

Tanzania

## Centre for Agricultural Mechanisation and Rural Technology Act, 1981 Chapter 181

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# Centre for Agricultural Mechanisation and Rural Technology Act, 1981

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# Tanzania

## Centre for Agricultural Mechanisation and Rural Technology Act, 1981

### Chapter 181

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*[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]*

*[G.N. No. 9 of 1982; Act No. 19 of 1981]*

**An Act to establish the Centre for Agricultural Mechanisation and Rural Technology and to provide for the functions and powers of the Centre in relation to the promotion of the mechanisation of agricultural and rural technology.**

### **Part I – Preliminary provisions (ss. 1-2)**

#### **1. Short title**

This Act may be cited as the Centre for Agricultural Mechanisation and Rural Technology Act.

#### **2. Interpretation**

In this Act, unless the context requires otherwise—

"**appropriate technology**" includes all applied arts, machinery, equipment and processes which, through the use, or development, modification and use, of local resources, may be developed, adapted, produced, extended or implemented for use in rural areas in the fields of agriculture, energy, water supply, sanitation, health, building construction, transport and rural development generally;

"**Board**" means the Board of Directors of the Centre, established under section 6;

"**Centre**" means the Centre for Agricultural Mechanisation and Rural Technology established by section 3;

"**Director-General**" means the Director-General of the Centre appointed under section 16;

"**existing projects**" means the Tanzania Agricultural Machinery Testing Unit and the Arusha Appropriate Technology Project;

"**member**" in relation to the Board means a member of the Board and includes the Chairman and the Vice-Chairman;

"**Minister**" means the Minister responsible for industries;

"**rural development**" means any activity or process which is intended to facilitate the application or development of appropriate technology and the improvement of rural life through local self-reliance;

"technical projects committee" means the committee established under section 10.

## Part II – The Centre for Agricultural Mechanisation and Rural Technology (ss. 3-9)

### 3. Establishment of the Centre

- (1) There is hereby established a Centre to be known as the Centre for Agricultural Mechanisation and Rural Technology.
- (2) The Centre shall be a body corporate and shall—
  - (a) have perpetual succession and an official seal;
  - (b) in its corporate name be capable of suing and being sued;
  - (c) subject to this Act, be capable of holding, purchasing, or acquiring in any other way, any movable or immovable property, and of disposing of any of its property.

### 4. Functions of the Centre

- (1) The functions of the centre shall be—
  - (a) to take over and continue such of the functions and businesses of the existing projects as the Minister shall, by order published in the *Gazette* direct;
  - (b) to carry out, and promote the carrying out of applied research designed to facilitate the designing, adaptation and development of machinery and equipment suitable for use in agricultural and rural development;
  - (c) to develop and manufacture approved prototypes, components and cultural techniques and technologies, and evaluate their suitability for adaptation and alternative used in rural agricultural production;
  - (d) to adapt foreign designs of agricultural machinery and equipment to suit local conditions of manufacture and maintenance, for use in rural agriculture;
  - (e) to develop and manufacture approved prototypes, components and spares of agricultural machinery and equipment which are not available in large quantities in the United Republic;
  - (f) to perform tests on all types of machinery and equipment intended for use in agricultural and rural development in the United Republic, and to publish the results of each such test;
  - (g) to formulate and conduct short courses designed to provide practical training and further knowledge to village and other artisans in the use and maintenance of agricultural machinery and other appropriate technology machinery and equipment;
  - (h) to advise and provide support services to organisations and persons undertaking the extension and implementation of programmes and projects resulting from the work of the Centre;
  - (i) to offer consultancy services on the designing, testing and other technical aspects of agricultural and other machinery and equipment for use in rural development;
  - (j) to offer consultancy services relating to the marketing, financial and other managerial aspects of agricultural and rural development through the adaptation and use of appropriate technology;
  - (k) to provide relevant information and advice to the agricultural sector relating to the design, production, marketing, supply, use and maintenance of agricultural and other appropriate technology machinery and equipment;

