

CHAPTER 161

THE TROPICAL PESTICIDES RESEARCH INSTITUTE ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

Section

Title

PART I

PRELIMINARY PROVISIONS

1. Short title.
2. Interpretation.

PART II

THE TROPICAL PESTICIDES RESEARCH INSTITUTE

3. Establishment of the Institute.
4. Functions of the Institute.
5. Vesting of the East African Tropical Pesticides Research Institute and the East African Pesticides Control Organisation and provisions relating to land.

PART III

ADMINISTRATION

6. The Council of the Institute.

7. Power and duties of the Council.
8. Director of the Institute.

PART IV

OPERATIONS OF THE INSTITUTE

9. Research Committees and provisions relating to research.
10. Information on pesticides research to be furnished to the Institute.
11. Institute may call information on pesticides research.
12. Provisions relating to discoveries.
13. Pesticides Approval and Registration Technical Committees.
14. Programmes of the Institute.

PART V

PESTICIDES CONTROL

15. Register of pesticides.
16. Applications for registration of pesticides and cancellation of registrations.
17. Appeals.
18. Publication in the Gazette of list of pesticides.
19. Manufacture, importation, sale, of unregistered pesticides and offences.
20. Labelling of registered pesticides.
21. Appointment of and powers of, inspectors and analysts.

22. Obstruction.
23. Taking and submission of sample for analysis.
24. Division and analysis of sample.
25. Giving false information, in connection with manufacture, importation or sale of pesticides and offences.
26. Unlawful disclosure of information and offences.
27. Disclosure of information by the Institute.
28. Power of court to make orders.
29. Evidence .
30. Criminal liability of bodies corporate and their officers.

PART VI

FINANCIAL PROVISIONS

31. Funds and resources of the Institute.
32. Annual and supplementary budget.
33. Investment.
34. Power to borrow.
35. Accounts and audit.
36. Annual statement of accounts and report to be submitted to the Minister.
37. Annual statement and report to be laid before the National Assembly.

PART VII

MISCELLANEOUS PROVISIONS

- 38. Remuneration of members of the Council.
- 39. Delegation of powers by the Council.
- 40. Liabilities of members of the Council.
- 41. Regulations.
- 42. Offences for which a penalty is not specifically provided in the Act.
- 43. Powers of exemption.

SCHEDULES

CHAPTER 161

THE TROPICAL PESTICIDES RESEARCH INSTITUTE ACT

An Act to establish the Tropical Pesticides Research Institute, to provide for research and pesticides control, the functions of the Institute and for related matters.

[1st February, 1980]

[G.N. No. 48 of 1980]

Act No. 18 of 1979

PART I

PRELIMINARY PROVISIONS (ss 1-2)

[PCh161s1]1. Short title

This Act may be cited as the Tropical Pesticides Research Institute Act.

[PCh161s2]2. Interpretation

In this Act, unless the context requires otherwise—

"analyst" means any person appointed as an analyst under section 21;

"Council" means the Council of the institute established under section 6(2);

"Director" means the Director of the Institute appointed under section 8(1);

"export" means to be taken or cause to be taken out of the United Republic;

"financial year" means any period not exceeding twelve consecutive months designated in that behalf by the Council:

Provided that the first financial year after the commencement of this Act shall commence on the date of commencement of this Act and may be of a period longer or shorter than twelve months;

"import" means to bring or cause to be brought into the United Republic;

"inspector" means any person appointed as an inspector under section 21;

"Institute" means the Tropical Pesticides Research Institute established by section 3;

"member" in relation to the Council means a member of the Council and includes the Chairman and the Vice Chairman;

"Minister" means the Minister responsible for Agriculture;

"pesticide" means any matter of any description (including acaricides, arboricides, herbicides, insecticides, fungicides, molluscicides, nematocides, hormonal sprays and

defoliants) used or intended to be used, either alone or together with other material or substance—

- (a) for the control of weeds, pests and disease in plants; or
- (b) for the control of external vectors of veterinary or medical disease and external parasites of man or domestic animals; or
- (c) for the protection of any food intended for human or animal consumption;

"register" means the register of pesticides maintained under section 15 and "registrar" and "registration" shall be construed accordingly.

PART II

THE TROPICAL PESTICIDES RESEARCH INSTITUTE (ss 3-5)

[PCh161s3]3. Establishment of the Institute

(1) There is hereby established a body corporate to be known as the Tropical Pesticides Research Institute.

(2) The Institute shall—

- (a) have perpetual succession and as an official seal;
- (b) in its corporate name, be capable of suing and being sued; and
- (c) subject to the provisions of this Act, be capable of holding, purchasing and otherwise acquiring in any other way, any movable or immovable property, and of disposing of any of its property.

