

CHAPTER 262

THE DAIRY INDUSTRY ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

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CHAPTER 262

THE DAIRY INDUSTRY ACT

An Act to make provision for the dairy industry and for the marketing of milk and milk products.

[4th February, 1966]

Act No. 32 of 1965

[R.L. Cap. 590]

G.N. No. 240 of 1970

PART I

PRELIMINARY PROVISIONS (ss 1-3)

[PCh262s1]1. Short title

This Act may be cited as the Dairy Industry Act.

[PCh262s2]2. Application

(1) Except to the extent the Minister may by regulation specifically provide, nothing in this Act or in any order or regulation made under it shall apply to milk or milk products—

- (a) not intended for sale; and
- (b) produced for the domestic consumption of the producer and his family or employees or for consumption by animals kept by any of them.

(2) Without prejudice to the generality of the application of this Act, it is hereby declared that this Act shall apply to all departments of the Government.

[PCh262s3]3. Interpretation

In this Act, unless the context requires otherwise—

"Board" means the National Dairy Board established by section 4;

"dairy" means any premises used for the purpose of processing or manufacturing milk into milk products for sale or for the preparation of milk for sale, and includes any farm building, cowshed, milk store or other premises from which milk is supplied or in

which milk is kept for purposes of sale or in which vessels used for the transport or sale of milk are kept, but does not include a retail shop unless milk is supplied from it or kept on it otherwise than for the purpose of retail sale in or from shop;

"milk" means the milk of cows;

"milk product" means any product prepared from milk by any process including heating, separation, fermentation, evaporation, pressure drying or controlled bacterial or fungoid action, and includes butter, cheese, cream, condensed milk, evaporated milk, dried milk, clarified butter, ghee, yoghurt, casein, ice-cream and any other product manufactured wholly or mainly from milk;

"Minister" in Part III means the Minister responsible for commerce and elsewhere means the Minister responsible for agriculture;

"producer" means any person who keeps cattle for the production of milk and includes the manager or the person in charge of the cattle.

PART II

ESTABLISHMENT AND ADMINISTRATION OF THE NATIONAL DAIRY BOARD

(ss 4-9)

[PCh262s4]4. Establishment of National Dairy Board

There is hereby established a National Dairy Board which shall be a body corporate with perpetual succession and a common seal and shall be capable in law of suing and being sued in its corporate name, and of purchasing, holding, managing and disposing of any property whether movable or immovable, and whether by way of

investment or otherwise, and of entering into any contracts which may be necessary or expedient for the performance of its objects and functions under this Act.

[PCh262s5]5. Rules as to constitution, procedure, etc.

(1) The constitution, procedure and proceedings of the Board and of the Executive Committee appointed by the Board shall be governed by the rules set out in the Schedule to this Act.

(2) The Minister may, by order, vary or revoke the rules contained in the Schedule.

[PCh262s6]6. Estimates of income and expenditure

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

(2) The Board shall not incur any expenditure exceeding that provided in the estimate except with the approval of the Minister.

[PCh262s7]7. Audit

(1) The accounts of the Board shall be audited annually by auditors appointed by the Board with the approval of the Minister and copies of the statement of accounts so audited together with the report of the auditors on it shall be sent to the Minister in each year.

(2) The provisions of subsection (1) shall have effect in relation to the Board notwithstanding the provisions of section 28 of the Public Finance Act *, but the Minister shall, in each year, lay before the National Assembly a copy of the audited statement of accounts for the preceding financial year of the Board and the report of the auditors on it.

[PCh262s8]8. Objects and functions of the Board

The objects and functions of the Board shall be –

- (a) to advise the Government on all matters affecting the dairy industry;
- (b) to promote, organise, regulate, control and develop the production, marketing, distribution and supply of milk and milk products;
- (c) to improve the quality of milk and milk products;
- (d) to promote market research in relation to milk and milk products;
- (e) to establish, acquire and operate dairies and to produce, buy, sell or deal in milk and milk products.

[PCh262s9]9. Directions by Minister

The Minister may issue directions in writing to the Board as to the manner in which the Board shall effect its objects and functions and the Board shall act in accordance with those directions.

PART III

CONTROL OF MARKETING (ss 10-11)

[PCh262s10]10. Power to make orders

- (1) The Board may, with the approval of the Minister, make orders–
 - (a) providing for the classifying and compulsory registration of any or all persons engaged in the production, supplying, processing, distribution or sale of milk or milk products, and providing for the licensing of persons in any or all of any classes and

for the qualifications for any licences and for the revocation or suspension of those licences;

(b) prohibiting any person from engaging in the production, supplying, processing, distribution or sale of milk or milk products unless he is the holder of the appropriate current licence from the Board which has not been suspended or revoked;

(c) prohibiting any person or class of persons from selling or disposing of any milk or milk products except to the Board or to a person specified by the Board;

(d) prescribing the manner of handling, transporting and storing of milk or any milk product;

(e) restricting by the means of quotas or any other means the quantities of milk or milk products which may be sold or disposed of by any person;

(f) fixing the price to be paid for any grade or type of milk or milk product to any person with power to fix different prices for different seasons or circumstances;

(g) requiring returns, reports and estimates to be furnished to the Board and prescribing the books, accounts, vouchers and records to be kept by persons buying or selling or dealing in milk or milk products;

(h) prescribing fees or charges for services rendered under this Act by the Board or its officers, staff or agents;

(i) imposing a levy payable to the Board on any milk or milk products or on any category of milk or milk products and prescribing persons by whom it shall be paid;

(j) providing for the licensing of dairies and of personnel requisite for the operation of the same.