- (l) to formulate and execute projects and programmes designed to encourage or facilitate the establishment and development of village workshops and other rural production and maintenance facilities;
  - (m) to act as the national link with other national and international institutions engaged in activities related or similar to the functions of the Centre;
  - (n) to do any thing which may be necessary to uphold and support the credit of the Centre, to obtain and justify public confidence, to avert or minimise any loss to the Centre and to facilitate the proper and efficient performance of its functions.
- (2) In particular, but without prejudice to the generality of subsection (1), the Centre may—
- (a) undertake, either alone or in association with any person or body of persons within or outside Tanzania, the establishment, equipment and management, on a zonal sectoral or other basis, of a centre or centres within Tanzania for the performance of any of its functions;
  - (b) provide or facilitate the provision for, the rural sector practical technical services by recruiting and training for the Centre the necessary skilled manpower, the establishment of units, workshops or farms for demonstration of the proper manufacture, use or maintenance of agricultural and other appropriate technology machinery and equipment;
  - (c) provide to the Government, parastatals and other persons, technical services connected with the repair and maintenance of agricultural Machinery and equipment;
  - (d) provide to industrial enterprises technical services connected with the design of prototype agricultural and other appropriate technology machinery and equipment for manufacture or use in the United Republic.
- (3) For the purposes of the better performance of its functions the Centre shall establish and maintain a system of consultation and co-operation with any person or body of persons established by or under any written law and having functions related to those specified in subsection (1) or (2) or which relate to agricultural mechanisation, technology research, appropriate technology development or to agricultural or industrial development generally.

## 5. Vesting of assets and liabilities

- (1) The Minister shall, within three months from the commencement of this Act, by notice published in the *Gazette*, determine the businesses and functions of the existing projects which shall be taken over and continued by the Centre in accordance with the provisions of this Act.
- (2) The Minister shall, in the order made under subsection (1), direct the manner in which and by whom, such of the businesses and functions of the existing projects not taken over by the Centre shall be continued.
- (3) Where a determination is made by the Minister in relation to a business or function of the existing projects in pursuance of subsection (1)—
  - (a) all the assets and liabilities of the existing business or function in question shall, by virtue of this section and without further assurance, vest in the Centre with effect from the commencement of the order;
  - (b) every person who, immediately before the commencement of the order, was managing the business of the existing projects shall upon the commencement of the order, do all things that are necessary or desirable for the effectual vesting in accordance with the provision of this Act of the assets and liabilities of the existing projects in relation to the business or function in question subsisting immediately before the commencement of the order;
  - (c) all the rights, privileges and advantages, and all the liabilities and obligations which, immediately before the commencement of the order, the existing projects, in relation to

the business or function in question, where entitled or subject to, as the case may be, shall upon the commencement of the order, by virtue of this paragraph and without any further assurance, be transferred to, and be vested in, the Centre for the purposes of this Act;

- (d) any reference in any deed, contract, bond or security or other instrument, to any existing project in relation to the business or function in question shall, upon the commencement of the order, be construed as reference to the Centre, and the Centre shall, subject to paragraph (c)—
  - (i) be substituted for the existing project as a party to the instrument;
  - (ii) be entitled to receive, and enforce payment of, any money payable under the instrument;
  - (iii) be entitled to obtain transfer, conveyance or assignment of, and enforce possession of, any property which was or is to be transferred, conveyed or assigned under the instrument;
  - (iv) be liable to make payment of any money payable under the instrument;
  - (v) be liable to transfer, convey or assign any property which was or is to be transferred, conveyed or assigned under the instrument, as the case may be;
- (e) any legal proceedings pending before any court or other tribunal which were commenced before the commencement of the order and to which any existing project is a party may, in so far as they relate to any property, right, liability or obligation vested in or imposed upon the Centre by this Act, or to any deed, bond, agreement, or document to which the Centre is deemed to be a party, be continued by or against the Centre, subject to paragraph (f);
- (f) where any proceedings were instituted by or against any existing project before the commencement of the order in respect of any right, liability or obligation vested in the existing project in relation to the business or function in question, the Centre and every other party to those proceedings shall enjoy, exercise of all the rights, and discharge all the obligations, which might have been enjoyed or discharged in proceedings by or against the existing project.

