

THE UNITED REPUBLIC OF TANZANIA



No. 45 OF 1968

I ASSENT,

*Julius K. Nyerere*  
President

25th JULY, 1968

**An Act to amend the Tea Ordinance**

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Tea Ordinance (Amendment) Act, 1968, shall be read as one with the Tea Ordinance and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

Short title,  
construc-  
tion and  
commence-  
ment  
Cap. 291

2. In this Act, unless the context otherwise requires—

Interpre-  
tation

“Minister” means the Minister for the time being responsible for agriculture;

“the Ordinance” means the Tea Ordinance.

3. Section 2 of the Ordinance is amended—

Amendment  
of section 2

(a) by deleting the definitions “Association”, “Board”, “Commissioner”, “northern tea area” and “southern tea area”;

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

“Authority” means the Tanzania Tea Authority established by section 3;

“Director” means the Director of Agriculture;

“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;

“green leaf tea” means leaf detached from tea plants but not dried or processed in any way;

(c) by deleting the word “Tanganyika” in the definition “East Africa” and substituting therefor the words “the United Republic”.

General  
amendments

4. The Ordinance is amended—

- (a) by deleting the word "Board" wheresoever it occurs therein and substituting therefor the word "Authority";
- (b) by deleting the word "Commissioner" wheresoever it occurs therein and substituting therefor the word "Director".

Repeal and  
replacement  
of Part II

5. The Ordinance is amended by repealing Part II thereof and replacing it by the following: —

"

PART II  
THE TEA AUTHORITY

Establish-  
ment of a  
Tea  
Authority

3.—(1) There is hereby established a body which shall—

- (a) be a body corporate to be known as the Tanzania Tea Authority, with perpetual succession and a common seal;
- (b) in its corporate name be capable of suing and being sued;
- (c) be capable of holding, purchasing or otherwise acquiring, and disposing of, any property, movable or immovable, for the purposes of carrying out the functions conferred upon it by or under this Ordinance.

(2) The provisions of the Schedule to this Ordinance shall have effect as to the constitution and proceedings of the Authority and otherwise in relation to the Authority.

Functions of  
the Authority

4.—(1) The functions of the Authority shall be—

- (a) to promote the development of the tea industry;
- (b) to consider, prepare, implement, control and supervise programmes for the development of the tea industry;
- (c) to give such advice and make such recommendations to the Minister as it may think fit regarding the development of the tea industry;
- (d) to make such representations to an appropriate authority, body or person as it may think necessary in relation to any matter affecting the interests of the tea industry and to nominate persons to represent the Authority on any committee or in any organization or other body of persons which may be responsible for the co-ordination of such matters;
- (e) to recommend to the Minister the rate at which a cess may from time to time be imposed;
- (f) to provide services to the tea industry including—
  - (i) the maintenance, in accordance with the provisions of section 9, of a register of all land planted with tea;
  - (ii) the supervision of cultivation and harvesting of tea by tea growers;

- (iii) the inspection of tea plantations and green leaf tea;
- (iv) the negotiation of agreements for the processing of green leaf tea; and
- (v) the organization of arrangements for the purchase and transportation of green leaf tea;
- (g) to participate in the establishment of processing factories for green leaf tea and to participate in the control and management of such factories;
- (h) subject to the provisions of section 5, to exercise such powers as may be conferred on the Authority in relation to the marketing of made tea;
- (i) to control the export of made tea by the issue of permits in accordance with the provisions of this Ordinance;
- (j) to use and administer in accordance with the provisions of this Ordinance the funds and resources of the Authority.

(2) The Authority shall have power, for the purpose of carrying out its functions, 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 the Government, a local authority, a co-operative society or any other person or body.

(3) The Minister may give to the Authority directions of a general character as to the carrying out of its functions and the exercise of its powers in relation to matters appearing to the Minister to affect the national interest and the Authority shall give effect to any such directions.

(4) For the avoidance of doubt it is hereby declared that the provisions of subsection (2) with respect to the powers of the Authority relate only to its capacity as a body corporate and nothing in that subsection shall authorize the disregard by the Authority of any enactment or rule of law.

Functions may be extended by the Minister in relation to the marketing of tea

5.—(1) Where the Minister is satisfied that the marketing of made tea is likely to be advanced and improved thereby he may, by order published in the *Gazette*, declare that the marketing of made tea produced in any area shall be controlled, regulated or conducted by the Authority.

(2) The Minister may, by the order referred to in subsection (1) or any other order made subsequent thereto—

- (a) confer on the Authority such additional powers and duties as he may consider necessary to enable the Authority to control, regulate or conduct the marketing of made tea;
- (b) empower the Authority to act as an agent or the sole agent for the marketing of made tea subject to such conditions as may be prescribed by such order;

(c) provide for the fees, costs, disbursements and prices to be charged or paid by or to the Authority.

