

THE NATIONAL MILLING CORPORATION ACT, 1975

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FIRST SCHEDULE**SECOND SCHEDULE**

THE UNITED REPUBLIC OF TANZANIA



No. 11 OF 1975

I ASSENT,

Julius K. Nyerere
President

12TH AUGUST, 1975

An Act to provide for the Continuance of the National Milling Corporation and to make provision for the functions, management and control of the Corporation

[...AUGUST, 1975]

WHEREAS the National Milling Corporation was established as a body corporate by the National Milling Corporation Act, 1968 to perform the functions specified in the said Act:

Acts, 1068
No. 19

AND WHEREAS it is in the national interest that the said National Milling Corporation have certain additional functions and powers and provision be made for the more efficient management and control of the Corporation:

Now, THEREFORE, BE IT ENACTED by the Parliament of the United Republic as follow:-

PART I

PRELIMINARY

1. This Act may be cited as the National Milling Corporation Act, 1975. Short title

2. In this Act, unless the context otherwise requires- Interpreta-
tion

"appointing authority" in relation to any member of the Board, shall have the meaning assigned to that expression by paragraph 1 of the First Schedule to this Act;

"the Board" means the Board of Directors of the National Milling Corporation;

"compulsory marketing order" means an order made under section 9;

"the Corporation" means the National Milling Corporation;

"member" in relation to the Board, includes the chairman of the Board;

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

" the repealed Act" means the National Milling Corporation Act, 1968 repealed by this Act;

"sale" includes-

- (a) barter;
- (b) agreement or contract to sell;

"specified agricultural product" means any agricultural product specified in the Second Schedule to this Act.

PART II

NATIONAL MILLING CORPORATION

3.-(1) The National Milling Corporation established by the repealed Act shall continue in existence as a body corporate having perpetual succession and a common seal.

(2) The Corporation shall, in its corporate name, be capable of-

- (a) suing and being sued;
- (b) purchasing or otherwise acquiring, holding, charging and disposing of property, movable or immovable; and
- (c) entering into contracts and doing or performing all such other things or acts for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

Board of Directors

4.-(1) There shall be a Board of Directors of the Corporation which shall, subject to the provisions of this Act, be responsible for the policy, control and management of the Corporation.

(2) The provisions of the First Schedule to this Act shall have effect as to the composition of the Board, the appointment and termination of the appointment of its members, the proceedings of the Board and such other matters in relation to the Board and its members as are provided for therein.

(3) The Minister may, by order in the *Gazette*, amend, vary or replace all or any of the provisions of the First Schedule to this Act.

(4) Notwithstanding the provisions of the First Schedule to this Act relating to the composition of the Board, the Board of Directors constituted under the repealed Act and holding office as such immediately before the commencement of this Act shall continue in office as the members of the Board until the expiration of the term of their office as provided for in the National Milling Corporation (Board of Directors) Regulations, 1968:

G.N. 1968
No. 45

Provided that nothing in this subsection shall be construed as preventing the appointing authority from revoking the appointment of any member and appointing another member in his place.

Functions of the Corporation

5.-(1) Subject to the provisions of this Act, the functions of the Corporation shall be-

- (a) to provide, develop and promote the establishment and operation of efficient marketing facilities for the specified agricultural products in the interest of the farming community and the economy of the United Republic;

