

## CHAPTER 224

### THE BEEKEEPING ACT

#### [PRINCIPAL LEGISLATION]

#### ARRANGEMENT OF SECTIONS

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### CHAPTER 224

#### THE BEEKEEPING ACT

An Act to make provisions for the orderly conduct of beekeeping, for the improvement of the products of beekeeping and for the prevention and eradication of diseases and pests amongst bees.

[.....]

Act No. 15 of 2002

#### PART I

##### PRELIMINARY PROVISIONS (ss 1-2)

[PCh224s1]1. Short title and commencement

This Act may be cited as the Beekeeping Act and shall come into operation on such date as the Minister may, by notice published in the Gazette, appoint, and the Minister may appoint different dates for different parts of the Act to come into operation.

[PCh224s2]2. Interpretation

In this Act, unless the context requires otherwise—

"apiary" means a beehive or a collection of beehives, whether stocked or unstocked;

"apiary product" includes live bees, brood, beeswax, honey, cut comb honey, comb sections, bee combs, honey dew, bee collected pollen, bee venom, propolis or royal jelly or any substance declared by regulations to be an apiary product for purposes of this Act;

"appliance" means any fitting, utensil, apparatus or implement that is used or has been used for the purposes of, or in connection with, beekeeping, or in the processing, handling or storing of apiary products;

"authorised officer" means a beekeeping officer or any other officer appointed as such in writing by the Minister or Director to exercise any power or discharge any duty under this Act or any subsidiary legislation made under this Act;

"bee" means an insect of the genus *Apis* or *Meliponula* or *Trigona* or any other genus of bee prescribed in regulations for the purposes of this Act;

"beehive" means a receptacle used for housing living bees and includes a hive;

"beekeeper" means a person who owns or has under his control or possession bees in his apiary or a person on whose behalf bees or an apiary are kept;

"beekeepers registration system" means the system which may be established in accordance with the provisions of section 27 of this Act;

"Beekeeping Development Fund" means the fund established by section 40 of this Act;

"beekeeping equipment" includes hives, supers, hive covers, hive floors, hive tools, queen excluders, bee protectives, beesmoker, gears used in luring, handling and manipulating bees, honey and beeswax strainers, honey extractors, honey and beeswax storage facilities, frames, combs and any equipment used for processing and marketing of bee products and includes the honey, brood and pollen in the combs;

"beekeeping zone" means an area of land within a national or local authority forest reserve in which the keeping of bees and management of apiaries in accordance with an approved management scheme is permitted;

"bee reserve" means an area of land declared to be as such by an Order made under section 11(1);

"beeswax" means the wax secreted by bees as bee comb material and includes raw beeswax and refined beeswax;

"brand" means a permanent impression of any letter, sign, number or character made upon any beekeeping equipment;

"broodbox" means the bottom box of an active beehive and includes a beehive designated for rearing brood;

"cappings" means the covering and adhering beeswax over comb cells, pollen or brood that is removed before the honey extracting process;

"chief executive officer" means the chief officer of the administrative, professional and technical services of a local authority, by whatever name called;

"colony" means a family of queen and brood bees of any size and includes a colony temporarily without a queen, brood drones or workers;

"comb" means a structure of cells made of beeswax;

"commercial beeswax" means worked beeswax produced for sale by a manufacturer of apiary products;

"Committee" means the National Beekeeping Advisory Committee established under section 10 of this Act;

"declared village bee reserve" means a bee reserve referred to in section 20 of this Act;

"director" means the person for the time being responsible for Beekeeping;

"disease" means any infectious disease to which bees are subject and includes any parasite of bees;

"Division" means the Division responsible for beekeeping;

"environmental impact assessment" has the meaning ascribed to it by section 26 of this Act;

"Executive Agency" has the meaning ascribed to it by the Executive Agencies Act

\*;

"frame" means a frame in which bee combs are built;

"Fund" means the Beekeeping Development Fund established under section 40 of this Act;

"gazetted bee reserve" means a national or local authority bee reserve declared by the Minister to be a gazetted bee reserve;

"general land" has the meaning ascribed to it by section 2 of the Land Act \*;

"Group" means a community management group.

"hive produce" means honey, pollen, beeswax, propolis or royal jelly, bee venom and any other product of the beehive that may be prescribed;

"honey" means saccharine secretions from the nectaries of flowers that are gathered, modified and stored in bee combs and are laevo-rotatory;

"honey dew" means the saccharine exudations of living parts of plants and the sweet liquid excreted by hemipterous insects feeding on plants that are gathered, modified and stored in bee combs and are dextrorotatory;

"import permit" means an import permit granted under section 36 of this Act;

"infected" includes contaminated and also includes infested;

"joint management agreement" is the plan referred to in section 18 of this Act;

"local authority" means a district council or an urban authority;

"local authority bee reserve" means a bee reserve wholly owned by the local authority;

"local authority beekeeping zone" means an area of land established as a local authority beekeeping zone under section 25 of this Act;

"local authority forest reserve" means a forest reserve declared as such under the Forests Act \*;

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

"Ministry" means the Ministry for the time being responsible for beekeeping;

"national bee reserve" means a bee reserve wholly owned by the Government;

"national forest reserve" means a forest reserve declared as such under the Forests Act \*;

"notice of intention" means the notice referred to in section 13;

"notifiable disease" means a disease or pest notified by Order published in the Gazette as a notifiable disease for purposes of this Act;

"pests" means the Greater Wax Moth, the honey badger and such other animal, bird or insect as may from time to time be declared by Order published in the Gazette to be a pest for purposes of this Act;

"Policy" means the National Beekeeping Policy;

"private bee reserve" means a bee reserve owned by individual, group of persons or a Group or community;

"quarantine area" means an area declared by the Minister to be a quarantine area under section 37 of this Act;

"raw beeswax" includes beeswax which is heated in order to remove the honey therefrom but from which extraneous matter has not been removed;

"register" means the register of beekeepers which may be established under Part V of this Act;

"Trustees" means the Trustees of the Beekeeping Development Fund appointed under section 40 of this Act;

"village assembly" means the village assembly of any village;

"village council" means, in relation to a village, the village council of that village.

## PART II

### THE OBJECTIVES OF THIS ACT (s 3)

[PCh224s3]3. Objectives of this Act

(1) The objectives of this Act shall be—

(a) to promote and enhance the contribution of the beekeeping sector to the sustainable development of Tanzania and the conservation and management of her natural resources for the benefit of present and future generations;

(b) to enhance national capacity to manage and develop the beekeeping sector and enable the sector to make a contribution to the alleviation of poverty;

(c) to ensure that the management and development of beekeeping is devolved to the lowest possible level of Government consistent with maintaining and promoting high standards of quality;

(d) to ensure the sustainable existence of honeybees by the creation, maintenance and effective management of bee reserves and apiaries;

(e) to improve the quality and quantity of honey, beeswax, and other bee products to ensure the sustainable supply of the same;

(f) to improve biodiversity and increase employment and foreign exchange earnings through sustainable bee products-based industrial development and trade.

## PART III

### ADMINISTRATION (ss 4-10)

#### [PCh224s4]4. Responsibilities of the Minister

The Minister shall be responsible for policy formulation and for ensuring the execution by officials in the Ministry such functions connected with the implementation of this Act.

#### [PCh224s5]5. Director responsible for beekeeping

(1) There shall be a Director responsible for beekeeping matters who shall be an officer in the public service.

(2) The Director shall be the adviser to the Government on all matters related to the management of beekeeping.

(3) The Director may, from time to time, as he thinks fit, issue and publish circulars and directives on the implementation of this Act but no such circulars or directives shall purport to alter, amend or depart from the provisions of this Act or any regulations made under this Act or contradict any advice, guidance or directives issued by the Minister under section 4 of this Act.

(4) Where the Director is required or empowered by this Act to make a determination affecting or likely to affect the rights of any person or the opportunity for

any person to undertake any activities, he shall give the person reasons for that determination.

[PCh224s6]6. Licensing officers, enforcement officers and inspectors

(1) There shall be appointed by the Director, amongst the officers of the Ministry—

(a) the licensing and registration officers who shall exercise powers under Part V;

(b) the enforcement officers, performing such functions relating to the enforcement of the provisions of this Act or as may be specified by him; and

(c) inspectors, who shall perform their functions as provided under this Act or as specified by him.

(2) Officers under this section shall be answerable to the Director.

(3) The Director may, by notice published in the Gazette, designate any person to be an authorised officer for the purposes of all or any provisions of this Act.

(4) The Director shall, by Order published in the Gazette, and subject to such qualifications or exemptions as may be prescribed therein, delegate to such public officers the exercise or performance of any of the functions conferred or imposed on him by this Act.

(5) Nothing in this section shall be taken to prevent any local authority from appointing in accordance with the law relating to the appointment of local authority staff, such qualified officers as it considers necessary to enable it to discharge such functions allocated to it by this Act.

[PCh224s7]7. Information to the public

The Director may, where it is practical to do so, provide information and guidance, by Order or notice to members of the public in connection with the implementation of this Act.

[PCh224s8]8. Relationship between the Ministry and other authorities

(1) The Director shall ensure that all local authorities, associations within its area of jurisdiction and other public authorities are consulted and kept informed about the management of beekeeping as provided under this Act.

(2) Any authorised officer allocated any functions under or in connection with this Act shall have regard to any directives and circulars issued by the Director.

(3) Where any directive or circular is at variance with an approved local authority management plan applicable to a declared or gazetted local authority bee reserve or other local authority priorities applicable to any beekeeping activity managed by that local authority, the Director and the relevant officers and members of that local authority shall consult each other and use their efforts to reconcile any such variances.

