THE TANZANIA AGRICULTURAL RESEARCH ORGANIZATIONS
ACT, 1980

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FIRST SCHEDULE
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THE UNITED REPUBLIC OF TANZANIA

No. 3 OF 1980

AN ACT TO ESTABLISH TANZANIA AGRICULTURAL RESEARCH ORGANIZATION, TO PROVIDE FOR THE FUNCTIONS AND POWERS OF THE ORGANIZATION IN RELATION TO AGRICULTURAL RESEARCH AND FOR THE MATTERS CONNECTED WITH SUCH ESTABLISHMENT

I. ASSENT,

[Signature]

President

2ND FEBRUARY, 1980

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Tanzania Agricultural Research Organization Act, 1980, and shall come into operation on such date as the Minister may, by notice in the Gazette, appoint.

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

"agricultural research" includes research in crops and soil research but does not include research in livestock and its allied disciplines;
"centre" means an agricultural research centre which is a separate research institution of the Organization subordinate to an Institute;
"the Council" means the Council of Tanzania Agricultural Research Organization established under section 3 (1);
"Director" means the Director of an Institute appointed under section 10 (1);
"Director-General" means the Director-General of the Organization appointed under section 8 (1);
"the Director of Research" means the Director of the Organization appointed under section 9 (1);
"Institute" means an Agricultural Research Institute established under section 5;
"member" in relation to the Council means a member of the Council and includes the Chairman and Vice-Chairman;
"Minister" means the Minister for the time being responsible for agriculture;
PART II

THE TANZANIA AGRICULTURAL RESEARCH ORGANIZATION

3.- (1) There is hereby established a body corporate to be known as the Tanzania Agricultural Research Organization.

(2) The organization shall-
(a) have perpetual succession and official seal.
(b) in its corporate name, be capable of suing and being sued;
(c) subject to this Act, be capable of holding, purchasing and otherwise acquiring in any other way, any movable or immovable property and of disposing any of its property.

4.- (1) Functions and objects of the Organization shall be-
(a) to control and manage the affairs of the Institutes and research centres vested in the organization by section 5;
(b) to assume responsibility for the control and management of such other institutes or centres as may be vested in the Organization under section 6 (3) or any other written law;
(c) to initiate, organize, conduct and establish priorities to promote the carrying out of basic and applied inter-disciplinary research into all aspects of crops, soil and farming systems in the United Republic;
(d) to monitor and co-ordinate basic and applied agricultural research carried on within the United Republic and to evaluate the findings of that research;
(e) to establish a system for the documentation, registration or certification of seeds and dissemination of research findings through technical and advisory services and to promote the practical application of those findings in crop development;
(f) to carry out and promote research on crop products and by-products;
(g) to provide advisory, consultancy and other services to the Government, public institutions, villages or persons engaged in agriculture on all matters affecting crop industry, as a result of crop research;
(h) to promote and provide facilities for the training of local personnel for the carrying out of agricultural research;
(i) to perform such other functions as may be conferred upon it by or under this Act or any other written law or by the Minister;
(j) to do any thing which may be necessary to uphold the credit of the Organization and of its research findings to obtain and justify public confidence, to avert or minimize any loss to the Organization and to facilitate the proper and efficient performance of its functions.

(2) In particular, but without prejudice to the generality of subsection (1), the Organization may-
(a) undertake whether alone or in association with any person or body within or outside the United Republic the establishment, equipment, and management, on a zonal or other basis, of institutes and centres for the performance of any of its functions;

(b) co-operate with any Organization or person or body of persons to carry out and promote the carrying out of, basic, applied and operational research on all matters affecting the development of crops and industrial use of crop by-products;

(c) prepare and execute agreements with other organizations within or outside the United Republic:

(d) in co-operation with the Government or any Organization or person or body of persons within or outside the United Republic establish in the United Republic a library for reference by agricultural and veterinary scientists.

(3) For the purposes of the better performance of its functions the Organization shall establish and maintain a system of collaboration with the Tanzania National Scientific Research Council established by the Tanzania National Scientific Research Council Act, 1968, and with any other person or body of persons established by or under any written law and having functions related to the functions of the Organization or to scientific development generally.

5.- (1) The control and management of the institutes and centres specified in the First Schedule to this Act is hereby vested in the Organization.

