

CHAPTER 249

THE FOOD SECURITY ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

Section

Title

PART I

PRELIMINARY PROVISIONS

1. Short title and commencement.
2. Interpretation.

PART II

THE BOARD OF TRUSTEES

3. Establishment of the Board of Trustees.
4. Composition of the Board.
5. Functions of the Board.
6. Meetings and organisations of the Board.

PART III

THE FOOD SECURITY DEPARTMENT

7. Establishment of the Department.

8. Functions of the Department.
9. Funds.
10. Director.
11. Records.
12. Power to call for information.
13. Custody of information.

PART IV

MISCELLANEOUS PROVISIONS

14. Regulations.
15. Conflicts with other Acts.
16. General offences.
17. [Amendment of Cap. 160.]

CHAPTER 249

THE FOOD SECURITY ACT

Act No. 10 of 1991

An Act to establish a Food Security Department for overseeing the strategic grain reserve and management of the reserve.

[.....]

PART I

PRELIMINARY PROVISIONS (ss 1-2)

[PCh249s1]1. Short title and commencement

This Act may be cited as the Food Security Act and shall come into operation on such date as the Minister may, by notice published in the Gazette, appoint.

[PCh249s2]2. Interpretation

In this Act, unless the context requires otherwise—

"the Board" means the Board of Trustees established under section 3;

"the Department" means the Food Security Department established under section 7;

"the Director" means the Food Security Department Director appointed under section 11;

"Minister" means the Minister for Agriculture.

PART II

THE BOARD OF TRUSTEES (ss 3-6)

[PCh249s3]3. Establishment of the Board of Trustees

There is hereby established the Board of Trustees of the Food Security Department.

[PCh249s4]4. Composition of the Board

(1) The Board shall be responsible to the Minister and shall be composed of—

(a) the Permanent Secretary in the Ministry responsible for Agriculture, who shall be the Chairman of the Board;

- (b) the Permanent Secretary in the Prime Minister's Office;
- (c) the Permanent Secretary in the Ministry responsible for Finance;
- (d) the Permanent Secretary in the Planning Commission;
- (e) the Permanent Secretary in the Ministry responsible for Communication;
- (f) the Permanent Secretary in the Ministry responsible for Health;
- (g) any other person that the Minister may appoint.

(2) The Director shall be the Secretary to the Board.

(3) The Board may, with the prior approval of the Minister, co-opt such other persons as it may deem necessary or desirable for the purpose of securing the efficient and effective discharge of its functions under this Act.

(4) Every person appointed to serve on the Board, other than a person appointed by virtue of the office he holds shall hold office for such period as may be specified in the instrument of his appointment.

(5) The Minister shall make rules for the regulation, procedure and other business of the Board.

[PCh249s5]5. Functions of the Board

The functions of the Board shall be generally to oversee and co-ordinate the activities of the Government designed to procure, store and release grain for security purposes and preparedness for any crisis in the country and distribution of the same and in particular it shall—

(a) decide and through the Minister recommend to the Government a crisis situation warranting Strategic Grain Reserve release, and to what level thereof;

(b) provide guidance and support to the Department in its efforts to collect analyse and disseminate information pertaining to national food security;

(c) review and approve the annual work plan and budget of the Department;
and

(d) without prejudice to the generality of the above subsections it shall be the responsibility of the Board to guide, direct, approve and control the activities of the Food Security Department as provided by the provisions of this Act or any body, organisation or section established under this Act.

[PCh249s6]6. Meetings and organisations of the Board

(1) The Board shall hold not less than four meetings in each year at such times and places and of such duration as the Chairman or the Board may deem fit.

(2) For the purpose of the better and more expeditious discharge of its functions, the Board shall, subject to the approval of the Minister, establish such other bodies, subdepartments, zones or centres as it may deem necessary or expedient.

PART III

THE FOOD SECURITY DEPARTMENT (ss 7-13)

[PCh249s7]7. Establishment of the Department

There shall be established within the Ministry responsible for Agriculture, an independent Department to be known as the Food Security Department.

[PCh249s8]8. Functions of the Department

(1) The Department shall, under the charge of the Director, be the executive organ of the Board and shall be responsible to the Board for the discharge of its functions under this Act.