## 6. Composition and proceedings of the Board

- (1) There shall be established a and Board of Directors of the Centre which shall, subject to this Act, be responsible for the performance of the functions and management of the affairs of the Centre.
- (2) The provisions of the Schedule to this Act shall have effect in respect of the construction of the Board, its proceedings and other matters relating to it.
- (3) Save in the case of matters relating to the office and appointment of the Chairman of the Board, the Minister may, by order published in the *Gazette*, amend, add to, vary or replace any of the other provisions of the Schedule to this Act.

## 7. Remuneration of members of Board

- (1) Subject to subsection (2) the members shall be entitled to such remuneration, fees or allowances for expenses as the Minister may, upon the recommendation of the Board, prescribe from time to time.
- (2) No remuneration, fees or allowances, except such allowances for expenses as may be expressly authorised by the Minister, shall be paid to any member who is a public officer.

## 8. Power of Board to delegate

- (1) Subject to subsection (4), the Board may, from time to time, instrument in writing under the seal of the Centre, delegate to any committee of its members or to any employee of the Centre any of its



functions or powers under this Act, so that the delegated functions or powers may be exercised by the delegate in accordance with the terms of the instrument of delegation.

- (2) A delegation under this section may be made to the holder of an office under the Centre specifying the office but without naming the holder and in that case each successive holder of the office in question, and each person who occupies or performs the duties of that office, may without any further authority, exercise the delegated function or power in accordance with the delegation made.
- (3) The Board may at any time revoke a delegation made under this section, and no delegation so made shall prevent the Council from itself exercising the function or power delegated.
- (4) The Board shall not delegate—
  - (a) its power of delegation;
  - (b) the power to approve the annual budget, the annual balance sheet or any statement of accounts.

## **9. Minister may give directions to the Board**

The Minister may give to the Board directions of a general or specific character regarding the performance by the Centre of any of its functions under this Act, and the Board shall give effect to every direction given to it.

## **Part III – Powers and operations of the Centre (ss. 10-15)**

### **10. Provisions relating to research and development**

- (1) The Board shall establish a technical programmes committee which shall, subject to such general or specific directions as the Board may give in that behalf, be responsible for the study of all proposals for research and development in aspect of rural technology.
- (2) Subject to any directions given by the Board under subsection (1), if it appears to the Director-General that it is necessary that any research or development project be carried out by the Centre in the performance of its functions, he shall take all such measures as are necessary to facilitate the carrying out of the research or development project or, as the case may be, to obtain the decision of the Board on the proposals in question.
- (3) In determining whether or not any proposals for a research or development project be carried out by the Centre, the Director-General or, as the case may be, the Board, shall take into account—
  - (a) the necessity or desirability and propriety of the research or development project proposed to be carried out by the Centre;
  - (b) the anticipated cost of the proposed research or development project;
  - (c) the possible beneficial consequences of the proposed research or development project on the programmes of the Centre of the promotion of rural technology and the mechanisation of agriculture;
  - (d) the financial ability of the Centre to meet the anticipated cost of the proposed research or development project;
  - (e) the ability of the Centre to carry out the proposed research or development project having regard to other projects being carried out by the Centre.
- (4) The Board may, after considering the factors specified in subsection (3) in respect of any proposed research or development project referred to it, approve or withhold its approval, and, in the latter case, may require that further information or particulars in connection with the proposed research be provided to the Board by the Director-General.