[PCh161s4]4. Functions of the Institute

(1) The functions of the Institute shall be—

(a) to carry out, and promote the carrying out, of research, and to evaluate and disseminate the findings on the fundamental aspects of pesticides application and behaviour in relation to the control of tropical pests by both ground and aerial spraying techniques in the fields of–

- (i) agricultural entomology;
- (ii) plant pathology;
- (iii) bird pests;
- (iv) rodents;
- (v) tsetse entomology;
- (vi) mosquito entomology;
- (vii) malacology;
- (viii) ticks;
- (ix) pesticides toxicology;
- (x) chemistry;
- (xi) physics;
- (xii) engineering;
- (xiii) botany;
- (xiv) environmental pollution; and
- (xv) photographic service;

(b) to establish and maintain a National Herbarium to render services to other institutions in the United Republic and to carry out taxonomic research;

(c) to establish a plant quarantine station to handle all phytosanitary matters in the United Republic;

(d) to carry out other functions within its jurisdiction as may be conferred upon it by or under this Act or any other written law; or

(e) to do anything which may be necessary to uphold the credit of the Institute and of its research findings, to obtain and justify public confidence, to avert or minimise any loss to the Institute and to facilitate the proper and efficient performance of its functions.

(2) In particular, but without prejudice to the generality of subsection (1), the Institute shall, for the purpose of ensuring effectiveness of pesticides, use in the production of crops, fibres, livestock and for the protection of public health and safety—

(a) supervise and regulate the manufacture, importation, distribution, sale and use of pesticides in the United Republic; or

(b) administer regulations made under the provisions of this Act.

(3) For the purposes of the better performance of its functions the Institute shall establish and maintain a system of collaboration with the Tanzania Commission for Science and Technology established by the Tanzania Commission for Science and Technology Act *, and with any other person or body of persons established by or under any written law and having functions related to those specified in subsection (1) or (2) or which relate to pesticides research or scientific research or scientific development generally.

[PCh161s5]5. Vesting of the East African Tropical Pesticides Research Institute and the East African Pesticides Control Organisation and provisions relating to land

(1) The control and management of the East African Pesticides Research Institute and East African Pesticides Control Organisation shall, from the date of commencement of this Act, and without further assurance, vest in the Institute.

(2) The Minister may, after consultation with the Council, by order in the Gazette, declare any research Institute or establishment or part of it where scientific research is conducted or in which it is intended to conduct scientific research, sponsored by or on behalf of the Government, to be a research institute or research centre or experiment station and vest in the Institute the management and control of that institute, centre or experiment station.

(3) The Institute shall be granted a right of occupancy over the land over which it is established upon such terms and conditions as the President may approve, subject to subsections (4) and (5).

(4) Until a right of occupancy is granted it shall be lawful for the Institute to exercise in relation to the land over which it is established, all the rights necessary for the performance of its functions which the owner of the right of occupancy may lawfully exercise over land comprised in the right of occupancy granted to him, and the fact that no right of occupancy has been granted to the Institute shall not affect the validity of anything done or omitted bona fide by any person in the execution of his duties under this Act.

(5) No fee or duty shall be charged or payable in respect of the issue to the Institute of a certificate in respect of a right of occupancy granted in accordance with this section.

PART III

ADMINISTRATION (ss 6-8)

[PCh161s6]6. The Council of the Institute

(1) There shall be established a Council of the Institute which shall subject to this Act, be responsible for the performance of functions and management of the affairs of the Institute.

(2) The provisions of the First Schedule to this Act shall have effect in respect of the constitution of the Council, its proceedings and other matters relating to it.

(3) Save in the case of matters relating to the office and appointment of the Chairman of the Council and the Director of the Institute, the Minister may, by order published in the Gazette, amend, add to, vary or replace any of the provisions of the First Schedule to this Act.

(4) The Minister may give to the Council directions of a general or specific character regarding the performance by the Institute of any of its functions under this Act, and the Council shall give effect to every direction given to it.

[PCh161s7]7. Power and duties of the Council

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

(2) In particular, but without prejudice to the generality of subsection (1) the Board shall have the power—

- (a) to administer the properties of the Institute, both movable and immovable;
- (b) to administer the funds and 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 fees, grants, gifts and other moneys and to make disbursements to other persons or bodies of persons; and

(e) subject to the provisions of this Act, to appoint such employees of the Institute as it may consider necessary for the better performance of the Council, be necessary or expedient for the proper performance of the functions of the institute.

[PCh161s8]8. Director of the Institute

(1) There shall be a Director of the institute who shall be appointed by the President.

