

THE UNITED REPUBLIC OF TANZANIA



No. 6 OF 1965

I ASSENT,

Julius K. Nyerere
.....
President

24 TH MARCH, 1965

An Act to make further and better provision for the Control, Regulation, Improvement, and Development of the Sisal Industry by Establishing a Unified System for the Marketing and Export of Sisal, to repeal the Sisal Industry Ordinance, and for matters connected therewith and incidental thereto

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Sisal Industry Act, 1965, and shall come into operation on such date as the Minister shall, by notice in the *Gazette*, appoint. Short title and commencement

2. In this Act, unless the context otherwise requires— Interpretation
"Board" means the Board established by section 3;
"Committee" means the Sisal Agents' Committee established by section 9;
"Executive Officer" means an executive officer appointed under section 8;
"functions" includes powers and duties;
"licensed sisal agent" means an agent licensed by the Board under the provisions of this Act to market and export sisal;
"Minister" means the Minister for the time being responsible for matters relating to the marketing of sisal;
"producer" means any person who grows sisal for sale and includes a society and a registered agricultural association;
"registered agricultural association" means an association registered under the Agricultural Associations Act, 1964; Acts 1964 No. 37

"sisal" means the plant *Agave sisalana* or other species of the genus *Agave* or of the hybrids of any such species and the fibre thereof and includes brush tow but does not include flume tow or carded tow;

"sisal inspector" means an inspector appointed by the Board under the provisions of this Act;

"sisal plantation" means any land held under a Government lease or a right of occupancy granted by the Government in which plants of the species of the genus *Agave* or hybrids thereof are grown for the production of sisal;

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"society" means a co-operative society registered under the Co-operative Societies Ordinance;

"the Association" means the Tanganyika Sisal Growers Association.

PART II

ESTABLISHED OF TANGANYIKA SISAL MARKETING BOARD

Establishment
of a Tanga-
nyika Sisal
Marketing
Board

3.-(1) There is hereby established a Board to be known as the Tanganyika Sisal Marketing Board (in this Act referred to as "the Board").

(2) The Board may appoint an Executive Committee to whom it may delegate any of its powers, other than powers-

- (a) to approve its annual budget; or
- (b) to approve its annual accounts.

(3) The provision of the First Schedule hereto shall have effect as to the constitution and proceedings of and otherwise in relation to the Board and the Executive Committee.

Board to be
body cor-
porate with
acquire
movable or
immovable
property and
to contract

4. The Board shall be a body corporate with perpetual succession and a common seal and shall be capable in law of suing and being sued in its corporate name, and of purchasing, holding, managing and disposing by way of any property whatsoever, whether movable or immovable and whether by of investment or otherwise, and of entering into any such contracts as may be necessary or expedient for the performance of its functions under this Act.

General
functions of
the Board

5.-(1) Subject to the provisions of this Act, it shall be the duty of the Board-

- (a) to promote the development and improvement of the sisal industry and to encourage African participation therein;
- (b) to secure the most favourable arrangements for the marketing and export of sisal;
- (c) to advise Government on all matters affecting the sisal industry.

(2) In particular, and without prejudice to the generality of the provisions in subsection (1) and subject to any special or general directions of the Minister, the Board shall have power-

- (a) to make orders prohibiting the export of any sisal except by or through a licensed sisal agent;