(4) Where the Director is of the opinion on the basis of information given to him by any officer exercising functions under this Act or otherwise that a local authority with the responsibility to exercise functions in accordance with provisions of this Act, the Policy or any approved and published national criteria and indicators for sustainable beekeeping, or where such national criteria and indicators are not in existence, in accordance with accepted principles of sustainable beekeeping or good administration, then the Director may—

(a) serve a notice on that local authority requiring it to take the steps specified in that notice within the time specified therein to rectify and improve its beekeeping management; or

(b) serve a notice on that local authority requiring it to show cause, within the time specified therein, as to why the Director should not arrange that such functions of beekeeping management as may be specified should be taken over by another local authority or by the Director for such period of time as may be specified in the notice;

(c) in either case referred to in paragraph (a) or (b), upon making a written request to that local authority, appear before such local authority personally or his representative for the purpose of making representations orally; and

(d) if in his opinion, the local authority has failed to show cause as required under paragraph (b) above, prepare and submit a report with recommendations to the Minister on the mismanagement of beekeeping functions by such local authority and what action should be taken thereon.

(5) Where the Minister after considering the report from the Director referred to in paragraph (d) of subsection (4) is satisfied that, owing to the mismanagement, by any local authority of any of its functions in relation to beekeeping, it is in the public interest that such local authority should cease to exercise all or any management functions in relation to beekeeping, the Minister shall make consultation with the Minister responsible for local authorities in respect of the mismanagement of such beekeeping functions.

(6) The Minister responsible for local authority after considering the report submitted to him, shall invoke his powers as provided under section 169 of the Local

Government (District Authorities) Act \* and section 71 of the Local Government (Urban Authorities) Act \* and direct the Director or other local authority or any person to take over the management functions of such local authority as may be specified.

(7) The other local authority or the Director shall perform any functions in relation to beekeeping which it or he is directed to manage under the provisions of subsection (5) on behalf of and for the benefit of the people within the jurisdiction of the first local authority whose functions have been taken over and the net profits of management, if any, shall, after deduction of the costs of management and development, be deemed to be part of the revenue of the first local authority, which shall likewise bear any losses incurred.

(8) For purposes of this section, a local authority shall include a village council.

[PCh224s9]9. Conflict of interest

(1) Where any matter concerning beekeeping management in which any officer exercising functions under this Act or any member of his immediate family has an interest allocated to, referred to or otherwise comes to that officer for his advice, assistance or decision that officer shall not exercise any functions under this Act in respect of that matter.

(2) Where the officer referred to in subsection (1) is the Director, he shall declare his interest to the Minister, and where the officer referred to in subsection (1) is an officer appointed under section 6, shall declare his interest to the Director, the Minister or the Director as the case may be shall appoint another officer to perform functions in respect of that matter.

(3) A person to whom subsections (1) and (2) apply shall not influence or seek or attempt to influence any officer performing such functions or any other legislation to show any undue favour or preference to him or any member of his immediate family in respect of such matter.

[PCh224s10]10. Establishment of National Beekeeping Advisory Committee

(1) There shall be established a National Beekeeping Advisory Committee whose members shall be appointed by the Minister.

(2) In appointing members of the Committee, the Minister shall take into consideration the following:

(a) possession of the necessary expertise, qualifications and interest in all aspects of beekeeping and the marketing of apiary products;

(b) ensure a gender balance on the Committee;

(c) include on the Committee persons who are not in the public service and at least one from the local authority.

(3) The procedures of the Committee shall be as provided for in the First Schedule to this Act.

(4) The functions of the Committee shall be to advise the Minister on—

(a) matters under the provisions of this Act which are required to be referred to the Committee; and

(b) such other matters related to the implementation of this Act or generally on beekeeping as may be referred to the Committee by the Minister or on its own motion.

(5) The Minister may by Order published in the Gazette alter, amend or add anything in the First Schedule to this Act.

(6) The Minister shall include in a report, to be published annually on performance report of the Ministry—

(a) a statement on the number of matters which have been referred to the Committee; and

(b) the number of issues which are required to be submitted to the Committee, or which he has disposed of contrary to the advice of the Committee, and the reasons for such action.

#### PART IV

#### BEE RESERVES AND ZONES (ss 11-26)

[PCh224s11]11. Powers of the Minister to establish a bee reserve

(1) The Minister may by Order published in the Gazette establish a bee reserve.

(2) A bee reserve established under subsection (1) may be—

(a) a private bee reserve; or

(b) a national bee reserve; or

(c) a local authority bee reserve; or

(d) a village bee reserve.

[PCh224s12]12. Private bee reserves

(1) The holder of a right of occupancy may enter into a covenant and any applicant for a right of occupancy may propose that if he is granted a right of occupancy

he shall enter into a covenant, to be known as a bee reserve dedication covenant, with the Director to the effect that the land or any part thereof which is subject to the right of occupancy shall not, without the previous consent in writing of the Director be used for other purposes than a bee reserve.

(2) Obligations and other conditions between the parties to the covenant referred to in subsection (1) shall be set out in the said covenant.

(3) For purposes of this section, a holder of a right of occupancy may be an individual, a group of individuals holding a right of occupancy under the provisions of the Land Act \* or the Village Land Act \*.

(4) Nothing in this section shall be taken to limit the right of any person, group of persons or a Group to use any land which he or they are occupying lawfully or to apply to the Commissioner of Lands or, as the case may be, to a village council for a right of occupancy or, subject to the terms and conditions thereof, to use an existing right of occupancy or other interest in land for the purposes of the development and use of the land comprised in the right of occupancy or other interest in land for beekeeping activities or to develop, use and manage such land as a private bee reserve.

[PCh224s13]13. Procedures for declaration of a gazetted bee reserve

(1) Where the Minister has an intention of establishing a national, private, local authority, village or community bee reserve pursuant to subsection (1) of section 11, he shall cause a notice, to be referred to as a notice of intention, to be—

(a) published for the purpose of the proposed declaration of the said area, which shall describe the proposed boundaries of the bee reserve in one or more newspapers circulating in the area of the proposed reserve;

(b) exhibited in a conspicuous place in the offices of all local authorities within its area of jurisdiction and nearby the proposed reserve; and

(c) given publicity in such a manner as is customary in the area or as to bring it to the attention of all persons living in or in the vicinity of or deriving their livelihood from or using on a regular basis any part of the proposed reserve.

(2) The notice of intention referred to in subsection (1) shall include—

(a) a description of the boundaries of the proposed reserve;

(b) a statement of the purposes for which the land is proposed to be declared to be a reserve;

(c) a statement of the reasons for the choice of either a national bee reserve or a local authority bee reserve;

(d) the period of time, being not less than ninety days within which any person or group of persons or a representative thereof may, either orally or in writing—

(i) object to; or

(ii) make representations about; or

(iii) claim,

any rights based on and arising out of customary law in relation to beekeeping or gathering or use of the produce of bees within the area or any rights based on any other written law within the area of the proposed reserve;

(e) the person or persons to whom any such statements referred to in paragraph (d) may be made and the places and times at which any such persons will be available to receive any such statements;

(f) the times, being not less than twenty one days from the date of the notice, and places at which any village assembly or other public meetings will be held to explain and receive comments on the proposed declaration of a reserve; and

(g) any other matters as may be prescribed.

(3) The Director shall be responsible for—

(a) collating, classifying and assessing any objections, representations and claims received under paragraph (d), of subsection (2);

(b) organising and ensuring the accurate recording of comments and representations made at public meetings which shall be held within or near the area of the proposed reserve during the period referred to in paragraph (d) of subsection (2);

(c) making consultations with organisations and persons in the public and private sector as to enable him be in a proper position to advise the Minister on the proposed declaration of a reserve; and

(d) submitting a report, together with his observations and recommendations thereon, on the objections, representations, claims and consultations referred to in paragraphs (a), (b) and (c) to the Minister.

(4) A report submitted under subsection (3) shall include comments on whether it would be preferable to declare the area under consideration as a community bee reserve.

(5) At the village assembly or other public meetings referred to in paragraph (c) of subsection (3), the Director or such other official as may be designated by the Director shall explain with such diagrams, maps and pictures as may be considered necessary, the purpose and scope of the proposed bee reserve.

(6) On receipt of the report referred to in paragraph (d) of subsection (3), the Minister shall refer that report and the proposal to declare a bee reserve to the Committee for its consideration.

(7) The Committee shall within sixty days of the receipt of such a report submit its report with recommendations on the matter of the proposed reserve to the Minister.

(8) The Minister shall after taking into consideration the report of the Committee submitted under subsection (7) and the report submitted by the Director under subsection (3), determine whether to—

(a) make an Order, with or without amendments to the proposed boundaries of the proposed reserve; or

(b) defer the making of an Order for further consideration, consultation or investigation, and in particular for any investigation into any rights claimed by any persons under subparagraph (iii) of paragraph (d) of subsection (2); or

(c) refuse to make an Order, declaring an area of land to be a bee reserve, and any such determination shall be in writing and shall be accompanied by reasons.

(9) Where the Minister does not make a determination as provided for in subsection (8) within one hundred and eighty days of the receipt of the reports referred to in subsection (7), it shall be presumed that he has refused to make the order.

(10) Where the Minister determines to defer the making of an Order to declare a bee reserve, he shall specify in writing what further considerations, consultations or investigations are to take place in respect of that proposed bee reserve.

(11) An Order made by the Minister under subsection (8)(a) declaring an area to be a bee reserve, shall be published in the Gazette and that area shall be known as a gazetted bee reserve.

[PCh224s14]14.       Boundaries of a gazetted bee reserve

(1) As soon as practicable after the publication of an Order made under subsection (11) of section 13 and in any event not later than one year after such publication, the Director shall cause the boundaries of the gazetted bee reserve to be visibly demarcated on the ground.

(2) The Director shall cause a map or plan of each gazetted bee reserve to be prepared, copies of which shall be maintained and made available for inspection by members of the public during office hours at—

- (a) the head office of the Division;
- (b) the office of the Division in the area where the gazetted bee reserve is situated;
- (c) the offices of the local authorities within the area where each gazetted bee reserve is situated; and

(d) any other places as may be prescribed.

(3) The Director may, from time to time and subject to the approval of the Minister, make minor changes to the boundaries of any gazetted bee reserve to accommodate changes in the environmental circumstances of any such bee reserve.