(2) The Director shall be the Chief Executive Officer of the Institute and shall perform such other functions as the Council may consider necessary to delegate to him to enable him to transact all the day-to-day business of the Institute, and in particular without prejudice to the generality of the foregoing an subject to any directions given by the Council, the Director shall have the power to exercise supervision and control over acts of all employees of the Institute, and dealing with all questions relating to the terms and conditions of service of the employees of the Institute.

(3) In the exercise of the powers vested in him by this section or delegated to him by the Council, the Director shall, comply with any direction of policy or of general nature

given to him whether generally or specifically and not depart or permit departure from the approved estimates of expenditure or from the approved establishment of the Institute or the normal procedures of dealing with any particular matter.

(4) For the purposes of the better performance of the functions of the Institute, the Director shall—

(a) cause the co-ordination of all research and registration activities under the Institute;

(b) stimulate research activities and ensure the publication of scientific findings and other form of scientific knowledge for dissemination to the public, Government and other bodies;

(c) preside over all meetings of the Pesticides Approval and Registration Technical Committee; and

(d) perform any other duties which may be delegated to him by the Council.

PART IV

OPERATIONS OF THE INSTITUTE (ss 9-14)

[PCh161s9]9. Research Committees and provisions relating to research

(1) The Council shall establish such Research Committees and Subcommittees as it may deem necessary for the coordination of research carried out by or on behalf of the Institute.

(2) Notwithstanding the provisions of section 41 the Council may, after consultation with the Minister, make rules regarding—

(a) the procedure for the submission to the Institute of proposals for carrying out of research into a particular aspects of tropical pesticides;

(b) the manner in which the proposals for the carrying out of research shall be dealt with by the Institute;

(c) the rights and obligations of persons carrying out pesticides research in the United Republic; or

(d) the control of, and other dealings with plants, birds, animals and other animate or inanimate objects used in carrying out research.

[PCh161s10]10. Information on pesticides research to be furnished to the Institute

(1) Every person engaged or purporting to engage, in tropical pesticides research within the United Republic shall, at his own expense furnish to the Institute information relating to research and shall make available to the Institute copies of any relevant records or findings in such form and within such period as may be prescribed.

(2) Any person who contravenes or fails to comply with subsection (1) commits an offence and on conviction is liable to a fine not exceeding ten thousand shillings, but no person shall be prosecuted for any offence under this section within six months after the commencement of this Act.

(3) Notwithstanding subsection (1), the Institute may enter into agreements with firms or organisations engaged in pesticides or other allied scientific research, within or outside the country, for the purposes of establishing a system of exchanging information in relation to pesticides or other allied scientific research.

[PCh161s11]11. Institute may call information on pesticides research

(1) The Institute may require in writing any person or body of persons engaged in the pesticides or other allied scientific research within the country to furnish to it such information relating to pesticides or other allied scientific research as the Institute may specify.

(2) Every person or body of persons required to furnish information under subsection (1) shall comply with the requirement and any person or body of persons who refuses or fails to comply with that requirement commits an offence and on conviction is liable to a fine not exceeding fifteen thousand shillings.

[PCh161s12]12. Provisions relating to discoveries

(1) Where as a result of any research carried out by or on behalf of the Institute anything is discovered, the discovery shall become the property of the Institute.

(2) For the purposes of commercial exploitation of any discovery which the Institute considers important for the use in relation to the control of tropical pests or for the betterment or improvement in the techniques of pesticides application, the Institute may arrange with any person or body or persons to buy, sell, take or grant patent rights in the discovery, subject to the terms approved by the Council.

(3) Every discovery made as a result of research carried out under this Act shall be registered by the Institute in such form and upon such conditions as the Minister may, by regulations made under this Act, prescribe.

(4) The Institute may, with the prior approval of the Minister, grant to any person who makes a discovery which the Institute considers significant or who materially assists

or contributes to the making of that discovery, such reward as may be approved by the Council.

[PCh161s13]13. Pesticides Approval and Registration Technical Committees

(1) There shall be Pesticides Approval and Registration Technical Committees of the Institute which shall be responsible to the Council in the exercise of the functions conferred upon them by or under this Act and which shall, subject to any general or specific directions of the Council—

- (a) advise the Council on pesticides regulations, control and registration;
- (b) draw short and long term pesticides registration programmes; and
- (c) review and formulate registration and approval programmes consistent with the country's need.

(2) Subject to the provisions of Pharmaceutical and Poisons Act *, Part V of this Act shall apply mutatis mutandis in relation to the control and regulation of the manufacture, importation, sale, distribution and use pesticides in the United Republic.

[PCh161s14]14. Programmes of the Institute

(1) There shall be programmes of the Institute to be carried out in divisions specified in the Second Schedule to this Act.

(2) The Director may, on consultation with the Council, amend, add to, vary or replace all or any of the provisions of the Second Schedule to this Act.

