

**THE TANZANIA INDUSTRIAL STUDIES AND CONSULTING
ORGANIZATION ACT, 1976**

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SCHEDULE

THE UNITED REPUBLIC OF TANZANIA



No. 2 OF 1976

I ASSENT,

Julius K. Nyerere
President

31st APRIL, 1976

An Act to establish the Tanzania Industrial Studies and Consulting Organization, to provide for the functions of the Organization and for other matters connected therewith and incidental thereto

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Tanzania Industrial Studies and Consulting Organization Act, 1976 and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

Short title and commencement

2. In this Act, unless the context otherwise requires-
"Board" means the Board of Directors of the Organization;
"Director-General" means the Director-General of the Organization appointed under section 7;
"member" in relation to the Board, means a member of the Board and includes the Chairman and Vice-Chairman;
"Minister" means the Minister for the time being responsible for industries;
"Organization" means the Tanzania Industrial Studies and Consulting Organization established by section 3.

Interpretation

3.-(1) There is hereby established an Organization to be known as the Tanzania Industrial Studies and Consulting Organization.

Establishment of Organization

- (2) The Organization shall be a body corporate and shall-
- (a) have perpetual succession and a common seal;
 - (b) in its corporate name be capable of suing and being sued;
 - (c) subject to the provisions of this Act, be capable of purchasing and otherwise acquiring and of alienating, any movable and immovable property.

Composition
and
proceedings
of Board

4.-(1) There shall be a Board of Directors of the Organization which shall be responsible for the performance of the functions and the management of the affairs of the Organization.

(2) The provisions of the Schedule to this Act shall have effect as to the constitution and tenure of office of the members of the Board, termination of their appointment, the proceedings of the Board and other matters in relation to the Board and its members.

(3) The Minister may, by order in the *Gazette*, amend, add to, vary or replace the Schedule to this Act.

Functions
of the
Organization

5. The functions of the Organization shall be.-

- (a) to provide consultancy and advisory services in subjects associated with industrial development and management to the Government, public institutions and such other bodies or organizations as may be approved by the Minister;
- (b) to give advice and assistance to the Government, public institutions and such other bodies or organizations as may be approved by the Organization in the selection and employment of local or foreign consultants and advisors for any work relating to industries;
- (c) to co-operate with other bodies or organizations engaged in the Provision of consultancy and advisory services in Tanzania and elsewhere in the implementation of measures calculated to foster, encourage and promote the expansion and wide use of modern industrial techniques and practices;
- (d) to conduct training programmes and promote the practical application of modern techniques in the development and management of industrial enterprises;
- (e) to initiate and carry out surveys, research and feasibility studies designed to foster the development of industrial enterprises to be undertaken within the United Republic by public or private institutions or organizations;
- (f) to co-ordinate research in industry carried out within the United Republic and establish a system of documentation in respect of information relating to industrial research or studies furnished to, or otherwise acquired by, the Organization-;
- (g) to sponsor and provide facilities for conferences and seminars on topics related to the work and activities of the Organization and to arrange for the publication and general dissemination of material produced in connection with such work and activities;
- (h) to Manage the affairs of any organization engaged in the provision of consultancy and advisory services the interests of which are transferred or otherwise acquired by the organization;
- (i) to do such acts and things as may be necessary to uphold and support the credit of the Organization. to obtain and justify public confidence, to avert or minimize any loss to the Organi-

zation and to facilitate the proper and efficient performance of its functions as specified under this section.

6. For the proper performance of the functions of the Organization

Power of Board to charge fees

the Board shall, subject to any directions the Minister may give in that behalf, have power to charge fees for services rendered by the Organization.

7.-(1) The President shall appoint upon such terms and conditions as he may specify a Director-General of the Organization who shall be the chief executive officer of the Organization.

Appointment of employees

(2) The Board may from time to time appoint at such salaries and upon such terms and conditions as it may deem fit, such other officers and employees of the Organization as it may deem necessary for the proper and efficient conduct of the business and activities of the Organization.

8. The Minister may give the Board directions of a general or specific nature and the Board shall give effect to every such direction.

Minister may give directions to Board

9. The funds and resources of the Organization shall consist of-

- (a) such sums as may be provided for the purposes of the Organization by Parliament, either by way of grant or loan;
- (b) such sums as the Organization may receive either as fees under section 6 or in the form of contributions made pursuant to section 10;
- (c) such sums as the Organization may, from time to time, borrow in accordance with the provisions of this Act;
- (d) such sums as may in any manner become payable to or vested in the Organization under the provisions of this Act or incidental to the carrying out of its functions.

Funds of the Organization

10.-(1) If the President considers that it is in the national interest that any person or body persons or any category thereof engaged within the United Republic in any business or activity affecting industrial development should make contribution to the funds of the Organization for the furtherance of the objects for which the Organization is established, he may, by order in the *Gazette*, require such person or body of persons or any category thereof (hereinafter referred to as the "specified enterprise") to make contribution in such amount and in such manner as may be specified in the order.