(4) During a period of not less than ninety days prior to proposing any minor change as is referred to in subsection (3), the Director shall—

(a) give publicity to the proposal within the area where the gazetted bee reserve is situated by—

(i) causing a notice of the change to be posted in a prominent place in the offices of all local authorities within the area where the gazetted bee reserve is situated; and

(ii) giving such other publicity to the change as is customary in the area or bring the proposed change to the attention of holders of existing rights and other persons having interests in the gazetted bee reserve;

(b) invite comments from all such persons referred to in subparagraph (ii) of paragraph (a) on the proposed change;

(c) take into account all such comments made; and

(d) prepare a report on the proposed change for the Minister.

(5) For purposes of this section, a minor change is that which does not affect in any significant way the existing rights of any rights holders within the gazetted bee reserve or the rights of any persons on land which shall be incorporated into the gazetted bee

reserve through the proposed changes to the boundaries thereof and does not increase the size of the gazetted bee reserve by more than five percent.

[PCh224s15]15. Power to alter and degazetted bee reserve

(1) Subject to the provisions of subsections (2), (3) and (4), the Minister may by Order published in the Gazette, revoke the declaration of all or a part of any gazetted bee reserve.

(2) The procedures set out in section 13 shall apply with such modifications and adaptations as the Minister may consider necessary to the exercise of the power to alter or degazette a bee reserve or any part thereof but no such modification or adaptation shall reduce the time available for comments on proposed action taken to alter and degazette or the responsibilities of the Director set out in subsection (3) or the duties of the Minister set out in subsections (8) and (9) of that section.

(3) An Act to alter or degazette a bee reserve shall not affect in a deleterious way the existing rights of any rights holders within such bee reserve unless the rights holders have been consulted on the matter during the period provided for the submission of comments on the same and they have either—

(a) agreed to the alteration on their existing rights together with an amount of compensation in respect of any losses caused by such alteration; or

(b) where it has not been possible to reach agreement and the Minister is satisfied that an alteration in existing rights is necessary, in all circumstances of the case, he shall ensure that the rights holders have been paid full and fair compensation for the involuntary loss of any such existing rights.

(4) In the case referred to in paragraph (b) of subsection (3), any person who is aggrieved by the determination of the Minister may appeal to the High Court.

[PCh224s16]16. Management of a gazetted bee reserve

(1) The functions of managing a gazetted bee reserve may be undertaken by either–

- (a) the Division;
- (b) an Executive Agency;
- (c) a local authority;
- (d) a village;
- (e) a Group;
- (f) a person holding a concession of the whole or a part of a gazetted bee reserve;
- (g) a company, co-operative or other organisation in the private sector; or
- (h) a non-governmental organisation.

(2) Different parts or activities within a gazetted bee reserve may be managed by the different persons or bodies listed as per subsection (1).

(3) The Director, in the case of a national bee reserve, and the chief executive officer, in the case of a local authority bee reserve, shall determine which of the persons or bodies listed under subsection (1) shall manage a gazetted bee reserve or any part thereof or any activity therein.

(4) The Director, in the case of a national bee reserve, and the chief executive officer, in the case of a local authority bee reserve, may invite any person or body listed under subsection (1) to submit a proposal to manage a gazetted bee reserve or any part thereof or activity therein and any such proposal that is submitted shall include—

(a) the time of the preparation of a plan for the management of the bee reserve;

(b) the envisaged structure and modalities of co-operation and consultation with—

(i) rights holders within the gazetted bee reserve;

(ii) any other person or body having management functions within that bee reserve;

(iii) any other person or body with interests in that bee reserve;

(c) the type of activities which shall be permitted in the gazetted bee reserve;

(d) the resources likely to be available to enable any management plan to be executed and how those resources shall be collected, allocated and divided between the bodies with responsibilities for managing the bee reserve; and

(e) any other matters as may be prescribed.

(4) Prior to the making of any determination in respect of a national bee reserve under subsection (3), the Director shall submit a report on the matter to the Committee and he shall take into account any comments the Committee shall make thereon.

(5) Where the Director, in the case of a national bee reserve or the chief executive officer in the case of a local authority bee reserve has determined that a person or body other than the Division or as the case may be, the local authority shall manage a gazetted

bee reserve or part thereof or any activity therein, he shall make a joint management or other agreement with that person or body in respect of the management of that bee reserve.

[PCh224s17]17. Prohibited activities within a gazetted bee reserve

(1) After coming into force of a declaration of a bee reserve, no person, other than a proven existing rights holder shall do any of the following acts unless such a person has been granted a licence or a permit under this Act to do that act or the doing of that act is a necessary consequence of the grant of a licence or a permit under this Act to do some other related acts such as—

(a) take, remove, burn, damage or destroy any bee, colony or any apiary products;

(b) cut down, fell, dig up or remove any tree;

(c) dig up or remove any wild plant;

(d) enter, perambulate for purposes of tourism, or camp within a bee reserve;

(e) take and remove any rock, stones, sand, shells or soil;

(f) undertake any mining activities;

(g) clear land;

(h) cut, burn, uproot, damage or destroy any vegetation;

(i) plant any crops, trees or other vegetation prohibited from being planted within the bee reserve;

(j) erect any buildings or other structures;

- (k) construct any roads, paths, bridges, railways, waterways or runways;
- (l) allow any livestock to enter any bee reserve;
- (m) graze or depasture any livestock;
- (n) use any buildings or other structures for any purpose other than a purpose for which it was being used at the time of the declaration of the bee reserve;
- (o) carry out any research activity for which a research permit is required; and
- (p) undertake any other activity within a bee reserve that is prohibited by regulations applicable to all bee reserves or any rules applicable to a specific bee reserve.

(2) No person shall within a bee reserve use any plant-protection substances classified by an authorised research institute which is likely to cause harm to bees, beekeeping activities, bee fodder plants or apiary products.

[PCh224s18]18. Joint management agreement for gazetted bee reserve

(1) A joint management agreement for the management of a gazetted bee reserve may be made by the Director and a local authority or a village council or a group or any person or organisation in the public or private sector inter se providing for the management by that organ or person and in that sector for the whole or a part of, or some specific matter within, a bee reserve.

(2) A joint management agreement referred to in subsection (1), shall include the following—

- (a) a description of the bee reserve or the area of the bee reserve covered by the agreement;

- (b) a description of the matters which are the subject of the agreement;
- (c) a statement of the objectives of the agreement;
- (d) names of the officers of the organisations that are making the agreement and a brief statement of the powers and authority of the organisations to make any such agreement;
- (e) a description of the management activities agreed to be undertaken by the bee reserve manager;
- (f) the rules governing and regulating the use, access to resources of the bee reserve, including, where relevant, rules concerning the powers, and duties of persons from a local community appointed to act as bee reserve keeper of the reserve, penalties to be imposed for violating the rules and, in the case of agreements referred to in paragraph (c), rules concerning expulsion from occupation or limiting or preventing use of, or access to, the bee reserve or any produce therein which may be applied to any member of a village or an organisation managing the reserve;
- (g) a description of the existing rights of rights holders within the bee reserve who are not parties to the agreement and procedures for resolving any disputes between them and the parties to the agreement;
- (h) rules regulating access to, use and division of, and management and audit of any funds which may be made available for, or are generated through the implementation of, the agreement;
- (i) procedures for resolving disputes which may arise between the parties to the agreement;

- (j) the duration of the agreement;
- (k) revision of the agreement; and
- (l) any other matters as may be prescribed or as the parties to the agreement consider necessary to be included.

(3) When an agreement has been negotiated between the parties thereto, it shall be signed by one or more persons from each party to the agreement, authorised by such party so to do.

(4) The Director may—

- (a) issue guidance on joint management agreements to parties negotiating any such agreement;

- (b) prepare model joint management agreements; and

- (c) at the request of any of the parties referred to in subsection (1) where he is not a party to an agreement, participate and advise the parties in the negotiations of any agreement.

(5) Nothing in this section shall prevent the Director or any person or authority or organisation in the public or private sector from making any arrangement or agreement with any other person, authority or organisation in the public or private sector which may give rise to rights and duties and which may be recorded in writing relating to the management of a bee reserve or any other area of land set aside for beekeeping or any part thereof.

(6) Notwithstanding the provision of subsection (5), no such arrangement or agreement shall adversely affect the existing rights of persons who are not parties to any such agreement or arrangement or in any such reserve or area set aside for beekeeping.

[PCh224s19]19. Declared local authority bee reserve

(1) A local authority or more local authorities may by resolution—

(a) declare an area of land under its jurisdiction to be a declared local authority bee reserve;

(b) submit an application to the Director for a declared local authority bee reserve to be gazetted and become a gazetted bee reserve;

(c) negotiate a joint management agreement with the Director or some other person or body with respect to the management of a gazetted bee reserve; and

(d) establish a committee or joint committee to manage a declared local authority bee reserve or allocate the duties of managing such a bee reserve to an existing committee of the local authority.

(2) A declared local authority bee reserve shall be managed in accordance with—

(a) the provisions of this Act;

(b) such priorities as may be determined by the local authority;

(c) such by-laws and other rules as may be made by the local authority, including any model by-laws adopted for use in respect of a declared local authority bee reserve by the local authority;

(d) such customary rules and practices applicable to the management of bees and apiary products within the area recognised as such by the local authority, provided that they are not in conflict with this Act or other rules made by the local authorities;

(e) such agreement as may be made between the local authority and some other person or body relating to the management of the declared local authority bee reserve, which shall be approved by the local authority before it shall come into operation;

(f) the general principles and rules of the management of local authority affairs; and

(g) any other rules and practices as may be prescribed.

(3) The Director may, by notice published in the Gazette, and after consultation with the chief executive officer of the local authority having jurisdiction in the area where the declared local authority bee reserve is situated, grant any person professionally or technically qualified in beekeeping or environmental management or conservation, employed or hired or seconded or working alongside the local authority, by name or office, such powers of a beekeeping officer in respect of such declared local authority bee reserve as may be specified in the said notice and he may, subject to consultation with the said chief executive officer and on giving reasonable notice to the person concerned, revoke such grant.