(3) Any order made under this section may prescribe a penalty not exceeding a fine of five thousand shillings or imprisonment for a term not exceeding one year or both such fine and imprisonment for any contravention thereof.

Amendment  
of section 24

6. Section 24 of the Ordinance is amended by deleting paragraph (c) thereof.

Funds  
of the  
Authority  
and their  
investment

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

- (a) such sums as may be provided by Parliament for the purpose;
- (b) any loan granted to the Authority by the Government or any other person with the approval of the Minister;
- (c) any sums or property which may in any manner become payable to or vested in the Authority in respect of any matter incidental to the carrying out of its functions.

(2) The Authority may, with the approval of the Minister and subject to such conditions as he may impose, invest such part of its funds as are not for the time being required for the purposes of its business.

(3) The powers of the Minister under subsection (2) shall be exercised with the concurrence of the Minister for the time being responsible for finance and shall extend to the amount which may be invested and the nature of the investment and the terms and conditions thereof, and the approval of the Minister may be either general or limited to a particular investment.

Report  
by the  
Authority

8. The Authority shall, within six months after the end of each financial year, make a report to the Minister on the conduct of its business during that year, and the Minister shall lay a copy of such report before the National Assembly.

Accounts  
and audit

9.—(1) The Authority shall keep proper accounts and other records in relation thereto and shall prepare in respect of each financial year a statement of accounts in a form approved by the Minister.

(2) The accounts of the Authority shall be audited by the Tanzania Audit Corporation.

(3) As soon as the accounts of the Authority for any financial year have been audited, the Authority shall cause to be sent to the Minister a copy of the statement of accounts prepared in respect of that year together with a copy of any audit report made thereon.

(4) The Minister shall, within a period of six months (or such longer period as the National Assembly may by resolution appoint) after the end of the financial year to which the accounts relate, lay a copy of every statement of accounts and audit report before the National Assembly.

Protection  
from  
personal  
liability

9A. No matter or thing done by any member, officer, servant or agent of the Authority shall, if the matter or thing is done in good faith for the purpose of carrying out the provisions of this Ordinance or of any order or regulations made thereunder, subject any such person as aforesaid to any action, liability, claim or demand whatsoever."

6. Section 25 of the Ordinance is repealed and replaced by the following:—

"Accounting  
for cess

25. The accounts of the proceeds and expenditure of any cess shall form part of the accounts referred to in section 8."

Repeal and  
replacement  
of section  
25

7. Section 31 of the Ordinance is amended in paragraph (i) of the proviso thereto by deleting the semi-colon at the end thereof and adding the following:—

"as in force immediately prior to the coming into operation of the Tea Ordinance (Amendment) Act, 1968;"

Amendment  
of section  
31

8. The Ordinance is amended by adding at the end thereof the following schedule:—

Addition of  
Schedule

#### SCHEDULE

1.—(1) The Authority shall consist of such number of members as the Minister may determine.

(2) Subject to the provisions of sub-paragraph (1) of this paragraph, the Minister may appoint—

(a) one member representing the Ministry for the time being responsible for agriculture;

(b) one member nominated by each of the Ministers for the time being responsible for—

(i) finance;

(ii) development planning;

(iii) commerce;

(c) other members being persons who appear to him to have knowledge of and experience in tea planting or the manufacture of made tea or commercial or financial matters, administration or the organization of workers in the tea industry.

(3) A member of the Authority shall, unless previously he dies or resigns or his appointment is revoked by the Minister, hold office for a period of two years from the date of his appointment and shall be eligible for re-appointment.

(4) The Minister may fill any casual vacancy occurring in the membership of the Authority and may revoke the appointment of any member and appoint a replacement subject, where appropriate, to the system of representation and nomination specified in sub-paragraph (2).

(5) A member of the Authority may resign by giving notice to the Minister of his intention to do so.

2.—(1) The Minister may nominate one of the members of the Authority as its chairman and the members shall elect a vice-chairman of the Authority from amongst their number.

(2) The vice-chairman shall hold office for a period of one year from the date of his election and shall be eligible for re-election.

3.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph, the Authority shall meet at such times as may be necessary or expedient for the transaction of its business and all meetings of the Authority shall be convened by the chairman or, in his absence from the United Republic or incapacity through illness, the vice-chairman, who shall appoint a suitable time, place and date for the holding of each meeting.

(2) The chairman or, in his absence from the United Republic or incapacity through illness, the vice-chairman, shall convene a special meeting of the Authority on a request in writing signed by not less than four members of the Authority for such a meeting and shall cause the meeting to be held within twenty-one days of the receipt by him of such request.