## 11. Provisions relating to testing and manufacturing

- (1) The Centre shall be the sole institution for the testing of such machinery and equipment intended for use in agriculture in the United Republic as the Minister may, by order published in the *Gazette*, prescribe.
- (2) For the purposes of the furtherance of the provisions of this section, and of the better performance of the functions of the Centre under this Act, the Board shall establish a system of co-operation with the Tanzania Bureau of Standards established by the Standards Act <sup>1</sup>, with a view to establishing factors to be taken into account in the testing of various machinery and equipment for use in agriculture in the United Republic.
- (3) The Minister may, upon the advice of the Board, by regulations published in the *Gazette*, make provision for regulating the exercise, the manner and the procedure for testing machinery and equipment, and may, in those regulation provide for the compulsory testing of certain or all agricultural machinery or equipment prior to its importation or use in the United Republic.
- (4) Subject to any directions given by the Minister in that behalf, the Centre may undertake the manufacture, distribution or sale of any agricultural machinery and equipment designed by it and, for that purpose, the Centre shall manufacture—
  - (a) approved prototypes of agricultural and other appropriate technology machinery or equipment the production of which is yet to be undertaken by institutions which deal in the production of such machinery and equipment;
  - (b) agricultural and other appropriate technology and equipment designed by it with a view to meeting the demand for them and securing revenue for the Centre.

## 12. Dissemination and exchange of information

- (1) The Centre shall establish a system of documentation and dissemination to interested persons or bodies of persons, and the exchange between them and the Centre, of information relating to agricultural mechanisation and rural technology.
- (2) For the purposes of this section the Centre may collect, publish and disseminate literature and other materials on agricultural mechanisation and rural technology and other related subjects, and may provide facilities for the members of the public to have access to those materials.

## 13. Training of persons in rural technology

- (1) The Centre may, either alone or in co-operation with any other person or body of persons within or outside the United Republic, conduct or arrange for the conduct of courses for the training of selected persons in such fields of agricultural mechanisation and rural technology as may, from time to time, be determined by the Board.
- (2) Without prejudice to the generality of subsection (1), courses conducted in pursuance of this section shall be so designated as—
  - (a) to be of the maximum possible benefit to technical personnel employed by manufacturing institutions;
  - (b) to provide a firm theoretical and practical basis to persons involved in the management and operation of village and other rural workshops;
  - (c) to enhance and deepen the knowledge and technical skill of operators of various agricultural machinery and equipment so as to enable them to better use and maintain the machinery and equipment.

<sup>1</sup>

#### 14. Custody and disclosure of information furnished to the Centre

- (1) Where in the performance of its functions the Centre secures any confidential information relating to agricultural mechanisation and rural technology, it shall keep that information for purposes of record, and may deal with or dispose of it in such manner and for such purposes as the Minister may approve or direct.
- (2) Save where the Minister directs otherwise, all information secured by the Centre in accordance with subsection (1) shall be treated as confidential.
- (3) Subject to subsection (4), any member or officer of the Centre who communicates any confidential information to any person other than a person to whom he is authorised to communicate it or to whom it is, in the interests of the United Republic, his duty to communicate it commits an offence and is liable on conviction to a fine not exceeding four thousand shillings or imprisonment for a term not exceeding twelve months or to both that fine and imprisonment.
- (4) Subsection (3) shall not apply to the disclosure of information made for the purposes of any legal proceedings instituted under this Act or for the purposes of a report relating to those proceedings.
- (5) In a prosecution for a contravention of subsection (3) it shall be no defence for the accused person to prove that when he communicated the information he did not know and could not reasonably have known that it was confidential information.

