

THE UNITED REPUBLIC OF TANZANIA



No. 22 OF 1973

I ASSENT,

Julius K. Nyerere
President

6th DECEMBER, 1973

An Act to make provisions to facilitate the Dissolution of the State Trading Corporation

[.....7 DEC 1973.....]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the State Trading Corporation (Dissolu- Short title
tion) Act, 1973.

2. This Act shall expire on the first anniversary of the publication of Operation
an order under section 7.

3. In this Act unless the context otherwise requires—

Interpreta-
tion

“the Board” means the Board of Internal Trade established by the
Board of Internal Trade Act, 1973;

“the Corporation” means the State Trading Corporation established Acts, 1967
by the State Trading Corporation (Establishment and Vesting No. 2
of Interests) Act, 1967;

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

“parastatal organization” means—

(a) a body corporate established by or under any written law other
than the Companies Ordinance;

Cap. 212

(b) any specified company;

(c) any company incorporated under the Companies Ordinance not
less than fifty per centum of the issued share capital of which
is owned by a parastatal organization,
and includes the Board;

“specified company” means a company specified for the purposes of Acts, 1973
the Board Internal Trade Act, 1973. No. 15

Waiver of
incorporation
fees, etc. in
relation to
specified
companies

Cap. 188

4.—(1) Where the Minister is satisfied that any company incorporated or intended to be incorporated under the Companies Ordinance is or will be, when incorporated, a specified company, he may, by order under his hand, direct that such company shall be exempt from all fees, charges, levies or taxes payable under the Companies Ordinance or the Companies (Tax on Nominal Capital) Ordinance upon or incidental to the incorporation or registration of a company or upon the increase of its share capital or the filing of any document under the Companies Ordinance, and upon such order being made every person who would, but for such order, be liable to pay any such fee, charges, levy or tax shall be exempt from payment thereof and such company shall be incorporated notwithstanding that such fee, charges, levy or tax have not been paid.

(2) No order under this section shall be made save with the consent of the Minister for the time being responsible for finance.

Provisions
relating to
the winding
up of the
State
Trading
Corporation

5.—(1) The Minister may, by order in the *Gazette*—

- (a) transfer any asset or liability of the Corporation or a specified company to any parastatal organization;
- (b) transfer any person who is an employee of the Corporation to the service of any specified company.

(2) Where, by an order made under this section, the Minister vests any asset or liability of the Corporation or specified company in any parastatal organization the asset or liability to which such order relates shall, by virtue of such order and without further assurance, vest in the parastatal organization specified in the order.

(3) Where, by an order made under this section, the Minister transfers any employee of the Corporation to the service of any specified company—

- (a) such employee shall, as from the date of such transfer, be deemed to be an employee of the specified company to which he is transferred;
- (b) the terms and conditions of service applicable to such employee after such transfer shall be not less favourable than those which were applicable to him immediately before the transfer, and for the purposes of determining any right of gratuity or any other superannuation benefit the service of such employee with the specified company to which he is transferred shall be regarded as continuous with his service immediately preceding such transfer; and
- (c) the employment of such employee immediately prior to his transfer, and his employment by the specified company to which he is transferred, shall for the purposes of section 8A of the Severance Allowance Act, 1962, be deemed to be continuous employment by one employer, 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.

Cap. 487

(4) Where, by an order made under this section, the Minister vests any asset or liability of the Corporation or a specified company in any parastatal organization, he may make provisions in respect of the transfer to the parastatal organization of the rights and liabilities of the Corporation or, as the case may be, the specified company under any contract, guarantee, agreement, bond, authority mortgage, charge, bill of exchange, promissory note, bank draft, bank cheque, letter of credit or any other security or instrument whatsoever, and may provide for the substitution of the parastatal organization as the party thereto.

6. Where the Minister makes or has made any order under section 5, he may by the same or subsequent order make such supplementary, transitional or consequential provisions as he may deem necessary or expedient to give effect to such order made under section 5.

Minister may make further transitional provisions

7. The President may, when he is satisfied that all the assets and liabilities of the State Trading Corporation have been assumed by specified companies or other parastatal organizations, or otherwise disposed of, by order in the *Gazette*, repeal the State Trading Corporation (Establishment and Vesting of Interests) Act, 1967 and such order shall, with effect from the date when it is published, or any later date specified in the Order, have the same effect as if the said Act were repealed by this Act.

President may repeal the State Trading Corporation Act, 1967

Passed in the National Assembly on the twenty-first day of November, 1973.


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Clerk of the National Assembly