

THE UNITED REPUBLIC OF TANZANIA

ACT SUPPLEMENT

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TANZANIA AGRICULTURAL RESEARCH INSTITUTE ACT, 2016

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THE UNITED REPUBLIC OF TANZANIA



NO. 10 OF 2016

I ASSENT,
JOHN POMBE JOSEPH MAGUFULI,
President

[23rd September, 2016]

An Act to provide for the enhancement of an agricultural research system; establishment of a Tanzania Agricultural Research Institute; effective coordination, governance, management and conducting of agricultural research activities and to provide for other related matters.

ENACTED by Parliament of the United Republic of Tanzania

PART I
PRELIMINARY PROVISIONS

Short title
commence-
ment
and
application

1.-(1) This Act may be cited as the Tanzania Agricultural Research Institute Act, 2016 and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.
(2) This Act shall apply to Mainland Tanzania.

Interpretation

2. In this Act, unless the context requires otherwise-
“agricultural product” means any crop product or commodity recognized as such under this Act;
“agricultural research” means the furtherance, accumulation and improvement of knowledge in crops and related

sciences through original and other investigations and methods of a scientific or indigenous nature into the production, treatment or handling of an agricultural product and system;

“agricultural research service provider” means a person, whether in a public or private sector who conducts or manages agricultural research in accordance with this Act and it includes a public agricultural research institute, universities, farmers groups, civil society organisations, private sector organisations and any other entity as may be determined by the Institute;

“agricultural research theme” means an agricultural research theme declared as such under section 14;

“applied research” means a research that creates new or uses existing technologies to solve a broad range of agricultural challenges facing a society as a whole;

“basic research” means research designed to improve a discipline and advance the frontiers of knowledge or research that creates new scientific knowledge and may consist of research to develop or improve theories, techniques or measurements with known or unknown relevance;

“Board” means the Tanzania Agricultural Research Institute Board established under section 5;

“centres” means research centres referred to under section 11;

“Chairman” means the Chairman of the Board;

“Director General” means the Director General of the Institute appointed under section 8;

“farmers organisation” means an organization formed by persons engaged in either production, processing or marketing of a specific agricultural commodity and is registered by the relevant authority;

“Forum” means the National Agricultural Research Consultative Forum established under section 12;

“Fund” means the Agricultural Research Development Fund established under section 26;

“Institute” means the Tanzania Agricultural Research Institute established under section 3;

“Minister” means the Minister responsible for agriculture;

“Ministry” means the Ministry responsible for agriculture;

“national agricultural research” means a setting of national agricultural research programme; agricultural research management system, resources and cross section of stakeholders whether in public or private sector engaged in the provision of agricultural research services; and

“strategic research” means research responding to national research questions or priorities and identifying the processes, principles and technological elements.

PART II

ESTABLISHMENT AND ADMINISTRATION OF THE INSTITUTE

(a) *Establishment of the Institute and the Board of the Institute*

Establish-
ment of
Tanzania
Agricultural
Research
Institute

3.-(1) There is hereby established an institute, to be known as the Tanzania Agricultural Research Institute or in its acronym “TARI” and it shall be a leading institute responsible for strategic leadership in agricultural research.

(2) The Institute 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;

(d) have all rights and privileges of a natural person; and

(e) in its own name, enter into contracts and agreements.

(3) Notwithstanding the provisions of this section, the Attorney General shall have the right to intervene in any suit or matter instituted by, or against the Institute.

(4) Where the Attorney General intervenes any matter pursuant of sub-section (3), the provisions of the Government Proceedings Act shall apply in relation to the

proceedings of that suit or matter as if it had been instituted by, or against the Government.

(5) For the purposes of subsections (3) and (4), the Institute shall have a duty to notify the Attorney-General of any pending suit or intention to institute a suit or matter by, or against the Institute.

Functions of
the Institute

4.-(1) The Institute shall be responsible for conducting, regulating and coordinating all agricultural research activities in the Mainland Tanzania.

(2) Without prejudice to the generality of subsection (1), the Institute shall-

- (a) conduct, promote and coordinate basic, applied and strategic agricultural research;
- (b) advise the Government on the formulation of national policies, laws and regulatory frameworks for promoting and regulating agricultural research;
- (c) formulate and oversee the implementation of intellectual property policy of the Institute;
- (d) formulate research standards, code of ethics, conduct and practice, and guidelines for delivery of agricultural research services;
- (e) set, in collaboration with key stakeholders, national agricultural research agenda and priorities of the national agricultural research system and coordinate the implementation of such agenda and priorities;
- (f) establish and operate an efficient system of documentation, dissemination and promotion of information on agricultural research;
- (g) promote advancement of skills by providing facilities for training research personnel for the Institute and other stakeholders for better carrying out basic, applied and strategic research;
- (h) mobilise funds for agricultural research and development;

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- (i) coordinate and promote cooperation and collaboration with other countries, institutions, scientific or professional societies and other agricultural research service providers, with regard to agricultural research, development and technology transfer in the agricultural sector;
 - (j) provide, undertake and promote consultancy services in research, training and dissemination of information in agriculture and allied sciences;
 - (k) register and maintain a register of agricultural research service providers and their research projects in the public and private sectors;
 - (l) promote seed deployment and multiplication;
 - (m) establish and maintain gene bank for purposes of characterizing, evaluating and conserving plant genetic resources; and
 - (n) perform any other function for better carrying out the purposes of this Act.
- (3) The Institute may, by a written instrument under the seal of the Institute, delegate to any of its committee, members, or employee of the Institute, any of its functions or powers given under this Act.
- (4) The Institute may revoke a delegation made under this section, and no delegation so made shall prevent the Institute from exercising the function or power delegated.
- (5) Notwithstanding subsections (3) and (4), the Institute shall not delegate-
- (a) its power of delegation; or
 - (b) the power to approve the annual budget, the annual balance sheet or any statement of accounts.

