THE UNITED REPUBLIC OF TANZANIA

I, JOHN SAMUEL MALECELA, for the time being discharging the functions of President, do hereby assent.

J.S.M.

No. 11 of 1992

I ASSENT,

.....
President

11th June, 1992.

An Act to amend certain written laws

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Written Laws (Miscellaneous) (No. 2) Act, 1992. Short title

2. The various laws set forth in the first and second columns of the Schedule to this Act are hereby amended in the manner specified in the third column.

SCHEDULE

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
Acts, 1972 No. 5	The Motor Vehicles (Restriction on Acquisitions and Dispositions) Act, 1972	The Act is amended by repealing section 5
Acts, 1976	The Tanzania News Agency Act, 1976	The Act is amended— (a) in sub-section (1) of section 4— (i) by deleting paragraphs (c) and (d); and (ii) by renumbering paragraphs (e), (f), (g) and (h) as paragraphs (c), (d), (e) and (f) respectively; (b) In Section 6— (i) by inserting a semi-colon immediately after the word "Agency" which appears in the third line of paragraph (g) and by deleting the words "or for the grant to any person of any kind of authorization under this Act" which appear at the end of that paragraph; (c) by repealing Sections 7, 8, 9, 10, 11 and 12; (d) In sub-section (1) of Section 29— (i) by deleting paragraph (a); and (ii) by renumbering paragraphs (b), (c), (d) and (e) as paragraphs (a), (b), (c) and (d) respectively.
Acts, 1978 No. 10	The Food (Control of Quality) Act, 1978	Section 3 is amended— (a) in the definition "advertisement" by deleting the words "solely for the display of advertisements" and substituting for them the passage "for the display of advertisements designed to promote, directly or indirectly the sale or disposal of food;" (b) by deleting the definition "authorised officer" and substituting for it the following:

"authorised officer" means a health officer, a medical officer, a Veterinary officer registered or licensed under the Veterinary Surgeous Ordinance and includes a medical assistant, health assistant, fisheries officer, meat inspector and any other person appointed by the Minister under section 61 for the purposes of this Act; save that for the purposes of the provisions of this Act releting to the taking of samples, any police officer of or above the rank of corporal, as well as each member of the Commission shall be an authorized officer;

(c) by deleting the definition "food" and substituting for it the following:

""food" means any article other than drugs used as food for human consumption and includes any substance used in manufacture or treatment of food;";

(d) by inserting immediately after the definition "Member" the following:

""Minister" means the Minister for the time being responsible for health;";

(e) by deleting the definitions "sanitary convenience" and "slaughterhouse" and substituting for them, respectively, the following:

""Sanitary convenience" means a latrine privy, urinal, water closet, pit latrine earth closed or chemical closet;

"Slaughterhouse" means any premises or place approved and registered by the Commision for use for the slaughter of animals for human consumption and includes an abattoir and export slaughterhouse;

Section 8 is amended in subsection (2) by adding after paragraph (f) the following:

"(g) that the manufacturer has adequate facilities, expertise or skill, or has personnel qualified to execute the business for which he is seeking to be licensed;

(h) that he has adequate facilities such as would enable him to maintain the standards of quality prescribed in relation to the manufacture of food."

Sections 16(1), 17(1)(b) and 25(2)(a) are amended by deleting the word 'minimum' wherever it appears.

SCHEDULE—*(contd.)*

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
		Section 19 is amended in subsection (1) and in subsection (2)(b) by deleting the words ten thousand and substituting for them the words "one million". Section 23 is amended in subsection (3) by inserting the word "game", immediately after the word 'poultry' appearing therein. Section 28 is amended — (a) in the marginal note by deleting the word "COWS" and substituting for it "dairy animals"; (b) in subsection (1)(b) by deleting the word "COW" and substituting for it the words "dairy animal". Section 37 is amended— (i) in subsection (3), by deleting the words "five thousand" and substituting for them the words "one million;" (ii) in subsection (6), by deleting the words "or drugs" appearing on the fifth line. Section 38 is amended in subsection (2) by deleting the word "indenlity" appearing in the third line and substituting for it, the word "identity." Section 53 is amended in subsection (2) by deleting the words "three thousand" and substituting for them the words "three hundred thousand"
Acts, 1991	**The Tanzania Postal Bank Act, 1991**	Section 57 is hereby repealed. Section 4 is amended— (i) in subsection (1) by deleting the word "financial institutions" and substituting for them the word "bank"; and (ii) in subsection (3)— (a) by deleting the words "specified financial institution" and substituiting for them the word "bank" and