- (b) to control and fix the prices to be paid from time to time for sisal which is to be exported or sold for purposes of local industries and to notify such prices in such manner as the Board may deem expedient or requisite;
 - (c) to direct the export of sisal to any specified market;
 - (d) to direct sisal to any specified industry in Tanganyika;
 - (e) to appoint licensed sisal agents to market and export sisal;
 - (f) to control and regulate the commission to be paid to licensed sisal agents;
 - (g) to deal with matters concerning grading, condition and classification of sisal;
 - (h) to receive and consider any recommendations, advanced by producers, or by the Committee, or any organizations concerned with the production and marketing of sisal;
 - (i) generally to give such directions to producers and licensed sisal agents as it deems necessary to further its objects under this Act.
- (3) In addition to the powers conferred upon the Board in subsection (2) the Board shall have power-
- (a) with the approval of the Minister, by order in, the *Gazette*, to impose a levy on all sisal whether produced, sold or exported, and any such order may prescribe different rates for different species, grades, description or origins of sisal; and in determining the amount of such levy the Board shall take into account what moneys are required by the Association properly to discharge its functions;
 - (b) to collect and distribute statistics and other information on sisal production and marketing from producers and licensed sisal agents;
 - (c) to finance or undertake marketing research;
 - (d) to participate with Government in meetings and conferences of international organizations in relation to sisal;
 - (e) to make orders or directions for the compulsory registration of all producers of sisal or particular categories of producers.

6. When any order or direction is given by the Board under this Act, it shall convey its orders or directions to the persons concerned in such manner as the Board may from time to time determine.

Orders and
directions
of Board

7. The Minister may give to the Board directions of a general or specific character as to the exercise and performance by the Board of any of its functions under section 5 and under section 12 and the Board shall give effect to such directions.

Directions
by the
Minister

Appointment
of Executive
Officer

8.-(1) The Board shall, with the approval of the Minister, appoint an Executive Officer on such terms and conditions and for such period as it thinks fit.

(2) The Executive Officer shall, in addition to his other duties and, subject to any directions of the Board, be responsible for the administration of the Sisal Agents' Committee.

PART III

SISAL AGENTS' COMMITTEE

Establishment
of Sisal
Agents'
Committee

9.-(1) For the purpose of this Act there shall be established a Committee to be known as the Sisal Agents' Committee which shall consist of: -

- (a) such sisal agents as are licensed in that behalf by the Board under this Act;
- (b) the person representing the Ministry for the time being responsible for Commerce on the Board;
- (c) the Executive Officer of the Board.

(2) The Chairman shall be the Executive Officer of the Board.

(3) Every meeting of the Committee shall be convened by the Chairman and notice specifying the place, day and hour of the meeting shall be given to each member.

(4) Half the members of the Committee shall form a quorum.

(5) In the absence of the Chairman from any meeting of the Committee, a chairman for such meeting shall be chosen from the members present.

(6) Subject to the provisions of this section and of any rules made under this Act, the Committee may regulate its own procedure.

Functions
of Sisal
Agents'
Committee

10. It shall be the duty of the Committee, subject to any directions thereon by the Board, to perform the following functions: -

- (a) to co-ordinate the marketing of sisal amongst its members;
- (b) to maintain contact with the sisal market and with principal consumers;
- (c) to advise the sisal industry on matters concerning quality and grading;
- (d) to provide such information and statistics as may be required by the Board;
- (e) generally to carry out the policy laid down by the Board in relation to the marketing of sisal.

Commence-
ment of
Part III

11. The, provisions of this Part shall come into force six months after the commencement of this Act.

PART IV

CONTROL OF MARKETING AND EXPORT OF SISAL

Restriction,
etc., on
export of
sisal

12.-(1) Subject to the provisions of this Act, no person, other than a licensed sisal agent, shall export sisal.

(2) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence against this Act and shall be liable on conviction to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

13.-(1) It shall be lawful for the Board, with the approval of the Minister, to order producers of sisal in any specified area, other than producers who hold sisal plantations under a right of occupancy or a lease granted by the Government, to sell or otherwise dispose of sisal to or through a specified society or registered agricultural association:

Board may issue compulsory marketing order to certain producers

Provided that the Board may in any such order exempt any producer or category of producers from the order.

(2) Any order issued by the Board under this section shall be published in the *Gazette*.

No power in Board to direct producers to sell to specified sisal agent or direct sisal agent to buy from specified producers

14. Nothing in this Act shall be construed as conferring upon the Board power to direct any producers to sell to or through a specified licensed sisal agent, or to direct any licensed sisal agents to buy Sisal from specified producers.

