

CHAPTER 260

THE TANZANIA WILDLIFE RESEARCH INSTITUTE ACT

[PRINCIPAL LEGISLATION]

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SCHEDULES

CHAPTER 260

THE TANZANIA WILDLIFE RESEARCH INSTITUTE ACT

An Act to establish the Tanzania Wildlife Research Institute and to provide for its powers and operations in relation to the promotion and conduct of wildlife research and other related matters.

[1st August, 1980]

[G.N. No. 11 of 1980]

Acts Nos.

4 of 1980

10 of 1999

PART I

PRELIMINARY PROVISIONS (ss 1-3)

[PCh260s1]1. Short title Act No. 10 of 1999 sch.

This Act may be cited as the Tanzania Wildlife Research Institute Act.

[PCh260s2]2. Scope of application

Subject to the provisions of section 12, nothing in this Act shall empower or permit any person, for or on behalf of the Institute, to do any act or thing which is not permitted by, or is an offence under the Wildlife Conservation Act *.

[PCh260s3]3. Interpretation

In this Act, unless the context otherwise requires—

"Board" means the Board of Directors of the Institute, established by section 6;

"Centre" means a Wildlife Research Centre established or deemed to have been established by or under section 7;

"Director" means a Director of a Centre, appointed under section 15(1);

"Director-General" means the Director-General of the Institute, appointed under section 14;

"Director of Game" means the Director of Game appointed under section 3 of the Wildlife Conservation Act *, and includes any public officer appointed in writing by the Director of Game to carry out any of his duties in relation to the Institute for the purposes of this Act;

"Institute" means the Tanzania Wildlife Research Institute, established by section 4;

"member" in relation to the Board, means a member of the Board and includes the Chairman and the Vice-Chairman;

"Minister" means the Minister responsible for wildlife affairs;

"wildlife" means undomesticated animals, game and game birds specified in the First, Second and Third Schedules to the Wildlife Conservation Act *, and their habitat and ways of life, and includes bees, fish, birds, insects and other animals which, though not specified, are related or connected to, or affect, the lives or the habitat of the specified animals, game or game birds.

PART II

THE TANZANIA WILDLIFE RESEARCH INSTITUTE (ss 4-8)

[PCh260s4]4. Establishment of the Institute

(1) There is established an Institute to be known as the Tanzania Wildlife Research Institute.

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

- (a) have perpetual succession and an official seal;
- (b) in its corporate name, be capable of suing and being sued;
- (c) subject to this Act, be capable of holding, purchasing, or acquiring in any

other way, any movable or immovable property, and of disposing of any of its property.

[PCh260s5]5. Functions of the Institute

(1) The functions of the Institute shall be—

(a) to promote the development, improvement and protection of the wildlife industry in the United Republic;

(b) to carry out, and promote the carrying out of, enquiries experiments and research in wildlife and in wildlife environment generally;

(c) to continue, develop and finalise all on-going or projected wildlife research in the United Republic;

(d) to carry out research and investigation into various aspects of wildlife for the purpose of establishing, improvising or developing modern methods or techniques of wildlife and environmental conservation and the management, collection and use of wildlife and wildlife products;

(e) to carry out research and investigation into wildlife diseases and their causes so as to develop ways of preventing or controlling the occurrence of particular wildlife diseases or any category of them;

(f) to co-ordinate all wildlife research which is carried out within the United Republic;

(g) to establish and operate a system of documentation and dissemination of the findings of inquiries, experiments and research carried out by or on behalf of the Institute, or other information on wildlife acquired by the Institute;

(h) to undertake the collection, preparation, publication and distribution of statistics relating to wildlife, and promote and develop instruction and training in wildlife;

(i) in co-operation with the Government or any persons, within or outside the United Republic, to promote or provide facilities for the instruction and training of local

personnel for carrying out wildlife research, and for the management of the wildlife industry;

(j) to advise the Government, public institutions and other persons or bodies of persons engaged in the wildlife industry in the United Republic on the practical application of the findings of inquiries, experiments and research carried out by or on behalf of the Institute;

(k) to assume responsibility for the control and management of the business and affairs of any Centre established or deemed to have been established by or under this Act;

(l) to do any thing or enter into any transaction which, in the opinion of the Board, is necessary or desirable for the purposes of the better performance of the functions of the Institute under this Act.