(2) Without prejudice to the generality of subsection (1) the Department shall–

- (a) advise the Government on food security policies;
- (b) co-ordinate food security policies being effected or implemented for the time being, by other bodies or organisations;
- (c) implement or cause the implementation of different Government approved programmes on food security;
- (d) initiate, undertake and participate in the collection, preparation and production of data on the food security for the use by the Government and its different bodies or organisations;
- (e) monitor the country's food situation at all stages, that is soil preparation, planting, growing, harvesting, storing, distributing and pricing and provide an early warning service on food security;
- (f) co-operate and exchange information about food security with different organisations at national regional and international levels;
- (g) ensure the availability, within a required time, of relevant information and reports concerning food and agriculture generally;
- (h) recommend to the Government the levels of exports and imports of major cereal staple crops annually;

- (i) co-ordinate all activities concerning food aid;
- (j) review and propose the nation's Strategic Grain Reserve level when required;
- (k) procure crops for the Strategic Grain Reserve and to maintain the reserve;
- (l) monitor the volume, type, distribution and usage of farm inputs designed for food crops;
- (m) prepare and implement the process of Strategic Grain Reserve re-cycling on rotation and release;
- (n) participate and represent the Government in meetings and workshops concerning food security;
- (o) do any other activities as the Board or the Minister may direct.

[PCh249s9]9. Funds

The funds and resources of the Department shall consist of—

- (a) such sums as may be voted to it by Parliament;
- (b) such sums as may be subscribed by the public;
- (c) such sums as may be realised from sales of Strategic Grain Reserve and
- (d) any sums as may be made payable to the Department by way of donations or grants made within and outside the United Republic of Tanzania.

[PCh249s10]10. Director

(1) There shall be a Food Security Department Director who shall be appointed by the President from among the senior officers in the public service, upon such terms and conditions as shall be specified in the instrument of his appointment.

(2) The Director shall be the Chief Executive of the Department and shall be responsible to the Board for the management of the business of the Department as well as the execution of the decisions and directions of the Board.

[PCh249s11]11. Records

(1) The Director shall cause to be kept and maintained in the Department records—

(a) showing the location of storage centres or zones in the country under its ownership or custody; or

(b) registers showing all statistical data concerning weather and other early warning facilities; and

(c) any other documents or data which may help to facilitate the functions of the Department.

(2) The Department shall make arrangements or co-operate with any person or persons enabling it to facilitate the effective discharge of its functions.

[PCh249s12]12. Power to call for information

(1) For the purposes of securing the proper performance of its functions under this Act, the Department may require in writing any department, organisation, authority or body of persons, to furnish it with such information required for the purpose of food security planning and operations as the Board or the Director may deem necessary.

(2) Any person who is required to furnish information under subsection (1) of this section shall comply with that requirement and any person who refuses or fails to comply with that requirement commits an offence and upon conviction is liable to a fine not exceeding ten thousand shillings, or to an imprisonment for a term not exceeding six months, and he shall be ordered by the trial court to furnish the information required.

[PCh249s13]13. Custody of information

(1) All information furnished to the Department pursuant to section 12 of this Act shall be kept by the Department for purposes of record and may be dealt with or disposed of in such a manner and purposes as the Board may approve or direct.

(2) Save where the Minister directs otherwise, all information furnished to the Department pursuant to section 12 of this Act shall be treated as confidential.

PART IV

MISCELLANEOUS PROVISIONS (ss 14-17)

[PCh249s14]14. Regulations

(1) The Minister may, after consultation with the Board, make regulations for the purposes of better giving effect to the purposes and provisions of this Act.

(2) Without prejudice to the generality of the power conferred by subsection (1) of this section the regulations shall—

- (a) provide for the better performance of the duties of the Department;
- (b) prescribe the functions of any subdepartments, zones or centres established under this Act;

- (c) provide for the establishment of any subdepartments, zones or centres;
 - (d) provide for the further development of Food Security Department Plan;
- and
- (e) prescribe or provide for any other matter or thing which is required or necessary to be prescribed or provided for under this Act.

[PCh249s15]15. Conflict with other Acts

Where any special agricultural product which is subject to the control and powers of the regulations provided under this Act and any control of any Act and there is conflict between them, this Act shall prevail.

[PCh249s16]16. General offences

Any person who by virtue of his office contravenes the provisions of this Act commits an offence and upon conviction is liable to a fine not exceeding twenty thousand shillings or imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

[PCh249s17]17. Amendment of Cap. 160

[Amends the National Milling Corporation Act.]