

THE STANDARDS ACT, 1975

ARRANGEMENT OF SECTIONS

Section

Title

PART I

PRELIMINARY

1. Short title.
2. Interpretation.

PART II

THE NATIONAL STANDARDS INSTITUTE

3. Establishment of the Institute.
4. Functions of the Institute.
5. Council.
6. Power and duties of Council.
7. Director.
8. Committees.

PART III

FINANCIAL PROVISIONS

9. Funds of the Institute.
10. Power to borrow.
11. Annual and supplementary budget.
12. Investment.
13. Accounts and audit.
14. Director's report.
15. Annual statement of accounts and report to be laid before
National Assembly.

PART IV

ESTABLISHMENT OF STANDARDS

16. Standards marks.
17. Compulsory standards.
18. Appeals.

*Section**Title***PART V**

ENFORCEMENT PROVISIONS

19. Samples and information.
20. Appointment of inspectors.
21. Powers of inspectors.
22. Obstruction.
23. General penalty.
24. Where offence is committed by body corporate.
25. Liability of employer or principal.

PART VI

MISCELLANEOUS PROVISIONS

26. Minister may give directions to Council.
27. Protection of Government, Institute, Council and members and employees against claims in relation to standards marks.
28. Protection of members of Council and officers of Institute.
29. Secrecy of information.
30. Victimization.
31. Regulations.
32. Fees and allowances.

SCHEDULE

THE UNITED REPUBLIC OF TANZANIA



No. 3 OF 1975

I ASSENT,

The signature of Julius K. Nyerere, President of Tanzania, written in cursive script.
President

3rd APRIL, 1975

**An Act to provide for the Promotion of the Standardization of
Specification of Commodities, to establish a National Standards
Institute and to provide for the Functions, Management and
Control of the Institute**

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Standards Act, 1975 and shall come into operation on such date as the Minister may by notice in the Gazette appoint. short title

2. In this Act, unless the context otherwise requires- Interpreta-
tion

"code of practice" means a set of rules relating to the method to be applied or the procedure to be adopted in connection with the construction, installation, testing, operation or use of any article, apparatus, instrument, device or process;

"compulsory standard" means a standard which has been declared to be a compulsory standard under section 17;

"Council" means the Executive Council of the National Standards Institute established by section 5;

"Director" means the Director of the Institute appointed under section 7;

"inspector" means an inspector appointed under section 20;

"Institute" means the National Standards Institute established by section 3;

"mark" includes any device, brand, heading, label, ticket, name, signature, word, letter or numeral, or any combination thereof;

"Minister" means the Minister for the time being responsible for matters relating to commerce and industry;

"sell" includes barter and exchange, and exposure or offer for sale, and export for or in pursuance of sale, and have in possession for any purpose of sale, export trade or manufacture;

"specification" means a description of any commodity by reference to its nature, quality, strength, purity, composition, quantity, dimensions, weight, grade, durability, origin, age or other characteristics. or to any substance or material of or with which, or the manner in which, any commodity may be manufactured, produced, processed or treated;

"standards mark" means a mark which has been approved and registered by the Institute as mark denoting conformity to a standard

"standard" means a set of rules or conditions, approved, prescribed or recommended by the Institute, which relate to or govern the specification, code of practice, safety, trade description, sampling method, testing method or any other aspect, quality, nature or matter of, relating to or connected with-

(a) the production or marketing of any commodity; or

(b) any component, raw material, machinery, instrument, apparatus or other thing whatsoever used, directly or indirectly, in the production or marketing of any commodity,

and includes, in relation to metrology, provisions approved or prescribed by the Institute, relating to the fundamental unit or physical constant and the testing of instruments and apparatus used for the determination of weights and measures; and

"standardization" means the provision or promotion of standards;

PART II

THE NATIONAL STANDARDS INSTITUTE

Establish-
ment of the
institute

3.-(1) There is hereby established an Institute which shall be known as the National Standards Institute.