(3) Except in the case of a special meeting such as is referred to in sub-paragraph (2), at least fourteen days' notice in writing, specifying the business to be transacted at the meeting, shall be given of each meeting to every member of the Authority.

(4) The chairman, or in his absence, the vice-chairman, shall preside at the meetings of the Authority. In the absence of both the chairman and the vice-chairman the members present at the meeting shall elect one of their number to be chairman for that meeting.

4.—(1) A majority of the members of the Authority shall constitute a quorum at any meeting of the Authority.

(2) All acts, matters and things authorized to be done by the Authority shall be decided by resolution at a meeting of the Authority at which a quorum is present.

(3) A decision of the majority of members present and voting at a meeting of the Authority shall be deemed to be a decision of the Authority.

(4) Every member of the Authority shall have one vote and in the event of an equality of votes the chairman of the meeting shall have a second or casting vote in addition to his deliberative vote.

(5) Notwithstanding the provisions of sub-paragraph (2), where the chairman so directs a decision may be made by the Authority 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 be deferred until the subject matter shall be considered at a meeting of the Authority.

5. Minutes in proper form of each meeting of the Authority shall be kept and shall be confirmed by the Authority at its next meeting and signed by the chairman of the meeting.

6.—(1) The Authority shall appoint a Secretary to the Authority, who may or may not be a member of the Authority, for the purposes of attending meetings of the Authority, keeping the minutes of the meetings and performing such other duties as are imposed upon him by or under this Ordinance and as the Authority may from time to time direct.

(2) The Authority may from time to time appoint upon such terms and conditions of service as it may think fit such employees as it may deem necessary for the proper and efficient conduct of the business and operations of the Authority.

7. Subject to the provisions of this Schedule and to any rules which may be made under section 29 of the Ordinance, the Authority shall have power to regulate its own procedure and may from time to time make standing orders providing for all matters relating to the meetings of the Authority and the proper conduct of its business.

8. All deeds, instruments, contracts and other documents shall be deemed to be duly executed by or on behalf of the Authority—

- (a) if sealed with the seal of the Authority and signed by the chairman or the vice-chairman and two other members of the Authority; or
- (b) if executed in that behalf by one member of the Authority and the Secretary to the Authority both of whom have been authorized by the Authority for the purpose.

9. Subject to the provisions of this Schedule relating to a quorum, the Authority may act notwithstanding any vacancy in the membership thereof and no act or proceeding of the Authority shall be invalid by reason only of some defect in the appointment of a member or a person who purports to be a member."

Transitional provisions

9.—(1) Subject to the provisions of this section, all rights, funds, authorities, powers, privileges, remedies and liabilities which immediately prior to the coming into operation of this Act are vested in or may be had or exercised by the Tanganyika Tea Board shall, on the coming into operation of this Act, be applicable to and be vested in and had and exercised by the Tanzania Tea Authority to the extent to which the same or any exercise of the same are not inconsistent with any express provision of this Act or of the Ordinance as amended by this Act.

(2) Any rule, order, notice, direction, appointment or return made, issued or given under the Ordinance at any time prior to the coming into operation of this Act and purporting in express terms or by necessary implication to be still in force shall be deemed to continue in force, unless and until the same shall be earlier revoked or cancelled, as if—

(a) it had been made, issued or given by, to or on the recommendation of the Tanzania Tea Authority;

(b) all references therein to “the Board” and “the Tanganyika Tea Board” were references to “the Authority” and the “Tanzania Tea Authority” respectively.

(3) Notwithstanding the provisions of subsection (2), as from the date of the coming into operation of this Act—

(a) every member of the Tanganyika Tea Board shall cease to hold office but shall, subject to the provisions of the Ordinance as amended by this Act, be eligible to be appointed a member of the Tanzania Tea Authority;

(b) the Tea Board (Deposit of Funds) Rules, 1955 are revoked:

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Provided that the proceeds of any cess and any other monies accruing to the Tanganyika Tea Board which may have been deposited or invested in accordance with the provisions of those Rules shall be deemed to have been invested by the Tanzania Tea Authority with the approval of the Minister in accordance with the provisions of the Ordinance as amended by this Act.

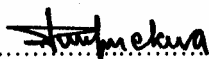
(4) In the case of any doubt arising under this section, the Minister may give directions in respect of the following matters, namely:—

(a) the powers of the Tanzania Tea Authority in relation to any matter provided for by subsection (1);

(b) the disposal of any funds of the Tanganyika Tea Board;

(c) any supplementary or incidental matters which may be in doubt.

Passed in the National Assembly on the nineteenth day of July, 1968.

  
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Clerk of the National Assembly