(b) by deleting the words "Bank of Tanzania Act, 1965" and substituting for them the words "Bank and Financial Institutions Act, 1991".

Section 5 is hereby repealed and replaced by the following—

Objects and Functions of the Bank

5.—(1) The objects of the Bank shall be:—

(a) To mobilize local savings and to promote the savings habits of the population;

(b) To provide in accordance with the provisions of the Banking and Financial Institutions Act, 1991 adequate and proper Banking services and facilities throughout the United Republic;

(c) To mobilize local resources by acepting deposits, loating bonds, debenture and other monetary instruments;

(d) Subject to the provisions of this Act, to administer such special funds as may from time to time be placed at the disposal of the Bank;

(2) The Bank shall:—

(a) Carry on the business of Banking in all the branches and departments, including borrowing, raising or taking up money; lending or dealing in bills of exchange, promissory notes; coupons, drafts, bills of lading, warrants, debentures, certificates, scripts and other instruments and securities, whether transferrable or negotiable, or not; granting and issuing letters of credit and circular notes; buying, selling, and dealing in bullion and specie; acquiring, holding and issuing on commission undr writing and dealing with stocks; funds; shares; debenture, debenture stock; bonds; obligations, securities and investments of all kinds, the negotiating of loans and advances, receiving money and valuables on deposit, or for safe custody, or otherwise, collecting and transmitting money and securities, managing property, and transacting all kinds of agency business commonly transacted by Bankers;

SCHEDULE—*(contd.)*

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
		(b) Undertake and execute any trusts the undertaking whereof may seem desirable, and also to undertake the office of executor, administrator, receiver, registrar of auditor, and to keep for any stocks, funds, shares or securities, or to undertake any duties relating to the registraion of transfers and the issue of certificates;
		Section 6 is hereby repealed and replaced by the following:
"Establishment of General Reserve Fund		**6.**—(1) The Bank shall establish and maintain a general reserve fund in accordance with the section 13 and 14 of the Banking and Financial Institutions Act, 1991.
Acts, 1991 No. 12		(2) Subject to the provisions of the Banking and Financial Institutions Act, 1991, in relation to the computation of reserve funds, the Board of Directors shall determine annually what part of the net income of the Bank, including net income accounting the special funds, shall be allotted, after making provision for the reserve fund, to surplus and what part, if any, shall be distributed amongst the share holders.
		(3) Any distributation amongst share holders in parsuance of subsection (2) shall be in proposition to the number of shares held by respective shareholders, and payment shall be made in such manner as the Board of Directors shall determine.
		Section 7 is hereby amended—
		(a) in subsection (1) by deleting the word "six" and substituting for it the word "seven";
		(b) by adding after subsection (1) the following:
		"(2) The Chairman of the Board Shall be appointed by the subscriber with the largest number of shares and, the Vice-Chairman shall be appointed by subscribers with the second largest number of shares".
		(c) by deleting subsection (2) and substituting for it the following:

"(3) The General Manager shall be a non voting participant at meetings of the Board";

(d) by deleting subsection (3) and substituting for it the following:

"(4) Of the eight members of the Board—

(a) three shall be appointed by the Minister;

(b) two shall be appointed by the Tanzania Posts and Telecommunications Corporation;

(c) one shall be appointed by the Minister responsible for finance in the Revolutionary Government of Zanzibar;

(d) Two shall be appointed by other shareholdrs of the Bank, if any.";

(e) by renumbering subsections (4), (5) and (6) as subsections (5), (6) and (7) respectively,

Section 8 is hereby repealed and replaced by the following:

"8. The Board shall be responsible for the conduct, management and supervision of the affairs, business and operations of the Bank and in particular, shall—

(a) formulate the general business policy of the Bank;

(b) formulate operational rules of the Bank;

(c) supervise all banking activities;

(d) appoint and dismiss the General Manager, other Managers and the internal auditor of the Bank.";

Section 9 is hereby amended—

(a) in subsection (2) by deleting the designation "Chief Manager" and substituting for it the designation "Vice-Chairman";

(b) by deleting subsection (4) and substituting for it the following:

"(4) Decisions of the Board shall be by a majority of the votes of Directors present and voting."