(2) The Institute shall be a body corporate with perpetual succession and a common seal, and shall, in its corporate name, be capable of-

(a) suing and being sued;

(b) taking, purchasing or otherwise acquiring, holding, charging and disposing of property, movable or immovable; and

(c) entering into contracts and doing or performing all such other things or acts for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

Functions
of the
institute

4.-(1) Subject to any direction of general nature which the Minister may give under section 26, the functions of the Institute shall be-

(a) to undertake measures for quality control of commodities of all descriptions and to promote standardization in industry and commerce;

(b) to make arrangements or provide facilities for the testing and calibration of precision instruments, gauges and scientific apparatus, for the determination of their degree of accuracy by comparison with standards approved by the Minister on the recommendation of the Council, and for the issue of certificates in regard thereto:

-
- (c) to make arrangements or provide facilities for the examination and testing of commodities and any material or substance from or with which, and the manner in which, they may be manufactured, produced, processed or treated;
 - (d) to control, in accordance with the provisions of this Act, the use of standards marks;
 - (e) to grant, renew, suspend, vary or cancel any licence issued for the use of any standards mark;
 - (f) to assist industries in setting up and enforcing quality control procedures;
 - (g) to prepare, frame, modify or amend standards;
 - (h) to encourage or undertake educational work in connection with standardization;
 - (i) to assist the Government or any other person in the preparation and framing of standards;
 - (j) to provide for co-operation with the Government or the representatives of any industry or with any statutory corporation or other person, with a view to securing the adoption and practical application of standards;
 - (k) to provide for the testing of locally manufactured and imported commodities with a view to determining whether such commodities comply with the provisions of this Act or any other law dealing with standards relevant to such commodities;
 - (1) to act as the custodian of the national primary standards of weights and measures and from time to time adjust, replace or cancel such standards where such adjustment, replacement or cancellation is necessary for the maintenance of conformity to the international standards;
 - (m) to collect, publish and disseminate literature and other materials on standardization and other related subjects and to provide facilities for the members of the public to have access to such materials;
 - (n) to carry-out, promote or assist in research or standardization and related subjects;
 - (o) to participate in, or to make arrangements for, conferences, seminars and discussions on matters connected with the activities of the Institute;
 - (p) to do all such acts and things, and enter into all such transactions, as are, in the opinion of the Council, expedient or necessary for the proper and efficient discharge of the functions of the Institute.
- (2) In the performance of its functions the Institute shall-
- (a) have regard to the health and general welfare, of the people of the United Republic;

- (b) maintain, as far as may be practicable, a system of consultation and co-operation with any body established by the Community or by any written law and having functions similar to those specified in subsection (1) or having functions which relate to industrial or commercial standards generally.

Council

5.-(1) There shall be an Executive Council of the National Standards Institute.

(2) The provisions of the Schedule to this Act shall have effect as to the Composition Of the Council, the appointment and termination of the appointment of its members, the proceedings of the Council and such other matters in relation to the Council and its members as are provided for therein.

(3) The President may, by order in the Gazette, amend, vary or replace all or any of the provisions of the provisions of the Schedule to this Act.

Power and
duties of
council

6.-(1) subject to the provisions of this Act, the management and control of the Institute shall be vested in the Council.

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

- (a) to administer the properties of the Institute, both movable and immovable;
- (b) to administer the funds and other assets of the institute;
- (c) to signify the acts of the Institute by use of the official seal;
- (d) on behalf of the Institute to receive gifts, fees, donations grants or other moneys;
- (e) subject to the provisions of this Act, to appoint such officers of the Institute as the Council may consider necessary-,
- (f) to do all acts and things as may be provided for in this Act or as may, in the opinion of the Council, be necessary or expedient for the proper discharge of the functions Of the Institute.

Director

7.-(1) The President shall appoint a suitable person to be the Director of the Institute.

(2) The Director shall be the chief administrative officer of the Institute.

(3) The Council may, with the consent of the Minister, appoint a Deputy Director or an Assistant Director who shall perform such functions as the Director may assign to him and who shall, in the absence of the Director from the United Republic, act in his place.

(4) The Director or in his absence the Deputy Director shall be the executive secretary of the Council and shall as such be entitled to be present and to speak at any meeting of the Council, but shall not be entitled to vote thereat unless he is also appointed as a member of the Council.

Committees

8.-(1) The Council may appoint committees and sub-committees and may, subject to such conditions as it may specify, delegate to them all or any of its functions under this Act.