- (b) to develop and promote facilities for the effective commercialisation of the specified agricultural products with a view to advancing the national policy on the rationalisation of the internal market;
 - (c) to control and regulate the production and marketing of the specified agricultural products;
 - (d) to conduct and carry on, either on its own or in participation with any other person, the business of-
 - (i) producers, cultivators, manufacturers and processors of such agricultural and other products as the Board may, from time to time, decide;
 - (ii) importers, exporters, wholesale dealers and retailers of such merchandise as the Board may, from time to time, decide;
 - (e) to provide facilities for the inspection, classification and grading of the specified agricultural products;
 - (f) to undertake, finance or provide facilities for research in the production and marketing of the specified agricultural products;
 - (g) to acquire by agreement and hold interest in any company or firm carrying on business concerned directly or indirectly with the specified agricultural products;
 - (h) to establish branches within the United Republic or elsewhere;
 - (i) to continue to manage the affairs of and carry on the business of any firm the interests of which are vested in or acquired by the Corporation under the provisions of the repealed Act or which may be acquired by or become vested in the Corporation after the enactment of this Act, whether or not such business relates to the production, processing, manufacture or marketing of any specified agricultural product;
 - (j) to advance money on loan, give guarantees for the benefit of or provide management or other services to persons, companies or firms engaged in the production, processing, manufacture or marketing of any specified agricultural product;
 - (k) to do all such acts and things as, in the opinion of the Board may be necessary, desirable or expedient to uphold and support the credit of the Corporation and to obtain and justify public confidence, and to avert or minimize any loss to the Corporation;
 - (1) to do anything or enter into any transaction which in the opinion of the Board is calculated to facilitate the proper and efficient carrying on of the Corporation's activities and the proper exercise of its functions under the provisions of this Act.
- (2) In doing any act or thing in the performance of the functions of the Corporation the Board shall have regard to-
- (a) the need to avoid shortages of the specified agricultural products;
 - (b) the need to ensure proper and efficient distribution and availability of the specified agricultural products to and within all parts of the United Republic;
 - (c) the need to ensure adequate and proper nutritional value in the specified agricultural products processed, manufactured or marketed by the Corporation.

Minister may give directions to the Board 6. The Minister may give to the Board directions of a general or specific character as to the performance by the Board or by the Corporation of any of its functions under this Act in relation to any matter appearing to the Minister to affect the national interest, and the Board shall give effect to every direction.

PART III

PRODUCTION AND MARKETING OF AGRICULTURAL PRODUCTS

Corporation's powers in relation to specified agricultural products 7.-(1) The Corporation shall have the powers specified in this Part in relation to the cultivation, production, processing and marketing of the agricultural products specified in the Second Schedule to this Act.

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

Regulation of production 8.-(1) It shall be lawful for the Corporation, with the consent of the Minister-

- (a) to give directions as to the preparing the ground for, the sowing, planting, harvesting, storing, processing and marketing of any specified agricultural product sown, planted or harvested within any area of Tanganyika, and as to the timing of such operations;
- (b) to give orders that any such specified agricultural product be graded, packed or marketed in such manner as the Corporation may direct.

(2) Any person to whom any order made or direction given under this section applies who produces, cultivates or otherwise deals with any specified agricultural product in contravention of any such order or direction shall be guilty of an offence.

Compulsory marketing orders 9. It shall be lawful for the Minister, with the consent of the Prime Minister, by order in the *Gazette* to direct that all producers of any specified agricultural product within any area of Tanganyika, shall comply with any direction of the Corporation as to the sale of such product:

Provided that the Minister may, by the same or any subsequent order, exempt from the provisions of such order any producer or category of producers.

(2) Where an order under subsection (1) has been made in relation to any specified agricultural product, the Corporation may, from time to time, direct that all producers of the specified agricultural product, or of any category or grade of such product, within the whole or any part of the area to which the order applies (other than any such producer who is exempted from the order or whom the Corporation exempts from the direction) shall sell such product or products of that category or grade-

- (a) to the Corporation or the person specified in such direction; or
- (b) to the Corporation or such other person specified in the direction, through such agency or agencies as the Corporation may specify in any direction given under this section; or
- (c) through such agency or agencies as the Corporation may specify in any such direction,

as the Corporation may deem expedient.