(4) The Director may from time to time issue guidance to local authorities in respect of the management of declared local authority bee reserves and local authorities, shall pay due regard to them.

(5) A local authority may, in accordance with prescribed procedures, apply to the Director for a declared local authority bee reserve to be converted into a gazetted local authority bee reserve.

(6) The provisions of sections 15 and 16 shall apply to an application to convert a declared local authority bee reserve into a gazetted bee reserve as they do to a proposal to declare a gazetted bee reserve provided by those sections.

[PCh224s20]20. Declared village bee reserve

(1) A village council may, by resolution, determine to—

(a) declare an area of village land under its jurisdiction to be a village bee reserve;

(b) negotiate a joint management agreement or other agreement or arrangement with the Director, a Group or some other person or body in respect to the management of a village bee reserve;

(c) establish a committee to manage a village bee reserve or allocate the duties of managing such a bee reserve to an existing committee of the village council.

(2) Where a village land bee reserve committee is established, it shall—

(a) be formed from the membership of the village assembly;

(b) be formed with due regard to gender balance;

(c) elect a chairman annually from amongst its membership;

(d) be the principal village body concerned with the management of a village bee reserve;

(e) report on a regular basis and take account of the views of the village assembly on the management of the village bee reserve.

(3) A village bee reserve management committee may co-opt persons to the committee but such persons shall not vote on any matter coming before the Committee.

(4) A declared village bee reserve shall be managed in accordance with—

- (a) the provisions of this Act;
- (b) such priorities as may be determined by the village council;
- (c) such by-laws and other rules as may be made by the village council;
- (d) such customary rules and practices applicable to the management of bees and apiary products within the area;

(e) any agreement made between the village council and some other persons or body relating to the management of the declared village bee reserve, which shall be approved by the village assembly before it shall come into operation.

(5) The Director may by notice published in the Gazette, and after consultation with the chief executive officer of the local authority having jurisdiction in the area where the declared village bee reserve is situated, grant any person professionally or technically qualified in beekeeping or environmental management or conservation employed or hired by or seconded to or working alongside the village council by name or office, such powers of a beekeeping officer in respect of such declared village land bee reserve as may be specified therein and he may, subject to consultation with the said chief executive and on giving reasonable notice to the person concerned, revoke such powers.

(6) The Director may from time to time issue guidance to village councils in respect of the management of declared village bee reserves and village councils shall, pay due regard to them.

[PCh224s21]21. Power of local authority to make by-laws

(1) Notwithstanding any provisions of the Local Government (Urban Authorities) Act \* and the Local Government (District Authorities) Act \* related to powers to make by-laws, a local authority performing the functions of managing a bee reserve and a village council performing similar functions shall, prior to making any by-laws applicable to such bee reserve—

- (a) submit a draft of any such proposed by-laws to the Director;
- (b) consider carefully any comments or recommendations the Director may make on any such draft; and
- (c) not proceed to the making of any such by-laws until it has received and considered any such comments and recommendations.

(2) Where the Director has received a draft of any by-laws referred to in subsection (1), he shall forward comments and recommendations to the local authority from which the draft by-laws came from within sixty days or such period as he may determine.

(3) Where the comments and recommendations referred to in subsection (2) are not sent within sixty days or the prescribed period, the village council may proceed to make the proposed by-laws without further delay.

(4) The Director may prepare and publish model by-laws for bee reserves.

(5) Where a local authority or village council to which this section applies decides to adopt and approve some or all of the model by-laws prepared by the Director under subsection (4), the provisions of subsection (1) shall not apply thereupon.

[PCh224s22]22. Supervision of village and community bee reserves by local authorities

(1) A local authority exercising jurisdiction within the area where a village council or a group of persons or a Group is managing a village bee reserve or a community bee reserve, shall exercise a general supervision over the functions of management of that bee reserve by that village council, or that group of persons or a Group.

(2) Where the local authority referred to in subsection (1) is of the opinion based on information given to it by any officer or a village council or a Group exercising functions related to the management of a bee reserve under this Act is failing to exercise such functions as provided in subsection (4) of section 20, the said local authority may—

(a) serve a notice on that village council or Group managers requiring them to take the steps specified in that notice within the time specified therein to rectify and improve its management as required.

(b) serve a notice on that village council or Group managers requiring them to show cause, within the time specified in that notice, as to why the said local authority should not take over and exercise the functions of management of that bee reserve for a period specified therein;

(c) in either case referred to in paragraph (a) or (b), upon making a written request to them send its officer to appear before such village council or Group managers personally for the purpose of making representations orally; and

(d) where, in the opinion of the local authority, the village council or the Group managers have failed to show cause as required under paragraph (b) above, may by resolution, decide to take over the functions of management in respect of that bee reserve as specified in the notice referred to in paragraph (b).

(3) A village council or a Group may appeal in writing to the Minister responsible for local authority against any decision by a local authority to take over and exercise the functions of management of a bee reserve under subsection (2) above, and the Minister responsible for local authority may appoint a person, not being an officer from his Ministry, to hear any representations that such village council or Group may wish to make in relation to its appeal and thereafter to report to the Minister responsible for local authority on the representations.

(4) The Minister responsible for local authority shall—

(a) before determining an appeal have regard to the report submitted to him under subsection (3);

(b) not be bound to determine any appeal in accordance with any report made by any such person or to give any local authority or other beekeeping management authority appealing under this subsection an oral hearing;

(c) give reasons in writing for his decision; and

(d) convey a copy of his decision to the village council.

(5) Before reaching any decision on an appeal made to him under subsection (3), the Minister responsible for local authority shall consult with the Minister.

(6) Where the Director proposes to exercise any power under section 8 in respect to a village or community bee reserve, he shall inform the local authority having jurisdiction within the area where such village or community bee reserve is situated in writing of that fact and the said local authority shall not thereafter exercise any powers under this section with respect to that village or community bee reserve.

(7) Where the local authority having jurisdiction within an area where a village or community bee reserve is situated proposes to exercise any power under this section, it shall, prior to any such exercise, inform the Director in writing of that fact with the reasons for the proposed action.

[PCh224s23]23.      Establishment of beekeeping zones

(1) The Director may, on his own motion or as a result of representations made to him, establish a beekeeping zone within a national, or local authority, forest reserve and general land.

(2) Where the Director proposes to make an Order declaring an area of land to be a beekeeping zone, he shall cause a notice, to be referred to as a notice of intention, to be published, which shall—

(a)      describe the proposed boundaries of the beekeeping zone and shall be kept in a conspicuous place in the offices of all local authorities within whose area of jurisdiction any part of the proposed beekeeping zone is situated or is contiguous thereto; and

(b) give publicity in such manner as is customary in the area to draw the attention of all persons living in the vicinity of the proposed beekeeping zone.

(3) The notice of intention shall include—

(a) a description of the boundaries of the proposed beekeeping zone;

(b) a statement of the purposes for which the land is proposed to be declared to be a beekeeping zone;

(c) an outline of the proposed arrangements which shall govern the keeping of bees within the beekeeping zone;

(d) the period of time, being not less than sixty days within which any person or group of persons or a representative thereof may, either orally or in writing—

(i) object to; or

(ii) make representations about

the proposed declaration of a beekeeping zone and the contents of the proposed arrangements for managing the keeping of bees within the zone;

(e) the person or persons to whom any such statements as are referred to in paragraph (c) may be made and the places and times at which any such persons shall be available to receive any such statements;

(f) the times, being not less than twenty-one days from the date of the notice, and places at which any village assembly or other public meetings shall be held to explain and receive comments on the proposed declaration of a beekeeping zone and the proposed management scheme; and

(g) any other matters as may be prescribed.

(4) The Director shall—

(a) collate, classify and assess any objections and representations received under paragraph (d) of subsection (3);

(b) organise and ensure the accurate recording of comments and representations made at one or more village assemblies or other public meetings which shall be held within or near the area proposed to be declared as a reserve during the period referred to in paragraph (f) of subsection (3); and

(c) undertake such consultations with organisations and persons in the public and private sector as to enable him to make an informed decision on the proposed declaration of a beekeeping zone.

(5) At the village or other public meetings referred to in paragraph (f) of subsection (3) the Director or such other officials as may be designated by the Director shall explain with such diagrams, maps and pictures as may be considered necessary and desirable, the purpose and scope of the proposed beekeeping zone and the proposed management arrangements.

(6) The Director shall after taking account of all the information generated by the processes provided by this section, determine whether to—

(a) make an order, with or without amendments, to the proposed boundaries of the proposed beekeeping zone; or

(b) defer the making of an order for further consideration, consultation or investigation; or

(c) refuse to make an order, declaring an area of land to be a beekeeping zone, and any such determination shall be in writing and shall be accompanied by reasons.

(7) Where the Director does not make a determination as provided for in subsection (7) within ninety days of the receipt of the reports referred to in that subsection it shall be presumed that he has refused to make the order.

(8) Where the Director determines to defer the making of an order to declare a beekeeping zone, he shall specify in writing what further considerations, consultations or investigations are to take place in respect of that proposed beekeeping zone.

(9) Where a beekeeping zone has been established, any person permitted to keep bees within that zone and any employee or co-worker of any such person shall be issued with a permit to enter and traverse therein for all purposes necessary to enable permitted beekeeping activities to be carried out therein.

(10) Without prejudice to the generality of clause (1) to (9), before establishing a beekeeping zone, the Director responsible for beekeeping shall consult the Director responsible for forestry matters.

[PCh224s24]24. Beekeeping in beekeeping zones

(1) Any person, group of persons, group, or organisation may apply in the prescribed form to the Director to keep bees within a beekeeping zone.

(2) In determining whether to approve an application to keep bees within a beekeeping zone, the Director shall give preference to persons living in proximity to the beekeeping zone.

(3) The Director may delegate any powers conferred on him by this section to any local authority nearby national forest reserve.

(4) Any person who at the coming into force of this Act, was keeping bees within a national or local authority forest reserve with the permission of the manager of the national or local authority forest reserve, as the case may be, shall be deemed to have received permission from the Director to continue to keep bees within that national or local authority forest reserve as if the place where he was keeping the bees was a beekeeping zone.