Establish-
ment and
composition
of the Board
of the
Institute

5.-(1) There is hereby established a Board to be known as the Tanzania Agricultural Research Institute Board.

(2) The Board shall consist of the following:

- (a) the Chairman, who shall be appointed by the President; and
- (b) nine other members to be appointed by the Minister as follows-
- (i) a member from the Ministry;
 - (ii) a vice-chancellor appointed from one of a leading agriculture university;
 - (iii) a Chief Executive Officer representing private agricultural research institutes;
 - (iv) the Director of Local Government Authorities;
 - (v) the Director General of the Tanzania Commission for Science and Technology;
 - (vi) the Director General of Tanzania Livestock Research Institute;
 - (vii) a Law Officer from the Attorney-General's Chambers;
 - (viii) two members with experience in agriculture representing farmers' organisations; and
 - (ix) one member with experience in agriculture representing agribusiness organizations.

(3) In appointing the members of the Board, the Minister shall take into consideration skills, experience and gender balance.

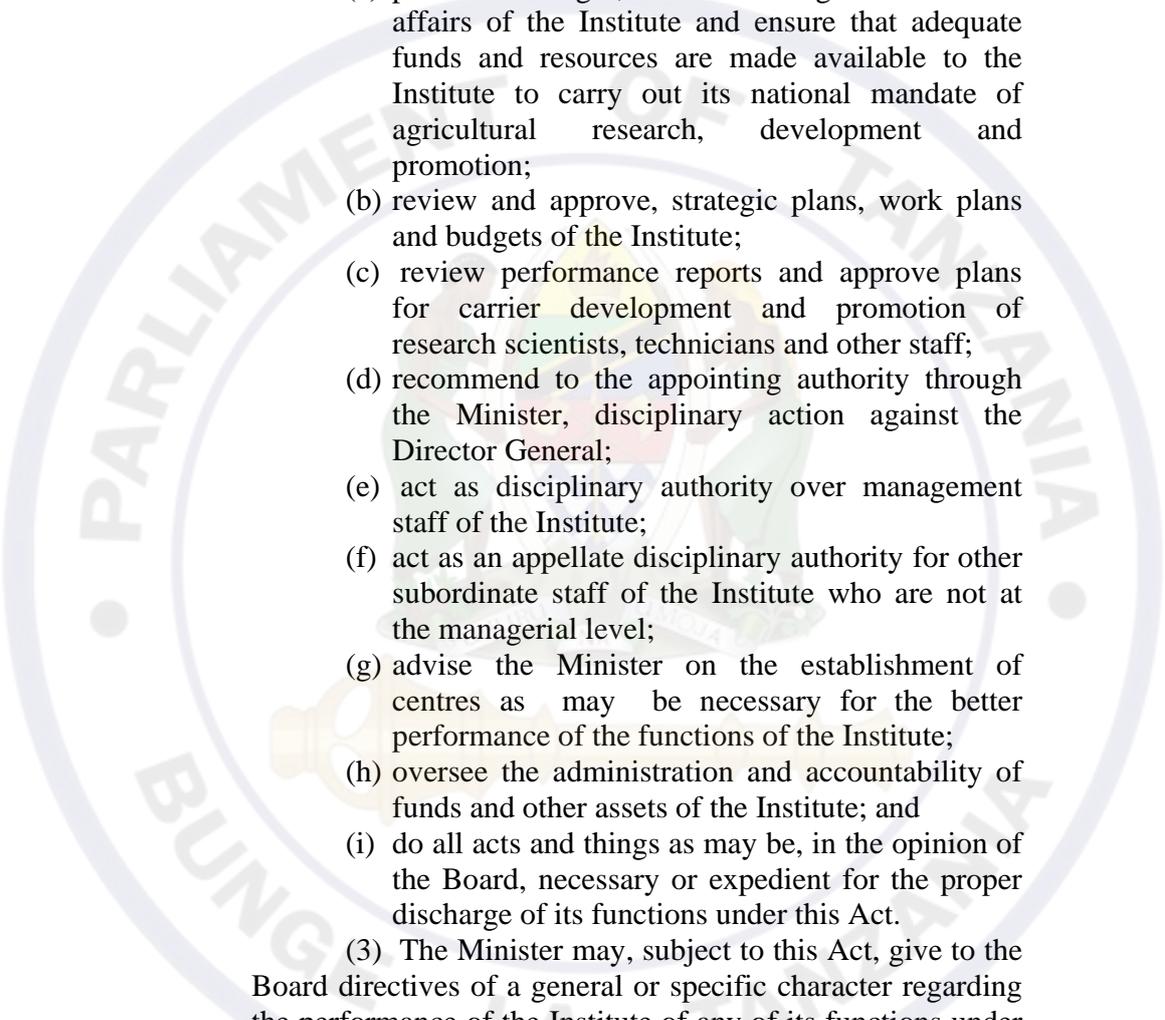
(4) Notwithstanding the provisions of subsection (2), the Board may, where it considers necessary, co-opt any person who is not a member of the Board to attend the deliberations of the Board.