#### 15. Inventions and discoveries

- (1) Where as a result of a research carried out by or on behalf of the Centre anything is invented or discovered, the invention or discovery shall become the property of the Centre.
- (2) For the purposes of the commercial exploitation of any invention or discovery which the Centre considers important for, or incidental to, the performance of its functions, the Centre may arrange with any person or body of persons to buy, sell, take or grant patent rights in the invention or discovery, subject to terms approved by the Board.
- (3) The Centre may, with the prior approval of the Minister, enter into any arrangement under subsection (2) one of the terms of which requires the Centre to provide financial assistance in the form of a loan or grant to the person or body of persons with whom the arrangement is entered.
- (4) Except with the consent of the Minister the Centre shall not, in pursuance of any of the provisions of this section, undertake to incur any expenditure which exceeds one percent of the estimated recurrent expenditure budget of the Centre for any one financial year.
- (5) Every invention or discovery made as result of research carried out under this Act shall be registered by the Centre in such form and upon such conditions as the Minister may, by regulation made under this Act, prescribe.
- (6) The Centre may, with the prior approval of the Minister, grant to any person who makes an invention or discovery, or who materially assists or contributes to the making of that invention or discovery, such reward as may be approved by the Board.
- (7) A reward granted by the Centre under this Act shall not be deemed to be, and shall not preclude any person or body of persons from making a proposal for the grant of an award under the provisions of the Tanzania Commission for Science and Technology Act <sup>2</sup>.

## Part IV – Administrative provisions (ss. 16-21)

### 16. Appointment of employees

- (1) The President shall appoint, upon such terms and conditions as he may specify, a Director-General of the Centre who shall be the chief executive officer of the Centre.
- (2) The Board may, from time to time, appoint such number of other employees of the Centre as it may deem necessary for the proper and efficient conduct of the business and affairs of the Centre.

### 17. Transfer of employees

- (1) Every person who, immediately before the commencement of the order made under section 5 in relation to the business and functions of any existing project, was employed by the existing project in connection with the operation and management of the business or function of that existing project which is vested in the Centre by section 5 shall, with effect from the commencement of the order in question be employed, and as from that date shall be deemed to have become employed, by the Centre.
- (2) After a person becomes an employee of the Centre by virtue of subsection (1), the terms and conditions of service applicable to him in his employment with the Centre shall, except where the President directs otherwise, be not less favourable than those which were applicable to him immediately before his transfer to the service of the Centre and he shall be deemed to have been appointed to the service of the Centre in such office as the Board may determine, and for the purpose of determining any right to gratuity or other superannuation benefit, his service with the Centre shall be regarded as continuous with his service immediately before the commencement of the order under section 5 in relation to the business or function of the existing project concerned.
- (3) After a person becomes an employee of the Centre by virtue of subsection (1), his employment immediately before his employment by the Centre shall be deemed to be continuous employment by one employer within the meaning of section 9 of the Severance Allowance Act <sup>3</sup>, and that Act shall apply to the parties in the same manner as it applies to the case set out in subsection (1) of that section.

### 18. Superannuation benefits

Subject to the provisions of any written law for the time being in force relating to pensions, the Board may —

- (a) grant gratuities or other retirement allowances or benefit to the employees of the Centre;
- (b) establish and contribute to a superannuation fund or a medical benefits fund for the employees of the Centre;
- (c) require any employee of the Centre to contribute to the superannuation fund or medical benefits fund and fix the amounts and method of payment of the contribution.

### 19. Protection from personal liability

Without prejudice to the provisions of section 284A of the Penal Code <sup>4</sup>, the provisions of the Public officers (Recovery of Debts) Act <sup>5</sup>, no act or thing done or omitted by any member or by any employee of

<sup>3</sup>

[Cap. 386](#)

<sup>4</sup>

[Cap. 16](#)

the Centre shall, if done or omitted *bona fide* in the execution or purported execution of his duties as a member or as an employee of the Centre, subject him to any action, liability or demand of any kind.

## 20. Notification of orders

Where any order, direction or requirement made or given by the Minister or the Board under this Act is not required to be published in the *Gazette*, the order, direction or requirement shall be brought to the notice of persons affected or likely to be affected by it in any manner determined by the Minister or the Board, but if the order, direction or requirement is published in the *Gazette*, all persons shall be deemed to have had notice of it.

