

Tanzania

## Cashewnut Board of Tanzania Act Chapter 203

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## Tanzania

# Cashewnut Board of Tanzania Act

## Chapter 203

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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. 280 of 1985; Acts Nos. 21 of 1984; 8 of 1985; 5 of 1990; 11 of 1993; 17 of 1996]*

**An Act to establish the Cashewnut Board of Tanzania to regulate marketing of cashewnuts and for matters connected generally with cashewnut.**

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

#### 1. Short title

This Act may be cited as the Cashewnut Board of Tanzania Act.

#### 2. Interpretation

(1) In this Act, unless the context requires otherwise—

"**Board**" means the Cashewnut Board of Tanzania established by section 3(1);

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

"**cashewnuts**" includes raw cashewnuts after harvesting or processed cashewnuts;

"**Director**" means the officer-in-charge of the department in the Ministry of Agriculture responsible for extension and technical services;

"**export**" means export outside the United Republic of Tanzania;

"**inspector**" means any employee of the Board appointed by the Board of Directors to be an inspector for the purposes of this Act;

"**kernels**" means kernels produced from cashewnuts;

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

"**member**" in 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 crops marketing;

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

"**subsidiary company**" means any company incorporated under the Companies Act not less than fifty *per centum* of the issued share capital which is owned the Board.

- (2) "Buy" and "sell" include an offer to buy or as the case may be an offer to sell and also any transaction whereby the property or 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 Board of Directors under any provisions 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 Board 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 Board shall be deemed to be the holder of each and every licence, permit and other authority which may be provided for by or under this Act in relation to any matter connected with the cashewnut industry.

## **Part II – The Cashewnut Board of Tanzania (ss. 3-8)**

### **3. Establishment of Cashewnut Board of Tanzania**

- (1) There is hereby established a body corporate which shall—
  - (a) be known as the Cashewnut Board of Tanzania and shall have perpetual succession and 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 Board and to manage the business and affairs of the Board shall vest in the Board of Directors.
- (3) The provisions of the Schedule to this Act shall have effect as to the constitution and proceedings of the Board and otherwise in relation to the Board.
- (4) The Minister may, by order published in the *Gazette*, amend, vary or replace all or any of the provisions of the Schedule to this Act.

### **4. Functions of Board**

- (1) The functions of the Board shall be—
  - (a) to regulate and promote the quality, marketing and export of raw and processed cashewnuts;
  - (b) to advise the Government on all matters affecting cashewnut production and marketing;
  - (c) to carry out such other functions in relation to the cashewnuts industry as the Minister may from time to time direct.

- (2) In particular and without prejudice to the generality of the provisions of subsection (1) and subject to any specific or general directions of the Minister, the Board shall have the power—
- (a) to license buyers and exporters of raw and processed cashewnuts and operators of cashewnuts, processing factories and to determine the qualifications and conditions for the granting of such licences;
  - (b) to issue export permits for raw and processed cashewnuts and to determine the conditions for granting of such permits;
  - (c) to establish quality standards for cashewnuts and to ensure the compliance of persons licensed under this subsection with such standards;
  - (d) to present the cashewnut producers and the Government in appropriate international fora.

## 5. Board may perform commercial function

Subject to the prior approval in writing by the Minister, the Board may perform any commercial function for a specified period as the Minister may consider expedient.

[s. 4A]

## 6. Minister may give directions and make disciplinary regulations

- (1) The Minister may give the Board directions of a general or specific character as to the exercise or performance by the Board of any of its functions under this Act, and the Board shall give effect to every such direction.
- (2) If the Board of Directors fails to perform any of its functions without a reasonable cause or to give effect to any of the Minister's directions, the Minister may exercise disciplinary powers he may deem fit, against the Board.
- (3) The Minister may make general or specific regulations for the purposes of conferring upon the Board of Directors powers to take disciplinary action against the management or any employee of the Board for failure to perform any of the functions of the Board.

[s. 5]

## 7. Funds of the Board and investment

- (1) The funds and resources of the Board shall consist of—
  - (a) such sums as may be provided by Parliament for the purpose;
  - (b) such sums of money as the Board 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 Board 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 Board may, with the approval of the Minister borrow from any person such sum 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 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 Board shall be unenforceable by reason only of the Minister not having consented thereto.

- (3) The Board may invest in such investment 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.

