



No. 11 OF 1993

I ASSENT

President

22/9/93

An Act to amend certain written Laws pertaining to Crop Marketing Boards.

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Crop Boards (Miscellaneous Amendments) Act, 1993. Short title

PART II

AMENDMENT OF TANZANIA COTTON MARKETING BOARD ACT, 1984 Construction Acts 1984 No. 19

2. This part shall be read as one with the Tanzania Cotton Marketing Board Act, 1984. (In this Act referred to as the "Principal Act".)

3. The principal Act is generally amended by deleting all references to title "Cotton Marketing Board" and substituting for it the title "Tanzania Cotton Lint and Seed Board". Amendment of the Title

4. Sections 2 of the principal Act, is amended by deleting subsection (7). Amendment of Section 2

Repeal and
Replacement
of Section
5 and 5A

5. Sections 5 and 5A of the principal Act are hereby repealed and replaced by the following:—

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

- (a) to regulate and control the quality and marketing of cotton lint and seed cotton at processing and marketing level;**
- (b) to advise the Government on all matters pertaining to cotton production and marketing;**
- (c) to collect, refine, and disseminate information concerning cotton and promote its use, development and improvement of cotton industry;**
- (d) to purchase, acquire, or otherwise deal in, cotton lint or cotton seed for export, ginning or resale within the United Republic;**
- (e) to carry out such other functions in relation to the cotton industry as the Minister may from time to time direct.**

(2) Without prejudice to the generality of subsection (1) and subject to any special or general direction of the Minister, the Board shall have the power:

- (a) to permit buyers and exporters of cotton lint, seed cotton, operators of ginneries and to determine the qualifications and conditions for the granting of such licenses;**
- (b) to issue export permits for cotton lint and to determine the conditions for the granting of such permits;**
- (c) to establish quality standards for seed cotton and Cotton lint and to ensure the compliance of such standards by persons licensed hereinunder;**
- (d) to determine the manner and quantity of seed cotton which any ginnery or owner of seed cotton shall retain for the purpose of planting having regard to geographical location;**
- (e) in liaison with producers to represent the Government and producers at all international fora relating to or dealing with the Cotton Industry.**

Repeal and
replacement
of section 8

6. Section 8 of the principal Act is hereby repealed and replaced by the following:

“8. Subject to the provisions of the Act, any person may purchase cotton lint for the purposes of export or re-sale within the United Republic.

Amendment
of Section
9

7. Section 9 of the principal Act is amended by deleting that provision and substituting for it the following provision:

“9. The Board shall have power to appoint fit and proper persons to be inspectors who shall have and exercise powers generally to supervise the purchase, ginning and export of cotton lint and cotton seed and who, without prejudice to the generality of the foregoing power, shall have and exercise such other powers, including the inspection of seed cotton, cotton ginneries and cotton stores, the taking of cotton samples, and the certifying of weights and qualities of seed cotton, cotton lint and cotton seed, as are provided for in this Act or as may be prescribed”.

Repeal and
replacement
of Section
10

8. Section 10 of the principal Act is hereby repealed and replaced by the following provision:

“10(1) Licences granted under this Act by the Board, shall be:

- (a) in the prescribed form;**
- (b) valid for a specified period;**
- (c) subject to such terms and conditions as may be prescribed or**

endorsed therein;

(d) issued subject to the payment of fees as may be prescribed by the board.

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

(3) Any person aggrieved by the decision of the Board canceling or suspending his permit under subsection (2), may appeal to the Minister.

9. Section 11 of the principal Act is hereby repealed.

Repeal of
Section 11

10. Section 12 of the principal Act is hereby repealed and replaced by the following provision:

Repeal and
replacement
of Section
12

12. No person shall in any manner whatsoever—

- (a) exchange or barter, or enter into any agreement for exchange or barter of seed cotton or cotton lint or
- (b) purchase, sell, export or dispose of any cotton seed or cotton lint, unless he applies and obtains a permit from the Board in accordance with the provisions of section 5 (2).

Provided that, co-operative societies or unions engaging in the marketing of agricultural crops prior to the commencement of this Act, shall be deemed to have been granted permit under section 5(2)(a).

11. Section 25 of the Principal Act is hereby repealed.

Repeal of
Section 25

13. The schedule to the Tanzania Cotton Marketing Board is hereby amended by deleting sub-item (v) of item 1(1)(b).

Amendment
of the
Schedule

PART III

AMENDMENT OF THE COFFEE MARKETING BOARD ACT, 1984

14. This part shall be read as one with the Coffee Marketing Board Act, 1984 (In this Act referred to as the "principal Act".)

Construction
ACTS 1984
No. 18

15. The principal Act is hereby amended generally by deleting the word "Marketing" wherever it appears with the title "Coffee Marketing Board".

