

THE UNITED REPUBLIC OF TANGANYIKA AND ZANZIBAR



No. 39 OF 1964

I ASSENT,

Julius K. Nyerere

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President

30TH JULY, 1964

An Act to make further provision for, and to confer additional powers on, the National Agricultural Products Board, to modify the Agricultural Products (Control and Marketing) Act, 1962, in relation to the Board and the Products subject to its control and Powers of Regulation, to amend the said Act Generally, and for matters connected therewith and incidental thereto

[31ST JULY, 1964]

WHEREAS, by an order made under section 3 of the Agricultural Products (Control and Marketing) Act, 1962, the Minister for Agriculture established a Board under the name of the National Agricultural Products Board for the control and regulation of maize throughout Tanganyika, and, by further orders under the said section, paddy, rice, maize flour, cashew nuts, simsim, castor, groundnuts and sunflower were added to the agricultural products subject to the Control and powers of regulation of the Board:

Acts, 1962
No. 56
G.N. 1962
No. 520
G.N. 1963
Nos. 327
and 538
and 1964
Nos. 171
and 196

AND WHEREAS it is considered appropriate and desirable that further provision should be made in relation to the Board and to agricultural products which are subject to its control and powers of regulation:

Now THEREFORE BE IT ENACTED by the Parliament of the United Republic of Tanganyika and Zanzibar.

1. This Act may be cited as the National Agricultural Products Board Act, 1964, and, subject to the provisions of section 2, shall be read as one with the Agricultural Products (Control and Marketing) Act, 1962 (hereinafter called "the principal Act").

Short title
and
construction

2. In this Act, unless the context otherwise requires-
'the Board' means the National Agricultural Products Board;
'the Minister' means the Minister for the time being responsible for commerce.

Interpreta-
tion

Agricultural products subject to Board's control

3.-(1) Notwithstanding any of the orders made under section 3 of the principal Act in relation to the Board or to any of the agricultural products set out in the Schedule to this Act, the whole of Tanganyika shall be deemed to have been declared an area in which the marketing of the said agricultural products shall be controlled and regulated and the Board shall be deemed to have been established for the control and regulation of the marketing of the said agricultural products within the whole of Tanganyika; and notwithstanding that the Board is deemed to have been established for the control and regulation of the marketing only of the said or any other agricultural products, it shall have all the powers of a Board under the principal Act:

Provided that the Board may, with the prior approval of the Minister and by order published in the *Gazette*, exclude any area or areas from the operation of its control and powers of regulation, and with the like approval and in the like manner revoke or amend any such order.

(2) Where any specified agricultural product which is subject to the control and Powers of regulation of the Board is also subject to any control or powers of regulation of any other Board established under the principal Act, and there is any conflict between the orders, directions or other instructions of the Board and those of such other Board, the orders, directions and instructions of the Board shall prevail, and where both the Board and any such other Board impose a levy on the same specified agricultural product, the imposition of such levy by such other Board shall, to that extent, be void.

Addition of further agricultural products to Board's control

4. The Minister-

- (a) shall not have power to dissolve the Board;
- (b) shall not, without the prior approval of the National Assembly signified by resolution, declare the Board to be deemed to have been established for the control and regulation of any additional specified agricultural product or remove any specified agricultural product from the control or powers of regulation of the Board:

Provided that, if the Minister is of the opinion that circumstances urgently require that the marketing of any agricultural product used for human consumption should be controlled and regulated, he may, by order under section 3 of the principal Act, declare the Board to be deemed to have been established for the control and regulation thereof, but any such order shall be subject to the approval of the National Assembly at its next meeting and, if not then approved, shall expire. The expire of such an order shall be without prejudice to the validity of anything done or suffered thereunder.

Modification of principal Act in relation to the Board

5.-(1) In relation to the Board and its powers, functions and operations, to the specified agricultural products which are subject to the control and powers of regulation of the Board and to the specification of agricultural products which it is intended shall become subject to the control and powers of regulation of the Board, the principal Act shall have effect-

- (a) as if the references therein to the Minister were references to the Minister for the time being responsible for commerce;
- (b) as if the definition "agricultural product" in section 2 thereof included "forest produce";