PART V

PESTICIDE CONTROL (ss 15-30)

[PCh161s15]15. Register of pesticides

The Institute shall establish and maintain a register of pesticides and shall cause to be entered therein the name, specified minimum quality suitability for use and such other particulars as it may require of every pesticide which may, subject to the conditions (if any) imposed by the Institute, be manufactured or compounded in or imported into the United Republic.

[PCh161s16]16. Applications for registration of pesticides and cancellation of registrations

(1) Any person who desires to register a pesticide shall make application to the Institute in such form as the Institute may reasonably require.

(2) The Institute may at its discretion register or refuse to register a pesticide, and may register a pesticide subject to such conditions as it thinks fit:

Provided that where the Institute refuses to register a pesticide, it shall inform the applicant in writing of the refusal and the grounds.

(3) The Institute may for good cause, and after giving the person on whose application a pesticide was registered an opportunity to show cause why the registration of that pesticide should not be cancelled, cancel the registration of that pesticide.

(4) Any person who makes or causes to be made, either orally or in writing, any declaration or representation, which he knows or has reason to know to be false for the purpose of obtaining the registration of a pesticide shall be guilty of an offence and liable to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding three months or to both.

[PCh161s17]17. Appeals

Any person aggrieved by the refusal by the Institute to register a pesticide or by the cancellation by the Institute of the registration of a pesticide may, within thirty days after such refusal or cancellation, appeal in writing to the Minister, whose decision shall be final.

[PCh161s18]18. Publication in Gazette of list of pesticides

The Institute shall compile and publish in the Gazette in such form as it thinks fit a list to include therein any pesticide subsequently registered by it or delete therefrom any pesticide the registration of which has been cancelled by it.

[PCh161s19]19. Manufacture, importation, sale of unregistered pesticides and offences

Any person who manufactures, compounds, imports, distributes, sells or offers or exposes for sale or uses or causes to be used any pesticide other than a registered pesticide shall be guilty of an offence and shall be liable to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding three months or to both:

Provided that it shall be a defence for a person charged with an offence under this section to prove that the manufacture, compounding, importation, distribution, sale or offer or exposure for sale, as the case may be, of the pesticide was authorised by the Institute or was for the purpose of bona fide research or analysis or was intended for export.

[PCh161s20]20. Labelling of registered pesticides

(1) Every registered pesticide distributed, sold, offered or exposed for sale shall bear on the container thereof a name, a true description of its active chemical ingredient together with the percentage or proportion of each active ingredient in relation to its weight or volume, a description of the precautions to be taken on its use and the words "Approved by the Tropical Pesticides Research Institute" as well as the name and address of the person, firm or company which manufactured or compounded it.

(2) Any person who distributes, sells, offers or exposes for sale any registered pesticide which does not conform with the requirements of this section or of any regulations made under requirements of this section or of any regulations made under this Act commits an offence and on conviction is liable to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding three months or to both.

[PCh161s21]21. Appointment of, and powers of, inspectors and analysts

(1) The Institute may appoint inspectors and analysts for the purposes of this Act.

(2) No person shall, while holding an appointment as an inspector or an analyst, engage directly or indirectly in any trade or business connected with the manufacture, importation, sale or distribution for sale of any pesticides.

(3) An inspector may, at all reasonable times and on production, if required, of his authority—

(a) enter and inspect any premises, vehicles, vessel or aircraft in which any pesticide is kept or in which he has reasonable grounds for suspecting that any pesticide is kept;

(b) seize and remove any pesticide and any books, records or other documents relating to such pesticide from any premises, vehicle, vessel or aircraft if he has reasonable cause to believe that such pesticide has been manufactured, compounded, imported, sold or offered or exposed for sale in contravention of this Act;

(c) take samples of any pesticides for the purpose of examination or analysis;
or

(d) require any person in occupation of the premises or any agent or servant of any such person, or any person in charge of the vessel, vehicle or aircraft, to furnish all such information, to produce for inspection all such books, records or other documents and to furnish all such means of inspection as he may reasonably require for the purposes aforesaid.

(4) An inspector shall take such steps as are reasonably practical to afford the owner of any premises or the person in charge of any vehicle, vessel or aircraft, as the case may be, an opportunity to be present while an inspection under this section is being carried out.

(5) At any time when anything is seized under this section the person in whose custody or who is in possession of it shall be given a written receipt for it.

[PCh161s22]22. Obstruction

(1) Any person who—

(a) wilfully delays or obstructs an inspector in the exercise of his powers under section 21; or

(b) refuses to furnish any information, to produce any documents or to furnish any means of inspection, when required to do so under section 21,

commits an offence and on conviction is liable to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding three months or to both:

Provided that no person shall be required under this section to answer any question tending to incriminate him.

