

THE CASHEWNUT INDUSTRY ACT, 1973

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THE UNITED REPUBLIC OF TANZANIA



No. 18 OF 1973

I ASSENT,

Julius K. Nyerere
 President

23RD JULY, 1974

An Act to provide for the establishment of the Cashewnut Authority of Tanzania, the regulation of the production, grading, processing and marketing of Cashewnuts and Kernels and for matters connected generally with the Cashewnut Industry or incidental thereto

[_____]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Cashewnut Industry Act, 1973 and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint. Short title and commencement

2.-(1) In this Act, unless the context otherwise requires-

Interpretation

"the Authority" means the Cashewnut Authority of Tanzania, established by subsection (1) of section 3;

"the Board of Directors" means the Board of Directors of the Authority established under subsection (2) of section 3;

"cashewnuts" means raw cashewnuts, that is to say, any cashewnuts after harvesting and before they have been processed;

"cashewnut industry" includes the production of cashewnuts, the growing, harvesting and processing of cashewnuts, the manufacture and utilization of cashewnuts and any by product of cashewnut, the marketing of cashewnuts, its kernels or any of its by-products and all other activities connected with or incidental to the foregoing;

"inspector" means any employee of the Authority appointed by the Board of Directors to be an Inspector for the purposes of this Act.

"the Director" means the Director of Agriculture;

"export" means export outside Tanganyika;

"financial year" in relation to the Authority means any period not exceeding twelve, successive months designated in that behalf, by the Board Directors and includes the Authority's first accounting period, whether of longer or shorter duration than twelve months, which shall commence on the date of the commencement of this Act, and expire on such date as the Board of Directors may appoint,

"grower" means any person who grows cashew plants;

"kernels" means kernels Produced from cashewnuts;

"levy" means levy imposed under the provisions of this Act;

"member" relation to the Board of Directors means a member of the Board of Directors and includes the chairman of the Board of Directors;

"Minister" means the Minister for the time being responsible for agriculture,

"processing" with its grammatical variations and cognate expressions. means any act or thing done to cashewnuts for the purpose of extracting kernels therefrom

Cap. 212 "subsidiary company" means any company incorporated under the Companies ordinance (hereinafter referred to as "the first subsidiary"), not less than fifty per centum of the issued share capital of which is owned by the Authority, and includes-

- (a) a company (hereinafter referred to as "the second subsidiary") not less than fifty per centum of the issued share capital of which is owned by the first subsidiary;
- (b) a company (hereinafter referred to as "the subsequent subsidiary") not less than fifty per centum of the issued share capital of which is owned by the second or a subsequent subsidiary).

(2) "Buy" and "sell" includes an offer to buy or, as the case may be, an offer to sell and also any transaction whereby the property in the article in question may pass to the buyer in future.

(3) The Director may, subject, to such limitations and restrictions as he may determine, by notice in the *Gazette*, delegate all or any of his functions under this Act to any public officer or other authority.

(4) Where any order or direction made or given by the Minister, the Director or the Authority under any provision of this Act is not expressly required by that provision to be published in the *Gazette*, such order or direction shall be brought to the notice of persons affected or likely to be affected thereby in such manner as the Minister, the Director or, as the case may be, the Authority may determine

Provided that if any such order, or direction is Published in the *Gazette* all persons shall be deemed to have notice thereof.

(5) In this Act every reference to an offence against this Act shall, unless the context otherwise requires, be read and construed as to include a reference to an offence, under any subsidiary legislation made and in force under this Act.

(6) For the purposes of the carrying out of its functions under this Act, the Authority shall be deemed to be, the holder of each and every licence, permit and other authority which may be required by or under this Act in relation to any matter connected with the cashewnut industry.

PART II

THE CASHEWNUT AUTHORITY OF TANZANIA

3. (1) There hereby established body corporate which shall

- (a) be known as the Cashewnut Authority of Tanzania and shall have perpetual succession and a common seal;
- (b) in its corporate name, be capable in law of suing and being sued;
- (c) be capable of holding, purchasing or, otherwise. acquiring,, and disposing of, any property whatsoever, whether movable or immovable, for the purposes of carrying out the functions conferred upon it by or under this Act or any other written law.,

(2) The power to carry out the functions of the Authority and to manage the bus' s and affairs of the Authority shall vest the Board of Directors.

(3) The provisions of the Schedule to this Act shall have effect as to the constitution and proceedings of the Authority and otherwise in tion to the Authority.