## 21. Power of Minister to make regulations

- (1) The Minister may, after consultation with the Board, make regulations—
  - (a) prescribing or providing for anything which under this Act is required or permitted to be prescribed or provided for; or
  - (b) which, in his opinion, are necessary for the better giving effect to the purposes and provisions of this Act.
- (2) Regulations made under this Act shall be published in the *Gazette*.

## Part V – Financial provisions (ss. 22-30)

## 22. Funds of the Centre

The funds and resources of the Centre shall consist of—

- (a) such sums as may be provided by Parliament for the purposes of the Centre;
- (b) such sums as the Centre may receive either in the form of cess pursuant to section 25 or as fees for services rendered by the Centre;
- (c) such donations, grants, bequests and loans as the Centre may, from time to time receive from any person or body of persons;
- (d) any sums or property which may vest in the Centre under this Act or any other written law or which may vest in the Centre in any other manner in the performance of its functions.

## 23. Power to borrow

- (1) The Board may, from time to time, with the prior approval of the Minister, borrow moneys for the purposes of the Centre by way of loan or overdraft, and upon such security and such terms and conditions relating to the repayment of the principal and the payment of interest as the Board may deem fit.
- (2) A person lending money to the Centre shall not be bound to enquire whether the borrowing of that money by the Board has been approved by the Minister.

## 24. Power to charge fees

For the proper performance of the functions of the Centre the Board may, subject to any directions given by the Minister in that behalf, charge fees for services rendered by the Centre.

## 25. Minister may impose cess on agricultural machinery produced

- (1) If the Minister considers it fit in the public interest, he may, after consultation with the Minister for the time being responsible for finance, by order published in the *Gazette*, impose cess payable to the Centre on agricultural and other appropriate technology machinery and equipment specified in the order, and any firm or organisation producing the machinery and equipment specified in the order (in this section referred to as "the specified enterprise") shall take all necessary measures to pay the Centre such amount of cess and in such manner as may be specified in the order.
- (2) Every amount of cess required to be paid under subsection (1) shall be paid by the specified enterprise to the Centre, and the amount so payable shall be a debt due to the Centre and may be recovered from the specified enterprise as a civil debt by a suit at the instance of the Director-General or any person authorised by him in that behalf.
- (3) Where any amount of cess is due from any specified enterprise, the Director-General may file in a court of a Resident Magistrate having jurisdiction over the area in which the specified enterprise carries on business, a certificate stating—
  - (a) the name and address of the specified enterprise from whom the amount is due; and
  - (b) the amount due,and upon the certificate being lodged in court it shall be deemed to be a plaint duly lodged under Order of the Civil Procedure Code <sup>6</sup> and the court shall proceed in the matter in accordance with the provisions of that Order, and in the event of a judgment being given in favour of the plaintiff the court shall pass a decree for payment by the defendant to the Centre of the amount found due together with interest on that amount at five percent per month from the date on which the certificate was filed until payment.
- (4) The provisions of subsection (3) shall apply notwithstanding that the amount involved exceeds the pecuniary jurisdiction of a court of a Resident Magistrate.
- (5) Every certificate filed in a court of a Resident Magistrate pursuant to the provisions of subsection (3) shall, unless the contrary is proved, be conclusive evidence of the truth of the statements contained in that certificate.

## 26. Investment

With the prior approval of the Minister, the Board may, from time to time, invest any part of the moneys available in any fund of the Centre in such investments as are authorised investments in relation to investments of funds by a trustee under the Trustees Investment Act <sup>7</sup>.

## 27. Annual and supplementary budget

- (1) Subject to subsection (2), "financial year" in this Act means any period not exceeding twelve consecutive months designated by the Board as the accounting period of the Centre.
- (2) The first financial year of the Centre shall commence on the date when this Act comes into operation and may be of a period longer or shorter than twelve months.

