

CHAPTER 226

THE TANZANIA COMMISSION FOR SCIENCE AND TECHNOLOGY ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 226

THE TANZANIA COMMISSION FOR SCIENCE AND TECHNOLOGY ACT

An Act to establish the Tanzania Commission for Science and Technology and to provide for its structure, functions and procedures and for matters connected therewith.

[1st January, 1987]

[G.N. No. 577 of 1986]

Act No. 7 of 1986

PART I

PRELIMINARY PROVISIONS (ss 1-3)

[PCh226s1]1. Short title

This Act may be cited as the Tanzania Commission for Science and Technology Act.

[PCh226s2]2. Application

This Act shall extend to Tanzania Zanzibar as well as to Mainland Tanzania.

[PCh226s3]3. Interpretation

In this Act, unless the context otherwise requires—

"Award" means the Tanzania Award for Scientific and Technological Achievement instituted by section 31;

"Awards Committee" means the Tanzania Scientific and Technological Achievement Awards Committee established by section 32;

"Centre" means the Centre for Transfer of Technology established by section 15;

"Commission" means the Tanzania Commission for Science and Technology established under section 4(1);

"Fund" means the National Fund for the Advancement of Science and Technology established by section 26;

"Minister" means the Minister responsible for matters relating to science and technology.

PART II

TANZANIA NATIONAL COMMISSION FOR SCIENCE AND TECHNOLOGY (ss 4-13)

[PCh226s4]4. Establishment of the Tanzania National Commission for Science and Technology

(1) There is established a Commission which shall be known as the Tanzania Commission for Science and Technology and which shall—

- (a) have perpetual succession and a common seal;
- (b) be capable of suing and being sued;
- (c) subject to this Act, be capable of purchasing and otherwise acquiring movable or immovable property.

(2) The provision of the First Schedule shall have effect with respect to the composition and proceedings of the Commission.

(3) Save for the provisions relating to the appointment of the Chairman, the Minister may, by order published in the Gazette amend, add to, vary, revoke or replace any of the provisions of the First Schedule.

(4) The Commission may co-opt additional members for a specified meeting or other purpose but no co-opted member shall have the right to vote.

[PCh226s5]5. Functions of the Commission

(1) The Commission shall be the principal advisory organ of Government on all matters relating to scientific research and technology development.

(2) Without prejudice to the generality of subsection (1) the functions of the Commission shall be—

(a) to formulate policy on the development of science and technology and recommend its implementation by the Government;

(b) to monitor and co-ordinate the activities relating to scientific research and technology development of all persons or body of persons concerned with such activities;

(c) to acquire, store and disseminate scientific and technological information, and may, for that purpose hold or sponsor conferences, symposia, meetings, seminars or workshops, or publish any newspaper, journal or periodical or do any other act or thing designed to promote interest in science and technology development;

(d) to advise the Government on—

(i) priorities in scientific research;

(ii) the allocation and utilisation of research funds according to priorities referred to in subparagraph (i);

(iii) regional and international co-operation in scientific research and transfer of technology;

(iv) matters relating to the training and recruitment of research personnel;

(v) instruction on scientific subjects in educational institutions within the United Republic;

(vi) the initiation, formulation and implementation of research policies and programmes;

(vii) the establishment and maintenance of national scientific standard;

(viii) science and technology policy;

(e) after acceptance by the Government of any advice given to it by the Commission pursuant to paragraph (d)–

(i) to consult, co-ordinate and supervise the determination, planning and allocation of funds by national research institutions to research projects and programmes within their respective fields of research;

(ii) to examine the research and development programmes of national research institutions, whether or not affiliated to the Commission, and advise on the best ways of achieving the objectives of those researches;

(f) to evaluate existing and proposed policies and the activities of the Government directed at the development of science and technology;

(g) to promote the carrying out of research in the area of science and technology;

(h) to mobilise funds for support and promotion of scientific research and technological development from both the Government and other sources;

(i) to popularise science and technology at all levels including the general public;

(j) to foster co-operation in all matters relating to science and technology at regional and international levels;

(k) to advise the Government on better and more efficient ways of implementing the national science and technology policy;

(l) to facilitate the full and advantageous application of research results for the purposes of the better social and economic development of the United Republic;

(m) to carry out independently or in co-operation with any appropriate person, body, agency or institution such surveys and investigations as the Commission may consider necessary for the proper performance of its functions;

(n) to perform such other functions as the Minister may assign to the Commission, or as are incidental or conducive to the exercise by the Commission of all or any of the preceding functions.

(3) The Commission shall, in the performance of its functions, be guided by and comply with the provisions of the national policy on science and technology as from time to time declared.

(4) For the purposes of the better performance of its functions the commission shall establish and maintain a system of collaboration, consultation and co-operation with any person or body of persons within or outside Tanzania, established by or under any written law and having functions related to those specified in subsection (1) or which relate to transfer and development of technology generally.