(4) Tile president may, by order published in the *Gazette*, amend, vary or replace all or any of the provisions of the Schedule to this Act.

4.-41) The functions of the Authority shall be-

- (a) to promote the development and improvement of the cashewnut industry;
- (b) to carry on, either on its own or in participation with any other person, the business of growers and producers of cashewnuts, the business of processing cashewnuts and the business of manufacturing products of cashewnuts and kernels including any other business or activity conducive or incidental thereto;
- (c) to regulate and control to the extent necessary to secure the most favourable arrangements for the marketing and, export of cashewnuts, kernels and the by-products of cashewnuts;
- (d) to advise the Government on all matters affecting the cashewnut industry.

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

- (a) to control and fix the prices to be paid from time to time for cashewnuts, kernels and by-products of cashewnuts which are exported or sold for the purposes of local industries and to notify such prices in such manner as the Authority may deem fit;

- (b) to regulate the marketing of cashewnuts and kernels for use in industries in the United Republic;
- (c) to provide services and facilities for the development of the cashewnuts industry, including-
 - (i) the supervision of cultivation of cashew plants, harvesting and drying of cashewnuts by growers;
 - (ii) the inspection, classification and grading of cashewnuts and kernels;
 - (iii) the organization of arrangements for the marketing, storage and transportation of cashewnuts;
- (d) to undertake, finance or provide facilities for research in the production, marketing and uses of cashewnuts and kernels;
- (e) to acquire by agreement and hold interest in any company or firm carrying on business concerned directly or indirectly with cashewnuts or kernels;
- (f) to establish branches within the United Republic or elsewhere;
- (g) to manage the affairs of and continue the business of any firm the interests of which are vested in or acquired by the Authority under the provisions of this Act whether or not that business relates to cashewnuts or kernels;
- (h) to advance money on loan, give guarantees for the benefit of or provide management or other services to persons, companies or firms engaged in the production of cashewnuts or kernels or any product of cashewnuts;
- (i) to provide for the licensing of persons engaged in the processing of cashewnuts or the production of any by-product of cashewnuts;
- (j) to do all such acts and things as, in the opinion of the Board of Directors, may be necessary to uphold and support the credit of the Authority and to obtain and justify public confidence, and to avert or minimize any loss to the Authority;
- (k) to do anything or enter into any transaction which in the opinion of the Board of Directors is calculated to facilitate the proper exercise of its functions under the provisions of this Act.

Minister may give directions

5. The Minister may give the Authority directions of a general or specific character as to the performance by the Authority of any of its function under this Act, and the Authority shall give effect to every such direction.

Funds of Authority and their investment

- 6.-**(1) The funds and resources of the Authority shall consist of-
- (a) such sums as may be provided by Parliament for the purpose;
 - (b) such sums of money as the Authority may borrow from the Government or any other person;
 - (c) such sums or property as may in any manner become payable to or vested in the Authority by or under this Act or any other written law or in respect of any matter incidental to the carrying out of its functions;

(d) such sums as may be collected as levy.

(2) The Authority may, with the approval of the Minister, borrow from any person such sum or sums of money as it may require and may, if it is of the opinion that it is in the public interest so to do, and subject to the consent of the Minister, guarantee the repayment of a loan and the payment of interest on a loan made to any person engaged in the cultivation of cashew plants, production, processing or marketing of cashewnuts or kernels or any product of cashewnuts:

Provided that no contract for a loan made by or a guarantee given by the Authority shall be unenforceable by reason only of the Minister not having consented thereto.

(3) The Authority may invest in such investments as the Minister may approve for the purpose, any portion of its funds as is not for the time being required for the purposes of its business.

(4) The powers of the Minister under subsection (3) 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.

7.-(1) The Minister may, after consultation with the Minister for the time being responsible for finance and with the Authority, and by order published in *Gazette*, impose a levy on cashewnuts or any category of cashewnuts produced or processed in Tanganyika.

Power to
impose levy

(2) Levy imposed under subsection (1) shall be computed and collected at such rate and in such manner as may be prescribed by regulations made under this Act and shall form part of the financial resources of the Authority.

(3) Any regulations made in relation to levy may provide for it to be an offence for any person to fail to pay the levy or any part thereof.

