

Tanzania

Public Corporations Act

## Tanzania Fisheries Corporation (Establishment) Order, 1974 Government Notice 58 of 1974

Legislation as at 31 July 2002

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# Tanzania

## Public Corporations Act

### Tanzania Fisheries Corporation (Establishment) Order, 1974

#### Government Notice 58 of 1974

Published in Tanzania Government Gazette

#### Commenced

*[This is the version of this document at 31 July 2002.]*

*[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.]*

*[Sections 3, 4A and 10; G.N. No. 58 of 1974]*

#### 1. Citation

This Order may be cited as the Tanzania Fisheries Corporation (Establishment) Order.

#### 2. Interpretation

In this Order, unless the context requires otherwise—

"**Act**" means the Public Corporations Act <sup>1</sup>;

"**aquatic flora**" means all aquatic plants and other members of the aquatic vegetable kingdom and includes corals, sponges, sea weeds and water weeds;

"**Board**" means the Board of Directors provided for in paragraph 5;

"**Corporation**" means the Tanzania Fisheries Corporation established by paragraph 3;

"**fish**" means all forms of aquatic or amphibious life (including turtles, crabs and shell-fish) and includes the spat, brood, fry, spawn, ova and young of all those fish, but does not include any aquatic or amphibious animal to which the provisions of the Wildlife Conservation Act<sup>2</sup> apply or the young of that animal;

"**fish product**" means anything made, collected or obtained from fish and includes fish meal, dried fish, fish manure, offal, fish silage, canned fish, oil of any fish, pearl, mother-of-pearl, shell beche de mer, ambergris, larva and sponge;

"**fishing industry**" means and includes the collection, capture or gathering of fish, fish product or aquatic flora, the manufacture of fish products, the processing of fish products or aquatic flora and the manufacturing of fish products and products of aquatic flora;

"**Minister**" means the Minister responsible for natural resources.

#### 3. Establishment of Corporation

There is hereby established a public corporation to be known as the Tanzania Fisheries Corporation.

1

[Cap. 257](#)

2

[Cap. 283](#)

#### 4. Functions of Corporation

- (1) The functions of the Corporation shall be to—
  - (a) promote the development of the fishing industry;
  - (b) buy, sell, prepare for market, import, export, all types of fish, fish products, aquatic flora and products of aquatic flora;
  - (c) participate in, sponsor and encourage the establishment of national and international ventures with the object of improving the fishing industry and the marketing of fish, fish products, aquatic flora and products of aquatic flora;
  - (d) participate in, sponsor and encourage the establishment of industries necessary for or expedient to the development of the fishing industry including the manufacture of fishing boats and fishing nets;
  - (e) participate in or undertake, on a commercial basis, any enterprise related to or connected with the fishing industry;
  - (f) carry out, promote or sponsor research in any aspect of the fishing industry and the marketing of fish, fish products and aquatic flora;
  - (g) manage the affairs of any corporation, company, firm or other body, the interests of which are transferred to or acquired by the Corporation under the provisions of the Act or otherwise;
  - (h) carry on its business operations and activities either within the United Republic or elsewhere, whether as principal, agent, contractor or otherwise, and either alone or in conjunction with any other person, firm or body corporate;
  - (i) promote the interest and participation of local authorities and co-operative societies in fishing industry;
  - (j) do all other acts and things which may be necessary to uphold and support the credit of the corporation and to attain and justify public confidence, and to avert or minimise any loss to the Corporation;
  - (k) do any act or thing or enter into any transaction which, in the opinion of the Board, is calculated to facilitate the proper and efficient carrying on of its activities and the proper performance of its functions as specified in this paragraph.
- (2) The Corporation may perform its functions, either itself or through any contractor or contractors employed by the Corporation on any terms and conditions which the Board may approved.

#### 5. Authorised capital

- (1) The authorised nominal capital of the Corporation shall be twenty million shillings divided into twenty thousand shares having a par value of one thousand shillings each.
- (2) The initial paid up capital of the Corporation shall be of any amount which the Minister may, after consultation with the Minister for Finance determine and the determination shall be published in the *Gazette*.
- (3) No person other than the United Republic shall be entitled to hold shares in the corporation.
- (4) Payment for any further share or shares issued by the Corporation and allowed to the United Republic shall be made in the a manner which the Minister, after consultation with the Board and the Minister for Finance may determine.

#### 6. Management

- (1) The management of the Corporation is hereby vested in a Board of Directors.

- (2) The Board shall consist of—
    - (a) a Chairman who shall be appointed by the President;
    - (b) any other members being not less than five nor more than nine whom the Minister may appoint, one of whom he shall nominate as its Vice-Chairman.
  - (3) The President may appoint a General Manager of the Corporation.
  - (4) The Board may from time to time appoint on such terms and conditions as it thinks fit any officers and servants of the Corporation who may be necessary for conducting the business of the Corporation.
  - (5) The Chairman and other members of the Board shall be entitled to the allowances and at the rates which the Minister may from time to time prescribe.
  - (6) The Minister may make regulations with respect to the—
    - (a) appointment of and the tenure and vacation of office by the members of the Board;
    - (b) quorum, proceedings and meetings of the Board and determinations of the Board.
  - (7) Subject to the provisions of any regulation made under subparagraph (6) the Board shall have power to regulate its own procedure.
7. **Salaries, etc., to be paid out of Corporation's funds**
- All salaries, fees and any other allowances payable to the Chairman, a member of the Board, the General Manager and other officers and servants of the Corporation, shall be paid out of the funds of the Corporation.
8. **Seal of Corporation**
- (1) The seal of the Corporation shall be affixed by the Chairman, Vice-Chairman or the General Manager and witnessed by one other member of the Board.
  - (2) All contracts, guarantees, agreements, bonds, authorities, mortgages, charges, bills of exchange, promissory notes, bank drafts, letters of credit securities and any other instruments to which the Corporation is a party, shall be executed on behalf of the Corporation by—
    - (a) the General Manager and a member of the Board; or
    - (b) any other person or persons who may be authorised by the Board in that behalf:

Provided that the General Manager may, in writing, delegate his function under this subparagraph to any officer of the Corporation.
9. **Board may act notwithstanding vacancy**
- Subject to the provisions of any regulations relating to quorum made under subparagraph (6) of paragraph 6, the Board may act notwithstanding any vacancy in its membership and no act or proceeding of the Board shall be invalid by reason only of some defect in the appointment of a member or a person who purports to be a member or, where the regulations provide for the appointment of an alternate member, in the appointment of that alternate member or a person who purports to be the alternate member.
10. **Borrowing powers of Corporation**
- The Corporation may from time to time borrow such sums of money as it may require to meet any of its obligations or for the purposes of its business.
11. **Delegation of powers**
- (1) *[Superseded by section 7 of R.E. Cap. 257.]*
  - (2) The Minister is hereby designated as the Minister for the purposes of the provisions of section 35 of the Act which relates to the accounts of the Corporation.