(5) The First Schedule to this Act shall have effect in regard to the constitution, proceedings and other matters relating to the Board.

Powers and functions of the Board

6.-(1) Subject to the provisions of this Act, management oversight, governance and control of the Institute shall be vested in the Board.

(2) Without prejudice to the generality of subsection (1), the Board shall-

- 
- (a) provide oversight, direction and guidance on the affairs of the Institute and ensure that adequate funds and resources are made available to the Institute to carry out its national mandate of agricultural research, development and promotion;
- (b) review and approve, strategic plans, work plans and budgets of the Institute;
- (c) review performance reports and approve plans for career development and promotion of research scientists, technicians and other staff;
- (d) recommend to the appointing authority through the Minister, disciplinary action against the Director General;
- (e) act as disciplinary authority over management staff of the Institute;
- (f) act as an appellate disciplinary authority for other subordinate staff of the Institute who are not at the managerial level;
- (g) advise the Minister on the establishment of centres as may be necessary for the better performance of the functions of the Institute;
- (h) oversee the administration and accountability of funds and other assets of the Institute; and
- (i) do all acts and things as may be, in the opinion of the Board, necessary or expedient for the proper discharge of its functions under this Act.
- (3) The Minister may, subject to this Act, give to the Board directives of a general or specific character regarding the performance of the Institute of any of its functions under this Act, and the Board shall give effect to such directives.
- (4) In the exercise of its powers and performance of its functions under this Act, the Board shall be accountable to the Minister.

(5) For the proper and efficient performance of its functions, the Board may establish such number of committees or sub-committees as it may deem necessary which shall be composed of members appointed from amongst the members of the Board.

Remuneration
of members of
the Board

7. The members of the Board shall, from time to time be paid such remuneration and allowances as may be approved by the Minister upon the recommendation of the Board.

(b) Management of the Institute

Appointment
and duties of
the Director
General

8.-(1) There shall be a Director General of the Institute appointed by the President on the advice of the Minister from amongst persons who possess relevant qualifications and competence to manage efficiently and effectively the affairs of the Institute.

(2) A person shall be eligible for appointment as a Director General if that person is a citizen of Tanzania and possesses-

- (a) a doctorate degree in agricultural sciences from a recognized university;
- (b) high level of integrity;
- (c) proven knowledge and experience of at least ten years in matters relating to scientific research or agricultural research and development; and
- (d) innovative ideas with competence in good governance.

(3) The Director General shall be a Secretary to the Board and shall, in the performance of his functions under this Act, be under the general supervision and control of the Board.

(4) The Director General shall be the Chief Executive Officer of the Institute and shall be responsible for-

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- (a) day to day operations and affairs of the Institute;
- (b) developing and, subject to approval of the Board, implementation of strategic plan of the Institute;
- (c) mobilization and management of funds, property and business of the Institute;
- (d) administration, organization and control of the staff of the Institute and discipline of the employees other than management staff of the Institute;
- (e) coordination and implementation of policies, programmes and activities of the Institute; and
- (f) discharge of any other duties that may be assigned to him by the Board.

(5) In the discharge of his duties under this Act or any subsidiary legislation made thereunder, the Director General shall comply with the directives of the Board as may be given from time to time.

(6) The Director General shall hold office for a term of five years and shall be eligible for reappointment for one more term.

Departments
and Units of
the Institute

9. For the proper discharge of the functions of the Institute under this Act, the Board shall establish such number of departments and units under the Institute in accordance with the approved organizational structure.

Recruitment of
other staff

10.-(1) The Institute shall, with approval of the Board, appoint or recruit on competitive basis such other staff as may be necessary for the proper and efficient discharge of its duties.

(2) Officers and employees recruited under this section shall hold office on such terms and conditions as the Board may determine.

Research
centres of the
Institute

11.-(1) The Research Institutes specified in the second column of the Second Schedule to this Act are hereby vested in the Institute and shall continue to be under the direct control and management of the Institute as centres

of the Institute in their respective new names specified in the third column of the Schedule.

(2) The research centres shall be headed by a director who shall be appointed by the Board.

(3) The Minister may, upon advice of the Board and by Order published in the *Gazette*, amend, add to, vary or replace the centres specified in the Second Schedule.

(c) National Agricultural Research Consultative Forum

National
Agricultural
Research
Consultative
Forum

12.-(1) There shall be a forum to be known as the National Agricultural Research Consultative Forum.

