

THE UNITED REPUBLIC OF TANZANIA



No. 15 OF 1974

ASSENT,
Julius K. Nyerere
President

11TH JULY, 1974

An Act to acquire Shares in the Tanganyika Packers Limited

[1st JULY 1974]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Tanganyika Packers (Acquisition of Shares) Act, 1974. Short title

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

"the Board" means the Board of Directors of the Corporation;

"the Corporation" means the National Agricultural and Food Corporation established by the National Agricultural and Food Corporation (Establishment) Order, 1969 made under the Public Corporations Act, 1969;

"the Company" means the Tanganyika Packers Limited incorporated in Tanganyika under the Companies Ordinance;

"effective date" means the 1st July, 1974;

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

3. As from the effective date all such shares of the Company as are not already vested in the Corporation, shall, by virtue of this section and without further assurance, vest, free of any trust, mortgage, charge, lien, interest, or other incumbrance whatsoever, in the Corporation and shall be deemed to have so vested as from the effective date and the Corporation shall be the sole shareholder of the Company.

Interpretation

G.N. 1969
No. 89
Acts, 1969
No.17

Cap. 212

Vesting of
shares

Provisions relating to directors

4. Notwithstanding any provision to the contrary in any law or in any Articles of Association, charter, agreement, contract or other instrument whatsoever-

- (a) as from the effective date the directors of the Company shall cease to hold office;
- (b) a director who ceases to hold office by virtue of sub-paragraph (a) shall not be entitled to any damages or compensation in respect of the loss of office;
- (c) the Board shall, after consultation with the Minister appoint directors of the Company;
- (d) the management of the Company shall vest in the Board of Directors of the Company;
- (e) subject to the provisions of the Articles of Association as modified by this section, the Board of Directors of the Company may regulate its own procedure.

Compensation

5.-(1) The United Republic shall pay such compensation in respect of the shares vested in the Corporation under section 3 as the Minister for Finance, after consultation with the Minister, may consider fair and reasonable having regard to all the circumstances.

(2) When the amount of the compensation payable to any person entitled thereto by virtue of subsection (1) has been determined, the Minister for Finance shall issue a certificate setting out such amount and that amount shall, constitute a charge on and be paid out of the Consolidated Fund:

Provided that the said amount compensation shall be payable in such manner and in such instalments as the Minister for Finance, after consultation with the person entitled thereto shall determine.

(3) Where any compensation has been paid under this section the Corporation shall be liable to refund to the Consolidated Fund the amount of the compensation so paid, and such refund shall be made by such instalments and subject to such terms and conditions as the Minister for Finance may, after consultation with the Minister, determine.

Construction of instruments affecting shares

6.-(1) Any disposition-

- (a) which was affected by a testamentary instrument executed before the effective date; and
- (b) which would have operated as a bequest of all or any of the shares vested in the Corporation under the provisions of this Act,

shall have effect as a bequest of the right of the testator to be paid compensation in respect of the acquisition of the shares in relation to which that disposition would have operated.

- (2) Any power of attorney or other instrument-
- (a) which was executed before the effective date upon which any shares became vested in the Corporation under the provisions of this Act; and
 - (b) which operates in relation to all or any of those shares, shall have the like operation in relation to the right to payment of compensation in respect of the acquisition of the shares to which that power of attorney or other instrument relates.

7.-(1) Every person who immediately before the effective date was director, member or employee of the Company shall do all such lawful things and acts as he may be called upon in writing to do by the Corporation or the Minister in order to assist the Corporation in assuming effective control of the Company.

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

Passed in the National Assembly on the First day of July, 1974.

MMwindadi
Acting Clerk of the National Assembly