

CHAPTER 182

THE NATIONAL PRODUCTIVITY COUNCIL ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 182

THE NATIONAL PRODUCTIVITY COUNCIL ACT

An Act to establish the National Productivity Council and to provide for matters connected with and incidental to the establishment of the Council.

[10th April, 1982]

[G.N. No. 53 of 1982]

Act No. 20 of 1981

PART I

PRELIMINARY PROVISIONS (ss 1-2)

[PCh182s1]1. Short title G.N. No. 53 of 1982

This Act may be cited as the National Productivity Council Act.

[PCh182s2]2. Interpretation

In this Act, unless the context otherwise requires—

"Chairman" means the Chairman of the Council;

"Committee" means a committee established under and in accordance with the provisions of section 9;

"Council" means the National Productivity Council established under section 3;

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

"Minister" means the Minister responsible for economic planning;

"Secretary" means the officer appointed by the President to be the Secretary to the Council.

PART II

THE NATIONAL PRODUCTIVITY COUNCIL (ss 3-12)

[PCh182s3]3. Establishment of the National Productivity Council

(1) There is hereby established a Council to be known as the National Productivity Council.

(2) The Council shall be a body corporate and shall—

- (a) have perpetual succession and an official seal;
- (b) in its corporate name, be capable of suing and being sued;

(c) subject to this Act, be capable of holding, purchasing or acquiring in any other way, any movable or immovable property, and of disposing of any of its properties for the purposes of carrying out the functions conferred on the Council by this Act.

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

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

[PCh182s4]4. Functions of the Council

The functions of the Council shall be—

(a) to advise the Government and other public institutions on the formulation and the implementation of the national policy on productivity, incomes and prices;

(b) to advise the Government on ways and means of strengthening the national economy;

(c) to devise appropriate methods of establishing production targets and efficiency standards for industrial production both in the public and private sector;

(d) to advise the Government and other institutions responsible for the implementation of the policy on productivity, incomes and prices on the necessary qualifications, skills, experience and ability required of the top management of public institutions;

(e) to advise the Government and public institution on the various forms of motivating workers and peasants;

(f) to advise the Government on the review of salaries and minimum wages;

(g) to advise institutions engaged in the production and service sectors on how to improve productivity;

(h) to establish and operate a system of documentation and dissemination of information relating to productivity;

(i) to advise the Government on how the private sector can implement the policy on productivity, income and prices.

(2) For the purposes of the better performance of its functions the Council shall maintain a system of collaboration, consultation and co-operation with the National Institute of Productivity established by the National Institute of Productivity (Establishment) Order *, the Tanzania Commission of Science and Technology Act *, Scientific Research Council Act *, the Standing Committee on Parastatal Organisations, the Industrial Court of Tanzania established under the Industrial Court of Tanzania Act *, the Trade Unions established under the Trade Unions Act * and with any other persons or body of person established by or under any written law and having functions related to those specified in subsection (1).

(3) The Council shall, in the performance of its functions be guided by and comply with the terms and contents of the national policy on productivity, incomes and prices.

[PCh182s5]5. General powers of the Council

The Council may, for the purposes of carrying out its functions under this Act, do all such acts as appear to it to be requisite, advantageous or convenient for or in connection with the carrying out of those functions or to be incidental to their proper

performance and may carry on any activities in that behalf either alone or in association with any other person or body of persons.

[PCh182s6]6. Secretary of the Council

(1) There shall be a Secretary of the council who shall be appointed by the President on such terms and conditions as the President may determine.

(2) The Secretary shall be the chief executive officer of the Council and shall be responsible for co-ordinating the whole of the work of the Council.

(3) Subject to the provisions of this section, the Secretary shall have such other functions as may be conferred upon him by the Council.

(4) Where the Secretary is not a member of the Council, he shall have no power to vote at any meeting of the Council.

[PCh182s7]7. Staff of the Council

The Council shall establish a Secretariat, and may appoint on such terms and conditions as it may determine, such number of officers of the Council to serve on the secretariat as it may consider appropriate for the performance of the functions of the Council.