(5) Any person who without reasonable excuse, hinders or obstructs the Commission or an authorised officer in carrying out any functions under subsection (1) and (2) or under section 15 commits an offence and is liable upon conviction to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

[PCh226s6]6. Director-General of the Commission

(1) There shall be a Director-General and a Deputy Director-General of the Commission who shall be appointed by the President on such terms and conditions as the President may determine.

(2) The Director-General shall be the Chief Executive Officer of the Commission and shall, subject to the provisions of this Act and any directions which may be given to him by the Minister or the Commission, be responsible for the implementation of all decisions of the Commission and for carrying out all the day to day activities of the Commission.

(3) The Director-General shall be the secretary of the Commission, and he or the Deputy Director-General shall attend and act in that capacity at all meetings of the Commission.

[PCh226s7]7. Duties of the Director-General

Without prejudice to the generality of subsection (2) of section 6, it shall be the duty of the Director-General under the direction of the Commission—

(a) to carry out investigations, into the problems of transfer of and development of science and technology and of transfer of technology;

(b) to obtain the advice of persons having special knowledge, experience, or responsibility in regard to development of science and technology;

(c) to keep under review the progress made in the attainment of the objects and purposes of this Act and to publish reports and provide information for the purpose of enhancing public awareness of such progress and of the problems and remedies that exist in relation to the development of science and technology;

(d) to promote, encourage, co-ordinate and carry out short term and long term planning and projects in the development of science and technology with or separate from other public bodies and other organs;

(e) generally to administer and give effect to the provisions of this Act and to carry out other functions as may be prescribed by the Commission.

[PCh226s8]8. The staff of the Commission

(1) The Commission may appoint on such terms and conditions as it may determine, such number of persons to serve as officers of the Commission as it may consider appropriate or necessary for the performance of the functions of the Commission.

(2) The Commission may engage, either temporarily or on such terms as it may think fit, persons who are experts in matters relating to science and technology.

[PCh226s9]9. Delegation of power of appointment

The Commission may, subject to such conditions as it may impose, delegate to any person or body of persons the powers of appointment to any office or offices of the Commission.

[PCh226s10]10. General powers of the Commission

The Commission may, for the purpose of carrying out its functions under this Act do all such things as appear to it to be requisite, advantageous or convenient for or in connection with the carrying out of such functions or to be incidental to their proper discharge and may carry on any activities in that behalf either alone or in association with any other person or body of persons and may set up committees for the purpose of conducting any scientific and technological research.

[PCh226s11]11. Directions by the Minister

The Minister may give to the Commission directions of a general nature as to the exercise and performance by the Commission of its functions, and it shall be the duty of the Commission to give effect to any such directions.

[PCh226s12]12. Certain institutions to be affiliated to the Commission

(1) Notwithstanding the provisions of any Act, establishing national research and development institutions, but subject to the provisions of this Act, with effect from the date of commencement of this Act, all the institutions enlisted in the Second Schedule to this Act shall be affiliated to the Commission.

(2) For the purposes of the better performance of its functions the Council shall maintain a system of collaboration, consultation and co-operation with the national institutions enlisted in the Second Schedule and such other similar institutions as may, from time to time be formed.

[PCh226s13]13. Commission may call for information

(1) The Commission may require in writing any person or body of persons engaged in research, or engaged in an activity affecting or relating to science and technology within Tanzania to furnish to it such information related to that research or activity as the Commission may specify.

(2) Every person who or body of persons which is required to furnish information under subsection (1) shall comply with the requirement and any person who or body of persons which fails or refuses to comply with that requirement commits an offence and is

liable upon conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

PART III

COMMITTEES (s 14)

[PCh226s14]14. Establishment of committees

(1) The Commission shall establish an Executive Committee and subject to this Act, may delegate to such Executive Committee the exercise of any of the functions conferred upon the Commission.

(2) The Commission shall establish standing committees to be known as Research and Development Advisory Committees and may establish such other standing and occasional committees as it considers necessary or desirable for the discharge of its functions.

(3) Without prejudice to the generality of subsection (2) the Commission shall establish the following Research and Development Advisory Committees–

- (a) Agriculture and Livestock;
- (b) Natural Resources;
- (c) Environmental Research;
- (d) Industrial and Energy Research;
- (e) Public Health and Medical Research;
- (f) Basic Sciences;
- (g) Social Sciences.

(4) The Commission shall have power to prescribe the composition of each committee established under this section and may for that purpose amend the Third Schedule.

(5) Every Research and Development Advisory committee shall be the principal organ of the Commission responsible for the co-ordination of all scientific and technological research carried out in the country in its field and shall, in that respect, be responsible for advising in relation to—

- (a) research policy and priorities;
- (b) allocation or distribution of research funds;
- (c) co-ordinator of research and extension services;
- (d) manpower development; and
- (e) national and international co-operation.