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

(3) The Minister may, after consultation with the Board, by order in the Gazette, declare any agricultural institution or establishment or part of it, where agricultural research is conducted, or in which it is intended to conduct agricultural research, sponsored by or on behalf of the Government to be a research institute or centre or experimental station for the purposes of this Act, and vest in the Organization the management and control of that institute or centre or experimental station.

(4) The organization shall be granted a right of occupancy over the land over which an institute or centre experimental station exists, or established, upon such terms and conditions as the President may approve, subject to subsections (5) and (6).

(5) Until a right of occupancy is granted it shall be lawful for the Organization to exercise in relation to the land over which an institute or centre exists, or is established, all the rights necessary for the performance of its functions which the owner of a right of occupancy may lawfully exercise over land comprised in a right of occupancy granted to him, and the fact that no right of occupancy has been granted to the Organization shall not affect the validity of any thing done or omitted bona fide by any person in the execution or purported execution of his duties under this Act.
(6) No fee or duty shall be charged or payable in respect of the issue to
the Organization of a certificate in respect of a right of occupancy granted
in accordance with this section.

PART III
ADMINISTRATION

6.- (1) There shall be established the Council of the Organization.

(2) The provisions of the Second Schedule to this Act shall have effect as
to the composition of the Council, the tenure of office of its members,
termination of their appointments, the proceedings of the Council and
other matters in relation to the Council and its members as are provided
for in that Schedule.

(3) Save for matters relating to the office and, appointment of the Chair-
man of the Council, the Minister may, by order in the Gazette, amend, vary
or replace all or any of the provisions of the Second Schedule to this Act.

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

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

(a) to administer the properties of the Organization, both movable and
immovable;
(b) to administer the funds and assets of the Organization;
(c) to signify the acts of the Organization by use of the official seal;
(d) on behalf of the Organization, to receive fees, grants, gifts and other
money and to make disbursements to other persons or bodies;
(e) to do all acts or things as may be provided for in this Act or as may,
in the opinion of the Council, be necessary or expedient for the
performance of the functions of the Organization.

(3) The Minister may give to the Council directions of a general or spe-
cific character regarding the performance by the Organization of any of its
functions under this Act, and the Council shall give effect to every
direction given to it.

8.- (1) There shall be the Director-General of the Organization who
shall be appointed by the President.

(2) The Director-General shall be the chief executive officer of the
Organization and shall exercise such other functions of the Organization
as the Council may consider necessary to delegate to him to enable him to
transact all the day-to-day business of the Organization, and in particular,
without prejudice to the generality of the foregoing and subject to any
directions given by the Council, the Director-General shall have Power to
exercise supervision and control of acts and proceedings of all the
employees of the organization, and subject to any restrictions which may be
imposed by the Council, the power to dispose of all questions relating to
the terms and conditions of the service of the employees of the Organiza-
tion.
(3) In the exercise of the powers vested in him by this section or delegated to him by the Council, the Director-General shall comply with any direction of policy or of general nature given to him by the Council and shall not without the approval of the Council, whether generally or specifically, depart or permit departure from the approved estimates of expenditure or from the approved establishment of the Organization or the normal procedures for dealing with any particular matter.

9.- (1) The Minister shall, on consultation with the Council, appoint the Director of Research of the Organization.

(2) The Director of Research shall:
(a) assist the Director-General in the running and management of the Organization particularly in the supervision and coordination of research activities;
(b) preside over the meetings of technical co-ordination committees;
(c) perform such duties as may be assigned to him by the Director-General.

10.- (1) The Council shall, with the approval of the Minister appoint a Director for each Institute vested in the Organization.

(2) Every Director of an Institute shall be responsible to the Director-General for the management and running of the Institute.

11. The Council may, from time to time, appoint at such salaries and upon such terms and conditions, as it may consider fit, the technical and administrative staff and other employees of the Organization as the Council may consider necessary for the proper and efficient conduct of the business and activities of the Organization.

PART IV

RESEARCH OPERATIONS OF THE ORGANIZATION

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

(2) Any person who, contravenes or fails to comply with subsection (1) shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding ten thousand shillings, but no person shall be prosecuted for, any offence under this section within six months after the commencement of this Act.

(3) notwithstanding subsection (1), the Organization may enter into agreements with firms or organizations engaged in other allied scientific research, within or outside Tanzania, for the purposes of establishing a system of exchanging information in relation to agriculture or other allied scientific research.
13.- (1) The Organization may require in writing any person or body of persons engaged in agricultural or other allied scientific research within Tanzania to furnish to it such information relating to that research as the Organization may specify.

