

THE UNITED REPUBLIC OF TANZANIA



No. 19 OF 1984

I ASSENT,

Julius K. Nyerere President

14 January 1984

An Act to establish the Tanzania Cotton Marketing Board, in place of the Tanzania Cotton Authority, to repeal the Cotton Industry Act, 1973, to provide for the functions of the Board and for other matters incidental to or connected with the Board

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Tanzania Cotton Marketing Board Act, 1984 and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

Short title
and commencement

2. In this Act, unless the context otherwise requires—
“appointing authority” means in relation to the Chairman the President, and in relation to any other member the Minister;

Interpretation

“Board” means the Tanzania Cotton Marketing Board established under subsection (1) of section 3;

“Board of Directors” means the Board of Directors established under subsection (2) of section 3;

“cotton inspector” means the cotton inspector appointed by the Board under section 8;

“Cotton lint” means ginned cotton;

“Cotton Price Stabilization Fund” means the Fund established under section 25;

“Cotton seed” means cotton seed produced from raw cotton;

“the Director” means the Director or Technical and Extension Services in the Ministry for the time being responsible for agriculture;

“export” means export outside Tanzania;

“ginners” means any place in which raw cotton is converted into cotton lint;

“Grade A cotton” means mature raw cotton which is white and free from stain, extraneous matter or damage from any cause;

"Grade C cotton" means any raw cotton. of a merchantable quality inferior to Grade A cotton;

"grower" means any person who grows cotton plants;

"licensed ginnee" means the holder of a ginning licence;

"member in relation to the Board of Directors means member of the Board of Directors and includes the chairman of that Board - ,

"Licensing Authority" means any public officer or authority appointed by the Minister to be a licensing authority for the purposes of this Act

"Minister" means the Minister for the time being responsible for Agriculture;

"prescribed" means prescribed either by regulations made under section 36;

"raw cotton" means any cotton after picking and before it has been ginned;

"society" means a co- operative society registered under the co-operative Societies Act, 1982;

"subsidiary company" means any body corporate established by or under any written law (hereinafter referred to as "the first subsidiary"), not less than fifty per centum of that share capital of which is owned by the Board, and includes-

(a) a body corporate (hereinafter referred to as "the second subsidiary"), not less than fifty per centum of the issued share capital of which is owned by subsidiary

(b) a body corporate (hereinafter referred to as "the subsequent subsidiary"), not less than fifty per centum of the issued share capital of which is owned by the second another subsequent subsidiary

(2) "Buy" and "sell" includes.- an offer to buy or, the case may be, an offer to sell and also any transaction whereby the property the article in, relation to which the expression is used may pass to the buyer future.

(3) The Director may, subject to such limitations and restrictions as he may determine, by order published in the Gazette, delegate all any of his functions under this Act to any public officer or other authority .

(4) Every appointment of a licensing authority shall be made by a notice in the *Gazette*. The licensing authority shall have jurisdiction over such area as may be specified in the notice.

(5) Where any order or direction made or given by the, Director or the Board under any provision of this Act is not expressly required by that provision to be published in the *Gazette*, such order or direction shall be brought to the notice of persons affected or likely to be affected thereby in such manner as the Director or, the case may be, the Authority may determine:

Provided that if any such order or direction is published in. the Gazette, all persons shall be deemed to have notice thereof.

(6) The expression "offence against this Act" shall, unless the context otherwise requires, include an offence under any subsidiary legislation made under this Act.

(7) The Board shall, for the purpose of this Act, be deemed to be the holder of each and every certificate, permit, licence and other authority provided for in this Act in relation to the buying, selling, exporting or otherwise dealing in any description or cotton and products thereof

PART II

TANZANIA COTTON MARKETING BOARD

3.—(1) There is hereby established a board which shall be known as the Tanzania Cotton Marketing Board. Establishment of the Board

(2) The Management and functions of the Board shall vest in the Board of Directors.

(3) The provisions of the Schedule to this Act shall have effect as to the constitution and proceedings of, and otherwise in relation to, the Board of Directors.

(4) Except as to the appointment of the Chairman, the Minister may, by order in the *Gazette*, amend, add to, vary or replace the Schedule to this Act.