PART V

LICENSING

15. Subject to the provisions of this Part, the Board may issue a licence, to be called a sisal agent's licence, which shall authorize the holder to market and export sisal.

Sisal agent's licence

16.-(1) Every application for a licence under this Part shall be made to the Board in the prescribed form and shall be accompanied by such fee as may be prescribed.

Application for grant of licence

(2) Subject to the provisions of this Part, the issue of any licence and the terms, conditions and limitations thereof shall be in the discretion of the Board.

(3) No licence issued under this section shall be transferable.

17.-(1) The Board may refuse to issue a licence when it is of the opinion that-

Grounds upon which Board may refuse to issue licences or may revoke licences

(a) it would not be in the best interests of the sisal industry that a licence should be issued;

(b) the applicant has not sufficient knowledge, facilities, experience or financial resources properly to carry on the business of buying, selling and exporting sisal.

(2) In particular, and without prejudice to the generality of subsection (1), a Board may refuse to issue or may revoke a licence on any of the following grounds: -

(a) that the applicant or holder has been convicted of an offence against this Act or has contravened or failed to comply with any of the conditions subject to which the licence is issued;

(b) that the applicant or holder has been convicted of an offence involving fraud or dishonesty.

(3) Where the Board under this section refuses to issue a licence or revokes a licence, it shall not be required to furnish to an aggrieved applicant the reasons for such refusal or revocation as aforesaid.

Appeals

18.-(1) Any person aggrieved by any refusal of the Board to issue a licence, or by the revocation of a licence under this Act, or, by any terms, conditions or limitations specified on the licence, may appeal in writing to the Minister within thirty days of such notification to such person of the refusal to issue or the revocation of such licence or other directions of the Board, as the case may be.

(2) The Minister may either-

(a) confirm such act; or

(b) direct the grant of a licence either with or without conditions or limitations; or

(c) direct the variation or cancellation of any revocation or of any limitations or conditions,

and the Board shall forthwith give effect to any such decision of the Minister.

(3) The decision of the Minister under this section shall be final and shall not be subject to review in any court.

PART VI

ADMINISTRATION AND FINANCIAL PROVISIONS

Appointment
of employees

19. The Board may, subject to section 8-

(a) from time to time appoint at such salaries and upon such terms and conditions as it may think fit such officers and employees as it may deem necessary for the proper and efficient conduct of the business and operations of the Board;

(b) grant pensions, gratuities or retiring allowances to any officers or employees and may require such officers and employees to contribute to any pension or contributory scheme-

(c) from time to time and subject to such terms and conditions as it may think fit appoint agents to perform any of the duties imposed upon the Board by this Act.

Sisal
Marketing
Board Fund

20. The moneys derived from any levy imposed under this Act and the moneys derived from any activities or investments of the Board, and any fees paid to the Board under this Act, shall be paid into a fund to be known as the "Sisal Marketing Board Fund" which shall be under the control and management of the Board.

Application
for Sisal
Marketing
Board Fund

21. The Board may apply the Sisal Marketing Board Fund established under section. 20 for any of the following purposes: -

(a) the payment of the expenses, and other charges incurred by the Board or for which the Board may become liable in the course of its business;

(b) the employment of such staff, agents and contractors as the Board may think fit for the purpose of the carrying out of its functions;

(c) the payment of allowances to Board members;

- (d) to allocate to the Association such sums as may be required by the Association, properly to discharge its functions;
- (e) such other purposes as the Minister may approve.

22. The Board may invest all or any portion of any money which may from time to time be standing to the credit of the Sisal Marketing Board Fund in such securities as may be approved by the Minister.

Investment

23. The Board may, with the approval of the Minister, from time to time borrow, whether by way of mortgage or otherwise, such sums of money for and in connection with the exercise of its functions, powers and duties under this Act as the Board may deem necessary.

Power to borrow

24. The Board shall, if required by the Minister, contribute moneys to any international organization established to promote or control the production or marketing of sisal.

