

THE UNITED REPUBLIC OF TANGANYIKA AND ZANZIBAR



No. 29 OF 1964

I ASSENT,

Julius K. Nyerere

.....
President

30TH JULY, 1964

An Act to repeal the Tobacco (Non-Native Industry) Ordinance, to vest the assets and liabilities of the Southern Highlands Non-Native Tobacco Board in the Southern Highlands Tobacco Union Limited and for matters incidental thereto

[...1st October, 1964...]

G.N 571
Of 1964

ENACTED by the Parliament of the United Republic of Tanganyika and Zanzibar.

1. This Act may be cited as the Non-Native Tobacco Board (Dissolution) Act, 1964, and shall come into operation upon such day as the Minister may, by notice published in the *Gazette*, appoint.

Short title
and
commence-
ment
Interpreta-
tion

2. In this Act, unless the context otherwise requires-
"the Board" means the Southern Highlands Non-Native Tobacco Board;
"the Minister" means the Minister for the time being responsible for agricultural matters;
"the Union" means the Southern Highlands Tobacco Union Limited;
"vesting date" means the date appointed by the Minister under section 1.

3. (1) Subject to the provisions of this Act, all property., rights, liabilities and obligations which immediately before the vesting date were property, rights, liabilities or obligations of the Board shall on the vesting date vest, by virtue of this Act and without further assurance, in the Union.

Vesting of
assets and
liabilities
of the
Board in
the union

(2) Subject to the provisions of this Act, every deed, bond, agreement (including an agreement for personal services) to which the Board was a party immediately before the vesting date, whether in writing or not and whether or not of such a nature that rights and obligations thereunder could be assigned by the Board, shall, unless its terms or subject matter make it impossible that it should have effect as modified in manner provided by this subsection, have effect from the vesting date as if-

- (a) the Union had been a party thereto;
- (b) for any reference (however worded and whether expressed or implied) to the Board there were substituted, as respects anything falling to be done on or after the vesting date, a reference to the Union.

(3) Where, by reason of the foregoing provisions of this Act, the Union becomes a party to any agreement for the rendering by any person of personal services--

- (a) such person shall be deemed to have been appointed to the service of the Union on the terms of such agreement, including any provision, whether or not contained in such agreement, in relation to any provident fund to which he was a contributor immediately before the vesting date; and for the purposes of determining any right to gratuity, his service with the Union under such agreement shall be regarded as continuous with his service with the Board before the vesting date;
- (b) such person's employment by the Board and by the Union shall be deemed to be continuous employment by one employer within the meaning of section 8A of the Severance Allowance Act, 1962, and that Act shall apply to the parties in the same manner as it applies to the cases set out in subsection (1) of the said section 8A.

Acts 1962
No. 57

Effecting
vesting

4.-(1) Upon the vesting date the persons who immediately before the vesting date were members and officers of the Board shall deliver possession of the immovable and the movable property vested by this Act in the Union to such persons as the Union shall appoint and shall do all such things as are necessary or desirable for the more effective vesting, in accordance with the provisions of this Act, of the property, rights, liabilities and obligations vested in the Board immediately before the vesting date.

(2) The Minister may, by order, provide for any matter which appears to him to be necessary or expedient for the purposes of securing the vesting in accordance with the provisions of this Act, of the property, rights, liabilities and obligations vested in the Board immediately before the vesting date, and, without prejudice to the generality of the foregoing, may appoint a person to do any act or sign any document relating to the property and rights vested in the Board immediately before the vesting date whereby the provisions of this Act may be more effectually achieved; and every act done or document signed by a person in accordance with the provisions of such an order for such purposes shall be effectual as if it had been done or made by the Board and had the Tobacco (Non-Native Industry) Ordinance not been repealed.

Cap. 310

Legal
proceedings

5.-(1) Any legal proceedings pending immediately before the vesting date to which the Board is a party in so far as they relate to any property, right, liability or obligation to be vested in the Union by virtue of this Act, or to any deed, bond or agreement or other document which has effect in accordance with subsection (2) of section 3, shall be continued by or against the Union.

(2) Where any proceedings are instituted by or against the Union after the vesting date in respect of any right, liability or obligation vested in or incurred by the Board, the Union and every other party to the proceedings may take all such objections and exceptions as might have been taken in proceedings by or against the Board.

6. All assets which, by virtue of the provisions of this Act, become vested in the Union shall be dealt with and applied by the Union in such manner and for such purposes as the Minister may direct.

Assets to be applied in manner directed by the Minister
Powers to make orders

7. The Minister may by order provide for any incidental or supplementary matters for which it appears to him necessary to provide the carrying out of the purposes of this Act.

8. The Tobacco (Non-Native Industry) Ordinance is hereby repealed.

Cap.310 repealed

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


Msekwa
Clerk of the National Assembly