

TANGANYIKA



No. 2 OF 1963

I ASSENT,

Julius K. Nyerere
President

...7TH MARCH, 1963

An Act to establish a Board for the control and management of the Nyamwezi Creameries, to transfer to such Board the assets and liabilities held or incurred by or on account of the said creameries and for matters incidental thereto and connected therewith

[.....]

ENACTED by the Parliament of Tanganyika.

1. This Act may be cited as the Nyamwezi Creameries Board Act, 1963, 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 Nyamwezi Creameries Board established by section 3; Interpretation

“Creameries” means those creameries situate in the Kahama or Nzega District of the Western Region which are on the date of coming into operation of this Act managed, whether on such date they or any of them are in use or not, by the undertaking known as the Nyamwezi Federation Creameries;

“Minister” means the Minister for the time being responsible for agriculture.

3.—(1) There is hereby established a Board which shall— Establishment of Board

- (a) be a body corporate under the name of the Nyamwezi Creameries Board, with perpetual succession and a common seal;
- (b) in its corporate name be capable of suing and being sued; and
- (c) be capable of holding, purchasing and otherwise acquiring, and of alienating any moveable or immoveable property for the purposes or in the carrying on of its business.

(2) The provisions of the Schedule hereto shall have effect as to the constitution and proceedings of, and otherwise in relation to, the Board.

4.—(1) The business of the Board shall be to own, manage and develop the undertaking known as the Nyamwezi Federation Creameries. Business of the Board

(2) The Board shall have power, for the purposes of its business, to do all such acts as appear to it to be requisite, advantageous or convenient for or in connection with its business and may carry on any activities in that behalf either alone or in association with any other person or body (including any local authority):

Provided that the provisions of this subsection shall relate only to the capacity of the Board as a body corporate and nothing in this subsection shall authorize the disregard by the Board of any enactment or rule of law.

(3) Without prejudice to the generality of subsection (2), the Board shall, for the purposes of its business, have power—

- (a) to buy milk and any milk products;
- (b) to produce and process milk and to produce and manufacture from milk any milk products;
- (c) to sell milk and any milk products; and
- (d) to buy and sell and let to producers of milk or milk products anything required for the production, adaptation for sale, or sale of milk or milk products.

(4) In this section the expressions "milk" and "milk products" have the meanings respectively assigned to them in section 3 of the Dairy Industry Ordinance, 1961.

Ord. 1961
No. 61

Vesting of
assets in
the Board

5.—(1) On the date of coming into operation of this Act—

- (a) all the assets of the Creameries (including all sums of money, lands, plant, equipment, buildings, vehicles and other property whatsoever) and all liabilities thereof shall be transferred to and shall without further assurance vest in the Board and the Board shall have all powers necessary to take possession of, recover and deal with such assets and to discharge such liabilities;
- (b) every agreement, whether in writing or not, and including any agreement for personal services, and every deed, bond or other instrument to which the Creameries, or any person or body acting on behalf of the Creameries, was a party, whether or not of such a nature that rights, liabilities and obligations thereunder could be assigned, shall have effect in relation to any period commencing on or after the date of coming into operation of this Act as if—
 - (i) the Board were a party thereto instead of the Creameries or the person or body acting on behalf of the Creameries, as the case may be; and
 - (ii) for every reference (however worded and whether expressed or implied) to the Creameries or the person or body acting on behalf of the Creameries, as the case may be, there were substituted a reference to the Board; and
- (c) any proceedings pending to which the Creameries, or any person or body on behalf of the Creameries, is a party shall be continued as if the Board were a party thereto instead of the Creameries or that person or body, as the case may be.

(2) The Minister may, by order, provide for any incidental, supplemental or consequential matters for which it appears to him necessary to provide for the more effectual carrying out of the provisions of subsection (1) and any of the provisions of any such order may be expressed to have effect retrospectively and, if so expressed, shall have effect accordingly.

(3) Upon the assets of the Creameries vesting in the Board in accordance with the provisions of paragraph (a) of subsection (1), every right, title or interest in the Creameries or any part thereof or in or in relation to any of the assets thereof whatsoever vested in or held by or on behalf of any other person, association of persons, body or authority shall be extinguished and no claim shall lie against the Board in respect of any such right, title or interest:

Provided that the provisions of this subsection shall not apply where any person, within a period of two months from the date of coming into operation of this Act, establishes to the satisfaction of the Minister that he is entitled to be paid any sum on account of any money lent by him to the Creameries or of any milk supplied by him to the Creameries.

