

THE UNITED REPUBLIC OF TANZANIA



No. 20 OF 1984

I ASSENT.

Julius K. Nyerere

President

14th January 1984

An Act to repeal and re-enact with modifications the Tobacco Industry Act, 1972, to establish the Tanzania Tobacco Processing and Marketing Board in the place of the Tobacco Authority of Tanzania for the purpose of processing, marketing and exporting tobacco and for connected matters

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Tanzania Tobacco Processing and Marketing Board Act, 1984 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 requires otherwise—

Interpretation

“Board” means the Tanzania Tobacco Processing and Marketing Board established by section 3(1) of this Act;

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

“tobacco” means the leaves of a plant of a species of Nicotian used for purpose of smoking, chewing or as snuff, and includes tobacco products;

“tobacco buyer” means a person licensed as such under the provisions of Part IV of this Act and includes the Board;

“tobacco inspector” means an inspector of tobacco appointed by the Board in accordance with the provisions of this Act;

“the Director” means a person in the employment of the Ministry of Agriculture who is in charge of all extension and technical services within the Ministry for the time being responsible for agriculture;

Acts 1982
No. 14

-export" means export outside Tanzania;

" grower" means any person who grows tobacco plants;

"member" in relation to the Board of Directors means a member of the Board of Directors and includes the Chairman of the Board of Directors;

"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 under this Act or regulations made under this Act;

"subsidiary " means prescribed either under this Act or regulations made Societies Act, 982;

"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 the 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 the 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 owned by the second or another subsequent subsidiary.

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

(3) The Director may, subject to such limitations and restrictions as he may determine, by order published in the *Gazette*, delegate all or 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*, and a licensing authority shall have jurisdiction over such area as may be specified in the notice.

(5) Where an order or direction made or given by the Director or the Board under the provisions of this Act is not expressly, required by that provisions to be published in the *Gazette*, such order or direction shall be brought to the notice of a person affected or likely to be affected thereby in such manner as the Director or, as the case may be, the Board 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 to offence against this Act, shall, unless the context requires otherwise include an offence under any subsidiary legislation made under this Act,

(7) The Board shall, for the purposes 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 (processing, selling, exporting or otherwise) dealing in any description of tobacco and products thereof.

PART II

TANZANIA TOBACCO PROCESSING AND MARKETING BOARD

3.-(1) There is hereby established a board which shall be known as the Tanzania Tobacco Processing and Marketing Board.

Establishment of 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 be order in the Gazette, amend, add to, vary or replace the Schedule to this Act.

4. The Board shall be body, corporate with perpetual succession and a common seal and shall capable law of suing and being sued in its corporate name, of purchasing holding, alienating managing and disposing of any propriety whatsoever, whether movable, whether movable 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 other written law.

A Board to be a body corporate

5. The functions of the Board shall

(a) to regulate and control the marketing and export of tobacco and to secure the most favourable arrangements for the marketing and export of tobacco,

Functions of Board

(b) to purchase from Co-operative Union, all tobacco produced in Tanzania at price by the Board and approved by the Minister;

(c) to advise the Government on all matters affecting the tobacco industry and its marketing.

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

(a) to control and fix the prices to be paid from time to time for tobacco which is to be exported held 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 tobacco and processing it for use in industries in the United Republic;

(c) to provide facilities for, the inspection, classification and grading of tobacco;

(d) to undertake finance or provide facilities for research in the production, marketing and uses of tobacco;

- (e) to acquire by agreement and hold interest in any company or firm carrying on business concerned directly with tobacco;
 - (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 whether or not that business relates to tobacco;
 - (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 tobacco farmers and co-operatives and payment of prices therefor;
 - (b) to do all things necessary for, incidental to or in connection with the delivery, receipt, storage, sale, disposal, export, transport or shipping of tobacco.

Order and direction of the Board

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

Minister may give directions to the Board

7. The Minister may give Board of Directors 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 TOBACCO AND TOBACCO PRODUCTS

Purchases and sale of tobacco and tobacco products

8. Subject to any direction by the Minister in that behalf payment for any quantity of tobacco or tobacco products purchased by the Board for export or re-sale 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 payment for any quantity of tobacco or tobacco seed for export or re-sale 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 on export or on domestic re-sale, as the case may be.