8. The Board of Directors may, and shall, if so directed by the Minister, establish and maintain such reserve or special funds of the Authority as the Board or the Minister may consider necessary or expedient, and shall make into or from any such funds such payments as the Board may deem fit or, in the case of a fund established pursuant to a direction by the Minister, as the Minister may direct.

Reserve and
special funds

PART III

PRODUCTION AND PROCESSING OF, AND DEALINGS IN, CASHEWNUTS AND PRODUCTION THEREOF

9.-(1) The Authority may, with the consent of the Minister, give directions-

Authority
may give
directions

(a) as to preparing the ground for planting cashewnuts, harvesting, drying, storing, processing and marketing of cashewnuts and as to the timing of such operations-

- (b) to the effect that cashewnuts shall be graded, packed and marketed in such manner as the Authority may specify in such direction;
- (c) as to the manufacture, storing, processing and marketing of products derived or manufactured from cashewnuts.

(2) Directions under this section may specify the manner in which, the time within which, and the class of growers or, as the case may be, processors or manufacturers by whom, the same shall be obeyed, and where any direction does not specify the class of growers or, as the case may be, the processors or manufacturers by whom it shall be obeyed, the direction shall be obeyed by all growers or, as the case may be, processors or manufacturers of products of cashewnuts, to which the direction relates.

(3) Contravention of any direction given by the Authority and in force at the time of such contravention, shall be an offence against this Act.

Prevention
of disease

10. (1) The Director may, by order under his hand, for the purpose of preventing or controlling the occurrence or spread of any insect pest or disease of cashewnuts within any area specified in such order-

- (a) require that within such area-
 - (i) all or any cashew plants, cashew residues or any plant specified in the order, shall be uprooted and burned by any person possessing or having control over the same;
 - (ii) all or any cashewnuts or refuse of cashewnuts shall be burned;
- (b) require any grower within such area forthwith to harvest such of his cashewnuts as, in the opinion of the Director, are ready for harvesting;
- (c) prohibit any person within such area from planting any cashewnuts before a date specified in the order.

(2) Any person who contravenes or fails to comply with any of the provisions of any order made under subsection (1) shall be guilty of an offence against this Act.

(3) Where any person fails to carry out the provisions of any order made under subsection (1), the Director may, on giving not less than seven days' notice in writing of his intention so to do, cause such measures to be taken as may be necessary to carry out the provisions of such order and thereupon such person shall, without prejudice to any penalty which he may have incurred by reason of such failure, be liable to pay all the costs of such undertaking which costs shall be recoverable as a debt due to the Government.

PART IV

MARKETING AND EXPORT OF CASHEWNUTS AND KERNELS

11.- (1) No person other than the Authority or a subsidiary company or other person designated in that behalf by the Board of Directors shall export cashewnuts or kernels.

Restriction on export of cashewnuts and kernel

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

12.-(1) It shall be lawful for the Authority with the approval of the Minister, to order producers of cashewnuts or kernels in any specified area to sell or otherwise dispose of such cashewnuts or kernels to or through a person or authority specified in that behalf in such order.

Compulsory marketing orders

(2) The Authority may, in any order made under subsection (1) exempt any producer or category of producer from all or any of the provisions of the order.

(3) Every order made by the Authority under subsection (1) shall be published in the Gazette.

13. Subject to any direction by the Minister in that behalf, payment for any quantity of cashewnuts or kernels purchased by the Authority for export, re-sale within the United Republic or otherwise shall be to be made by the Authority in such manner or by such installments as the Board of Directors may determine:

Payments for cashewnuts or kernel sold to Authority

Provided that-

- (a) in the case of a payment for any quantity of cashewnuts or kernels exported or resold locally by the Authority such payment shall not, save with the express consent of the seller, be delayed to a date later than thirty days from the date of the receipt by the Authority of the proceeds of the sale on export or domestic re-sale, as the case may be;
- (b) nothing in this section or any other provision of this Act shall be construed as precluding the Authority from exporting cashewnuts or kernels on behalf of or as an agent of the producer.

PART V

ADMINISTRATION AND FINANCIAL PROVISIONS

14.-(1) The Board of Directors may from time to time appoint, at such salaries and upon such terms and conditions as it may think fit, such officers and employees of the Authority as it may deem necessary for the proper and efficient conduct of the business and activities of the Authority.

Appointments of employees

(2) The President shall appoint a General Manager of the Authority who shall be the chief executive officer of the Authority.