(2) Without limiting the generality of subsection (1) any of the orders may be expressed to be applicable to—

- (a) the whole or any part of Tanzania;
- (b) any category or categories of milk or milk products; and
- (c) any category or categories of persons subject to this Act.

[PCh262s11]11. Appeals to Minister

(1) An appeal shall lie to the Minister in respect of any refusal of the Board to issue or renew a licence provided for under this Act or against the revocation or suspension of any licence by the Board.

(2) Every appeal shall be made in writing within thirty days of the communication to the person by whom the application for the licence was made or to whom the licence was granted, as the case may be, of the refusal, revocation or suspension:

Provided that Minister may for any good or sufficient reason extend the time for the bringing of the appeal.

(3) In the exercise of his power to determine an appeal the Minister may—

- (a) dismiss such appeal;
- (b) require the Board to issue a licence;
- (c) quash any revocation or suspension of a licence or substitute suspension for revocation;
- (d) permit a person to make a fresh application for a licence notwithstanding that the time for the application has expired,

and the Board shall give effect to it.

PART IV

GENERAL PROVISIONS (ss 12-17)

[PCh262s12]12. Funds of the Board

Monies raised by a levy imposed by the Board and all other revenues of the Board shall be retained by the Board as funds of the Board.

[PCh262s13]13. Regulations

(1) The Board may, with the approval of the Minister, make regulations—

(a) prescribing standards for the construction, lighting, ventilation, cleanliness, drainage and water supplies of dairies;

(b) prescribing types and standards of equipment to be used in the production or manufacture of milk or milk products;

(c) prescribing minimum standards of milk and milk products and prohibiting the sale of any milk or milk product which does not conform to any such minimum standard;

(d) prescribing methods of treatment and disposal of any waste product or effluent resulting from the production or processing of milk or milk products in dairies;

(e) prescribing methods of processing milk, or processing or manufacturing milk products;

(f) prescribing methods and conditions of use, limitations on the use, of preservatives, colouring or other substances added to milk or milk products;

(g) providing for the cleanliness of vehicles used for the transport of milk and milk products;

(h) prescribing methods of bottling or packing any milk or milk products;

(i) prescribing methods of cooling, aerating, storing, conveying and distributing milk or milk products;

(j) providing for the grading of milk or milk products, prescribing markings and descriptions to be used to distinguish any grade of milk or milk product and prohibiting the sale or delivery for sale of any milk or milk product under any description or distinguished by any marking other than that appropriate to its grade;

(k) prescribing methods of grading milk or milk products;

(l) providing for the issue of grading certificates to producers or manufacturers and for the cancellation of the certificates;

(m) prescribing precautions to be taken for the protection of milk or milk products from infection or contamination;

(n) providing for the disposal of infected or contaminated milk or milk products;

(o) providing for the inspection of dairies and persons in or about dairies who have access to milk or products or to any vessels or containers used therein;

(p) providing for the inspection, sampling, examination and analysis of milk and milk products at any time before retail sale;

(q) prescribing the duties of inspectors, graders, sampling officers and analysts;

(r) providing for the sampling, examination and analysis of any article or substance found within a dairy;

(s) authorising any person authorised by the Board or a police officer not below the rank of Sub-Inspector to seize and detain milk or any milk product and any vehicle carrying the milk or milk product where he is of the opinion that an offence has been committed against this Act or against any order or regulation made under it, provided that any person detained or things seized under the foregoing powers shall be taken as soon as possible before a court of competent jurisdiction to be dealt with according to law;

(t) prescribing forms;

(u) prescribing conditions under which milk or milk products may be imported into or exported from Tanzania;

(v) prescribing anything which may be prescribed under this Act, or which may be required for the better carrying into effect of the provisions of this Act.

(2) Regulations made under the provision of subsection (1) may require acts or things to be performed or done to the satisfaction of a prescribed person and may empower a prescribed person to issue orders to any other person requiring acts or things to be performed or done, imposing conditions and prescribing periods and dates upon, within or before which, the acts or things shall be performed or done or the conditions shall be fulfilled.

(1) Any orders or regulations made pursuant to this Act may prescribe penalties not exceeding a fine not exceeding five thousand shillings or imprisonment for a term not exceeding three months, or both the fine or imprisonment, for any contravention of it.