- (c) as if the definition "to produce" in section 2 thereof included a reference to the collection of forest produce and the definition "producer" a collector of forest produce;
- (d) as if for the approval of the National Assembly to the making of an order under subsection (1) of section 7 thereof there were substituted the consent of the Minister, and as if subsection (2) were deleted;
- (e) as if section 7A thereof were deleted;
- (f) as if the references in paragraphs (a) and (b) of the proviso to section 9 thereof to the publication of a notice under subsection (2) of section 7 were references to the publication of the order under subsection (1) of section 7 as modified by this section of this Act, as if for the period of twelve months specified in paragraph (c) of the said proviso there were substituted a period of six months, and as if the Board were empowered to extend such period in the case of contracts under which the specified agricultural product is to be exported from Tanganyika;
- (g) as if the Minister were empowered, under paragraph (b) of subsection (1) of section 10 thereof, to make orders prohibiting the import of any specified agricultural product to the like extent as he may make orders prohibiting export, as if subsection (3) of the said section referred to products which may be imported and imports in addition to products which may be exported and exports; and as if paragraph (c) of subsection (1) of section 10 were deleted;
- (h) as if for the period of one year specified in paragraph (b) of subsection (5) of section 10 thereof, there were substituted a period of six months;
- (i) as if it were provided in section 13 thereof that where a person is convicted of a second or subsequent offence under that section he shall be liable to twice the penalties prescribed by the relevant subsection, and that where a person is convicted of any offence contrary either to that Act or to this Act, the court may order that any produce in respect of which the offence was committed shall be forfeit to the United Republic;
- (j) as if the power to make regulations under section 16 thereof included power to make regulations for carrying into effect the purposes and provisions of this Act;
- (k) as if paragraph 11 of the First Schedule thereto were amended by the deletion of the words "or give directions" in the fifth line;
- (l) as if the following new, sub-paragraph were added to paragraph 19 of the First Schedule thereto:

"(3) Notwithstanding the foregoing provisions of this paragraph, decisions may be made by a Board without a meeting by circulation of the relevant papers among the members and the expression of the views of a majority thereof in writing, but any member shall be entitled to require that any such decision shall be deferred until the subject matter shall be considered at a meeting of the Board."

(2) Where any specified agricultural product is subject to the control and powers of regulation both of the Board and of some other Board, nothing in subsection (1) of this section shall-

- (a) preclude the Minister for the time being responsible for agriculture from exercising any function or power conferred on the Minister by the principal Act in relation to the production or cultivation of the specified agricultural product; or
- (b) modify the principal Act in relation to any power or function of such other Board.

Additional powers of control relating to sales, dealings, transport, storage, processing, etc.

6.-(1) In addition to the powers conferred on the Board under the principal Act as modified by this Act, the Board shall have power-

- (a) with the prior approval of the Minister, to make orders prohibiting any dealing in, barter, offer for sale, sale, purchase or hire of the specified agricultural product or its derivatives except by the Board, its agents, persons registered or licensed by the Board, or, in the case of an offer for sale or sale, the producers thereof, and restricting or controlling such activities by any person not subject to any such prohibition;
- (b) with the prior approval of the Minister, to make orders prohibiting the transport, storage or processing of the specified agricultural product or its derivatives except by the Board, its agents, persons registered or licensed by the Board or, in the case of storage, the producers thereof, and restricting or controlling such activities by any person not subject to any such prohibition;
- (c) with the prior approval of the Minister, to make orders prescribing the specifications to which any factory, building or plant for the processing or storage of the specified agricultural product or its derivatives may be erected and of any machinery installed therein, the conditions upon which the same may be erected, installed, maintained and used, and the buildings in which such machinery may be housed;
- (d) where the Board has made a compulsory marketing order, to make orders prohibiting the barter or offering for sale of the specified product in the area to which such compulsory marketing order relates except in conformity with the compulsory marketing order;
- (e) to make orders calling for the submission of returns or information relating to production, stocks, processing, transport, purchase or sale of the specified agricultural product or its derivatives,
- (f) to make orders that the specified agricultural product or its derivatives shall be stored in such conditions or manner as the Board or any person authorized in that behalf by the Board may direct:

Provided that nothing in the foregoing provisions of this subsection shall apply to the retail sale or offer for sale of the processed derivatives of the specified agricultural product in quantities not greater than those that may be prescribed or for the consumption or use of the purchaser and his household.

(2) Orders made under this section shall be published in the *Gazette* and the Board may include therein provision for any matter which, in accordance with subsection (3) or (4) of section 10 of the principal Act may be provided for in orders of the Minister under paragraph (b) of subsection (1) of that section, and the power of the Board to make exceptions and reservations hereby shall not be subject to the approval of the Minister.

(3) Paragraph (a) of section 8 of the principal Act shall apply to the powers contained in this section, and the orders made hereunder as they apply to orders made under section 6 of the principal Act.

7.-(1) The Board shall establish and maintain, in accordance with the provisions of this section, an export trading equalization fund for each specified agricultural product which is subject to its control or powers of regulation and which is exported or sold for export by the Board outside the area comprising the United Republic of Tanganyika and Zanzibar.

Export
trading
equalization
fund

(2) There shall be paid into each such fund maintained by the Board-

- (a) such sums as may be provided by Parliament;
- (b) the sum (if any) by which the proceeds from such export or sale for export of the specified agricultural product outside the said area exceeds the aggregate of the sums expended by the Board by way of purchase, expenses, costs, interest and other charges on the amount of the product so sold and exported.