[s. 6]

## 8. Power to impose levy

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

[s. 7]

## Part III – Marketing and export of cashewnuts and kernels (ss. 9-11)

### 9. Restriction on export of kernels or cashewnuts

- (1) Any person or body of persons may subject to provisions of this Act—
  - (a) exchange or barter, or make an agreement for the exchange or barter of raw or processed cashewnuts; or
  - (b) export raw or processed cashewnuts; or
  - (c) purchase, sell, export or dispose of raw or processed cashewnuts in any manner whatsoever.
- (2) Any person who purchases, sells, exports or generally disposes of any raw or processed cashewnut in any manner whatsoever contrary to the provisions of this Act, commits an offence and upon conviction is liable 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.

[s. 8]

### 10. Compulsory marketing orders

- (1) Licences issued by the Board in exercise of its functions under section 4(2) shall be—
  - (a) in prescribed form;
  - (b) valid for a specified period;
  - (c) subject to such terms and conditions as may be prescribed or endorsed on the licence;
  - (d) issued subject to the payment of fees.
- (2) The Board may cancel or suspend a permit if the permit holder fails to comply with the terms and conditions of the permit or for good and sufficient cause of suspension as the case may be in addition to a penalty to which the licence may be liable under this Act.

- (3) Any person aggrieved by the decision of the Board cancelling or suspending his permit under subsection (2) may appeal to the Minister.

[s. 9]

**11. \*\*\***

[Repealed by Act [No. 11 of 1993](#) s. 39]

[s. 10]

## **Part IV – Administration and financial provisions (ss. 12-26)**

### **12. Appointment of employees**

- (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 Board as it may deem necessary for the proper and efficient conduct of the business and activities of the Board.
- (2) The President shall, on the recommendation of the Board and advice of the Minister, appoint a General Manager of the Board who shall be the chief executive officer of the Board.

[s. 11]

### **13. Transfer of employees**

- (1) The Board of Directors may transfer any person who is employed by the board to the employment of a subsidiary company, or may transfer any person who is employed by a subsidiary company to the employment of the Board 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 Board or, as the case may be, 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 Board 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 Board or, as 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 9 of the Severance Allowance Act<sup>1</sup>, 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 9.

[s. 12]

### **14. Remuneration and allowances of members of Board of Directors**

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

[s. 13]

## 15. Superannuation benefits

The Board of Directors may—

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

[s. 14]

## 16. Agents and contractors

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.

[s. 15]

## 17. Power of Board of Directors to delegate

- (1) Subject to subsection (6) of this section, the Board of Directors may from time to time, by writing under the seal of the Board, delegate, subject to such terms, conditions and restrictions as it may specify, to any committee of the Board or to any office or servant of the Board or to any subsidiary company, or any public corporation, 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 as delegated 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 Board specifying the office but without naming the holder, and in every such case any 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 Board from itself performing or exercising the function, power, authority or duty delegated.
- (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 powers under this section to delegate—
  - (a) its power of delegation; or
  - (b) the power to approve the annual budget or any statement of account.

[s. 16]

## 18. Annual report on conduct of business

The Board of Directors shall, within six months after the end of each financial year, make a report to the Minister on the business conduct of its business during that year.

[s. 17]

## 19. 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 of Directors as the accounting period of the Board.
- (2) Not less than two months before the beginning of every financial year (other than the first financial year) the Board of Directors 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 Board during that financial year, and whenever circumstances so require, the Board of Directors may pass a supplementary budget in any financial year.
- (3) The annual budget and every supplementary budget shall be in such form and include such details as the Minister may approve.
- (4) Forthwith upon passing any annual budget or any supplementary budget the Board of Directors shall submit to the Minister for his approval the annual budget or, as the case may be, the supplementary budget.
- (5) The Minister shall, upon receipt of the annual budget or any supplementary budget, approve or disapprove it or may approve it subject to such amendments as he may consider fit.
- (6) 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 of Directors which, subject to subsection (7), shall confine the disbursements of the Board within the items and amounts contained in the applicable estimates as approved by the Minister.
- (7) The Board may—
  - (a) with the sanction in writing of the Minister, make 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 the Minister within two months of the alteration of the expenditure limits becoming necessary.

[s. 17A]

## 20. Accounts and audit

- (1) The Board of Directors shall cause to be provided and kept proper books of accounts and other records with respect to—
  - (a) the receipt and expenditure of moneys by, and other financial transactions of, the Board;
  - (b) the assets and liabilities of the Board,and shall cause to be made out for every financial year a balance sheet showing details of the income and expenditure of the Board and its assets and liabilities.
- (2) At least once in every financial year the accounts, including the balance sheet, of the Board shall be audited by the Tanzania Audit Corporation established by the Tanzania Audit Corporation Act <sup>2</sup>.

- (3) Within six months after the accounts of the Board 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.

[s. 18]

## 21. Board to have shares

- (1) The authorised share capital of the Board shall be three hundred million shares each having a par value of one hundred shillings.
- (2) The Board shall issue to the Treasury Registrar all shares issued by it.