(2) The Forum shall consist of-

- (a) the Chairman appointed by the Minister from amongst prominent agriculturist;
- (b) other members appointed by the Minister from institutions of the national agricultural research system as follows-
 - (i) one member from the Ministry responsible for agriculture;
 - (ii) Chief Executive Officers from public and private research institutes dealing with agricultural research;
 - (iii) Directors responsible for research from agricultural related higher learning institutions;
 - (iv) the Director General of Tanzania Livestock Research Institute;
 - (v) the Director of Local Government authorities;
 - (vi) ten representative of farmers organizations;
 - (vii) a representatives of agribusiness;
 - (viii) the Director General of the Tanzania Commission for Science and Technology;
 - (ix) the Director General of the National Environmental Management Council;

- (x) a representative from the Ministry responsible for planning;
- (xi) one representative from the Ministry responsible for trade and industries;
- (xii) one representative from the Ministry responsible for forestry; and
- (xiii) any other person appointed by the Minister who has knowledge in matters relating to agriculture and a representative of a library from one of the leading Agricultural Universities.

(3) Every member of the Forum shall, except for a member appointed by virtue of his office, serve the office for a term of three years and shall be eligible for reappointment for one more term.

(4) The Forum may co-opt any other member to attend its meetings depending on the agenda to be deliberated upon.

(5) The Forum shall meet once a year but may, where a need arises and after consultation with the Chairman of the Forum, convene a meeting at such time and place as it considers convenient.

(6) The Forum may form committees whose members shall be appointed from amongst the members of the Forum.

(7) The Institute shall serve as the Secretariat to the Forum.

(8) Procedures for regulating the affairs of the Forum shall be prescribed in the regulations.

Functions of
the Forum

13.-(1) The Forum shall have the following functions-

- (a) provide a platform for deliberation and discussions regarding challenges facing the national agricultural research system;
- (b) provide a platform for sharing information, knowledge and best practices among national agricultural research system institutions; and

(c) deliberate upon and provide advice on any other matter as the Forum may consider necessary for the better implementation of the provisions of this Act.

(2) The Forum shall prepare a report on its deliberation and submit it to the Director General who shall work on the recommendations and submit the same to the Board.

PART III OPERATIONS OF THE INSTITUTE

Declaration of
agricultural
research themes

14.-(1) The themes listed in the Third Schedule to this Act are declared to be agricultural research themes for the purposes of this Act.

(2) The Minister may, after consultation with the Board and by the Notice published in the *Gazette*, declare any research theme to be added to or removed from the list in the Third Schedule.

Guidelines for
coordination of
agricultural
research

15.-(1) The Board may, after consultation with stakeholders in the national agricultural research system, issue guidelines and such directives as may be necessary for the coordination of agricultural research.

(2) Every stakeholder shall abide to the guidelines and directives issued pursuant to this section.

Contracting of
agricultural
research service
providers

16.-(1) The Institute may, upon approval of the Board, enter into performance contract or arrangement with an agricultural research service provider for carrying out agricultural research services.

(2) An agricultural research service provider shall carry out agricultural research services in accordance with a performance contract from the Institute.

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Information on agricultural research and allied scientific research to be furnished to the Institute

17.-(1) Any person who engages in agricultural research within the country shall, at his own expense, furnish to the Institute information relating to his research and shall, subject to intellectual property rights policies of the relevant institute that governs such research, make available to the Institute copies of any records or findings as may be directed by the Institute.

(2) The information required to be furnished under subsection (1), shall be furnished in a manner prescribed by regulations.

(3) The Institute and its personnel shall ensure confidentiality of all research information submitted to the Institute under subsection (1).

(4) Any person who contravenes this section commits an offence.

Ownership of research discoveries

18.-(1) Where as a result of any research carried out using public funds by or on behalf of the Institute, anything discovered or invented, the discovery shall become the property of the Institute.

(2) The Institute may, for the purposes of commercial exploitation of any discovery and if the Institute considers important for the use in relation to invention or improved technologies, techniques, processes, practices, products and services and their applications, arrange with any person to buy, sell, take or grant intellectual property rights in the discovery or invention, subject to the terms spelt out in the intellectual property policy of the Institute.

(3) The Institute shall register every discovery made as a result of research carried out under this Act in such form and upon such conditions prescribed in the regulations.

(4) Where any discovery, invention or improvement is vested in the Institute under subsection (1), the Institute may-

- (a) award to the person responsible for the discovery, invention or improvement such bonus as agreed; or

(b) make provision for financial participation by that person in the profits derived from the discovery, invention or improvement, to such extent as the Institute may determine, after consultation with the Board and in accordance with the existing laws relating to intellectual property rights.

(5) The Minister may, by regulations, prescribe the manner for protecting intellectual property, innovations, improvements and inventions arising out of agricultural research.

Publication of
agricultural
research
findings

19.-(1) Any person who, in his research, uses resources and facilities of the Institute, shall not publish or cause to be published the results of such research unless such person has obtained approval of the Institute.

(2) For the purposes of obtaining approval pursuant to subsection (1), a person who intends to publish the results of findings shall submit to the Institute a manuscript of the publication for approval.

(3) Subject to subsection (2), the Institute shall review the manuscript and upon satisfaction, recommend it for publication.

Coordination
of agricultural
research and
allied
scientific
research
carried outside
Tanzania

20.-(1) Where a person desires to carry out any agricultural research and allied scientific research project-

(a) of which the information shall be drawn from the Tanzania; or

(b) for the benefit of the Tanzania but such research shall be carried out outside the Tanzania,

he shall first submit his proposals in that behalf in writing to the Institute.

