

TANGANYIKA



No. 24 OF 1962

I ASSENT,

A handwritten signature in black ink, appearing to be 'R. J. M. M. M.', written over a dotted line.

Governor-General

11 .TH JULY, 1962

**An Act to amend the Tea Ordinance**

[.....]

ENACTED by the Parliament of Tanganyika.

1. This Act may be cited as the Tea Ordinance (Amendment) 1962, shall be read as one with the Tea Ordinance (hereinafter called the Ordinance) and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

Short title  
and  
construction  
cap 291

2. Section 2 of the Ordinance is hereby amended as follows:-

Section 2 of  
cap 291  
amended

(a) by deleting the definitions "Director of Agriculture" and "East Africa" contained therein and substituting therefor the following new definitions: -

"'Commissioner' means the Commissioner for Agriculture;  
'East Africa' means Tanganyika, Kenya and Uganda;"

(b) by inserting in the appropriate alphabetical positions the following new definitions: —

"'Minister' means the Minister for the time being responsible for agriculture;  
'northern tea area' means the Tanga, Northern, Lake and West Lake Regions;  
'southern tea area' means the Southern, Southern Highlands, Eastern, Central and Western Regions;" ; and

(c) by deleting the definition "Territory" contained therein.

3. Section 3 of the Ordinance is hereby amended as follows:-

section 3 of  
cap 291  
amended

(a) by deleting paragraphs (a), (b) and (c) of subsection (1) thereof and substituting therefor the following new paragraphs:-

"(a) a representative of the Ministry for the time being responsible for agriculture appointed by the Minister;  
(b) a representative of the Ministry for the time being responsible for commerce and industry appointed by the Minister for the time being responsible for that Ministry;  
(c) two members appointed by the Minister to represent African tea growers;

- (d) four members appointed by the Minister, being persons nominated by the Association, two of such persons being appointed to represent tea growers in the northern tea area and two of such persons being appointed to represent tea growers in the southern tea area. ;
- (b) by inserting immediately after subsection (1) thereof the following new subsection to be numbered (1A):-  
 "(1A) A member appointed under paragraph (c) of subsection (1) need not be himself a tea grower and a member appointed under paragraph (d) of subsection (1) need not himself be either a tea grower or a member of the Association.;"
- (c) in subsection (3) thereof —  
 (i) by deleting the words "other than the Director of Agriculture" in the first line thereof; and  
 (ii) by deleting the word "such" in the second line thereof; and
- (d) by deleting subsections (4) and (5) thereof and substituting therefor the following new subsections: -  
 "(4) If any member of the Board resigns or dies, the Minister by whom he was appointed may, in accordance with the provisions of subsection (1), appoint another person to take the place of such member and any person so appointed shall hold office until the expiry of the term of office of the member in whose place he was appointed.  
 (5) Any member of the Board may nominate a proxy to act in his stead at any meeting of the Board. Such proxy, prior to attending any meeting of the Board in respect of which he is so nominated, shall be approved by the Board."

Section 9 of  
 Cap. 291  
 amended  
 Act 1962  
 No. 24

New sections  
 inserted in  
 Cap. 291

**4. Section 9 of the Ordinance is hereby amended by inserting immediately after the word "tea" in the second line of subsection (2) thereof the words and symbols "at any time prior to the date of coming into operation of the Tea Ordinance (Amendment) Act, 1962,"**

**5. The Ordinance is hereby amended by inserting immediately after section 9 thereof the following new sections:-**

Licences to  
 plant tea

**10.-(1) With effect from the date of coming into operation of the Tea Ordinance (Amendment) Act, 1962, no person shall plant tea on any land in Tanganyika which has not been planted with tea prior to such date unless he is or is deemed, under section I 1, to be the holder of a tea planting licence issued to him by the Commissioner after consultation with the Board and relating to such land.**

**(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence against this Ordinance.**

**(3) When a tea planting licence is issued to any person, particulars of the land to which such licence relates shall be entered in the register by the Board and the licensee shall then in regard to such land be a registered tea grower for the purposes of this Ordinance. In any case where the licensee is, prior to such entry, already a registered tea grower, particulars of the land to which such licence relates shall be entered in the register by the Board and added to**

the particulars of any land previously entered therein in regard to which the licensee is already a registered tea grower.