[s. 19]

## 22. Treasury Registrar to hold the shares on behalf of the Government

The shares vested in the Treasury Registrar by virtue of the provisions of this Act shall be held by the Treasury Registrar on behalf of the Government of the United Republic in accordance with the provisions of the Treasury Registrar (Powers and Function) Act<sup>3</sup>.

[s. 20]

## 23. Shares issued to Treasury

The shares vested in the Treasury Registrar by the operation of this Act shall be deemed to be fully paid up shares.

[s. 21]

## 24. Registrar to be deemed paid up fully

The Board shall, as soon as may be practicable after the vesting date and without any undue delay issue to the Treasury Registrar share certificates for the shares required by this Act to be vested in the Treasury Registrar.

[s. 22]

## 25. Reserve and special funds

The Board of Directors may, and shall, if so directed by the Minister, establish and maintain such reserve or special funds of the Board as the Board or the Minister may consider necessary or expedient, and shall make into or from any such fund 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.

[s. 23]

## 26. \*\*\*

[Repealed by Act [No. 11 of 1993 s. 41](#)]

[s. 24]

## Part V – Miscellaneous provisions (ss. 27-30)

### 27. Protection from personal liability

Without prejudice to the provisions of section 284A of the Penal Code<sup>4</sup> or the provisions of the Public Officers (Recovery of Debts) Act<sup>5</sup>, 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 Board 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 Board or such person as aforesaid to any action, liability, claim or demand whatsoever.

[s. 25]

### 28. Powers of inspection, etc.

- (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 Board 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 cashewnut 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, commits an offence against this Act.

[s. 26]

### 29. Regulations

- (1) The Board of Directors may, with the approval of the Minister, make regulations for all or any of the following purposes—
  - (a) to provide for the regulation of business relationships between the societies as principals and the Board as their agent;
  - (b) to provide for the determination of circumstances in and conditions under which the societies may sell cashewnuts or kernels directly or through a person other than the Board;
  - (c) 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 prescribe forms in connection therewith;
  - (d) 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 cashewnuts or kernels are stored

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- shall be maintained, and the specification of any store to be used for storage of cashewnuts or kernels;
- (e) 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;
  - (f) to provide for the inspection of cashewnuts and kernels and for the appointment of inspectors, and to prescribe the duties of such inspectors;
  - (g) to provide for the inspection, weighing and measuring of cashewnuts and kernels;
  - (h) 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 prescribe forms for such records and returns;
  - (i) to provide for any matter incidental to any of the matters specified in the preceding paragraphs of this subsection;
  - (j) 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 the United Republic as a whole or to any part thereof.

[s. 27]

### **30. Auctioneer's Act**

The provisions of the Auctioneer's Act<sup>6</sup> shall not apply to any sale by auction of any cashewnuts or kernels owned or in the possession of the Board where such auction is conducted by or on behalf of the Board.

[s. 28]

## **Part VI – Dissolution of the Cashewnut Authority of Tanzania and consequential provisions (ss. 31-37)**

### **31. Construction**

In this Part, unless the context otherwise requires—

"Cashewnut Authority" means the Cashewnut Authority of Tanzania established by the Cashewnut Board of Tanzania Act.

[s. 29]

### **32. Transfer of assets and liabilities of Cashewnut Authority**

Unless the Minister directs otherwise, with effect from the effective date all assets and liabilities of the Cashewnut Authority shall, by virtue of this section and without further assurance, vest in the Board and the Cashewnut Authority shall be deemed to have been dissolved.

[s. 30]