Appointment of tobacco inspectors

9. The Board shall have power to appoint fit and proper persons to be tobacco inspectors who shall have and exercise powers generally to supervise the arrangements for the purchase and export of tobacco and tobacco products by the Board, and who, without prejudice to the gene-

rality of the foregoing power, shall have and exercise such other powers including the inspection of tobacco plants, the taking of samples and the certifying of weight and qualities of tobacco products as are provided for in this Act or as may be prescribed.

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

Methods
of sale of
tobacco
and
tobacco
seeds

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

(3) Licences under subsection (2) may be issued in respect of either tobacco leaves or tobacco products 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 tobacco or tobacco products from the Board-

- (a) unless he is in possession of a 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 licence 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 tobacco or tobacco product 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 32 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 sale

12.-(1) No person shall-

- (a) export any tobacco or tobacco products otherwise than on behalf of the Board; or
- (b) in any manner whatsoever, exchange or barter, or make any agreement for the exchange or barter of any tobacco or tobacco products with any person other than the Board; or
- (c) purchase, sell or dispose of any tobacco products otherwise than in accordance with the provisions of this Act.

Restriction
on
purchases
and export
of tobacco
and
tobacco
products

(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.

Contra-
vention 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 condition of a licence granted under section 10, shall be guilty of an offence

PART IV

ADMINISTRATION OF AND FINANCIAL PROVISIONS RELATING TO, THE BOARD

Appoint-
ment 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 recommendation of the Board of Directors and advice 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 a 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 term, 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, 1962, 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

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

Remuneration and allowance of Directors and members

17. The Board of Directors may,-

- (a) grant gratuities or other retirement allowances or benefits 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.

Super-annuation benefits

18.-(1) Subject to subsection (5) the Board of Directors may, from time to time, by writing under the seal of the Board delegate, subject to such term,, conditions and restriction 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, exercise by the delegate subject to the terms, conditions and restriction, specified in the writing,

Agents and contractors

(2) Any delegation under subsection (1) may be made to the holder of an office under the Board specifying the office but without naming the holder, and in a very 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 of Directors may revoke a delegation made by it under this section.

(4) No 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.

(5) 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.

19. (a) The share capital of the Board shall be 200,000,000 Shs. divided into 2,000,000 ordinary shares of one hundred each.

Board to have share capital

(b) The Board shall issue to the Treasury Registrar all the shares issued.

Treasury Registrar to hold the shares on behalf of the Government

20. 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

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

Share certificate

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

Reserve and special funds

23. The Board of Directors may, if so directed by the Minister, establish and maintain such reserve or special funds of the Board as the 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 of by the Minister, as the Minister may direct.

Establishment of tobacco price Stabilization Fund

24.-(1) Without prejudice to the generality of section 23 the Board shall establish and maintain a Tobacco Price Stabilization Fund.

(2) The Tobacco Price Stabilization Fund shall consist of-

- (a) such sum or sums as may accrue to that Fund from time to time by way of interest or dividend.
- (3) (a) Subject to the provisions of paragraphs (b), (c) and (d) of this subsection the Tobacco Price Stabilization Fund may be applied by the Board for the maintenance of prices to be paid for tobacco 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 Tobacco 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 Tobacco 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 Tobacco 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 tobacco; 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;
- (c) the National Assembly may from time to time on application being made by the Board in that behalf allocate to the Board from the Tobacco Price Stabilization Fund such sum or sums as it may think fit and any sum or sums so allocated shall form part of these funds and resources of the Board.

25. With the prior approval of the Minister, 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

26.-(1) With the prior approval of the Minister 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.

2.-(1) Subject to subsection (2) —

"financial year" in this Act means any period not exceeding twelve consecutive months designated by the Board of Directors as the accounting period of the Board.

Annual and supplementary budget

(2) Not less than two months before the beginning of every financial year, the Board of Directors shall, at a meeting pass a detailed budget (in this Act called the "annual budget") of the months respectively-

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

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

(4) Forthwith upon passing any annual budget the Board of Directors shall submit to the Minister for his approval the annual budget or, as the case may be, the 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 consider fit.

(6) Where the Minister approves any annual or supplementary budget, with or without amendment, the budget as approved by him, shall be binding in the Board of Directors which, subject to subsection (7), shall confine the disbursements of the Board within items and amounts contained in the applicable estimates as approved by the Minister.