(2) If an inspector applies to purchase any pesticide or any substance used in the manufacture of pesticides which is offered or exposed for sale and tenders the price for the quantity which he requires as a sample, and the person offering or exposing the pesticide or the substance for sale refuses to sell to the inspector such quantity as aforesaid, or if the seller, consignor or any person having for the time being the charge of any pesticide or substance of which an inspector is empowered to take a sample refuses to allow the inspector to take the quantity which he requires as a sample, the person so refusing shall, for the purpose of subsection (1), be deemed to have wilfully obstructed the inspector:

Provided that where any pesticide or substance is exposed for sale in an unopened container duly labelled, no person shall be required to sell it except in the unopened container in which it is contained.

[PCh161s23]23. Taking and submission of sample for analysis

(1) Any purchaser of any pesticide or any substance capable of being used in the manufacture or preparation of pesticides or any inspector may submit a sample of such pesticide or substance to any analyst for analysis or examination.

(2) Where a sample of any pesticide is taken with the intention of having it submitted to an analyst for analysis or examination, the person taking such sample shall, as soon as possible inform in writing the seller or the owner of the pesticide or his representative of his intention to have the sample analysed or examined by an analyst.

[PCh161s24]24. Division and analysis of sample

(1) An inspector or any other person who takes or purchases a sample for the purpose of analysis or examination shall divide it into three parts, each part to be marked and sealed or fastened up in such manner as its nature will permit, and unless he sooner decides not to have the sample analysed or examined, shall give one part to the person from whom it was obtained or to the owner or occupier of the premises from which it was obtained or a representative of any of them, one part to an analyst and the other part shall be retained by him.

(2) Every analyst shall, as soon as possible after receiving a sample obtained under this Act, analyse or examine the sample, as the case may be, and give to the person by whom it was originally submitted a certificate, in the prescribed form, setting out the findings of the analysis or examination and such observation as he may consider necessary or desirable and shall forward a copy of such certificate to the person who received part of the sample in accordance with subsection (1).

(3) Where any person procures a sample under section 23(1) and the division into parts of such sample—

(a) is not reasonably practicable; or

(b) might affect the composition or impede the proper analysis or examination of the sample,

the provisions of this section with respect to the division of samples into parts shall be deemed to have been complied with if the person taking the sample procures three separate fair amounts of the pesticide or substance and deals with each lot as if it were a part in the manner provided by this subsection; and references in this Act to a part of a sample shall be construed accordingly.

[PCh161s25]25. Giving false information, in connection with manufacture, importation or sale of pesticides and offences

Any person who knowingly makes any false statement, issues or maintains any false or misleading declaration, document, marking or description of a pesticide in connection with the manufacture, importation or sale of a pesticide or any substance capable of being used in the manufacture of pesticides commits an offence and on conviction is liable to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding three months or to both.

[PCh161s26]26. Unlawful disclosure of information and offences

Any member of the Institute and any person being employed in the execution of any duty under this Act who—

(a) by virtue of such membership or employment becomes possessed of any information which might influence or affect the market value of any share or other security, interest, product or article and who, before such information is made public, directly or indirectly uses such information for personal gain; or

(b) without lawful authority publishes or communicates to any person, otherwise than in accordance with the provisions of this Act, any information acquired by him in the course of such membership or employment, commits an offence and on conviction is liable to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding three months or to both.

[PCh161s27]27. Disclosure of information by the Institute

(1) Where any person furnishes the Institute with any information or makes available to the Institute any record or returns pursuant to regulations made under section 41, the Institute shall not, save for the purposes of proceedings under this Act, disclose or cause to be disclosed such information or the contents of such record or returns to any person not employed in the execution of a duty under this Act.

(2) Notwithstanding subsection (1), the Institute shall publish or cause to be published any information furnished to the Institute or the contents of any record of returns made available to the Institute pursuant to the regulations made under section 41 in the form of a summary which does not enable identification of the source of the information, record or returns.

[PCh161s28]28. Power of court to make orders

A court convicting a person of any offence under this Act may order that—

(a) the pesticide or other substance used in the manufacture of pesticides in respect of which the offence was committed shall be forfeited and subsequently disposed of as the court may direct;

(b) the person convicted shall pay the whole or any part of the fees or other expenses incurred in the examination or analysis of any pesticide or other substance.

[PCh161s29]29. Evidence

In any proceedings under this Act—

(a) a sample of any pesticide obtained by any inspector shall be deemed to be a fair sample and to possess in all respects the same properties as the whole from which it was obtained;

(b) a certificate of analysis issued by an analyst shall be admissible without further proof and shall be sufficient evidence of the facts or observations stated therein unless the other party requires that the analyst who issued it shall be called as a witness;

(c) where a sample has been procured or obtained in such circumstance that its division into parts is required by this Act, the part of the sample retained by the person who procured it shall be produced at the hearing.