[PCh224s25]25. Local authority beekeeping zones

(1) A local authority may establish a beekeeping zone within a local authority forest reserve.

(2) The management of beekeeping zones in local authority forest reserve shall be equal to that of sections 23 and 24 provided that the word "Director" in subsection (1) of section 23 be substituted with the phrase "local authority having jurisdiction over the local authority reserve", in subsection (5) the word "Director" to be substituted with the phrase "the chief executive officer of the local authority" and in subsection (3) of section 24, the words "local authority" to be replaced by the words "village council".

(3) Notwithstanding the provisions of subsection (2), the procedures for the establishment of beekeeping zones provided under subsections (2) to (9) of section 23 shall only be applicable in respect of beekeeping zones situated in general land.

[PCh224s26]26. Environmental impact assessment

(1) In any proposed development in a beekeeping reserve, in a beekeeping zone, in an area nearby a beekeeping reserve or a beekeeping zone which is an environmentally sensitive area, whether that development is proposed by, or is to be implemented by, a person or organisation in the public or private sector, the proposer of the development shall prepare and submit to the Director an environmental impact statement of the proposed development from the recognized body and, notwithstanding any other written law to the contrary, no development to which this section applies shall be commenced unless an environmental impact assessment has been completed to the satisfaction of the Director.

(2) The developments to which this section apply are—

(a) commercial logging and forest industry and developments within a forest reserve in which a beekeeping zone has been established necessarily connected with commercial logging and forest industry where the development exceeds five hectares or such area as may be prescribed;

(b) mining developments;

(c) road construction or the laying of pipelines;

(d) the construction of dams or power stations;

(e) the construction of a building or group of buildings for purposes other than the management of a beekeeping reserve or beekeeping zone on an area of land exceeding one hectare or such area as may be prescribed;

(f) any agricultural or horticultural development on an area of land exceeding five hectares or such area as may be prescribed where plant-protection substances

classified by an authorised research institute are likely to cause harm to bee activity, beefodder plants or apiary products are to be used; and

(g) any other developments as may be prescribed.

(3) The modalities and substance of an environmental impact assessment to which this section applies shall have regard to the acceptable practice.

(4) In exercising his functions under this section, the Director shall co-ordinate with the functions of any other ministry in respect of the production of an environmental impact assessment which is required under any written law, the implementation of which is the responsibility of that ministry.

(5) An environmental impact assessment produced under this section shall set out an environmental management plan and an integrated pest management plan for eliminating or minimising the impact on the beekeeping environment and where, after consideration and approval of the environmental impact assessment, the development is permitted, the developer shall be under a duty to comply with that environmental management plan and that integrated pest management plan in carrying out its activities.

## PART V

### REGISTRATION OF BEEKEEPERS (s 27)

[PCh224s27]27. Establishment of beekeepers registration system

(1) The Minister may, by Order, published in the Gazette establish a beekeepers registration system and where any such system has been established the provisions of this Part shall apply to any person carrying on any of the activity of beekeeping which is brought within such system.

(2) Any beekeepers registration system may apply to—

- (a) the whole or any part of the country; or
- (b) any activity pertaining to beekeeping.

(3) The procedures of section 13 shall apply to the Order made under this section as they apply to the declaration of a gazetted bee reserve under that section with such adjustments and adaptations as the nature of the subject matter of this section may require.

(4) Any Order made under this section shall contain such matters as may be prescribed.

## PART VI

### REGULATION OF BEEKEEPING ACTIVITIES (ss 28-37)

[PCh224s28]28. Powers of the Director to restrict beekeeping

(1) If the Director or authorised officer is satisfied that in relation to particular premises on which an apiary is being maintained—

(a) the keeping of bees or a number of beehives are a public nuisance or a danger to public health or public safety; or

(b) for any other specified reason, those premises are unsuitable for beekeeping, he may,

by order served on the person who is keeping or who is responsible for the apiary—

(i) prohibit—

(aa) the keeping of bees on those premises; or

(bb) the keeping of more than specified number of beehives on those premises, after such date as may be specified in the order being a date not earlier than thirty days after the service of such order; and

(ii) direct that, not later than that date, the person who established or who is keeping the apiary—

(aa) remove the apiary; or

(bb) remove the numbers of beehives in excess of the maximum number of beehives specified under subparagraph (ii) of paragraph (c), from those premises.

(2) Where the Director is satisfied that an apiary is about to be established on particular premises such that the keeping of bees on those premises would be a public nuisance or a danger to public health or public safety or for any other reason, those premises would be unsuitable for beekeeping, he may by order prohibit the keeping of bees or the establishment of an apiary on those premises.

(3) An order referred to in subsection (2) shall be served on the occupier of the premises and, where the occupier of the premises is not the person who has established or who intends to establish an apiary on those premises, shall, also be served on such person, and no order shall come into effect until after the date specified therein being not earlier than thirty days after the service of such notice.

(4) Where the Director or an authorised officer is satisfied that a person has failed to comply with directives contained in an order under paragraph (d) of subsection (1) or has not removed the apiary to some other premises as ordered, he shall report the matter to the court.

(5) Where an appeal under section 55 is made against an order or any part thereof before the date on which the order is to take effect, the order shall not take effect until the appeal is determined or is withdrawn.

[PCh224s29]29. Honey not to be exposed

(1) Where honey or any bee comb or appliance in which honey is kept is in the possession or under the control of a person, that person shall ensure that the honey, bee comb or appliance does not remain exposed in a manner or under conditions which would allow robber bees access to the honey.

(2) The Director or an authorised officer may give such advice as appears to him to be necessary to assist any person to comply with the duty created by subsection (1).

[PCh224s30]30. Protection against wax moth and other pests

(1) A person shall not store combs, cappings, beeswax or appliances in which honey is kept in such a manner as to attract pests to breed and develop therein.

(2) An inspector may give instructions as may be necessary to any beekeeper in respect of actions to be taken to minimise or eliminate the possibility of pests being attracted to or breeding in any combs, cappings, beeswax or appliances.

[PCh224s31]31. Reporting of notifiable disease

A beekeeper shall as soon as after first becoming aware of or first suspecting that any bees, beehives, apiary products, or appliances in the beekeepers' possession or under the beekeepers' control are infected with a notifiable disease, give notice of the existence or suspected existence of that disease to the Director or an inspector.

[PCh224s32]32. Inspection for bees

An inspector who receives notice under section 31 or who otherwise becomes aware of the existence or suspected existence of a notifiable disease shall be under a duty to examine the bees, beehives, apiary products or appliances and the place where the disease exists or is suspected to exist.

[PCh224s33]33. Duties of beekeepers in respect of diseases

A beekeeper shall—

(a) subject to the directives of an inspector as to the steps to be taken to treat or eradicate any notifiable disease, keep or allow to remain on any land under his control any bees, beehives, apiary products or appliances known to the beekeeper to be infected with or liable to spread such a disease among bees;

(b) not sell or otherwise than in a prescribed manner, dispose of any bees, beehives, apiary products or appliances from an apiary known by the beekeeper to be infected with or to be liable to spread such a notifiable disease;

(c) comply with lawful orders and directives from an inspector as to the steps which must be taken, including steps to destroy any bees, beehives, apiary products and appliances, in order to eradicate or prevent the spread of a notifiable disease among bees.

[PCh224s34]34. Powers of inspectors in relation to disease

(1) Where an inspector is satisfied that any bees, beehives, apiary products or appliances are infected with a notifiable disease and are sources of immediate danger to other bees, he shall—

(a) direct the beekeeper concerned to cause the bees, beehives, apiary products or appliances to be destroyed or irradiated, forthwith or within such reasonable period as he specifies; and

(b) if, after giving such directives, they are not complied with in the time specified therein, cause to be destroyed or irradiate those bees, beehives, apiary products or appliances.

(2) Where an inspector gives a directive under subsection (1), he shall make an inventory of the bees, beehives, apiary products or appliances to which the directive applies.

(3) Where, on inspecting premises on which bees, apiary products or appliances are kept, an inspector is satisfied that any bees, beehives, apiary products or appliances on those premises—

(a) are infected with a notifiable disease; or

(b) are liable to spread such a disease,

but are not an immediate source of danger to other bees, he may direct the beekeeper or the person occupying or having control of the premises concerned to treat the bees, beehives, apiary products or appliances or to take such other measures in such manner and within such reasonable period as the inspector specifies in the directive.

(4) Where a beekeeper or the person occupying or having control of the premises fails within the specified period to comply with a directive given to him by an inspector under subsection (2), he shall report the matter to the court.

(5) Where an inspector gives a direction under subsection (2) in relation to particular premises, he may give a further directive—

(a) that, bees, beehives, apiary products or appliances to which the first directive applies shall not be sold or otherwise disposed of or shall not be removed from those premises; or

(b) that no bees, beehives, apiary products or appliances shall be brought to the premises,

for a period not exceeding three months or as may be specified in that further directive.

(6) Any such directives given under subsection (5) may be renewed for three months in accordance with this subsection, but such renewal may be extended for a further period of three months where an inspector is satisfied that such a renewal is necessary.

(7) Where an inspector—

(a) suspects that a person is contravening or is about to contravene a directive given under subsection (5); or

(b) finds bees, beehives, apiary products or appliances which he suspects to have been sold, disposed of or removed in contravention of such a directive,

he shall seize and detain the bees, beehives, apiary products or appliances concerned pending their disposal under this Act.

(8) An inspector may give such ancillary directives as may be necessary and for the purpose of enabling him to exercise powers conferred to him by this section.

[PCh224s35]35. Declaration of infected area

(1) The Minister, on being satisfied that a notifiable disease is present or is suspected to be present within a particular area, may by Order published in the Gazette—

- (a) declare the area to be an infected area;
- (b) define the boundaries of the area; and
- (c) prohibit either absolutely or subject to such exceptions and conditions as may be specified in the Order, bees, beehives, apiary products or appliances from being brought into and from being taken out of the area while the Order is in force.