(7) The Board may:--

- (a) with the sanction in writing of the Minister, make disbursement notwithstanding that disbursement is not provided for in the budget;
- (b) adjust expenditure limits to take into account of circumstances not reasonably foreseeable at the time the budget was prepared, subject to submitting a supplementary budget to the Minister within two months of the alteration of the expenditure limits become necessary.

Accounts and Audit

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

- (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 Board and all its assets and liabilities.

Acts, 1968
No. I

(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.

(3) As soon as the accounts of the Board have been audited, and in any case not later than 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 shall 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 report thereon submitted pursuant to subsection (3) the Minister shall lay a copy of same before the National Assembly.

PART V

MISCELLANEOUS PROVISIONS

Liability of members, etc.,
Cap. 16
Acts, 1970
No. 7

29. Without prejudice to the provisions of section 284A of the Penal Code or the Specified Officers (Recovery of Debts) Act, 1970, no act or thing done, or omitted to be done, 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 any such person to any action, liability or demand whatsoever.

Powers of entry, inspection, etc.

30.-(1) The Director or a tobacco inspector may, at any reasonable hour of the day, enter any place where tobacco is grown, processed, packed or stored or where any tobacco or tobacco product 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 tobacco inspector may, for the purpose of securing compliance with the provisions of this Act or of any regulations, by-laws, order or directions, take samples of any raw tobacco, tobacco products found in or on any 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 tobacco inspector in the exercise of the powers conferred upon him by this section, or who neglects or refuses to produce to the Director or tobacco inspector any book or record which the Director or tobacco inspector may request to be produced for his inspection shall be guilty of an offence.

31. If any person adds or causes or permits to be added any foreign or extraneous matter to any tobacco or tobacco product shall be guilty of an offence. Adulteration of tobacco

32.—(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 permit used for the storing, ginning, baling or sale of raw tobacco lint or tobacco seed. Carrying on trade upon premises used for storage of tobacco

(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.

33. Any person guilty of any offence for which no specific penalty is provided under this Act shall be liable to a fine not exceeding twenty thousand shillings. General penalty provision

34. Without prejudice to any specific provision in this Act, if the holder of any licence or permit issued under the provisions of this Act is convicted of an offence against any provision of this Act, the licence or permit, as the case may be, shall be revoked. General power of revocation of licences 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 these 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

PART VI

DISSOLUTION OF THE TANZANIA TOBACCO AUTHORITY, REPEALS AND CONSEQUENTIAL PROVISIONS

36. In this part, unless the context otherwise requires—
“the Tobacco Authority” means the Tanzania Tobacco Authority established by the Tanzania Tobacco Authority Act, 1972. Construction

-the effective date" means the date on which this Act comes into operation.

Repeal

37. Subject to the provisions of this part, the Tobacco Industry Act, 1972 is hereby repealed; and with effect from the effective date the Tobacco Authority shall be deemed to have been dissolved.

Transfer of assets and liabilities

38. (1) With effect from the effective date, as the Minister determines, the assets and liabilities of the Authority shall rest in such persons as the Minister shall, after consultation with the Minister for the time being responsible for finance, prescribe.

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

Construction of certain instruments

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

- (a) to which the Authority 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 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 to be in full force and effect and the Board shall by this Act—

- (a) be substituted for the Authority as the party thereto;
- (b) be entitled to receive and enforcement 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.

Savings and transitional provisions

40. Notwithstanding the repeal of the repeated enactment-

- (a) all rules, directions and orders issued, made or given under the repealed enactment shall be deemed to be regulating 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 mutatis mutandis, until revoked by regulations, by-laws, orders, or directions issued, granted or made under this Act:

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

- (b) all permits, licences, authorities and appointments issued, granted or made under any provision of the repealed enactment shall remain valid and continue in effect as 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.

41. The Minister may at any time within eighteen months of the commencement of this Act, by order in the *Gazette*, make such further transitional and saving provisions as may be desirable for the better carrying out of the provisions of this Act.