[PCh182s8]8. Delegation of powers of appointment

The council may, subject to such conditions as it may impose, delegate to any person or body of persons, the power of appointment to any office or offices on the staff of the council.

[PCh182s9]9. Boards and other committees

(1) Subject to the approval of the Minister the Council may, establish such Boards and committees as it may consider necessary for the purpose of facilitating the carrying out of the objects of the Council.

(2) The Council shall prescribe the composition, powers, duties and procedures of all Committees and Boards and, subject to the provisions of this Act, may delegate to any such Committee or Board any of its powers or functions other than the power of approving estimates conferred by section 14.

(3) The Council may appoint on any committee or board established under this section any person notwithstanding that the person is not a member of the Council but any person so appointed shall have no power to vote:

Provided that in no case shall the number of members of any committee or board who are not also members of the Council exceed one third of the total number of the members of the Committee.

(4) For the purposes of this section, the Secretary shall be deemed to be a member of the Council.

[PCh182s10]10. Information on productivity, incomes and prices

(1) Every person engaged, or intending to engage in research in the field of productivity, incomes or prices within the United Republic shall, at his own expense, furnish to the Council information relating to that research and shall make available to the Council copies of any relevant records or findings in such form and within such periods as may be prescribed.

(2) Any person who contravenes or fails to comply with subsection (1) commits an offence and is liable upon conviction 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 Council may enter into arrangement with organisations engaged in research in, or activity relating to, productivity, incomes or prices for the purposes of establishing a system of exchanging information relating to research in, or activity, relating to, productivity, incomes and prices.

[PCh182s11]11. Council may call for information on research

(1) The Council may require in writing any person or body of persons engaged in research in or activity relating to, productivity, incomes or prices within the United Republic to furnish to it such information relating to that research or activity as the Council may specify.

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

[PCh182s12]12. Minister may give directions

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

PART III

FINANCIAL PROVISIONS (ss 13-16)

[PCh182s13]13. Funds of the Council

(1) The funds and resources of the Council shall consist of—

(a) such sums as may be provided for that purpose to the Council by Parliament, either by way of grant or loan;

(b) such donations, grants, bequests and loans as the Council may, receive from any person or organisation;

(c) any sums or property which may vest in the Council under this Act or any other written law or which may vest in the Council in any other manner in the performance of its functions.

(2) The funds and resources of the Council shall be applied for the purposes for which the Council is established under this Act.

[PCh182s14]14. Annual estimates

(1) The Council shall, in respect of each financial year, cause to be prepared estimates of the expenditure and revenue of the Council and those estimates shall be approved by the Council before the commencement of the relevant financial year.

(2) If in any financial year the Council requires to make any disbursement not provided for or of any 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 that disbursement.

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

(4) Forthwith upon passing any annual budget or any supplementary budget, the Council shall submit to the Minister for his approval the annual budget or as the case may be, any supplementary budget.

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

(6) Where the Minister has approved any annual budget or any supplementary budget, the annual budget or, as the case may be, the supplementary budget, shall be binding on the Council which, subject to subsection (7), shall confine the disbursements of the Council 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 a disbursement notwithstanding that the disbursement is not provided for in any budget;

(b) 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.

[PCh182s15]15. Accounts and audit

(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 Council;

(b) the assets and liabilities of the Council, and shall cause to be made out for every financial year a balance sheet showing details of the income and expenditure of the Council and all its assets and liabilities.

(2) Within six months of the close of every financial year a balance sheet showing details of the income and expenditure of the Council in respect of the financial year shall be submitted for audit 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 the council adopts it, shall endorse the balance sheet with a certificate that it has been so adopted.

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

[PCh182s16]16. Laying of reports before the National Assembly

(1) The Minister shall, as soon as practicable after he has received them and in any case not later than eight months after the close of the financial year or such longer period as the National Assembly may, by resolution, approve in that behalf, lay before the National Assembly the following documents in relation to that financial year—

(a) a copy of the audited balance sheet and profit and loss statement of the Council;

(b) a copy of the auditor's report on the audited accounts of the Council;

(c) a copy of the Council's report dealing with its activities during that financial year.

