

THE PYRETHRUM ACT

ARRANGEMENT OF SECTIONS

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THE UNITED REPUBLIC OF TANZANIA.



No. 1 OF 1997

I ASSENT,
Benjamin W. Mkapa
President
4th April, '97

An Act to repeal the Pyrethrum Ordinance and enact the Pyrethrum Act to provide for regulation improvement and development of the Pyrethrum Industry

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Pyrethrum Act, 1997 and shall come into operation on such date as the Minister may, by notice published in the Gazette, appoint.

Short title and commencement

2. In this Act, unless the context otherwise requires—
"Board" means the Tanzania Pyrethrum Board established under section 3;

Interpretation

"Commissioner" means the Commissioner of Agriculture;

"Fund" means Pyrethrum Industry Development Trust Fund established under section 16;

"Minister" means the minister for the time being responsible for agriculture;

"Northern area" includes Arusha, Kilimanjaro and Tanga regions;

"pyrethrum" means the plant known botanically as Chrysanthemum cinerariifolium, or any part thereof, and includes the dried flowers and any product of such plant;

"Pyrethrum Growers Association" means an association of licensed pyrethrum growers including a cooperative society the constitution and rules of which have been approved by the Minister and includes the Northern Area Pyrethrum Growers Association and the Southern Area Pyrethrum Growers Association
 "sell" includes agreement of contract to sell;
 "Southern area" includes Iringa, Mbeya and Rukwa regions.

PART 11

THE TANZANIA PYRETHRUM BOARD

Establishment and Constitution of the Board

3.-(1) There shall be established a Board to be known as the Tanzania Pyrethrum Board whose directors shall consist of-

- (a) such number of persons appointed by the Minister being not fewer than two nor more than four as the Minister may decide, and being persons from Northern Tanzania Pyrethrum Growing area or nominated by the Pyrethrum Growers Association, as the case may be;
- (b) such number of persons appointed by the Minister being not fewer than one nor more than two as the Minister may decide, and being persons from Northern Tanzania Pyrethrum Growing area or nominated by the Pyrethrum Growers Association, as the case may be, and
- (c) not more than two other persons appointed by the Minister from amongst persons who, in his opinion, possess knowledge and experience likely to be of benefit to pyrethrum industry.

(2) Notwithstanding the provisions of subsection (1), the Minister may, after consultation with the Board, by notice in the *Gazette*, from time to time vary the composition of the Board and the authorities or associations entitled to nominate members.

(3) The members appointed under paragraphs (a) and (b) of subsection (1) shall, unless their appointments are for a lesser period or are previously revoked hold office for three years and shall be eligible for recommendation and reappointment.

(4) Every member appointed under paragraph (c) of subsection (1) shall; unless his appointment is previously revoked, hold office for such period as the Minister shall specify in the member's letter of appointment, and shall be eligible for reappointment.

(5) The Chairman of the Board shall be appointed by the Minister and the Vice-Chairman shall be elected annually from amongst its members.

4.--(1) The Board shall be a body corporate having perpetual succession, and may in its corporate name sue and be sued and, for and in connection with the purposes of this Act, may purchase, hold, manage and dispose of real- and personal property and may enter into such contracts as may be necessary or expedient.

Board, to
be a body
corporate

(2) The Board shall have a common seal and the seal of the Board shall be authenticated by the signature of the Chairman of the Board or of some other member of the Board authorised by the Chairman to act in his stead in that behalf, and of the secretary to the Board, or some person authorized by the Board to act in his stead in that behalf.

(3) subject to any directions by the Minister, the Board shall without further assurance under this Act continue to own all its assets and liabilities.

5. The functions of the Board shall include the following-

Functions
of the
Board

- (a) to consider and advise the Minister upon measures for the promotion, development and regulation of the pyrethrum industry;
- (b) to receive, consider and -advise the Minister upon any recommendations advanced by Pyrethrum Producers or their Association in the interest of the pyrethrum industry;
- (c) subject to the approval of the Minister to conduct or finance research and experiments directly or through agents in any matter relating to the pyrethrum industry;
- (e) to make regulations for control of pests and diseases;
- (d) to issue export licences and determine the conditions for issuing such licences;
- (f) generally to exercise the powers conferred and to carry out the duties imposed on it under the provisions of this Act or any rules made thereunder and to do all such things as in the opinion of the Board may be necessary. for the development of the pyrethrum industry.

6. The Minister may by an order published in the Gazette add to, subtract from or vary the functions of the Board hereinafter provided.

Minister
may vary
Board
functions

7. In addition to the powers of investment contained in section 19 of this Act subject to the consent in writing of the Minister the Board shall have power to promote, control. establish, operate or invest any of its funds in a pyrethrum extract plant in the United Republic and in any business or undertaking which may be incidental thereto, and may for any such purpose acquire shares in any company. or organisation and may, transfer to any such company or organisation any of its assets or interest provided always that the Minister in consultation with the Minister for finance may direct the Board to withdraw front any investment interest or share previously made in any venture in accordance with the provisions of this section.