(2) The provisions of the Schedule to this Act (other than the provisions which relate to the composition of the Council) shall apply, *mutatis mutandis* in relation to the committees and subcommittees appointed under this section:

Provided that the Council may, by directions in writing, in relation to any such committee or sub-committee, disapply all or any of the provisions of the Schedule to this Act or modify the same in such manner as may be specified in such direction.

PART III

FINANCIAL PROVISIONS

9. The funds and resources of the Institute shall consist of-

Funds of the
Institute

- (a) such moneys as may be provided for the purposes of the Institute by Parliament;
- (b) such funds or assets which may vest in or accrue to the Institute from other sources by way of fees, gifts, grants or otherwise;
- (c) such sums as the Council may, subject to the provisions of section 10, borrow for the purpose of the Institute.

10.-(1) With the prior approval of the Minister, the Council may, from time to time borrow moneys on behalf of and for the purposes of the Institute by way of loan or overdraft, and upon such security and such terms and conditions relating to the repayment of the principal and the payment of the interest as, subject to any directions by the Minister, the Council may deem fit.

Power to
borrow

(2) A person lending money to the Institute shall not be bound to enquire whether the borrowing of that money by the Council has been approved by the Minister.

11.-(1) In this Act "financial year" means any period not exceeding twelve consecutive months designated in that behalf by the Council.

Annual and
supple-
mentary
budget

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 longer or shorter period than twelve months.

(2) Not less than two months before the beginning of any financial year (other than the first financial year) the Council shall at its 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 Institute during that financial year;

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

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

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

(6) The Minister shall, upon receipt of the annual budget or any supplementary budget, approve or disapprove the same or may approve subject to such amendment as he may deem fit.

(7) Where the Minister has approved any annual budget or any supplementary budget, the budget or, as the case may be, the supplementary budget, shall be binding on the Council and the Council shall, subject to the provisions of subsection (8), confine the disbursements within the items and the amounts contained in the budget or supplementary budget as approved by the Minister.

(8) The Council may-

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

Investment

12. With the prior approval of the Minister, the Council may from time to time, invest any part of the moneys available in any fund of the Institute in investments authorized by the Trustees Investments Act, 1967 for the investment of any trust fund.

Accounts anti
audit

13.-(1) The Council shall cause to be provided and kept proper books of account and records with respect to-

- (a) the receipt and expenditure of moneys by, and other financial transactions of, the Institute;
- (b) the assets and liabilities of the Institute,

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 Institute and all its assets and liabilities.

(2) Within six months of the close of a financial year the Council shall cause the accounts including the balance sheet of the Institute in respect of that financial year to be audited by the Tanzania Audit Corporation established by the Tanzania Audit Corporation Act, 1968.

Act, 1968
NO. I

(3) As soon as the accounts of the Institute have been audited, and in any case not later than six months after the close of such financial year, the Council shall submit to the Minister a copy of the audited statement of accounts together with a copy of the report thereon made by the auditors.

(4) Every such audited balance sheet shall be placed before a meeting of the Council and, if adopted by the Council shall be endorsed with a certificate that it has been so adopted.

14. The Director shall, at the end of each financial year, prepare a report on the activities of the Institute during the financial year and submit such report to the Minister.

Director's
report

15. The Minister shall, as soon as may be practicable after the close of a financial year lay before the National Assembly the following documents in relation to such financial year-

Annual
statement of
accounts and
report to be
laid before
National
Assembly

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

(b) a copy of the auditor's report, if any;

(q) a copy of the Director's report.

PART IV

ESTABLISHMENT OF STANDARDS

16.-(1) The Minister may, on the recommendation of the Institute and subject to the provisions of subsection (2) and (3), by notice in the *Gazette*, declare any mark which has been approved by the Institute in respect of any standard framed by the Institute for any commodity, or the manufacture, production, processing or treatment of any commodity, to be a standards mark in respect thereof, and may in like manner cancel or amend any such mark.

Standardiza-
tions marks

(2) Every such notice shall contain such information in regard to the relevant standard or amendment thereof as the Minister considers necessary.

(3) No mark which is identical with any trade mark registered in respect of any commodity in accordance with the Trade Marks Ordinance or so nearly resembles such mark as to be likely to be mistaken for it shall be declared to be a standards mark in respect of that or any similar commodity or in respect of the manufacture, production, processing or treatment of that or any similar commodity, and no mark identical with a mark which has been duly declared to be a standards mark, or so nearly resembling such a mark as to be likely to be mistaken for it, shall be registered as a trade mark under that Ordinance in respect of any commodity.