(6) The Research and Development Advisory Committees may, subject to any direction of the Commission, meet at such intervals as they consider necessary for the transactions of their business and shall act in accordance with the directions of the Commission and report on their activities to the Commission in such manner as the Commission may direct.

(7) The Commission shall determine the functions of any Committee established by it and may delegate to any such Committee either absolutely or conditionally the power to discharge any function of the Commission on behalf of the Commission.

PART IV

CENTRE FOR THE DEVELOPMENT AND TRANSFER

OF TECHNOLOGY (ss 15-22)

[PCh226s15]15. Commission to establish Centre for Development and Transfer of Technology

(1) The Commission shall establish a National Centre for the Development and Transfer of Technology.

(2) The Centre shall be the principal organ of the Commission responsible for matters relating to the transfer, adaptation and development of technology including the assessment and choice of imported technology.

(3) Without prejudice to the provisions of subsection (2), the functions of the Centre shall be to—

(a) identify, within the framework of national, social, economic and political constraints technological need for utilisation in the different sectors of the economy;

(b) acquire and analyse information on alternative sources of technology and its delivery to users;

(c) make an evaluation and selection of technologies with a view of developing a capacity of decision making in the area of science and technology;

(d) play a major role in the unpackaging of imported technology including the assessment of the suitability of the technology as well as the direct and indirect costs of importing technology or development of such technology;

(e) assist institutions importing technology in the negotiation of contracts for the supply of technology with the view of securing favourable terms under which technology may be supplied;

(f) maintain a registry of imported technology and register of domestic technological resources and manpower;

(g) act as a catalyst for the development of indigenous technology;

(h) provide training for technical personnel in various fields of analysis of transfer of technology;

(i) register all technology transfer agreements;

(j) prepare plans for development of technology in the critical sectors of the economy;

(k) monitor on a continuous basis the execution of any contract or agreement registered pursuant to this section;

(l) perform such other functions as the Commission may determine.

(4) For the purpose of paragraph (i) of subsection (3) "technology transfer agreement" means an agreement between a local industry and a foreign investor with respect to the following considerations—

(a) the use or exploitation of technological rights formulae and specifications, processes, patents or technical know-how of foreign origin;

(b) the licensing of the use or exploitation of foreign owned trade-marks;

(c) the furnishing of foreign technical consultancy, management and marketing services.

(5) Any person who, without reasonable excuse, hinders or obstructs the Centre or an authorised officer in the carrying out of any functions under this part commits an

offence and is liable upon conviction to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

[PCh226s16]16. Registration of contract

(1) Every technology transfer agreement which, on the date of the coming into operation of this Act had been entered into by any person in the United Republic and which still has effect on the commencement of this Act in relation to any matter referred to in subsection (4) of section 15 of this Act shall be registered with the Centre in the prescribed manner not later than six months after the commencement of this Act.

(2) As from the coming into operation of this Act, every technology transfer agreement entered into by any person in the United Republic in relation to any matter referred to in subsection (4) of section 15 shall be registered with the Centre in the prescribed manner, not later than sixty days from its execution or conclusion.

(3) Every application for registration of a technology transfer agreement shall be addressed to the Director-General and shall be accompanied by such number of certified true copies of such contract and agreement and by all other related documents including annexures thereto and such other documents and information as may be specified in any particular case by the Director-General.

(4) Where the Director-General is satisfied that none of the specifications mentioned in section 18 has been contravened he shall issue to the applicant a registration certificate.

[PCh226s17]17. Evaluation of agreements

(1) The technical staff rendering assistance to the Commission shall evaluate the terms and conditions of all agreements or contracts taking into consideration the legal, technical and economic aspects of the agreement in the light of policies and guidelines prescribed by the Commission.

(2) In evaluating any agreement or contract for transfer of technology the following factors should be taken into consideration that–

- (a) the technology or industrial property right is appropriate;
- (b) the payment for the technology in relation to the value of the technology to recipient and national economy is reasonable;
- (c) no restrictive business practices are included in the agreement or contract for transfer of the technology;
- (d) the agreement or contract for transfer of technology stipulates the duration of such agreement or contract;
- (e) the technology is not freely available in the United Republic.

[PCh226s18]18. Restrictive business practices not to be included in agreement or contract

(1) No contract or agreement for transfer of technology to the United Republic shall contain any restrictive business practices.