(2) The Institute may hold consultations with the person who submits proposals, and make such decision in relation to the proposals taking into consideration the interests of agricultural research and allied scientific research in Tanzania.

(3) A decision made by the Institute under subsection (2) shall be binding to person affected by it.

Monitoring and evaluation of agricultural research

21.-(1) For effective planning, implementation and impact assessment of agricultural research, the Institute shall be responsible for-

- (a) tracking and assessing the extent of use and effectiveness of research outputs and get feedback on adoption and impact of technologies;
- (b) institutionalizing effective peer review system;
- (c) establishing commodity and or discipline national research coordinating committees;
- (d) institutionalizing an effective research performance assessment system and developing results, outcome-and impact-based indicators; and
- (e) institutionalizing an efficient progress reporting, communication and management information system.

(2) The Institute shall in consultation with other relevant entities, formulate and periodically revise, a national plan for monitoring agricultural research and allied scientific research and shall undertake such monitoring activities.

PART IV REGISTRATION OF AGRICULTURAL RESEARCH PROJECTS AND SERVICE PROVIDERS

Registration of agricultural research service providers

22.-(1) A person shall not provide or carry out agricultural research service under this Act, unless that person is registered by the Institute as an agricultural research service provider.

(2) The Minister may, by regulations, prescribe the manner of registering agricultural research service providers and any other matters connected thereto.

(3) Any person who carries out agricultural research service without being registered pursuant to this section commits an offence.

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Registration of
agricultural
research
projects

23.-(1) A person shall not implement an agricultural research project unless such project is registered by the Institute under this Act.

(2) Any person who intends to register an agricultural research project shall make application to the Institute in such form as prescribed in the regulations.

(3) The Institute may register an agricultural research project in a manner and subject to such conditions as prescribed in the regulations.

(4) Where the Institute refuses to register an agricultural research project, the Institute shall inform the applicant in writing of the refusal and the reasons for such refusal.

(5) The Institute may, for good cause, and after giving the person concerned an opportunity to show cause, suspend or cancel the registration of agricultural research project.

(6) Notwithstanding the provisions of this section, a University or a research Institute established under the Universities Act or any other written law, shall conduct agricultural research or other related matters, without seeking an approval of the Institute.

(7) Any person who implements an agricultural research project which is not registered pursuant to this section commits an offence.

Research by
foreign
researchers

24.-(1) A foreign researcher who intends to carry out research under this Act shall submit a research proposal to the Institute for approval.

(2) The Institute shall not approve a research proposal submitted by a foreign researcher unless such foreign researcher has a local co-researcher.

Register of
agricultural
research and
allied
scientific
research

25.-(1) The Institute shall establish and maintain a register in which shall be entered-

- (a) agricultural research services providers registered pursuant to this Act;
 - (b) agricultural research and allied scientific research projects.
- (2) For the purposes of subsection (1), the Minister may, by regulations published in the *Gazette*, prescribe the form and entries to be entered in the register.

PART V FINANCIAL PROVISIONS

Establishment
of Fund

26.-(1) There shall be established a fund of the Institute to be known as the “Agricultural Research Development Fund.”

(2) The objectives of the Fund shall be to facilitate and support agricultural research and such other functions of the Institute.

(3) The Sources of the Fund shall comprise of -

- (a) such sums of money as may be appropriated by the Parliament;
- (b) any sum payable as donation, bequests, gifts or grant made or given to the Fund by other agencies, institutions, persons or other government or international organizations;
- (c) any sums of money as the Institute may receive as fees for any service rendered by it; and
- (d) any property which may in any manner become receivable into the Fund.

(4) The Minister may make regulations prescribing for the management, functions, operation and use of the Fund upon consultation with the Minister responsible for Finance.

(5) The Board shall, at any time, and at the end of each financial year have the accounts of the Fund audited by the Controller and Auditor General.

(6) The Board shall submit to the Minister the report under subsection (2) and the annual report providing information for the activities of the Fund during the previous year ending on the 30th June.

(7) The Minister shall cause to be tabled to the National Assembly a statement of audited accounts and reports of the Fund.

Powers to borrow and invest

27.-(1) Subject to the prior approval of the Minister and the Minister responsible for finance, the Institute may borrow money by way of loan or overdraft and upon such security and such terms and conditions relating to repayment of the principal and payment of interest, subject to any directives given by the Minister.

(2) With the prior approval of the Minister, the Institute may, invest any part of its moneys.

(3) The funds of the Institute shall be utilised for the purposes of-

- (a) meeting costs of implementing agricultural research projects, research infrastructure development, research operational costs and commercialization of research products;
- (b) the acquisition of land, equipment, materials and other assets;
- (c) the training or capacity building of experts or farmers engaged in the agricultural research; and
- (d) meeting any expenses of the Institute.

Superannuation benefits

28. 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 benefits to the employees of the Institute;
- (b) establish and contribute to a superannuation fund or a medical benefits fund for the employees of the Institute;

- (c) require any employee of the Institute to contribute to the superannuation fund or medical benefits fund and fix the amounts and method of payment of the contribution.

Annual and
supplementary
budget

29.-(1) The first financial year of the Institute shall commence on the date when the Act comes into operation and may be of a period longer or shorter than twelve months.