Cap. 394

(4) After the coming into operation of a notice under subsection (1) of this section no person shall apply any standards mark mentioned in such notice to any commodity except under a licence issued by the Institute or a person acting under its authority and unless that commodity complies with the relevant standard or has been manufactured, produced, processed or treated in accordance therewith.

(5) Any person who-

(a) applies a standards mark to any receptacle or covering of any commodity or to any label attached to any commodity or any receptacle or covering thereof; or

(b) places or encloses any commodity in a receptacle or covering to which a standards mark has been applied, or in a receptacle or cover to which is attached a label to which any such mark has been applied.

shall. for the purposes of subsection (4) of this section. be deemed to have applied that standards mark to that Commodity-

(6) The issue of licence under subsection (4) shall be in the discretion of the Institute or the person acting under its authority, and y such licence may be issued subject to conditions to be specified therein and subject to the payment of such fees as may be prescribed.

(7) The Institute may at its discretion revoke or suspend any licence issued under the section or vary any condition attached to any licence.

(8) Any person who contravenes any of the provisions of subsection (4) of this section, or who contravenes any of the conditions which may be specified in a licence issued to him shall be guilty of an offence.

Compulsory
standard

17.-(1) The Minister may, on the recommendation of the Institute and subject to the provisions of this section, by notice in the *Gazette*-

(a) declare a standard for any commodity or for the manufacture, production, processing or treatment of any commodity to be a compulsory standard in relation thereto with effect from a date specified in such notice being a date not less than two months after the date of the publication thereof;

(b) amend any compulsory standard in the manner prescribed in paragraph (a);

(c) prescribe a standards mark for any commodity which complies with a compulsory standard or which has been manufactured, produced, processed or treated in accordance therewith and may cancel or amend any such mark.

(2) The Institute shall, at least two months before making any recommendation for the purpose of paragraph (a) of subsection (1). publish in *the Gazette* a preliminary notice setting forth the precise purport of the recommendation proposed and shall call upon all interested persons to lodge any objections in writing with the Institute in *such* manner and within such time as may be prescribed.

(3) Every person who has lodged an objection in accordance with subsection (2) shall be entitled to appear before the Council and be heard, either personally or through a representative, at *such* time and place as the Council shall determine, and publication of the relevant notice under paragraph (a) of subsection (1) shall not take place if any *such* objection is upheld or until after every such objector has had an opportunity to be heard and the reasons for the rejection of *any such* objection have been furnished in writing to that objector or his representative.

(4) Every notice published by virtue of this section shall contain full particulars of the relevant standard or the amendment thereof.

(5) Whenever the Minister has, under subsection (1) of this section, declared a standard to be a compulsory standard no person shall sell the commodity to which the standard relates after the date specified unless it complies with that standard or has been manufactured, produced, processed or treated in accordance herewith.

(6) After a standards mark has been prescribed in accordance with paragraph (c) of subsection (1) of this section no person shall apply that mark to any commodity except under and by virtue of a licence issued to him under this Act and unless that commodity or its manufacture, production, processing or treatment complies with the compulsory standard relative thereto.

(7) Any person who contravenes any of the provisions of subsection (5) or (6) of this section shall be guilty of an offence.

(8) The provisions of subsections (3) and (5) of section 16 *shall apply* with reference to a standards mark prescribed under subsection (1) of this section, and the provisions of subsection (6). (7) and (8) of the said section 16 shall apply respectively to the issue of a licence and a licence issued under this section.

(9) Where a person is charged with contravening subsection (5) of this section it shall be a good defence for him to prove to the satisfaction of the court that he had no knowledge nor any reasonable means of ascertaining whether before or at the time of sale, that the commodity specified in the charge did not comply with the standard relating thereto.

18. Any person who is aggrieved by-

(a) the refusal of the Institute to issue any licence;

(b) any condition attached to a licence; or

(c) the variation, cancellation or suspension of any licence,

may, within fourteen days of the notification of the act complained of being received by him, appeal in writing to the Minister who shall as soon as may reasonably be practicable, either confirm, set aside or vary the decision complained of, and the Minister's decision on any such appeal shall be final and shall not be subject to review by any court.