(2) For the purposes of the better performance of its functions the Institute shall establish and maintain a system of consultation and co-operation with any person or body of persons established by or under any written law and having functions related to those specified in subsection (1) or which relate to wildlife or environmental research or to scientific development generally.

[PCh260s6]6. Composition and proceedings of Board

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

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

(3) Except in the case of matters relating to the office and appointment of the Chairman of the Board, the Minister may, by order published in the Gazette, amend, add to, vary or replace any of the other provisions of the Second Schedule.

[PCh260s7]7. Vesting of Centres and grant of titles to land

(1) The Centres specified in the First Schedule to this Act shall be deemed to have been established under this section, and the control and management of their business and affairs is hereby vested in the Institute.

(2) The Minister may, by order published in the Gazette, amend, add to, vary or replace the names of and the Centres specified in the First Schedule.

(3) The Minister may, after consultation with the Board, by order published in the Gazette, establish other Centres and vest in the Institute the control and management of the business and affairs of those Centres.

(4) The Institute shall be granted a right of occupancy over the land on which a Centre exists or is, or is intended to be, established, upon such terms and conditions as the President may approve, subject to subsections (5), (6) and (7).

(5) Until a right of occupancy is granted, the Institute may exercise in relation to the land on which a Centre exists or is, or is intended to be established, all the rights necessary for the performance of its functions which a grantee of a right of occupancy may lawfully exercise over land comprised in a right of occupancy granted to him, and the fact that no right of occupancy has been granted to the Institute shall not affect the validity of

any thing done or omitted bona fide by any person in the execution or purported execution of his duties under this Act.

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

(7) All land held by the Institute in accordance with this section shall be deemed to be private land for the purposes of the Wildlife Conservation Act *, and the Board may in relation to that land—

(a) manage or use it in such manner as, in the opinion of the Board, is desirable for the better performance of the functions of the Institute;

(b) hunt wildlife, graze livestock, and do any other thing in relation to the land or wildlife on it as, in the opinion of the Board, is necessary or desirable for the performance of the functions of the Institute;

(c) enforce, within that area of land, such restrictions or regulations as the Director of Game may, approve;

(d) provide for the depositing and propagating of such species of wildlife as the Board may, with the approval of the Director of Game, determine, for the purposes of improving, cultivating, conserving or experimenting upon those species of wildlife.

[PCh260s8]8. Powers of Minister in relation to Board

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

PART III

POWERS AND OPERATIONS OF THE INSTITUTE IN RELATION TO WILDLIFE RESEARCH (ss 9-13)

[PCh260s9]9. Provisions relating to wildlife research

(1) The Board shall appoint a Research Programmes Committee which shall, subject to such general or specific directions as the Board may give in that behalf, be responsible for the scrutiny of proposals for wildlife research made to or by the Institute.

(2) The Board may appoint such number of other committees or subcommittees as it may deem necessary for the formulation, control and co-ordination of wildlife research projects proposed or to be proposed to the Institute for the purposes of this Act.

(3) The Board may, upon such conditions as it may specify, delegate to the committees and subcommittees or to any or them all or any of its functions under this Act, subject to the provisions of section 16.

(4) The provisions of the Second Schedule to this Act, other than the provisions relating to the composition of the Board, shall apply, *mutatis mutandis*, in relation to the committees and subcommittees appointed under this section, but the Board may, by direction in writing, in relation to any of the committees or subcommittees, disapply all or any of the provisions of the Second Schedule to this Act or modify them in such manner as may be specified in the direction.