(2) The restrictive business practices referred to in subsection (1) are provisions in the agreement or contract for transfer of technology which–

- (a) permit the supplies to regulate or intervene directly or indirectly in the administration of any undertaking belonging to the transferee of the technology;

(b) provide for an enormous or gratuitous obligation on the transferee of the technology to assign to the transferor or any other person designated by the transferor patents, trade marks, technical information, innovations or improvements obtained by such transferee with assistance from the transferor or such person;

(c) impose limitation on technological research or development by the transferor;

(d) impose an obligation to acquire equipment, tools, parts or raw materials exclusively from the transferor or any other persons or given source;

(e) provide for the exportation of the transferees products or services and is prohibited or unreasonably restricted or which provides for an obligation on such transferee to sell the products manufactured by it exclusively to the supplier of the technology concerned or any other person or source designated by the transferor;

(f) prohibit the use by the transferee of complementary technologies;

(g) require the transferee to use permanently or for any unconscionable period personnel designated by the supplier of the technology;

(h) limit the volume of production for sale;

(i) require the transferee to appoint the supplier of technology as the exclusive sales agent or representative in the United Republic or elsewhere;

(j) provide for a duration for agreement or contract exceeding ten years;

(k) require the consent of the transferor before any modification to products, processes or plant can be affected by the transferee;

(l) impose an obligation on the transferee to introduce unnecessary design changes;

(m) by means of quality controls or prescription of standards seek to impose unnecessary and onerous obligation on the transferee;

(n) provide for payment in full by the transferee for transferred technology which remains unexploited by him;

(o) require the transferee to accept additional technology or other matter, such as consultancy services, international subcontracting, turn-key projects and similar package arrangements, not required by the transferee for or in connection with the principal purpose for which technology is to be or has been acquired by him;

(p) impose an obligation to submit to foreign jurisdiction in any controversy arising for decision concerning the interpretation or enforcement in the United Republic of any such agreement or contract or any provision thereof.

(3) Notwithstanding the provisions of this section the Commission in any case where it is satisfied that it would be in the national interest so to do, it may direct the Director-General to issue a certificate of registration to an applicant notwithstanding any convergence between the terms and conditions of a contract or agreement and the specifications laid down in subsection (2) of this section.

(4) Where the parties, on the direction or advise of the Director, subsequent to a refusal by the Director-General to issue a certificate of registration, make required adjustments in respect of any agreement or contract or terms and conditions thereof, the Director-General may issue the requisite certificate of registration.

[PCh226s19]19. Cancellation of registration

If after investigation by the Commission it is established that the terms and conditions of the agreement have been amended or modified without prior approval of the Commission, the Commission may cancel the registration of the agreement or contract and require the surrender of the certificate of registration except that cancellation shall be made under this section only after the party in whose name the certificate of registration is issued is given an opportunity to be heard.

[PCh226s20]20. Sanction

The Commission shall determine the appropriate sanction to be imposed for the breach of any provision of this Part.

[PCh226s21]21. Termination of contracts

When an agreement is terminated by the parties thereto prior to the expiration of its term, notice of such termination shall be filed with the Commission not later than five days from the date of such termination.

[PCh226s22]22. Confidential character of certain information

(1) Upon written request therefor, information and documents received by the Commission for registration of agreements and contracts shall be treated as confidential and shall not be divulged to any private party without the consent of the parties concerned.

(2) Any person who divulges any information and document contrary to this section commits an offence and shall be liable upon conviction to a fine not exceeding ten thousand shillings or to a term of imprisonment not exceeding six months.

PART V

THE NATIONAL FUND FOR THE ADVANCEMENT OF SCIENCE AND TECHNOLOGY (ss 23-26)

[PCh226s23]23. Establishment and purposes of the Fund

(1) There is hereby established a fund which shall be known as the National Fund for the Advancement of Science and Technology.

(2) The sources of the Fund shall be utilised for the purposes of—

(a) financing, by way of loan or grant, any research or study carried on by or for the benefit of persons or organisations engaged in research in matters relating to the development of science and technology;

(b) financing by way of loan or grant, the training of citizens of the United Republic by or for the benefit of organisations engaged in research in the development of science and technology;

(c) making an award or awards to a person or body of persons qualified for the grant of an award under this Act;

(d) providing support for scientific research and technology development and the application of the results in compliance with the national priorities determined by the Government upon advice by the Commission;

(e) of commissioning the carrying out by an institution or individual of any specific research which is of special national importance.

[PCh226s24]24. Sources of the Fund

The funds and sources of the Fund shall consist of—

- (a) such sums as may be provided for the purpose by Parliament;
- (b) such sums or property as may in any manner become payable to or vested in the Fund by virtue of the operation of any other law or as a result of its administration by the Commission.

[PCh226s25]25. Management of the Fund

(1) The Fund shall be administered by the Commission.

(2) For the purposes of this section, the Commission shall maintain the Fund in a separately designated bank account or accounts, which it shall operate in accordance with such directions as the Minister may, give in that behalf, save that the Commission shall not make any payment out of the Fund except in accordance with the agreed annual expenditure programme.

(3) Without prejudice to the preceding provisions of this section, the Commission may, where circumstances so require, maintain and administer as part of the Fund any special account or accounts for the purposes of any project or programme carried on jointly with a foreign institution, department or organisation for the advancement of science and technology development in the United Republic.

(4) The Minister may, by regulations published in the Gazette provide for the regulation and administration of the Fund.