Transfer of
employees

15.-(1) The Board of Directors may transfer any person who is employed by the Authority to the employment of a subsidiary company, or may transfer any person who is employed by a subsidiary company to the employment of the Authority or to the employment of another subsidiary company.

(2) Where any employee is transferred under subsection (1)-

(a) he shall, as from the date of his transfer, be deemed to be the employee of the Authority or, as the case may be, or of the subsidiary company to which he is transferred;

(b) the terms and conditions of service applicable to him after such transfer shall not be less favourable than those which were applicable to him immediately before the transfer and for the purposes of determining any right to gratuity or any other superannuation benefit, his service with the Authority or as the case may be, the subsidiary company to which he is transferred, shall be regarded as continuous with his service immediately preceding such transfer; and

(c) his employment immediately prior to his transfer and his employment by the Authority or, the case may be, subsidiary company to which he is transferred 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.

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Remuneration
and allow-
ances.
of member of
Board of
Directors

16. The members of the Board of Directors shall be entitled to receive such remuneration, allowances and other benefits as the Minister may direct.

Superannua-
tion benefits

17. The Board of Directors may-

(a) grant gratuities or other retirement allowances or benefits to the officers and employees of the Authority;

(b) established and contribute to a superannuation fund and a medical benefits fund for the officers and employees of the Authority;

(c) require any officer or employee of the of the Authority to contribute to any such superannuation fund or medical benefits fund and fix the amounts and method of such contribution.

Agents and
contractors

18. The Board of Directors may, from time to time, appoint and employ upon such terms and conditions as it thinks fit such agents and contractors of the Authority as it may deem necessary.

Power of
Board of
Directors
to delegate

19.(1) Subject to subsection (6) of this section, the Board of Directors may from time to time, by writing under the seal of the Authority, delegate, subject to such terms, conditions and restrictions as it may specify, to any committee of the Board or to any officer or servant of the Authority or to any subsidiary company, all or any of its functions, powers, authorities or duties under this Act, and where any delegation is so made the delegated function, power, authority or duty may be performed or, as the case may be, exercised by the delegate subject to the terms, conditions and restrictions specified in the writing.

(2) Any delegation under subsection (1) may be made to the holder of an office under the Authority specifying the office but without naming the holder, and in every such case each successive holder of the office in question and such person who occupies or performs the duties of that office may, without any further authority, perform or, as the case may be, exercise the delegated function, power, authority or duty in accordance with the delegation made.

(3) The Board of Directors may revoke a delegation made by it under this section.

(4) No delegation under this section shall prevent the, Authority from itself performing or exercising the function, power, authority or duty delegate.

(5) Any delegation made under this section shall be published in the *Gazette*, and upon such publication shall be judicially noticed and shall be presumed to be in force unless the contrary is proved.

(6) The Board of Directors shall not have power under this section to delegate—

- (a) its power of delegation; or
- (b) the power to make any order or give directions under section 9;
- (c) the power to approve the annual budget or any statement of account.

20. The Board of Directors 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.

Annul
report
on conduct of
business

21.-(1) The Board of Directors shall cause to be provided and kept proper books of accounts and other records with respect to-

Accounts and
audit

- (a) the receipt and expenditure of moneys by and other financial transactions of, the Authority;
- (b) the asset and liabilities of the Authority, and shall cause to be made out for every financial year a balance sheet showing details of the income and expenditure of the Authority and its assets and liabilities.

(2) At least once in every financial year the accounts, including the balance sheet, of the Authority shall be audited by the Tanzania Audit Corporation established by the Tanzania Audit Corporation Act, 1968.

Acts 1968
No. 1

(3) Within six months after the accounts of the Authority for any financial year have been audited, the Board of Directors shall cause to be sent to the Minister a copy of the statement of accounts prepared in respect of that financial year together with a copy of any audit report made thereon.

(4) The Minister shall, as soon as practicable after the receipt by him of the statement of accounts and audit report thereon, lay a copy of same before the National Assembly.