4. The Board shall be a body corporate with perpetual succession and a common seal and shall be capable in law of suing and being sued in its corporate name, of purchasing, holding, alienating, managing and disposing of any property whatsoever, whether movable or immovable, and whether by way of investment or otherwise, and of entering into any such contract as may be necessary or expedient for the performance of its functions under this Act or any other written law. Board to be a Body Corporate

5.—(1) The functions of the Board shall be—

- Functions of the Board
- (a) to regulate and control the marketing and export of cotton lint and to secure the most favourable arrangements for the marketing and export of cotton lint;
 - (b) to purchase from ginneries all cotton lint produced in Tanzania at prices fixed by the Board and approved by the Minister;
 - (c) to advise the Government on all matters affecting cotton production and its marketing.

(2) In particular, and without prejudice to the generality of the provisions of sub-section (1) and subject to any special or general directions of the Minister, the Board shall have power—

- (a) to control and fix the prices to be paid from time to time for seed cotton which is to be exported or sold for the purposes of local industries and to notify such prices in such manner as the Board may deem expedient or requisite;
- (b) to regulate the marketing of cotton lint for use in industries in the United Republic;
- (c) to provide facilities for the inspection, classification and grading of raw cotton and of cotton seed;
- (d) to undertake, finance or provide facilities for research in the production, marketing and uses of cotton lint and of cotton seed;
- (e) to acquire by agreement and hold interest in any company or firm carrying on business concerned directly or indirectly with cotton lint or with cotton seed;

- (f) to manage the affairs of and continue the business of any firm the interest of which are vested in or acquired by the Board under the provisions of this Act where that business relates to cotton lint or to cotton seed;
 - (g) to advance money on loan, give guarantees for the benefit of or provide management or other services to persons, companies or firms engaged in the production or marketing of cotton lint or cotton seed;
 - (h) to do all such acts, and things as, in the opinion of the Board of Directors, may be necessary to uphold and support the credit of the Board and to obtain and justify public confidence, and to avert or minimize any loss to the Board;
 - (i) to do anything or enter into any transaction which in the opinion of the Board of Directors is calculated to facilitate the proper and efficient carrying on of its activities and the proper exercise of its functions under the provisions of this Act.
- (3) The Board shall have power-
- (a) to do all things necessary for or incidental to or in connection with the purchase from ginners of cotton lint and the payment of prices therefore; and
 - (b) to do all things necessary for, incidental to or in connection with the delivery, receipt, storage, We, disposal, export, transport or shipping of cotton lint.

Orders and directions Of Board

Minister may give direction to the Board

6. Contravention of any order or direction lawfully given or issued by the Board shall be an offence against this Act.

7. The Minister may give to the Board directions of a general or specific character as to the manner in which the Board shall exercise or perform any of its duties or functions and the Board shall be bound to comply with such directions.

PART III

PURCHASE, SALE AND EXPORT OF COTTON LINT AND COTTON SEED

Purchases and sale of cotton lint and cotton seed

8. Subject to any direction by the Minister in that behalf payment or of any quantity of cotton lint purchased by the Board for export or re-sale within the United Republic or otherwise shall be made by the Board in such manner or by such installments as the Board may determine:

Provided that in the case of a payment for any quantity of cotton lint export or resold locally by the Board such payment shall not, save with the express consent of the seller, be delayed to a date later than thirty days from the date of the receipt by the Board of the proceeds of the sale export or on domestic re-sale, as the case may be.

Appointment of cotton inspectors

9. The Board shall have power to appoint fit and proper persons to be cotton inspectors who shall have and exercise powers generally to supervise the arrangements for the purchase and export of cotton lint and cotton seed by the Board, and who, without prejudice to the generality of the fore-

going power, shall have and exercise such other powers, including the inspection of cotton plants and raw cotton, the taking of samples and the certifying of weights and qualities of cotton seed, as are provided for in this Act or as may be prescribed.

10.-(1) Any cotton lint or cotton seed sold within the United Republic shall be sold by auction or by such other methods as the Board may think fit.

Methods of sale of cotton lint and cotton seed

(2) The Board may licence fit and proper persons who shall be eligible to purchase cotton lint or cotton seed from the Board.

(3) Licences under subsection (2) may be issued in respect of either cotton lint or cotton seed and shall be-

- (a) in the prescribed form;
- (b) valid for one year;
- (c) subject to such terms and conditions as may be prescribed or endorsed on the licence; and
- (d) issued subject to the payment of the fee prescribed therefor.