Power to contribute to international organizations

25.-(1) Before the beginning of each financial year, the Board shall prepare estimates of expenditure for that year and shall submit them to the Minister for his approval.

Annual Estimates

(2) Subject to, subsection (4), no expenditure shall be incurred by the Board without the approval of the Minister.

(3) Supplementary estimates shall, if required, be prepared and submitted to, the Minister for approval during the financial year.

(4) Re-allocation of funds may be permitted within the limits of the approved estimates, without the Minister's approval, so long as no single item of expenditure is increased or decreased by more than two thousand shillings.

(5) Annual estimates shall be prepared in such manner as the Minister may direct.

26. The Board shall keep, or cause to be kept, proper books of accounts and such accounts together with-

Board to keep books of account and audit

(a) the statement of income and expenditure during the previous financial year; and

(b) a statement of the assets and liabilities of the Board on the last day of such year,

shall, as soon as practical after the end of each financial year, be submitted to, and audited by, such auditor as the Board may, with the approval of the Minister, appoint.

PART VII

GENERAL

27. No member of the Board shall be personally liable for any act or default of the Board done in good faith in the course of operations of the Board.

Liability of members

28.-(1) Any sisal inspector may at any reasonable hour of the day enter any place where sisal is processed or stored, and inspect and examine the same for the purpose of ensuring that the provisions of this Act and any rules made thereunder are being complied with and any such officer may for this purpose require the production of any licence issued under this Act or of any of the books required to be kept.

Sisal inspectors

(2) A sisal inspector may, for the purpose of securing compliance with the provisions of this Act or any rules made thereunder or of detecting and establishing any breach of any such provisions, take samples of any sisal found in any processing plant, sisal store or any other place and may submit such samples to such tests as may be deemed necessary.

(3) Any person who obstructs a sisal inspector in the exercise of powers conferred upon him by this section or who shall neglect or refuse to comply with any lawful request of such officer, shall be guilty of an offence against this Act.

Rules

29.-(1) The Board may, with the approval of the Minister, make rules for all or any of the following matters: -

- (a) regulating and controlling the processing, storing, marketing and export of sisal;
- (b) requiring the submission of information and statistics including (but not restricted to) such matters as production, acreage, machinery, labour, equipment, storage facilities, sales, deliveries, shipments and stock and prescribing forms in connection therewith;
- (c) prescribing the procedure for the compulsory registration of all sisal plantations and the forms to be used in connection therewith;
- (d) prescribing the manner in which sisal shall be stored by producers and licensed agents, and the manner in which such place where sisal is stored shall be maintained, and the specifications of any store to be used for the storage of sisal;
- (e) providing for the definitions of grades of sisal offered for sale for export and for making orders prohibiting sale of sisal for export that does not comply with such grades, or prohibiting the export of sisal of defined types or containing defined characteristics;
- (f) prescribing the manner in which the packing, baling and marking of sisal for export is carried out and the procedure for the compulsory registration of marks with the Board either in relation to producers or to licensed sisal agents, and for the keeping of books by the Board to record such registration as aforesaid;
- (g) providing for the inspection of sisal and the appointment of inspectors, and prescribing the duties of such inspectors;
- (h) prescribing the forms and fees for licences issued under this Act;
- (i) providing for the inspection, weighing and measuring of sisal for export;
- (j) prescribing the records to be kept and the forms to be used for the submission of returns;
- (k) prescribing the manner in which the levy shall be collected;
- (l) providing for matters incidental to any matters hereinbefore mentioned;
- (m) prescribing anything which is to be or may be prescribed and generally for the carrying into effect of any provisions or purposes of this Act.

(2) Rules made under this section-

- (a) may be made applicable to the country as a whole or to any part thereof;
- (b) may fix penalties for the breach thereof not in excess of the penalties mentioned in section 30.