(5) Any person who authorises the making of any payment out of the Fund in contravention of any provision of this section commits an offence and is liable upon

conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

[PCh226s26]26. Accounts and audit

(1) The Commission shall cause to be provided and kept proper books of account of the payments made into and out of the Fund.

(2) The accounts of the Fund shall be audited annually by the Tanzania Audit Corporation established by the Tanzania Audit Corporation Act *, and the audited accounts of the Funds shall be published at the same time as the audited accounts of the Commission are published.

PART VI

FINANCIAL PROVISIONS (ss 27-30)

[PCh226s27]27. Funds and resources of the Commission.

The funds and resources of the Commission shall consist of—

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

(b) any sum or loan granted to the Commission by any other person, bodies or institution with the approval of the Minister;

(c) any sums or property which may in any manner become payable to or vested in the Commission as the result of the performance of its functions.

[PCh226s28]28. Estimates of income and expenditure.

(1) The Commission shall, prior to the commencement of each financial year, prepare and submit for the Minister's approval, an estimate, in such form and containing such matters as he may require of its income and expenditure for such financial year.

(2) The Commission shall not incur any expenditure exceeding that provided for in the estimates except with the specific approval in writing of the Minister.

[PCh226s29]29. Accounts and audit

(1) The Commission shall keep proper accounts and other records in relation thereto and shall prepare in respect of each financial year a statement of accounts in accordance with the best accounting standards.

(2) Subject to any direction to the contrary given by the Minister, accounts of the Commission shall be audited by the Tanzania Audit Corporation.

(3) As soon as the accounts of the Commission for the financial year have been audited the Commission shall cause to be sent to the Minister a copy of the statement of accounts prepared in respect of that year together with a copy of any report made by the auditors thereon.

(4) The Minister shall within a period of six months, (or such longer period as the National Assembly may by resolution appoint), after the end of the financial year to which the accounts relate, cause to be laid a copy of every statement and auditor's report before the National Assembly.

[PCh226s30]30. Report of the Commission

The Commission shall, within six months after the end of each financial year make a report to the Minister on the conduct of its business during that year, and the Minister shall cause to be laid a copy thereof before the National Assembly.

PART VII

MISCELLANEOUS PROVISIONS (ss 31-37)

[PCh226s31]31. Institution of Award for Science and Technology

(1) There is hereby instituted an award to be known as the Tanzania Award for Science and Technological Achievement.

(2) The award may be conferred upon any person who, or institution or body corporate which within the United Republic makes an invention or discovery which, in the opinion of the Awards Committee is likely to promote and accelerate the social and economic progress of the United Republic.

[PCh226s32]32. Awards Committee

(1) There is hereby established an Awards Committee which shall be known as the Scientific and Technological Achievement Awards Committee and shall consist of—

- (i) a Chairman, who shall be appointed by the Minister from among the members of the Commission;
- (ii) the Director-General, who shall also be the Secretary;
- (iii) six other members who shall be appointed by the Minister.

(2) In appointing persons to the Awards Committee, the Minister shall give consideration to persons who have knowledge and experience of the application of science and technology.

(3) A member of the Awards Committee shall, unless he sooner ceases to be a member, hold office for a period of three years from the date of his appointment, and shall be eligible for reappointment.

(4) The Awards Committee may co-opt any person whose knowledge and experience in the application for science and technology may be of assistance to it in considering any application or proposal for the conferment of an award under this Act.

(5) The Awards Committee shall consider all applications or proposals for the conferment of awards under this Act and make appropriate recommendations to the Commission regarding the grant of an application or proposal.

(6) In deciding whether or not any application or proposal for the conferment of an award under this Act may be granted, the Awards Committee shall consider the importance of the invention or discovery in its application to the search for the solution of various social and economic problems obtaining in the United Republic.

[PCh226s33]33. Power to make regulations

(1) The Minister may if he considers it necessary or expedient for the better performance of the Commission's functions make regulations—

(a) requiring persons engaged in the scientific and technological research within the United Republic to furnish to the Commission information relating to such

research and to make available to the Commission copies of any relevant records or findings;

(b) prescribing the form and manner in which and the period within which, such information, record, or findings shall be kept, furnished or made available to the Commission.

(2) Regulations made under this section may be expressed to be applicable to—

- (a) the whole or any part of the United Republic;
- (b) any branch of scientific and technological research;
- (c) any category or categories of persons; or
- (d) any other such persons as may be requested by the Government, public authorities or institutions with respect to science and technology.

[PCh226s34]34. Disclosure of information

(1) Where any person furnishes the Commission with any information or makes available to the Commission any record or findings pursuant to the regulations made under section 33, the Commission shall not, save for the purposes of proceedings under this Act, disclose such information on the contents of records or findings to any person not employed in the execution of a duty under this Act.

(2) Notwithstanding the provisions of subsection (1) the Commission may publish or cause to be published any information furnished to the Commission or the contents of any record or findings available to the Commission pursuant to regulations made under section 33 in a form of a summary which does not enable identification of the source of information, record or findings.