(2) Every person or body of persons required to furnish information under subsection (1) shall comply with the requirement and any person or body of persons who refuses or fails to comply with that requirement shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifteen thousand shillings.

14.- (1) Where as a result of any research carried out by or on behalf of the Organization anything is discovered, the discovery shall become the property of the Organization.

(2) For the purposes of commercial exploitation of any discovery which the Organization considers important for use in relation to the improvement of agricultural production, the Organization may arrange with any person or body of persons to buy, sell, take or grant patent rights in the discovery, subject to terms approved by the Council.

(3) Every discovery made as a result of research carried out under this Act shall be registered by the Organization in such form and upon such conditions as the Minister may, by regulations made under this Act, prescribe.

(4) The Organization may, with the prior approval of the Minister, grant to any person who makes a discovery which the Organization considers significant or whom materially assists or contributes to the making of that discovery, such reward as may be approved by the Council.

PART V
FINANCIAL PROVISIONS

15. 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;

(b) such funds or assets as may vest in or accrue to the Organization from any source by way of grants, gifts, fees or in any other way;

(c) any sum which the Council may, subject to the provisions of section 20, borrow for the purposes of the Organization;

(d) any sum or property which may in any manner become payable to or vested in the Organization.

16.- (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 commence on the date of the commencement of this Act and may be of a period longer or shorter than twelve months.
(2) Not less than two months before the beginning of any financial Year the Council shall at its first 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 Council during the financial year.

(3) If in any financial year the Council requires to make any disbursement not provided for, in the annual budget for the year, the Council shall at a meeting, pass a supplementary budget detailing the disbursement.

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

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

(6) The Minister shall, upon the receipt of the annual budget or supplementary budget, approve or disapprove it or may approve it subject to such amendments as he may consider fit.

(7) Where the Minister has approved any annual budget or supplementary budget the budget as approved by him, whether with or without amendment, shall be binding on the Council which, subject to the provisions of subsection (8), shall confine its disbursement within the items and amounts contained in the applicable estimates as approved by the Minister.

(8) The Council may-

(a) with the sanction in writing of the Minister, make disbursement notwithstanding that the 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 two hundred thousand shillings to any other item contained in the 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 the alteration of expenditure limits becoming necessary.

17. With the prior approval of the Minister, the Council 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 investment of any trust fund.

18. (1) With prior approval of the Minister, the Council 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 repayment of the principal and payment of interest, subject to any direction by the Minister, as the Council may consider fit.
(2) A person lending money to the Council shall not be bound to enquire whether the borrowing of that money by the Council has been approved by the Minister.

19.-(1) The Council shall cause to be provided and kept proper books of accounts and record with respect to-

(a) the receipt and expenditure of moneys by, and other financial transaction 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 and a statement showing details of the income and expenditure of the Organization and all its assets and liabilities.

(2) Not later than six months after 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) Every audited balance sheet shall be placed before a meeting of the Council and, if adopted by the Council, shall be endorsed with the certificate that it has been adopted.

20. The council shall within six months after the close of the financial year, cause to be prepared and submitted to the Minister a report dealing generally with the activities and operations of the Organization during that year and accompanied by-

(a) a copy of the audited accounts of the Organization;

(b) a copy of the auditors report on the accounts; and

(c) such other information as the Minister may direct.

21. The Minister shall as soon as practicable, and in any case not later than twelve months after the close of a financial year, lay before the National Assembly the following documents in relation to that financial year-

(a) a copy of the audited statement of accounts of the Organization;

(b) a copy of the auditors report, if any;

(c) a copy of the report by the Council.

PART VI

MISCELLANEOUS PROVISIONS

22. The members of the Council shall be entitled to such remuneration, fees or allowances for expenses as the Minister may, upon the recommendation of the Council, prescribe from time to time:
Provided that no remuneration, fees or allowances, except such allowances for expenses as may be expressly authorized by the Minister, shall be paid to any member of the Council who is a public officer.

