

THE TANZANIA FOOD AND NUTRITION ACT, 1973

ARRANGEMENT OF SECTIONS

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SCHEDULE

THE UNITED REPUBLIC OF TANZANIA



No. 24 OF 1973

I ASSENT,

Julius K. Nyerere
 President

6th DECEMBER, 1973

An Act to establish the Tanzania Food and Nutrition Centre

[_____]

ENACTED by the Parliament of the Republic of Tanzania.

1. This Act may be cited as the Tanzania Food and Nutrition Act, 1973 and shall come into operation on such date as the Minister may by notice in the *Gazette*, appoint.

Short title
and
commence-
ment

2. In this Act unless the context otherwise requires-

Interpreta-
tion

"Centre" means the Tanzania Food and Nutrition Centre;

"Governing: Board" means the Governing Board of the Centre established under section 5;

"members" in relation to the Governing Board includes the chairman of the Board;

"Minister" means the Minister for the time being responsible for the Centre.

3-(1) There is hereby established an institution which shall be known as the Tanzania Food and Nutrition Centre.

Establish-
ment of
the Centre

(2) The Centre 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) be capable of purchasing or otherwise acquiring and of alienating any movable or immovable property.

4. The functions of the Centre shall be-

Functions
of the
Centre

(a) to plan and initiate food and nutrition programme for the benefit of the people of the United Republic;

(b) to undertake review and revision of food and nutrition programmes;

- (c) to provide facilities for training in subjects relating to food and nutrition and prescribed conditions which must be satisfied before any diploma, certificate or other award which may be granted in any such subject upon completion of any training undertaken by the Centre or other educational institution in the United Republic;
- (d) to carry out research in matters relating to food and nutrition;
- (e) to advise the Government, the schools and other public organizations on matters relating to food and nutrition;
- (f) to stimulate and promote, amongst the people of the United Republic, an awareness of the importance of balanced diet and of the dangers of malnutrition;
- (g) to gain public confidence in the methods suggested by the Centre for the correction or avoidance of malnutrition;
- (h) in collaboration with the Ministry responsible for Development Planning, to formulate, for incorporation in the national development plans, plans relating to food and nutrition for the benefit of the people of the United Republic;
- (i) in collaboration with the producer, manufacturers and distributors of articles of food, to ensure proper nutritional value of the food marketed in the United Republic or exported to foreign countries;
- (j) to make available to the Government and the people of the United Republic its findings on any research carried out by it on matters affecting nutrition;
- (k) to participate in international conference, seminars and discussions on matters relating to food or nutrition;
- (l) to do all such acts and things, and enter into all such contracts and transactions, as are, in the opinion of the Governing Board, expedient or necessary for the discharge of functions of the Centre.

The Govern-
ing Board

5. There shall be a Governing Board of the Centre.

Composition
and
procedure of
Governing
Board

6.-(1) The provisions of the Schedule to this Act shall have effect as to the composition of the Governing Board, the tenure of office of its members, termination of their appointment, the proceedings of the Governing Board and other matters in relation to the Governing Board and its members as are provided for therein.

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

Powers and
duties of the
Governing
Board

7.-(1) Subject to the provisions of this Act, the management and control of the Centre shall be vested in the Governing Board.

(2) In particular and without prejudice to the generality of subsection (1) the Governing Board shall have power-

- (a) to administer the properties of the Centre, both moveable and immovable;
- (b) to administer the funds and other assets of the Centre;

- (c) to signify the act of the Centre by use of the common seal];
- (d) on behalf of the Centre to receive gifts, fees, donations, grants or other moneys;
- (e) subject to the provisions of this Act, to appoint such officers of the Centre as the Board may consider necessary;
- (f) to do all acts and things as may be provided for in this Act or as may, in the opinion of the Governing Board, be necessary or expedient for the proper discharge of the functions of the Centre.

8.-(1) The Minister shall appoint a suitable person to be the Director of the Centre.

(2) The Director shall be the chief administrative officer of the Centre.

(3) The Governing Board may, with the consent of the Minister, appoint a Deputy Director or an Assistant Director who shall perform such functions as the Director may assign to him and who shall, in the absence of the Director from the United Republic, act in his place.

(4) The Director or in his absence the Deputy or Assistant Director, shall be the executive secretary of the Governing Board and shall as such be entitled to be present and to speak at any meeting of the Governing Board, but shall not be entitled to vote there unless he is also appointed as a member of the Board.

9. The administrative, professional and technical staff of the Centre shall, subject to the provisions of section 10, be appointed by the Governing Board.