Appeals

PART V

ENFORCEMENT PROVISIONS

19.-(1) Every person to whom a licence has been issued under this Act shall, if so requested by the Council in writing, furnish within such period as may be specified such samples of any commodity to which the licence relates and all such information in regard to such commodity or its manufacture, production, processing or treatment as may be specified in the request.

Samples and
information

(2) Any person who contravenes any of the provisions of this section shall be guilty of an offence.

20.-(1) The Minister may, at the request of the Council by notice in the Gazette appoint any public officer or officer of the Institute as an inspector for the purposes of this Act.

Appointment
of inspectors

(2) Every person appointed as inspector under subsection (1) shall be furnished with a certificate of appointment signed by the Director stating that such person is authorized by the Minister to act as an inspector for the purposes of this Act.

21.-(1) An inspector may, for the purposes of this Act, at all reasonable times-

Power of
inspectors

- (a) enter upon any premises at which there is, or is suspected to be a commodity in relation to which any compulsory standard or standards mark exists;
- (b) inspect and take samples of any commodity or any material or substance used, or likely to be, or capable of being used in the manufacture, production, processing or treatment thereof, and cause any container within which there is or is suspected to be any quantity of any such commodity, material or substance, to be opened;
- (c) inspect any process or other operation which is or appears likely to be carried out in the said premises in connection with the manufacture, production, processing or treatment of any commodity in relation to which a compulsory standard or standards mark exists;
- (d) require from any person the production of any book, notice, record, list or other document which is in the possession or custody or under the control of such person or of any other person on his behalf and which the inspector believes to be relevant to any inspection or inquiry being carried out by him,
- (e) examine and copy any or any part of any such book, notice, record, list or other document which appears to him to have relevance to his inspection or inquiry, and require any person to give an explanation of any entry therein, and take possession of any such book, notice, record, list or other document as he believes may afford evidence of an offence under this Act;
- (f) require information relevant to his inquiry from any person whom he reasonably believes to be or to have been employed at any such premises or to have in his possession or custody or under his control any article referred to in this subsection.

(2) An inspector entering any premises under subsection (1) of this section shall, if so required, produce the certificate issued to him in accordance with section 20 and may be accompanied, if necessary, by an independent witness.

Obstruction

22. Any person who resists,, hinders or obstructs an inspector acting pursuant to subsection (1) of section 21 or wilfully fails to comply with any requirement made of him under the said subsection shall be guilty of an offence.

General

23.-(1) Any person convicted of an offence under this Act shall be liable to imprisonment for a term not exceeding three years, or to, a fine not exceeding fifteen thousand shillings, or to both such imprisonment and fine.

(2) On a second or subsequent conviction of any person for any offence under this Act he shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding fifty thousand shillings, or to both such imprisonment and such fine.

(3) On the conviction of any person for an offence under this Act the court may, in addition to any other penalty which may be imposed, order the confiscation of all or any part of any goods in respect of which the offence was committed, and all goods so confiscated shall be disposed of in such manner as the court may direct.

24. Where any offence under this Act or any regulations made hereunder is committed by a body corporate then, as well as the body corporate, any person who, at the time of the commission of the offence, was concerned as a director or an officer, with the management of the affairs of such body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly, unless he proves to the satisfaction of the court that he had no knowledge and could not, by the exercise of reasonable diligence, have had knowledge of the commission of the offence.

Where offence
is committed
by body
corporate

25. Where any offence under this Act or under any regulations made hereunder is committed by a person as an agent or employee then, as well as the agent or employee, the principal or employer shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves to the satisfaction of the court that he had no knowledge, and could not, by the exercise of reasonable diligence, have had knowledge, of the commission of the offence.

PART VI

MISCELLANEOUS PROVISIONS

26. The Minister may give the Council directions of a general or specific nature and the Council shall give effect to every such direction.

Minister may
give direc-
tions to Council

27. The fact that any commodity complies or is alleged to comply with a compulsory standard or has been or is alleged to, have been manufactured, produced, processed or treated in accordance with any such standard, or that a standards mark is used in connection with any commodity, shall not give rise to any claim against the Government, the Institute or the Council or any member or employee thereof.