(4) No person shall purchase cotton lint from the Board-

- (a) unless he is in possession of valid licence issued under the provisions of subsections (2) and (3) of this section; and
- (b) except in accordance with the terms and conditions to which such licence is subject.

(5) The grant or refusal of a licence shall be in the discretion of the Board.

(6) The Board may cancel or suspend a licence in any case where the licensee fails to comply with the terms and conditions of his licence or for other good and sufficient cause and such cancellation or suspension, as the case may be, shall be in addition to any penalty to which the licensee may be liable under the provisions of this Act.

(7) This section shall not apply to any cotton lint or cotton seed sold outside the United Republic.

11.-(1) The Board shall have power to settle the particulars or conditions of any sales under the provisions of section 10 either generally or in respect of any particular sale and such particulars or conditions shall be binding upon all persons licensed to purchase under that section.

Power of Board to settle conditions of sales

(2) Where any cotton lint or cotton seed, the property of the Board is sold by auction it shall not be necessary for the person so selling to take out a licence under the provisions of the Auctioneer's Ordinance and provisions of that Ordinance shall not apply to sales by auction carried out by or on behalf of the Board.

Cap 227

12.-(1) No person shall-

- (a) export any cotton lint or cotton seed, otherwise than on behalf of the Board or a Co-operative Union; or
- (b) in any manner whatsoever, exchange or barter, or make any agreement for the exchange or barter of any cotton lint or cotton seed with any person other than the Board;

Restriction on purchase and export of cotton lint and cotton seed

(c) purchase, sell or dispose of any cotton lint or cotton seed otherwise than in accordance with the provisions of this Act.

(2) The Minister may in writing exempt any person from compliance with or liability under any provision of paragraph (b) or (c) of subsection (1) for such purposes to such extent and upon such conditions as he may think fit.

Contrave-
tion of any
provision of
this part

13. Any person who contravenes any of the provisions of section 10 or Of subsection (1) of section 12, or contravenes any of the terms and conditions of a licence granted under section 10 shall be guilty of an offence.

PART IV

ADMINISTRATION OF THE BOARD

Appointment
of employees

14.-(1) The Board of Directors may, from time to time, appoint at such salaries and upon such terms and conditions as it may think fit, such officers and employees of the Board as it may deem necessary for the proper and efficient conduct of the business and activities of the Board.

(2) The President shall, on the recommendation of the Board of Directors and advise of the Minister, appoint a General-Manager of the Board who shall be the chief executive officer of the Board.

Transfer
of employees

15.-(1) The Board of Directors may transfer any person who is employed by the Board to the employment of subsidiary company, or may transfer any person who is employed by a subsidiary company to the employment of the Board or to the employment of another subsidiary company.

(2) where any employee is transferred under subsection (1)-

(a) he shall, as from the date of his transfer, be deemed to be the employee of the Board or, as the case may be, of the subsidiary company to which he is transferred;

(b) the terms and conditions of service applicable to him after such transfer shall not be less favourable than those which were applicable to him immediately before the transfer and for the purposes of determining any right to gratuity or any other superannuation benefit, his service, with the Board or, as the case may be, the subsidiary company to which he is transferred, shall be regarded as continuous with his service immediately preceding such transfer; and

(c) his employment immediately prior to his transfer and his employment by the Board or, as the case may be, the subsidiary company to which he is transferred, shall be deemed to be continuous employment by one employer within the meaning of section 8A of the Severance Allowance Act, 1982, and that Act shall apply to the parties in the same manner as it applies to the cases set out in subsection (1) of the said section 8A.

cap. 487

Remunera-
tion and
allowance
of Directors
and Members

16. The members of the Board of Directors shall be entitled to receive such remuneration, allowances and other benefits as the Minister may direct.

17. The Board of Directors may--

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

superannua
tion benefits

18. The Board of Directors may, from time to time appoint and employ upon such terms and conditions as it may think fit such agents and contractors of the Board as it may deem necessary.