Section 10 is hereby amended by deleting subsections (3) and (4) and substituting for them, respectively, the following:

SCHEDULE—*(contd.)*

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
		"(3) The General Manager shall be the chief executive of the Bank who shall, under the direction of the Board, conduct the current business of the Bank and be responsible for the organisation , appointment and dismissal of the officers and staff in accordance with regulations adopted by the Board, and may authorize expenditure within the administrative budget approved by Board. (4) The General Manager shall have authority, solely or jointly with such other persons as the Board may designate, to sign agreements concluded by the Bank, notes of securities by the Bank, reports, balance sheets, statements, correspondence and other documents of the Bank.".
		Section 11 is hereby amended— (a) by deleting subsection (1) and substituting for it the following: "(1) The authorised capital of the Bank shall be one billion shillings divided into one million shares each having a par value of one thousand shillings." (b) by deleting subsection (3) and substituting for it the following: "(3) The authorized capital stock of the Bank may be increased by a resolution of the Board upon advice by the Bank of Tanzania and with the prior approval of a general meeting."
		Section 12 is hereby amended— (a) in subsection (1) by inserting immediately after the words "United Republic" the words "the Revolutionary Government of Zanzibar"; (b) by deleting subsections (4) and (5) and substituting for them, respectively, the following:

"(4) In the event that the authorized capital stock of the Bank is increased, the new shares shall be issued in the first instance to the shareholders, in proportion to the number held by them.

(5) The Board may approve the sale, transfer or allocation of shares to any interested person without prejudice to the existing rights of the shareholders."

(c) by deleting subsection (7), renumbering subsection (6) as subsection (7) and providing the following as subsection (6):

"(6) Subject to subsection (5), the shares of the Bank shall be transferrable by an instrument to be executed by both the transferor and transferee.";

The Act is hereby amended by adding immediately after section 12 the following section:

"Meetings of share holders

12A.—(1) An ordinary meeting shall be held once every year and be convened and chaired by the Chairman of the Board or the Vice-Chairman or, in the absence of both, any other person appointed by the members of the meeting in attendance, to act in that capacity at that meeting.

(2) Every shareholder shall be entitled to participate in the general meeting and to vote at it either in person or by proxy.

(3) The majority of shareholders including the representative of the Government of the United Republic, the Revolutionary Government of Zanzibar and the Tanzania Posts and Telecommunications Corporation present in person and entitled to vote at the meeting shall constitute a quorum.

(4) A decision of the shareholders holding not less than fifty one percent of the issued shares shall be adopted by the meeting.

(5) Voting shall be by poll.

(6) Save where it is provided otherwise, an ordinary meeting shall transact the following business—

(a) decide on any increase of the authorized Capital of the Bank;

(b) receive and adopt the annual accounts of the Bank and the auditors report thereon;

SCHEDULE—*(contd.)*

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
		(c) On recommendation of the Board, decide on the general reserve fund and what part of the next income of the Bank shall be alloted to surplus and what part shall be distributed as dividends; (d) fix remuneration of Members of the Board; (e) appoint the auditor of the Bank for the ensuing year. (7) The Chairman of the Board may, whenever necessary and at any time of the year, convene an extraordinary geneal meeting.". "Section 23 in hereby repealed."
Acts, 1978 No. 25	The National Education	The Act is hereby amended by repealing section 30.

Passed in the National Assembly on 12th May, 1992

G. F. Mlawa,

Clerk of the National Assembly

Printed by the Government Printer, Dar es Salaam—Tanzania