# THE COMMODITY IMPORT SUPPORT REGULATION ACT, 1992

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THE UNITED REPUBLIC OF TANZANIA

No. 15 of 1992

I ASSENT,

President

21/9/92

An Act to provide for the procedure, terms and conditions for the allocation of commodity import support to beneficiaries and for related and connected purposes

1. This Act may be cited as the Commodity Import Support Regulation Act, 1992 and shall be deemed to have come into operation on 1st July, 1992.

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

“beneficiary” means any person or institution within the United Republic who or which has been allocated a commodity import support facility;

“cash cover” means the sum of money in Tanzanian shillings which is equivalent to the value of the commodity import support facility allocated to a beneficiary;

“commodity import support facility” means any funds in foreign currency or any imports donated to the Government of the United Republic by a foreign donor which are intended to be allocated to a beneficiary other than by way of the open general licence facility on payment or on the undertaking to pay cash cover;

“the Principal Secretary” means the Principal Secretary to the Treasury.

3. The Government of the United Republic in collaboration with any foreign donor shall determine the priority category of possible beneficiaries in such manner as may appear appropriate.
4. Where the prospective beneficiary has been determined in accordance with section 3, the Principal Secretary to the Treasury shall issue a letter of notification informing the prospective beneficiary of the proposal to allocate a commodity import support facility and requiring the prospective beneficiary to submit a formal application within such time as may be specified.

5.—(1) The prospective beneficiary shall within the time specified under section 4 submit to the Principal Secretary a formal application for allocation of commodity import support facility.

(2) Every application shall specify—

(a) the name and address of the beneficiary;

(b) the amount of foreign currency or in the case of imports, the quantity and value of the imports being applied for;

(c) the type of goods intended to be imported;

(d) the purpose for which the imports are required;

(e) the name and address of the beneficiary’s bankers.

6. Every application shall be accompanied by—

(a) a declaration of the beneficiary that,

(i) cash cover would be paid in full; or

(ii) cash cover would be paid by instalments;

(b) a confirmation from the beneficiary’s bankers that the beneficiary has the financial resources to pay the cash cover or the instalments as declared by the beneficiary.

7. The Principal Secretary shall issue a letter of allocation to a beneficiary who—

(a) has submitted an application which complies with the provisions of sections 5 and 6;

(b) has paid to the Treasury—

(i) cash cover; or

(ii) in the case of payment by instalments, has paid not less than twenty percentum of the cash cover and has undertaken in writing to repay the balance and interest within such time as the Principal Secretary may specify.
8. Payment by instalments shall be subject to the conditions that—
(a) all the instalments shall be paid within the time specified by the
 Principal Secretary;
(b) interest shall be charged on the sum payable by instalments at
 the prevailing rate charged by the Bank of Tanzania on advances
 to the Government of the United Republic.

9.—(1) Any unpaid instalments or interest due on any cash cover
 relating to any commodity import support facility whether granted to a
 beneficiary before or after the enactment of this Act, shall constitute a
debt to the Government of the United Republic and may be recovered
 as a civil debt at the instance of the Commissioner of Income Tax or
 any authorized public officer on behalf of the Commissioner of Income
 Tax in the manner provided in subsection (2).

(2) Where any cash cover, instalment or interest payable under this
 Act is due from any person and that person fails to pay the amount due
 and no proceedings are pending in any court in relation to that person’s
 liability to pay the amount due or, if there has been any proceedings,
such proceedings have been disposed of and the amount is payable in
 accordance with the decision of the court, the Commissioner of Income
 Tax may lodge in a court of the resident magistrate having jurisdiction
 over the area in which the person from whom the amount is due ordinarily
 resides or carries on business or works for gain, a certificate signed by
 him and stating—

(i) the name and address of the person from whom the cash cover,
 instalment or interest is due; and

(ii) the amount of the cash cover, instalment or interest; and

(iii) the fact that the amount of cash cover, instalment, interest or
 other payment is due,

and upon such certificate being lodged in that court, the certificate shall
 be deemed to be a decree passed by the court against the person named
 in the certificate for payment by him to the Government of the amount
 stated in the certificate and every such decree may be executed in the
 same manner as a decree passed by a court of a resident magistrate in
 a civil suit.

(3) The provisions of subsection (2) shall apply notwithstanding that
 the amount involved exceeds the pecuniary jurisdiction of a court of a
 resident magistrate.

(4) Every certificate filed pursuant to subsection (2) shall be conclusive
 evidence of the truth of the statements contained in it.
(5) The method for recovery of cash cover, instalments, interest or other payment due under this Act prescribed by subsection (2) shall be without prejudice to any other method available for the lawful recovery of such cash cover, instalment or interest.

Passed in the National Assembly on 14th August, 1992.

Clerk of the National Assembly

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