PART VI

MISCELLANEOUS PROVISIONS

- Protection from personal liability cap 16 Acts, 1970 No. 7
- 22.** Without prejudice to the provisions of section 284A of the Penal Code or the provisions of the Specified Officers (Recovery of Debts) Act, 1970, no act or thing done or omitted to be done, by any member of the Board of Directors or by any officer, servant or agent of the Authority shall, if done or omitted in good faith in the execution or purported execution of his duties as such member, officer, servant or agent, subject the Authority or such person as aforesaid to any action, liability, claim or demand whatsoever.
- Powers of entry inspection, etc.
- 23.** (1) The Director or an inspector may, at any reasonable hour of the day, enter any place where cashewnuts or kernels or any by products thereof are produced processed, manufactured or stored, and inspect and examine the same for the purpose of ensuring that the provisions of this Act, or of any regulations made hereunder, or of any directions or order given or made by the Minister, the Director or the Authority are being complied with.
- (2) The Director or, as the case may be, the inspector may, for the purposes of securing compliance with the provisions of this Act or of any regulations, order or directions made or given under this Act, or for the purposes of detecting and establishing any breach of any such provisions, regulations, directions or order, take samples of any cashewnuts or kernels or of any product thereof, found in or on any place, processing plant or store, and may subject such samples to such tests as he may deem necessary.
- (3) Any person who obstructs the Director or an inspector in the exercise of the powers conferred upon him by this section, or who neglects or refuses to produce to the Director or inspector any book or record which the Director or inspector may request to be produced for his inspection, shall be guilty of an offence against this Act.
- Regulations
- 24.** (1) The Board of Directors may, with the approval of the Minister, make regulations for all or any of the following purposes:-
- (a) to require the submission of information and statistics relating to cashewnuts, kernels and products thereof, including (but not restricted to) such matters as production, acreage, machinery, labour, equipment, storage facilities, sales, deliveries, shipments and stock, and to prescribe forms in connection therewith;
 - (b) to prescribe, the manner in which cashewnuts, or kernels shall be stored by producers or category of producers and the manner in which such place where cashewnuts or kernels are stored shall be maintained, and the specifications of any store to be used for storage of cashewnuts or kernels;
 - (c) to provide for the definitions of grades of cashewnuts or kernels offered for sale and to make orders prohibiting sale of cashewnuts or kernels that do not comply with such grades;
 - (d) to provide for the inspection of cashewnuts and kernels and for the appointment of inspectors, and to prescribe the duties of such inspectors;

- (e) to provide for the inspection, weighing and measuring of cashew-nuts and kernels;
- (f) to provide, for records to be kept by the producers of cashewnuts and kernels or category of such producers and for the submission of returns and to prescribe forms for such records and returns;
- (g) to provide for any matter incidental to any of the matters specified in the preceding paragraphs of this subsection;
- (h) to prescribe anything which is to be or may be prescribed and generally for carrying into effect of any of the provisions or purposes of this Act.

(2) Regulations made under this section may be made to apply to Tanganyika as a whole or to any part thereof.

25.-(1) The provisions of the Auctioneers Ordinance shall not apply to any sale by auction of any cashewnuts or kernels owned or in the possession of the Authority where such auction is conducted by or on behalf of the Authority.

(2) Upon the coming into operation of this Act, every Board lawfully established or deemed to have been established under the Agricultural Products (Control and Marketing) Act, 1962 for the control and regulation of the production, cultivation and marketing of cashewnuts either in the whole of Tanganyika or any part thereof, and in existence immediately before the commencement of this Act, shall cease to have any power, function, authority or duty conferred or imposed upon, it in relation to any matter connected with the production, cultivation and marketing of cashewnuts or with respect to any transaction affecting the cashew-nut industry, and the provisions of the said Agricultural Products (Control and Marketing) Act 1962, shall not apply to cashewnuts, kernels or in relation to Authority.

(3) Nothing contained in subsection (2) or any other provision of this Act shall be construed as affecting-

- (a) the existence, corporate capacity or constitution of any such Board lawfully established or deemed to have been established under the Act aforesaid and in being immediately before the commencement of this Act;
- (b) any contract, agreement, transaction or scheme entered into or set up by such Board and affecting any person immediately before the commencement of this Act:

Provided that the Minister may, by order, provide for the substitution of the Authority for such Board as a party to any such agreement, transaction or scheme;

- (c) any regulation, order, direction, requirement, notice, appointment or licence made, issued, given, effected or granted under the said Agricultural Products (Control and Marketing) Act, 1962 in relation to any such Board as aforesaid or in relation to cashew-nuts and in force immediately before the commencement of this Act, and the same shall continue of force and effect as if made by the Authority under this Act until revoked or replaced by any regulation, order, direction, requirement, notice, appointment or licence made, issued or given under this Act;

(d) any levy lawfully imposed which is in force immediately before the commencement of this Act, and the same shall continue of force and effect as if such levy were imposed by the Minister under this Act and the provisions of this Act shall apply to such levy accordingly.