(2) Where at the end of six months from the close of the financial year the Minister has not received from the Council the documents specified in this section, he shall before the expiry of the seventh month after the close of financial year, or so soon after non-receipt of the documents as the National Assembly meets, cause the National Assembly, by resolution, to approve such longer period as it may determine within which the Minister shall lay the documents before the National Assembly.

SCHEDULE

1. Composition of Council

The Council shall consist of—

(a) The Permanent Secretary, Ministry responsible for economic planning, who shall be the Chairman;

(b) the Permanent Secretary from each of the following Ministries:—

(i) the Ministry responsible for labour;

(ii) the Ministry responsible for manpower development;

(iii) the Ministry responsible for trade;

(iv) the Ministry responsible for industries;

(v) the Ministry responsible for agriculture;

(vi) the Ministry responsible for lands;

(c) not less than fifteen other members who shall be appointed by the Minister amongst persons nominated, one each by—

(i) the Industrial Court of Tanzania;

(ii) the National Institute of Productivity;

(iii) the Association of Tanzania Employers;

(iv) the National Price Commission;

(v) the Co-operative Union of Tanzania;

(vi) the Bureau of Standards;

(vii) the Economic Research Bureau of the University of Dar es Salaam;

(viii) the Bureau of Statistics;

(ix) the Tanzania Audit Corporation;

(x) the Income Tax Department;

(xi) the Planning Commission, Zanzibar;

(xii) the Trade Unions;

(xiii) the Attorney-General; and

(xiv) the Tanzania Association of Parastatal Organisations;

(d) five other members appointed by the Minister amongst persons with the necessary experience in economic and scientific matters or who, in his opinion may assist the Council in its deliberations.

2. Vice-Chairman

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

3. Tenure of appointment

(1) A member shall, unless his appointment is sooner terminated by the President or, as the case may be, by the Minister or he ceases in any other way to be a member, hold office for the period specified by the President in the case of the Chairman or by the Minister, in the case of any other member, 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.

(2) Any member appointed under paragraph (a), (c) or (d) may at any time resign his office by giving notice in writing to the President or, as the case may be, to the Minister, 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 President or the Minister, as the case may be, he shall cease to be a member.

4. Absent member to be represented

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

5. Casual vacancies

Where any member ceases to be a member for any reason before the expiration of his term of office, the appointing authority may appoint another in his place and the person so appointed shall hold office for the remainder of the term of office of his predecessor.

6. Power of Chairman and Vice-Chairman

(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 the meeting.

(4) The Chairman, Vice-Chairman or a temporary chairman presiding at the meeting of the Council, shall have a vote and, in the event of an equality of votes, shall have a casting vote in addition to his deliberative vote.

7. Meeting and procedure of the Council

(1) The Council shall ordinarily meet for the transactions of its business 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 upon application in writing by at least five members, shall 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 each meeting.

(4) The Council may invite any person who is not a member to participate in the deliberation at any meeting of the Council, but any person so invited shall not be entitled to vote.

8. Quorum

At any meeting of the Council not less than one half of the members in office for the time being shall constitute a quorum.

9. Decisions of the Council

(1) 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.

(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 the members.

10. Minutes of the meeting

(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 purporting to be signed by the person presiding at a meeting of the Council shall, in the absence of proof of error, be deemed to be a correct record of the meeting whose minutes they purport to be.

11. Vacancies not to invalidate proceedings

The validity of any act or proceeding of the Council shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

12. Orders and directions

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 Secretary or any officer of the Council authorised in writing in that behalf by the Secretary.

13. Seal of the Council

The seal of the Council shall not be affixed to any instrument except in the presence of the Chairman or the Secretary or some other officer of the Council and at least one member of the Council.

14. Council may regulate its own proceedings

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