[PCh226s35]35. Protection to inventors

Where any person to whom regulations made under section 33 apply satisfied the Commission that the research being carried out by him is likely to lead to a scientific and technological invention by him, or that he is the grantee, proprietor or assignee of a patent duly registered under the law for the time being in force relating to registration of patents, he shall be exempted from disclosing any information relating either directly or indirectly to such invention or patent or to make available any record or findings relating to such invention or patent.

[PCh226s36]36. Offences

(1) Any person being a person employed in the execution of any duty under this Act who—

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

(b) without lawful authority publishes or communicates to any person otherwise than in accordance with the provisions of this Act any information acquired by him in the course of such employment;

(c) knowingly compiles for issue any false statistics, records or information, commits an offence and is liable upon conviction to a fine not exceeding twenty thousand shillings.

(2) Any person who being in possession of any information which to his knowledge has been disclosed in contravention of the provisions of this Act, publishes or communicates to any other person such information, commits an offence and is liable upon conviction to a fine not exceeding twenty thousand shillings.

(3) Subject to the provisions of section 13 of this Act any person who, being a person to whom the provisions of any regulations made under section 33 apply—

(a) fails to furnish to the Commission any information or to make available to the Commission any record or findings relating to any scientific or technological research within such period as may be prescribed in the regulations or, where no such period is prescribed, within one month of the receipt by him of a notice from the Commission requiring him to furnish such information or make available such record or findings;

(b) knowingly furnishes any false information or makes available any false record or findings;

(c) hinders or obstructs any officer of the Commission in the lawful performance of his duties or in a lawful exercise of his powers imposed or conferred upon him by this Act,

commits an offence and is liable upon conviction to a fine not exceeding twenty thousand shillings.

[PCh226s37]37. Protection from personal liability

No matter or thing done by any member, officer, servant or agent of the Commission or of the Executive Committee or any Committee established under this Act, or of any other institution affiliated to the Commission shall, if the matter or thing is done

in good faith for the purpose of carrying out the provisions of this Act or of any regulations made thereunder, subject any such person as aforesaid to any action, liability, claim or demand whatsoever.

PART VIII

REPEAL AND SAVINGS (ss 38-39)

[PCh226s38]38. Repeal of Act No. 5 of 1968

[Repeals the Tanzania National Scientific Research Council Act.]

[PCh226s39]39. Savings and transitional provisions

(1) Upon the commencement of this Act, all the assets and liabilities of the Tanzania National Scientific Research Council shall, by virtue of this Act and without further assurance, be transferred and vested in the Commission.

(2) All other matters arising from the repeal of the Tanzania National Scientific Research Council Act, and the demise of the Council, shall be governed by the provisions of the Interpretation Act *.

FIRST SCHEDULE

(Section 4(1))

1. Composition

(1) The Commission shall consist of—

(a) the Chairman, who shall be appointed by the President from among the members of the Commission;

(b) two eminent scientists, one appointed by the Minister and one by the Minister in the Revolutionary Government of Zanzibar responsible for matters relating to science and technology;

(c) Directors of National Research Institutes in–

(i) Agriculture and Livestock;

(ii) Public Health;

(iii) Forestry;

(vi) Fisheries;

(v) Marine Science;

(vi) Minerals;

(vii) Industry;

(viii) Wildlife;

(d) Director of Agriculture Zanzibar;

(e) Director of Industries Zanzibar;

(f) Deans or Directors of Faculties or Institutes of–

(i) Agriculture, Sokoine University of Agriculture;

(ii) Science, University of Dar es Salaam;

(iii) Engineering, University of Dar es Salaam;

(iv) Medicine, University of Dar es Salaam;

(v) Arts and Social Sciences, University of Dar es Salaam;

(vi) Resources Assessment, University of Dar es Salaam;

- (vii) Building Research Unit;
- (g) Representatives from Ministries of–
 - (i) Finance, Economic Affairs and Planning;
 - (ii) Agriculture and Livestock Development;
 - (iii) Industry and Trade;
 - (iv) Natural Resources and Tourism;
 - (v) Education;
 - (vi) Lands, Housing and Urban Development;
 - (vii) Water, Energy and Minerals;
 - (viii) Communications and Works;
 - (ix) Two eminent engineers representing the Institution of Engineers of Tanzania.

(2) A member of the Commission shall unless he previously dies or resigns or his appointment is terminated by the Minister, hold office for a period of three years from the date of appointment and shall be eligible for re-appointment.

(3) The Minister may fill any casual vacancy occurring in membership of the Commission and may revoke the appointment of any member and appoint, a replacement subject, where appropriate, to the system of nomination specified in subparagraph (1)(b).

(4) A member of the Commission may resign by giving notice to the Minister of his intention to do so.

