

THE UNITED REPUBLIC OF TANZANIA



No. 13 OF 1970

I ASSENT,

Julius K. Nyerere
President

18TH JUNE, 1970

An Act, to provide for Stability in the, Prices of Textiles

[17TH JUNE, 1970]

ENACTED by the Parliament of the, United Republic of Tanzania.

1. This Act may be cited as the Textiles (Price Stability) Act, 1970 and shall be deemed to have come into operation on the 17th June, 1970.

Short title and commencement

2. In this Act, unless the context otherwise requires-
"manufacturer" means any person carrying on the business of manufacturing textile in Tanganyika;

Interpretation

"Price Controller" means the Price Controller appointed under section 3 of the Price Control Ordinance;

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"sale" includes any transaction whatsoever whereunder the ownership of the article in question may pass to the purchaser at any time in future;

"textile" means yarn or woven fabric manufactured in Tanganyika, whether or not such yarn or fabric is manufactured out of material imported from outside Tanganyika;

"textile product" means any article or thing made, wholly or partly, of textile.

3.-(1) No manufacturer shall, on or after the commencement of this Act, sell or offer for sale textile manufactured by him at a price higher than the price at which such manufacturer normally sold such textile immediately before the commencement of this Act.

manufacturer not to increase price of textile

(2) No person who commences the business of manufacturing any description of textile after the commencement of this Act shall sell or offer for sale such textile manufactured by him at a price higher than the price approved in writing by the Price Controller in relation to such textile.

(3) Any manufacturer who contravenes the provisions of subsection (1) or subsection (2) shall be guilty of an offence.

Construction for purposes of section 3

4. Any consideration in money or moneys' worth additional to the price payable or, in the case of offer for sale, stipulated, in connection with the sale or an offer for sale by a manufacturer of textile manufactured by him, shall, where the value of such consideration together with the price exceeds-

- (a), in the case of a manufacturer who was carrying on the business of manufacturing textile before the commencement of this Act, the price at which like textile was normally sold or offered for sale by him immediately prior to the commencement of this Act; or
- (b) in the case of manufacturer who commences the business of manufacturing any description of textile after the commencement of this Act, the price approved by the Price Controller for such textile,

be deemed, for the purposes of section 3, to be an increase in the price of the textile sold or offered for sale, and it shall be immaterial that such consideration was payable or, in the case of an offer for sale, stipulated to be payable to a person other than the manufacturer.

Price Controller may increase in price

54.-(1) The Price Controller may, from time to time, by an authority in writing signed by him, authorize a manufacturer to increase the price of the textile manufactured by such manufacturer.

- (2) Every authority given under subsection (1) shall specify-
 - (a) the name of the manufacturer to whom it is given; and
 - (b) the description of the textile in respect of which it is given; and
 - (c) the amount by which the manufacturer may increase the price of that description of textile.

Defence to charge the offence under section 3

6. In any prosecution for an offence under section 3, it shall be a good defence if the accused proves to the satisfaction of the court that the increase in price did not exceed the increase, or the aggregate of the increases, authorized by the Price Controller in accordance with the provisions of section 5 in relation to the description of textile alleged to have been sold or offered for sale by the accused in contravention of the provisions of section 3.

Restriction on increase of wholesale and retail prices of textile and textile product

7.-(1) No person shall, on or after the commencement of this Act, sell or offer for sale, either by wholesale or retail, any textile or textile product at a price higher than the price at which he normally sold like textile or textile product, by wholesale, or as the case may be, retail, immediately before the commencement of this Act.

(2) No person who commences the business of selling any description of textile or textile product, either by wholesale or retail, after the commencement of this Act, shall sell or offer for sale such textile or textile product at a price higher, than-

- (a) the price at which another person carrying on like business in the same locality sold like textile or textile product by wholesale, or as the case may be, by retail immediately before the commencement of this Act;

(b) in the case of any description of textile product not manufactured anywhere in Tanganyika before the commencement of this Act, the wholesale or, as the case may be, the retail price approved in writing by the Price Controller.

(3) Any person who contravenes the provisions of subsection (1) or subsection (2) shall be guilty of an offence.

Se-(1) Where any textile or textile product and any other article are sold or offered for sale together at a price in excess of the price or for aggregate of the prices at which like textile or textile product and other similar article were sold, together or separately, immediately before the commencement of this Act, then for the purposes of section 7, the excess shall be deemed to be an increase in the price of the textile or, as the case may be, the textile product.

Construction purposes of section 7

(2) For the purposes of subsection (1), a condition of a sale or an offer for sale of any textile or textile product that the buyer or acceptor shall purchase another article, shall be a sale or an offer for sale of the textile or, as the case may be, the textile product and such other article together, and it shall be immaterial that separate sales were made or, in relation to the offer, stipulated.

(3) Any consideration in money or moneys' worth additional to the price payable or, in the case of an offer for sale, stipulated, in connection the sale or an offer for sale of any textile or textile product, shall, where the value of such consideration together with the price exceeds-

- (a) in the case of a person who was carrying on the business of selling textile or, as the case may be, textile product before the commencement of this Act, the price at which like textile was sold or offered for sale by him immediately prior to the commencement of this Act; or
- (b) in the case of a person who commences to carry on the business of selling any description of textile or, as the case may be, textile product, after the commencement of this Act, the price at which another person carrying on like business in the same locality sold like textile or, as the case may be, textile product, immediately before the commencement of this Act; or
- (c) in the case of a textile product not manufactured anywhere in Tanganyika before the commencement of this Act, the wholesale price or as the case may be, the retail price approved by the Price Controller in accordance with the provisions of paragraph (b) of subsection (2) of section 7,

be deemed for the purposes of section 7 to be an increase in the price of the textile or, as the case may be, the textile product, and it shall be immaterial that such consideration was payable or, in the case of an offer for sale, stipulated to be payable to a person other than the seller or offeror.

Defence to charge for offence under section 7

9. In any prosecution for an offence under section 7, it shall be a good defence if the accused proves to the satisfaction of the court that the increase in the price resulted from an addition to the cost to him of the textile or the textile product in question, and did not exceed that addition.

Penalty for offences

10. Any person guilty of an offence under this Act shall be liable on conviction to a fine not exceeding Shs. 20,000/- or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

Liability of employer or principal

11. Where any offence under this Act is committed by a person as an agent or employee then, as well as the agent or employee, the principal or employer shall be guilty of the offence and be liable to be proceeded against and punished accordingly unless he proves to the satisfaction of the court that he had no knowledge, and could not by the exercise of reasonable diligence have had knowledge, of the commission of the offence.

Liability of officers

12. Where any offence under this Act is committed by a body corporate then as well as the body corporate, any person who, at the time of the commission of the offence was concerned, as a director or an officer, with the management of the affairs of such body corporate, shall be guilty of the offence and be liable to be proceeded against and punished accordingly unless he proves to the satisfaction of the court that he had no knowledge, and could not by the exercise of reasonable diligence have had knowledge of the commission of the offence.

Jurisdiction of courts

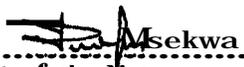
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13. Where a person is convicted of an offence under this Act by a court presided over by a Resident Magistrate, such court may, notwithstanding the provisions of section 7 of the Criminal Procedure Code, impose the maximum fine prescribed for such offence by this Act.

Proceedings with consent of Director of Public Prosecutions

14. No proceedings shall be instituted against any person for any offence under this Act without the prior consent of the Director of Public Prosecutions.

Passed in the National Assembly on eighteenth day of June, 1970.



 Clerk of the National Assembly