(2) The Board shall, not less than two months before the commencement of every financial year and at a meeting, pass a detailed budget of the amounts respectively-

- (a) expected to be received; or
(b) expected to be disbursed, by the Institute during that financial year, and whenever circumstances so require, the Board may pass a supplementary budget in any financial year.

(3) The annual budget and every supplementary budget shall be in such form and include details as the Minister may approve.

(4) Upon passing of any budget or supplementary budget, the Board shall submit to the Minister for approval the annual budget or the supplementary budget as the case may be.

(5) 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 may deem fit.

(6) Where the Minister approves any annual or supplementary budget, with or without amendment, the Board shall confine the disbursements of the Institute within the items and amounts contained in the applicable estimates as approved by the Minister.

(7) The Board may-

- (a) with the written sanction of the Minister, make a disbursement notwithstanding that, the disbursement is not provided for in any budget;

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- (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.

Account and
audit

30.-(1) The Director General shall keep proper books of accounts and shall, within and not later than three calendar months after the end of each financial year, prepare a statement of income and expenditure during the financial year.

Caps. 348

(2) The accounts including the balance sheet of the Institute shall, within three months of the close of every financial year be audited by the Controller and Auditor General in accordance with the Public Audit Act.

(3) Every audited accounts shall be placed before a meeting of the Board and, if adopted, it shall be endorsed with a certificate to that effect.

(4) As soon as the accounts of the Institute is audited, and in any case not later than six months after the close of the financial year, the Institute shall submit to the Minister a copy of the audited statement of accounts together with a copy of the report on that statement made by the auditors.

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Annual report
of the Institute

31. The Board shall, within six months after the close of the financial year, cause to be prepared and submitted to the Minister a report on activities on operations undertaken by the Institute during that financial year and accompanied by-

- (a) a copy of the audited accounts;
- (b) a copy of the auditors' reports on the accounts; and
- (c) such other information as the Minister may direct.

Laying of
accounts
before
National
Assembly

32. The Minister shall, as soon as practicable after receiving the report, lay before the National Assembly the audited accounts of the Institute together with the auditor's report of the accounts and the annual report of the Institute.

PART VI GENERAL PROVISIONS

Penalties for
offences

33. A person who is convicted of an offence under this Act to which no specific penalty has been prescribed shall be liable:

- (a) in the case of an individual, to a fine of not less than five hundred thousand shillings and not exceeding one million shillings, or imprisonment for a term of six months or to both;
- (b) in the case of a subsequent offence, to a further fine of not less than two million shillings and not exceeding five million shillings or imprisonment for a term of twelve months or to both;
- (c) in the case of a corporation, to a fine of not less than one million shillings and in the case of a subsequent offence, to a further fine of not less than five million shillings.

Indemnity

34. No matter done by any person exercising or purporting to exercise any function under this Act or under any subsidiary legislation made under this Act shall, if done in good faith in the execution or purported execution of his functions under any of the provisions of this Act or such subsidiary legislation, render such person to any action, liability, claim or demand whatsoever.

Appeals

35.-(1) Any person aggrieved by the decision of the Institute regarding implementation of the provisions of this Act may, within twenty one days upon receipt of such decision, appeal to the Minister.

(2) The Minister shall determine the appeal and issue his decision on the appeal within thirty days from the date of lodging the appeal.

Power to make regulations

36.-(1) The Minister may, make regulations for the better carrying out the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations for-

- (a) the registration procedures for-
 - (i) agricultural research service providers;
 - (ii) agricultural research projects;
- (b) conducting agricultural research;
- (c) prescribing for payment of fees payable under this Act;
- (d) conducting monitoring and evaluation;
- (e) prescribing for modalities of publication of agricultural research findings;
- (f) the setting of standards and a code of conduct of the agricultural research service providers;
- (g) prescribing procedures of submission to the Institute of research project proposals;
- (h) prescribing procedures for contracting research;
- (i) prescribing the manner of maintaining of database for agricultural research information; other technologies by the Institute;

- (j) prescribing rewarding system for researchers of the Institute;
- (k) providing for the manner of handling appeals; and
- (l) prescribing any other matter or thing which is required or necessary to be prescribed or provided under this Act.

Transfer of assets and liabilities

37.-(1) All property and assets which immediately before the commencement of this Act were vested in the Division of Research and Development of the Ministry and its institutes taken over pursuant to section 11 shall belong to the Institute.

(2) The Institute shall assume all liabilities and trusts affecting the property and assets mentioned in subsection (1).

(3) All land held by the institutes taken over pursuant to section 11 shall be exclusively used for the activities of the Institute as may be approved by the Board and shall be managed or used in such manner desirable for the better performance of the functions of the Institute.

(4) Any agreement or similar arrangement made by the institute taken over pursuant to section 11 shall continue to be in force until terminated in accordance with the terms and conditions of the agreement or arrangement.

Provisions regarding employees of the Institute

38.-(1) Subject to this Act, all employees of the Division of Research and Development of the Ministry shall, with effect from the effective date, be transferred to and be employees of the Institute.

(2) With effect from effective date every employee transferred to the institute under subsection (1) from the Division of Research and Development of the Ministry and its research institutes shall be employed by the Institute on terms and conditions not less favourable than those applicable to him before the transfer.