Agents and
contractors

19.-(1) Subject to subsection (6) the Board of Directors may, from time to time, by writing under the seal of the Authority, delegate, subject such terms, conditions and restrictions as it may specify, to any committee of the Board or to any officer or servant of the Board, or to any subsidiary company or public corporation, all or any of its functions, powers, authorities or duties under this Act, and where any delegation is so made the delegated function, power, authority or duty may be performed or, as the case may be, exercised by the delegate subject to the terms, conditions and restrictions specified in the writing.

Power of
the Board
to delegate

(2) Any delegation under subsection (1) ma.)) be made to the holder of an office tinder the Board specifying the office but without naming the holder, and in every such case each successive holder of the office in question and each person who occupies or performs the duties of that Office may, without any further authority, perform or, as the case may be, exercise the delegated function, power, authority or duty in accordance with the delegation made.

(3) The Board or Directors may revoke a delegation made by it under this section.

(4) No delegation made tinder this section shall prevent the Board from itself performing or exercising the function, power, authority or duty delegated

(5) Any delegation made under this section may be published in the *Gazette*, and upon such publication shall be judicially noticed and shall be presumed to be in force unless the contrary is proved.

(6) The Board of Directors shall not have power under this section to delegate-

- (a) its power of delegation; or
- (b) the power to approve the *annual* budget or any supplementary budget of receipts and expenditure, the annual balance sheet or any statement of account.

PART V

FINANCIAL PROVISIONS RELATING, TO THE BOARD

20.-(1) The authorized share capital of the Board shall be one hundred fifty million shillings divided into one million and five hundred ordinary shares each having a par value of one hundred each.

Boards to
have share
capital

(2) The Board shall issue to the Treasury Registrar all the shares issued by it.

Treasury Registrar to hold the shares on behalf of the Government
Cap. 418

21. The shares vested in the Treasury Registrar by virtue of the provisions of this Act shall be held by the Treasury Registrar on behalf of the Government of the United Republic in accordance with the provisions of the Treasury Registrar Ordinance.

Shares issued to Treasury Registrar to be deemed fully paid up

22. The shares vested in the Treasury Registrar by the operation of this Act shall be deemed to be fully paid up shares.

Share certificate

23. The Board shall, as soon as may be practicable after the vesting date and without any undue delay issue to the Treasury Registrar share certificates for the shares required by this Act to be vested in the Treasury Registrar.

Reserve and special fund

24. The Board of Directors may, and shall, if so directed by the Minister, establish and maintain such reserve or special funds of the Board as Board or the Minister may consider necessary or expedient, and shall make into or from any such fund such payments as the Board may deem fit or, in the case of a fund established pursuant to a direction by the Minister, as the Minister may direct.

Establishment of cotton price stabilization fund

25.—(1) Without prejudice to the generality of section 24 the Board shall establish and maintain a cotton Price Stabilization Fund.

(2) The Cotton Price Stabilization Fund shall consist of—

(a) such sum or sums of money as may be allocated to that Fund by resolution of the National Assembly;

(b) such sum or sums as may accrue to that Fund from time to time by way of interest or divided licensing authority fees.

(3) (a) Subject to the provisions of paragraphs (b), (c), (d), and (e) of this subsection, the Cotton Price Stabilization Fund may be applied by the Board for the maintenance of prices to be paid for cotton lint under the provisions of this Act and shall not be applied to any other purpose;

(b) the Board may from time to time invest any sums standing to the credit of the Cotton Price Stabilization Fund in securities approved either generally or specifically by the Minister, and may from time to time with like approval sell any or all of such securities;

(c) the Board may make to the Government of the United Republic and the said Government may receive loans out of the Cotton Price Stabilization Fund upon such terms as may be agreed between the Board and the Minister;

(d) the Board may make loans out of the Cotton Price Stabilization Fund to such person or persons and on such terms as it may deem fit:

Provided that no such loan shall be made without the prior approval of the National Assembly signified by resolution unless—

- (a) such loan is made to a co-operative society engaged in the marketing of cotton; and
- (b) does not either in itself or together with any other loan or loans made to the same co-operative society, exceed one hundred thousand shillings.
- (e) The National Assembly may, from time to time, on application being made by the Board in that behalf allocate to the Board from the Cotton Price Stabilization Fund such sum or sums as it may think fit and any sum or sums so allocated shall form part of those funds and resources of the Board.

26. With the prior approval of the Minister and the Minister for the time being responsible for finance, the Board of Directors may, from time to time, invest any part of the moneys available in any fund of the Board maintained by it in such manner as the Board may deem fit.