[PCh161s30]30. Criminal liability of bodies corporate and their officers

Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person purporting to act in such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

PART VI

FINANCIAL PROVISIONS (ss 31-37)

[PCh161s31]31. Funds and resources of the Institute

The funds and resources of the Institute shall consist of—

- (a) such sums as may be provided for the purposes of the Institute by Parliament, either by way of grant or loan;
- (b) such funds or assets as may rest in or accrue to the Institute from other sources by way of grants, gifts, fees or in any other way;
- (c) any sum which the Council may, subject to the provisions of section 34 borrow for the purposes of the Institute;
- (d) any sum or property which may in any manner become payable to or vested in the Institute;
- (e) revenue from fees imposed by the Institute for pesticides applications, registrations and restricted permits;
- (f) revenue from any cess which the Institute in consultation with the Council may, by Order in the Gazette impose on any pesticides imported into the United Republic.

[PCh161s32]32. Annual and supplementary budget

(1) Not less than two months before the beginning of any financial year the Board shall at its first 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 Council during the financial year.

(2) If in any financial year the Board requires to make any disbursement not provided for, in the annual budget for the year, the Council shall at a meeting, pass a supplementary budget detailing the disbursement.

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

(4) Upon the passing of the annual budget or any supplementary budget the Council shall submit the budget to the Minister for his approval.

(5) The Minister shall, upon the receipt of the annual budget or supplementary budget, approve or disapprove it or approve is subject to such amendment as he may consider fit.

(6) Where the Minister has approved any annual budget or supplementary budget the budget as approved by him, whether with or without amendment, shall be binding on the Council which, subject to the provisions of subsection (7) shall confine its disbursement within the items and amounts contained in the applicable estimates as approved by the Minister.

(7) The Council may—

(a) with the sanction in writing of the Minister make disbursement notwithstanding that the 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 two hundred thousand shillings to any other item contained in the budget; and

(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 the alteration of expenditure limits becoming necessary.

[PCh161s33]33. Investment

With the prior approval of the Minister the Council may, invest any part of the moneys available in any fund in investments authorised by the Trustee Investments Act *, for investment of any trust fund.

[PCh161s34]34. Power to borrow

(1) With prior approval of the Minister, the Council may, borrow moneys for the purposes of the Institute by way of loan or overdraft, and upon such security and such terms and conditions relating to repayment of the principal and payment of interest, subject to any direction by the Minister, the Council may consider fit.

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

[PCh161s35]35. Accounts and audit

(1) The Council shall cause to be provided and kept proper books of accounts and record with respect to—

(a) the receipt and expenditure of moneys by, and other financial transaction of the Institute; and

(b) the assets and liabilities of the Institute,

and shall cause to be made out for every financial year a balance sheet and statement showing details of the income and expenditure of the Institute and all its assets and liabilities.

(2) Not later than six months after the close of every financial year the accounts including the balance sheet of the Institute in respect of that financial year shall be audited by the Tanzania Audit Corporation established by the Tanzania Audit Corporation Act *.

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

[PCh161s36]36. Annual statement of accounts and report to be submitted to the Minister

The Council shall within six months after the close of the financial year, cause to be prepared and submitted to the Minister a report dealing generally with the activities and operations of the Institute during that year and accompanied by—

- (a) a copy of the audited accounts of the Institute;
- (b) a copy of the auditors report on the accounts; and
- (c) such other information as the Minister may direct.

[PCh161s37]37. Annual statement and report to be laid before the National Assembly

The Minister shall as soon as practicable, and in any case not later than twelve months after the close of a financial year, lay before the National Assembly the following documents in relation to that financial year a copy of the—

- (a) audited statement of accounts of the Institute;
- (b) auditors report, if any; and
- (c) report by the Council.

PART VII

MISCELLANEOUS PROVISIONS (ss 38-43)

[PCh161s38]38. Remuneration of members of the Council

The members of the Council shall be entitled to such remuneration, fees or allowances for expenses as the Minister may, upon the recommendation of the Council, prescribe:

Provided that no remuneration, fees or allowances, except such allowances for expenses as may be expressly authorised by the Minister shall be paid to any member of the Council who is a public officer.

[PCh161s39]39. Delegation of powers by the Council

(1) Subject to the provisions of subsection (6), the Council may by writing under the official seal of the Institute appoint committees of the Council and delegate, subject to such terms, conditions and restrictions as it may specify, to any committee of the Council or to any employee of the Institute, all or any of the functions, powers or duties conferred or imposed by or under this Act on the Council, and where any delegation is so made the delegated functions, power or duty may be performed or exercised by the delegate subject to the terms, conditions and restrictions specified by the Council.

