

**THE TANZANIA LIVESTOCK DEVELOPMENT AUTHORITY
ACT, 1974**

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SCHEDULE

THE UNITED REPUBLIC OF TANZANIA



No. 14 OF 1974

ASSENT,

Julius K. Nyerere
President

30TH.. JULY, 1974

An Act to establish the Tanzania Livestock Development Authority and to provide for the Promotion, Organization and Regulation of the Production, Processing and Marketing of Livestock, Livestock Products and Livestock By-products

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Tanzania Livestock Development Authority Act, 1974 and shall come into operation upon such date as the Minister may, by notice in the *Gazette*, appoint.

Short title,
commence-
ment and
application

2. In this Act, unless the context otherwise requires-
"the Authority" means the Tanzania Livestock Development Authority established by section 3;

Interpretation

"Board" means the Board of Directors of the Authority;

"by-product" includes hide, skin, bone, blood, wool, hair, feathers or horn derived from livestock and products made wholly or partly from any of the foregoing articles;

"cess" means any cess imposed under this Act;

"Director" means the Director of the Livestock Development Division of the Ministry of Agriculture;

"feeding stuff" includes water and all forms of food for livestock, whether natural or processed and whether on the range or in the form of commercial products;

"financial year" in relation to the Authority, includes the Authority's first accounting period, whether shorter or longer than a year, and, if the Authority changes its accounting year, includes any accounting period whether shorter or longer than a year, employed to give effect to the change;

"livestock" means cattle, sheep, goats and pigs, and includes poultry;

"livestock product" means any article of food for human or animal consumption derived or prepared in whole or in part from the meat, carcass or viscera of livestock, milk and eggs;

"Minister" means the Minister responsible for agriculture.

PART II

ESTABLISHMENT AND FUNCTIONS OF THE TANZANIA LIVESTOCK DEVELOPMENT AUTHORITY

- Establishment of Livestock Development Authority
3. (1) There is hereby established a body to be known as the Tanzania Livestock Development Authority which shall-
- (a) have perpetual succession and a common seal;
 - (b) in its corporate name be capable of suing and being sued;
 - (c) subject to this Act, be capable of purchasing and otherwise acquiring and of alienating any movable or immovable property.
- (2) The management and functions of the Authority shall vest in a Board of Directors.
- Constitution, procedure, etc.
- 4.-(1) The constitution, procedure and proceedings of and the appointment of officers of the Authority the Board of Directors and the appointment of officers of the Authority shall be governed by the provisions of the Schedule to this Act.
- (2) The Minister may, by order published in the *Gazette*, amend the Schedule to this Act.
- Functions of the Authority
5. (1) The functions of the Authority shall be-
- (a) to promote, organize, regulate, control and develop the production, marketing, processing, and distribution of livestock, livestock products and by-products;
 - (b) to improve the output and quality of livestock, livestock products and by-products;
 - (c) to promote and undertake market research aimed at improving the distribution and marketing of livestock, livestock products and by-products within the United Republic and the export of livestock, livestock products and by-products from the United Republic;
 - (d) to advise the Government on all matters affecting the livestock industry;
 - (e) to promote research on livestock.
- (2) The Authority, either directly or through agents, may-
- (a) raise, buy and sell livestock, livestock products and by-products;
 - (b) establish, organize, maintain, control and manage livestock markets, holding grounds, ranches and stock-routes, and provide facilities for the transport of livestock, livestock products and by-products;
 - (c) establish, maintain, control and manage abattoirs, freezing plants, cold stores, and plants for the processing and manufacture of livestock products and by-products;
 - (d) export Livestock, livestock products and by-products; and
 - (e) operate services for the grading of livestock, livestock products and by-products;
 - (f) produce, manufacture and deal in feeding stuff;

(3) The Authority shall have power to do all such acts and things as appear to it to be requisite, advantageous or convenient for or in connection with the carrying out of its functions or to be incidental or conducive to their proper discharge, and may carry on any activities in that behalf either alone or in association with any person, including the Government or a local authority.

(4) For the avoidance of doubts it is hereby declared that the provisions of subsection (3) with respect to the powers of the Authority relate only to its capacity as a body corporate and nothing in that subsection shall be construed as exempting the Authority from the provisions of any written law.

6. The Minister may give to the Board directions of a general or specific nature as to the exercise and performance by the Authority of its functions and the Board shall give effect to any such direction.