Investment

27.-(1) With the prior approval of the Minister and the Minister for the time being responsible for finance, the Board of Directors may, from time to time, borrow moneys for the purposes of the Board by way of loan or overdraft, and upon such Security and such terms and conditions relating to the repayment of the principal and the payment of interest as, subject to any direction by the Minister, the Board may deem fit.

Power to borrow

(2) A person lending money to the Board shall not be bound to enquire whether the borrowing of that money by the Board has been approved by the Minister.

28.-(1) The Board of Directors shall cause to be provided and kept proper books of accounts and records with respect to-

Accountants and Audit

- (a) the receipt and expenditure of moneys by, and other financial transactions of the Board -
- (b) the assets and liabilities of the Board,

and shall cause to be made out for every financial year a balance sheet showing details of the income and expenditure of the Authority and all its assets and liabilities.

(2) At least once in every financial year the accounts including the balance sheet of the Board shall be audited by the Tanzania Audit Corporation established by the Tanzania Audit Corporation Act, 1968.

Acts 1968 No 1

(3) As soon as the accounts of the Board have been audited, and in any case not later than six months after such audit the Board of Directors shall submit to the Minister a copy of the audited statement of accounts together with a copy of the report thereon made by the auditors.

(4) Every such audited balance sheet be placed before a meeting of the Board of Directors and if adopted by the Board shall be endorsed with a certificate that it has been so adopted.

(5) As soon as may be practicable after the receipt by him of the statement of accounts together with the report thereon submitted pursuant to subsection (3) the Minister shall lay a copy of same before the National Assembly.

Annual
Report

29. (1) The Board shall cause to be prepared and submitted to the Minister within six months after the close of each financial year an annual report dealing generally with the activities and operation of the Board during that year. The report shall be accompanied by:--

- (a) a copy of the audited accounts of the Board, together with the auditors' report, if any, on the accounts;
- (b) a statement of all directions given by the Minister to the Board under this Act during that year;
- (c) such other information as the Minister may direct.

(2) The Board shall also submit to the Minister such other reports on its financial affairs as the Minister may, by writing, reasonably request from time to time.

(3) The Minister shall, as soon as practicable after receiving them, lay before the National Assembly, the audited accounts of the Board together with, if any, a report on the accounts."

PART VI

MISCELLANEOUS PROVISIONS

Liability of
members,
etc.,
Acts, 1974
No. 35

30. Without prejudice to the provisions of section 284A of the Penal Code, the Specified officers (Recovery of Debts) Act, 1970, or of the Parastatal Employees (Recovery of Debts) Act, 1974, no act or thing done, or omitted to be done by any member of the Board of Directors or by any officer, servant or agent of the Board shall, if done or omitted *bona fide* in the execution or purported execution of his duties as such member, officer, servant or agent, subject to any such person to any action. liability or demand whatsoever.

Powers of
entry
inspection,
em

31.-(1) The Director or a cotton inspector may at any reasonable hour of the day, enter any place where cotton is grown, ginned, baled or stored or where any cotton lint or cotton seed is manufactured or stored, and inspect and examine the same for the purpose of ensuring that the provisions of this Act, or of any regulations or by-laws made hereunder, or of any directions given, or order made by the Minister, the Director or the Board are being complied with.

(2) The Director or, as the case may be, the cotton inspector may, for the purpose of securing compliance with the provisions of this Act or of any regulations, by-laws, order or direction made or given under any such provisions or directions, take samples of any raw cotton, cotton lint or cotton seed, or for any product hereof, found in or on any ginnery, store plant or other place or premises (including any land) and may subject such, samples to such tests as he may deem necessary.

(3) Any person who obstructs the Director or a cotton inspector in, the, exercise of the Powers conferred upon him by this section, or who neglects or refuses to produce to the Director or cotton inspector any book or record which the Director or cotton inspector may request to be produced', for his inspection shall be guilty of an offence.

32.-(1) If any person adds or causes or permits to be added any foreign or extraneous matter to any cotton or cotton lint he shall be guilty of an offence.