Appoint-
ment of staff

10. The Governing Board may, subject to such conditions it may impose, delegate to any person or body of persons, the powers of appointment to any post in the administrative, professional or technical staff of the Centre.

Directions

11. The Governing Board shall manage the assets and properties of the Centre in such manner as, in the opinion of the Governing Board, would promote the best interests of the Centre.

Governing
Board
responsible
for manage-
ment of
assets
Fund of
the Centre

12. The funds and resources of the Centre shall consist of-

- (a) such moneys as may be provided for the purposes of the Centre by Parliament;
- (b) such funds or assets which may vest in or accrue to the Centre from other sources by way of fees, gifts, grant or otherwise;
- (c) such sums as the Governing Board may, subject to the provisions of section 13, borrow for the purpose of the Centre.

Power to borrow

13.-(1) With the prior approval of the Minister, the Governing Board may, from time to time, borrow moneys for the purposes of the Centre 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 the interest as, subject to any directions by the Minister the Governing Board may deem fit.

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

Annual and Supplementary budget

14.-(1) In this Act "financial year" means any period not exceeding twelve consecutive months designated in that behalf by the Governing 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 a 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 Governing 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 Centre during that financial year.

(3) If in any financial year the Governing 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 that year, the Governing 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 Governing Board shall submit 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 or, as the case may be, the supplementary budget, as amended by him, shall be binding on the Governing Board which, subject to the provisions of subsection (8), shall confine the disbursements within the term and the amounts contained in the budget or supplementary budget as approved by the Minister.

- (8) The Governing 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 estimates in respect of any item, transfer, a sum not exceeding twenty thousand shillings, to any other item contained in such budget,
 - (c) adjust expenditure limits to take account of circumstances not reasonably for seeable at the time the budget was prepared, subject to submitting a supplementary budget to the Minister with two months, of such alteration of expenditure limits becoming necessary.
15. With the prior approval of the Minister, the Governing Board may, from time to time, invest any part of the moneys available in any fund in investments authorized by the Trustees Investments Act, 1967 for the investment of any trust fund.
- Investment
Acts, 1967
No. 33
16. -(1) The Governing Board shall cause to be provided and kept proper books of account and records with respect to-
- (a) the receipt and expenditure of moneys by, and other financial transactions of, the Centre;
 - (b) the assets and liabilities of the Centre.
- and shall cause to be made out for every financial year a balance sheet showing details of the income and expenditure of the Centre and all its assets and liabilities.
- (2) Within six months of the close of a financial year the accounts including the balance sheet of the Centre 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 Centre have been audited, and in any case not later than six months after the close of such financial year, the Governing 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 Governing Board and, if adopted by the Governing Board shall be endorsed with a certificate that it has been so adopted.
- Accounts
and Audit
- Acts, 1968
No. 1
17. The Director shall, at the end of each financial year, prepare a report on the activities of the Centre during the financial year and submit such report to the Minister.
- Director's
report
18. The Minister shall as soon as may be practicable and not later than seven months after the close of a financial year, lay before the National Assembly the following documents in relation to such financial-
- (a) a copy of the audited statement of accounts of the Centre;
 - (b) a copy of the auditor's report, if any;
 - (c) a copy of the Director's report.
- Annual
statement
of accounts
and report
to be laid
before
National
Assembly

Regulations
and
By-laws

19.-(1) The Governing Board may, with the consent of the Minister make regulations for the better carrying out of the purposes of this Act, and without prejudice to the generality of the foregoing may make regulations-

- (a) prescribing diplomas, certificates and other awards which may be conferred or granted by the Centre;
- (b) prescribing the conditions which must be satisfied before any diploma, certificate or awards may be granted;
- (c) regulating the conduct of examinations;
- (d) providing for and regulating disciplinary proceedings against the officers of the Centre and students;
- (e) prescribing anything which may be prescribed under this Act;
- (f) providing for any matter or thing which, in the opinion of the Governing Board, is necessary for the furtherance of the functions and objects of the Centre.

(2) The Governing Board may make By-laws regulating discipline among students enrolled for training by the Centre and to provide for the better Government, control and administration of the Centre.

(3) By-laws made under subsection (2) shall not be required to be published in the *Gazette*:

Provided that the Governing Board may, in its absolute discretion, and shall, if directed to do so by the Minister, cause any such by-laws to be published in the *Gazette*.

Fees and
allowances

20. The Minister may, by directions under his hand prescribe the fees and allowances payable to the members of the Governing Board.

Minister
may give
directions
and grant
exemptions

21. (1) The Minister may give the Governing Board directions of a general or specific character and the Governing Board shall give effect to every such direction.