President may require certain enterprises to contribute to the funds of the Organization

(2) Every contribution required to be made under subsection (1) shall be paid by the specified enterprise to the Organization, and the amount so payable shall be a debt due to the Organization and may be recovered from the specified enterprise as a civil debt by a suit at the instance of the Director-General or any person authorized by him in that behalf.

(3) Where any amount of contribution is due from any specified enterprise, the Director-General may file in a court of a resident magistrate having jurisdiction over the area in which the specified enterprise carries on business, a certificate stating-

(a) the name and address of the specified enterprise from whom such amount is due; and

(b) the amount due,

Acts, 1966
No. 49,

and upon such certificate being lodged in such court such certificate shall be deemed to be a plaint duly lodged under order XXXV of the Civil Procedure Code, 1966 and the court shall proceed in the matter in accordance with the provisions of that order, and in the event of a judgment being given in favor of the plaintiff the court shall pass a decree for payment by the defendant to the Organization of the amount found due together with interest thereon at five per *centum* per month from the date on which such certificate was filed until payment.

(4) The provisions of subsection (3) shall apply notwithstanding that the amount involved exceeds the pecuniary jurisdiction of a court of a resident magistrate.

(5) Every certificate filed in a court of a resident magistrate pursuant to the provisions of subsection (3) shall be *prima facie evidence* of the truth of the statements contained in such certificate.

Restriction on
employment
of
foreign con-
sultants , etc

11.-(1) Whenever any person desires to employ any person from outside the United Republic as a consultant or advisor in relation to any work connected with industry, he shall first submit his proposals in that behalf in writing to the Organization.

(2) Upon receipt of proposals submitted to it pursuant to, subsection (1), the Organization shall hold consultations with the person who submitted the proposals, and upon completion of such consultations the Organization shall make such decision in relation to the proposals as will, in the opinion of the Organization, serve the best interests of industrial development within the United Republic.

(3) Every decision made by the Organization under subsection (2) shall be binding upon every person affected thereby, but if any such person is aggrieved by the decision of the Organization he may appeal therefrom to the Minister, whose decision thereon shall be final.

(4) For the purpose of giving effect to the objects and the provisions of this section the Organization may, with the approval of the Minister, issue guidelines specifying the conditions which should be observed in making proposals and also specifying matters to which the Organization shall have regard in making a decision under this section.

(5) The Minister may by directions in writing under his hand exclude any person or body of persons or any category thereof from the operation of the provisions of subsection (1).

Information
on industrial
research to be
furnished to
the Organiza-
tion

12.-(1) Every person engaged in research in industry within the United Republic shall, at his own expense, furnish to the Organization information relating to such research and shall make available to the Organization copies of any relevant records or findings in such form and within such periods as may be prescribed.

(2) The information furnished to the Organization under this section shall be kept by the Organization for purposes of record, and may be dealt with or disposed of in such manner and for such purposes as the Minister may approve or direct.

(3) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding fifteen thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

(4) The Minister may by directions in writing under his hand exclude any person or body of persons from the operation of the provisions of subsection (1).

13. (1) All information relating to research furnished or made available to the Organization pursuant to section 12 shall be treated as confidential.

Disclosure of
information
an offence

(2) Any member of the Board or any officer of the Organization who discloses to any person, except for the purposes of the performance of his duties or the exercise of his powers under this Act, any information furnished to the Organization pursuant to the provisions of section 12, or any information which was otherwise acquired by such member or officer in the performance of his duties or the exercise of his powers under this Act, shall be guilty of an offence:

Provided that nothing in this subsection shall apply to disclosure of information made for the purposes of any legal proceedings which may be taken whether by virtue of this Act or otherwise or for the purposes of a report of any such proceedings.

(3) Any person guilty of an offence under subsection (1) shall be liable upon conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

14. Where any offence under this Act is committed by a body of persons, then, as well as such body of persons, every person who, at the time of the commission of the offence was concerned, whether as a director a partner or an officer, with the management of the affairs of such body of persons, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly, unless he proves to the satisfaction of the court that he had no knowledge and could not by the exercise of reasonable diligence have had knowledge of the commission of the offence.

Where offence
is committed
by body
of persons

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

Remunera-
tion and
allowances of
members

16. The Board may-

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

Superannua-
tion benefits

Power of
the Board
to delegate

17.-(1) Subject to subsection (5) the Board may from time to time by writing under the seal of the Organization delegate, subject to such terms, conditions and restrictions as it may specify, to any committee of the Board or to any officer or employee of the Organization, or any other person or body of persons, 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 by the delegate subject to the terms, conditions and restrictions specified in the writing.