(3) Where the Corporation gives any directions under subsection (2) to the effect that the producers of any specified agricultural product shall sell such product to the Corporation or to any other person specified in the directions, it shall be the duty of the Corporation or, as the case may be, such other person, to buy all such product, (or, where the directions apply in relation to a specified agricultural product of any particular grade or category, to buy all the specified product of that grade or category) which is produced within the area to which, and offered for sale to the Corporation or such specified person by the producers to whom, the directions apply and shall pay therefor such prices and by such installments (if any) as the Corporation may, subject to any directions given by the Minister under subsection (4), determine,

(4) The Minister may give the Board directions in writing as to-

(a) the matters which shall be taken into account in determining the price of any agricultural product purchased by the Corporation or any other person pursuant to the provisions of subsection (3);

(b) the manner in which such price may be computed;

(c) the installments by which such price shall be paid,

and every such direction shall be binding upon the Board and the Corporation.

(5) Any person who buys or sells any specified agricultural product in contravention of any order made or direction given under this section shall be guilty of an offence unless he proves to the satisfaction of the court that he did not know and had no reason to suspect that the specified agricultural product was in fact grown or produced within an area to which such order or direction applies.

10. No contract shall, unless any term thereof otherwise provides, be void or unenforceable by reason only that the performance of such contract or of any term of such contract would be in contravention of any order made under subsection (1) of section 9 or of any directions given under subsection (2) of that section, and any party to such contract who sells or otherwise disposes of any specified agricultural product in accordance with the terms of such contract shall be deemed to have been exempted from such order and directions in so far as it is necessary to enable him to fulfill the terms of such contract:

Provided that-

(a) the provisions of this section shall apply only in respect of contracts made before the date on which the order under subsection (1) of section 9 is published in the *Gazette*;

(b) the contract is registered in the prescribed manner with the Corporation within two months of the publication of such order aforesaid; and

(c) the provisions of this section shall cease to apply to any such contract upon the expiration of twelve months from the date of such order, and the exemption conferred by this section shall thereupon terminate.

Effect of compulsory marketing orders on existing contracts

Import and export of specified agricultural products

11.(1) No person other than the Corporation, or a person authorized in that behalf by a permit granted by the Corporation, shall export or import, out of or into Tanganyika, any quantity of any specified agricultural product:

Provided that the provisions of this subsection shall not apply in relation to *bona fide* gifts or samples exported or imported, in such quantities and manner, as the Corporation may, from time to time, specify by notice in the *Gazette*.

(2) The Corporation may, subject to any directions by the Minister in that behalf, issue a permit to any person to import or export any specified agricultural product, and may annex to any such permit such terms and conditions as it may deem fit.

(3) The Corporation may, without assigning any reasons therefor, refuse to issue any permit under subsection (2) or revoke or suspend any such permit issued by it.

(4) For the avoidance of doubts it is hereby declared that the restrictions on import or export of specified agricultural products imposed by this section shall be in addition to, and not in derogation of, any restriction on import of such products imposed by or under any other written law.

Powers of control relating to sales, dealings, transport, storage, processing etc., of specified agricultural products

12. (1) Subject to the provisions of this section, the Corporation may, with the consent of the Minister and by order in the *Gazette*-

- (a) prohibit the sale, purchase, hire or other disposition of any specified agricultural product, or any derivative of any such product, by any person other than the Corporation, its agents or holders of valid permits issued by the Corporation in that behalf, and regulate or control such dealings by any person not subject to any such prohibition;
- (b) prohibit the transport, storage or processing of any specified agricultural product or any derivative of any such product by any person other than the Corporation, its agents or persons registered with or authorized in writing in that behalf by the Corporation, and regulate or control such activities by any person not subject to any such prohibition;
- (c) prescribe the specifications to which any factory building or plant for the processing or storage of any specified agricultural product, or any derivative of any such product, may be erected and of any machinery installed in any such factory, the conditions upon which the same may be erected, installed, maintained and used, and the buildings in which such machinery may be housed;
- (d) prohibit any disposition of any specified agricultural product in relation to which a compulsory marketing order has been made in the area to which such order applies, save in conformity with the provisions of such compulsory marketing order;
- (e) require submission to the Corporation, or any person appointed in that behalf by the Corporation, of returns or information relating to production, stocks, processing, transport, purchase or sale of any specified agricultural product or its derivatives;

(f) require that any specified agricultural product or its derivatives shall be stored in such conditions or manner as the Corporation or any person authorized in that behalf by the Corporation may direct.