30.-(1) Any person who commits an offence against this Act shall, unless such other punishment is prescribed, be liable on conviction to a fine not exceeding two thousand shillings or imprisonment for a term not exceeding three months or both such fine and imprisonment. Penalty

(2) Where any offence against this Act is committed by a body corporate and it is proved to have been committed with the consent or approval of any director, manager, secretary or other officer of a body corporate, he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(3) In any case where a court convicts any person of any offence under this section, it shall be the duty of the court to inform the Board of the offence and the conviction as soon, as possible after the date of such conviction.

PART VIII

REPEAL, SAVING AND TRANSITIONAL

31.-(1) The Sisal Industry Ordinance is hereby repealed.

Repeal and
saving
Cap. 143

(2) Notwithstanding the provisions of subsection (1) above—

- (a) any order imposing a levy under section 7 of the repealed Ordinance shall be deemed to have been made under this Ordinance and shall remain in force until revoked or repealed by an order made under this Act;
- (b) any rules made under section 13 of the repealed Ordinance shall be deemed to have been made under section 29 of this Act and shall remain in force until revoked or repealed by rules made under this Act.

32.-(1) Notwithstanding anything to the contrary in this Act contained it shall be lawful, subject to subsection, (2) below, for any person who immediately before the commencement of this Act carried on the business of the marketing and exporting of sisal, to continue to carry on such business for a period of six months beginning with the date of commencement of this Act. Transitional

(2) Upon the expiration of the six months period referred to in subsection, (1) no person shall market and export sisal unless licensed to do so under this Act.

(3) Upon the coming into operation of this Act the Provisions of the Second Schedule hereto shall have effect as to the transfer of property from the Board constituted under the repealed Ordinance to the Board constituted under this Act and to such other matters as are contained therein.

Order made
by a Board
under the
Agricultural
Products
(Control and
Marketing)
Act, 1962 to
continue in
force
Acts 1962
No 56

Constitution
of the Board

Absent
members to
be replaced
at meetings

Casual
vacancies

Constitution
of the
Executive
Committee

Meetings of
Board and
Executive
Committee

Procedure of
Board and
Executive
Committee

33. Where any order in relation to the compulsory marketing of sisal has been made by a Board established under the Agricultural Products (Control and Marketing) Act 1962, such order shall be deemed to have been made under section 13 of this Act and shall continue in force until revoked or repealed by an order made under this Act.

FIRST SCHEDULE

Section 3 (3)

1-(1) The Board shall, subject to paragraph 10 hereof, consist of-

- (a) one member to be appointed by the Minister, who shall be Chairman;
- (b) four members, being persons nominated by the Association and appointed by the Minister and of whom at least one shall represent co-operative societies;
- (c) four members to be appointed by the Minister to represent, respectively, the Ministry of Commerce and Co-operatives, the Treasury, the Ministry of Lands, Settlement and Water Development and the Ministry of Agriculture, Forests and Wildlife;
- (d) two members being persons nominated by the Sisal Agents' Committee and appointed by the Minister.

(2) A member of the Board shall, unless his appointment is sooner terminated 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.

(3) Any member of the Board may at an 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 receipt of the notice by the Minister, he shall cease to be a member of the Board.

(4) Notwithstanding the provisions of this paragraph relating to the composition of the Board, the Minister may, after consultation with the Board, by order published in the *Gazette*, from time to time vary the composition of the Board.

2. If a member is unable for any reason to attend a meeting, the body or the Chairman, as the case may be, that he represents, shall, subject to the approval of the Chairman, nominate a replacement for that meeting.

3. Where any member ceases to be a member thereof for any reason before the normal expiration of his term of office, the Minister shall appoint another person in his place according to the system of representation in sub-paragraph (1) of paragraph 1.

4. The members of the Executive Committee shall be elected annually, by the Board. The Chairman of the Board shall, ex officio, be Chairman of the Executive Committee. The members shall elect a Vice-Chairman from their own number.

5-(1) An ordinary meeting of the Board or the Executive Committee 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 of the Board is incapacitated by illness, absence from Tanzania or other sufficient cause, the Vice-Chairman may convene such a meeting on his behalf.