### 33. Effect of dissolution of Cashewnut Authority

- (1) Unless the Minister directs otherwise—
  - (a) every person employed by the Cashewnut Authority immediately before the effective date shall be deemed to have been employed by the Board;
  - (b) after a person becomes an employee of the Board immediately by virtue of subparagraph (a) the terms and conditions of service applicable to him in his employment with the Board shall be not less favourable than those which were applicable to him immediately before his transfer to the service of the Board and he shall be deemed to have been appointed to the service of the Board in such office as the Board of Directors shall determine, and for the purposes of determining any right to gratuity or other superannuation benefits, his service with the Board shall be regarded as continuous with his service immediately before the effective date.
- (2) After a person becomes an employee of the Board by virtue of subsection (1), his employment immediately before the effective date and his employment by the Board shall be deemed to be continuous employment by one employer within the meaning of section 9 of the Severance Allowance Act<sup>7</sup>, and that Act shall apply to the parties in the same manner as it applies to the cases set out in subsection (1) of that section.
- (3) Every instrument specified under subsection (2) and to which that subsection applies shall, by virtue of this section continue in full force and effect and the Board shall—
  - (a) be substituted for the Cashewnut Authority of Tanzania as a party to the instrument;
  - (b) be entitled to receive, and enforce payment of, any money payable under the instrument;
  - (c) be entitled to obtain transfer, conveyance or assignment of, and enforce possession of any property which is to be transferred, conveyed or assigned under the instrument;
  - (d) be liable to make payment of any money payable under the instrument;
  - (e) be liable to transfer, convey or assign any property which is to be transferred, conveyed or assigned under the instrument,as the case may be.
- (4) This subsection applies to instruments (including contracts, guarantees, agreements, bonds, authorities, mortgages, charges, bills of exchange, promissory notes, bank drafts, bank cheques, letters of credit and securities)—
  - (a) to which the Cashewnut Authority of Tanzania is a party;
  - (b) under which any money is or may become payable or any other property is to be, or may become liable to be transferred, conveyed or assigned by the Cashewnut Authority of Tanzania,which are subsisting at the effective date or come into existence after that date.
- (5) Every reference in any written law to the Cashewnut Authority of Tanzania shall be construed as a reference to the Board.

[s. 31]

### 34. Licences

Every licence issued to any person under the Cashewnut Industry Act <sup>8</sup>, entitling him to deal in any manner in cashewnut shall, from the effective date, be deemed to have been revoked.

[s. 32]

### 35. Savings

Notwithstanding the repeal of the Cashewnut Industry Act—

- (a) all directions given by the Cashewnut Authority and all rules made by the Minister under the Cashewnut Industry Act which are in force on the effective date shall be deemed to be directions given by the Board, or, as the case may be, rules made by the Minister under this Act, and shall remain in force until revoked by directions given or regulations made under this Act:

Provided that this paragraph shall not apply to any directions or rules relating to licences for dealing in cashewnut or relating to the impositions or collection of levy;

- (b) every compulsory marketing order made by the Cashewnut Authority under the Cashewnut Industry Act <sup>9</sup> which is in force on the effective date shall be deemed to be a compulsory marketing order made by the Board under this Act and shall remain in force until revoked or replaced by an order made under this Act.

[s. 33]

### 36. Transitional provisions

- (1) Notwithstanding any provision contained in this Act to the contrary, the Minister may, on the recommendation of the Board and upon being satisfied that special circumstances exist which make it just and equitable to do so, permit any person who was licensed under the Cashewnut Industry Act<sup>10</sup>, to deal in any manner in cashewnut to continue his dealings, after the effective date, upon such conditions as the Minister may prescribe:

Provided that the power conferred upon the Minister by this section shall not be exercised after the expiration of six months from the effective date.

- (2) The Minister may, by order published in the *Gazette*, at any time before the expiry of twelve months from the effective date, make such consequential, transitional or supplementary provisions as he may consider necessary consequent upon the repeal of the Cashewnut Industry Act <sup>11</sup>, or for facilitating assumption by the Board of the assets and liabilities of the Cashewnut Authority.

[s. 34]

8

Act [No. 18 of 1973](#)

9

Act [No. 18 of 1973](#)

10

Act [No. 18 of 1973](#)

11

Act [No. 18 of 1973](#)

### 37. Penalty for offences

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 one hundred 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 Board.

[s. 35]

## Schedule (Section 3(3))

### 1. Composition of the Board

- (1) The Board shall consist of—
  - (a) the chairman who shall be appointed by the President;
  - (b) following other members to be appointed by the Minister to represent—
    - (i) Minister of Agriculture and Livestock Development;
    - (ii) six members appointed by the Minister to represent the societies;
    - (iii) Ministry of Finance;
  - (c) not more than five other members to be appointed by the Minister.
- (2) The members appointed under paragraph (1)(b), and (c) shall be persons who, in the opinion of the Minister are experienced in processing and marketing of cashewnut or products, in financial matters, in public administration or in matters relating to economic planning or development.
- (3) The Board may appoint any employee of the Board to be the Secretary of the Board of Directors.

### 2. Absent members to be replaced at meetings

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, shall in writing, nominate another person in his place for the purpose of that meeting.

### 3. Casual vacancies

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.

### 4. Meetings

- (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 the United Republic 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 subparagraph (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 deliberation of the Board, but any such person shall not be entitled to vote.

**5. Procedure**

- (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.
- (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 subparagraph (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 of meetings**

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.

**7. The seal of the Board**

The seal of the Board 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.

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

Subject to the provisions of paragraph 5 relating 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.

**9. Orders, directions, etc.**

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

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

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

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