Protection of
Government,
Institute,
Council and
employees
against
claims in
relation to
standards
marks

28.-(1) No matter or thing done by any member of the Council or any officer of the Institute shall, if done *bona fide*, in the execution or purported execution of the functions conferred upon such member or officer by this Act or by regulations made hereunder, render such member or officer personally liable for such matter or thing.

Protection
of members
of Council
and officers
of Institute

(2) For the avoidance of doubts it is hereby declared that the provisions of this section shall be without prejudice to the provisions of section 284A of the Penal Code or the provisions of the Specified Officers (Recovery of Debts) Act, 1970 or the Parastatal Employees (Recovery of Debts) Act, 1974.

Cap. 16
Acts, 1970
No. 7
Acts, 1974
No. 37

Secrecy of
information

29. Any person who is or has been engaged in the administration of this Act and who discloses, except for the purpose of the exercise of his functions or when required to do so by a court or under any written law, any information acquired by him in the exercise or purported exercise of his functions under this Act to any other person shall be guilty of an offence and shall be liable to penalties prescribed by section 23.

Victimization

30.-(1) No employer shall terminate the employment of any person employed by him or reduce the rate or remuneration of such person or otherwise alter the conditions of his employment to conditions less favourable to him or alter his positions to his disadvantage relative to other persons employed by such employer by reason only of the fact that he believes or suspects (whether or not such belief or suspicion is justified or correct) that person has given any information which he could be required under this Act to, give to an inspector or has complied with any lawful requirement of an inspector or has even evidence in any proceedings under this Act.

(2) An employer who contravenes any of the provisions of subsection (1) shall be guilty of an offence and shall be liable to the penalties prescribed by section 23, and the court convicting an employer of any such contravention may in addition to, any sentence which it imposes, order such employer-

- (a) to restore the rate of remuneration, or conditions of employment, or the position of an employee to that which existed immediately before, and with effect from, the date of the reduction or alteration which gives rise to the conviction;
- (b) to pay to any employee whose dismissal is the subject of such conviction a sum estimated by the court to be equal to his total remuneration for any period not exceeding twelve months calculated according to the rate at which he was being remunerated at the time of his dismissal.

(3) In any proceedings for an offence under subsection (2), if the court is satisfied that the employee's employment was terminated or that his remuneration was reduced or that his terms of employment were adversely varied within twelve months of such employee having given any information to an inspector or complied with a requirement made by an inspector or given evidence in any proceedings under this Act the court may, unless it is satisfied to the contrary, presume that such termination of employment, reduction of remuneration or variation of terms of employment was made by the employer because of the employee having given the information, complied with the requirement or given the evidence, as the case may be.

(4) An order made under paragraph (b), of subsection (2) may be enforced as if it were a judgment of a civil court in favour of the employee concerned.

Regulations

31.-(1) The Minister, after consultation with the Council, may make regulations generally for the better carrying out of the provisions and purposes of this Act.

(2) Without prejudice to the generality of subsection (1) of this section, such regulations may-

- (a) make provisions for matters, in respect of which fees shall be payable under this Act or the regulations;
- (b) prescribe the amount of any such fees and the persons who shall be liable for payment thereof;
- (c) prescribe forms to be used under this Act and the regulations;
- A provide for matters connected with appeals under this Act;
- (e) make provisions for requiring persons to supply information relevant to the provisions of this Act and the regulations;
- (f) prescribe anything which under this Act is to be prescribed, and in particular the procedure to be followed by the Institute in the performance of any of its functions under this Act.
- (3) There may be annexed to the breach of any subsidiary legislation made under this Act a penalty not exceeding a fine of fifteen thousand shillings or a term of imprisonment not exceeding three years or to both such fine and such imprisonment.

32. The Minister may, by directions under his hand, prescribe the fees and allowances payable to the members of the Council.

Fees and
allowances

SCHEDULE

1. In this Schedule unless the context otherwise requires-
"appointing authority" means, in relation to the Chairman of the Council, the President
and in relation to any other member, the Minister;
"member" includes the Chairman.

Construction

2.-(1) The Council shall consist of-

(a) a Chairman, who shall be appointed by the President; and

(b) not less than thirteen and not more than seventeen other members appointed by the Minister.

Composition
of Council

(2) In making appointments under sub-paragraph (b) of paragraph 1 the Minister shall ensure that the Party, the Government, the parastatal sector, the University, the manufacturers and the consumers are adequately represented on the Council.