(2) An Order made under subsection (1) shall be in force for a period not exceeding three months and may, if the Minister is satisfied that it is necessary to continue the Order, be renewed for a period of three months, and the Minister may on such renewal, order or vary the provisions of the Order.

(3) An Order made under this section may include an area adjacent to the area declared to be an infected area notwithstanding that the disease is neither actually prevalent nor suspected to be prevalent in such area if the Minister is satisfied that it is necessary in the interests of controlling the notifiable disease.

(4) Where an inspector suspects that—

- (a) bees, beehives, apiary products or appliances—
    - (i) are being or have been brought into an infected area; or
    - (ii) are being or have been out of an infected area,
- in contravention of any provision of an Order in force under this section; or

(b) any condition subject to which an exception specified in the Order has not been complied with in relation to any bees, beehives, apiary products or appliances, he shall report that person to the court.

[PCh224s36]36. Control on importation of bees

(1) The Minister, after consultation with the Director and experts in beekeeping, shall, by Order published in the Gazette, prohibit the importation of bees, beehives, apiary products or appliances into the country or any part thereof from any country suspected or deemed to have been affected by notifiable diseases and parasites.

(2) The Director may, after consultation with experts, grant a permit to import such bees, beehives, apiary products or appliances as are referred to in subsection (1):

Provided that such a permit shall be accompanied by a certificate from the country of origin to the effect that the bees, beehives, apiary products or appliances are free from all notifiable diseases and have not come from an area in which a notifiable disease is present.

(3) A permit granted under subsection (2) shall be known as an import permit and such a permit may be issued subject to such conditions as the Director considers appropriate.

(4) Where an inspector is satisfied that bees, beehives, apiary products or appliances are being or have been brought into the country in contravention of all or any part of an Order made under subsection (1) he shall—

(a) direct the person responsible for the bringing of the bees, beehives, apiary products or appliances into the country to remove them from the country;

(b) report the matter to the court;

(c) direct the person responsible for the bringing of the bees, beehives, apiary products or appliances into the country to convey them forthwith to a quarantine area and keep them there for a period specified in the directive; and

(d) where the person responsible for bringing the bees, beehives, apiary products or appliances refuses or cannot be found, seize and detain them pending their disposal under the Act.

(5) When an inspector is satisfied that a certificate referred to in subsection (2) is false or misleading in a material particular or is forged, he shall exercise any of the powers referred to in paragraph (b) of subsection (4).

[PCh224s37]37. Quarantine area

(1) The Minister may by notice published in the Gazette, declare any area to be a quarantine area for the detention of quarantined bees, beehives, apiary products or appliances and may in a similar manner vary, redefine or abolish any area so declared.

(2) The Director may from time to time give directives in respect to the control of quarantine areas, location of bees, beehives, apiary products, appliances and during which they shall remain in quarantine.

(3) No person other than the Director or an inspector shall, without a permit from an inspector, enter a quarantine area.

## PART VII

### FINANCIAL PROVISIONS (ss 38-42)

[PCh224s38]38. Power to charge fees

The Minister may prescribe the fees which shall be charged for various services rendered.

[PCh224s39]39. Power to set and collect fees

(1) Any licence, permit or registration relating to the harvesting or extraction or selling of any apiary products may, subject to the provisions of this section, be granted upon payment by the licence holder or the registered beekeeper of such fees at such times and in such a manner as the Minister shall prescribe.

(2) In determining the level of fees in respect of any particular apiary product, the following shall be considered—

- (a) the potential market value of the apiary product;
- (b) the accessibility of the apiary product;
- (c) principles of sustainability in connection with harvesting of the apiary product; and
- (d) any other factors as may be prescribed.

(3) No fees shall be required for the harvesting or extraction of apiary products within a village land bee or forest reserve or a community bee reserve or forest reserve by the residents of the village or the members of a Group as the case may be, unless such a requirement is specifically provided for in the agreement under which they are managed.

[PCh224s40]40. Establishment of Beekeeping Development Fund

(1) There is established a fund to be known as the Beekeeping Development Fund.

(2) The Fund shall consist of—

- (a) a levy of two percent of every prescribed fee payable under this Act;
- (b) grants, donations, bequests or such sums contributed by any private individuals, corporate bodies, foundations or international organisations or funds within or outside the country; and
- (c) any sums realised by the sale of any bees, beehives, apiary products or appliances confiscated under any of the provisions of this Act.

(3) The Fund shall be managed by the Beekeeping Development Fund Trustees who shall be appointed by the Minister.

(4) The composition and procedure of the meetings of Trustees shall be as provided in the Second Schedule to this Act.

[PCh224s41]41. Purposes of the Fund

The objectives and purposes of the Fund are—

- (a) to promote awareness of the importance of sustainable beekeeping through public education and training;
- (b) to promote and assist in the development of beekeeping through providing of advice and assistance to groups of persons wishing to form themselves into a beekeepers' co-operative;
- (c) to promote and assist the beekeepers' development associations;
- (d) to promote and fund research activities in beekeeping;

(e) to assist groups of persons and individuals to participate in any public debates and discussions on beekeeping and in particular to participate in processes connected with the making of an environmental impact assessment under section 26;

(f) to assist groups of persons and individuals to ensure compliance with this Act;

(g) to further activities of like nature set out in this subsection.

[PCh224s42]42. Administration of the Fund

(1) The Trustees shall—

(a) establish one or more separate accounts in a bank into which all monies received by the Fund shall be deposited and out of which all monies out of the Fund shall be drawn out;

(b) prepare annual estimates of income and expenditure and adhere to any such estimates;

(c) ensure that the operations of the Fund are exercised in an economical and efficient manner;

(d) make grants to applicants for funds in accordance with such procedures and such criteria as may be prescribed;

(e) manage the resources of the Fund in a prudent and business-like manner;

(f) prepare and publish an annual report which shall include—

(i) an account of the operations of the Fund during the year covered by the report;

- (ii) a set of audited accounts;
  - (iii) such other matters as may be prescribed;
- (g) appoint such full-time and part-time staff as seems to the Trustees to be appropriate and necessary to ensure that the matters referred to in this section are implemented;
- (h) take all such other action which shall advance the objects and purposes of the Fund.

(2) Where the Minister is of the opinion that the Trustees are not carrying out their functions in a proper and reputable manner, he shall give them such directives in writing to ensure that they carry out their functions as specified.

(3) The accounts of the Fund shall be audited on an annual basis by the Controller and Auditor-General or by a firm of auditors certified by the Controller and Auditor-General to be a firm capable of undertaking such work.

## PART VIII

### OFFENCES AND PENALTIES (ss 43-51)

[PCh224s43]43. Offences against this Act

Any person who fail to comply with any provisions of this Act or with any order or directive given under the provisions of this Act is guilty of an offence and shall be liable on conviction to a fine not exceeding one million shillings or to imprisonment for a period not exceeding one year or to both such fine and imprisonment.

[PCh224s44]44. Interference with or obstruction of officers

(1) Any person who—

(a) without lawful authority or excuse, the proof of which lies upon him, wears any uniform or part of any uniform or any badge or other mark issued by the Minister to be worn by officers or staff of the Division;

(b) has in his possession any stamp or mark used or intended to be used by the Division for marking apiary products, or anything having the appearance of such stamp or mark;

(c) makes a false or incorrect statement, report or entry of any information that is required to be supplied to any officer of the Division;

(d) without lawful authority or excuse, the proof of which shall lie upon him, fails or refuses or wilfully neglects to comply with any lawful demand or requirement made by, or to provide information that is required to be supplied to, any officer of the Division;

(e) obstructs, hinders, delays, threatens, intimidates or assaults any person in the execution of his powers or duties under the provisions of this Act or any rules, Orders, or notices made under the authority of this Act;

(f) prevents or attempts to prevent an officer of the Division from gaining access to any land, premises, vehicle, boat, plant or machinery used in connection with beekeeping or the handling of any apiary product,

shall be guilty of an offence and shall be liable on conviction to a fine of not less than fifty thousand shillings and not exceeding one million shillings or to imprisonment for a period not exceeding one year or to both such fine and imprisonment.

(2) Any person who uses open fire to harvest apiary products commits an offence and upon conviction shall be liable to a fine of not less than fifty thousand shillings and not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

[PCh224s45]45. Powers of officers

(1) Any authorised officer, beekeeping officer, inspector or police officer may–

(a) demand from any person the production of any licence, certificate of registration or authority for any act committed by such person for which a licence, certificate of registration or authority is required;

(b) require any person whom he has reasonable grounds to suspect of being in possession of any bees, beehives, apiary products or appliances unlawfully obtained to stop and give an account of his possession of such things and may, subject to the provisions of this section, without warrant search any such person or any baggage, package, parcel, vehicle, boat, aeroplane, tent or building in the possession of or under the control of such person in which such things may be suspected of being kept or stored;

(c) seize and detain any bees, beehives, apiary products or appliances in respect of which there is reason to believe that an offence has recently been committed together with any boats, aeroplanes, vehicles, machinery, tools, equipment or implements used or likely to have been used in the commission of such offence and report immediately any seizure of such property to the nearest magistrate;

(d) order the immediate destruction of any bees, beehives, apiary products or appliances where he believes that they are infected with a notifiable disease to such an

extent as to make it necessary to destroy them immediately in order to prevent the spread of that disease;

(e) arrest without warrant any person whom he suspects has committed or has been involved in an offence against this Act where-

(i) such person refuses to give his name and address or gives a name and address which there is reason to believe is false; or

(ii) there is reason to believe that such a person will abscond,

but any officer making such arrest shall ensure that the person who has been arrested shall be taken before a court without undue delay.

(2) The powers referred to in paragraph (b) of subsection (1) shall in relation to the search of premises—

(a) not extend to any search by beekeeping officers or police officers below the rank of inspector;

(b) only be exercised by officers on whom such powers have been conferred by this section in the presence of two independent witnesses.

[PCh224s46]46. Custody of seized bees and appliances

(1) Any bees, beehives, apiary products or appliances seized under sections 36 and 45 shall be brought to the nearest police station or if it is not feasible to deliver them to a police station they shall be delivered into the custody of the nearest beekeeping officer and a report of such seizure shall be made forthwith to the senior police officer having jurisdiction within the area.

