

CHAPTER 157

THE METEOROLOGY ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

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CHAPTER 157

THE METEOROLOGY ACT

An Act to make provision for the establishment and the functions of the Tanzania National Meteorological Board and the Directorate of Meteorology, and to enable effect to be given to the World Meteorological Organisation Convention; and generally to provide for the control and development of technically sound and scientific meteorological services.

[23rd November, 1988]

[Act No. 11 of 1988]

[ss. 3 and 4]

Act No. 6 of 1978

PART I

PRELIMINARY PROVISIONS (ss 1-2)

[PCh157s1]1. Short title

This Act may be cited as the Meteorology Act.

[PCh157s2]2. Interpretation

In this Act, unless the context otherwise requires—

"Board" means the Tanzania National Meteorological Board established under section 3;

"Congress" means the World Meteorological Organisation Congress;

"constituent body" means a constituent body of the Organisation, which includes the Executive Committee, a Regional Association or a Technical Commission;

"Convention" means the World Meteorological Organisation Convention concluded at Washington, D.C. on 22nd September, 1947;

"Director-General" means the Director-General of the Directorate of Meteorology appointed under section 5;

"Directorate" means the Directorate of Meteorology established under section 5;

"meteorological services" means services provided by the Directorate in accordance with the provisions of this Act;

"Minister" means the Minister responsible for matters relating to meteorology;

"National Meteorological Centre" means a centre responsible for carrying out national functions of co-ordinating and development systems of meteorological facilities and services;

"Organisation" means the World Meteorological Organisation;

"weather modification" means any activity performed with the intention of producing artificial change in the composition, behaviour and dynamics of the atmosphere.

PART II

THE TANZANIA NATIONAL METEOROLOGICAL BOARD AND DIRECTORATE OF METEOROLOGY

(ss 3-9)

[PCh157s3]3. Establishment of the Board

(1) There is hereby established a body to be known as the Tanzania National Meteorological Board.

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

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

[PCh157s4]4. Functions of the Board

(1) The Board shall consider and advise the Minister in relation to such matters affecting meteorology as it may from time to time consider appropriate or which may be referred to it by the Minister.

(2) Without prejudice to the generality of subsection (1) the Board shall consider and advise the Minister in relation to, and monitor the implementation of, the following matters—

(a) meteorology legislation including legislation and measures necessary to give effect to the Convention, any Annex thereto, and other international conventions relating to meteorology;

(b) measures necessary to give effect to resolutions and recommendations of Congress and its constituent bodies;

(c) meteorological services and measures necessary for the establishment and operation of those services;

(d) development plan and annual programme and financial estimates of the Directorate, including any aid and grants by international organisations;

(e) establishment, maintenance and development of an effective National Meteorological Centre;

(f) establishment and maintenance of systems for the rapid exchange of meteorological and related information;

(g) establishment of networks of stations for the making of meteorological observations as well as hydrological and other geophysical observations related to meteorology;

(h) application of meteorology to aviation, shipping, water problems, agriculture and other human activities;

(i) activities in operational hydrology;

(j) research and training in meteorology and in related fields and the co-ordination of the international aspects of such research and training; and

(k) such other matters affecting meteorology as the Minister may from time to time refer to the Board.

[PCh157s5]5. Directorate of Meteorology and Director-General of Meteorology

(1) There shall be a Department of the Government to be known as the Directorate of Meteorology.

(2) There shall be a Director-General of Meteorology who shall be appointed by the President.

(3) The Director-General shall be the Head of the Directorate and shall, subject to any directions which may be given to him by the Minister, have responsibility for the control and executive management of matters relating to meteorology, in accordance with the provisions of this Act.

[PCh157s6]6. Duties of the Director-General

Without prejudice to the generality of section 5 (3) it shall be the duty of the Director-General—

(a) to organise and administer surface upper air observation networks as may be necessary to establish and accurately record the climatic conditions of the United Republic;

(b) to provide meteorological and climatological advice and services for the benefit of agriculture and farming and for the better exploitation of natural resources;

(c) to provide meteorological advice, forecast and related services to civil aviation;

(d) to provide meteorological services to shipping, fishing and other marine activities;

(e) to collect, process, store and disseminate meteorological information for the United Republic;

(f) to carry out research and training in meteorology and climatology, and in other related fields, and to process and analyse climatic data for the purpose of use in socio-economic development planning;

(g) to co-operate with other authorities concerned with meteorology in all aspects of training and applied meteorological research;

(h) to actively participate in the activities of appropriate international organisations, in particular, the Organisation;

(i) to maintain an efficient telecommunication system for the rapid collection and dissemination of meteorological information required for internal and international use, in accordance with regulations laid down by the Organisation and by the Civil Aviation Organisation and other international organisations;

(j) to carry out hydrometeorological studies and other geophysical studies;
and

(k) to carry out other functions which the Minister may consider desirable.

[PCh157s7]7. Power to install meteorological instruments

(1) The Directorate may, for the purposes of the Directorate, install, construct, place or maintain equipment, apparatus or other instruments in, on, over or under any land, water course or branch of the sea or lake, for the purposes of recording and making any meteorological observations:

Provided that the Directorate shall not acquire any right other than that of user in the property in, on, over or under which its equipment, apparatus or instruments are installed, constructed, placed or maintained.