23.- (1) Subject to the provisions of subsection (6), the Council may, from time to time, by writing under the official seal of the Organization, appoint committees of the Council and delegate, subject to such terms, the conditions and restrictions as it may specify, to any of committees or to any employee of the Organization, all or any of the functions, powers or duties conferred or imposed by or under this Act on the Council, and where any delegation is so made the delegated function, power or duty may be performed or exercised by the delegate subject to the terms, conditions and restrictions specified by the Council.

(2) The delegation under subsection (1) may be made to the holder of an office under the Organization specifying the office but without naming the holder, and in every case where a delegation is so made each successive holder of that office and any person who occupies or performs the duty of that office may, without any further authority, perform or exercise the delegated function, power or duty in accordance with the delegation made by the Council.

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

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

(5) A delegation made under this section may be published in the Gazette, and upon its being so published shall be judicially noticed and shall be presumed to be in force unless the contrary is proved.

(6) The Council 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 the annual balance sheet or any statement of accounts.

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 things done or omitted to be done, by any person who is a member of the Council or employee or agent of the Organization shall, if done or omitted bona fide in the execution or purported execution of his duties as the member of the Board or employee or agent of the Organization, subject that person to any action, liability or demand of any kind.

25.- (1) With the consent of the Minister the Council may make regulations for the better carrying out of the purpose and provision of this Act, and without prejudice to the general of this subsection, may make regulations-

(a) establishing technical co-ordination committees;

(b) prescribing the conditions and terms upon which any specified facilities or services or categories of facilities or services within
the scope of the functions of the Organization shall be provided to the member of public and other persons;

(c) providing for the proper management, control and administration of the Organization;

(d) providing and regulating discipline amongst employees of the Organization and disciplinary proceedings against them;

(e) prescribing fees, rates and other charges in connection with the provision by the Organization of any services or facilities;

(f) prescribing anything which may be prescribed under this Act;

(g) providing for any matter which, in the opinion of the Council, is necessary to provide for the efficient performance of the functions of the Organization.

(2) Regulations made under this section shall be published in the Gazette:

Provided that where regulations are made which are not of general application the Council may, in addition to or in lieu of publication in the Gazette, publish the regulations in such a manner as will, in the opinion of the Council, ensure the contents of the regulations coming to the notice of the persons or category of persons in respect of which they apply and of the members of the public who might be affected by the regulations.

FIRST SCHEDULE

(Section 5 (1))

(a) Each Research Institute below shall provide research services to the zone and specialize on research on crops specified opposite to its name-

(i) Research Institute, Lyamungu - Northern Zone

(ii) Research Institute, Ukiruguru - Lake and Western Zone

(iii) Research Institute, Mlingano - Coastal Zone

(iv) Research Institute, Naliendele - Southern Zone

(v) Research Institute, Ilonga - Central Zone

Arabica Coffee, Cotton, Sisal, coconuts, spices and soils, cashewnuts and oil seeds, Food Grains, grain, Legumes not crops and farming systems.

(b) Each Research Institute below shall specialize on research on crops specified opposite to its name-

(vii) Research Institute, Kibaha - Sugar

(formerly under East African Agriculture and Forestry Research Organization),

(viii) Research Institute, Tumbi - Tobacco,

(ix) Research Institute, Marikitanda - Tea.

(c) Each research centre below shall be administered by the Research Institute and specialize on research on crops specified opposite to its name-

(i) Maruku - Research institute, Lyamungu - Robusta Coffee plantains and bananas.
FIRST SCHEDULE-(contd.)

(iii) Seliani — Research Institute, Ilonga — Rice.
(iv) Tengeru — Research Institute, Lyamungu — Horticulture.
(v) Chambazi — Research Institute, Ilonga — Coconuts.

(d) Each research institute below shall administer research centre specified opposite to its name—

(i) Research Institute, Mlingano — Muheza and Mpiji.
(ii) Research Institute, Ilonga — Hombolo.
(iii) Research Institute, Naliendele — Nachingwea and Mtopwa.
(iv) Research Institute, Tumbi — Chunya, Iringa and Kasulu.
(v) Research Institute, Lyamungu — Miwaleni.
(vi) Research Institute, Ukiriguru — Mwanhala, Lubega, Mwamala, Mabuki and Bwanga.