Amendment
of the
Title

16. Section 4 of the principal Act is hereby repealed and replaced by the following provision:

Repeal and
replacement
of section 4

"4(1) The functions of the Board shall be:—

- (a) to regulate and promote the quality, marketing and export of coffee and its by products;
- (b) to advise the Government all matters affecting coffee production and marketing;

- (c) to own, sell or otherwise purchase coffee from producers, trull, store, cure or otherwise process, store, transport coffee for domestic or export marketing;
- (d) to carry out such other functions in relation to marketing as the minister may from time to time direct.

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

- (a) license buyers and exporters of coffee and operators of coffee processing plants upon such terms and conditions as the Board may impose;
- (b) to issue export permits for raw and processed coffee upon such terms and conditions as the Board may impose;
- (c) to establish quality standard for coffee and to ensure adherence of such standards by persons so licensed;
- (d) to collect, refine and disseminate information concerning coffee and promote its use for the improvement and its use for the improvement and development of coffee industry;
- (e) in liaison with producers to represent the Government and producers at all international forms relating to or dealing with the coffee industry.

(3) Licenses granted under this Act by the Board shall be:

- (a) in the prescribed form;
- (b) valid for a specified period;
- (c) subject to such terms and conditions as may be prescribed or endorsed therein;
- (d) issued subject to payment of fees as may be prescribed by the Board.

(4) The Board may cancel or suspend a license if the licensee fails to comply with terms and conditions of his licence or for good and sufficient cause or suspension as the case may be in addition to a penalty to which licensee may be liable under this Act.

(5) Any person aggrieved by the decision of the board canceling or suspending his permit, may appeal to the Minister.

Repeal and replacement of section 7

17. Section 7 of the principal Act, is hereby repealed and replaced by the following:

"7. Subject to the provisions of this Act any person or body of persons may own coffee until its is sold or otherwise purchase Coffee from producers; hull or cure, store or transport coffee for domestic or export marketing".

Amendment of section 8

18. Subsection 3 of the Section 8 of the Coffee Marketing Board is amended in the last paragraph by deleting the words "five thousand" and substituting for them the words "one hundred thousand".

Repeal of section 21

19. Section 21 of the Coffee Board Act, 1984 is hereby repealed.

Amendment of section 29

20. Section 29 is amended in subsection (2) by deleting the words "two thousand" and substituting for it, the words "fifty thousand".

Amendment of section 30

21. Section 30 is amended by deleting the words "five thousand" and substituting for them the words "one hundred thousand".

22. Section 37 of the Coffee Board Act, 1984 is amended:—Amendment
of section 37

- (i) by deleting paragraphs (a) and (b) of subsection (2); and
- (ii) by renumbering paragraphs (c), (d) up to (j) as (a), (b), (c), (d), (e), (f), (g) and (h) respectively.

23. The Schedule to the Coffee Board Act is amended:—

- (i) by deleting sub-item (c) of kitem 1(1); and
- (ii) renumbering sub-items (d), (e) and (f) as (c), (d) and (e) respectively.

PART IV**AMENDMENT OF TANZANIA TOBACCO PROCESSING AND MARKETING BOARD ACT, 1984**

24. This part shall be read as one with the Tanzania Tobacco Processing and Marketing Board, Act, 1984. (In this Act referred to as the "principal Act".

Construction
ACTS 1984

25. The principal Act is generally amended by deleting the words "Processing and Marketing" wherever it appears in the title "Tanzania Tobacco Processing and Marketing Board".

Amendment
of the
Title

26. Section 5 of the principal Act is hereby repealed and replaced by the following provisions:

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

- (a) to regulate and promote the quality, marketing and export of tobacco and secure the most favourable arrangement for the domestic sale and marketing and export of tobacco abroad;
- (b) in lison with producers to represent the Government and producers at all international fora relating to or dealing with tobacco industry;
- (c) to purchase, acquire, sell or otherwise process tobacco, cure, store and transport for domestic or export marketing;
- (d) to advise the Government on all matters affecting tobacco industry.
- (e) to carry out such other functions in relation to marketing as the Minister may from time to time direct.

(2) In particular and without prejudice to the generality of the foregoing provisions of subsection (i) and subject to any specific or general direction of the Minister, the Board shall have power to:

- (a) license buyers and exporters of Tobacco and operators of Tobacco processing factories;
- (b) to issue export permits for raw and processed tobacco upon terms and conditions as the Board may impose;
- (c) to establish quality standards for tobacco and to ensure adherence of such standards by the licensed persons;
- (d) to collect, refine and disseminate information concerning tobacco and promote its use for the improvement and development of Coffee industry;

(3) Licences granted under this Act by the Board, shall be:

- (a) in the prescribed form;
- (b) valid for a specified period;
- (c) subject to such terms and conditions as may be prescribed or endorsed therein;
- (d) issued subject to the payment of fees as may be prescribed by the Board.

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

(5) Any person aggrieved by the decision of the board canceling or suspending his permit under subsection (1), may appeal the Minister.

