

**THE LOCALLY MANUFACTURED PRODUCTS (PRICE
STABILITY) ACT, 1972**

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THE UNITED REPUBLIC OF TANZANIA



No. 24 OF 1972

I ASSENT,

Julius K. Nyerere
President

17TH AUGUST, 1972

**An Act to provide for Stability in the Prices of Goods Manufactured
in Tanganyika**

[15TH JUNE, 1972]

ENACTED by the Parliament of the United Republic of Tanzania.

Short title
and com-
mencement

1. This Act may be cited as the Locally Manufactured Products (Price Stability) Act, 1972, and shall be deemed to have come operation on 15th June, 1972.

2. In this Act, unless the context otherwise requires-
"effective date" means-

Interpreta-
tion

(a) in relation to any product specified in the Schedule to this Act, the 15th day of June, 1972;

(b) in relation to any product which becomes a specified product by reason of an amendment of the Schedule, the date on which the order amending the Schedule is published;

"like product" in relation to any specified product, means a product of a similar kind and manufactured in Tanganyika;

"manufacturer" means any person carrying on the business of manufacturing any article in Tanganyika;

"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;

"specified product" means any article manufactured in Tanganyika and specified in the Schedule to this Act.

3. The Minister for the time being responsible for finance may, by order published in the *Gazette*, specify, amend, vary or replace the Schedule to this Act.

Minister
may amend
schedule

Manu-
facturer
not to
increase
price of
specified
products

4.- (1) No manufacturer shall, on or after the effective date sell or offer for sale any specified product manufactured by him at a price higher than the price at which such manufacturer normally sold such product immediately before the effective date.

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

(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

5. 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 any specified product 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 such specified product before the effective date, the price at which like product was normally sold or offered for sale by him immediately prior to the effective date; or
- (b) in the case of a manufacturer who commences the business of manufacturing any specified product after the effective date, the price approved by the Price Controller in relation to such specified product,

be deemed for the purposes of section 4, to be an increase in the price of the specified product 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
authorize
increase in
price

6.- (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 any specified product 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 specified product in respect of which it is given; and
- (c) the amount, by which the manufacturer may increase the price of that description of specified product.

Defence to
charge the
offence
under
section 4

7. In any prosecution for an offence under section 4, 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 accordance with the provisions of section 6 in relation to the specified product alleged to have been sold, or offered for sale by the accused in contravention of the provisions of section 4.

8-(1) No person shall, on or after the effective date, sell or offer for sale either by wholesale or retail, any specified product at a price higher than *the* price at which he normally sold like product, by wholesale, or as the case may be retail, immediately before the effective date,

Restriction on increase of wholesale and retail prices of specified products

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

- (a) the price at which another person carrying on like business in the same locality sold like product by wholesale, or as the case may be, by retail immediately before the effective date;
- (b) *in the case of any specified product not manufactured anywhere in Tanganyika before the effective date, 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.

9.-(1) Where, any specified product and any other article are sold or offered for sale together at a price in excess of the price or the aggregate of the prices at which like product and other similar article were sold, together or separately, immediately before the commencement of this Act, then for the purposes of section 8, the excess shall be deemed to be an increase in the price of the specified product.

Construction for purposes of section 8

(2) For the purposes of subsection (1), a condition of a sale or an offer for sale of any specified product that the buyer or acceptor shall purchase another article, shall be a sale or an offer for sale of the specified 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 with the sale or an offer for sale of any specified 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 such specified product before the effective date, the price at *which* *Me* product was sold or offered for sale by him immediately *prior to the* effective date; or
- (b) in the case of a person who commences to carry on the business of selling any specified product after the effective date., the price at *which another* person carrying on like business in the same locality sold like product, immediately before the effective date; or
- (c) in the case of a specified, product not manufactured anywhere in Tanganyika before the effective date, 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 8.

be deemed for the purposes of section 8 to be an increase in the price of the specified 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 8

10. In any prosecution for an offence under section 8, 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 specified product in question, and did not exceed such additional cost.

Penalty for offences

11. Any person guilty of an offence under this Act shall be liable on conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

Liability of employer or principal

12. Where any offence under this Act is committed by a person or as an agent or employee then, as well as the agent or employee, the principal or employer shall be guilty of the offence and shall 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

13. 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.

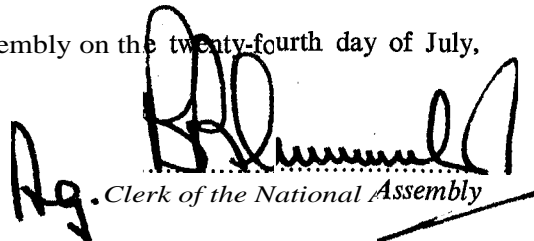
Proceedings with consent of Director of Public Prosecutions

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.

SCHEDULE

- (a) Tyres.
- (b) Tubes.
- (c) Pangas, Jembe, Ploughs and similar implements for use in agriculture.

Passed in the National Assembly on the twenty-fourth day of July, 1972.


Clerk of the National Assembly