(2) Notwithstanding the provisions of subsection (1) the Corporation shall not make any order prohibiting the retail sale or offer for sale of the processed derivatives of any specified agricultural product for the consumption or use of the purchaser and his household.

(3) An order made under subsection (1) may-

- (a) prescribe the manner in which any permit or written authority may be applied for and the fees for such permits and authorities;
- (b) make such exceptions and reservations as the Corporation may deem fit;
- (c) prescribe penalties for any contravention of any provision thereof, not exceeding the fine of ten thousand shillings or imprisonment for a term not exceeding two years or both such fine and such imprisonment;
- (d) make such other provisions necessarily incidental to the purposes for which the order is made.

13. (1) An authorized officer may-

- (a) enter upon any land or premises upon, at or within which he has reason to believe that any specified agricultural product or any derivative thereof is being cultivated, produced, processed or stored and take samples of such product or derivative for the purpose of ascertaining whether or not the provisions of this Act or of any order, direction or regulations made or issued under this Act have been complied with;
- (b) inspect any process or other operation which is or appears likely to be carried out on or in any such land or premises in connection with the cultivation, manufacture, production, processing or treatment of any specified agricultural product or any derivative of such product;
- (c) require from any person the production of any book, notice, record, list, permit or other document which is in the possession or custody or under the control of such person or of any other person on his behalf;
- (d) examine and copy any or any part of such book, notice, record, list, permit or other document which appears to him to have relevance to his inspection or inquiry, and require any person to give an explanation of any entry therein, and take possession of any such book, notice, record, list, permit or other document as he believes may afford evidence of an offence under this Act;
- (e) require information relevant to his inquiry from any person whom he reasonably believes to be or to have been employed on any such land or at any such premises or to have in his custody any such book, notice, record, list, permit or other document.

Powers of
authorized
officers

(f) require the occupier of any hand or premises used for the storage, processing or packing of any specified agricultural product or any derivative of such product, or require the person in charge of any vehicle used for the transport of any such product or derivative, to clean and disinfect the same.

(2) For the purposes of this section "authorized officer" means any officer of the Corporation or other public officer appointed in writing by the Corporation as an authorized officer for the purposes of this Act, and includes any police officer of or above the rank of sub-inspector.

(3) An authorized officer other than a police officer of or above the rank of sub-inspector, entering any land or premises under subsection (1) shall, if so required, produce the writing appointing him as an authorized officer and may be accompanied, if necessary, by an independent witness.

Obstruction
of authorized
officer

14. Any person who resists, hinders or obstructs an authorized officer acting pursuant to subsection (1) of section 13 or willfully fails to Comply with any requirement made of him under the said subsection shall be guilty of an offence.

General
penalty

15.-(1) Any person convicted of an offence under this Act for which no specific penalty is provided shall be liable to imprisonment for a term not exceeding two years, or to a fine not exceeding ten thousand shillings, or to both such imprisonment and fine.

(2) On a second or subsequent conviction of any person for any offence under this Act, he shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding twenty thousand shillings, or to both such imprisonment and such fine.

Orders and
directions of
the Corpora-
tion

16. Save where any order or direction made or given by the Corporation is required to be published in the *Gazette*, such order or direction shall be valid notwithstanding that it has not been published in the *Gazette* if the Corporation has taken reasonable measures to bring the contents thereof to the notice of persons likely to be affected thereby.

PART IV

ADMINISTRATION AND FINANCIAL PROVISIONS

(a) Provisions relating to the Administration of the Corporation

General-
Manager

17.-(1) The President shall appoint a General Manager of the Corporation who shall be the principal executive officer of the Corporation.