(2) The delegation under subsection (1) may be made to the holder of the office under the Institute specifying the office but without naming the holder, and in every case

where a delegation is so made each successive holder of the office in question and any person who occupies or performs the duty of that office may, without any further authority, perform or exercise the delegated functions, power or duty in accordance with the delegation, power or duty in accordance with the delegation made by the Council.

(3) The Institute may revoke a delegation made by it under this section.

(4) No delegation made under this section shall prevent the Council from itself performing or exercising the function, power or duty delegated.

(5) A delegation made under this section may be published in the Gazette, and upon its being so published shall be judicially noticed and shall be presumed to be in force unless the contrary is proved.

(6) The Council shall not have power under this section to delegate—

(a) its power of delegation; or

(b) the power to approve the annual budget or any supplementary budget, the annual balance sheet or any statement of accounts.

[PCh161s40]40. Liabilities of members of the Council

Without prejudice to the provisions of section 284A of the Penal Code * or of the Public Officers (Recovery of Debts) Act * no act, or things done or omitted to be done, by any person who is a member of the Council or employee or agent of the Institute shall, if done or omitted bona fide in the execution or purported execution of his duties as the member of the Council or employee or agent of the Institute, subject that person to any action, liability or demand of any kind.

[PCh161s41]41. Regulations

(1) With the consent of the Minister the Council may make regulations for the better carrying out of the purposes and provisions of this Act, without prejudice to the generality of this subsection, may make regulations—

(a) prescribing the conditions and terms upon which any specified facilities or services or categories of facilities or services within the scope of the functions of the Institute shall be provided to public and other persons;

(b) providing for the proper management, control and administration of the Institute;

(c) providing and regulating discipline amongst employees of the Institute and disciplinary proceedings against them;

(d) prescribing fees, rates and other charges in connection with the provision by the Institute of any services or facilities;

(e) prescribing the manner in which samples are to be taken for the purpose of analysis or examinations;

(f) requiring manufacturers, importers or sellers of pesticides or of any substance used in the manufacture of pesticides to keep and produce records and furnish returns to the Institute;

(g) prescribing minimum standards as to the composition and efficacy of pesticides and substances capable of being used in the manufacture of pesticides;

(h) prescribing the procedure for applications to have pesticides registered;

(i) prescribing forms to be used for any purpose under this Act;

(j) prescribing anything which may be prescribed under this Act; and

(k) providing for any matter which, in the opinion of the Council, is necessary to provide for the efficient performance of the functions of the Institute.

(2) Regulations made under this section shall be published in the Gazette:

Provided that where regulations are made which are not of general application, the Council may, in addition to or in lieu of publication in the Gazette, publish the regulations in such a manner as will, in the opinion of the Council, ensure the contents of the regulations coming to the notice of the persons or category of persons in respect of which they apply and of the members of the public who might be affected by the regulations.

[PCh161s42]42. Offences for which a penalty is not specifically provided in the Act

Any person who commits an offence against this Act, for which a penalty is not specifically provided elsewhere in this Act, shall be liable on conviction to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding three months or to both.

[PCh161s43]43. Powers of exemption

The Minister may by order in the Gazette, exempt any person from any or all of the provisions of this Act.

FIRST SCHEDULE

(Section 6(2))

1. G.N. No. 387 of 1987

(a) The Council shall consist of—

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

(ii) six other members, one each appointed from–

(i) the Ministry of Agriculture and Livestock Development,
(Agriculture Division);

(ii) the Ministry of Agriculture and Livestock Development,
(Livestock Development Division);

(iii) the Ministry of Health;

(iv) the Ministry of Trade and Industries;

(v) Sokoine University of Agriculture;

(vi) the Tanzania Commission for Science and Technology;

(c) the Director-General, Tanzania Livestock Research Organisation;

(d) the Director-General, Tanzania Agricultural Research Organisation;

(e) one other member appointed by the Minister, from amongst persons who
can materially contribute to the deliberation of the Council;

(f) four other members who shall be appointed by the Minister from any
relevant institution.

(2) The Council may appoint any employee of the Institute to be the Secretary
of the Council.

2. Vice-Chairman

Members of the Council shall elect one of their members to be the Vice-Chairman
who shall, subject to his continuing to be a member, hold office for a term of one year
from the date of his election and shall be eligible for re-election.

3. Tenure of appointment

(1) A member of the Council shall hold office for such period as the appointing authority may specify in his appointment, or if no period is so specified, shall hold office for a term not exceeding three years from the date of his appointment and shall be eligible for re-appointment.

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

(3) The appointing authority may at any time revoke an appointment made by him under paragraph 1 and any member so appointed may at any time resign his office by notice in writing to the appointing authority.