(2) Notwithstanding the provisions of any written law the Minister may, by order under his hand, exempt the Centre from the stamp duty, land registration fee, land rent and other fees, charges, rates and levies, whatsoever, on any transaction to which the Centre is a party or in relation to any property transferred to or owned by the Centre.

Proceedings
of
Governing
Board not
to be
invalid by
reason of
irregularity

22. No act or proceeding of the Governing Board shall be invalid by reason only of the number of members not being completed 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 disentitled to act as such.

Protection
of members
of Governing
Board and
officers of
Centre

23. (1) No matter or thing done by any member or officer of the Governing Board or the Centre shall, if done *bona fide* in the execution or purported execution of the functions conferred upon such member or officer by this Act or by regulations made hereunder, renders such member or officer personally liable for such matter or thing.

Cap. 16
Acts, 1970
No. 7

(2) For the avoidance of doubts it is hereby declared that the provisions of this section shall be without prejudice to the provisions of section 284A of the Penal Code or the provisions of the Specified Officers (Recovery of Debts) Act, 1970.

SCHEDULE

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|---|---|
| <p>1. In this Schedule "appointing authority" means-</p> <p>(a) in relation to the chairman of the Governing Board, the President;</p> <p>(b) in relation to any other member, the Minister.</p> | Interpreta-
tion |
| <p>2.-(1) The Governing Board shall consist of a chairman who shall be appointed by the President and not less than eight and not more than twelve other members, appointed by the Minister.</p> <p>(2) The Governing Board may, if in its opinion it is desirable so to do co-opt as members not more than three persons in respect of whom the Governing Board is satisfied that they will make useful contribution to the functions of the Board.</p> | Composition |
| <p>3. The members of the Governing Board shall, from among their number elect a vice-chairman, who shall hold office for so long as he remains a member of the Governing Board.</p> | Vice-
Chairman |
| <p>4.-(1) A member of the Governing 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:</p> <p>Provided that in the case of a member who is a member by virtue of his holding some other office, he shall hold office for so long as he remains a member of the</p> <p>(2) Any member of the Governing Board 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.</p> | Tenure of
office |
| <p>5. If a member is unable for any reason to attend a meeting, the body or the Ministry, as the case may be, which he represents, may, in writing, nominate another person in his place for the purpose of that meeting.</p> | Absent
member
to be
replaced
at meeting |
| <p>6. Where any member ceases to be a member for any reason before the expiration of his of office, the appointing shall appoint another person in his place and the person so appoint shall hold office for the remainder of the term of office of his predecessor.</p> | Casual
vacancies |
| <p>7.-(1) An ordinary meeting of the Governing 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 Tanganyika, or other sufficient cause, the vice-chairman may convene such meeting.</p> <p>(2) The chairman, or in his absence, the vice-chairman, shall be bound to convene a special meeting of the Governing Board upon receipt of a request in writing in that behalf signed by not less than five members of the Governing Board. Not less than seven days' notice of such meeting shall be given to all members of the Governing Board in the manner prescribed in sub-paragraph (1).</p> <p>(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 Governing Board may invite any person who is not a member to participate in the deliberations of the Governing Board, but any such person shall not be entitled to vote.</p> | Meetings |
| <p>8.-(1) One-half of the total number of the members of the Governing Board, or four members, whichever is the lesser number, shall form a quorum for a meeting of the Governing Board.</p> <p>(2) In the absence of the chairman from a meeting of the Governing Board the vice-chairman shall preside. In absence of both the chairman and the vice-chairman from any meeting, the members present shall elect one of the number to be a temporary chairman of that meeting.</p> <p>(3) At any meeting of the Governing Board a decision of the majority of the members present and voting shall be deemed to be a decision of the Governing 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> <p>(4) Notwithstanding the provisions of sub-paragraph (2), where the chairman so directs, a decision may be made by the Governing 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.</p> | Procedure |

Minutes of meetings

9. Minutes in proper form of each meeting of the Governing Board shall be kept and shall be confirmed by the Governing Board at the following meeting and signed by the chairman of the meeting.

Orders directions

10. All documents and instruments required to be executed by the Governing Board shall be signed by-

(a) the Director; or

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

Seal of the Governing Board

11. The seal of the Governing Board shall not be affixed to any instrument except in the presence of the Director, or the chairman or the vice-chairman or the Deputy or Assistant Director and at least one other member of the Governing Board.

Governing Board may regulate its own proceedings

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

Passed in the National Assembly on the twenty-first day of November, 1973.

MMwindadi
Ag Clerk of the National Assembly