(2) The Chairman of the Board, or in, his absence the Vice-Chairman, shall be bound to convene a special meeting of the Board upon receipt of a request in writing in that behalf signed by not less than three members of the Board. Not less than fourteen days notice such meeting should be given to all members of the Board in the manner prescribed in sub-paragraph (1) of this paragraph.

(3) The chairman may invite visitors to attend meetings but they shall have no right to vote.

6-(1) Half of the members of the Board shall form a quorum of the Board and half of the members of the Executive Committee shall form a quorum of the Committee.

(2) In the absence of the Chairman from a meeting of the Board, or the Executive Committee, the Vice-Chairman shall preside. In the absence of both the Chairman and the Vice-Chairman from any meeting, the members present shall choose one of their number to be temporary chairman of that meeting.

(3) At any meeting of the Board or the Executive Committee, a decision of the majority of the members present and voting shall be deemed to be the decision of the Board. In the event of an equality of voting on any matter the Chairman of the meeting shall have a casting vote in addition to a deliberative vote.

7. Subject to the provisions of paragraph 6 relating to a quorum, the Board or the Executive Committee may act notwithstanding any vacancy in the membership thereof and no act or proceeding of the Board or the Executive Committee shall be invalid by reason only of some defect in the appointment of a Person who purports to be a member thereof.

8. The Chairman, or his authorized representative, shall sign all orders, directions, notices or documents made, or issued, by the Board or the Executive Committee.

9. Subject to the provisions of this Schedule, the Board and the Executive Committee shall have power to regulate their own procedures.

10. Until such time as Part III of this Act which provides for the establishment of a Sisal Agents' Committee) comes into operation, the Minister shall, in consultation with the Association, appoint two members to represent sisal agents on the Board.

Vacancies,
etc., not
to invalidate
proceedings
Chairman to
sign orders,
directions
etc.
Board may
regulate its
own proceed-
ings
Transitional

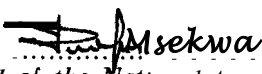
SECOND SCHEDULE

(Section 32)

TRANSFER OF PROPERTY AND TRANSITIONAL PROVISIONS

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|--|-----------------------------------|
| 1. In this Schedule the "old Board" means the Board constituted under the Sisal Industry Ordinance, hereby repealed, and the "new Board" the Board constituted under this Act. | Interpretation |
| 2. The provisions of this Schedule shall take effect notwithstanding the dissolution of the old Board. | Effect |
| 3. All assets and liabilities which immediately before the coming into operation of this Act were vested in or incurred by the old Boards shall movable property vested in the movables, Board and the new Board shall have all powers necessary to take possession of, recover and deal with such assets and discharge such liabilities. | Vesting of assets and liabilities |
| 4. Upon the coming into operation of this Act the old Board shall deliver to the new Board, or as the new Board may order, all movable property vested in the old Board and all books, papers, documents, minutes, receipts and edgers appertaining to the old Board and to its operations. | Delivery of movables, etc |
| 5. Any proceedings pending at the commencement of this Act to which the old Board were party shall be continued as if the new Board were party thereto in lieu of the old Board. | Legal proceedings |
| 6. Where anything has been commenced by or under the authority of the old Board prior to the commencement of this Act and such thing is within the powers of the new Board or was done in relation to any of the matters transferred by this Schedule from the old Board to the new Board such thing may be carried on and completed by, or under the authority the new Boards | Completion of acts |
| 7. The Minister may by order Provide for any other matter which appears to him to be necessary or expedient for such purpose of Securing the effective transfer of any assets or liabilities vested in the new Board by virtue of this Act and without prejudice to the generality of the foregoing may appoint any person to do any act or sign any document for and on behalf the old Board whereby the assets of the old Board may be transferred to the new Board. | Minister to secure transfer |

Passed in the National Assembly on the seventeenth day of March, 1965.


Clerk of the National Assembly