Adulteration
of cotton

(2) If on examination of any cotton lint it is found to contain any substance other than cotton lint, the licensed ginner who ginned such cotton lint shall be guilty of an offence:

Provided that it shall be a good defence if such licensed ginner satisfies the court that he took reasonable care to prevent the adulteration of such cotton lint aforesaid.

33.-(1) Save with the written permission of the Board and in accordance with such conditions as the Board may specify, no trade, business or profession other than that in respect of which a licence may be or is deemed to have been issued under the provisions of this Act shall be carried on any premises used for the storing, ginning, bating or sale of raw cotton lint or cotton seed.

Carrying on
trade upon
premises
used for
storage of
cotton

(2) Any person who carries on any trade, business or profession in contravention of the provisions of this section shall be guilty of an offence.

34. Without prejudice to any specific provisions in this Act, if the holder of any licence or permit issued under the provisions of this Act is convicted of an offence against this Act or of any offence involving moral turpitude, the authority empowered to grant such licence or permit may revoke the licence or permit, as the case may be.

General
power of
revocation
of licence
or permit

35. Any person aggrieved by any decision of the Board, the Director, a licensing Board or other public officer made or purported to have been made in the exercise or purported exercise of any power conferred by this Act, may within thirty days of the decision being taken or given, appeal there against to the Minister whose decision on every such appeal shall be final and conclusive and shall not be subject to review by any court:

Appeal

Provided that the Minister in his discretion receives any appeal notwithstanding the fact that it has not been made within the said period of thirty days.

36. Any person guilty of an offence under this Act shall be liable to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding five years or to both such fine and imprisonment, and in addition to any such penalty the court may, where the offence committed relates to any quantity of raw cotton, cotton lint or cotton seed, or any product thereof, order the same to be forfeited to the Board.

Penalty for
offences

37.-(1) Subject to the provisions of section 33 the Minister may make regulations generally for the better carrying out of the provisions and purposes of this Act and any such regulation may, without prejudice to the generality of the foregoing provide for--

Regulations
by Minister

- (a) the -conduct of the business of the Board and the Board of Directors;
- (b) the appointment by the Board of Directors of sub-committees and co-option of persons thereto;

- (c) the duties of the Directors;
 - (d) the prohibition or control of the import or export of cottonseed;
 - (e) the variety and quality of cotton seed to be used for sowing in any specified area;
 - (f) the regulation and control of the layout erection and use of cotton buying posts and their control, inspection and management;
 - (g) the control of the erection of ginneries and the conditions upon which they may be erected, maintained and operated;
 - (h) the prevention of the outbreak of first at cotton buying posts or other premises used for cotton buying;
 - (i) the procedure on appeals under section 35;
 - (j) any thing which is permitted or required by this Act to be prescribed, other than anything which may be prescribed by by-laws made by the Board under section 38.
- (2) Regulations made under this section may be applicable to the whole of Tanganyika or to any specified part thereof.
- (3) No regulation made or purported to have been made under this section shall be invalid or unenforceable by reason only of the fact that the matter provided for or intended to be provided for by such regulation can only be provided for or be provided for by by-laws made under section 60 and every such regulation shall be deemed to have been lawfully made under this section and shall take effect accordingly.

Provided that where the matter prescribed or provided for by any such regulation has already been prescribed or provided for by by-laws made under section 60, then, to the extent of any inconsistency between such regulation and such by-laws, the provisions of the by-laws shall prevail over the provisions of the regulation.

By laws
by Board

- 38.**-(1) The Board may, with the consent of the Minister and subject to the provisions of subsection (2), make by-laws for the better carrying out of its functions and powers under this Act, and without prejudice to the generality of the foregoing, may make by-laws-
- (a) prescribing the fees to be paid for anything to be done under this Act;
 - (b) prescribing the forms to be used under this Act;
 - (c) regulating the applications for, and the issue of any licence or permit authorized to be issued under this Act;
 - (d) prescribing the records to be kept and the returns to be made by the holder of any permit or licence issued in pursuance of this Act;
 - (e) prescribing the manner in which raw cotton, cotton seed and cotton lint shall be stored, providing for the storage of different types of raw cotton and cotton seed separately and prescribing the specification in conformity with cotton stores shall be built and maintained;
 - (f) prescribing or prohibiting methods of packing raw cotton any prescribing the maximum weight which may be packed in an one bag;
 - (g) prescribing or prohibiting the types of container used in transporting raw cotton;