Power to
operate
Pyret-
hrum ex.
tract plant

Power to
delegate

8. The Board may, by resolution, delegate to any committee, member, officer or employee of the Board the exercise of any of the powers which the Board is authorized by this Act to exercise, either generally or in any particular case.

Meetings
and pro-
cedure of
the Board

9.-(1) Ordinary meetings of the Board shall be convened by the Chairman or if the Chairman is temporarily absent from the United Republic or is incapacitated by illness or other sufficient cause for performing the duties of his office, by the Vice-Chairman and notice specifying the place, day and hour of the meeting shall be given to each member by being delivered at, or sent by post or otherwise to, his usual place of business or residence at least fourteen days before the date of such meeting.

(2) The Chairman or if the Chairman is temporarily absent from the United Republic or is incapacitated by illness or other Sufficient cause from performing the duties of his office, the Vice-Chairman, shall at any time be bound to convene a special meeting of the Board upon receipt of a request signed by two members of the Board calling upon him so to do, but not less than twenty one days' notice of such a meeting shall be given to all members within the United Republic.

(3) At every meeting of the Board, fifty per centum of member shall form a quorum.

(4) In the absence of the Chairman and Vice-Chairman from any meeting of the Board, the Chairman for such meeting shall be chosen from the members present.

(5) The Chairman shall have casting and a deliberative vote. Decisions of the majority of members present and voting at meeting of the Board shall be deemed to be decisions of the Board.

(6) Subject to the provisions of section 8, all acts, matters or things authorized or required to be done by the Board shall be decided by resolution at any meeting at which a quorum is present.

(7) Subject the provisions of this section, the Board shall have power to regulate its own proceedings.

(8) The Board shall meet at least four times a year.

(9) The Board may pay such travelling and other expenses as may have been reasonably incurred by its members in the performance of their duties under this Act.

Remuner-
ation of
members

10. The Board may pay such travelling and other expenses as may have been reasonably incurred by its members in the performance of their duties under the Act and may, with the approval of the Minister, pay the members such other remuneration as it may determine.

11.-(1) The Minister shall upon the recommendation of the Board of Directors appoint the Chief Executive Officer and who shall be the Secretary to the Board.

Appoint-
ment of
Chief
Executive

(2) The Board may:-

- (a) from time to time appoint at such salaries and upon such terms and conditions as it may think fit, such officers and employees as it may deem necessary for the proper and efficient functions of the Board-
- (b) grant pensions, gratuities or retiring allowances to any officer or employee and may require officers and employees to contribute to any pension or superannuation scheme,
- (c) establish and make contributions to a pension or superannuation fund or a medical fund for its officers and employees;
- (d) from time to time appoint and employ upon such terms and conditions as it may think fit such agents and contractors as it may deem necessary.

12. No matter or thing done by the Chairman or any other member, or any officer or employee of the Board shall, if the matter or thing be done *bona fide* for the purpose of executing any provision of this Act render such Chairman, member, officer or employee or any person acting by his directions, personally responsible to any action, liability, claim or demand whatsoever.

Liability
of me-
mbers,
emplo-
yees of
Board etc.
Cap. 16
Acts 1970

13. The Board shall prepare an annual report on its operations, and such report shall be published in such manner as the Minister may direct and shall be laid on the table of the National Assembly.

Annual
report

PART III

FINANCIAL PROVISIONS

14.-(1) The Minister may, from time to time, on the recommendation of the Board by order published in the *Gazette*, impose a levy on all pyrethrum which is grown in the United Republic and sold therein or exported there from and any such order may impose different rates of levy in respect of pyrethrum grown in different areas of the United Republic.

Levy

(2) Any levy imposed under the provisions of subsection (1) shall be payable by the grower processor, exporter or trade as the case may be, and shall be collected in such manner as may be prescribed by the Board.

(3) Any levy payable under this Act shall be paid to the Board and may be recovered by the Board as a civil debt.