3. No act or proceeding of the Council shall be invalid by reason only of the number of members not being complete at the time of such act or proceeding or of any defect in the appointment of any member or of the fact that any member was at the time disqualified or disentitled to act as such.

Proceedings
not to be
invalid by
irregularity
Tenure of
appointment

4.-(1) A member of the Board shall, unless his appointment is sooner determined by the appointing authority, or he otherwise ceases to be a member hold office for such period as the appointing authority may specify in his appointment, or if no period is so specified for a period of three years from the date of his appointment, and shall be eligible for re-appointment:

Provided that in the case of a member who is a member by virtue of his holding some other office, he shall cease to be a member upon his ceasing to hold that office.

(2) Any member of the Board may, at any time resign by giving notice in writing to the appointing authority and from the date specified in the notice or, if no date is so specified, from the date of the receipt of the notice by the appointing authority, he shall cease to be a member.

5. Where any member absents himself from three consecutive meetings of the Council without reasonable excuse the Council shall advise the appointing authority of the fact and the appointing authority may terminate the appointment of the member and appoint another member in his place.

Absence from
three
consecutive
meetings
Appointment
of temporary
member

6. Where any member is by reason of illness, infirmity or absence from the United Republic, unable to attend any meeting of the Council the appointing authority may appoint a temporary member in his place and such temporary member shall cease to hold office on the resumption of the substantive member.

7. The Council shall elect one of its members to be the Vice-Chairman and any member elected as Vice-Chairman for a term of one year from the date of his election and shall be eligible for re-election

Vice-
Chairman

Power of Chairman and Vice-Chairman	8.-(1) The Chairman shall preside at all meetings of the Council. (2) Where at any meeting of the Council the Chairman is absent, the Vice-Chairman shall preside. (3) In the absence of both the Chairman and the Vice-Chairman at any meeting of the Council, the members present may, from amongst their number, elect a temporary Chairman who shall preside at that meeting. (4) The Chairman, Vice-Chairman or a temporary Chairman presiding at any meeting shall have a casting vote in addition to his deliberative vote.
Meetings and procedure of Council	9.-(1) The Council shall meet not less than twice during every year and at such additional times as may be fixed by the Chairman or, if he is absent from the United Republic or unable for any reason to act, the Vice-Chairman. (2) The Chairman or, in his absence from the United Republic, the Vice-Chairman may, and shall upon application in writing by at least five members, convene a special meeting of the Council at any time. (3) The Secretary of the Council shall give to each member adequate notice of the time and place of meeting.
Quorum	10. At any meeting of the Council not less than one-half of the members in office for the time being shall constitute a quorum.
Decisions of Council'	11. Subject to the provisions relating to a casting vote, all questions at a meeting of the Council shall be determined by a majority of the votes of the members present.
Decision by circulation of papers	12. Notwithstanding the foregoing provisions of this Schedule, decisions may be made by the Council without a meeting, by circulation of the relevant papers among the members and the expression of the views of the majority thereof in writing: Provided that any member shall be entitled to require that any such decision be deferred and the subject matter be considered at a meeting of the Council.
Seal of Council	13.-(1) The seal of the Council shall be of such shape, size and form as the Council may determine. (2) The seal shall be authenticated by the signature of the Chairman, or the Secretary, or any officer of the Institute authorized to act in that behalf by the Council.
Signification of other documents	14. All documents (other than those required by law to be under seal) to be executed by the Council and all decisions of the Council, shall be signified under the hand of the Chairman, or the Secretary, or any member of the Council or officer of the Institute authorized in that behalf by the Council.
Record of proceedings of Council	15.-(1) The Council shall cause minutes of all proceedings of meetings of the Council to be entered in a book kept for that purpose. (2) Any such minutes if purporting to be approved by, and signed by the Chairman of, the next succeeding meeting of the Council shall be evidence of such proceedings and, until the contrary is proved, the meeting to which the minutes relate shall be deemed to have been duly convened and all proceedings thereat to have been duly transacted.
Council may regulate its proceeding	16. Subject to the provisions of this Schedule the Council may regulate its own proceedings

Passed in the National Assembly on the twentieth day of March, 1975.


 Clerk of the National Assembly