

THE UNITED REPUBLIC OF TANZANIA



No. 61 OF 1968

I ASSENT

Tuliza K. Nyerere
President

10TH OCTOBER, 1968

An Act to provide for giving effect to certain provisions of the agreement made between the United Republic of Tanzania and the Republic of Zambia for the establishment of the Tanzania-Zambia Railway Authority and for matters connected therewith and incidental thereto

[12TH MARCH, 1968]

WHEREAS the Government of the United Republic of Tanzania and the Government of the Republic of Zambia have agreed to establish an authority to be called Tanzania-Zambia Railway Authority:

AND WHEREAS the said Agreement was reduced to writing and was executed by the parties thereto on the third day of October, 1968:

AND WHEREAS it is expedient to make provision for giving effect to certain provisions contained in the said Agreement and to provide for certain matters connected therewith and incidental thereto:

NOW, THEREFORE BE IT ENACTED by the Parliament of the United Republic of Tanzania—

1. This Act may be cited as the Tanzania-Zambia Railway Authority Agreement (Implementation) Act, 1968 and shall be deemed to have come into operation on the twelfth day of March, 1968.

Short title
and
commence-
ment

2. In this Act, unless the context otherwise requires—

Interpreta-
tion

“Agreement” means the Agreement between the Government of the United Republic of Tanzania and the Government of the Republic of Zambia executed by the parties thereto on the third day of October, 1968 which Agreement is set out in the Schedule to this Act;

“Authority” means the Tanzania-Zambia Railway Authority established pursuant to the Agreement.

Authority to be body corporate

3.—(1) The Authority shall have the capacity within the United Republic of a body corporate with perpetual succession and shall have power to acquire, hold, manage and dispose of land and other property, and to sue and be sued in its own name.

(2) The Authority shall have power to perform any of the functions conferred upon it by the Agreement and to do all things (including borrowing) which the Board of Directors of the Authority consider necessary or desirable for the performance of those functions.

(3) The provisions of subsection (2) relate only to the capacity of the Authority as a body corporate and nothing in that subsection shall be construed as authorizing the disregard by the Authority of any written law or as affecting any power of the Authority conferred by any written law.

Implementation of railway project

4.—(1) The United Republic may construct or cause to be constructed a railway linking the United Republic with Zambia and operate and provide, or arrange for the operation and provision of, rail transport services between the two countries.

Acts 1967 No. 42

(2) The provisions of subsection (1) shall, for the purpose of subsection (3) of section 10 of the Treaty for East African Co-operation (Implementation) Act, 1967, be deemed to make provision in express terms indicating the intention that subsection (1) shall have effect notwithstanding the provisions of section 21 of the East African Railways Corporation Act, 1967.

Community Acts 1967 No. 1

THE SCHEDULE

AGREEMENT BETWEEN THE UNITED REPUBLIC OF TANZANIA AND THE REPUBLIC OF ZAMBIA FOR THE ESTABLISHMENT OF THE TANZANIA-ZAMBIA RAILWAY AUTHORITY

Pursuant to the Agreement between the Governments of the United Republic of Tanzania, the Republic of Zambia and the Government of the People's Republic of China on the Construction of the Tanzania-Zambia Railway signed in Peking on the fifth day of September, 1967, and pursuant to the various subsequent Protocols relating thereto:

And considering the need for establishing machinery for co-ordinating the implementation of the Railway Project, the Governments of the United Republic of Tanzania and The Republic of Zambia (hereinafter respectively referred to as "the Government of Tanzania" and "the Government of Zambia") agree as follows:—

ARTICLE I

The parties to this Agreement hereby establish the Tanzania-Zambia Railway Authority.

ARTICLE II

In this Agreement except where the context otherwise requires—

"Authority" means the Tanzania-Zambia Railway Authority;

"Board" means the Board of Directors established under Article IV of this Agreement;

"The Inter-Governmental Ministerial Committee" means the Committee of Ministers established by the Presidents of the United Republic of Tanzania and of the Republic of Zambia to deal with matters relating to the Tanzania-Zambia Railway Project.

ARTICLE III

(1) The Authority shall, in accordance with the Agreement between the Governments of Tanzania and Zambia and the Government of the People's Republic of China on the Construction of the Tanzania-Zambia Railway and the various subsequent Protocols relating thereto, co-ordinate the implementation of the Railway Project and take all the necessary measures to ensure its early completion.

(2) The Authority shall, at an appropriate time, make recommendations to the parties to this Agreement in respect of the efficient running of the Tanzania-Zambia Railway or of any part thereof.