(2) Notwithstanding the provisions of subsection (1) the person holding office of the General Manager of the Corporation immediately before the commencement of this Act shall continue to hold such office until the determination of his appointment as if he were appointed in accordance with subsection (1).

18.-(1) The Board may from time to time and subject to such directions as the Minister may give in that behalf, appoint at such salaries and upon such terms and conditions as it may think fit, such other officers and employees of the Corporation as it may deem necessary for the proper and efficient conduct of the business and activities of the Corporation.

Appointment
of employees

(2) All employees of the Corporation appointed before the commencement of this Act shall continue in employment as if they were appointed under this Act.

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

Remuneration
and
allowances
of Directors
and members
Superannuation
benefits

20.-(1) The Board may-

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

(2) Any superannuation benefits or medical scheme in operation immediately before the commencement of this Act shall continue in operation as if established under this section.

21. The Board may, from time to time, appoint and employ upon such terms and conditions as it thinks fit such agents and contractors of the Corporation as the Board may deem necessary.

Agents and
contractors

22.-(1) Subject to subsection (6), the Board may from time to time, by writing under the seal of the Corporation delegate, subject to such terms, conditions and restrictions as it may specify, to any committee of the Board or to any officer or servant of the Corporation, all or any of the functions, powers, authorities or duties conferred by or under this Act upon the Board, 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 writing.

Power of the
Board to
delegate

(2) Any delegation under subsection (1) may be made to, the holder of an office under the Corporation 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) Any delegation made under this section may be published in the *Gazette*, and upon such publication shall be judicially noticed and shall be presumed to be in force unless the contrary is proved.

(6) The Board 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 of receipts and expenditure, the annual balance sheet or any statement of account.

(b) *Financial Provisions*

Authorized capital

23.-(1) The authorized nominal capital of the Corporation shall be thirty-five million shillings divided into three hundred and fifty shares having a par value of one hundred thousand shillings each.

(2) The initial paid-up capital of the Corporation shall be five million shillings which shall be raised by the issue of fifty fully paid-up shares allotted to the United Republic.

(3) No person other than the United Republic shall be entitled to hold any share in the Corporation.

Payment of subscription

24. (1) Payment for the shares allotted to the United Republic under subsection (2) of section 23 shall (unless such payment has already been made) be made in such manner as the Minister and the Minister for the time being responsible for finance may agree.

(2) Payment for any further share or shares issued by the Corporation and allotted to the United Republic shall be made in such manner as the Minister, after consultation with the Board and the Minister for the time being responsible for finance, may decide.

Financial resources

25. The funds and resources of the Corporation shall consist of-

- (a) the paid-up share capital;
- (b) the capital raised by the issue of any further share or shares;
- (c) such sums as may be provided by Parliament by way of loan or grant for the purposes of the Corporation;
- (d) any sums borrowed by the Corporation in accordance with the provisions of section 26;
- (e) any sums which may in any manner become payable to or vested in the Corporation as a result of the performance by the Corporation of its functions under this Act or any other written law.

Annual and supplementary budget

26. (1) 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 expire on the date on which the financial year of the Corporation would have expired had this Act not been enacted.

(2) Not less than two months before the beginning of any financial year (other than the first financial year after the commencement of this Act) 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 Corporation during that financial year.

(3) If in any financial year the Corporation 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 of 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 Corporation which, subject to the provisions of sub-section (8), shall confine its disbursements within the items and the amounts contained in the budget as approved by the Minister.

(8) The Board may.

- (a) with the sanction in writing of the Minister, make a disbursement notwithstanding that such disbursement is not provided for in any budget;
- (b) from the amount of expenditure provided for in any budget in respect of any item, transfer a sum not exceeding fifty thousand shillings to any other item contained in such budget;
- (c) 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.

27. The Board may, and shall, if so directed by the Minister, establish and maintain such reserve or special funds of the Corporation as the Board or the Minister may consider necessary or expedient, and shall make into or from any such funds such payments as the Board may deem fit or, in the case of a fund established pursuant to a direction by the Minister, as the Minister may direct.