Directions
by the
Minister

7. The funds and resources of the Authority shall consist of —

Funds and
resources
of the
Authority

- (a) such sums as may be provided for the purpose by Parliament either by way of grant or by loan;
- (b) any loan granted to the Authority by the Government or any other person;
- (c) any sum or property which may in any manner become payable to or vested in the Authority as a result of the performance of its functions;
- (d) any monies raised by cess imposed by the Authority under section 12.

8.-(1) Not less than two months before the beginning of any financial year (other than the first financial year) the Board of Directors shall, at its meeting especially convened for that purpose, pass a detailed budget (in this Act called "the annual budget") of the amounts respectively-

Annual
supplemen-
tary budget

- (a) expected to be received; and
- (b) expected to be disbursed,

by the Authority during that financial year.

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

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

(4) Forthwith upon passing of any annual budget or any supplementary budget the Board of Directors shall submit same to the Minister for his approval.

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

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

(7) The Board of Directors may —

- (a) with the sanction in writing of the Minister, make a disbursement notwithstanding that such disbursement is not provided for in any budget;
- (b) from the amount of expenditure provided for in any budget in respect of any item, transfer a sum not exceeding fifty thousand shillings to any other item contained in such budget;
- (c) adjust expenditure limits to take account of commercial and climatic changes not reasonably foreseeable at the time the budget was prepared, subject to submitting a supplementary budget to the Minister within two months of such alteration of expenditure limits becoming necessary.

Reserve and special funds

9. The Board of Directors may, and shall if so directed by the Minister, establish and maintain such reserve or special funds of the Authority as the Board or the Minister may consider necessary or expedient, and shall make into or from any such funds 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.

Investment

10. 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 Authority maintained by it in such manner as the Board may deem fit.

Power to borrow

11. (1) With the prior approval of the Minister the Board of Directors may, from time to time, borrow moneys for the purposes of the Authority 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 directions by the Minister, the Board deems fit.

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

Accounts and audit

12. (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 Authority;
 - (b) the assets and liabilities of the Authority,
- 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) Not later than six months after the close of a financial year the accounts, including the balance sheet, of the Authority relating to that financial year, shall be audited by the Tanzania Audit Corporation established by the Tanzania Audit Corporation Act, 1968.

Acts 1968
No. 1

(3) The Minister shall within twelve months (or such longer period as the National Assembly may, by resolution appoint) after the close of a financial year lay before the National Assembly a copy of the audited statement of account of such financial year together with a copy of the auditor's report, if any.

13. The Board shall, within six months after the end of each financial year, make a report to the Minister on the conduct of the Authority's business during that year, and the Minister shall lay a copy thereof before the National Assembly together with a copy of the statement of account required to be laid before the National Assembly by section 12.

Report of
the
Authority

PART III

CONTROL AND MARKETING

14.-(1) The Minister may, after consultation with the Authority, order published in the *Gazette*-

Power to
make orders

- (a) provide for the control of import and export of livestock, livestock products and by-products;
- (b) provide for the control and regulation of the production, utilization and distribution of livestock feeding staff;
- (c) impose cess payable to the Authority on livestock, livestock products and by-products;
- (d) prohibit any person or class of persons from selling or disposing of any livestock, livestock products or by-products to any person other than the Authority or a person authorized in that behalf by the Authority;
- (e) provide for fees to be charged by the Authority for services rendered by it.

(2) Without prejudice to the generality of subsection (1), an order made under that subsection may be expressed to be applicable to-

- (a) the whole or any part of Tanganyika;
- (b) any category of livestock, livestock products or by-products;
- or-
- (c) any category or categories of persons.

PART IV

MISCELLANEOUS PROVISIONS

15. (1) The Minister may, after consultation with the Authority, make regulations for the better carrying out of and giving effect to the provisions and purposes of this Act and, without prejudice to the generality of the foregoing, may make regulations —

Powers to
make
regulations

- (a) providing for the licensing of any person dealing in livestock, livestock products and by-products, prescribing fees to be charged for permits and providing for the revocation or suspension of permits and for conditions to be attached to permits;
- (b) providing for the better utilization of land and water resources for the improvement of the quality and production of livestock;
- (c) prescribing minimum standards for all buildings, equipment and plants used in relation to the livestock industry;