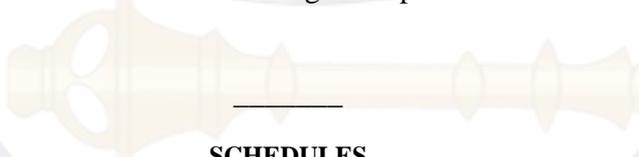
(3) Until such time as new scheme and terms and conditions of service are drawn up by the Institute, the schemes and terms and conditions of service in the Division

of Research and Development of the Ministry and its research Institutes shall continue to apply to every person transferred under subsection (1) to the service as if he was still in the service of the Division.

(4) Where any person who is transferred to the service of the Institutes under this section is a member of any statutory or voluntary pension scheme or provident fund he shall, for the purposes of this Act, continue to be governed by the same regulations under those schemes or funds as if he has not been transferred to the service of the Institute.

(5) For avoidance of doubt and for the purposes of the regulations governing the pension scheme and provident fund, the service of employees transfer under this section from Division of Research and Development of the Ministry and its research institutes shall be deemed to be service of the Institute.

(6) For the purpose of this section “effective date” means the date of coming into operation of this Act.



SCHEDULES

FIRST SCHEDULE

(Made under section 5(5))

PROCEDURES AND OTHER AFFAIRS OF THE BOARD

- | | |
|--|--|
| Vice Chairman | 1. The members shall, in their first meeting elect one of their members present to be the Vice-Chairman of the Board and shall, subject to his continuing to be a member holding the office for a term of three years from the date of election, and shall be eligible for re-election. |
| Procedures of the Board | 2. The Board shall regulate its own procedure and the conduct of its business in conformity with this Act and Regulations. |
| Conflict of interest | 3. Any Board member who has a conflict of interest related to any matter being discussed by the Board shall be required to declare interest and the Board may not allow him to participate in decision making concerning that matter. |
| Tenure of office of members of the Board | 4.-(1) A member shall, unless his appointment is terminated by the appointing authority or ceases in any other way to be a member, hold office for the period of three years and shall be eligible for re-appointment for one more term.
(2) Any member appointed under this Act may at any time resign his office by giving notice in writing to the appointing authority 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 appointing authority, he shall cease to be a member. |
| Alternate members | 5. Where a member dies or resigns or otherwise vacates from the office before the expiry of the term of office, the appointing Authority shall appoint another person in place of such member who shall hold office for the remainder of the term of office of his predecessor. |
| Meetings and procedures of the Board | 6.-(1) The Board shall hold its meetings at least four times in a year for the transaction of its business.
(2) Notwithstanding the provision of subparagraph (1), The Chairman may, in case of an emergency that needs the decision of the Board, convene an extra ordinary meeting on such date and place to be determined by the Chairman. |

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- (3) The Chairman shall preside at all meetings of the Board.
 (4) Where at any meeting of the Board the Chairman is absent the Vice- Chairman shall preside.

Quorum for the meeting

- 7.**-(1) All decisions of the Board shall be arrived at unanimously, except in the case of disagreement the decision shall be made by a majority vote.
 (2) The quorum at any meeting of the Board shall be half of members in office.

Minutes of Board 's Meetings

- 8.**-(1) The Board shall cause to be recorded and kept minutes of all business conducted or transacted at its meeting 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 or error, be deemed to be a correct record of the meeting, whose minutes purport to be.

Vacancies etc not to invalidate proceedings

- 9.** The validity of any act or proceedings of the Board shall not be affected by any vacancy amongst its members or by any defect in the appointment of any of them.

Notices or directions

- 10.** All notices or other documents issued by or on behalf of the Board shall be signed by:
 (a) the Chairman; or
 (b) the Secretary or any officer or officers of the Board authorised in writing in that behalf by the Secretary.

SECOND SCHEDULE

(Made under section 11 (3))

**AGRICULTURAL RESEARCH CENTRES
 UNDER THE INSTITUTE**

S/N	FORMER NAME OF THE INSTITUITE	NAME OF THE CENTRE	LOCATION
1.	Ilonga Agricultural Research Institute	TARI-Ilonga Centre	Kilosa, Morogoro
2.	Mlingano Agricultural Research Institute	TARI-Mlingano Centre	Muheza, Tanga

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3.	Kibaha Sugarcane Research Institute	TARI-Kibaha Centre	Kibaha, Pwani
4.	Mikocheni Agricultural Research Institute	TARI- Mikocheni Centre	Kinondoni, Dar es Salaam
5.	KATRIN Agricultural Research Institute	TARI-Ifakara Centre	Kilombero, Morogoro
6.	Dakawa Agricultural Research Institute	TARI-Dakawa Centre	Mvomero, Morogoro,
7.	Makutopora Viticultural Research Institute	TARI-Makutopora Centre	Dodoma
8.	Hombolo Agricultural Experimental Station	TARI-Hombolo Centre	Chamwino, Dodoma
9.	Ukiriguru, Agricultural Research Institute	TARI-Ukiriguru Centre	Misungwi, Mwanza
10.	Maruku Agricultural Research Institute	TARI-Maruku Centre	Bukoba, Kagera
11.	Selian Agricultural Research Institute	TARI-Selian Centre	Arumeru, Arusha
12.	Tengeru Agricultural Research Institute	TARI-Tengeru Centre	Arumeru, Arusha
13.	Naliendele Agricultural Research Institute	TARI-Naliendele Centre	Mtwara Urban Mtwara
14.	Uyole Agricultural Research Institute	TARI-Uyole Centre	Mbeya
15.	Kifyulilo Experimental Station	TARI-Kifyulilo Centre	Mufindi, Iringa
16.	Tumbi Agricultural Research Institute	TARI-Tumbi Centre	Uyui, Tabora