(2) Where any offence committed by a body corporate against any regulation or order made under this Act is proved to have been committed with the consent or approval of any director, manager, secretary or other officer of a body corporate he, as well as the body corporate, shall be deemed to have committed the offence and shall be liable to be proceeded against and punished accordingly.

(3) When any person is convicted of any offence against that order or regulation the court may order that any milk or milk product in respect of which the offence has been committed shall be forfeited to the Board.

[PCh262s15]15. Protection from personal liability

No matter or thing done by a Minister or by the Board or any person on its behalf, shall, if the matter or thing be done in good faith for the purpose of carrying out the provisions of this Act or of any regulations, or orders made under it, render that person or any person acting under and in accordance with the direction of that person, personally liable in any civil action, suit or other proceedings in respect of it.

[PCh262s16]16. Prosecutions

Any person authorised by the Board in writing may conduct a prosecution for an offence against an order or regulation made under this Act.

[PCh262s17]17. Repeal

[Repeals R.L. Cap. 456.]

SCHEDULE

CONSTITUTION OF THE NATIONAL DAIRY BOARD G.N. No. 240 of 1970

(Section 5(1))

MEMBERS

1. (1) The Board shall be composed of—

- (a) a Chairman;
- (b) a member appointed by the Minister responsible for Agriculture;
- (c) a member appointed by the Minister responsible for Health;
- (d) a member appointed by the Minister responsible for Economic Affairs;
- (e) a member appointed by the Managing Director of the Board of Internal

Trade;

(f) a member appointed by the General Manager of the National Agricultural and Food Corporation;

(g) nine other members who in the opinion of the Minister represent the dairy industry.

(2) Members of the Board shall hold office for three years following their appointment or any lesser period which the Minister shall, by the appointment specify, provided that the Minister may, by notice published in the Gazette, terminate the appointment of any member and appoint a replacement.

(3) The Minister may fill any casual vacancies occurring in the membership by appointing replacements in accordance with the system of representation contained in subparagraph (1).

2. If any member of the Board is incapacitated by illness, temporary absence from Tanzania or other sufficient cause, from performing the duties of his office, another person may be appointed by the body or Ministry that he represents to act in his stead, and every person so appointed shall have all the powers and authority of the member for whom he is acting until such member is again able to perform the duties of his office or ceases to hold office as a member of the Board.

3. A member may resign by giving notice in writing to the Minister of his intention to do so.

4. The members shall annually elect a Vice-Chairman of the Board from amongst their number.

MEETINGS

5. A majority of the members of the Board shall constitute a quorum at any meeting of the Board.

6. Subject to the provisions of paragraph 5 a vacancy in the membership of the Board shall not affect the validity of any act of the Board.

7. The Chairman or in his absence the Vice-Chairman shall act as Chairman of all meetings of the Board. In the absence of both the Chairman and Vice-Chairman the members present may elect one of their number as Chairman of a particular meeting.

8. At least fourteen days' notice in writing, specifying the business to be considered at the meeting, shall be given of each meeting of the Board to every member.

9. Meetings shall be called by the Chairman, provided that should three or more members request that a meeting be held, the Chairman shall be obliged to call that a meeting at the earliest suitable opportunity after giving the required period of notice to all members.

10. A member, other than the Chairman, may, by a written appointment lodged with the Chairman, appoint another member his alternate to attend any meeting of the Board and the alternate shall have an additional vote for each member for whom he votes.

11. A decision of the majority of the members present and voting at a meeting of the Board shall be deemed to be the decision of the Board.

12. Every member of the Board shall have one vote and the Chairman shall, in the event of an equality of votes, have a second or casting vote.

13. A resolution in writing, signed by all the members for the time being entitled to receive notice of a meeting of the Board, shall be as valid and effectual as if decided at a meeting of the Board.

14. Subject to the provisions of this Schedule, the Board shall have power to regulate its own procedure.

15. The seal of the Board shall not be affixed to any instrument except in the presence of the Chairman or Vice-Chairman and one other member of the Board.

EXECUTIVE COMMITTEE

16. The Board may appoint an Executive Committee from amongst its members.

17. The Chairman of the Board shall be the Chairman of the Executive Committee.

18. The Board may also appoint additional committees consisting of a member or members of the Board and any additional persons whom the Board sees fit to appoint.

19. The Board may delegate to the Executive Committee the performance of its powers or duties with the exception of the power to approve estimates pursuant to section 6 of the Act.

STAFF

20. The Board may appoint any staff and other officers or servants whom it may deem necessary for the conduct of its business and operations.

21. The Board may make such provision by way of retirement, superannuation and medical benefits as it deems fit with respect to the staff of the Board.

FINANCIAL PROVISIONS

22. The Board may invest funds of the Board surplus to its current requirements in such investments as the Minister may approve.

23. The Board shall not raise or borrow moneys repayable at a date later than one year following the raising or borrowing except with the approval of the Minister.

24. The Board shall keep proper books of account and records as to all financial transactions conducted by the Board.