<sup>6</sup>

[Cap. 33](#)

<sup>7</sup>

[Cap. 53](#)

- (3) Not less than two months before the beginning of every financial year (other than the first financial year) the Board shall, at a meeting, pass a detailed budget (in this Act called "the annual budget") of the amounts respectively—
- (a) expected to be received; and
  - (b) expected to be disbursed,
- by the Centre during that financial year, and whenever circumstances so require, the Board may pass a supplementary budget in any financial year.
- (4) The annual budget and every supplementary budget shall be in such form and include such details as the Minister may approve.
- (5) Forthwith upon passing any annual budget or any supplementary budget the Board shall submit to the Minister for his approval the annual budget or, as the case may be, the supplementary budget.
- (6) The Minister shall, upon receipt of the annual budget or any supplementary budget, approve or disapprove it or may approve it subject to any amendments which he considers fit.
- (7) Where the Minister approves any annual or supplementary budget, with or without amendment, the budget as approved by him shall be binding on the Board which, subject to subsection (8), shall confine the disbursements of the Centre within the items and amounts contained in the applicable estimates as approved by the Minister.
- (8) The Board may—
- (a) with the sanction in writing of the Minister, make a disbursement notwithstanding that disbursement is not provided for in any budget;
  - (b) adjust expenditure limits to take account of circumstances not reasonably foreseeable at the time the budget was prepared, subject to submitting a supplementary budget to the Minister within two months of the alteration of expenditure limits becoming necessary.

## 28. Accounts and audit

- (1) The Board shall cause to be provided and kept proper books of accounts and records with respect to —
- (a) the receipt and expenditure of money by, and other financial transactions of the Centre;
  - (b) the assets and liabilities of the Centre, and shall cause to be made out for every financial year a balance sheet showing the details of the income and expenditure of the Centre and all its assets and liabilities.
- (2) Within three months of the close of every financial year the accounts including the balance sheet, the profit and loss account of the Centre in respect of that financial year shall be submitted to the Tanzania Audit Corporation established by the Tanzania Audit Corporation Act <sup>8</sup>, and shall be audited by it as soon as practicable after they have been submitted, and in any case not later than six months after the close of the financial year of the Centre.
- (3) Every audited balance sheet shall be placed before a meeting of the Board which, if it adopts it, shall endorse the balance sheet with a certificate that it has been so adopted.
- (4) As soon as the accounts of the Centre have been audited, and in any case not later than six months after the close of the financial year, the Board shall submit to the Minister a copy of the audited statement of account together with a copy of the report on that statement of accounts made by the auditors.

## 29. Annual report

The Board shall, within six months after the close of the financial year, cause to be prepared and submitted to the Minister a report dealing generally with the activities and operations of the Centre during that year and accompanied by—

- (a) a copy of the audited balance sheet and profit and loss statement of the Centre;
- (b) a copy of the auditors' report on the audited accounts of the Centre;
- (c) any management audit report submitted by the auditors; and
- (d) such other information as the Minister may direct.

## 30. Laying of reports before National Assembly

- (1) The Minister shall, as soon as practicable after he has received the reports and in any case not later than eight months after the close of the financial year or such longer period as the National Assembly may, by resolution, approve in that behalf, lay before the National Assembly the following documents in relation to that financial year—
  - (a) a copy of the audited balance sheet and profit and loss statement of the Centre;
  - (b) a copy of the auditors' report on the audited accounts of the Centre;
  - (c) a copy of the directors' report of the Centre dealing with its activities during that financial year.
- (2) Where at the end of six months from the close of the financial year the Minister has not received from the Board the documents specified in section 29, he shall, before the expiry of the seventh month after the close of the financial year, or so soon after non-receipt of the documents as the National Assembly meets, cause the National Assembly, by resolution, to approve such longer period it may determine within which the Minister shall lay the documents before the National Assembly.

## Schedule (Section 6(2))

### 1. Composition of Board

- (1) The Board shall consist of—
  - (a) a Chairman, who shall be appointed by the President;
  - (b) not less than eight nor more than fourteen other members, who shall be appointed by the Minister.
- (2) The Board may appoint any employee of the Centre to be the Secretary of the Board.