ARTICLE IV

(1) There shall be a Board of Directors for the Authority which, subject to the overall control of the Inter-Governmental Ministerial Committee, shall be responsible for the policy, control and management of the Authority.

(2) The Board of Directors shall consist of three Principal Secretaries or their nominees appointed by the Government of Tanzania and three Permanent Secretaries or their nominees appointed by the Government of Zambia.

(3) An Executive Officer and a Deputy Executive Officer shall be nominated respectively by the Government of Zambia and the Government of Tanzania, and jointly appointed by the two Governments. The Executive Officer and the Deputy Executive Officer shall attend meetings of the Board but they shall have no vote.

(4) The Board shall determine its own procedures:

Provided, however, that decisions of the Board shall be by majority vote and shall include an affirmative vote of at least one Principal/Permanent Secretary representing each of the parties to this Agreement.

ARTICLE V

The Executive Officer shall carry out such functions as the Board may assign to him and he shall be assisted by his Deputy and such other persons as the Board may approve.

ARTICLE VI

Without prejudice to Article III the Authority shall:—

- (i) deal with matters relating to technical principles put forward by the Chinese Survey and Design Team and shall consult as necessary with the Chinese Survey and Design Team or with such organization or persons as may be designated by the Chinese Government;
- (ii) be the consignee for goods sent from China for the survey and design of the Railway;
- (iii) conclude, either as principal or agent of either or both of the parties to the Agreement, contracts relating to the despatch of Chinese Technical Personnel for the Railway Project with the Chinese organization designated for this purpose and such contracts shall fix the number, time of despatch and period of service in Tanzania and Zambia;
- (iv) consult with the Chinese Embassies in Tanzania and Zambia for the purpose of determining the living expenses of the Chinese technical personnel serving on the Railway Project in Tanzania and Zambia respectively;
- (v) in accordance with Article V of the Agreement between the Governments of Tanzania, Zambia and the People's Republic of China dated 5th September, 1967, make the necessary arrangements, with the assistance of the Government of the People's Republic of China, for the training of Tanzanian and Zambian personnel for the construction, operation and maintenance of the Railway.

ARTICLE VII

The Authority shall take all the necessary steps to check and ensure that all technical matters and details connected with the Railway Project during the survey and design and construction stage are adequately, equitably and efficiently carried out.

ARTICLE VIII

The Authority may make any suitable arrangements for consultation and co-operation with the East African Railways Corporation, East African Harbours Corporation and the Zambia Railways Board.

ARTICLE IX

(1) The funds and resources of the Authority shall consist of sums contributed to the expenses of the Authority by the Governments of Tanzania and Zambia in equal parts.

(2) The financial year of the Authority shall commence on the first day of July of each calendar year and end on the thirtieth day of June of the next following calendar year. Except that the first financial year shall commence at such earlier date as the Board may determine.

(3) The Board shall ensure that proper accounts and other records in relation thereto are kept by the Authority and shall prepare in respect of each financial year of the Authority a statement of accounts.

(4) The accounts of the Authority shall be audited by such independent auditors as the Board may appoint.

(5) As soon as the accounts of the Authority have been prepared and audited, which should be not later than three months after the end of each financial year, the Board shall submit a copy of the statement of accounts and a report on the activities of the Authority for the same year to the Inter-Governmental Ministerial Committee.

(6) Except as provided in paragraph (7) of this Article the Board shall, prior to the commencement of each financial year prepare and submit for the approval of the Inter-Governmental Ministerial Committee estimates of expenditure of the Authority for such financial year.

(7) The Board shall, as early as it is practicable within the first financial year, prepare and submit for the approval of the Inter-Governmental Ministerial Committee estimates of expenditure of that financial year.

ARTICLE X

(1) The Head Office of the Authority shall be in Dar es Salaam.

(2) The Board shall establish a Branch Office in Lusaka and in such other places as it may deem necessary.

ARTICLE XI

Each party undertakes to secure the enactment of such legislation as is required to confer upon the Authority such legal capacity as may be necessary for the performance of its functions.

ARTICLE XII

This Agreement shall be deemed to have come into force on the twelfth day of March, 1968, and it may be amended by the Board of Directors with the approval of the Inter-Governmental Ministerial Committee.

DONE in duplicate at Dar es Salaam this third day of October one thousand nine hundred and sixty-eight in the English language.

W. J. PHIRI,
*High Commissioner for the
Republic of Zambia*

*For the Government of the
Republic of Zambia*

J. M. LUSINDE,
*Minister for Communications,
Labour and Works*

*For the Government of the
United Republic of Tanzania*

Passed in the National Assembly on the third day of October, 1968.

Stachmekwa
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Clerk of the National Assembly