(2) Any delegation under subsection (1) may be made to the holder of any office under the Organization specifying the office but without naming the holder, and in every such case each successive holder of the office in question and each person who occupies or performs the duties of that office may, without any further authority, perform or, as the case may be, exercise the delegated function, power, authority or duty in accordance with the delegation made.

(3) The Board may revoke a delegation made by it under this section.

(4) No delegation made under this section shall prevent the Board from itself performing or exercising the function, power, authority or duty delegated.

(5) The Board shall not have power under this section to delegate-

- (a) its power of delegation; or
- (b) the power to approve the annual budget or any supplementary budget or receipts and expenditure, the annual balance sheet or any statement of account.

Annual and
supple-
mentary
budget

18.-M In this Act "financial year" means any period not exceeding twelve consecutive months designated in that behalf by the Board:

Provided that the first financial year after the commencement of this Act shall commence on the date of the commencement of this Act and may be of longer or shorter period than twelve months.

(2) Not less than two months before the beginning of any financial year (other than the first financial year) the Board shall, at its meeting especially convened for that purpose, 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 Organization during that financial year.

(3) If in any financial year the Board requires to make any disbursement not provided for or of an amount in excess of the amount provided for, in the annual budget for the year, the Board shall, at a meeting, Pass a supplementary budget detailing such disbursement.

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

(5) Forthwith upon passing any annual budget or any supplementary budget the Board shall submit the same to the Minister for his approval.

(6) The Minister shall, upon receipt of the annual budget or any supplementary budget, approve or disapprove the same or may approve subject to such amendment as he may deem fit.

(7) Where the Minister has approved any annual budget or supplementary budget, the budget, as amended by him, shall be binding on the Board which, subject to the provisions of subsection (8), shall confine the disbursements of the Organization within the items and the amounts contained in the applicable estimates as approved by the Minister.

(8) The Board may —

- (a) with the sanction in writing of the Minister make a disbursement notwithstanding disbursement is not provided for in any budget;
- (b) adjust expenditure limits to take account of circumstances not reasonably foreseeable at the time the budget was prepared, subject to submitting a supplementary budget to the Minister within two months of such alteration of expenditure limits becoming necessary.

19. The Organization shall, within sixty days of the end of each financial year, prepare a report on the activities of the Organization during such year and submit such report to the Minister.

Annual reports

20. With the prior approval of the Minister, the Board may, from time to time, invest any part of the moneys available in any fund of the Organization in such investments as are authorized investments in relation to investment of funds by a trustee under the Trustees Investments Act, 1967.

Investment Acts 1967 No. 33

21.-(1) With the prior approval of the Minister the Board may, from time to time, borrow moneys for the purposes of the Organization by way of loan or overdraft, and upon such security and such terms and conditions relating to the repayment of the principal and the payment of interest as, subject to any directions by the Minister, the Board may deem fit.

Power to borrow

(2) A person lending money to the Organization shall not be bound to enquire whether the borrowing of that money by the Board has been approved by the Minister.

22.-(1) The Board shall cause to be provided and kept proper books of accounts and records with respect to-

Accounts and audit

- (a) the receipt and expenditure of moneys by, and other financial transactions of, the Organization-
- (b) the assets and liabilities of the Organization, and shall cause to be made out for every financial year a balance sheet showing details of the income and expenditure of the Organization and all its assets and liabilities.

Acts, 1968
No. I

(2) Within six months of the close of every financial year the accounts including the balance sheet of the Organization in respect of that financial year shall be audited by the Tanzania Audit Corporation established by the Tanzania Audit Corporation Act, 1968.

(3) As soon as the accounts of the Organization have been audited, and in any case not later than six months after the close of such financial year, the Board shall submit to the Minister a copy of the audited statement of accounts together with a copy of the report thereon made by the auditors.

(4) Every such audited balance sheet shall be placed before a meeting of the Board and, if adopted by the Board, shall be endorsed with a certificate that it has been so adopted.

Laying of
accounts
before the
National
Assembly

23. The Minister shall, as soon as may be practicable after he has received them and not later than seven months after the close of a financial year or such longer period as the National Assembly may, by resolution, approve in that behalf, lay before the National Assembly the following documents in relation to such financial year-

- (a) a copy of the Organization's annual balance sheet;
- (b) a copy of the auditor's report, if any;
- (c) a copy of the Organization's annual report.

Liability of
members of
the Board,
etc.
Cap. 16
Acts, 1970
No. 7
Acts, 1974
No. 37

24. Without prejudice to the provisions of section 284A of the Penal Code or of the Specified Officers (Recovery of Debts) Act 1970 or of the Parastatal Employees (Recovery of Debts) Act, 1974 no act or thing done, or omitted to be done, by any member of the Board or by any officer, employee or agent of the Organization shall, if done or omitted *bona fide* in the execution or purported execution of his duties as such member, officer or employee or agent, subject any such person to any action, liability or demand whatsoever.

