

THE UNITED REPUBLIC OF TANZANIA



No. 7 OF 1990

I ASSENT,

*Manawa*

President

5<sup>th</sup> June 1990

**An Act to provide for the formation of one apex organization of co-operatives within the United Republic and for matters incidental to that purpose**

[ ..... ]

WHEREAS section 14 of the Co-operative Societies Act, 1982, and section 10 of the Co-operative Societies Act, 1986 of Zanzibar, respectively provide that the co-operative movement shall be on a three tier system comprising of primary societies, secondary societies and the Apex Organization:

Act, 1982  
No. 14

AND WHEREAS section 16 of the Co-operative Societies Act, 1982, and section 8 of the Co-operative Societies Act, 1986 of Zanzibar provide that secondary societies formed under the Acts may form one Apex Organization.

AND WHEREAS the secondary societies concerned, meeting at Mbeya in September, 1986, agreed that they form one apex organization and requested the relevant authority to take legislative measures to facilitate the formation of one apex organization for the whole of the United Republic of Tanzania:

NOW, THEREFORE, this Act is enacted by the Parliament of the United Republic of Tanzania as following:

1. This Act may be cited as the National Apex Organization of Tanzania (Formation) Act, 1990 and shall come into operation on such date as the Minister may, after consultation with the Zanzibar Minister, by notice published in the Gazette, appoint.

Short title

2.—(1) This Act shall apply to Tanzania Zanzibar as well as to Tanzania Mainland.

Applica-  
tion

(2) This Act shall apply notwithstanding the provision of any other law.

(3) Where in any law rule or by-laws there is anything which is inconsistent with this Act, the provisions of this Act shall prevail.

Inter-  
pretation

3.--(1) In this Act, unless the context requires otherwise-

"Apex Organization" means the National Apex Organization of Tanzania formed in accordance with section 4 and which is referred to under the Act;

"the Act" means the Co-operative Societies Act, 1982 and the Cooperative Societies Act, 1986 of Zanzibar which are for the time being regulating the formation, constitution, registration and functioning of cooperative societies in Tanzania Mainland and Tanzania Zanzibar respectively;

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

"the Registrar" means the Registrar of Cooperative Societies appointed under the Cooperative Societies Act, 1982;

"the Zanzibar Minister" means the Minister for the time being responsible for cooperatives in Zanzibar.

(2) Where any function in relation to the Apex Organization is conferred by the Acts upon a Minister, that function shall only be exercised by the Minister after consultation with the Zanzibar Minister.

(3) Where any function in relation to the Apex Organization is conferred by the Acts upon the Registrar, that function shall only be exercised by the Registrar, after consultation with the Registrar of Cooperative Societies in the Revolutionary Government of Zanzibar.

(4) For the avoidance of doubt, nothing in this Act shall be construed as conferring the Minister or the Registrar power over any matter relating to cooperatives in Tanzania Zanzibar except in so far as those powers relate to the Apex Organization, and such power shall be exercised in conformity with this Act.

Forma-  
tion Of  
Apex Or-  
ganization

4--(1) Secondary Societies registered or registrable-

(a) under the co-operative Societies Act, 1982, and

(b) under the Co-operative Societies Act, 1986 of Zanzibar, may form an Apex Organization, to be known by whatever name, and such Apex Organization when formed shall be deemed to have been registered under the Act.

(2) The Apex Organization shall have all the powers of a body corporate with an official seal, and shall be capable in law of suing and being sued in its name, purchasing, holding, alienating, managing and disposing

of any property whether by way of investment or in any other way, and of entering into any such contract as may be necessary or expedient for the performance of its functions.

5.-41) The objects of the Apex Organization shall be as are provided under the Act and as may be amended from time to time, that is to say: - Objects of the Apex Organization

- (a) the Apex Organization, shall provide, organize and supervise effective centralized services for the member societies and for co-operative education and training and such other services as may be necessary or expedient for its members.
- (b) without prejudice to the generality of subsection (1), the Apex Organization may perform any of the following functions-
  - (i) to co-ordinate the economic plans of the member societies and to forward them to the Minister for the incorporation in the national plan;
  - (ii) to render services designed to ensure efficiency and uniformity in the conduct of the business of its member societies, standardising their book-keeping, accounting and other procedures, and providing audit services to those societies;
  - (iii) to formulate, maintain and regulate the terms and conditions of service of persons employed in the Apex Organisation, secondary societies and such other registered societies as the Minister may, by notice in the Gazette direct;
  - (iv) to carry on-, to encourage and assist educational and advisory work relating to co-operative enterprise, and without limiting the generality of the foregoing, to advise the government on co-operative education and operating methods and for that purpose may prepare and provide correspondence courses regarding co-operative principles and operating methods and may disseminate information on co-operative principles and practices;
  - (v) to reduce operating costs by arranging for group bonding of co-operative society employees, and making bulk purchasing of book-keeping stationery and other supplies for sale to its members;
  - (vi) to print, publish and circulate any newspaper or other publications designed to foster or increase interest in co-operative enterprises, principles and practices;
  - (viii) to represent its member societies in international conferences;
  - (ix) to provide consultative services to member societies;
  - (x) to do any other thing which in its opinion is connected with or is ancillary to the above enumerated objects;

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Appoi-  
ntment of  
Secretary  
General

6.-41) There shall be a Secretary-General of the Apex Organization, who shall be appointed by the Apex Organization pursuant to such procedure as may be provided in the By-laws made under section 7 and such Secretary General shall be the chief executive officer of the Apex Organization, and shall for that purpose be responsible for coordinating all the affairs and activities of the Apex Organization.

Apex or-  
ganization  
to make  
By laws

7. The Apex Organization may make by-laws in which shall be provided for any matters pertaining to the organization and the management of its affairs and its business.

Minister  
may make  
rules

8. The Minister, shall, after consultation with the Zanzibar Minister, make rules for the better carrying out of the objects and provisions of this Act and, in particular and without prejudice to the generality of the foregoing, such rules may--

- (a) define the limits of the responsibility of the Minister in relation to the Apex Organization;
- (b) define the power, of the Registrar in relation to the Apex Organization;
- (c) anything which under this Act may be prescribed.

Passed in the National Assembly on the fifth day of April, 1990.

MMwindad  
Clerk of the National Assembly