(5) The Minister may, after consultation with the Board, make rules regarding—

(a) the procedure for the submission to the Institute of proposals for the carrying out of research into any particular aspect of wildlife;

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

(c) the powers, rights and obligations of persons carrying out research;

(d) the procedure to be adopted with regard to wildlife research being carried out on behalf or for the benefit, of the Institute.

[PCh260s10]10. Information on wildlife research to be furnished to the Institute

(1) Every person engaged, or intending to engage, in any aspect of research on or connected with wildlife within the United Republic shall, at his own expense, furnish to the Institute information relating to that research and shall make available to the Institute copies of any relevant records or findings in the form and within the period specified.

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

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

[PCh260s11]11. Institute may call for information

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

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

[PCh260s12]12. Powers of Director of Game in relation to research

(1) Subject to subsection (2), all acts required or permitted to be done by or under this Act in exercise of the functions, or for the purposes, of the Institute, shall be done subject to the provisions of the Wildlife Conservation Act *.

(2) The Director of Game shall, subject to the directions of the Minister, take all such measures, in relation to matters connected with wildlife and regulated by the provisions of the Wildlife Conservation Act, as may be necessary or desirable for the purposes of facilitating the smooth and efficient operation of the business of the Institute and the promotion and conduct of wildlife research.

(3) The Director of Game may take measures under subsection (2) from time to time, on his own motion or on the application in that behalf by the Institute or any of its Centres.

[PCh260s13]13. Regulations

(1) The Minister may, after consultation with the Board and, where appropriate, with such other authorities or persons as the Minister may deem necessary, make regulation for the better carrying out of the objects and provisions of this Act.

(2) Without prejudice to the generality of the power conferred by subsection (1), the Minister may make regulations—

(a) requiring persons or bodies of persons, or a category of them, specified in the regulations, engaged in wildlife or other allied scientific research to furnish to the Institute information relating to any aspect of their activities;

(b) prescribing the form and manner in which, and the period within which, any information required to be furnished or made available to the Institute under this Act shall be furnished or made available to the Institute;

(c) regulating the involvement of the Institute in the conservation and management of wildlife or the collection and use of wildlife and wildlife products;

(d) regulating the utilisation by specified institutions engaged in wildlife research, or in the wildlife industry, of the technical expertise and services of the Institute in environmental or wildlife conservation or in the management, collection or use of wildlife or wildlife products;

(e) prescribing or regulating any other thing which is under this Act required or permitted to be prescribed or regulated.

(3) Regulations made under this section shall be published in the Gazette.

PART IV

ADMINISTRATIVE PROVISIONS (ss 14-17)

[PCh260s14]14. Appointment, functions and powers of Director-General

(1) The President shall appoint, upon such terms and conditions as he may specify, a Director-General of the Institute who shall be the chief executive officer of the Institute.

(2) In exercising the functions of his office the Director-General may, subject to such general or specific directions given to him by the Board, issue operational guidelines

to all or to any of the Directors, and may call for and act on reports made by Directors relating to the operations of Centre established, or deemed to have been established, by or under this Act.

[PCh260s15]15. Appointment of other staff, and management of Centres

(1) The Board shall, after consultation with the Director-General, appoint suitable persons each designated as Director and administrative officer of the Centre specified in the instrument of his appointment.

(2) The Board may from time to time appoint such number of other professional and non-professional employees of the Institute as it may deem necessary for the proper and efficient conduct of the business and activities of the Institute.

(3) Subject to the general or specific directions given by the Board in that behalf, a Director may appoint such number of supporting staff as in his opinion are necessary for the proper performance of the functions of the Institute by the Centre for whose operations he is responsible.

[PCh260s16]16. Power of Board to delegate

(1) Subject to subsection (4), the Board may, from time to time, by a written instrument under the seal of the Institute, delegate to any committee of its members, or to any employee of the Institute, any of its functions or powers under this Act, so that the delegated functions or powers may be exercised by the delegate in accordance with the terms of the instrument of delegation.