Regulations

25--41) The Minister may, after consulting with the Board, make regulations necessary or desirable to give effect to the purposes and provisions of this Act and without prejudice to the generality of the foregoing such regulations may be made-

- (a) prescribing the form in which and the period within which information relating to industrial research or records, or findings thereof shall be furnished or made available to the Organization under the provisions of this Act;
- (b) prescribing the form in which and the procedure by which proposals shall be made to the Organization in respect of the employment of foreign consultants or advisors;
- (c) prescribing anything or matter relating to the payment of contributions by specified enterprises to the funds of the Organization;
- (d) prescribing anything which under this Act is to be or is permitted to be prescribed.

(2) Regulations made under this section may be expressed to be applicable to-

- (a) the whole or any part of the United Republic;
- (b) any branch of industry;
- (c) any category or categories of persons or specified enterprises.

SCHEDULE

1. The Board shall consist of-
 - (a) a Chairman who shall be appointed by the President; Constitution
 - (b) the Director-General who shall also be the Secretary of the Board;
 - (c) not less than ten and not more than fourteen other members, who shall be appointed by the Minister.
2. The members of the Board shall, from among their number elect a Vice-Chairman, who shall hold office for as long as he remains a member of the Board. Vice-Chairman
3. In making appointments of members of the Board, the Minister shall ensure that there is adequate representation on the Board of such organizations and bodies as are likely to be required, to make contribution to the funds of the Organization or are likely to utilize the skills and disciplines to be promoted by the Organization or the services to be rendered by the Organization, and shall further ensure that every person appointed by him is a person who, in his opinion, has the necessary experience or qualification to enable such person to make useful contribution to the deliberations of the Board and to assist the Board in the performance of its functions.
- 4.-(1) A member of the Board shall unless his appointment is sooner determined by the appointing authority, or he otherwise ceases to be a member, hold office for such period as the appointing authority may specify in his appointment. Tenure of office
 Provided that in the case of a member who is a member by virtue of his holding some other office, he shall cease. to be a member upon his ceasing to hold that office.
- (2) Any member of the Board, other than a member referred to in the proviso to sub-paragraph (1), may at any time resign 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.
5. If a member of the Board who is a member by virtue of his holding some other office is unable for any reason to attend any meeting he may nominate in writing another person in his place from his organization for the purpose of that meeting. Absent member to be represented at meetings
6. Where any member of the Board ceases to be a member for any reason before the expiration of his term of office, the appointing authority 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. Casual vacancies
- 7.-(1) An ordinary meeting of the Board 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 seven 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. Meetings
 (2) The Chairman, or in his absence, the Vice-Chairman, shall be bound to convene a special meeting of the Board upon receipt of a request in writing in that behalf signed by not less than three members of the Board. Not less than seven days' notice of such meeting shall be given to all members of the Board in die manner prescribed in sub-paragraph (1).
 (3) The Chairman, the Vice-Chairman, or the temporary chairman elected in accordance with the provisions of paragraph 8 (2) presiding at any meeting of the Board may invite any person who is not a member to participate in the deliberations of the Board, but any such person shall not be entitled to vote.

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Procedure	<p>8.-(1) Six members of the Board shall form a quorum for a meeting of the Board.</p> <p>(2) In the absence of the Chairman from a meeting of the Board 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.</p> <p>(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.</p>
Decision by circulation of papers	<p>9. Notwithstanding the provisions of paragraph 8 where the Chairman, or in his absence, the Vice-Chairman so directs a decision may be made by the board without a meeting by circulation of the relevant papers among all the members of the Board 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.</p>
Minutes of meetings	<p>10. Minutes in proper form of each meeting of the Board shall be kept and shall be confirmed by the Board at the next meeting and signed by the Chairman of the meeting.</p>
Vacancies, etc., not to invalidate proceedings	<p>11. Subject to the provisions, of paragraph 8 relating to quorum, the Board may act notwithstanding any vacancy 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.</p>
Orders directions etc	<p>12. All orders, directions, notices or documents made or issued by the Board shall be signed by-</p> <p>(a) the Director-General; or</p> <p>(b) any member of the Board or other officer of the Organization authorized in writing by the Director-General in that behalf.</p>
Seal of Organization	<p>13. The seal of the Organization shall not be affixed to any instruments except in the presence of the Director-General or the Chairman or Vice Chairman or some other officer of the Organization and at least one member of the Board.</p>
Board may regulate its own proceedings	<p>14. Subject to the provisions of this Schedule the Board shall have power to regulate its own proceedings.</p>

Passed in the National Assembly on the sixteenth day of March, 1976.



 Clerk of the National Assembly