- (h) regulating the weighing of raw cotton;
 - (i) regulating the ginning of raw cotton;
 - (j) regulating the purchase, receipt, storage, sale, disposal and export of cotton lint and cotton seed;
 - (k) regulating and prescribing powers, duties, functions, responsibilities and remuneration of officers, employees and agents of the Board and of cotton inspectors;
 - (1) prescribing the fee for any service to be rendered by the Board to ginners, growers and other persons;
 - (m) regulating the submission of returns by ginneries, growers, agents and other persons engaged in the cotton industry.
- (2) Subject to the provisions of subsection (3) no by-laws shall be made under this section which in any way conflict with any regulations made under section 36.
- (3) No by-law made or purported to have been made under this section shall be invalid or unenforceable by reason only of the fact that the matter provided for or intended to be provided for by such by-law can only be provided for by regulations made under section 32 and every such by-law shall be deemed to have lawfully made under this section and shall take effect accordingly.

PART VII

REPEAL AND CONSEQUENTIAL PROVISIONS

39. In this Part unless the context otherwise requires-
"the effective date" means the date on which this Act comes into operation;

Construction

"the Authority" means the Tanzania Cotton Authority established by the Cotton Industry Act, 1973;

"the repealed enactment" means the Act repealed by section 39.

Acts, 1973
No. 3
and dissolution
of
Authority
Repeal
Acts 1973
No.3

40. Subject to the provisions of this Part the Cotton Industry Act, 1973 is hereby repealed; and with effect from the effective date the Authority shall be deemed to have been dissolved.

41.-(1) With effect from the effective date, as the Minister determines, the assets and liabilities,; of the Authority shall vest in such person or body of persons as the Minister shall, after consultation with the Minister for the time being responsible for finance, prescribed.

Transfer of
assets and
liabilities

(2) The Minister shall, not later than twelve months from the effective date by order published in the *Gazette*, specify the manner and the person or body of persons in which, and the date upon which any asset or liability of the Authority shall be vested.

42.-(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 securities)-

Construction
of certain
instruments

- (a) to which the Authority is!-. 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 Authority; 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 Authority,

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

(2) Every instrument to which this section applies shall, by virtue of this section continue in full force and effect and the Board shall by this Act-

- (a) be substituted for the Authority as a party thereto;
 - (b) be entitled to receive and enforce payment of, any money payable thereunder;
 - (c) be entitled to obtain a transfer, conveyance or assignment of, and enforce Possession of, any property which is to be transferred, conveyed or assigned thereunder;
 - (d) be liable to make payment of any money payable thereunder; or
 - (e) be liable to transfer, convey or assign any property which is to be transferred, conveyed or assigned thereunder, as the case may be.
- (3) The Minister may, by order published in the Gazette, exempt instrument as aforesaid or any class or category of such instruments.

Special provisions relating to funds

43. All funds of the Authority established by the Cotton Industry Act, 1973, shall be wound up and shall be paid into and form part of the general revenue of the Board or, where the Minister so directs, any corresponding fund established by the Board.

Savings and transitional provisions

44. Notwithstanding the repeal of the repealed enactment-

- (a) all rules, directions and orders issued, made or given under the repealed enactment shall be deemed to be regulations, by-laws, directions and orders issued, given or made under this Act, and shall, subject to the provisions of this Act relating to penalty for any contravention, remain in force and apply, *mulatis mutandis*, until revoked by regulations, by-laws, orders or directions issued, given or made under this Act:

Provided that this paragraph shall not apply to any rule, direction or order which is inconsistent with any Provisions of this Act;

- (b) all permits, licences, certificates, authorities, and appointments issued, granted or made under any provisions of any of the repealed enactment shall remain valid and continue in effect as a permit, licence, certificate, authority or appointment issued, granted or made under the corresponding provision of this Act:

Provided that any such permit, licence, certificate, authority or appointment may at any time be revoked by the Board having power under this Act to issue, grant or make the same.

45. The Minister may, by order published in the Gazette, at any time before the expiry of twelve months from the effective date, make such further consequential, transitional and supplementary provisions as he may consider necessary consequent upon the repealed enactments and the dissolution of the Authority.