- (4) Every tea planting licence shall specify —
- (a) the description and acreage of the land on which tea may be planted under such licence, and the acreage of such land which may be used as a tea nursery; and
  - (b) the total acreage in regard to which the licensee is a registered tea grower under the provisions of section 9 and this section,

and any licensee who plants tea on any land in excess of the total acreage so specified shall be guilty of an offence against this Ordinance.

If licence  
issue to  
co-operative  
society  
specified  
members  
deemed to be  
licensees

11. Where a tea planting licence is issued to a co-operative society, there shall be attached to such licence a schedule specifying the names of those members of the society who are tea growers, the description and acreage of the land on which each such member may plant tea under such licence and the total acreage in regard to which each such member is entitled to plant tea under the provisions of this Ordinance, and each such member whose name is so specified shall be deemed to be the holder of a tea planting licence in respect of the land, the description and acreage of which is so specified, and to be a registered tea grower in respect of the total acreage so specified and the provisions of section 10 shall apply to any such member as if he was a licensee to whom a tea planting licence had been issued in his own right.

Applications  
for licence

12. An application for a tea planting licence shall be made in writing to the Commissioner in such form as he may determine and the Commissioner may require such further particulars from any applicant as he may deem necessary for considering the application.

Form and  
conditions of  
licence

13.-(1) Subject to the provisions of this Ordinance, every tea planting licence shall be in such form and subject to such conditions as the Commissioner may in any case determine.

(2) Any licensee who contravenes or fails to comply with any of the conditions subject to which his tea planting licence was issued shall be guilty of an offence against this Ordinance.

(3) Without prejudice to the provisions of subsection (2), if any licensee contravenes or fails to comply with any of the conditions subject to which his tea planting licence was issued, the Commissioner may cancel the licence or vary the conditions thereof, as he may think fit.

(4) Where any licence is cancelled by the Commissioner under subsection (3), the person who was the holder of the licence may within ninety days of such cancellation appeal in writing to the Minister whose decision shall be final.

Power of  
Commissioner  
to refuse to  
issue licence

14. (1) The Commissioner may, after consultation with the Board, refuse to issue a tea planting licence on any ground which appears to him to be sufficient.

(2) Where under subsection (1) the Commissioner refuses to issue a tea planting licence, the applicant for such licence may within ninety days of such refusal appeal in writing to the Minister whose decision shall be final; and where such refusal is contrary to the advice of the Board, the Board shall have a similar right of appeal to the Minister whose decision shall be final.

Licences not to be assigned

**14A.**-(1) No person to whom a tea planting licence has been issued shall lend, transfer or assign such licence to any other person save with the prior permission of the Commissioner which permission shall be endorsed on the licence. Before giving such permission the Commissioner shall consult the Board.

(2) Any person who lends, transfers or assigns any tea planting licence issued to him to any other person without having first obtained the permission of the Commissioner shall be guilty of an offence against this Ordinance."

New section inserted in Cap. 291

**6.** The Ordinance is hereby amended by inserting immediately after section 15 thereof the following new section:-

"Powers of Commissioner as to tea planted without licence, etc.

**16.** (1) Where any person has been convicted under subsection (2) of section 10 of planting tea without a licence or under subsection (4) of section 10 of planting tea in excess of the total acreage in respect of which he is a registered tea grower, the Commissioner may, by notice in writing, require such person within such period, being not less than thirty days, as may be specified in the notice, to uproot all tea which has been so planted.

(2) If any person to whom a notice has been issued under subsection (1) fails within the period specified in the notice to comply with the terms thereof it shall be lawful for the Commissioner, or any person authorized by him in that behalf, to enter upon the lands occupied by such person and to uproot at the expense of such person all tea so planted without a licence or planted in excess of the total acreage in respect of which such person is a registered tea grower; and any such expense shall be recoverable by the Commissioner as a civil debt."

General amendments to Cap. 291

**7.** The Ordinance is hereby amended-

- (a) by deleting the words "Director of Agriculture" wherever they appear therein and substituting therefor the word "Commissioner"; and
- (b) by deleting the words "Governor" and "Governor in Council" wherever they appear therein and substituting therefor in each case the word "Minister"

Passed in the National Assembly on the fifth day of June, 1962.

  
Clerk of the National Assembly