Reserve and
special funds

Investment	<p>28. 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 Corporation maintained by it in such manner as, subject to any directions of the Minister, the Board may deem fit.</p>
Power to borrow	<p>29.-(1) With the prior approval of the Minister, the Board may, from time to time, borrow moneys for the purposes of the Corporation 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 direction by the Minister, the Board deems fit.</p> <p>(2) A person lending money to the Corporation shall not be bound to enquire whether the borrowing of that money by the Corporation has been approved by the Minister.</p>
Amounts and audit	<p>30.-(1) The Board shall cause to be provided and kept proper books of accounts and records with respect to--</p> <p>(a) the receipt and expenditure of moneys by, and other financial transactions of, the Corporation;</p> <p>(b) the assets and liabilities of the Corporation,</p> <p>and shall cause to be made out for every financial year a balance sheet together with a statement showing details of the income and expenditure of the Corporation and all its assets and liabilities.</p> <p>(2) Not later than six months after the close of every financial year the accounts including the balance sheet, of the Corporation relating to that financial year shall be audited by the Tanzania Audit Corporation established by the Tanzania Audit Corporation Act, 1968.</p> <p>(3) As soon as the accounts of the Corporation have been audited, and in any case not later than six months after such audit, 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.</p> <p>(4) As soon as practicable after receipt by him of the copy of the statement together with the copy of the report submitted pursuant to subsection (3) the Minister shall lay a copy of the statement together with a copy of the auditors' report before the National Assembly.</p>
Acts, 1968 No. I	
Report by the Board	<p>31. The Board shall, within six months after the end of each financial year, make a report to the Minister on the conduct of the Corporation's business during that financial year, and the Minister shall lay a copy of such report before the National Assembly together with a copy of the statement of accounts required to be laid before the National Assembly by section 30.</p>

PART V

MISCELLANEOUS PROVISIONS

32. 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 of Directors or by any officer, servant or agent of the Corporation shall, if done or omitted *bona fide* in the execution or purported execution of his duties as such member, office, servant or agent, subject any such person to any action, liability or demand whatsoever.

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

33. The Minister may make regulations for carrying into effect the purposes and provisions of this Act, and, without prejudice to the generality of the foregoing, may, by such regulations-

Regulation

- (a) prescribe any thing which may be prescribed;
- (b) provide for appeals to himself against any decision, direction or order of the Corporation.

PART VI

REPEALS AND SAVINGS

34.-(1) The National Milling Corporation Act, 1968 is hereby repealed.

National Milling Corporation Act, 1968 repealed

(2) Notwithstanding the repeal of the National Milling Corporation Act, 1968 the National Milling Corporation established by that Act shall continue in existence, and all the assets and liabilities of the Corporation immediately before the commencement of this Act shall continue to vest in or, as the case may be, subsist against the Corporation as if the National Milling Corporation Act, 1968 had not been repealed.

35.-(1) The National Agricultural Products Board Act, 1964 is hereby repealed.

National Agricultural Products Board Act, 1964 repealed

(2) The Minister may, upon being satisfied that the assets and liabilities of the National Agricultural Products Board established under the Agricultural Products (Control and Marketing) Act, 1962 have been transferred to the Corporation or any other body of persons established by or under any written law he may, by order in the *Gazette* dissolve the said National Agricultural Products Board.

Cap. 486

36. Where any specified agricultural product which is subject to the control and powers of regulation of the Corporation is also subject to any control or powers of regulation of any Board established under the Agricultural Products (Control and Marketing) Act, 1962 and there is any conflict between the orders, directions or other instructions of the Corporation and those of such Board, the orders, directions and instructions of the Corporation shall prevail.

Conflict between orders etc, of the Corporation and of any other agricultural Board

Minister may make further transitional provisions 37. The Minister may, at any time within eighteen months of the commencement of this Act, by order in the *Gazette*, make such further transitional and saving provisions consequent upon the repeal and replacement of the National Milling Corporation Act, 1968 and the National Agricultural Products Board Act, 1964 by this Act as he may deem necessary or desirable.