(2) The Directorate shall not install, construct, place or maintain any equipment, apparatus or other instrument in, on, over or under any property unless it has given reasonable notice of its intention to exercise such power to the owner or occupier of the property or to the local authority having the control or management of the property.

[PCh157s8]8. Offence to damage apparatus

Any person who wilfully destroys or damages or interferes in any way with any equipment, apparatus or instrument installed, constructed, placed or maintained in pursuance of powers conferred on the Directorate by section 7, commits an offence and is liable upon conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment; and in addition the Court before which any such person is so convicted may order him to pay to the Directorate a sum equal to the cost of repairing any damage so caused and such sum shall be recoverable in the same manner as if it were a fine.

[PCh157s9]9. Functions of the Minister

The Minister shall be responsible for the general direction and control of the Board and the Directorate and may, for that purpose—

(a) take any measure, or give directions, relating to the execution of measures designed to facilitate and promote the carrying out of research into matters relating to meteorology and the application of the results to the development of meteorology;

(b) give directions of a general nature to the Board and the Directorate relating to the exercise by them of the functions of the Directorate and the management of the business and affairs of the Directorate; and

(c) give particular directions to the Board concerning any matter involving agreement with, or the interest of, any foreign country.

PART III

REGULATION OF METEOROLOGY (ss 10-12)

[PCh157s10]10. Restrictions on carrying out weather modification activities

(1) No person shall engage, or attempt to engage, in any weather modification activities, in the United Republic unless he submits to the Director-General such reports with respect thereto, in such form and containing such information.

(2) The Director-General may require that such reports be submitted to him before, during and after any such activity or attempt.

[PCh157s11]11. Duty of the Director-General to maintain records

(a) The Director-General shall maintain a record of weather modification activities, including attempts, which take place in the United Republic and publish summaries thereof from time to time as he determines.

(b) All reports, documents and other information received by the Director-General under the provisions of this Act may be made available to the public.

[PCh157s12]12. General powers to make regulations concerning meteorology

(1) The Minister may make such regulations as he consider necessary or expedient to give effect to, and for the better carrying out of, the objects and purposes of this Act, to provide generally for regulation of any matter which under this Act needs to be regulated, and for carrying out and giving effect to the Convention, any Annex thereto and any amendment of the Convention or Annex thereto.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations—

- (a) regulating the activities of weather modification;
- (b) prohibiting the making of meteorological observations by unauthorised persons.

(3) Any regulations made under this section may provide in respect of any contravention thereof or non-compliance therewith, for the imposition of penalties not exceeding a fine of ten thousand shillings or two years imprisonment in default.

PART IV

MISCELLANEOUS PROVISIONS (s 13)

[PCh157s13]13. Delegation of powers

(1) The Director-General may from time to time, by writing under his hand, either generally or particularly, delegate to such officer or officers all or any of the powers exercisable by him under any written law, but not including the power of delegation.

(2) Subject to any general or special direction given or condition attached by the Director-General, the officer to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation.

(3) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting within the terms of the delegation in the absence of proof to the contrary.

(4) Any delegation under this section may be made to a specified officer or to officers of a specified category, or may be made to the holder or holders for the time being of a specified office or class of offices.

(5) Every delegation under this section shall be revocable at will, and no such delegation shall prevent the Director-General from himself exercising the power delegated.

(6) Any such delegation shall, until revoked, continue in force according to its tenure, notwithstanding the fact that the Director-General by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the person for the time being holding office as Director-General.

SCHEDULE

COMPOSITION AND PROCEEDINGS OF THE BOARD

(Section 3(2))

1. Composition of the Board

(1) The Board shall consist of—

(a) the Director-General, who shall be the Chairman;

(b) not less than seven and not more than nine other members appointed by the Minister.

(2) In appointing the persons referred to in paragraph (1) (b) the Minister shall have regard to the desirability of appointing persons with technical experience or qualifications in matters relating to meteorology as well as user requirements.

2. Directorate to provide secretarial services

The Directorate shall provide secretarial services to the Board.

3. Proceedings not to be invalid by reason of irregularity

No act or proceeding of the Board 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 as such.

4. Tenure of appointment

A member of the Board, other than the Director-General, shall unless his appointment is sooner terminated by the appointing authority, or he ceases in any other way to be a member, hold office for the period specified in the instrument of 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.

5. Absence from three consecutive meetings

Where any member absents himself from three consecutive meetings of the Board without reasonable excuse, the Board shall advise the Minister of the fact and the Minister

may terminate the appointment of the member and appoint another member in his place.

6. Appointment of temporary member

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

7. Meetings

(1) An ordinary meeting of the Board shall be convened by the Chairman and the notice specifying the provisional agenda and explanatory memorandum, the place, date and time of the meeting shall be sent to each member at his usual place of business or residence not less than three weeks before the date of such meeting.

(2) The Chairman shall be bound to convene a special meeting of the Board upon receipt of a request in writing in that behalf signed by not less than three members of the Board and not less than twenty one days' notice of such meeting shall be given to all members of the Board in the manner prescribed in subparagraph (1).

(3) The Chairman or the Vice-Chairman elected in accordance with the provisions of paragraph 1(3) presiding at any meeting of the Board may invite any person who is not a member to participate in the deliberations of the Board, but any such person shall not be entitled to vote.

8. Quorum

Three members shall form a quorum for a meeting of the Board.

9. Board may regulate its own proceedings

Subject to the provisions of this Schedule, the Board shall have power to regulate its own proceedings.