4. Absent member may be represented

If a member of the Council who is a member by the virtue of his holding some other office is unable for any reason to attend any meeting of the Council, he may nominate in writing another person from his institution to attend the meeting in his place.

5. Casual vacancies

If any vacancy occurs in the membership of the Council by reason of the death, resignation or permanent incapacity of any member or otherwise, the appointing authority may appoint another person to fill that vacancy, and the person so appointed shall hold office for the unexpired residue of period of office of the member in whose place he is appointed.

6. Variation of the composition of the Council

The Minister may, on the advice of the Council, by order published in the Gazette vary the composition of the Council.

7. Meetings and procedure of the Council

(1) The Council shall ordinarily meet for the transaction of its business at the times and places determined by it, but shall meet at least once every three months.

(2) The Secretary of the Council shall give each member adequate notice of the time and place of every meeting and shall keep the record of the proceedings of every meeting of the Council.

(3) The Chairman, or in his absence the Vice-Chairman, shall preside at every meeting of the Council. In the absence of both the Chairman and the Vice-Chairman, members present shall appoint one of their member to preside over the meeting.

(4) The Chairman or with his consent, the Secretary, may invite any person who is not a member to participate in the deliberations at any meeting of the Council, but any person so invited shall not be entitled to vote.

8. Quorum

(1) The quorum at any meeting of the Council shall be one half of the total number of members of the Council and, where there is an uneven number of members, shall be the whole next number above half.

(2) Subject to the provisions of subparagraph (1) the Council may act, notwithstanding any vacancy in its number.

9. Decisions of the Council

(1) Questions proposed at the meeting of the Council shall be decided by a majority of the votes of the members present and voting and in the event of an equality of votes, the person presiding shall have a second vote in addition to his casting or deliberative vote.

(2) Notwithstanding subparagraph (1), a decision may be made by the Council without a meeting by circulation of the relevant papers among the members, and the expression in writing of the views of the majority of members.

10. The Council

(1) The Council shall cause to be recorded and kept minutes of all business conducted or transacted at its meetings, and the minutes of each meeting of the Council shall be read and confirmed, or amended and confirmed, at the next meeting of the Council and signed by the person presiding at the meeting.

(2) Any minutes signed, or purporting to have been signed, by the person presiding at the meeting of the Council shall, in absence of proof of error, be deemed to be correct record of the meeting whose minutes they support.

11. Vacancies not to invalidate proceedings

No act or proceeding of the Council shall be invalid by reason only of any vacancy among its members or defect in the appointment of any of them.

12. Orders, directions, by the Chairman or the Director

All orders, directions, notices or other documents made or issued on behalf of the Council shall be signed by—

- (a) the Chairman of the Council; or

(b) the Director or any other officer of the Institute appointed in writing in that behalf by the Director.

13. The seal of the council

The seal of the Council shall not be fixed on any instrument except in the presence of any of the following persons—

- (a) the Chairman,
- (b) the Vice-Chairman;
- (c) the Director;
- (d) any other employee of the Institute appointed in writing in that behalf by the Director.

14. The Council may regulate its proceedings

Subject to the provisions of this Schedule the Council may regulate its own proceedings.

SECOND SCHEDULE

PROGRAMME OF THE INSTITUTE

(Section 14(1))

Each Research Division below shall carry research activities on disciplines and aspects of pesticides specified opposite to its name—

- (a) Agricultural Research Division—
 - (i) Agricultural entomology - insecticides;
 - (ii) botany - herbicides;

- (iii) plant pathology - fungicides;
 - (iv) bird pests - avicides;
 - (v) rodents - rodenticides;
- (b) Medical and Veterinary Research Division—
 - (i) tsetse entomology - insecticides;
 - (ii) mosquito entomology - insecticides;
 - (iii) malacology - molluscicides;
 - (iv) ticks - acaricides;
 - (v) pesticides - toxicology - toxicological aspects.
- (c) Chemical and Physical Research Division—
 - (i) chemistry - chemical aspects;
 - (ii) physics - physical aspects;
 - (iii) engineering - engineering aspects;
 - (iv) environmental pollution - pesticides pollution;
 - (v) photographic unit - photographic services.
- (d) National Herbarium—
 - (i) taxonomy - taxonomic research;
 - (ii) botanical specimens - taxonomic services;
 - (iii) botanical garden - research and service;
- (e) Plant Quarantine Stations—
 - (i) Pathology - pathological aspects;

- (ii) virology - virology aspects;
 - (iii) horticulture - horticultural aspects.
- (f) Pesticides Control and Registration—
 - (i) analytical - analytical services;
 - (ii) inspectorate - inspection services;
 - (iii) registration - registration.