Minister may make further consequential provisions

SCHEDULE

(Section 3 (3))

composition

1.-(1) The Board of Directors shall consist of the following members-

- (a) a Chairman who shall be appointed by the President;
- (b) not more than ten other members appointed by the Minister to represent-
 - (i) the Ministry for the time being responsible for agriculture;
 - (ii) the Board of External Trade-;
 - (iii) the Ministry for the time being responsible for finance;
 - (iv) the Ministry for the time being responsible for communications and transport;
 - (v) Jumuiya ya WASHIRIKA Tanzania (two members);
- (c) not more than four other members to be appointed by the Minister.

(2) The members of the Board of Directors shall elect a Vice-Chairman, from amongst their number, who shall hold office for so long as he remains a member.

(3) A member shall, unless his appointment is sooner determined by the Minister, or he otherwise ceases to be a member, hold office for such period as the Minister may specify in 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;

Provided that 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

(4) Any member may at any time resign by giving notice in writing 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 Minister, he shall cease to be a member.

(5) The members appointed under paragraph I (b) and (c) shall be persons who in the opinion of the Minister are experienced in the production and marketing of cotton or cotton products, in financial matters, in Public administration or in matters relating to economic planning and development.

(6) The Board of Directors may, with the approval of the Minister, appoint any member of the Board or any officer of the Board or any public officer to be the Secretary of the Board.

2. If a member is unable for any reason to attend a meeting, the body or the Ministry, as the case may be which he represents, may, in writing nominate another person in his place for the purpose of that meeting.

Absent members to be replaced at meetings

3 Where any member ceases to be a member for any reason before the expiration of his term of office, the Minister shall appoint another person in his place and the person so appointed shall hold office for the remainder of the term of office of his predecessor.

Casual vacancies

- Meetings** 4.—(1) An ordinary meeting of the Board of Directors shall be convened by the chairman and the notice specifying the place, date and time of the meeting shall be sent to each member at his usual place of business or residence not less than fourteen days before the date of such meeting. In case the chairman is unable to act by reason of illness, absence from Tanganyika, or other sufficient cause, the vice-chairman may convene such meeting.
- (2) The chairman, or in his absence, the vice-chairman, shall be bound to convene a special meeting of the Board of Directors upon receipt of a request in writing in that behalf signed by not less than three members of the Board. Not less than fourteen days notice of such meeting shall be given to all members to the Board in the manner prescribed in sub-paragraph (1).
- (3) The chairman, the vice-chairman, or the temporary chairman elected in accordance with the provisions of paragraph 5 (2) presiding at any meeting of the Board of Directors may invite any person who is not a member to participate in the deliberations of the Board, but any such person shall not be entitled to vote.
- Procedure** 5.—(1) One-half of the total number of the members of the Board of Directors, of seven members, whichever is the lesser number, shall form a quorum for a meeting of Board.
- (2) In the absence of the chairman from a meeting of the Board of Directors the vice-chairman shall preside. In the absence of both the chairman and the vice-chairman from any meeting, the members present shall elect one of their number to be a temporary chairman of that meeting.
- (3) At any meeting of the Board a decision of the majority of the members present and voting shall be deemed to be a decision of the Board. In the event of an equality of votes the chairman of the meeting shall have a casting vote in addition to his deliberative vote.
- Minutes of meetings** 6. Minutes in proper form of each meeting of the Board of Directors shall be kept and shall be confirmed by the Board at the next meeting and signed by the chairman of the meeting.
- The Seal of the Authority** 7. The seal of the Authority shall not be affixed to any instrument except in the presence of the General-Manager or the Secretary and one member of the Board of Directors.
- Vacancies, etc., not to invalidate proceedings** 8. Subject to the provisions of paragraph 5 relating to quorum, the Board of Directors may act notwithstanding any vacancies in the membership thereof and no appointment of a person who purports to be a member thereof.
- Orders, directions, etc.** 9. All orders, regulations, directions, notices or documents made or issued by the Board or the Board of Directors shall be signed by—
- (a) the General-Manager; or
- (b) any member of the Board or other officer of the Board authorized in writing by the General-Manager in that behalf.
- Board may regulate its own proceedings** 10. Subject to the provisions of this Schedule the Board of Directors shall have power to regulate its own proceedings.

Passed in the National Assembly on the Thirty-first day of October, 1984.


Clerk of the National Assembly