(2) A delegation under this section may be made to the holder of an office under the Institute specifying the office but without naming the holder, and in that case each

successive holder of the office in question, and each person who occupies or performs the duties of that office, may, without any further authority, exercise the delegated function or power in accordance with the delegation made.

(3) The Board may at any time revoke a delegation made under this section, and no delegation so made shall prevent the Board from itself exercising the function or power delegated.

(4) The Board shall not delegate—

- (a) its power of delegation; or
- (b) the power to approve the annual budget, the annual balance sheet or any statement of accounts.

[PCh260s17]17. Notification of orders, directions, etc.

Where any order, direction or requirement made or given by the Minister or the Board under this Act is not required to be published in the Gazette, the order direction or requirement shall be brought to the notice of persons affected or likely to be affected by it in any manner determined by the Minister or the Board; but if the order, direction or requirement is published in the Gazette, all persons shall be deemed to have had notice of it.

PART V

FINANCIAL PROVISIONS(ss 18-28)

[PCh260s18]18. Remuneration of member of Board

(1) Subject to subsection (2), the members shall be entitled to such remuneration, fees or allowances for expenses as the Minister may, upon the recommendation of the Board, prescribe from time to time.

(2) No remuneration, fees or allowances, except such allowances for expenses as may be expressly authorised by the Minister, shall be paid to any member who is a public officer.

[PCh260s19]19. Protection from personal liability

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

[PCh260s20]20. Superannuation benefits

Subject to the provisions of any written law in force relating to pensions the Board may—

(a) grant gratuities or other retirement allowances or benefits to the employees of the Institute;

(b) establish and contribute to a superannuation fund or a medical benefits fund for the employees of the Institute;

(c) require any employee of the Institute to contribute to the superannuation fund or medical benefits fund and fix the amounts and method of payment of the contribution.

[PCh260s21]21. Funds of the Institute

The funds and resources of the Institute shall consist of—

(a) such sums as may be provided by Parliament for the purposes of the Institute;

(b) such sums as the Institute may receive as fees for any services rendered by it;

(c) such donations grants, bequests and loans as the Board may, from time to time, receive from any person or body of persons;

(d) any sums or property which may become payable to the Institute under this Act or any other written law or which may vest in the Institute in any other manner in the performance of its functions.

[PCh260s22]22. Power of Board to charge fees

The Board may, for the proper performance of the functions of the Institute, charge fees for any services or category of services rendered by the Institute, subject to any directions which the Minister may give in that behalf.

[PCh260s23]23. Investment

With the prior approval of the Minister, the Board may, from time to time, invest any part of the moneys available in any fund of the Institute in such investments as are authorised investments in relation to investment of funds by a trustee under the Trustee Investments Act *.

[PCh260s24]24. Power to borrow

(1) The Board may, from time to time, with the prior approval of the Minister, borrow moneys for the purposes of the Institute by way of loan or overdraft, and upon such security and such terms and conditions relating to the repayment of the principal and the payment of interest as the Board may deem fit.

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

[PCh260s25]25. Annual and supplementary budget

(1) Subject to subsection (2), "financial year" in this Act means any period not exceeding twelve consecutive months designated by the Board as the accounting period of the Institute.

(2) The first financial year of the Institute shall commence on the date when this Act comes into operation and may be of a period longer or shorter than twelve months.

(3) Not less than two months before the beginning of every financial year, other than the first financial year, the Board shall, at a meeting, pass a detailed budget (in this Act called the "annual budget") of the amounts respectively—

(a) expected to be received; or

(b) expected to be disbursed,

by the Institute during that financial year, and whenever circumstances so require, the Board may pass a supplementary budget in any financial year.

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

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

(6) The Minister shall, upon receipt of the annual budget or any supplementary budget, approve or disapprove it or may approve it subject to any amendments which he may deem fit.

(7) Where the Minister approves any annual or supplementary budget, with or without amendment, the budget, as approved by him shall be binding on the Board which, subject to subsection (8), shall confine the disbursements of the Institute within the items and amounts contained in the applicable estimates as approved by the Minister.