Penalty for offences

26. Any person guilty of an offence against this Act shall, unless some other punishment is prescribed therefor, be liable on conviction to a fine not exceeding fifty thousand shillings or imprisonment for a term not exceeding three years, or to both such fine and imprisonment, and in addition to any such penalty the court may, where the offence committed relates to any quantity of cashewnuts or kernels, or any product thereof, order the same to be forfeited to the Authority.

SCHEDULE

Constitution

1.-(1) The Board of Directors shall consist of the following members:-

- (a) a chairman appointed by the President;
- (b) not less than ten and not more than fifteen other members appointed by the Minister from amongst persons who are, in his opinion, experienced in the production or marketing of cashewnuts or kernels and products thereof, in banking or finance, in public administration, in economic and development planning and in regional development.

(2) The members of the Board of Directors shall, from among their number, elect a vice-chairman, who shall hold office for so long as he remains a member of the Board.

(3) A member of the Board of Directors shall, unless his appointment is sooner determined 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:

Provided that in the case of a member who is a member by virtue of his holding some other office, he shall cease to be a member upon his ceasing to hold that office.

(4) Any member of the Board of Directors may at any 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 in the notice from the date of the receipt of the notice by the Minister he shall cease to be a member.

(5) The Board of Directors may, with the approval of the Minister, appoint any member of the Board or officer of the Authority or a public officer to be the Secretary of the Board.

Absent members to be replaced at meetings casual vacancies

2. If a member is unable for any reason to attend a meeting, the body or the Ministry, as the case may be, which he represents, may, in writing, nominate another person in his place for the purpose of that meeting.

3. Where any member ceases to be a member for any reason before the expiration of his term of office, the Minister shall appoint another person in his place and the person so appointed shall hold office for the remainder of the term of office of his predecessor.

Meetings

4.-(1) An ordinary meeting of the Board of Directors 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 is unable to act by reason of illness, absence from Tanganyika, or other sufficient cause, the vice-chairman may convene such meeting.

(2) The chairman, or in his absence, the vice-chairman shall be bound to convene a special meeting of the Board of Directors 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 of such meeting shall be given to all members of the Board in the manner prescribed in sub-paragraph (1).

(3) The chairman, the vice-chairman, or the temporary chairman elected in accordance with the provisions of paragraph 5 (2) presiding at any meeting of the Board of Directors may invite any person who is not a member to participate in the deliberations of the Board, but any such person shall not be entitled to vote.

5.-(1) One-half of the total number of the members of the Board of Directors, or seven members, whichever is the lesser number, shall form a quorum for a meeting of the Board. Procedure

(2) In the absence of the chairman from a meeting of the Board of Directors the vice chairman shall preside. In the absence of both the chairman and the vice-chairman from any meeting, the members present shall, elect one of their number to be a temporary chairman of that meeting.

(3) At any meeting of the Board a decision of the majority of the members present and voting shall be deemed to be a decision of the Board. In the event of an equality of votes the chairman of the meeting shall have a casting vote in addition to his deliberative vote.

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

6. Minutes in proper form of each meeting of the Board of Directors shall be kept and shall be confirmed by the Board at the next meeting and signed by the chairman of the meeting. Minutes of meetings

7. The seal of the Authority shall not be affixed to any instrument except in the presence of the General Manager or the Secretary and one member of the Board of Directors. The seal of the Authority

8. Subject to the provisions of paragraph 5 relating to quorum the Board of Directors may act notwithstanding any vacancies in the membership thereof and no act or proceeding of the Board shall be invalid by reason only of some defect in the appointment of a person who purports to be a member thereof. Vacancies, etc. not to invalidate proceedings

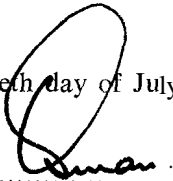
9. All orders, regulations, directions, notices or documents made or issued by the Authority or the Board of Directors shall be signed by- Orders, directions, etc.

(a) the General Manager; or

(b) any member of the Board or other officer of the Authority authorized in writing by the General Manager in that behalf.

10. Subject to the provisions of this Schedule the Board of Directors shall have power to regulate its own proceedings. Board may regulate its own proceedings

Passed in the National Assembly on the twentieth day of July, 1973.


Clerk of the National Assembly