- (d) prescribing minimum standards in respect of the quality of livestock, livestock products and by-products which may be sold for human consumption or exported and prohibiting the sale of any livestock, livestock product or by-product which does not conform to the prescribed minimum standard;
 - (v) prescribing methods of grading livestock and processing, grading, perserving and packing of livestock products and by-products;
 - (f) providing for the inspection of premises where livestock are kept or slaughtered or where livestock products or by-products are manufactured, processed or stored;
 - (g) requiring returns, reports or other information to be furnished to the Authority and prescribing the books, accounts, vouchers and records to be kept by persons dealing in livestock, livestock products and by-products;
 - (h) requiring registers to be maintained of all persons dealing in livestock, livestock products and by-products and prescribing a system of registration;
 - (i) providing for the delegation by the Authority of any of its functions;
 - (j) prescribing anything which may be prescribed under this Act or which may be required for the better carrying into effect of the provisions of this Act.
- (2) Regulations made under subsection (1) may require acts or things to be performed or done to the satisfaction of a prescribed person and may empower a prescribed person to issue orders to any other person requiring acts or things to be performed or done, imposing conditions and prescribing periods and dates upon, within or before which, such acts or things shall be performed or done or such conditions shall be fulfilled.
- (3) Regulations made under subsection (1) of this section shall provide for appeals to be made to the Minister by persons aggrieved by the Authority's decision in respect of a refusal to issue or renew a permit, the revocation or suspension of a permit or in respect of the conditions attached to a permit and shall prescribe the time and manner in which such appeals may be made.
- (4) On any appeal to the Minister under any regulations made pursuant to subsection (1) the Minister may affirm, reverse or vary the decision of the Authority or make such order as may appear to him to be necessary and just, and his decisions on any such appeal shall be final and conclusive.

Offences

16.-(1) Any order or regulation made under this Act may prescribe a penalty not exceeding a fine of fifteen thousand shillings or imprisonment for a term not exceeding two years or both such fine and imprisonment, for any contravention thereof.

(2) When any person is convicted of an offence against any order or regulation made under this Act, the court by which he is so convicted may order that any livestock, livestock product or by-product in respect of which the offence has been committed shall be forfeited to the Authority or disposed of in such manner as the court may direct.

SCHEDULE

- 1.-(1) The Board of Directors shall consist of the following members- Constitution
- (a) a chairman appointed by the President;
- (b) a Managing Director appointed by the Minister;
- (c) not less than seven and not more than ten other directors appointed by the Minister from amongst persons who are in his opinion, experienced in the livestock industry, in the production, processing or marketing of livestock, livestock products and by-products, in banking or finance, in public administration, in economic and development planning or in regional development.
- (2) The members of the Board of Directors shall, from among their number, elect a vice-chairman, who shall hold office for so long as he remains a member of the Board.
- (3) A member of the Board of Directors 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 of the Board of Directors 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.
2. The Minister may appoint any member of the Board or officer of the Authority or a public Officer to be the Secretary of the Board. Secretary
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
- 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. Meetings
- (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 five members of the Board. Not less than fourteen days' notice of such meeting shall be given to all members of 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.
- 5.-(1) One-half of the total number of the members of the Board of Directors or five members, whichever is the lesser number, shall form a quorum for a meeting of the Board. Procedure
- (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.

SCHEDULE - contd.

Decision by circulation of paper	6. Notwithstanding the provisions of sub-paragraph (3) of paragraph 5 where the chairman so directs, a decision may be made by the Board of Directors without a meeting by circulation of the relevant papers among all the members and the expression in writing of their views, 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 of Directors.
Minutes of meetings	7. 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.
Other officers	8. The Board may, subject to any directions of the Minister in that behalf, appoint such other officers of the Authority as it may determine.
The seal of the Authority	9. The seal of the Authority shall not be affixed to any instrument except in the presence of the Managing Director or the Secretary and one member of the Board of Directors.
Vacancies, etc., not to invalidate proceedings	10. Subject to the provisions of paragraph 5 relating to quorum, the Board of Directors may act notwithstanding any vacancy in the membership thereof and no act or proceeding of the Board shall be invalid by reason only of some defect in the appointment of a person who purports to be a member thereof.
Orders, directions, etc.,	11. All orders, regulations, directions, notices or documents made or issued by the Authority or the Board of Directors shall be signed by- (a) the Managing Director; or (b) any member of the Board or other officer of the Authority authorized in writing by the Managing Director in that behalf.
Board may regulate its own proceedings	12. Subject to the provisions of this Schedule the Board shall have power to regulate its own proceedings.

Passed in the National Assembly on the thirteenth day of June, 1974.

MMwindadi
Acting Clerk of the National Assembly