The Minister may make further consequential provisions

SCHEDULE

(Section 3(3))

1.-(1) The Board of Directors shall consist of-

- (a) a Chairman, who shall be appointed by the President;
- (b) a representative of the Ministry for the time being responsible for agriculture;
- (c) two members nominated by WASHIRIKA;
- (d) representative of Treasury;
- (e) representative of Co-operative and Rural Development Bank, and
- (f) five other members to be appointed by the Minister.

Composition of the Board

(2) The members appointed under paragraph I(1) (b), (c), (d), (e) and (f), shall be persons who in the opinion of the Minister, are experienced in the production, processing or marketing of tobacco or tobacco products, in financial matters, in public administration or matters relating to economic planning or development.

(3) The Board of Directors may appoint any employee of the Board to be the Secretary of the Board or Directors.

2. The members of the Board of Directors shall elect one of their number to be its Vice-chairman, 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 his election, and shall be eligible for re-election.

Vice-President

3.-(1) A member of the Board of Directors shall, unless his appointment is sooner terminated by the appointing authority, or he ceases in any other way to be a member, hold office for the period specified by the appointing authority 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 of the Board of Directors may, at any time resign his office by giving notice in writing addressed to the appointing authority, 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 appointing authority, he shall cease to be a member.

- Appointment of temporary member** 4. If any member of the Board of Directors is, by reason of absence from the United Republic or illness or other sufficient cause unable to perform his duties as a member, the appointing authority may appoint a temporary member in his place, and the temporary member shall hold office until the resumption of duty of the substantive member or until the term of office of the substantive member expires, whichever occurs first.
- Meetings of the Board of Directors** 5.—(1) The Board of Directors shall ordinarily meet for the transaction of business at such times and places as it may decide upon, but it shall meet at least once in every three months.
- (2) The Chairman, or in his absence the Vice-Chairman, may at any time call a special meeting of the Board of Directors, and shall call a special meeting upon a written request by a majority of the members in office.
- (3) The Chairman, or in his absence the Vice-Chairman, shall preside at every meeting of the Board of Directors. In the absence of both the Chairman and the Vice-Chairman, the members present shall appoint a member from amongst themselves to preside over the meeting.
- Quorum** 6. The quorum at a meeting of the Board of Directors shall be half of all the members.
- Decisions of the Board of Directors** 7.—(1) Questions proposed at a meeting of the Board of Directors shall be decided by a majority of the votes of the members present and voting and in the event of an equality of votes the person presiding shall have a second or casting vote.
- (2) Notwithstanding sub-paragraph (1), a decision may be made by the Board of Directors 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, but any member shall be entitled to require that the decision be deferred and the subject-matter be considered at a meeting of the Board of Directors.
- Minutes of meetings** 8. The Board of Directors shall cause to be recorded and kept minutes of all proceedings of its meetings, and the minutes of each meeting shall be confirmed by the Board of Directors at the next meeting and be signed by the Chairman of the meeting.
- Vacancies etc., not to invalidate proceedings** 9. The validity of any act or proceeding of the Board of Directors shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.
- Execution of contracts, etc.** 10.—(1) The application of the official seal of the Board shall be authenticated by two signatures, namely—
- (a) the signature of the Chairman of the Board of Directors or some other member of the Board of Directors, other than the General-Manager, authorized by the Board of Directors in that behalf; and
- (b) the signature of the General-Manager or some other employee of the Board authorized by the Board of Directors to act for that purpose in place of the General-Manager.
- (2) Any instrument or contract which, if executed or entered into by a person other than a body corporate, would not require to be under seal, may be executed or entered into on behalf of the Board by the General-Manager or any other member of the Board of Directors if that member has previously been authorized, either specifically or generally by resolution of the Board of Directors, to execute or enter into that particular instrument or contract or that class of instruments or contracts.
- (3) Every document purporting to be a document executed or issued by or on behalf of the Board and to be—
- (a) sealed with the official seal of the Board authenticated in the manner provided by sub-paragraph (1); or
- (b) signed by the General-Manager or by a member of the Board of Directors authorized in accordance with sub-paragraph (2) to act for that purpose, shall be deemed to be so executed or issued until the contrary is proved.

No. 20 Tanzania Tobacco Processing and Marketing Board 1984

15

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

Board of
Directors
may
regulate
its own
proceedings

Passed in the National Assembly on the First day of November, 1984.


Clerk of the National Assembly