FIRST SCHEDULE

Construction	1. In this Schedule unless the context otherwise requires- "appointing authority" means, in relation to the Chairman of the Board, the President and in relation to any other member, the Minister; "member" includes the Chairman.
Composition of Board	2.-(1) The Board shall consist of- (a) a Chairman, who shall be appointed by the President; and (b) not less than seven and not more than ten other members appointed by the Minister. (2) The appointments to be made by the Minister shall be made from amongst persons who have had experience of, and shown capacity in, agricultural, commercial or financial matters, administration or organization of workers.
Proceedings not to be invalid by reason of irregularity	3. No act or proceeding of the Board shall be invalid by reason only of the number of members not being complete at the time of such act or proceeding or of any defect in the appointment of any member or of the fact that any member was at the time disqualified or disqualified to act as such.
Tenure of appointment	4.-(1) A member of the Board shall, unless his appointment is sooner determined by the Minister, or he otherwise ceases to be a member, hold office for such period as the Minister may specify in his appointment, or if no period is so specified for a period of three years from the date of his appointment, and shall be eligible for re-appointment 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 may, at any time resign by virtue of his holding to the Minister and from the specified in the notice or, if no date is so specified for the date of the receipt of the notice by the Minister, the shall cease to be a member.
Absence from three consecutive meetings	5. Where any member absents himself from three consecutive meetings of the Board without reasonable excuse the Board shall advise the appointing authority of the fact and the appointing authority may terminate the appointment the member and appoint another member in his place.
Appointment of temporary member	6. Where any member is by reason of illness, infirmity or absence from the United Republic, unable to attend any meeting of the Board the appointing authority may appoint a temporary member in his place and such temporary member shall cease to hold office on the resumption of office of the substantive member.
Vice-Chairman	7. The Board shall elect one of its member to be the Vice-Chairman and any member elected as Vice-Chairman shall, subject to his continuing to be a member, hold office of Vice-Chairman for a term one year from the date of his election and shall be eligible for re-election.
Secretary	8.-(1) The General Manager shall act as the Secretary of the Board. (2) In his capacity as the Secretary the General Manager shall be entitled to attend the meetings of the Board but shall not be entitled to vote.
Meetings	9.-(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 fourteen days before the date of such meeting. In case the Chairman is unable to act by reason of illness, absence from Tanganyika, or other sufficient cause, the Vice-Chairman may convene such 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 five members of the Board. Not less than fourteen days' notice of such meeting shall be given to all members of the Board in the manner prescribed in sub-paragraph (1).

(3) The Chairman, the Vice-Chairman, or the temporary chairman elected in accordance with the provisions of paragraph 10 (2) presiding at any meeting of the Board may give 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.

10-(1) One-half of the total number of the members of the Board or four members, whichever is the lesser number, shall form a quorum for a meeting of the Board. Procedure

(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 temporary Chairman of that meeting.

(3) At any meeting of the Board a decision of the majority of the members present and voting shall be deemed to be a decision of the Board. In the event of an equality of votes the chairman of the meeting shall have a casting vote in addition to his deliberative vote.

II. Notwithstanding the provisions of paragraph 10 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 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. Decision by circulation of paper

12. 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. Minutes of meetings

13. The seal of the Corporation shall not be affixed to any instrument except in the presence of the General Manager or such other officer of the Corporation as the Board may appoint in that behalf. The seal of the Corporation

14. All orders, regulations, directions, appointments, notices or instruments made or issued by the Corporation or the Board shall be sealed with the seal of corporation and shall be signed by- Orders, directions, etc

(a) the General Manager; or

(b) any member of the Board or other officer of the Corporation authorized in writing in that behalf by the Board.

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

SECOND SCHEDULE

Maize (Mahindi).

Paddy (Mpunga).

Rice (Mchele).

Wheat (Ngano).