### 2. Vice-Chairman

The member shall elect one of Chairman their number to be the Vice-Chairman of the Board, and any member elected as Vice-Chairman shall, subject to his continuing to be a member, hold office for a term of one year from the date of his election, and shall be eligible for re-election.

### 3. Duty of Minister to appoint able and prominent persons

In making appointments of members of the Board, the Minister shall ensure that every person appointed by him is a person who, in his opinion, has the necessary experience or qualification to enable that person to make a useful contribution to the deliberations of the Board and to assist the Board in the performance of its functions.



**4. Tenure of appointment**

- (1) Subject to subparagraph (2), a member of the Board shall, unless his appointment is sooner determined by the appointing authority, or he otherwise ceases to be a member, hold office for such period as the appointing authority may specify in his appointment, or if no period is so specified, shall hold office for a term of three years from the date of his appointment, and shall be eligible for re-appointment.
- (2) 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.
- (3) Any member, other than a member referred to in subparagraph (2), may at any time resign by giving notice in writing to the President or, as the case may be, to the Minister, and from the date specified in the notice or if no date is so specified, from the date of the receipt of the notice by the President or the Minister, he shall cease to be a member.

**5. Absent member to be represented at meetings**

If a member of the Board who is a member by virtue of his holding some other office is unable for any reason to attend any meeting, he may nominate in writing another person from his organisation to attend that meeting in his place.

**6. Casual vacancies**

Where any member ceases to be a member for any reason before the expiration of his term of office, the appointing authority may 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.

**7. Meetings of the Board**

- (1) The Board shall ordinarily meet for the transaction of its business at the time and the places determined by it, but shall meet at least once every three months.
- (2) The Chairman, or in his absence the Vice-Chairman, may at any time call a special meeting of the Board, and shall call special meeting upon a written request by a majority of the members in office.
- (3) The Chairman, or in his absence the Vice-Chairman, shall preside at every meeting of the Board. In the absence of both the Chairman and the Vice-Chairman the members present shall appoint one of their number to preside over the meeting.
- (4) The Chairman, or in his absence the Vice-Chairman, may invite any person who is not a member to participate in the deliberations at any meeting of the Board, but any person so invited shall not be entitled to vote.

**8. Quorum**

The quorum at any meeting of the Board shall be half of the members in office.

**9. Decisions of the Board**

- (1) Questions proposed at a meeting of the Board shall be decided by a majority of the votes of members present and voting and in the event of an equality of votes the person presiding shall have a second or casting vote in addition to his deliberative vote.
- (2) Notwithstanding subparagraph (1), a decision may be made by the Board without a meeting by circulation of the relevant papers among the members, and the expression in writing of the views of the majority of the members.

**10. Minutes of meetings**

- (1) The Board shall cause to be recorded and kept minutes of all business conducted or transacted at its meetings, and the minutes of each meeting of the Board shall be read and confirmed, or amended and confirmed, at the next meeting of the Board and signed by the person presiding at the meeting.

- (2) Any minutes purporting to be signed by the person presiding at a meeting of the Board shall, in the absence of proof of error, be deemed to be a correct record of the meeting whose minutes they purport to be.

**11. Vacancies, etc., not to invalidate proceedings**

The validity of any act or proceeding of the Board shall not be effected by any vacancy among its members or by any defect in the appointment of any of them.

**12. Orders, directions, etc.**

All orders, directions, notices or documents made or issued on behalf of the Board shall be signed by—

- (a) the Chairman of the Board; or
- (b) the Director-General or any or other officer of the Centre authorised in writing in that behalf by the Director-General.

**13. The seal of Centre not to be affixed to any instrument**

The seal of Centre shall not be affixed to any instrument except in the presence of the Chairman or the Vice-Chairman or the Director-General or some other officer of the Centre and at least one member of the Board.

**14. Board may regulate its own proceedings**

Subject to the provisions of this Schedule, the Board may regulate its own proceedings.