2. Vice-Chairman

(1) There shall be a Vice-Chairman who shall be elected by the members of the Commission from amongst themselves.

(2) The Vice-Chairman shall hold office for a period of three years from the date of his election and shall be eligible for re-election.

(3) The Director-General shall be the Secretary to the Commission.

3. Meetings

(1) Subject to the provisions of paragraph 2, the Commission shall meet four times in every year and at additional times as may be necessary or expedient for the efficient performance of its functions and all meetings of the Commission shall be convened by the Chairman or in his absence from the United Republic or being incapacitated through illness, by the Vice-Chairman who shall appoint a suitable place and date for the holding of each meeting.

(2) Except in the case of a special meeting, fourteen days notice in writing, specifying the business to be transacted at the meeting, shall be given of each meeting to every member of the Commission.

(3) In the absence of both the Chairman and Vice-Chairman the members present at the meeting shall elect one of their number to be the Chairman for that meeting.

4. Quorum

(1) A majority of the members of the Commission shall constitute a quorum at any meeting of the Commission.

(2) All acts, matters and things authorised to be done by the Commission shall be decided by resolution at a meeting of the Commission at which a quorum is present.

(3) A decision of the majority of members present and voting at a meeting of the Commission shall be deemed to be a decision of the Commission.

5. Minister may vary composition

The Minister may on the advice of the Commission, and by order published in the official Gazette from time to time, vary the composition of the Commission.

6. Composition of Committees

(1) Each of the Executive Committee and the Research and Development Advisory Committee shall consist of the Chairman of the Commission and not less than and not more than fifteen members who shall be elected by the Commission and one of whom may be elected as its Vice-Chairman.

(2) A member of the Centre for Transfer of Technology and the Research and Development Advisory Committee, unless previously he ceases to be a member of the Commission, shall hold office for a period of three years from the date of his election and shall be eligible for re-election.

(3) The Committee shall meet at least four times in every year and at such additional times as may be necessary or expedient for the efficient performance of its business.

(4) A majority of the members of the Committee shall constitute a quorum of any meeting of the Committees.

7. Confirmation of minutes

Minutes in proper form of each meeting of the Commission and the Committees shall be kept and shall be confirmed by the Commission or the Committee as the case may be at its next meeting and signed by the Chairman of the meeting.

8. Commission and Committees to regulate own proceedings

Subject to the provision of this Schedule and, in case of the Committees, to any directions given to it by the Commission, the Commission and the Committees shall have power to regulate their own procedures.

9. Secretary

The Director-General shall act as the Secretary of the Commission, and he or the Deputy Director-General shall attend and act in this capacity at all meetings of the Commission and the Committees and shall perform such other functions as may be entrusted to him.

10. Execution of deeds, etc.

All deeds, instruments, contracts and other documents shall be deemed to be duly executed by or on behalf of the Commission if—

(a) sealed with the seal of the Commission;

(b) executed in that behalf by one member of the Commission and an officer of scientific or technology institutions both of whom have been authorised by the Commission for the purpose.

11. Commission and Committee meetings not to be invalid by reason of vacancy

Subject to the provisions of the Schedule relating to a quorum, the Commission and the Committees may act notwithstanding any vacancy in the membership thereof and

no act or proceeding shall be invalid by reason only of some defect in the appointment of a member or a person who purports to be a member.

SECOND SCHEDULE

INSTITUTIONS AFFILIATED TO THE COMMISSION

(Section 12)

1.
 - (a) Tanzania Agricultural Research Organisation;
 - (b) Tanzania Livestock Research Organisation;
 - (c) Tanzania Industrial Research and Development Organisation;
 - (d) National Institute for Medical Research;
 - (e) Tanzania Engineering Manufacturing and Design Organisation;
 - (f) Centre for Agriculture Mechanisation and Rural Technology;
 - (g) Tanzania Bureau of Standards;
 - (h) Uyole Agriculture Research Centre;
 - (i) Building Research Unit;
 - (j) National Construction Council;
 - (k) Tanzania Fisheries Research Institute;
 - (l) Tanzania Forestry Research Institute;
 - (m) Tanzania Wildlife Research Institute;
 - (n) Tanzania Food and Nutrition Centre;
 - (o) Tanzania National Radiation Commission;

- (p) Tanzania Industrial Studies and Consulting Organisation;
- (q) Institute of Production Innovation of the University of Dar es Salaam;
- (r) Tropical Pesticides and Research Institute.

2. Other regulatory institutions and research and development centres that may be in existence or come into being after this Act has been enacted in Parliament.