(8) The Board may—

(a) with the written sanction of the Minister, make a disbursement notwithstanding that disbursement is not provided for in any budget;

(b) adjust expenditure limits to take account of circumstances not reasonably foreseeable at the time the budget was prepared, subject to submitting a supplementary budget to the Minister within two months of the alteration of expenditure limits becoming necessary.

[PCh260s26]26. Accounts and audit

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

(a) the receipt and expenditure of money by, and other financial transactions of, the Institute;

(b) the assets and liabilities of the Institute,

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

(2) Within six months of the close of every financial year the accounts including the balance sheet of the Institute in respect of that financial year shall be audited by the Tanzania Audit Corporation established by the Tanzania Audit Corporation Act *.

(3) Every audited balance sheet shall be placed before a meeting of the Board which, if it adopts it, shall endorse the balance sheet with a certificate that it has been so adopted.

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

[PCh260s27]27. Annual report

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

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

[PCh260s28]28. Laying of accounts before National Assembly

The Minister shall, as soon as practicable after receiving them, lay before the National Assembly the audited accounts of the Institute, together with the auditors' report on the accounts and the annual report of the Institute.

FIRST SCHEDULE

WILDLIFE RESEARCH CENTRES

(Section 7(1))

1. Gombe Wildlife Research Centre.
2. Kingupira Wildlife Research Centre.
3. Mahale Mountains Wildlife Research Centre.
4. Njiro Wildlife Research Centre.
5. Tanzania Wildlife Research Centre.

SECOND SCHEDULE

(Section 6(2))

1. Composition

(1) The Board shall consist of—

- (a) a Chairman, who shall be appointed by the President;
- (b) the Director-General; and
- (c) not less than nine nor more than fifteen other members, who shall be

appointed by the Minister.

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

2. Vice-Chairman

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

3. Duty of Minister to appoint able and prominent persons

In appointing persons to be members, the Minister shall ensure that every person appointed by him is a person who, in his opinion, has the necessary experience or qualification to enable that person to make a useful contribution to the deliberations of the Board and to assist the Board in the performance of its functions.

4. Tenure of appointment

(1) Subject to subparagraph (2), a member of the Board shall, unless his appointment is sooner determined by the appointing authority, or he otherwise ceases to be a member, hold office for such period as the appointing authority may specify in his appointment, or if no period is so specified, shall hold office for a term of three years from the date of his appointment, and shall be eligible for re-appointment.

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

(3) Any member, other than a member referred to in subparagraph (2), may at any time resign by giving notice in writing to the President or, as the case may be, to the Minister, and from the date specified in the notice or if no date is so specified, from the

date of the receipt of the notice by the President or the Minister, he shall cease to be a member.

5. Absent member to be represented at meetings

If a member of the Board who is a member by virtue of his holding some other office is unable for any reason to attend any meeting, he may nominate in writing another person from his organisation, if he is nominated for appointment to the Board by an organisation, to attend that meeting in his place.

6. Casual vacancies

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

7. Meetings of the Board

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

(2) The Chairman, or in his absence the Vice-Chairman, may at any time call a special meeting of the Board, and shall call a special meeting upon a written request by a majority of the members in office.

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

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

8. Quorum

The quorum at any meeting of the Board shall be half of the members in office.

9. Decisions of the Board

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

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

10. Minutes of meetings

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

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

11. Vacancies, etc., not to invalidate proceedings

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

12. Signatories of documents

All orders, direction, notice or documents made or issued on behalf of the Board shall be signed by—

- (a) the Chairman of the Board; or
- (b) the Director-General or any other officer of the Institute authorised in writing in that behalf by the Director-General.

13. Seal of the Organisation

The seal of the Institute shall not be affixed to any instrument except in the presence of the Chairman or the Vice-Chairman or the Director-General or some other officer of the Institute and at least one member of the Board.

14. Board may regulate its own proceedings

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