(3) In addition to the sums provided for in subsection (2), the Board may, and shall if so directed by the Minister, pay into any such fund maintained for a specified agricultural product, any profit of the Board from the sale of that specified agricultural product within the said area.

(4) If in any financial year the proceeds from the export and sale for export by the Board of any specified agricultural product outside the said area are less than the aggregate of the sums expended by the Board as aforesaid on the amounts of the product so exported or sold for export, the Board shall, to the extent that there are monies available in the export trading equalization fund maintained for that product, transfer from such fund to its general funds the amount by which the aggregate of such sums exceeds the proceeds from such export and sale for export.

8. Subject to any orders made or directions given under the principal Act or this Act, any person authorized in writing in that behalf may, upon production of such authorization, require the occupier of any land or premises used for the storage, processing or packing of the specified agricultural product or its derivatives, or the person in charge of any vehicle used for its or their transport, to clean and disinfest the same, and any person so required who fails, without reasonable cause, to clean or disinfest such land, premises or vehicle shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding three months or to both such fine and imprisonment, or, in the case of a second or subsequent offence, to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Cleaning
of storage

Minimum
prices

9.-(1) The Price Controller may, with the prior approval of the Minister and by order published in the *Gazette*, fix the minimum price at which any specified agricultural product which is subject to the control or powers of regulation of the Board or any derivative thereof may be purchased at any stage of the marketing thereof.

(2) Any person who purchases any of the specified agricultural product or any derivative thereof in circumstances in which such order applies at a lesser price than, that prescribed by such order shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment or, in the case of a second or subsequent offence, to a fine not exceeding four thousand shillings or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Cap. 309

(3) In this section, "the Price Controller" means the Price Controller appointed under the Price Control Ordinance.

Amendments
to the
principal
Act

10. The principal Act is hereby amended as follows: -

(a) in section 7-

- (i) by inserting, immediately after the word "Board" in paragraph (a), and where it first occurs in paragraph (b) of subsection (3), the words "or other specified person";
- (ii) by inserting, immediately after the word "Board" where it first occurs in the second line of subsection (4), the words "or another specified person" and, where it next occurs in that line, the words and commas "or such other specified person, as the case may be,"; and
- (iii) by inserting, immediately after the word "established" in the fifth line of subsection (4), the commas and words ", or which is prescribed by the Board as the purchasing area for such specified person, as the case may be,";

(b) in subsection (2) of section 13-

- (i) by inserting, immediately after the figure '7' in the third line, the words, figure and letter "or section 7A"; and
- (ii) by deleting the words "three times the value of the specified agricultural product in respect of which the offence was committed" in the seventh and eighth lines and by substituting therefor the words "two thousand shillings"

(c) in subsection (1) of section 16-

- (i) by inserting, immediately after the word "where" in the second line of paragraph (b), the words "they have reason to believe";
- (ii) by inserting, immediately after the word "thereto" in the eighth line of paragraph (b), the comma and words ", and to weigh and count stocks of the specified agricultural product"; and
- (iii) by adding, immediately below paragraph (b), the following new paragraph: -

"(bb) empowering such officers aforesaid to stop and enter upon any vehicle which they have reason to, believe is used to transport the specified agricultural product and to exercise the like powers in respect of such vehicles as may be conferred by regulations under the preceding paragraph; and prescribing penalties for the obstruction of any such officer not exceeding the penalties prescribed in subsection (1) of section 13;"

(d) in the First Schedule thereto-

- (i) by inserting, immediately after the word "levy" in the last line of paragraph 11, the words "or to approve the annual estimates of revenue and expenditure of the annual balance sheet and accounts"
- (ii) by adding, immediately below paragraph 20, the following new paragraph: -
"20A. The Board shall keep minutes of its proceedings and shall send a copy thereof to the Minister.;"
- (iii) by inserting, immediately after the word "year" in the first line of paragraph 25 (3) the commas and words ", or at such other time as the Minister may approve,"

11. Nothing in paragraph (a) of section 5 of this Act shall be construed as prejudicing the validity of anything done under the principal Act prior to the commencement of this Act by the Minister responsible for agriculture, but where any such thing is of force and effect immediately before the commencement of this Act and was done in relation to any matter in respect of which powers are hereby conferred on the Minister for the time being responsible for commerce, it shall be deemed, from the commencement of this Act, to have been done by the latter Minister.

THE SCHEDULE

Maize
Maize flour
Paddy
Rice
Cashew Nuts
Castor
Sunflower
Groundnuts
Simsim
Soya Beans.

Passed in the National Assembly on the first day of July, 1964.


Clerk of the National Assembly