SECOND SCHEDULE

I.—(I) The Council shall consist of—
(a) a Chairman who shall be appointed by the President;
(b) the Director-General;
(c) not less than twelve nor more than fifteen other members, who shall be appointed by the Minister from amongst persons nominated one each by—
(i) Office of the Prime Minister;
(ii) Ministry of Agriculture, (Crops Division);
(iii) Ministry of Agriculture, (Livestock Division);
(iv) Ministry of Natural Resources and Tourism;
(v) Ministry of Health;
(vi) Ministry of Finance and Planning;
(vii) the University of Dar es Salaam;
(viii) Tanzania National Scientific Research Council;
(ix) Director-General -Tanzania Livestock Research Organization;
(d) six other members to be appointed by the Minister.

(2) The appointments to be made by the Minister shall be from amongst persons who have had experience of, and have shown capacity in agriculture or any of its branches, agricultural education or research, social welfare, financial matters, business management, administration or organization of workers.

(3) The Council may appoint any employee of the Organization to be the Secretary of the Council.

The members shall elect one of their members to be the Vice-Chairman who shall, subject to his continuing to be a member, hold office for a term of one year from the date of his election and shall be eligible for re-election.
3.-(1) A member of the Council shall hold office for such period as the appointing authority May specify in his appointment, or if no period is so specified) shall hold office for a term not exceeding three years from the date of his appointment, and shall be eligible for re-appointment-

(2) In the case of a member who is I member by the virtue of his holding some other office, he shall cease to be a member upon his ceasing to hold that office.

(3) The appointing authority may at any time revoke an appointment made by him under paragraph I and any member so appointed may at any time resign his office by notice in writing to the appointing authority.

4. if a member of the Council who is a member by the virtue of his holding some other office is unable for any reason to attend any Meeting of the Council, he may nominate in writing another person from his institution to attend the meeting in his place.

5. If any vacancy occurs in the membership of the Council by reason of the death, resignation or permanent incapacity of any member thereof or otherwise, the appointing authority may appoint another person to fill that vacancy, and the person so appointed shall hold office for the unexpired residue of period or office, of the member in whose place he is appointed.

6. The Minister may, on the advise of the Council, by order published in the Gazette, from time to time vary the composition of the Council.

7.-(1) The council shall ordinarily meet for the transaction of its business at the time and places determined by it, but shall meet at least once every three months-

(2) The Secretary of the Council shall give each member adequate notice of the time and place of every meeting and shall keep the record of the proceedings of every meeting of the Council.

(3) The Chairman, or in his absence the Vice-Chairman, shall preside at every meeting of the Council- In the absence of both the Chairman and the Vice-Chairman, members present shall appoint one of their member to preside over the meeting.

(4) The Chairman or with his consent, the Secretary, may invite any person who is not a member to participate in the deliberations at any meeting of the Council, but any person so invited shall not be entitled to vote.

8.-(1) The quorum at any meeting of the Council shall be one half of the total number of members of the Council and, where there is an uneven number of members, shall be the whole next number above half.

(2) Subject to the provisions of sub-paragraph (1) the Council may act, notwithstanding any vacancy in its number,

9.-(1) Questions proposed at the meeting of the Council shall be decided by majority of the votes of the members present and voting and in the event of an equality of votes, the person presiding shall have a second vote in addition to his casting or deliberative vote--

(2) Notwithstanding sub-paragraph (1), a decision may be made by the Council without a meeting by circulation Of the relevant papers among the members, and the expression in writing of the views Of the majority of Members.*

10.-(1) The Council shall cause to be recorded and kept minutes of all business conducted or transacted at its meetings, and the minutes of each meeting of the Council shall be read and confirmed, or amended and confirmed, at the next meeting of the Board and signed by the Person presiding at the meeting.

(2) Any minutes signed or Purporting to have been signed, by the person presiding at the meeting of the Council shall, in absence of proof of error or, be deemed to be correct record of the meeting whose minutes they Support.
11. No act or proceeding of the Council shall be invalid by reason only of any vacancy among its members or defect in the appointment of any of them.

12. All orders, directions, notices or other documents made or issued on behalf of the Council shall be signed by-
   (a) the Chairman of the Council; or
   (b) the Director-General or any other officer of the Organization appointed in writing in that behalf by the Director-General.

13. The Seal of the Council shall not be fixed to any instrument except in the presence of the Director-General or any of the following persons-
   (a) the Chairman;
   (b) the Vice-Chairman.

14. Subject to the provisions of this schedule the Board may regulate its own proceedings.

Passed in the National Assembly on the third day of January, 1980.

[Signature]

Clerk of the National Assembly