- Funds and resources
- 15.** The funds and resources of the Board shall consist of-
- (a) such sums as may be voted for the purpose by Parliament;
 - (b) any loan granted to the Board by the Government or any other person;
 - (c) any sum or property which may in any manner become payable to or vested in the Board as a result of the performance of its functions;
 - (d) any monies raised by cess or levy imposed by the Board under the provisions of this Act.
- Pyrethrum Trust Fund
- 16.**-(1) The Board shall assist the Pyrethrum Industry to establish the Pyrethrum Industry Trust Fund (hereinafter referred to as the "Trust Fund") into which the Board shall pay all the moneys collected from time to time by way of levy imposed under section 14 of this Act.
- (2) The Minister shall on recommendation of the Pyrethrum Industry appoint a Trust Fund Committee of not more than five persons from amongst persons directly engaged or otherwise interested in the pyrethrum industry to manage and operate the Trust Fund and each Trust Fund") into which the Board shall pay part of the moneys collected from time to time by way of levy imposed under section 14 of this Act.
- (3) The Board shall make rules and regulations for the operation and management of the Trust Fund.
- (4) All other moneys lawfully received by the Board shall be kept in a separate banking account out of which all payments by the Board shall be made.
- (5) On the operation of the Trust Fund no person or authority whatsoever shall establish or initiate a similar fund for similar purposes as the Trust Fund established hereof in respect of the Pyrethrum Industry without the consent in writing of the Minister.
- Purposes for which Trust Fund may be applied.
- 17.** The Trust Fund money may be applied for all or any of the following purposes-
- (a) experiments, investigation and research in connection with pyrethrum;
 - (b) the promotion of production, sales and marketing information system;
 - (c) to promote the welfare of small holders of pyrethrum Industry or enhance its economic production;
 - (d) the payment of interest in respect of any moneys; borrowed under the provisions of this Act;

- (e) the payment of charges of the audit required by section 20 of this Act;
- (f) such other purposes as may be prescribed provided that no payment under item (d) and (e) shall be made from the Trust Fund.

18. The Board may, from time to time, with the prior approval of the Minister, raise or borrow, whether by way of mortgage, bank overdraft or otherwise, such sum of money for or in connection with the exercise of its functions, powers and duties under this Act as the Board may deem necessary.

Power to raise or borrow money

19. Subject to the prior approval in writing of the Minister and in consultation with the Minister for the time being, responsible for finance the Board may participate in any investment as the Board may think fit and may from time to time vary, withdraw or realize any such investments.

Power, to invest

20-(1) The Board shall cause to be kept proper books of accounts with respect to-

Books of accounts and audit

- (a) all sums of money received and expended by the Board and the Trust Fund Committee and matters in respect of which the receipt and expenditure take place;
- (b) the assets and liabilities of the Board; and shall cause to be made out in every financial year a balance sheet showing in detail the assets and liabilities, and the income and expenditure of the Board and every such balance sheet shall contain a certificate by the Board that it has adopted the same.

(2) The accounts of the Board may be audited annually by the Tanzania Audit Corporation or any other reputable audit firm.

(3) The report of the auditor appointed under the provisions of subsection (2) shall state-

- (a) whether he has obtained all the information and explanations which to the best of his knowledge and belief were necessary for the purposes of his audit;
- (b) whether, in his opinion, proper books of accounts have been kept by the Board of so far as appears from his examination of those books;
- (c) whether the balance sheet and income and expenditure account are in agreement with the books of accounts;
- (d) whether in his opinion and to the best of his information and according to the explanations given to him, the income and expenditure account gives a true and fair view of the income and expenditure for the year and the balance sheet gives a true and fair view of the state of the Board's affairs at the end of the financial year.

(4) A copy of the accounts, audited in accordance with subsection (2), together with the report of the auditor shall be laid on the table of the National Assembly by the Minister.

PART IV

MISCELLANEOUS

Rules

21.-(1) The Board shall, after obtaining approval of the Minister, make rules generally for the better carrying out of the purposes and provisions of this Act and, without prejudice to the generality of the foregoing, make rules in respect of any or all of the following matters:-

- (a) regulating the production, marketing and processing of pyrethrum growing in the United Republic;
- (b) providing for the submission of reports, information and statistics by pyrethrum producers to the Board or the Commissioner relating to the production of pyrethrum, and the quantities of pyrethrum which are expected to be available for marketing;
- (c) providing for the grading of pyrethrum;
- (d) prescribing the grades of pyrethrum-
- (e) prescribing the form, of any permit, export or exemption to be issued under this Act and the form of application thereof; prescribing the fees to be paid in respect of such permit or export licence.
- (f) prescribing the procedure for the collection and use of any levy imposed under this Act;
- (g) prescribing anything which is to be prescribed under this Act.

(2) Any such sub-rule made hereunder may require acts or things to be performed or done to the satisfaction of the Board and may prohibit acts or things from being performed or done without the prior approval of the Board, may empower the Board to impose conditions and may prescribe periods or dates upon, within or before, which such acts or things shall be performed or done or undone and such conditions shall be fulfilled.

(3) Rules made under this section-

- (a) may be of general application throughout the United Republic, or any of such rules may be limited in their application to certain areas of the United Republic or otherwise as the Board may think fit; and
- (b) may fix penalties for the breach thereof not in excess of a fine of one hundred thousands shillings or twelve months imprisonment, or both such fine and imprisonment.

22.—(1) The Pyrethrum Ordinance is hereby repealed.

(2) Every licence or permit issued under the Ordinance hereby repealed and subsisting at the date of the coming into operation of this Act shall be deemed to have been issued under this Act.

Repeal
and sav-
ings Cap
421

Passed in the National Assembly on the 28th January, 1997.


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Clerk of the National Assembly