(4) On the date of coming into operation of this Act, the provisions of section 8A of the Severance Allowance Act, 1962, shall have effect in relation to any employee of the Creameries as if the Creameries was a body corporate dissolved by this Act. Act 1962
No. 57

SCHEDULE

(Section 3 (2))

(a) Constitution of the Board

1. The Board shall consist of not less than six nor more than ten members appointed by the Minister.
2. The Minister may, by order published in the *Gazette*, from time to time vary the composition of the Board.
3. A member of the Board appointed under paragraph 1 shall hold office for such period not exceeding three years as the Minister may specify in his appointment, unless his appointment shall have been previously revoked; and he shall be eligible for re-appointment.
4. If any member of the Board is incapacitated by illness, temporary absence from Tanganyika or other sufficient cause, from performing the duties of his office, the Minister may appoint another person to act in his stead, and every person so appointed shall have all the powers and authority of the member for whom he is acting until such member is again able to perform the duties of his office or ceases to hold office as a member of the Board.
5. A member may resign by giving notice in writing to the Minister.
6. If any member dies, or is permanently incapacitated from any cause from performing the duties of his office, or resigns, or if his appointment is revoked, the Minister may appoint another person to be a member in his place for the unexpired residue of such first mentioned member's period of office.
7. The Minister shall nominate a Chairman and a Vice-Chairman from among the members of the Board.

(b) Staff

8. The Board may appoint upon such terms as to salary or otherwise as it may think fit such officers or servants as it may consider necessary for the conduct of its business.
9. The Board may—
 - (i) grant gratuities or retiring allowances to any officer or employee of the Board;
 - (ii) establish and make contributions to a superannuation or medical fund for its officers and employees;
 - (iii) require any officer or employee to make contributions to any superannuation fund or medical fund so established.

10. The Board may from time to time appoint and employ upon such terms and conditions as it may think fit, such agents or contractors as it may consider necessary for the purposes of its business.

(c) *Delegation*

11. The Board may delegate to any committee of members or of members and employees, member, officer or employee of the Board, either generally or in any particular instance, the conduct of any business of the Board.

(d) *Meetings and Procedure*

12. The Board shall meet at least once in every year.

13. The Chairman of the Board or, in his absence the Vice-Chairman, shall convene a special meeting of the Board upon receipt of a request in writing in that behalf signed by such number of members of the Board as would constitute a quorum at a meeting thereof.

14. At any meeting of the Board one-half of the total number of members thereof shall constitute a quorum, and where there are an uneven number of members, a quorum shall be the next whole number above half.

15. Subject to the necessity for a quorum, the Board may act notwithstanding any vacancy in its number.

16. No act or other proceeding shall be invalid by reason only of some defect in the appointment of a person purporting to be a member thereof.

17. In the absence of the Chairman and the Vice-Chairman from any meeting of the Board, a temporary Chairman may be appointed by the members present at the meeting from among their number.

18. The Chairman of a meeting shall, in addition to his ordinary vote, have a casting vote.

19.—(1) Subject to the provisions of paragraph 11 and any delegation made thereunder, all acts, matters or things to be done by the Board shall be decided by resolution at a meeting of the Board at which a quorum is present.

(2) A decision of the majority of the members present and voting at a meeting of the Board shall be deemed to be a decision of the Board.

20. The seal of the Board shall be affixed by the Chairman, Vice-Chairman or temporary Chairman and witnessed by two members of the Board.

21. Subject to the provisions of this Schedule, the Board may regulate its own procedure.

(e) *Financial*

22. All moneys received by the Board shall be applied for the purposes of its business and for all or any of the following purposes:—

- (i) the remuneration and payment of expenses of employees and salaried officers;
- (ii) with the approval of the Minister, the payment of expenses to members of the Board;
- (iii) investment in such securities as the Minister may approve;
- (iv) the maintenance of a reserve fund;
- (v) such other purposes as the Minister may approve.

23. With the prior approval of the Minister, the Board may, from time to time, raise or borrow by way of mortgage, bank overdraft or otherwise, such sums of money for use in its business as the Board may consider necessary.

24.—(1) The Board shall cause proper books of account to be kept with respect to—

- (i) all sums of money received and expended by the Board and the matters in respect of which the receipt and expenditure is made;
- (ii) the assets and liabilities of the Board,

and in every calendar year shall cause to be made out a balance sheet showing in detail the assets and liabilities and the income and expenditure of the Board. Every such balance sheet shall contain a certificate by the Board that it has adopted the same.

(2) The accounts of the Board shall be audited annually by an auditor appointed by the Board with the approval of the Minister.

(f) *Report*

25. The Board shall prepare and submit to the Minister an annual report on the conduct of its business. Such report shall contain a copy of the accounts audited in accordance with paragraph 24 (2).

Passed in the National Assembly on the sixteenth day of February, 1963.


Clerk of the National Assembly