

THE UNITED REPUBLIC OF TANZANIA



No. 12 OF 1984

I ASSENT,

Julius K. Nyerere
.....
President

18. September, 1984.

An Act to provide for the establishment of the Agricultural Development Fund and for the Management of that Fund

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

- 1. This Act may be cited as the Agricultural Irrigation Development Fund (Establishment and Management) Act, 1984 and shall come into operation on the first day of July, 1984. Short title and commencement
- 2. In this Act, unless the context otherwise requires— Interpretation
 - “Co-operative Society” means a co-operative society registered under the Co-operative Societies Act, 1982; Acts, 1982 No. 14
 - “District Development Corporation” means a District Development Corporation established under the District Corporation Act, 1973; Acts, 1973 No. 16
 - “Foreign Government” includes any agency of such Government;
 - “Fund” means the Agricultural Development Fund established under section 3;
 - “International Organization” includes, specialized agencies of the United Nations, Aid Foundations, or other multilateral Aid Institutions;
 - “Minister” means the Minister for the time being responsible for Finance;
 - “the Co-operative and Rural Development Bank” means the Co-operative Co-operative and Rural Development Bank established by the and Rural Development Bank Act, 1971. Acts, 1971 No. 7

PART II

THE AGRICULTURAL DEVELOPMENT FUND

- Establishment of the Fund** 3. There is hereby established a fund to be known as the Agricultural Development Fund.
- Purpose of the Fund** 4. The purposes for which the Fund is established are—
- (a) financing by way of loan or equity of fixed investment by parastatal organizations, District Development Corporations, Co-operative Societies or villages engaged in the production processing or marketing of food products;
 - (b) financing by way of loan or grant, procurement or purchase of agricultural input by organizations engaged in the production, processing or marketing of food produce and other related products;
 - (c) financing by any of loan or grant the procurement or purchase of equipment or the training of the citizens of the United Republic by or for the benefit of organizations or other public authorities engaged in the prevention or carrying out of irrigation schemes and projects for agricultural development;
 - (d) financing by way of loan or grant, research of study by or for the benefit of organizations engaged in the production, processing or marketing of food produce and other related products;
 - (e) financing by way of loan or grant, training of citizens of the United Republic by or for the benefit of the organizations engaged in the production, processing or marketing of food produce and other related products.
 - (f) financing by way of loan or grant any project agreed or approved for implementation pursuant to any agreement or memorandum of understanding between the Government of the United Republic and Foreign Government or International Organization.
- Sources of the Fund** 5. The resources of the Fund shall be—
- (a) such sums, as shall accrue from sales of Food Aid which may be received by the Government from Foreign Government and International Organizations;
 - (b) such sums as shall accrue from sales of fertilizer, pesticides and other Agrochemical products received as aid by the Government from Foreign Government and international organizations.
 - (c) such sums as may in any manner become payable to or vested in the Fund either under the provisions of any written law or incidental to its administration by the Co-operative Rural Development Bank.
- Management of the Fund** 6.—(1) The Co-operative and Rural Development Bank shall administer the Fund as a Special Fund and, subject to the provisions of the Act, section 8 of the Co-operative and Rural Development Bank Act, 1971 and other provisions of that Act regulating Special Funds shall apply to the Fund.

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(2) The Co-operative and Rural Development Bank shall maintain the Fund in separately designated bank account or accounts and shall manage the same in accordance with such directions as the Minister may, from time to time, issue:

Provide that the Co-operative and Rural Development Bank shall make no payment out of the Fund save with the consent in writing of the Treasury Registrar in accordance with the agreed annual expenditure programme.

(3) Notwithstanding the foregoing provisions, the Co-operative and Rural Development Bank may, where circumstances so require, administer part of the Fund and maintain accounts for such part of the Fund jointly with a Foreign Government or International Organizations.

(4) Where any payment out of the Fund is made for the purchase of any equity investment, such equity investment shall be held by—

- (a) the Co-operative and Rural Development Bank; or
- (b) any Parastatal Organization; or
- (c) any District Development Corporation;
- (d) any co-operative society;
- (e) the Treasury Registrar,

as the Treasury Registrar may direct, and any such bank, parastatal organization, District Development Corporation or co-operative society holding any equity investment shall, at any time, on the direction of the Treasury Registrar, transfer the equity investment to any other organization specified by the Treasury Registrar or to the Treasury Registrar.

(5) The Minister may, by regulations, regulate the administration of the Fund.

(6) Any person who authorises any payment out of the Fund in contravention of any provision of this Act or any direction given or of regulations made under this section shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

(7) The Bank may deduct from the Fund a service charge to be determined by the Minister.

7.—(1) The Co-operative and Rural Development Bank shall cause to be provided and kept proper books of account of the payments made into and out of the Fund. **Accounts and audit**

(2) The accounts of the Fund shall be audited annually by the Tanzania Audit Corporation and the audited accounts of the Fund shall be published at the same time as the audited accounts of the Co-operative and Rural Development Bank are published.

8.—(1) Where the Minister is satisfied that at the close of any financial year there are in the Fund moneys which are not immediately required for the purpose of the Fund (which moneys shall in this section be referred to **Power of Minister to reallocate moneys in the Fund**

as a "surplus"); he may if in his opinion financial exigencies or the public interest so require, and notwithstanding any provision to the contrary contained in this Act or in any other written law, authorize the application of the whole or any part of the surplus for or towards defraying the development expenditure of any Ministry or Department of the Government in any financial year.

(2) Every authorization for the application of any surplus made under this section shall be sufficient authority, without further appropriation, to issue from the Fund the sum required for the purpose specified by the Minister.

(3) Where the Minister proposes to authorize application of any surplus for a purpose other than that agreed to between the Government and Foreign Government or International Organization, he shall first obtain the concurrence of the Foreign Government or the International Organization, as the case may be.

9. The provisions of this Act shall apply notwithstanding the provisions of the Exchequer and Audit Ordinance or any other written law and any allocation of any public revenue to the Fund shall be made without further appropriation.

This Act
to apply
notwith-
standing
provisions
of any
written
law

Passed in the National Assembly on the twenty-fourth day of July, 1984.


Clerk of the National Assembly