands;

SCHEDULE- (contd.)

not less than fifteen other members who shall be appointed by the Minister from among persons nominated, one each by:-

- i) the Standing Committee on Parastatal Organizations;
- ii) the Permanent Labour Tribunal;
- iii) the National Institute of Productivity;
- iv) the Association Of Tanzania Employers;
- v) the National Price Commission;
- (vi) Jumuiya ya Washirika Tanzania;
- (vii) the Bureau of Standards;
- (viii) the Economic Research Bureau of the University of Dar es Salaam;
- (ix) the Bureau of Statistics;
- (x) the Tanzania Audit Corporation;
- (xi) the Income Tax Department;
- (xii) the Planning Commission, Zanzibar;
- (xiii) Jumuiya ya Wafanyakazi, Tanzania;
- (xiv) the Attorney-General;
- (xv) the Tanzania Association of Parastatal Organizations.

(d) five other members appointed by the Minister from among Persons with the necessary experience in economic and Scientific matters or who, in his opinion may assist the Council in its deliberations.

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

3.(1) A member shall, unless his appointment is sooner terminated by the President or, as the case may be, by the Minister or he ceases in any other way to be a member, hold office for the period specified by the President in the case Of the Chairman or by the Minister, in the case of any other member, in the instrument of his appointment or if no period is so specified, for a Period of three years from the date of his appointment and shall be eligible for re-appointment. Tenure of appointment

(2) Any member appointed under paragraph (a), (c) or (d) may at any time resign his Office 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.

4. If a member of the Council 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 organization to attend that meeting in his place. Absent member to be represented at meetings

5. 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 in his place and the Person so appointed shall hold Office for the remainder of the term Of office of his Predecessor. Casual vacancies

6.(1) The Chairman shall Preside at all meetings of the Council.

(2) Where at any meeting of the Council the Chairman is absent the Vice-Chairman and shall Preside. Power of Chairman and Vice-chairman

(3) In the absence of both the Chairman and the Vice-Chairman at any meeting of the Council, the members present may, from amongst their number elect a temporary Chairman who shall Preside at the meeting.

(4) The Chairman, Vice-Chairman or a temporary Chairman presiding at the meeting of the Council, shall have a vote and in the event. of an equality of votes, shall have a casting vote in addition to his deliberative vote.

SCHEDULE -(contd.)

- 7.**-(1) The Council shall ordinarily meet for the transactions of its business not less than twice during every year and at such additional times as may be fixed by, the Chairman or, if he is absent from the United Republic or unable for any reason to act the Vice-Chairman. meeting and procedure of the council
- (2) The Chairman or, in his absence from the United Republic, the Vice-Chairman may, and upon application in writing by at least five members, shall convene a special meeting of the Council at any time.
- (3) The Secretary of the Council shall give to each member adequate notice of the time and place of each meeting.
- (4) The Council may invite any person who is not a member to participate in the deliberation at any any meeting of the Council, but any person so invited shall not be entitled to vote.
- 8.** At any meeting of the Council not less than one half of the members in office for the time being shall constitute a quorum. Quorum
- 9.**-(1) subject to the provisions relating to a casting vote, all questions at a meeting of the Council shall be determined by a majority of the votes of the members present. Decisions of the council
- (2) Notwithstanding sub-paragraph (1), a decision may be made by the Council 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.
- 10.**-(1) The Council shall cause to be recorded and kept minutes of all business conducted or transacted at its meetings and the minutes of each meeting of the Council shall be read and confirmed, or amended and confirmed, at the next meeting of he Council and signed by the person presiding the meeting.
- (2) Any minutes purporting to be signed by the person presiding at a meeting of the Council shall, in the absence of proof of error, be deemed to be a correct record of the meeting whose minutes they purport to be.
- 11.** The validity of any act or proceeding of the Council shall not be effected by any vacancy among its members or by any defect in the appointment of any of them. Vacancies etc. not to invalidate proceedings Order directions
- 12.** All orders, directions, notices or other documents made or issued on behalf of the Council shall be signed by:-
- (a) the Chairman of the Council; or
- (b) the Secretary or any office or officers of the Council authorized in writing in that behalf by the Secretary.
- 13.** The Sea] of the Council shall not be affixed to any instrument except in the presence of the Chairman or the Secretary or some other officer of the Council and at least one member of the Council. Seal of the council
- 14.** subject to the provisions of this Schedule, the Council may regulate its own proceedings. Council may regulate its proceedings

Passed in the National Assembly on the twentieth day of October, 1981.


Clerk of the National Assembly