(2) Any bees, beehives, apiary products or appliances held in custody by the police or a beekeeping officer shall be retained until the offence in connection with which they have been seized has been prosecuted, or compounded or a decision has been taken not to prosecute.

(3) Where any seized bees, beehives, apiary products or appliances are perishable, a beekeeping officer may order that the said bees, beehives, apiary products or appliances be sold or destroyed and where they have been sold, the proceeds of the sale shall be retained and the provisions of subsection (2) shall apply to any such proceeds.

[PCh224s47]47.       Compounding of offences

(1) The Director or an authorised officer may, subject to and in accordance with the provisions of this section, if he is satisfied that a person has committed an offence against this Act, compound such offence by accepting from such person a sum of money together with the bees, beehives, apiary products or appliances, if any, in respect of which the offence has been committed.

(2) The sum of money payable under subsection (1) shall—

(a)     not exceed five times the amount of the fee prescribed as being payable in respect of such offence;

(b)     include payment of all fees and royalties due or which would have been due if the action taken had been authorised under this Act;

(c)     where any bees, beehives, apiary products or appliances involved in the offence have been damaged, injured or removed during the commission of the offence,

include a sum of money not exceeding the value of those bees, beehives, apiary products or appliances which have been damaged, injured or removed;

(d) include all reasonable expenses which the Division may have incurred in the seizure, storage, maintenance or removal of any articles seized in connection with the offence.

(3) The power conferred by this section shall only be exercised where a person admits that he has committed an offence and agrees in writing in the prescribed form to the offence being dealt with under this section.

(4) The power conferred by this section shall only be exercised where the value of the bees, beehives, apiary products or appliances in respect of which an offence has been committed or the damage caused by the offence does not exceed one million shillings.

(5) The Director or an authorised officer shall give to the person from whom he receives any sum of money under subsection (2) a receipt therefor and as soon as practicable thereafter report the exercise of such power to the Director of Public Prosecutions and the district administrative officer exercising jurisdiction within the area where the offence was committed.

(6) Any sum of money received under this section shall, after deduction of reasonable expenses, be paid into the Beekeeping Development Fund.

(7) If any proceedings are brought against any person for an offence against this Act, it shall be a good defence if such person proves that the offence with which he is charged has been compounded under this section.

The Director and any beekeeping officer above the rank of Inspector shall have power to conduct prosecution for an offence under this Act or any subsidiary legislation made hereunder shall for that purpose have all the powers of public prosecutor under the Criminal Procedure Act \*.

[PCh224s49]49. Additional orders on conviction

(1) Where any person is convicted of an offence against this Act, the court may, in addition to any other penalty provided for by this Act, order—

(a) that any licence or certificate of registration granted under this Act to the person convicted be cancelled and that the said person be disqualified from holding any other licence or certificate of registration for such period as the court may direct;

(b) that any apiary product or appliances in respect of which the offence has been committed and anything which has been used in the commission of the offence be forfeited to the local authority where the offence occurred and may be disposed of by the local authority in such manner as it may see fit;

(c) that where any bees, beehives, apiary products or appliances have been damaged or injured in the course of or in connection with the commission of the offence, the person convicted to pay to the person having control over or possession of the bees, beehives, apiary products or appliances, by way of compensation, the value of the said bees, beehives, apiary products or appliances;

(d) that where any property or thing belonging to the Government or a local authority had been damaged or injured in the course of or in connection with the commission of the offence, the person convicted pay to the Director or, as the case may

be, the chief executive officer of the local authority, by way of compensation, the value of the property or thing;

(e) the person convicted of the offence to pay to the Division up to ten times the amount of any royalties or fees which, had the action constituting the offence been authorised, would have been payable in respect thereof;

(f) the person convicted of the offence to reimburse the Division for any costs and expenses it has incurred in the seizure, storage, maintenance and removal of any bees, beehives, apiary products or appliances or other goods and things confiscated or forfeited to the Government in connection with the offence.

(2) Any sums of money paid or payable to the Director or generated by the sale of any property under the provisions of this section shall be paid into the general revenues of the Government.

[PCh224s50]50. Reward to informer

The Director may award any amount not exceeding one half of any fine imposed for an offence against this Act to any person who may have supplied such information as may have led to the conviction of an offender.

[PCh224s51]51. Protection of officers

No act or thing done by any officer shall, if the act or thing was done in good faith in the exercise or purported exercise of any power conferred by this Act for the purpose of carrying out the provisions of this Act, subject such officer to any action, liability, claim or demand whatsoever.

PART IX

## MISCELLANEOUS PROVISIONS (ss 52-59)

### [PCh224s52]52. Arrangement for research

(1) Any person intending to undertake any research into bee reserves shall in addition to any permit or licence, if any, required to be obtained from any other person or organisation in order to be able to undertake such research, obtain a research permit from the Division.

(2) An application for a research permit to which this section applies shall be accompanied by a copy of the research proposal and include—

(a) the name, qualifications and designation of the person applying for the permit;

(b) the name, qualifications and designation of any person whom it is proposed will assist or work with the person applying for the permit;

(c) the name, function and address of the institution or organisation, if any, with which the person applying for the permit is connected, either directly or indirectly, and if a different institution or organisation is funding in whole or in part the research, the name, address and functions of that funding institution or organisation;

(d) the purpose of the research and the use to which it shall be put, including any proposals for the publication of the results of the research and any proposed commercial exploitation of the research;

(e) such other matters as may be prescribed.

(3) In determining whether to grant or refuse to grant a research permit, the Division shall have regard to—

(a) any general policies concerning research adopted by any national bodies charged with a duty to promote and regulate research;

(b) the extent to which the proposed research is likely to contribute to the furtherance of the principles and objectives of the policy;

(c) the proposals or lack of them that the research plan contains for disseminating the results of the research within Tanzania;

(d) such other matters as appear to be relevant or as may be prescribed.

(4) The Division may, in granting a research permit attach such conditions to the permit, as are directed to ensure that the matters referred to in subsection (3) are observed and furthered by the research and in particular such conditions may regulate and control the manner in which any specimens of any bees or apiary products are taken from or are exported from Tanzania in the course of or at the conclusion of the permitted research.

(5) A person who has been granted a research permit shall, at his own expense, deposit one copy of any publication and any other publicly available information arising out of or produced in connection with the research, whether produced by the person granted the research permit alone or as a joint author with other persons during the course of the research, in each such library in Tanzania as shall be specified in the research permit or as may be prescribed.

(6) Where the Director is satisfied after due inquiry or as a result of information given to him by a reliable source that any research is being conducted otherwise than in accordance with the terms of a research permit, he shall forthwith withdraw the said

research permit and issue a direction in writing to the person to whom the research permit was granted to cease all activities connected with or arising out of the research.

(7) Notwithstanding the provisions of subsections (1) to (6) all research matters shall be dealt with in accordance with the Tanzania Wildlife Research Institute Act \*.

[PCh224s53]53. Arrangement for training

There shall continue to be an Institute responsible for beekeeping training, which shall—

- (a) develop, execute and facilitate, training programs in beekeeping; and
- (b) assist other organisations and persons to develop and execute training courses and programs in beekeeping.

[PCh224s54]54. Following swarms of bees

(1) A beekeeper or an employee or agent of a beekeeper may in following a swarm of bees enter the land of any person to recover that swarm of bees but shall not commit any unnecessary damage on that land.

(2) Unless any rule of customary law specifies to the contrary or any practice recognised within the area is accepted as authority for a contrary practice, a beekeeper shall be liable for any damage caused by his entry or that of any person acting under his control or orders on to the land of another person under this section.

(3) A beekeeper who has or whose employees or agents have followed a swarm of bees on to the land of another person shall as soon as possible and in any event within forty-eight hours of the event, inform that person of the entry on to his land.

[PCh224s55]55. Appeals

Where a person is aggrieved—

(a) by any decision made in connection with a certificate of registration under part V;

(b) by any decision, directive or order given by the Director under Part VI;

(c) by any decision, directive or order given by an inspector or the Director under Part VI;

(d) by any action of an inspector in seizing and detaining bees, beehives, apiary products or appliances under any provisions of Part VI and seeks the return of those bees, beehives, apiary products or appliances;

(e) by any decision made under section 17 of this Act,

he may, within the prescribed period and in accordance with the prescribed procedures appeal to the High Court.

[PCh224s56]56. Rights of entry

(1) Any person authorised by the Director shall have power, on the giving of not less than 48 hours notice, to enter and inspect at all reasonable times between the hours of 6.00 a.m and 6.00 p.m any land, for any purpose connected with the implementation of this Act.

(2) The notice which is required by subsection (1) to be given prior to any entry on to land shall specify clearly the purpose for which and the time at which the authorised officer shall enter the land.

(3) Every person authorised to enter or inspect land under this section shall be furnished with a written authorisation signed by the Director or authorised officer and if so

required by any person having an interest in or occupying the land which he enters and inspects, shall produce the same to such person.

(4) Where any person authorised under this section causes any damage to land or anything on the land during his entry and inspection, the Director, shall forthwith appoint a person to assess such damage and pay promptly compensation based on that assessment to the person whose land or things on the land have been damaged.

[PCh224s57]57. Call for information

(1) The Director may, for any purpose connected with the implementation of this Act, by notice in writing forwarded or delivered by registered post, require any person holding a licence or a certificate of registration under this Act to send or deliver to him within one month of the date on which the notice was so sent or delivered, such documents and other information about the licence or certificate of registration as is specified in the notice.

(2) The notice sent by the Director shall specify clearly and in a language calculated to be understood by the recipient of the notice the information that is required.

(3) Where the recipient of the notice is unclear as to the information which he is required to provide, he shall, as soon as possible, seek further clarification and elucidation from the Director.

(4) It shall be a defence to any person charged with a failure to comply with the notice or with giving misleading information in his reply to the notice that he could not reasonably have been expected to understand the notice or any further clarification and

elucidation provided by the Director in response to any communication sent or made to the Director under subsection (3).