THIRD SCHEDULE

COMPOSITION OF THE RESEARCH AND DEVELOPMENT ADVISORY COMMITTEES

(Section 14)

1. Advisory Committee on Agriculture and Livestock Research—

- (i) Director, of the national Agricultural Research Institute (TARO);
- (ii) Dean, Faculty of Agriculture, Sokoine University of Agriculture;
- (iii) Representatives from the Ministry of Finance and Planning Commission;
- (iv) Dean, Faculty of Veterinary Science, Sokoine University of Agriculture;
- (v) Director, Institute of Continuing Education, Sokoine University of Agriculture;
- (vi) Director of Research, Ministry of Agriculture, Tanzania Mainland and Zanzibar;
- (vii) Director, Uyole Agriculture Research Centre; and
- (viii) Three eminent scientists and other interested persons in Agriculture appointed by the Commission.

2. Advisory Committee on Natural Resources Research–

- (i) Director, National Fisheries Research Institute;
- (ii) Director, Serengeti Wildlife Research Institute;
- (iii) Head, Wildlife Department, Sokoine University of Agriculture;
- (iv) Director, Institute of Marine Sciences, University of Dar es Salaam;
- (v) Director of Fisheries, Zanzibar;
- (vi) Director, Geological Survey;
- (vii) Director, Tanzania Fishing Company;
- (viii) Director-General, Tanzania Forces Research Institute;
- (ix) Three eminent scientists and other interested persons in Natural Resources

appointed by the Commission; and

3. Advisory Committee on Environmental Research–

- (i) Head, Environmental Commission;
- (ii) Director, Institute of Resources Assessment, University of Dar es Salaam;
- (iii) Director, Institute of Marine Sciences University of Dar es Salaam;
- (iv) Director of Tourism, Zanzibar;
- (v) Head, Department of Geology, University of Dar es Salaam;
- (vi) Head, Department of Lands, Ministry of Lands;
- (vii) Director of Forestry, Zanzibar;
- (viii) Director, Forestry Division, Ministry of Natural Resources and Tourism;
- (ix) Director, Tanzania Fisheries Research Institute;

- (x) Registrar, National Radiation Commission;
- (xi) Three eminent scientists and other interested persons in environmental matters appointed by the commission.

4. Advisory Committee on Medical Research–

- (i) Director-General National Institute for Medical Research;
- (ii) Director, Preventive Medicine, Faculty of Medicine, University of Dar es Salaam;
- (iii) Director, Preventive Medicine, Ministry of Health;
- (iv) Head, Department of Entomology and Parasitology, Faculty of Medicine, University of Dar es Salaam;
- (v) Director, Preventive Medicine, Ministry of Health, Zanzibar;
- (vi) Director, Tanzania Food and Nutrition Centre;
- (vii) Head, Department of Pathology, Faculty of Medicine, University of Dar es Salaam;
- (viii) Director, Traditional Medicine;
- (ix) Three eminent scientists and other interested persons in the field of Medicine and Public Health appointed by the Commission.

5. Advisory Committee on Industrial and Energy Research–

- (i) Director, Tanzania Industrial Research Development Organisation;
- (ii) Dean, Faculty of Engineering, University of Dar es Salaam;
- (iii) Director, Institute of Production Innovation, University of Dar es Salaam;

- (iv) Representative from the Ministry of Industry and Trade;
- (v) Executive Secretary, National Construction Council;
- (vi) Director, Centre for Agricultural Mechanisation and Rural Technology;
- (vii) Representatives from the Ministry of Finance, and Planning Commission;
- (viii) Director-General, Small Industries Development Organisation;
- (ix) Director, Building Research Unit;
- (x) Director of Industry, Zanzibar;
- (xi) Commissioner for Energy, Ministry of Energy and Minerals;
- (xii) Director-General, Tanzania National Commission for Science and Technology;
- (xiii) Two eminent engineers and other interested persons in Industrial Developments appointed by the Commission.

6. Advisory Committee on Fundamental Research–

- (i) Head, Department of Physics, University of Dar es Salaam;
- (ii) Head, Department of Chemistry, University of Dar es Salaam;
- (iii) Head, Department of Mathematics, University of Dar es Salaam;
- (iv) Head, Department of Zoology and Botany, University of Dar es Salaam;
- (v) Head, Department of Geography, University of Dar es Salaam;
- (vi) Head, Department of Geology, University of Dar es Salaam;
- (vii) Director of National Museum;
- (viii) Dean, Faculty of Engineering, University of Dar es Salaam;

- (ix) Two eminent scientists in Basic Science appointed by the Commission.

7. Advisory Committee on Social Sciences Research–

- (i) Dean, Faculty of Arts and Social Sciences, University of Dar es Salaam;
- (ii) Director of Culture, Zanzibar;
- (iii) Head, Department of Sociology, University of Dar es Salaam;
- (iv) Representatives from the Ministry of Finance, and Planning Commission;
- (v) Head, Department of Political Science, University of Dar es Salaam;
- (vi) Director of National Archives, Dar es Salaam;
- (vii) Head, Department of Theatre Arts, University of Dar es Salaam;
- (viii) A representative from the Prime Minister's Office;
- (ix) Director, Economic Research Bureau;
- (x) Two other eminent scholars in Arts and social sciences appointed by the

Commission.