Repeal and replacement of section 8

27. Section 8 of the principal Act is hereby repealed and replaced by the following provision:

"8 Subject to the provisions of this Act, any person or body of persons may own tobacco until it is sold or otherwise purchase tobacco from producers, cure, store, transport for domestic or export marketing".

Amendment of section 10

28. Section 10 of the principal Act is amended:—

- (i) by deleting subsection (1), (2) and
- (ii) by renumbering subsection (3) up to (6) as (1), (2), (3) and (4) respectively.

Repeal of section 11

29. Section 11 of the principal Act is hereby repealed.

Repeal and Replacement of section

30. Section 12 of the principal Act is hereby repealed and replaced by the following provision:

"12 Any person or body of persons may, subject to the provisions of this Act;

- (a) export tobacco or tobacco products; or
- (b) exchange or barter or make agreement for the exchange or barter of tobacco products; or
- (c) purchase, sell or dispose of any tobacco products.

Repeal of section 13

31. Section 13 of the principal Act is hereby repealed.

Repeal of section 24

32. Section 24 of the principal Act is hereby repealed.

Amendment of the Schedule

33. The Schedule to the principal Act is amended:—

- (i) in sub-item (c) of item 1 (1) by deleting the expression "nominated by washirika" and substituting for it the expression "representing cooperative movements".

PART V

AMENDMENT OF THE CASHEWNUT MARKETING BOARD ACT, 1984

Construction ACTS 1984 No.

34. This part shall be read as one with the Tanzania Cashewnut Marketing Board, Act, 1984. (In this Act referred to as the "principal Act".)

Amendment of the title

35. The principal Act is generally amended by deleting all references to the title "Tanzania Cashewnut Marketing Board, and substituting for it the title "Cashewnut Board of Tanzania".

36. Section 4 of the principal Act is hereby repealed and replaced by the following provision:

"4(1) The functions of the Board shall be:

- (a) to regulate and promote the quality, marketing and export of raw and processed cashewnuts;**
- (b) to advise the Government on all matters affecting cashewnut production and marketing;**
- (c) to purchase, acquire, sell, or otherwise dispose of raw or processed cashewnuts;**
- (d) to carry out such other functions in relation to the marketing of raw and processed cashewnuts as the minister may from time to time direct.**

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

- (a) to license buyers and exporters of raw and processed cashewnuts and operators of cashewnuts processing factories and to determine the qualifications and conditions for the granting of such licenses;**
- (b) to issue export permits for raw and processed cashewnuts and to determine the conditions for granting of such permits;**
- (c) to establish quality standards for cashewnuts and to ensure the compliance of persons licensed under this sub-section with such standards;**
- (d) to present the cashewnut producers and the Government in appropriate international fora.**

37. Section 8 of the principal Act is hereby repealed and replaced by the following provision;

"8 (1) Any person or body of person may subject to the provision of this Act:—

- (a) exchange or barter, or make an agreement for the exchange or barter of raw or processed cashewnuts; or**
- (b) export raw or processed cashewnuts; or**
- (c) purchase, sell export or dispose of raw or processed cashewnuts in any manner whatsoever."**

(2) Any person who purchases, sells, exports or generally disposes of any raw or processed cashewnut in any manner whatsoever contrary to the provisions of this Act, commits an offence and upon conviction is liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

38. Section 9 of the principal Act is hereby repealed and replaced by the following provision:

"9. Licenses issued by the Board in exercise of its functions under section 4(2) shall be:

(2) The Board may cancel or suspend a permit if the permit holder fails to comply with the terms and conditions of his permit or for good and sufficient cause of suspension as the case may be in addition to a penalty to which the licence may be liable under this Act.

(3) Any person aggrieved by the decision of the Board canceling or suspending his permit under subsection (2) may appeal to the Minister.

Repeal and
replacement
of Section

Repeal of
Section

- (a) in prescribed form;
- (b) valid for a specified period;
- (c) subject to such terms and conditions as may be prescribed or endorsed on the license;
- (d) issued subject to the payment of fees.

Repeal of
Section 10

39. Section 10 of the principal Act is hereby repealed.

Amendment
of Section
16

40. Section 16 of the principal Act, is amended:—

- (i) in subsection (1) by inserting the words “or any public Corporation” immediately after the words “subsidiary company” which appears at the fifth line of that provision.
- (ii) by deleting paragraph (b) of subsection (6).

41. Section 24 of the principal Act is repealed.

42. Section 35 of the principal Act, is amended by deleting the word “fifty” which appears at the third line and substituting for it the words “one hundred”.

43. The Schedule to the principal Act, is amended:—

- (i) in subsection (1) by inserting the words “of the Board” immediately after the words “subsidiary company” which appears at the fifth line of that provision.
- (ii) by deleting paragraph (b) of subsection (6).

Passed in the National Assembly on the twenty-sixth day of August, 1993.



G. F. MLAWA,
Clerk of the National Assembly