(5) Where the Director requires information from a person who, it is reasonable to assume from his age, circumstances, education, and location, shall not be able to understand or reply in writing to the written notice, the Director shall authorise an officer in writing to interview that person and obtain the required information by means of that interview.

(6) An officer authorised to conduct an interview under subsection (5) shall give not less than seven days' notice of the time, being a reasonable time between the hours of 6.00 a.m and 6.00 p.m, at which he proposes to conduct the interview, and such interview shall be conducted in a reasonable manner.

[PCh224s58]58.      Power to make regulations

(1) The Minister may make regulations either of general application or in respect of any particular bee reserve or in respect of any apiary products for the better carrying out of the provisions and objectives of this Act, and without prejudice to the generality of this provision, any such regulations may be made—

(a)      prescribing the forms of notices and other documents required or authorised to be issued under this Act;

(b)      controlling diseases of bees and prescribing the manner in which bees, beehives, apiary products and appliances are to be treated or disposed of in a case where they are infected by a notifiable or prescribed disease or are liable to spread a notifiable disease;

(c) regulating the manufacture, packing, labelling and sale of any food for bees;

(d) regulating the use of any plant protection substances within a bee reserve or bee zone;

(e) prohibiting the importation of bees, beehives, apiary products or appliances into Tanzania at places other than specified places of entry;

(f) regulating the manner and form for the grant of import permits;

(g) regulating the operation of quarantine areas;

(h) regulating the carriage of bees and beehives within Tanzania;

(i) regulating the manufacture, packing, labelling and sale of apiary products;

(j) providing for the grading and packing of apiary products and the branding and labelling of packages containing apiary products and for prohibiting the sale of those products unless the prescribed conditions are fulfilled;

(k) prohibiting or regulating the use of bee reserves for eco-tourism, research, camping, hiking and any other purposes of like nature;

(l) prescribing the time, procedures and manner of investigating and recording existing rights in relation to apiary products within forest reserves and bee reserves and bee zones;

(m) regulating the manner and procedures in which licences, permits or certificates of registration may be applied for, granted, varied, refused or cancelled;

(n) providing for the terms and conditions subject to which licences, permits or certificates of registration may be granted, extended, altered, or revoked;

(o) prescribing the fees payable for any licence, permit or certificate of registration and providing for any exemptions for any persons or class of persons from the payment of any such fees and any conditions and limitations relating to any such exemption;

(p) regulating the sale and disposal of apiary products by tender, public auction, agreement or otherwise, and matters incidental thereto;

(q) prohibiting or controlling the entry of persons, animals or vehicles into any bee reserve or bee zone, or part thereof and regulating the period during which such persons, animals or vehicles may remain therein and providing for the conditions subject to which they may do so;

(r) establishing and regulating sanctuaries for birds and other flying creatures within bee reserves;

(s) regulating the times, seasons and practices of collecting, taking, picking, storing and removing wild plants within bee reserves;

(t) prescribing the names to be applied to apiary products in order to promote their better utilisation by marketing, and providing for the manner in which any list of names may be amended or varied from time to time;

(u) providing for the compulsory use of marks of quality control by dealers in apiary products and for the registration of such marks;

(v) providing for the compulsory use of identification labels by local authorities, village councils and owners of private bee reserves for the purpose of identifying apiary products sold from local authority, village and community bee reserves and private bee reserves and the manner of their use;

(w) providing for the prohibition of the use of marks, names and labels not registered under the provisions of rules made under this Act;

(x) prohibiting or regulating the use of roads or paths other than public highways within bee reserves and providing for the repair of roads, tracks, or bridges in a bee reserve by any person damaging the same;

(y) prohibiting or regulating within bee reserves the lighting of fires, smoking, or the carrying, kindling or throwing of any fire or light or inflammable material;

(z) providing for the registration of stamps and marks for use by the Division for marking apiary products or indicating bee reserves and bee zones;

(aa) providing for the modalities of prohibiting or regulating the export from Tanzania or from any area of Tanzania of any bees, beehives, apiary products or appliances;

(bb) prohibiting or regulating any act liable to cause damage to bees, beehives, apiary products or appliances;

(cc) prohibiting or regulating any act liable to cause damage to bees, beehives, apiary products or appliances;

(dd) providing for local authorities and village councils to make by-laws in such matters set out in this section as may be provided for in any such rules;

(ee) providing model by-laws for adoption by local authorities and village councils on any of the matters set out in this section;

(ff) regulating the manner and form whereby the criteria on which the Trustees may grant monies from the Fund to applicants;

(gg) providing for the exportation of bees, colony, apiary products and beekeeping appliances.

(2) The Minister may also make regulations in all issues relating to the regulation of times and practices of hunting, capturing of wild animals and fishing within a bee reserve provided that such regulations are in accordance with the laws regulating such matters.

(3) Regulations made under this section may be expressed to apply—

- (a) to all bees, beehives, apiary products and appliances;
- (b) to all persons or any class of persons specified in the regulations; and
- (c) to all areas or any area specified in the regulations.

(4) A local authority or a village council may with the approval of the Minister for the time being responsible for local authority make rules applicable to any local authorities or village or community bee reserve which it maintains or has jurisdiction over for any of the matters which may be provided for by any rules made by the Minister under paragraph (dd) of subsection (1).

(5) Any rule made under this section may prescribe for the breach thereof a fine not exceeding three hundred thousand shillings or imprisonment for a term not exceeding six months or both such fine and imprisonment.

[PCh224s59]59. Power to grant exemptions

The Minister may, if he is satisfied that it is in the interests of the better management or sustainable utilisation of the beekeeping resources, by notice in the Gazette exempt any person or class of persons or any land or class of lands from all or any of the provisions of this Act, other than any of the provisions of Parts VIII or IX or any rules, orders or notices made under this Act, subject to such conditions and limitations as may be specified in such notice and any such notice shall be accompanied by a written statement of the reasons for the exemption which shall be made available to the public.

## FIRST SCHEDULE

### MEETINGS AND PROCEDURAL MATTERS OF THE COMMITTEE

(Section 10(3))

1. The members of the Committee shall elect from amongst their number a Chairman and a Vice-Chairman who shall hold office for three years respectively unless their membership is otherwise terminated and shall be eligible to be re-elected for one more term.

2. Members of the Committee shall hold office for three years and unless their membership is otherwise terminated shall be eligible to be re-appointed for another term.

3. The Director shall appoint an officer from the Division to act as the Secretary to the Committee.

4. (1) The Committee shall hold ordinary meeting after every four months following a calendar year.

(2) An ordinary meeting of the Committee shall be convened by the Chairman and the notice specifying the place, date, time and purposes of the meeting shall be sent to every member not less than fourteen days before the date of the meeting.

(3) The Chairman, or in his absence the Vice-Chairman shall convene an extraordinary meeting of the Committee upon receipt of a request in writing in that behalf signed by not less than three members of the Committee and where such a meeting is convened, the agenda for such a meeting shall be sent to each member not less than seven days before the date of the meeting.

(4) A meeting of the Committee shall be presided over by the Chairman or in his absence, by the Vice-Chairman and when both the Chairman and the Vice-Chairman are absent, by any member elected by members present at that meeting.

(5) The quorum at any meeting of the Committee shall be half of the members.

(6) The Committee may establish such committees and subcommittees as it sees fit to enable it to discharge its functions under the Act.

(7) A member who has any interest, direct or indirect in any matter coming before the Committee or a committee thereof shall, as soon as practicable, disclose the nature of that interest to the Chairman or Vice-Chairman and shall not, take part in any decision on that matter.

(8) The Committee may regulate its own proceedings.

5. (1) The Committee shall prepare an annual report setting out its current activities and indicating its future activities together with a set of audited accounts and

shall submit that report to the Minister who shall lay such report and audited accounts before the parliament.

(2) The Committee may also prepare any special report to the Minister should the need arise.

## SECOND SCHEDULE

### THE TRUSTEES

(Section 40(4))

1. (1) The Trustees shall consist of members whose numbers shall be not less than seven and not more than ten including—

(a) the Chairman who shall be a person of proven quality and integrity who has achieved high office or distinction within the country, to be appointed by the President;

(b) a senior representative from the Ministry responsible for Finance;

(c) a senior representative from the Ministry responsible for Beekeeping;

(d) a member from an organisation concerned with research in beekeeping and allied matters;

(e) a member from a training institute concerned with beekeeping;

(f) a lawyer;

(g) a person from a non-governmental organisation concerned with the conservation of the natural resources of Tanzania;

(h) a person representing local authorities;

(i) a qualified and registered accountant.

(2) Not less than three of the Trustees shall be women.

(3) The Trustees shall elect from amongst their members a Vice-Chairman who shall hold office for two years but shall, subject to remaining a Trustee be eligible to be re-elected for one further more term.

2. The Trustees shall hold office for three years and except where their membership is terminated shall be eligible to be re-appointed for another term.

3. An officer responsible for financial matters of the Fund shall attend the meetings of the Trustees when matters connected with the management of the Fund are discussed.

4. The quorum at any meeting of the Trustees shall be the Chairman or Vice-Chairman and not less than four other Trustees.

5. (1) An ordinary meeting of the Trustees shall be convened by the Chairman and the notice specifying the place, date, time and the purposes of the meeting together with the papers from the meeting shall be sent to each Trustee fifteen days before the date of the meeting.

(2) The Chairman, or in his absence the Vice-Chairman shall convene an extraordinary meeting of the Trustees upon receipt of a request in writing in that behalf signed by not less than four Trustees.

(3) A Trustee who has any interest, direct or indirect in any matter coming before the Trustees shall, as soon as practicable, disclose the nature of that interest to the Chairman or Vice-Chairman and shall not, thereafter, take part in any deliberations or decision on that matter.

(4) The Trustees may regulate their own proceedings.

6. (1) The Trustees shall prepare an annual report which shall include a set of audited accounts and shall submit that report to the Minister who shall lay it before the Parliament.

(2) The Trustees may also prepare any special report to the Minister when the need arises.