THIRD SCHEDULE

(Made under section 14 (1))

AGRICULTURAL RESEARCH THEMES

1. *Crop Improvement*
 - (a) breeding for improved crop varieties;
 - (b) develop recommendations for Good Agricultural Practices (GAP) under rain fed and irrigated farming;
 - (c) collection, conservation and sustainable utilization of plant genetic resources; and
 - (d) any other emerging issues.
2. *Crop Protection:*
 - (a) integrated pest management;
 - (b) integrated disease management;
 - (c) weeds and invasive species management;
 - (d) any other emerging issues.

3. *Post-Harvest Research*
 - (a) handling;
 - (b) processing;
 - (c) packaging;
 - (d) storage;
 - (e) any other emerging issues.
4. *Land use and water management*
 - (a) soil fertility, plant nutrition, conservation agriculture and erosion control;
 - (b) soil mapping, land resources inventory and evaluation;
 - (c) water conservation and water quality analysis;
 - (d) efficient and sustainable irrigation technologies; and
 - (e) any other emerging issues.
5. *Agroforestry*
 - (a) screening of multipurpose trees species for suitability as fuel wood, fodder or for soil fertility improvement, border and shade;
 - (b) developing sustainable management systems that incorporate trees and shrubs into crop/livestock systems;
 - (c) genetic resources management, conservation and sustainable utilization of trees and shrubs;
 - (d) any other emerging issues.
6. *Environmental Management and Climate Change Resilience*
 - (a) development of new tools for risk-based agricultural planning and operational techniques to address less predictable weather patterns and potential shifts of agro-ecological zones;
 - (b) research in loss of biodiversity due to over-exploitation;
 - (c) development of measures to control pollution and degradation of natural resources;
 - (d) development of varieties of different crops for climate change adaptation purposes;
 - (e) research in agricultural technologies, techniques, and innovative adaptive measures appropriate to given agro-ecological zones;
 - (f) any other emerging issues;
 - (g) agro-climatology.
7. *Biosciences and Biotechnology Innovations*
All emerging scientific innovation and technologies that enhance sustainable agricultural growth and development such as:
 - (a) marker assisted breeding;
 - (b) tissue culture;
 - (c) genetic engineering;
 - (d) biosafety research;
 - (e) disease diagnostics;
 - (f) bioinformatics;
 - (g) genomics;
 - (h) proteomics;

- (i) gene tilling;
 - (j) metabolomics; and
 - (k) any other emerging issues.
8. *Socio-economics and Marketing Research*
- (a) characterization and analysis of farming system and client groups to enhance research targeting;
 - (b) technology transfer, adaptation and adoption by stakeholders;
 - (c) validation and up-scaling and out-scaling of agricultural indigenous knowledge, technologies and techniques;
 - (d) impact and research spillover studies of adapted and adopted technologies and return to research investment; including documentation and dissemination;
 - (e) entrepreneurship and farm enterprise development;
 - (f) analysis of institutional policy-induced constraints to technology development along the value-chain;
 - (g) research in factors that enhance competitiveness and marketability of Tanzanian agricultural produce in regional and international supply chains;
 - (h) impact studies of agricultural technologies on labor and gender relations;
 - (i) any other emerging issues.
9. *Technology Transfer*
- (a) testing technologies with farmers (on-farm trials) in collaboration with extension agents;
 - (b) farmers field days at research institutes;
 - (c) farmer field schools;
 - (d) developing and executing communication strategies including print, audio, visual and electronic media;
 - (e) documentation and dissemination of agricultural research technologies to users;
 - (f) access and assessment of technologies in order to screen and adapt for dissemination; and
 - (g) any other emerging issues.
10. *Agricultural Engineering*
- (a) collaborative research on testing farm implements and the use of animal power traction;
 - (b) processing technologies;
 - (c) screening for varieties that are adapted for mechanization;
 - (d) tillage systems/techniques;
 - (e) sustainable management of agricultural waste; and
 - (f) any other emerging issues.

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11. *Crosscutting Themes*
- (a) intellectual property management of developed research products and services;
 - (b) information management and development of integrated information/ict systems;
 - (c) formulation of research standards, codes of ethics, conduct and practice, and guidelines for delivery of agricultural research services;
 - (d) collaboration and linkages with local government authorities, national institutions, regional networks and international organizations dealing with and supporting agricultural research and development; the purpose being to conduct collaborative research and sharing knowledge, experiences, technologies and resources
- (a) alternative sources of energy such as solar, biogas, wind and biofuel; and
 - (b) gender mainstreaming;
 - (c) any other emerging issues.

Passed by the National Assembly on the 15th September, 2016.

THOMAS DIDIMU KASHILILAH,
Clerk of the National Assembly